CITY OF BOULDER
PLANNING BOARD MEETING AGENDA
DATE: November 3, 2016
TIME: 6 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 Items: Highland School Bridge Replacement; Floodplain Development Permit (LUR2016-00067); Wetland Permit (LUR2016-00068). This decision may be called up before Planning Board on or before November 4, 2016.

   B. Call-Up Item: SITE REVIEW AMENDMENT: To amend the approved plans for Block 3 within the Dakota Ridge Village Subdivision for a 2,513 square foot community center with a community pool and 16 condominium units in two buildings. A similar proposal was approved in 2007 but the approval has since expired. Case no. LUR2015-00113. This approval is subject to potential call-up on or before November 4, 2016.

   C. Call Up Item: Use Review for a residential use in an industrial zoning district. Proposed are a total of 70 residential units along with on-site amenities at 3289 Airport Road, VeloPark Apartments, LUR2016-00020. This approval is subject to potential call-up on or before November 4, 2016.

5. **PUBLIC HEARING ITEMS**

   A. AGENDA TITLE: Public hearing for consideration of a Concept Plan proposal (LUR2016-00070) to redevelop the site at 1600 Broadway, an approximate 0.54 acre-property, involving removal of two commercial buildings, development of a new 41,606 square-foot hotel building with approximately 73 hotel rooms, and installation of an underground parking structure. Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3) is also proposed.

   B. AGENDA TITLE: Consideration of a motion to amend the Annexation Agreement for the Crestview East Neighborhood for the property located at 2010 Upland Avenue in order to remove the requirement to construct an access lane known as N. 20th Street. Motion includes an amendment to the North Boulder Right-of-Way Plan in the North Boulder Subcommunity Plan for the deletion of the connection.

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.

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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: October 21, 2016

SUBJECT: **Call Up Items:** Highland School Bridge Replacement
Floodplain Development Permit (LUR2016-00067)
Wetland Permit (LUR2016-00068)

This decision may be called up before Planning Board on or before **November 4, 2016.**

A floodplain development permit and wetland permit were approved by Public Works Development Review staff on October 21, 2016 for the replacement of the Highland School bridge at 885 Arapahoe Avenue.

The City of Boulder Public Works Department has applied for a floodplain development permit and a standard wetland permit for the replacement of an existing 42-inch private driveway culvert with a new free span bridge over Gregory Creek. The new bridge will provide an increased conveyance capacity for flows within Gregory Creek and be placed in the same location as the existing driveway access. In addition, the new free span bridge will improve wildlife habitat and connectivity by allowing wildlife to move more freely along the Gregory Creek drainage corridor.

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

The construction of the new bridge will temporarily impact 904 square feet of the buffer zone and 236 square feet within the regulatory wetland. Permanent impacts include 159 square feet within the buffer area and 36 square feet of shading impacts within the wetland. The Public Works Department has proposed to mitigate the impacts through the removal of the current crossing structure and the restoration of 606 square feet of the Gregory Creek channel through the planting of native trees, shrubs and seed mixes in accordance with the City of Boulder Wetland Protection Program Best Management Practices Revegetation Rules.

The floodplain development permit and wetland permit were approved by Public Works Development Review staff on October 21, 2016 and the decision may be called up before Planning Board on or before November 4, 2016. There will be one Planning Board meeting within the 14 day call up period on **November 3, 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 - Floodplain
C. Wetland Permit
D. Vicinity Map - Wetland

CITY OF BOULDER
Planning and Development Services

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

Land Use Review Floodplain Development Permit

Date Issued: October 21, 2016

Expiration Date: October 22, 2019
(Pursuant to Subsection 9-3-6(e), B.R.C. 1981)

Permit Number: LUR2016-00067

Contact Information

KATIE KNAPP
1739 BROADWAY SECOND FLOOR
BOULDER, CO 80302

Project Information

Location: 885 ARAPAHOE AV

Legal Description: OUTLOT 8 WILLOW PARK & PT VAC 9TH STREET ADJ PER VO 1265566 2/93 & LESS SELY TRIANGLE TO C ITY PER 1276394 3/93 36-1N-71

Description of Work: FLOODPLAIN DEVELOPMENT PERMIT: Replacement of driveway and existing culvert over Gregory Canyon Creek with new driveway and covered bridge.

Type of Floodplain Permit: Floodplain Review W/ Analysis

Creek Name: Gregory

Flood Protection Elevation: Not applicable

Conditions of Approval

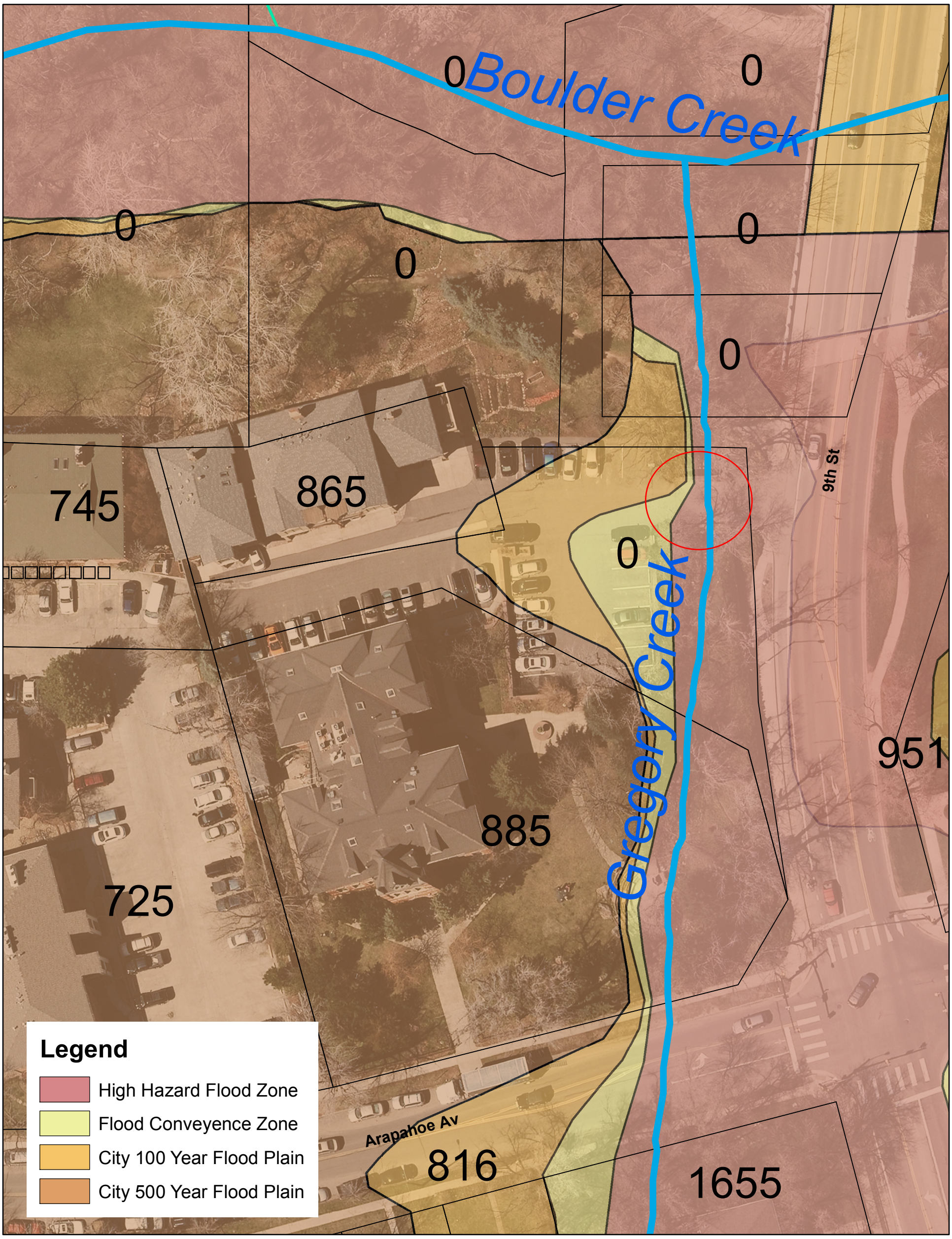
- The proposed project/activity is approved on the basis that it satisfies applicable requirements of Chapter 9-3-3, "Floodplain Regulations," Boulder Revised Code 1981. Other floodplain requirements as set forth in Chapter 9-3-3 which are not specifically outlined in the conditions of approval below remain applicable to this project/activity.
- Improvements shall be constructed in accordance with the plans submitted as part of the floodplain development permit application.
- The applicant shall obtain a site inspection and approval from the City of Boulder Floodplain and Wetlands Coordinator upon completion of the projects.
- A licensed professional engineer shall confirm in writing that all improvements have been completed in conformance with this Floodplain Development Permit.
- Once the proposed work is completed, the applicant shall submit final as-built drawings to Planning and Development Services and shall apply for and receive approval of a Letter of Map Revision (LOMR) to modify the regulatory floodplain in accordance with Federal Emergency Management Agency (FEMA) requirements or shall cause such application and approval to occur as part of or in coordination with a LOMR application for later phases of the Gregory Creek flood mitigation project.

Inspections

To schedule an inspection, call 303-441-3280 and refer to your permit number (LUR2016-00067).

- Final Floodplain Inspection

885 Arapahoe Avenue



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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: 10/21/2016

Expiration Date: October 21, 2019
(Pursuant to Subsection 9-3-9(k), B.R.C. 1981)

Permit Number: LUR2016-00068

Contact Information

KATIE KNAPP
1739 BROADWAY SECOND FLOOR
BOULDER, CO 80302

Project Information

Location: 885 ARAPAHOE AV

Legal Description: OUTLOT 8 WILLOW PARK & PT VAC 9TH STREET ADJ PER VO 1265566 2/93 & LESS SELY TRIANGLE TO C ITY PER 1276394 3/93 36-1N-71

Description of Work: WETLAND PERMIT: Replacement of driveway and existing culvert over Gregory Canyon Creek with new driveway and covered bridge.

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.

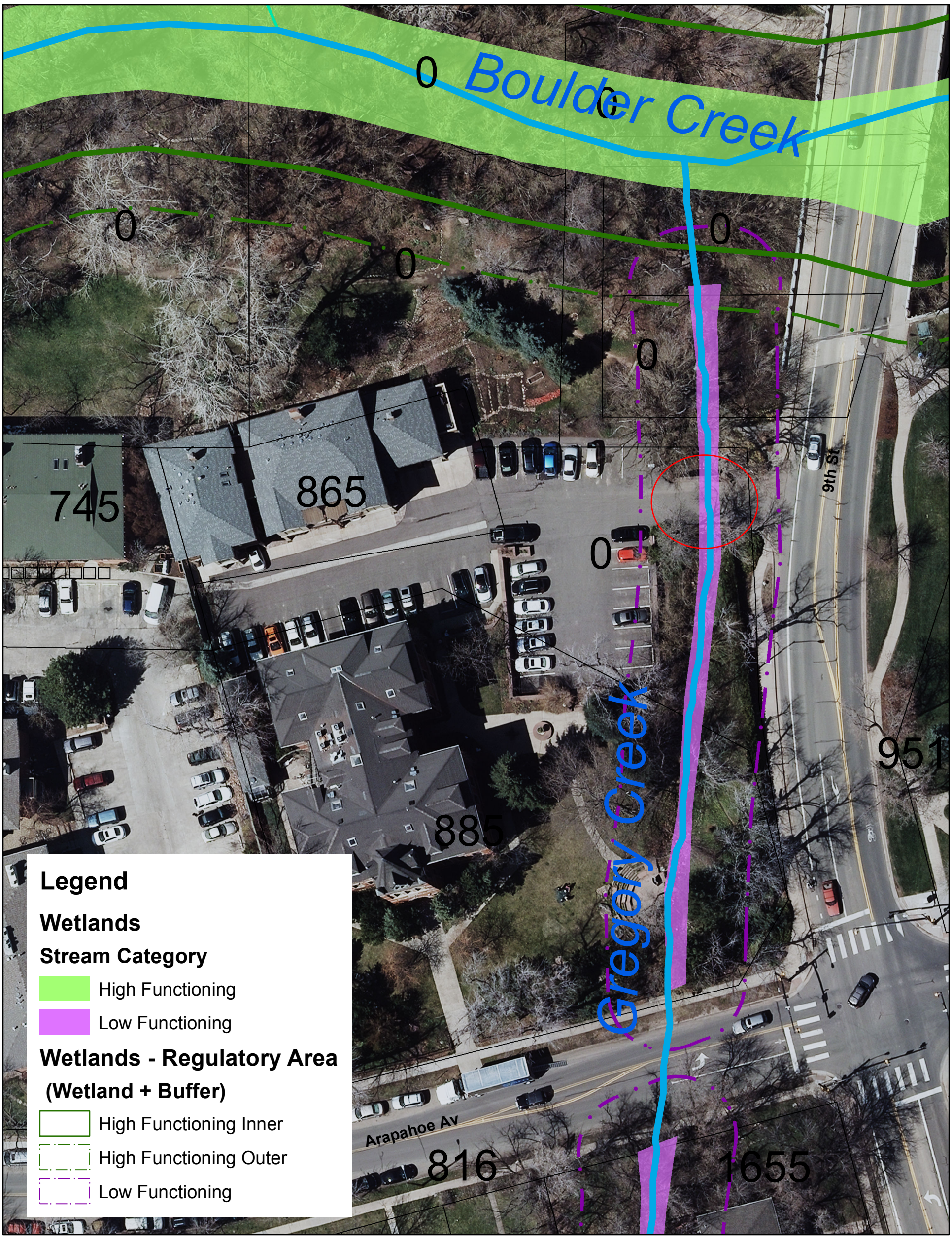
- The improvements shall be constructed to minimize and mitigate impacts to the existing wetlands in conformance with the conditions of the City of Boulder Wetland Permit issued for this project.
- Best management practices shall be applied to all phases of the project and shall conform to the requirements 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 applicant shall obtain a site inspection and approval from the City of Boulder Floodplain and Wetlands Coordinator upon completion of the projects.
- The wetland mitigation site shall be monitored annually for three 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 mitigation project.
- The following success criteria shall be used for the wetland mitigation:
  At least 80% native vegetative cover
  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.
  Tree and shrub survival shall be 100%.

Inspections

To schedule an inspection, call 303-441-3280 and refer to your permit number (LUR2016-00068).

- Wetland Mitigation Inspection
- Wetland Mitigation 2nd Year
- Wetland Mitigation 3rd Year
- Final Wetland Mitigation Insp

885 Arapahoe Avenue



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MEMORANDUM

TO: Planning Board
FROM: Karl Guiler, Case Manager
DATE: October 21, 2016
SUBJECT: **Call-Up Item**: SITE REVIEW AMENDMENT: To amend the approved plans for Block 3 within the Dakota Ridge Village Subdivision for a 2,513 square foot community center with a community pool and 16 condominium units in two buildings. A similar proposal was approved in 2007 but the approval has since expired. Case no. LUR2015-00113. This approval is subject to potential call-up on or before **November 4, 2016.**

Attached is the disposition of the conditional approval (see **Attachment A**) of an amendment to a previously approved Site Review within the Dakota Ridge development to permit 16 condominium units in two buildings, a community center with a community pool within the RM-1 (Residential – Medium 1) zoning district. The amendment has been processed pursuant to Section 9-2-14(m), B.R.C. 1981 (see **Attachment B** for the Approved Plans)

Background. The subject property is 54,801 square feet in size (1.25 acres) and is part of the Dakota Ridge Village development (#SI-98-25, #UR-98-18). The site has remained undeveloped since the original approval and is one of the last sites left for development within the Dakota Ridge neighborhood.

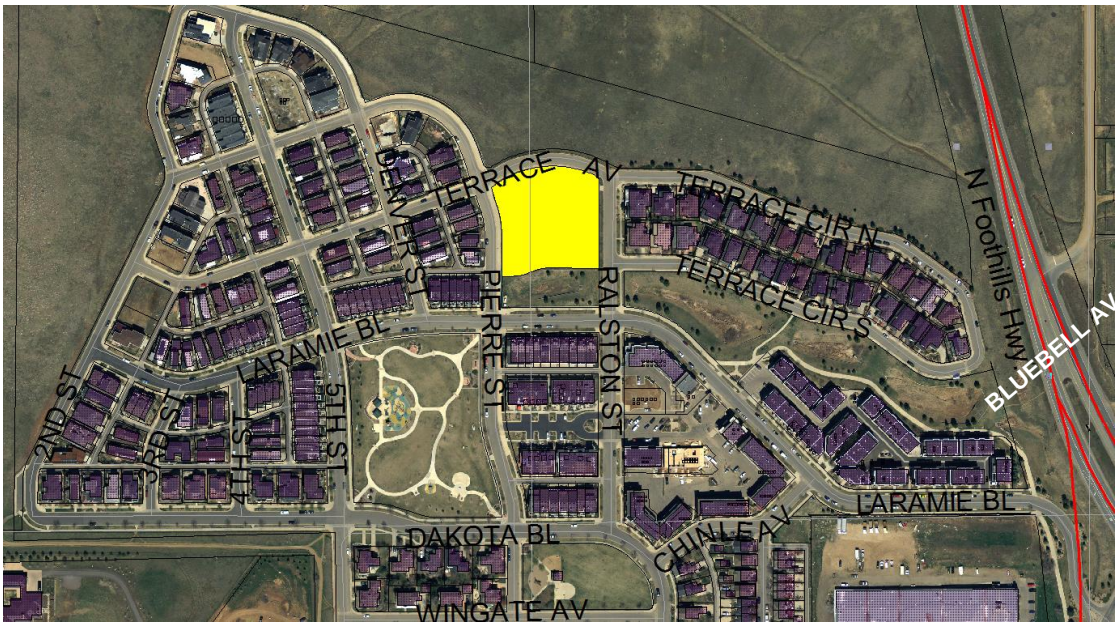

Figure 1- Site location within Dakota Ridge Village.

The original approval described the development of the site as a civic use, church, senior center, museum, school, community center or similar use. The intent of the original approval was to develop a self-sufficient neighborhood including housing, neighborhood commercial services, office space, neighborhood parks and community services as anticipated in the North Boulder Subcommunity Plan (NBSP). The NBSP indicates that a civic use should be included in the area as follows, *"Preserve a site for civic use at the northeastern portion of the neighborhood (Lee Hill Road Area). It should be visible from US 36 and house a civic building or three-dimensional feature. The civic use could be a place of worship, a school, a park with a plaza, or a public meeting place."*

In 2007, a Site Review Amendment (LUR2005-00066) was reviewed and approved to permit the construction of a new community building of 2,000 square feet on the property given complications in securing other civic uses like a church or school etc. as well as the addition of 18 dwelling units to the site vis-à-vis the original approval which did not include residential uses. This application has since expired requiring the applicant to resubmit a new application for 16 dwelling units, a community building of roughly 2,500 square feet and a community pool open to a limited membership of Dakota Ridge residents.

The subject property is zoned RM-1, which is defined as *"medium density residential areas which have been or are to be primarily used for attached residential development, where each unit generally has direct access to ground level, and where complementary uses may be permitted under certain conditions."* (section 9-5-2(c)(1)(C), B.R.C. 1981). The RM-1 zone has a 3,000 square foot open space requirement per dwelling unit and no floor area ratio (FAR) limit. In this case, the site has 28,028 square feet of open space, which adds to the aggregated open space within the greater Dakota Ridge development, which includes over an acre more open space as a whole than the minimum requirements.

Parking is calculated by number of bedrooms and the proposed development would meet the minimum requirement of 28 parking spaces. Parking is not required for the community center and pool, because the uses are accessory to the residential use and would rely predominantly on pedestrian and bike access within the neighborhood however, on-street parking is available in the area. The proposal would meet parking needs with the provision of more bike parking than required, two required accessible spaces for the community center and on-street parking around the entire block face of the development.

Public Comment. Required public notice was provided in the form of written notifications to adjacent property owners of the subject property. In addition, a public notice sign was posted on the property. Therefore, all public notice requirements of section 9-4-3, "*Public Notice Requirements*," B.R.C. 1981 were met. Several neighborhood comments have been received during the review and are attached in **Attachment D**. Neighbors have also been notified of the staff approval.

Conclusion. Staff finds that this application meets the Site Review criteria set forth in section 9-2-14(h), B.R.C. 1981 and has approved the application with conditions. Refer to **Attachment A** for the Notice of Disposition and to **Attachment C** for staff analysis of the land use code criteria.

This application was approved by Planning and Development Services staff on October 21, 2016 and the decision may be called-up before Planning Board on or before **November 4, 2016**. One Planning Board meetings occurs within the 14-day call-up period on November 3, 2016 and staff will be available should there be any questions**.** Questions about the project or decision should be directed to Karl Guiler at 303-441-4236 or via email at guilerk@bouldercolorado.gov.

Attachments.

Attachment A: Disposition of Approval
Attachment B: Approved Plans
Attachment C: Analysis of City Code Criteria
Attachment D: Public comments

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phone 303-441-1880 • fax 303-441-3241 • email plandevelop@bouldercolorado.gov
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CITY OF BOULDER PLANNING DEPARTMENT NOTICE OF DISPOSITION

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

DECISION:	**APPROVED WITH CONDITIONS**
PROJECT NAME:	**DAKOTA RIDGE VILLAGE BLOCK 3**
DESCRIPTION:	**SITE REVIEW AMENDMENT to amend the approved plans for Block 3 within the Dakota Ridge Village Subdivision to develop a 2,513 square foot community center with a community pool and 16 condominium units in two buildings.**
LOCATION:	**650 TERRACE AVENUE**
COOR:	**N10W07**
LEGAL DESCRIPTION:	**Lot 1, Block 3, Dakota Ridge Village Subdivision Phase I, County of Boulder, State of Colorado**
APPLICANT:	**JASON MARKEL**
OWNER:	**G.E.M. Holdings LLC**
APPLICATION:	**Site Review, LUR2015-00113**
ZONING:	**Residential - Medium 1 (RM-1)**
CASE MANAGER:	**Karl Guiler**
VESTED PROPERTY RIGHT:	**NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:

- Section 9-7-1, B.R.C. - setback of 20 feet for the swimming pool where 55 feet is the required front yard landscape setback for accessory buildings and uses.
- Section 9-7-1, B.R.C. - setback of 9.8 feet along Ralston Street and 9.4 feet along Pierre Street for buildings A and B respectively (as shown on Sheet A0.5) where 20 feet is the minimum requirement.
- Section 9-7-1, B.R.C. - setback of 9.7 feet along Granite Avenue where 10 feet is required.
- Section 9-9-15, ,B.R.C.- a combined fence/wall height around the pool at 9 feet permitted where 7 feet is required.

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

Approved On: 10-21-16
Date

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

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning

Address: «CSM_ADDRESS»

Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: 11-4-16

Final Approval Date: 11-5-16

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

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

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on September 30, 2016 and the Transportation Demand Management (TDM) Plan dated October 18, 2016 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.

2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: SI-95-25 and UR-98-18.

3. Prior to application for building permit, the Applicant shall submit, and obtain City Manager approval of, a Technical Document Review application for the following items:

    a. **Final architectural plans**, including material samples and colors, to insure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the plans prepared by the Applicant on September 30, 2016 is acceptable. Planning staff will review plans to assure that the architectural intent is performed.

    b. A **final site plan** which includes detailed floor plans and section drawings. The site plan and associated civil drawings shall include a shift in the location of the surface parking lot roughly 3 feet to the east in order to meet the 20-foot landscape setback for parking areas.

    c. A **final utility plan** meeting the City of Boulder Design and Construction Standards.

    d. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.

    e. **Final transportation plans** meeting the City of Boulder Design and Construction Standards for all transportation improvements. These plans must include, but are not limited to: plan and profile drawings for all new curb-and-gutter and sidewalks; profile drawings for the flow-line of the curb-and-gutter to be constructed along Ralston Street and extending twenty-five feet beyond the existing curb-and-gutter to ensure positive drainage; a detail drawing for the curb-cut off Pierre Street to include a profile drawing of the existing curb-and-gutter extending twenty-five feet in

each direction of the curb-cut; signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, transportation detail drawings, geotechnical soils report, and pavement analysis.

f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.

g. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981.

h. A **detailed shadow analysis** to insure compliance with the City's solar access requirements of section 9-9-17, B.R.C. 1981.

4. Prior to application for building permit, the Applicant shall dedicate to the City, at no cost, the following easements as shown on the plans prepared by the Applicant on September 30, 2016, meeting the City of Boulder Design and Construction Standards, as part of Technical Document Review applications, the form and final location of which shall be subject to the approval of the City Manager:

   a. A 7.5-foot wide **public access easement** along Granite Avenue, and

   b. A 1-foot wide **public access easement** along Ralston Street.

5. Prior to application for a building permit, the Applicant shall submit a **financial guarantee** in an amount equal to the cost of providing eco-passes to the residents of the development for three years after the issuance of a certificate of occupancy for each dwelling unit as proposed in the Applicant's Transportation Demand Management (TDM) plan.

6. Prior to issuance of a certificate of occupancy, the Applicant shall construct and complete, subject to acceptance by the City, all public improvements necessary to serve the development in conformance with the plans prepared by the Applicant on September 30, 2016, including, but not limited to, the following:

   a. A **5-foot wide detached sidewalk** along Ralston Street and Granite Avenue.

   b. A **32-foot wide pavement section** for Ralston Street.

   c. Replacement of damaged sections of **sidewalk along Pierre Street**.

DAKOTA RIDGE VILLAGE PHS 1 BLOCK 3 BLDG A

OWNER:
MARKEL HOMES CONSTRUCTION CO.
5723 ARAPAHOE AVE #2B
BOULDER, CO 80303
303-449-8689

CONTRACTOR:
MARKEL HOMES CONSTRUCTION CO.
5723 ARAPAHOE AVE #2B
BOULDER, CO 80303
303-449-8689

DRAFTING:
MARKEL HOMES CONSTRUCTION CO.
5723 ARAPAHOE AVE #2B
BOULDER, CO 80303
303-449-8689

ARCHITECT:
JEREMIAH WHITNEY
804 WALNUT ST.
LOUISVILLE, CO 80027
303-447-2714

STRUCTURAL ENGINEER:
GLENN FRANK ENGINEERING
2450 CENTRAL AVE SUITE F-5
BOULDER, CO 80301

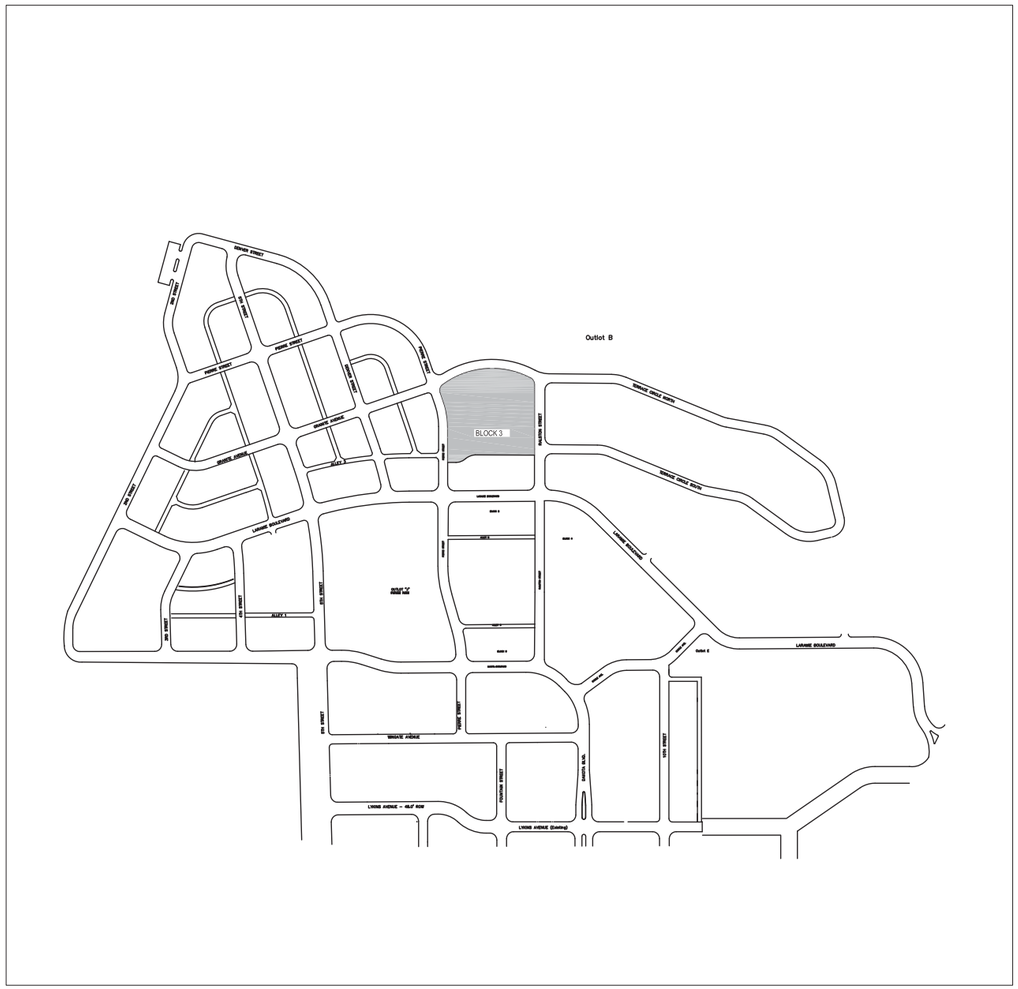
SOIL ENGINEER:
SCOTT, COX AND ASSOC.
1530 55TH ST.
BOULDER, CO 80303
303-444-3051

Open Space

Site Area		54,801 SF
	Required	Proposed
Open Space Required		
Number of Units		16
Minimum Open Space	21,920 SF	28,028 SF
Minimum Private Open Space/DU	1,370 SF	1,751 SF
Open Space Provided		
Site Landscape		19,191 SF
Parking Landscape		1,962 SF
Enhanced Paving		N/A
Individual Balconies		3960 SF
Outdoor Activities or Rec. Elements		4008 SF
Other		N/A

Land Use Summary Table

Site Area	54,801 SF		
	Required	Permitted	Proposed
Floor Area	N/A	No Max	33,932 SF
Lot Coverage	N/A	No Max	21,377 SF
Open Space	21,920 SF	N/A	28,028 SF
Landscape Area	N/A	N/A	19,191 SF
Parking Area	N/A	N/A	1,962 SF



NORTH
VICINITY MAP
N.T.S

LEGAL DESCRIPTION

DAKOTA RIDGE VILLAGE
SUBDIVISION PHASE 1 BLOCK 3

PARKING INFO-RESIDENTIAL

NUMBER OF UNITS, 2 BEDROOM:		8
REQUIRED PARKING: 12		
PROVIDED PARKING:		
BUILDING A:	STANDARD:	8
	COMPACT:	4
	HANDICAP:	1
BUILDING B:	STANDARD:	8
	COMPACT:	4
	HANDICAP:	1
BUILDING C:	HANDICAP:	2
	TOTAL:	28

BICYCLE PARKING

Residential:	Required	Proposed
LONG TERM:	24	52
SHORT TERM:	8	16
Community Center:	Required	Proposed
LONG TERM:	3	3
SHORT TERM:	3	6

OCCUPANCY LOAD

COMMUNITY CENTER	75
POOL:	75

Lot Coverage

Lot Area	54801
Building Coverage	
Building A	
Building Footprint	8024
Covered Porch	84
Covered Patio	990
Building B	
Building Footprint	8024
Covered Porch	84
Covered Patio	990
Building C	
Building Footprint	2480
Covered Porch	65
Covered Patio	636
Total	21377
Impermeable Area	
Building Coverage	21377
Pool Patio	2327
Pool	1681
Trash	141
Walkways	5200
Driveways	4884
Total	35610
Landscape Area	
Lot Area	54801
Impermeable Area	35610
Total:	19191
Open Space	
Lot Area	54801
Building Coverage	21377
Trash	141
Driveways	4884
Walkways	5200
Sub-Total	23199
Credits	
Covered Porches	233
Covered Patios	2616
2nd Floor Balconies	1980
Sub-Total	4829
Total	28028 51.1%

CODE REFERENCE

1. R2 RESIDENTIAL, S2 GARAGE SPACE.
2. TYPE VB CONSTRUCTION.
3. FULL SPRINKLED NFPA 13 THROUGHOUT.
4. NON SEPARATED USE. R2 GOVERNS.
5. CONSIDERED 1 BUILDING IN ACCORDANCE W/ IBC 704.3.
6. TYPE B ACCESSIBILITY W/ TYPE B BATH OPTION.

NOTE

BULDINGS A & B CONSIDERED AS ONE BUILDING WITH ASSUMED PROPERTY LINE BETWEEN BUILDING A/B & BUILDING C

MARKEL HOMES, INC.
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STRUCTURAL

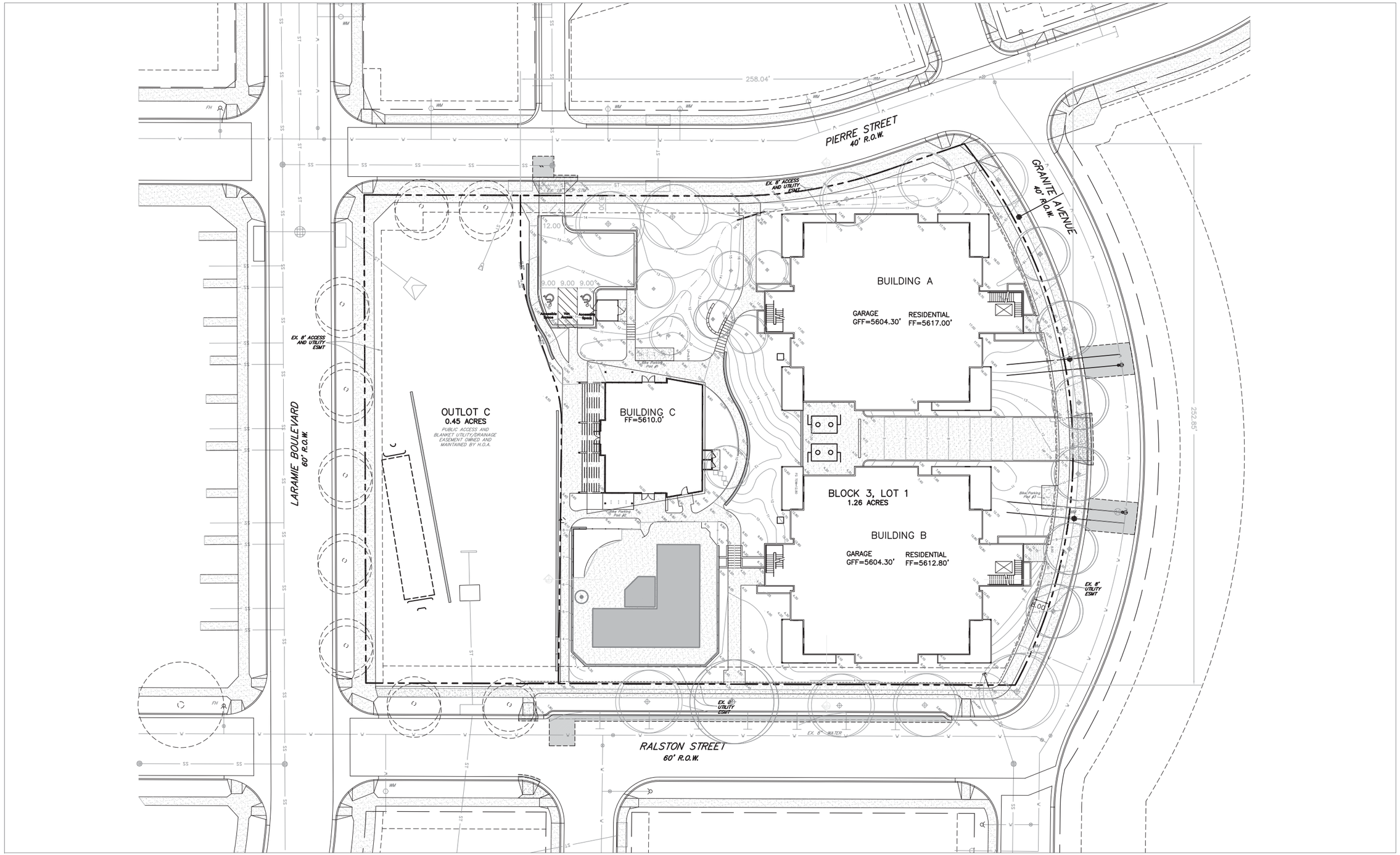
DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3

Markel

Markel Homes Construction Company
5723 Arapahoe Suite 2B
(303) 449-8689
Boulder, Colorado 80301

date: 9/30/16
drawn by:
revisions:

A0



Site Plan

SCALE: 1" = 20' - 0"

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - Site Plan

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Markel Homes Construction Company
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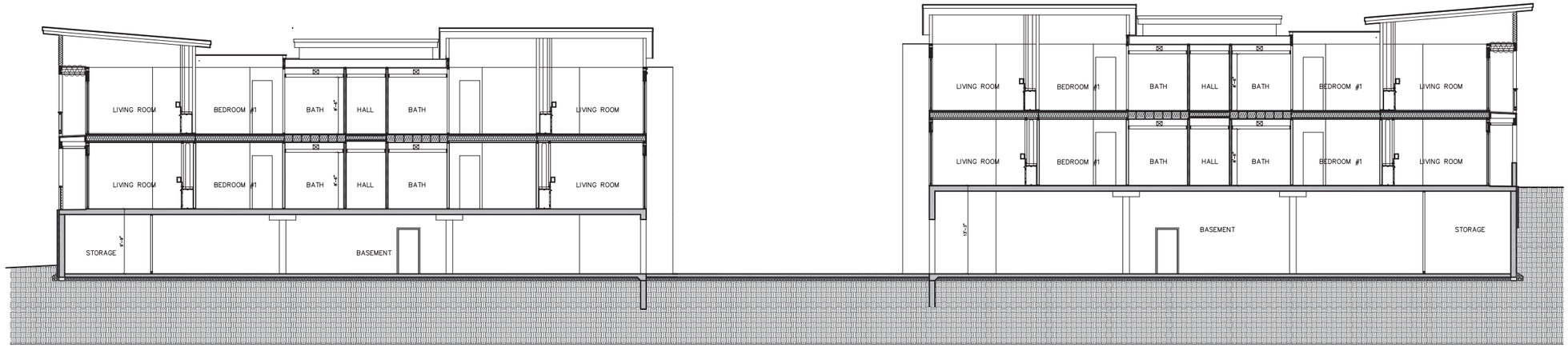
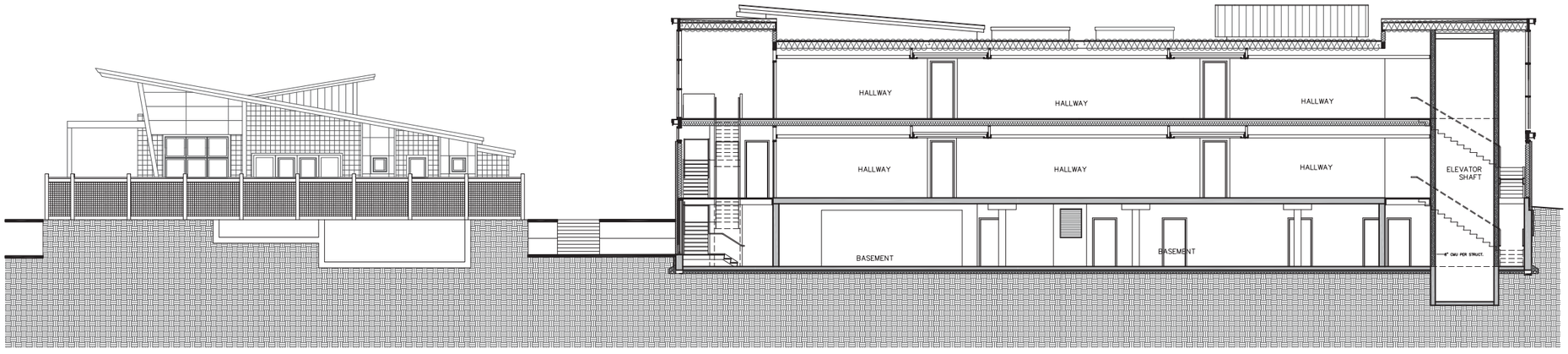


1 North Site Section - Granite Ave.

SCALE: 1" = 100'



2 East Site Section - Ralston St.

SCALE: 1" = 100'

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - Site Sections

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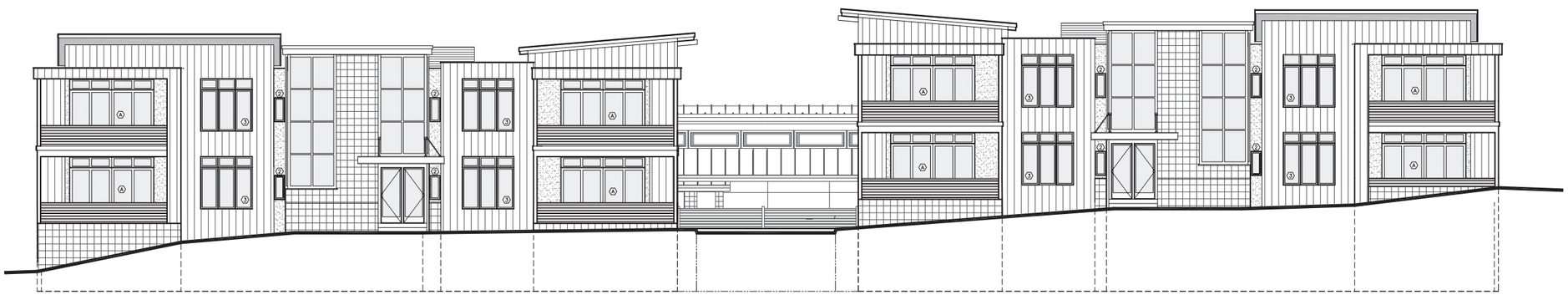

1 North Site Elevation - Granite Ave.
SCALE: 1" = 100'

2 South Site Elevation - Laramie Blvd.
SCALE: 1" = 100'

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - Site Plan

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date: 9/30/16
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A0.3

3 East Site Elevation - Ralston St.

SCALE: 1" = 100'

4 West Site Elevation - Pierre St.

SCALE: 1" = 100'

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - Site Plan

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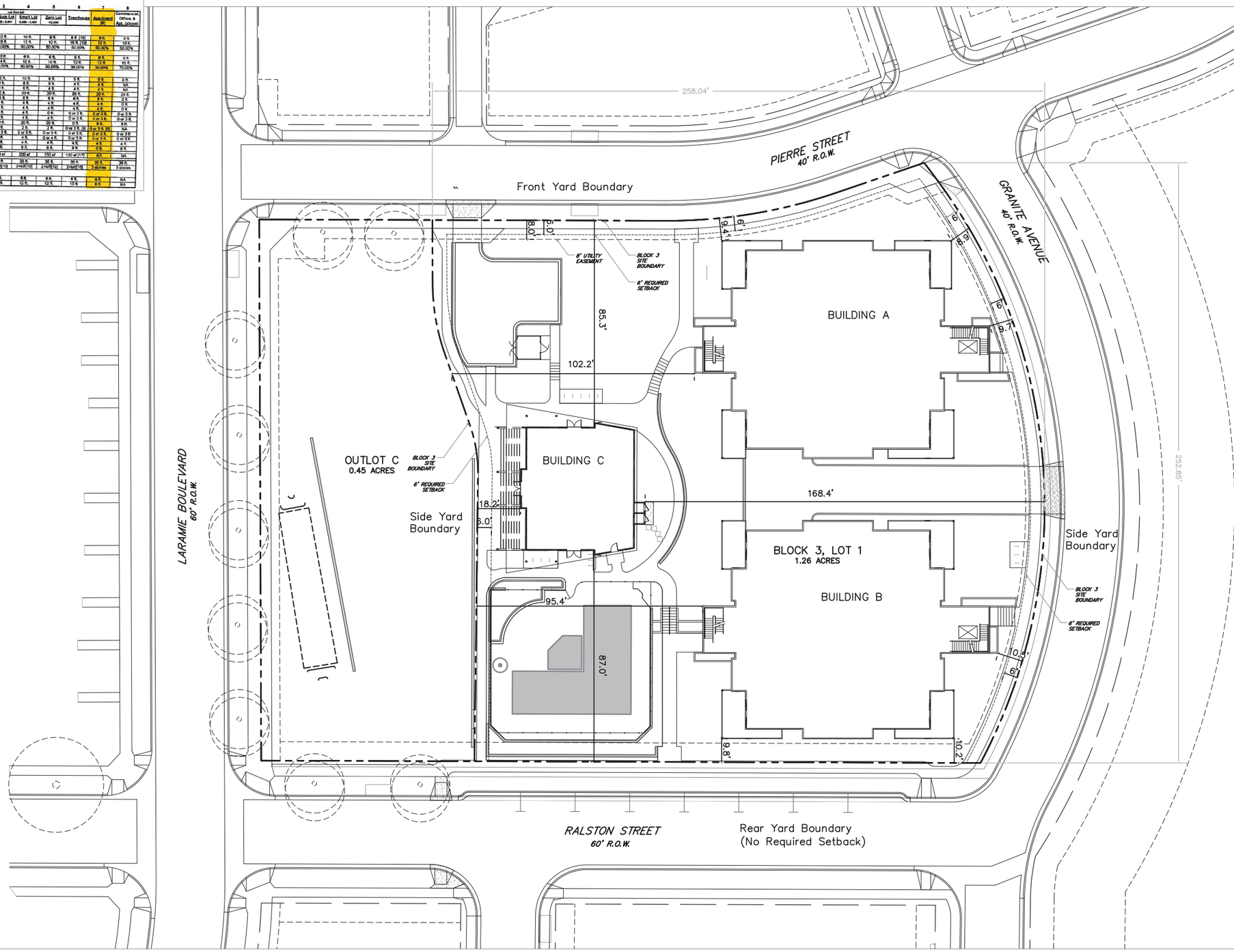
drawn by:
revisions:

A0.4

SCHEDULE "A"

Dakota Ridge Village
Building Placement Requirements for Housing Types

	1	2	3	4	5	6	7	8
	Townes Ch. Ba.	Lot Size (sf)						
Requirement	Lots 36-52 Block 2	Lot Size Lot 4,401	Medium Lot 4,400 - 3,401	Small Lot 3,400 - 2,401	Zero Lot <2,400	Townhouse	Apartment (8)	Commercial Office, & Apt. (above)
Build-to Lines:								
Front Yard (street) to Principal Building								
Minimum	16 ft.	17 ft.	12 ft.	10 ft.	6 ft.	6 ft. [16]	6 ft.	0 ft.
Maximum	20 ft.	16 ft.	16 ft.	12 ft.	10 ft.	16 ft. [16]	12 ft.	16 ft.
% of Building face within build-to area	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%
Side Yard (street) to Principal Building								
Minimum	10 ft.	10 ft.	10 ft.	6 ft.	6 ft.	6 ft.	6 ft.	0 ft.
Maximum	14 ft.	14 ft.	14 ft.	10 ft.	10 ft.	12 ft.	12 ft.	16 ft.
% of Building within build-to area	30.00%	30.00%	30.00%	30.00%	30.00%	50.00%	30.00%	70.00%
Yard Setbacks (Minimum):								
Front Yard (principal building)	16 ft.	12 ft.	12 ft.	10 ft.	8 ft.	5 ft.	5 ft.	0 ft.
Building Projection [1][4]	13 ft.	9 ft.	9 ft.	8 ft.	8 ft.	4 ft.	4 ft.	NA
Porch Projection [1][4]	12 ft.	8 ft.	8 ft.	6 ft.	4 ft.	4 ft.	4 ft.	NA
Front Yard to Garage [7][12][13]	24 ft. [11]	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Side Yard (street) to Principal Building	by lot size	10 ft.	10 ft.	6 ft.	6 ft.	8 ft.	6 ft.	0 ft.
Building Projection [1][4]	7 ft.	7 ft.	7 ft.	4 ft.	4 ft.	4 ft.	4 ft.	0 ft.
Porch Projection [1][4]	6 ft.	6 ft.	6 ft.	4 ft.	4 ft.	4 ft.	4 ft.	0 ft.
Side Yard (principal building) one side	by lot size	5 ft.	5 ft.	4 ft.	4 ft.	4 ft.	4 ft.	0 ft.
Side Yard (principal building)- other side	by lot size	5 ft.	5 ft.	4 ft.	4 ft.	0 or 3 ft.	0 or 3 ft.	0 or 3 ft.
Side Yard (street) to Garage (no alley) [7][13]	20 ft. [11]	20 ft.	20 ft.	20 ft.	20 ft.	0 or 8 ft.	0 or 8 ft.	0 or 3 ft.
Side Yard (porch)	3 ft.	3 ft.	3 ft.	2 ft.	2 ft.	8 ft.	8 ft.	8 ft.
Side Yard (detached garage) [5][7][13]	0 or 3 ft.	0 or 3 ft.	0 or 3 ft.	0 or 3 ft.	0 or 3 ft. [6]	0 or 3 ft. [6]	0 or 3 ft. [6]	NA
Side Yard (attached garage) [5][6][7][13]	0 or 3 ft.	0 or 3 ft.	0 or 3 ft.	0 or 3 ft.	0 or 3 ft.	0 or 3 ft.	0 or 3 ft.	0 or 3 ft.
Side Yard (principal building) to alley	NA	5 ft.	5 ft.	4 ft.	0 or 4 ft.	0 or 3 ft.	0 or 3 ft.	0 or 3 ft.
Rear Yard (Principal & Accessory Bldgs.)[2]	5 ft.	8 ft.	8 ft.	6 ft.	8 ft.	8 ft.	6 ft.	0 ft.
Rear Open Space Area (Minimum)	by lot size	400 sf	300 sf	200 sf	150 sf	120 sf [17]	NA	NA
Building Height [2]	36 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Number of stories	2+loft[10]	2+loft[10]	2+loft[10]	2+loft[10]	2+loft[10]	2+loft[10]	3 stories	3 stories
Porches								
Depth (Minimum)	by lot size	8 ft.	8 ft.	6 ft.	6 ft.	6 ft.	6 ft.	NA
Total width (Minimum)[9]	by lot size	16 ft.	14 ft.	12 ft.	12 ft.	10 ft.	8 ft.	NA



Site Setback Plan

SCALE: 1" = 20' - 0"

NORTH

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - Setback Plan

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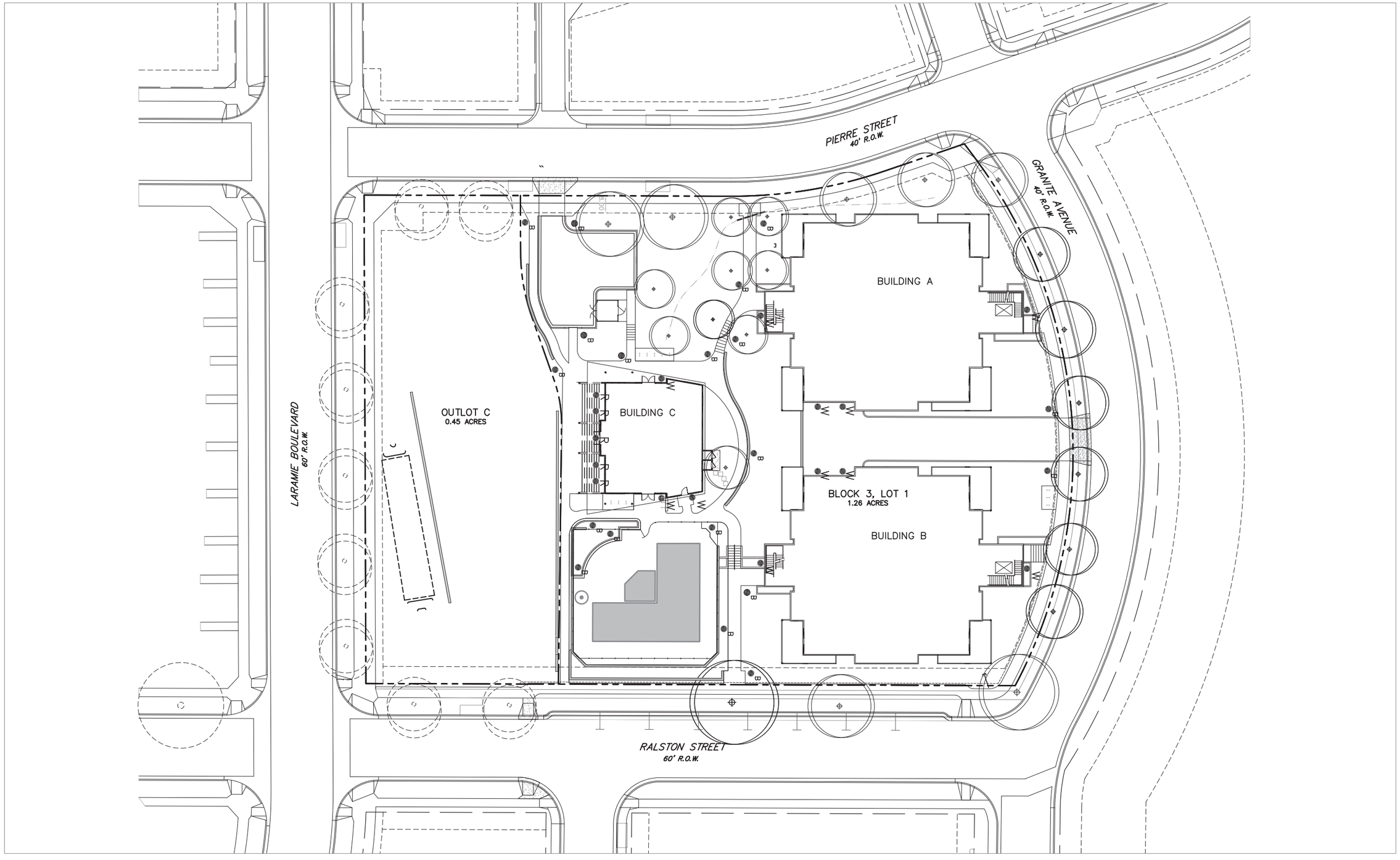
A0.5



Preliminary Lighting Plan

SCALE: 1" = 20' - 0"

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - Lighting Plan

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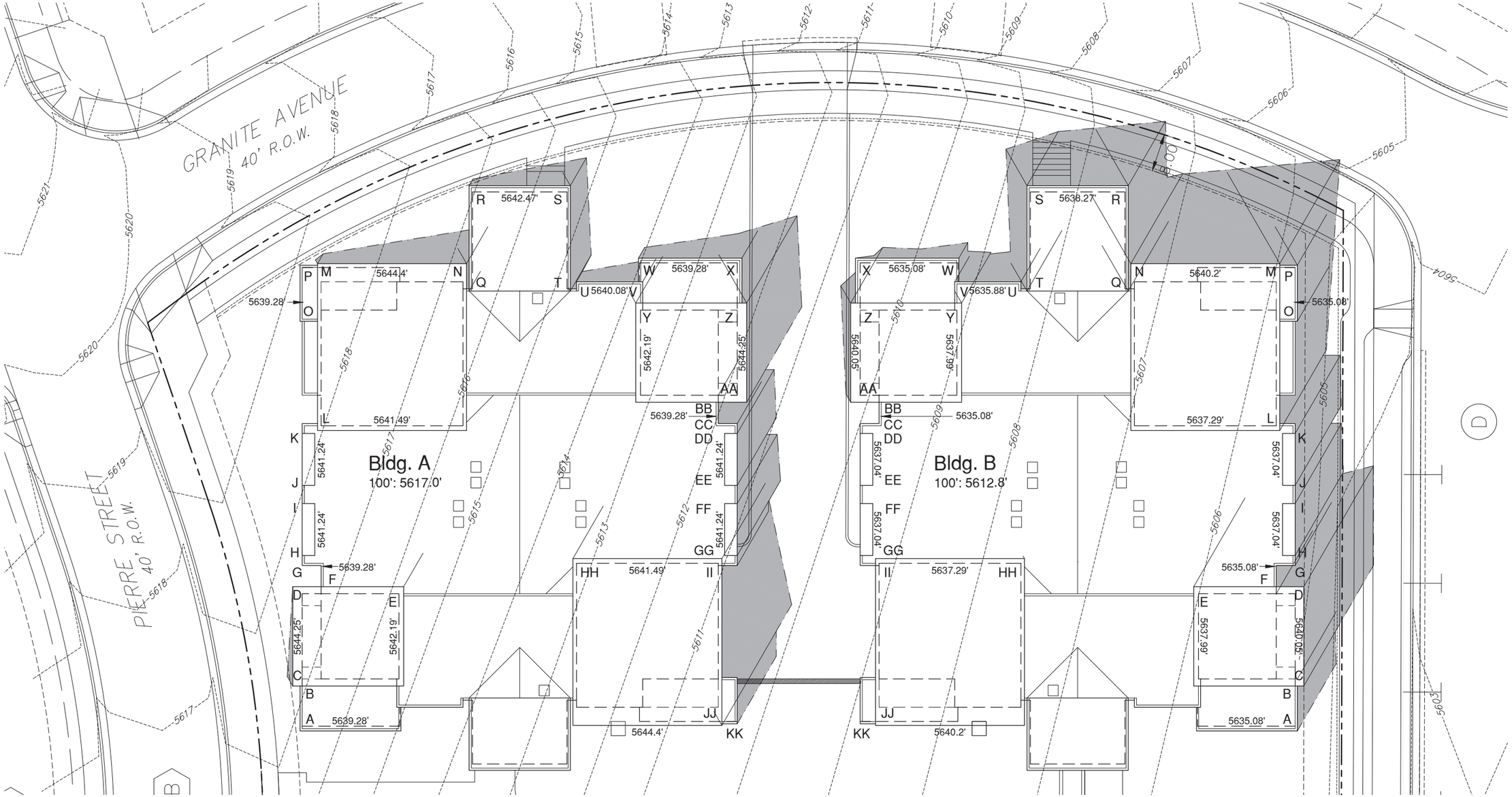

SOLAR ANALYSIS WORKSHEET BUILDING A

Property Zone District: Solar Fence Height 25

Roof Element	Step 1 Elevation of Building Element (x) (relative to USGS or datum)	Step 2 Elevation of Grade at Property Line (y)* 10:00 AM	12:00 PM	2:00 PM	Step 3 Relative Height of Building Element (h)** 10:00 AM	12:00 PM	2:00 PM	Step 4 Length of Shadow (L)*** 10:00 AM	12:00 PM	2:00 PM
A	5639.28	5617.05			21.38					
B	5639.28	5618.80			20.48					
C	5644.25	5618.40			25.85			2.3		
D	5644.25	5619.80			24.85					
E	5642.19	5619.40		5614.10	22.79		28.09			6.2
F	5639.28	5619.70			19.58					
G	5639.28	5619.70			19.58					
H	5641.24	5619.65			21.59					
I	5641.24	5619.55			21.69					
J	5641.24	5619.55			21.69					
K	5641.24	5619.45			21.79					
L	5641.49	5619.40			22.09					
M	5644.40	5619.05		5618.50	25.35		25.90	0.9		2.4
N	5644.40	5618.05		5616.90	26.40		28.45	3.7		9.0
O	5639.28	5619.25			20.03					
P	5639.28	5618.30			20.98					
Q	5642.47	5618.10		5615.65	24.37		26.82			4.8
R	5642.47	5617.50		5616.05	24.97		25.62			1.6
S	5642.47	5616.25		5614.90	26.22		27.57	3.2		6.4
T	5642.47	5617.10		5614.15	25.37		28.32	1.0		0.8
U	5640.08	5616.95		5614.15	23.13		25.93			2.5
V	5640.08	5616.00		5612.95	24.08		27.13			5.8
W	5639.28	5615.85		5613.90	23.43		25.38			2.8
X	5639.28	5614.55		5611.75	24.73		27.53			6.7
Y	5642.19	5616.30		5612.90	25.89		29.29	2.4		11.4
Z	5644.25	5614.80		5611.20	29.45		33.05	1.1.5		21.3
AA	5644.25	5615.50		5610.45	28.75		33.80	0.9		23.3
BB	5639.28			5610.85			28.43			9.1
CC	5639.28			5610.45			28.88			10.3
DD	5641.24			5610.35			30.88			13.6
EE	5641.24			5610.90			31.24			16.5
FF	5641.24			5609.95			31.30			16.9
GG	5641.24			5609.35			31.89			18.3
HH	5641.49	5618.50		5611.65	22.99		29.84			12.8
II	5641.49	5617.10		5609.55	24.39		31.94			18.4
JJ	5644.40	5618.10		5608.25	26.30		36.15	3.4		20.5
KK	5639.28			5606.95			34.23			16.5

* Elevation in USGS or relative to survey datum where the building element's shadow would cross the property line
** The relative height of the building element is the elevation of the building element (step 1), minus the elevation of grade at the property line (step 2)
*** The length of the shadow is determined by using the "Adjusted Solar Shadow Lengths" of Table 1, for Solar Access Area 2, of the Solar Access Guide.

Building A
Solar Analysis

1

SCALE: 1/4" = 1' - 0"

NORTH

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - BUILDING A

Markel

Markel Homes Construction Company
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(303) 449-8689
Boulder, Colorado 80301

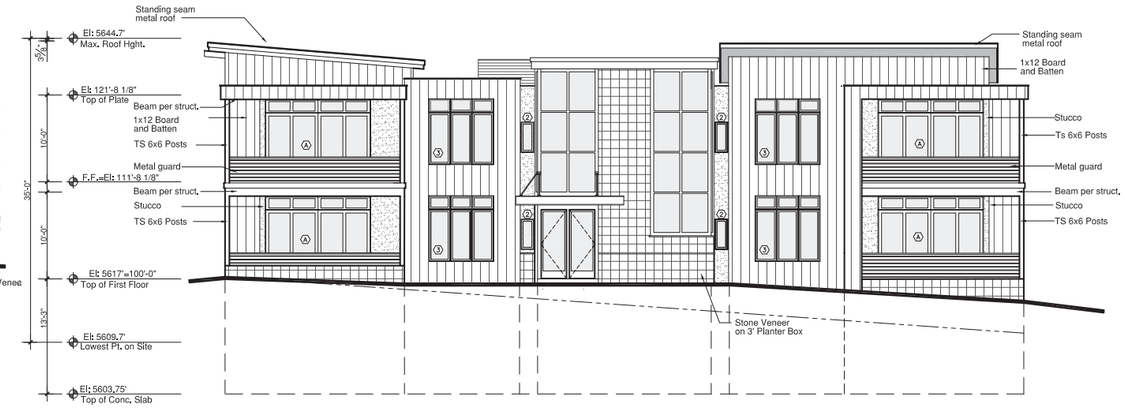
date: 9/30/16
drawn by:
revisions:

Solar Analysis

A1.1

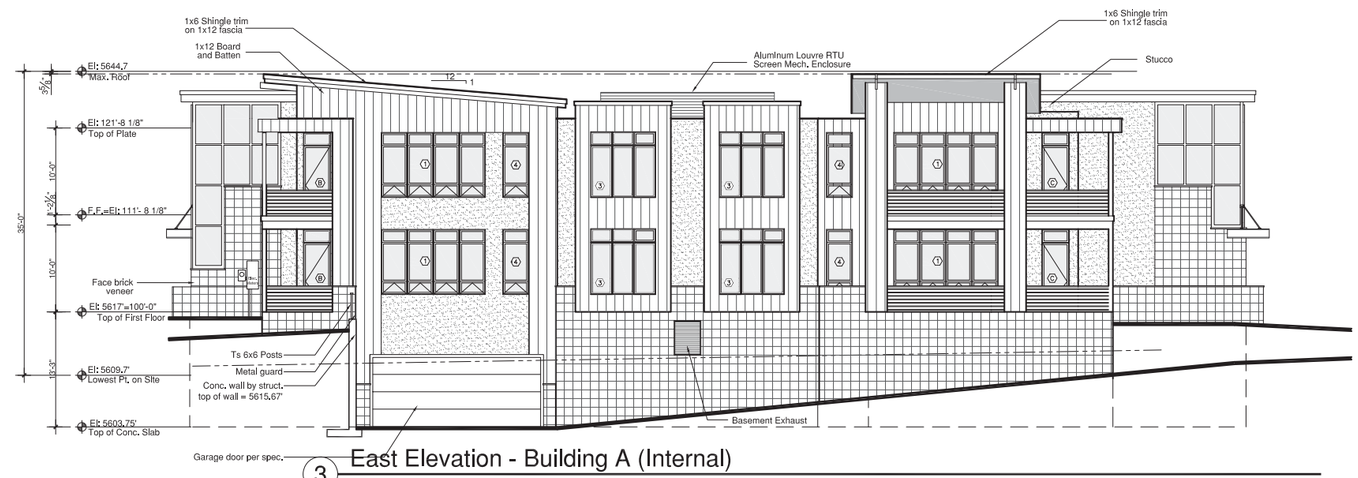
1 North Elevation - Building A (Granite Ave.)

SCALE: 1/8" = 1'-0"



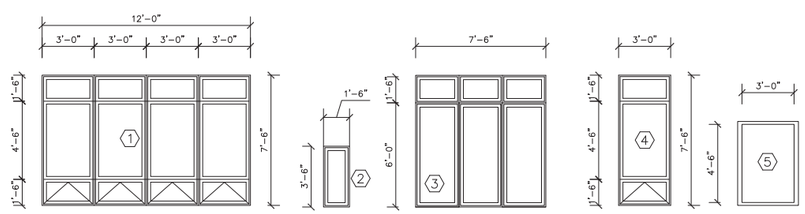
2 South Elevation - Building A (Laramie Blvd.)

SCALE: 1/8" = 1'-0"



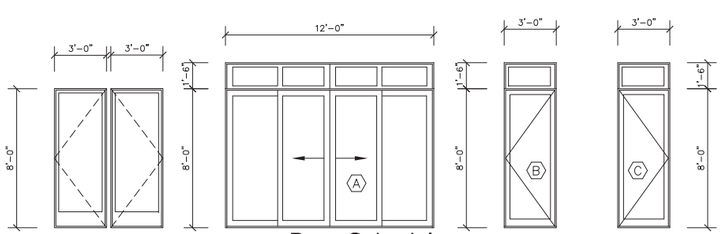
3 East Elevation - Building A (Internal)

SCALE: 1/8" = 1'-0"



Window Schedule

SCALE: 1/4" = 1'-0"



Door Schedule

SCALE: 1/4" = 1'-0"

4 West Elevation - Building A (Pierre St.)

SCALE: 1/8" = 1'-0"

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 Building A

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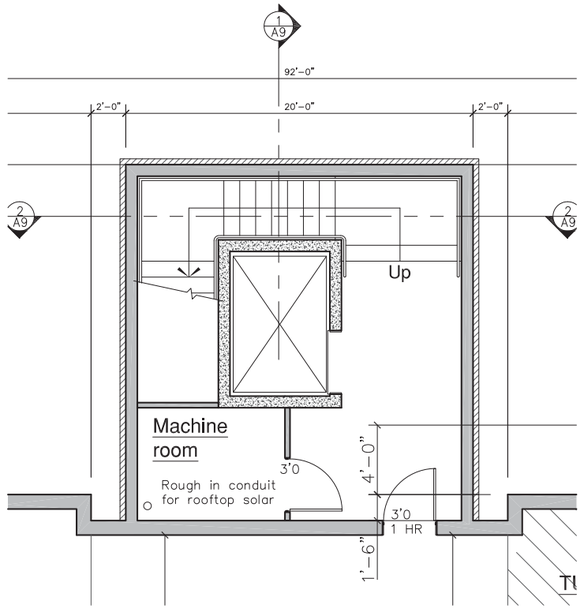
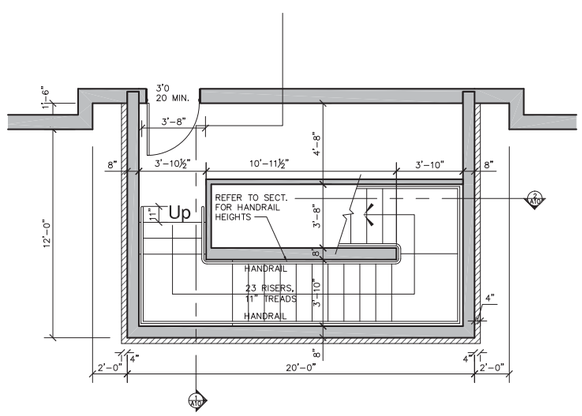
date: 9/30/16
drawn by:
revisions:

ELEVATIONS

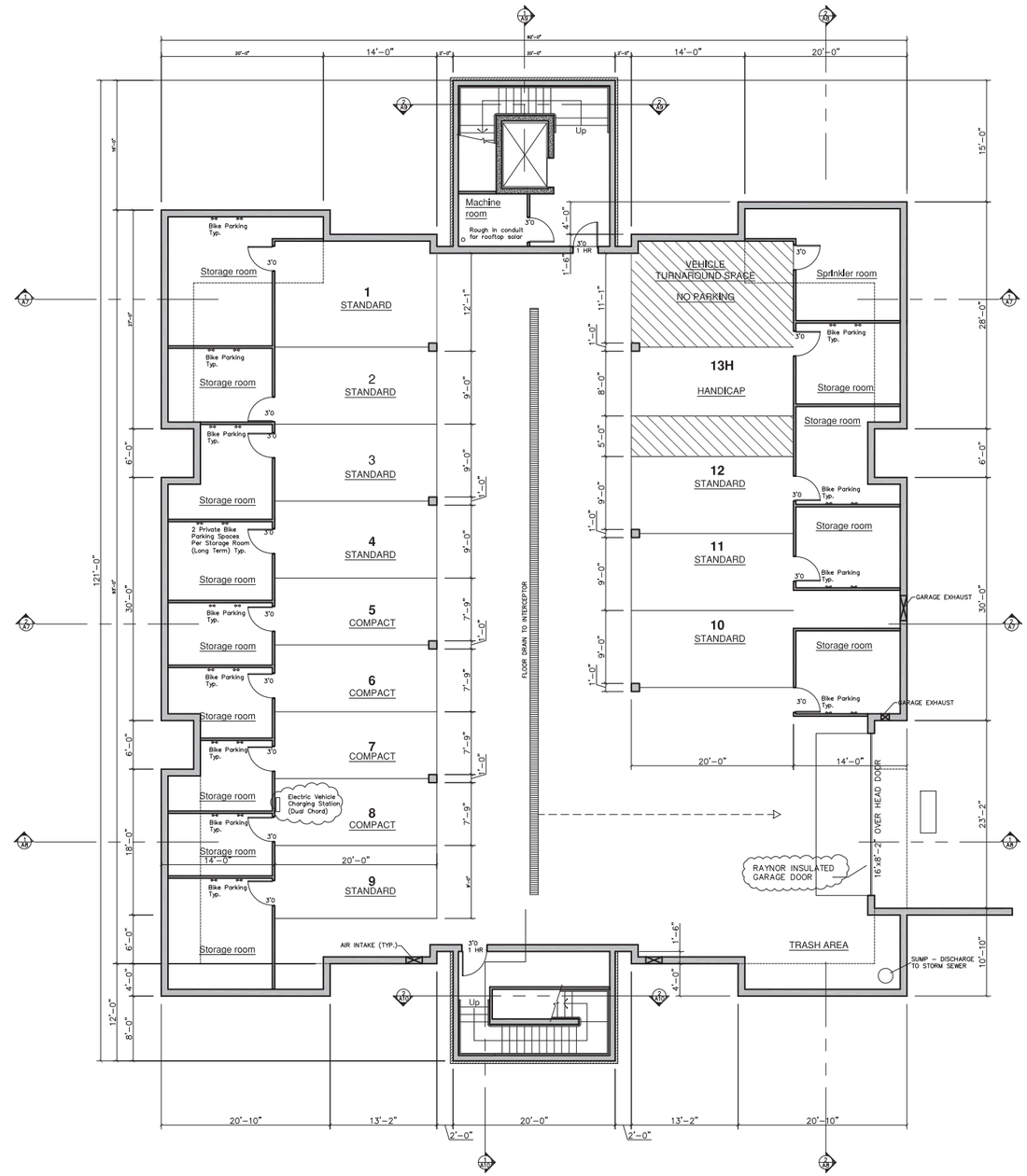
A2



NORTH STAIR TOWER
1/4" = 1'-0"



SOUTH STAIR TOWER
1/4" = 1'-0"



GARAGE PLAN
1/8" = 1'-0"
AREA: 7680 SQ. FT.

NOTES:
1) SEE MECHANICAL & STRUCTURAL PLANS FOR DETAILS OF GARAGE VENTILATION SYSTEMS.
2) SEE PLUMBING PLANS FOR DETAILS OF GARAGE TRENCH DRAIN SYSTEM

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FAX 554-9592
STRUCTURAL

DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 BUILDING A

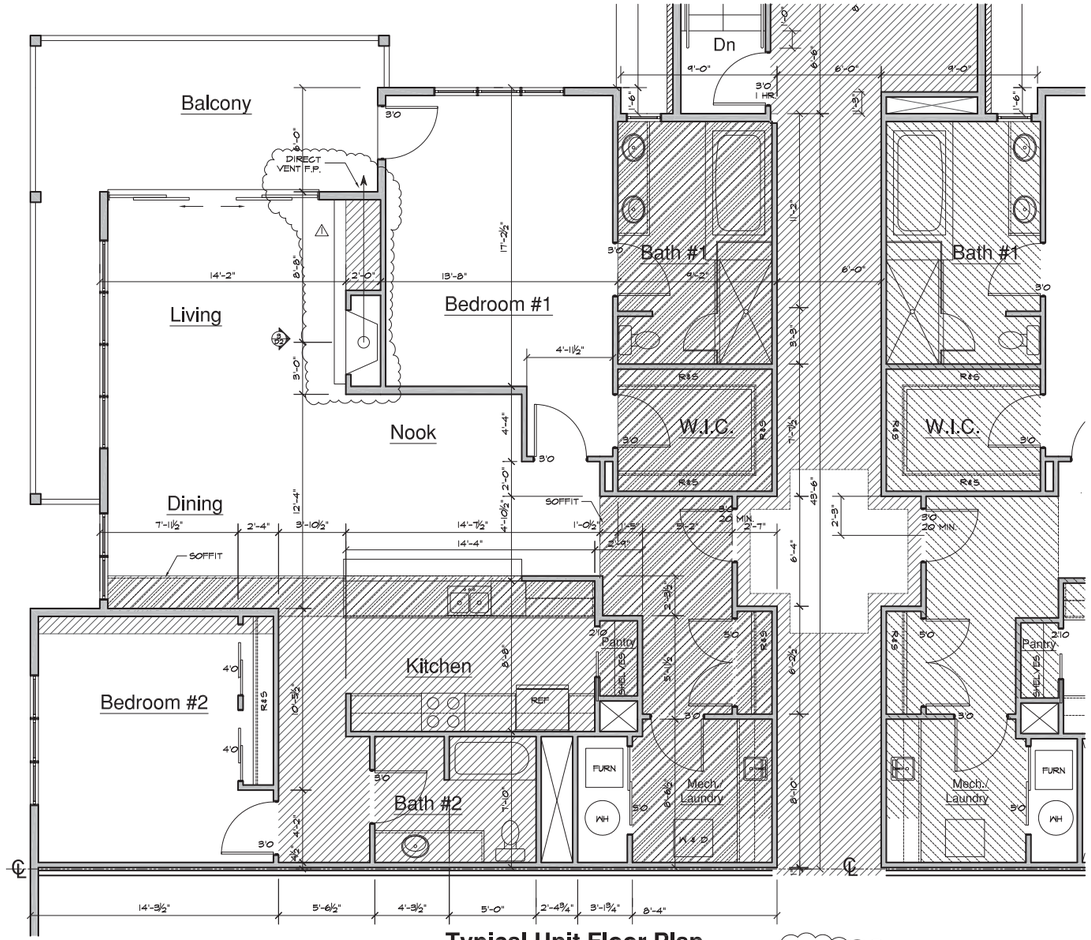
Markel

Markel Homes Construction Company
5723 Arapahoe Suite 2B
(303) 449-8689
Boulder, Colorado 80301

date: 9/30/16
drawn by:
revisions:

GARAGE PLAN

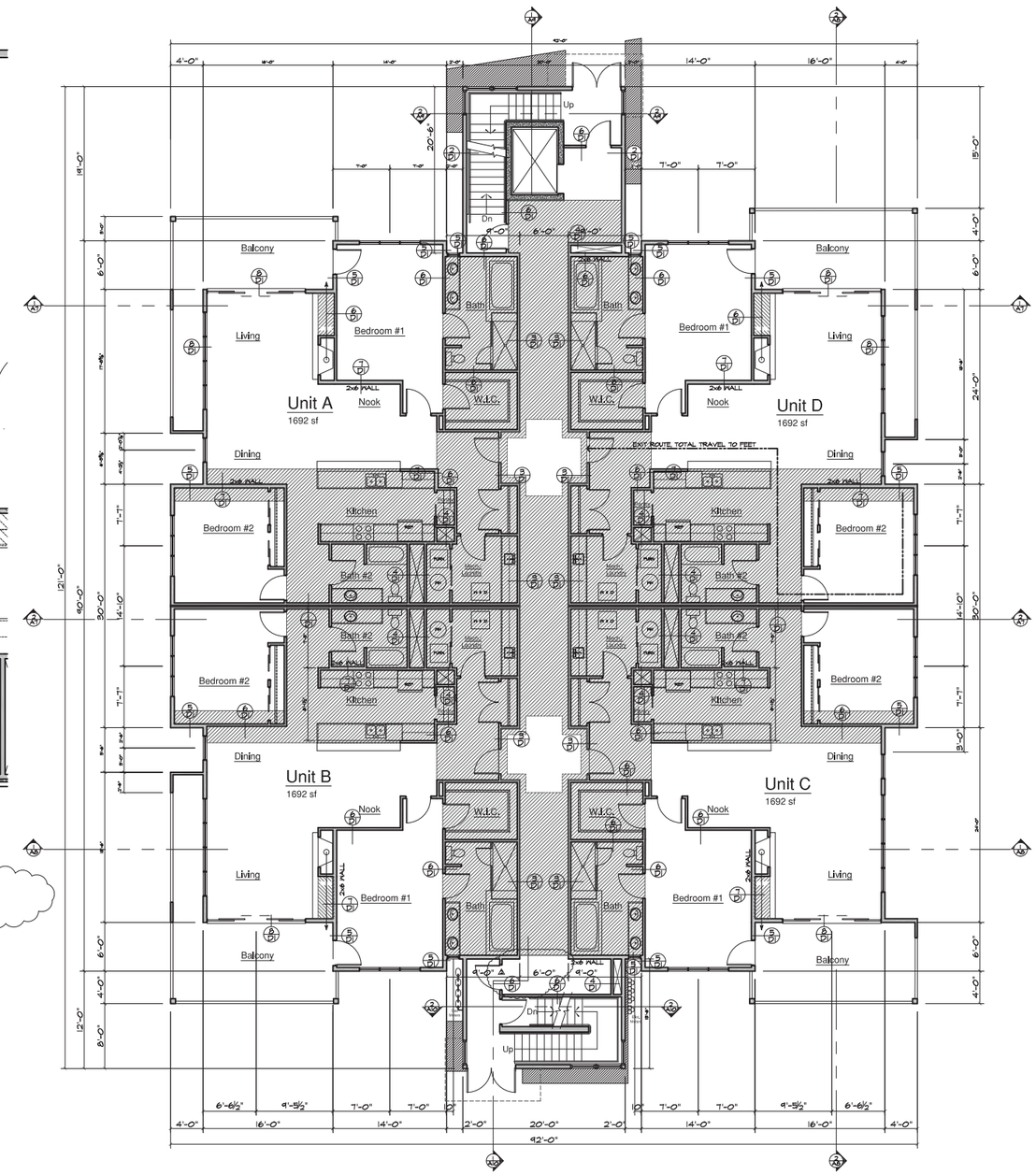
A3



Typical Unit Floor Plan

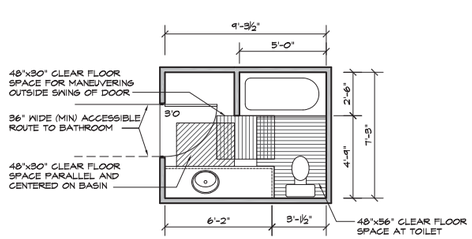
1692 sf 1/4" Scale

NOTES:
1) ALL MECHANICALS RUN PERPENDICULAR TO JOIST TO BE LOCATED IN SOFFITED AREA BELOW 1 HR. ASSEMBLY. SEE SHADED AREAS ON PLANS FOR SOFFIT LOCATIONS
2) FIREPLACES TO BE DIRECT VENT - VENTS TO BE RUN IN SOFFIT BELOW CEILING.



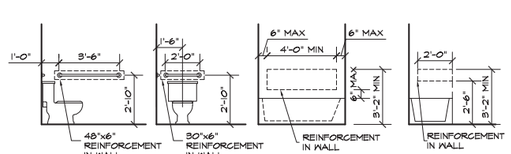
First Floor Plan

7938 sf 1/8" Scale



Clear Floor Space At Toilet Fixtures Type B option

1/4" Scale



Typical size and locations of wall Reinf.

1/4" Scale

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 Building A

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Boulder, Colorado 80301

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date: 9/30/16
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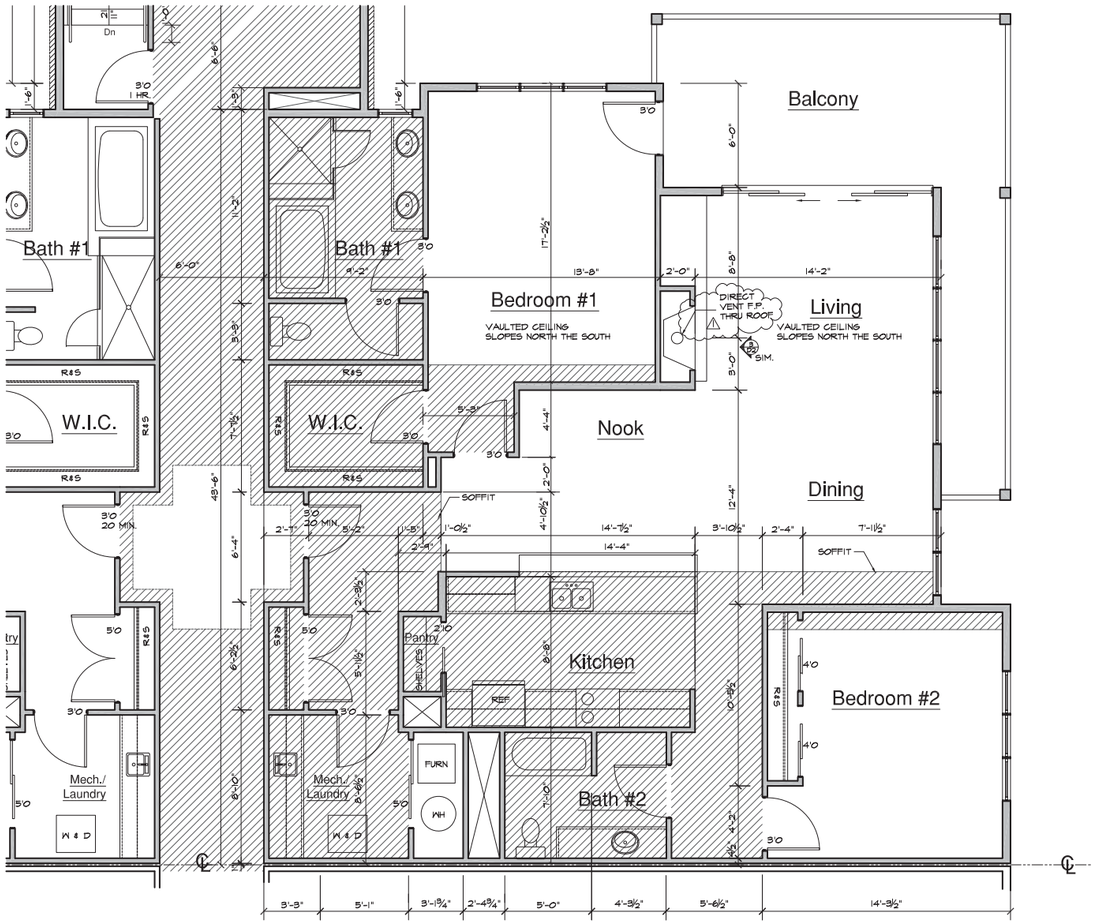
revisions:

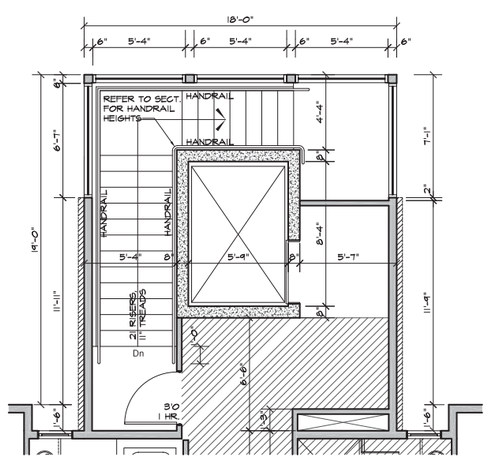
FIRST FLOOR PLANS

A4



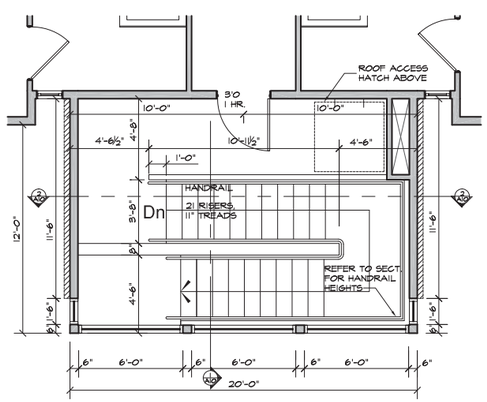
Typical Unit Floor Plan

1692 sf 1/4" Scale



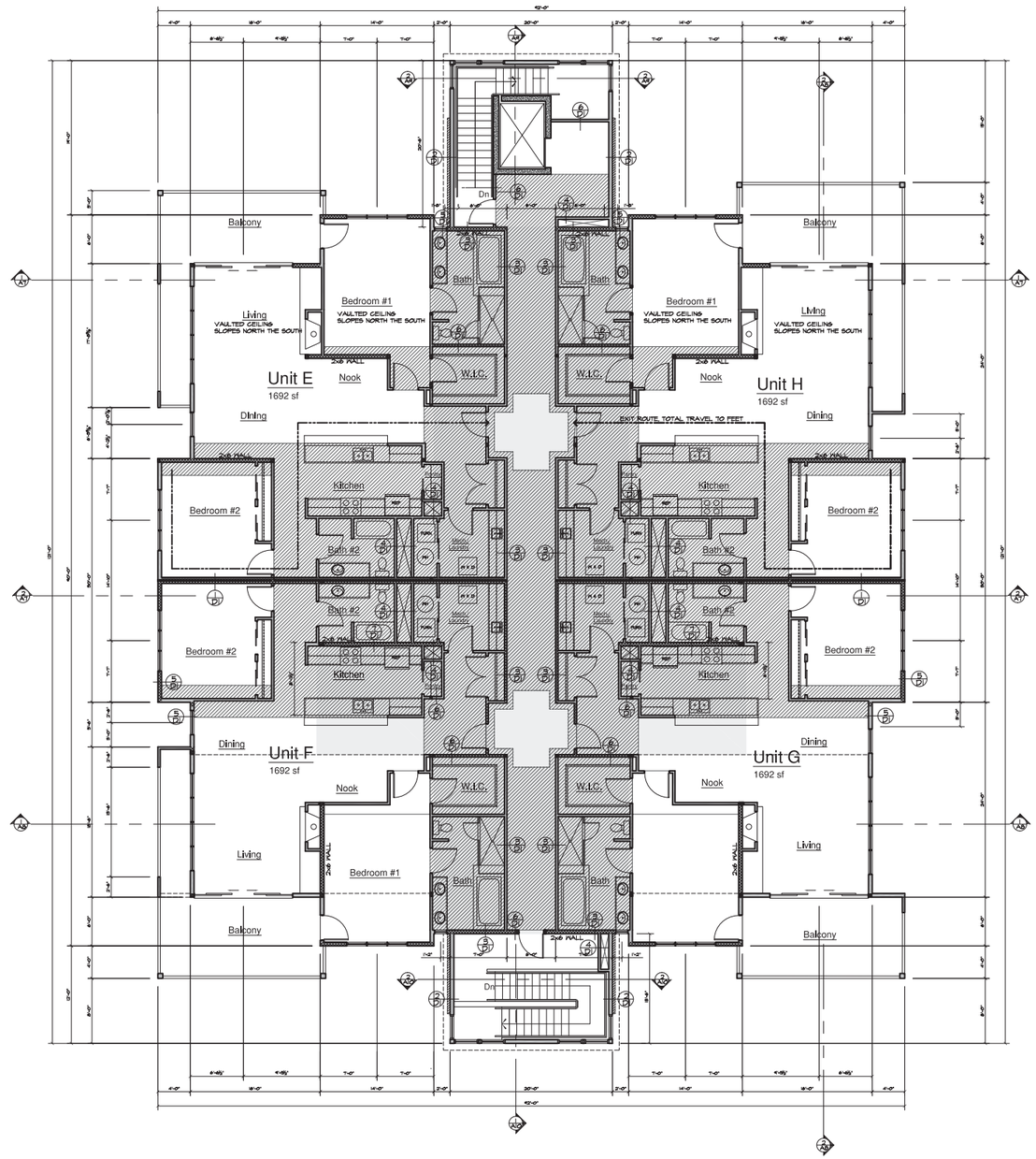
North Stair Tower

1/4" Scale



South Stair Tower

1/4" Scale



Second Floor Plan

7938 sf 1/8" Scale

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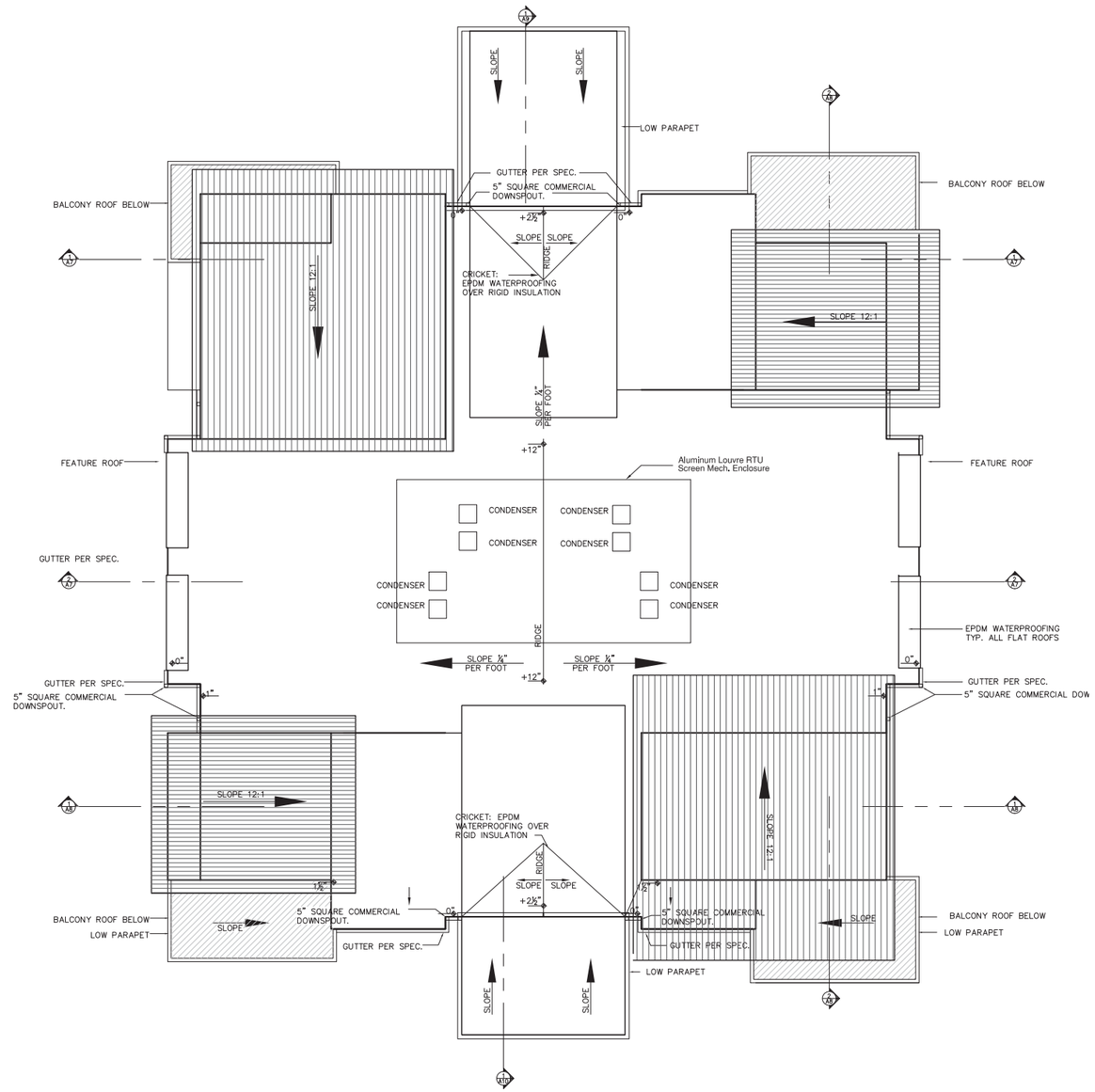
SECOND FLOOR PLANS

A5



Roof Plan

1/8" Scale

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 Building A

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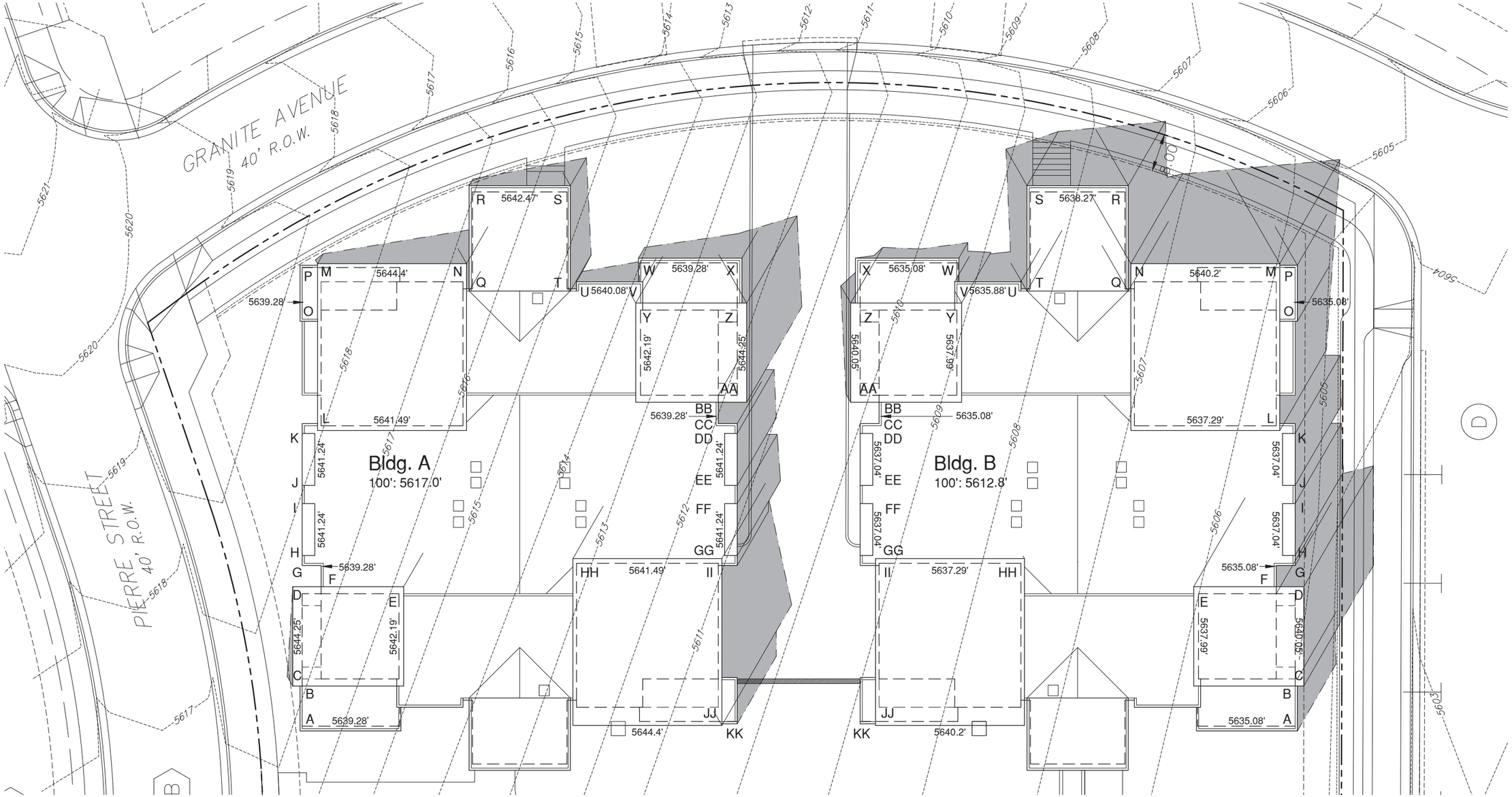
ROOF PLAN

A6



SOLAR ANALYSIS WORKSHEET BUILDING B

Property Zone District: Solar Fence Height: 25

Roof Element	Step 1	Step 2		Step 3			Step 4		
	Elevation of Building Element (x)	Elevation of Grade at Property Line (y)*		Relative Height of Building Element (h)**			Length of Shadow (L)***		
	(relative to USGS or datum)	10:00 AM	12:00 PM	2:00 PM	10:00 AM	12:00 PM	2:00 PM	10:00 AM	12:00 PM	2:00 PM
A	5635.08			5600.55			31.18			15.4
B	5635.08			5600.90			31.18			15.4
C	5640.05			5601.90			36.15			29.5
D	5640.05			5601.90			36.15			29.5
E	5637.99			5604.40			33.19			21.7
F	5635.08			5604.25			30.83			15.4
G	5635.08			5604.25			30.83			15.4
H	5637.04			5604.35			32.69			20.4
I	5637.04			5604.65			32.39			19.6
J	5637.04			5604.70			32.34			19.5
K	5637.04			5604.85			32.19			19.1
L	5637.29			5604.85			32.44			19.7
M	5640.20	5606.80		5606.60	33.40		34.80	22.9		25.4
N	5640.20	5606.80		5606.05	31.40		33.25	17.0		21.9
O	5635.08			5605.00			30.08			13.5
P	5635.08	5606.10		5605.40	28.53		29.68	9.4		12.4
Q	5638.27	5606.10		5606.65	29.17		31.43	11.1		17.0
R	5638.27	5606.10		5607.35	30.17		30.82	13.7		15.7
S	5638.27	5606.90		5606.10	28.37		29.57	8.9		13.2
T	5638.27	5610.70		5607.70	27.07		30.57	6.6		14.8
U	5640.08	5610.80		5607.80	25.98		28.98	0.2		8.2
V	5635.88	5611.80		5608.55	24.96		27.53			6.2
W	5635.08	5611.90		5608.65	23.96		26.43			3.6
X	5635.08	5612.85		5610.45	22.13		24.63			
Y	5637.99	5611.80		5608.30	26.08		29.69	2.9		12.4
Z	5640.05	5613.45		5609.60	26.60		30.15	4.2		13.6
AA	5640.05	5614.30			25.75			2.9		
BB	5635.08	5613.90			21.18					
CC	5635.08	5614.10			20.98					
DD	5637.04	5614.35			22.69					
EE	5637.04	5614.70			22.34					
FF	5637.04	5614.80			22.24					
GG	5637.04	5615.15			21.89					
HH	5637.29	5612.05			25.24			0.6		
II	5637.29	5614.85			22.34					
JJ	5640.20	5616.35			23.85					
KK	5640.05	5616.35			18.53					

* Elevation in USGS or relative to survey datum where the building element's shadow would cross the property line.
** The relative height of the building element is the elevation of the building element (step 1), minus the elevation of grade at the property line (step 2).
*** The length of the shadow is determined by using the "Adjusted Solar Shadow Lengths" of Table 1, for Solar Access Area 2, of the Solar Access Guide.

Building B
Solar Analysis

1

SCALE: 1/4" = 1' - 0"

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - BUILDING B

Markel

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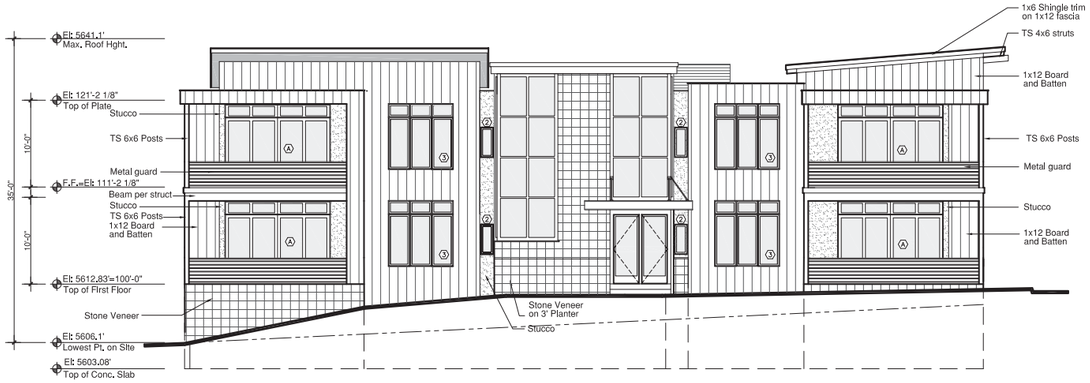
Boulder, Colorado 80301

Markel Homes Construction Company
5723 Arapahoe Suite 2B

date: 9/30/16
drawn by:
revisions:

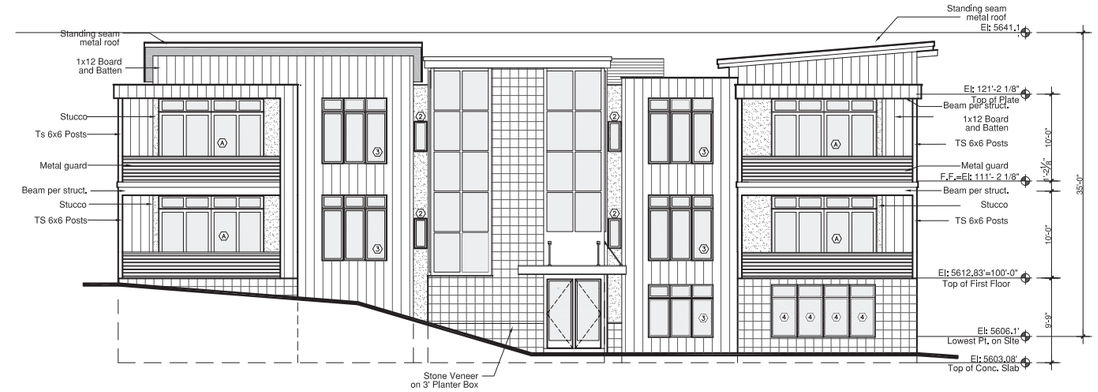
Solar Analysis

A1.1



1 North Elevation - Building B (Granite Ave.)

SCALE: 1/8" = 1'-0"

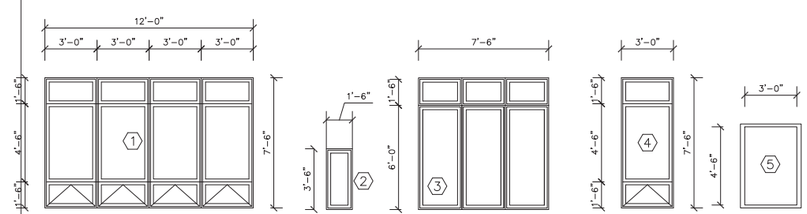


2 South Elevation - Building B (Laramie Blvd.)

SCALE: 1/8" = 1'-0"

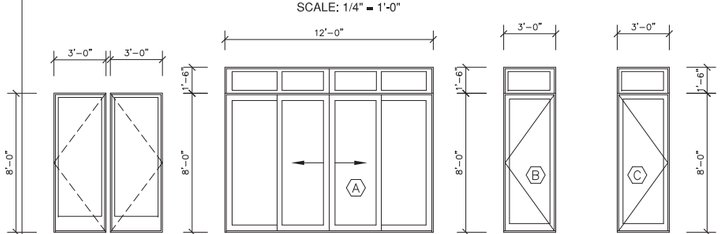
3 West Elevation - Building B (Internal)

SCALE: 1/8" = 1'-0"



Window Schedule

SCALE: 1/4" = 1'-0"



Door Schedule

SCALE: 1/4" = 1'-0"

4 East Elevation - Building B (Ralston St.)

SCALE: 1/8" = 1'-0"

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date: 9/30/16
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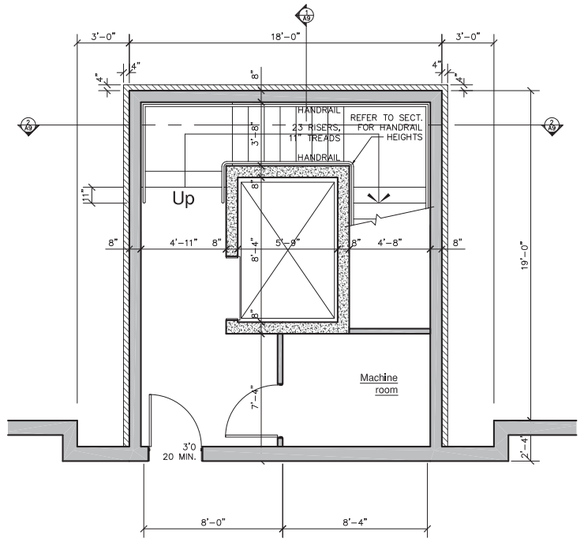
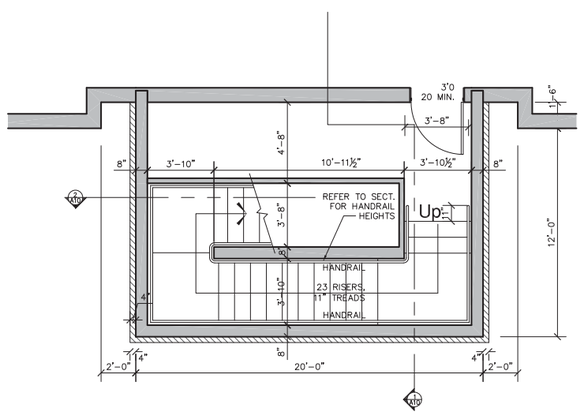
revisions:

ELEVATIONS

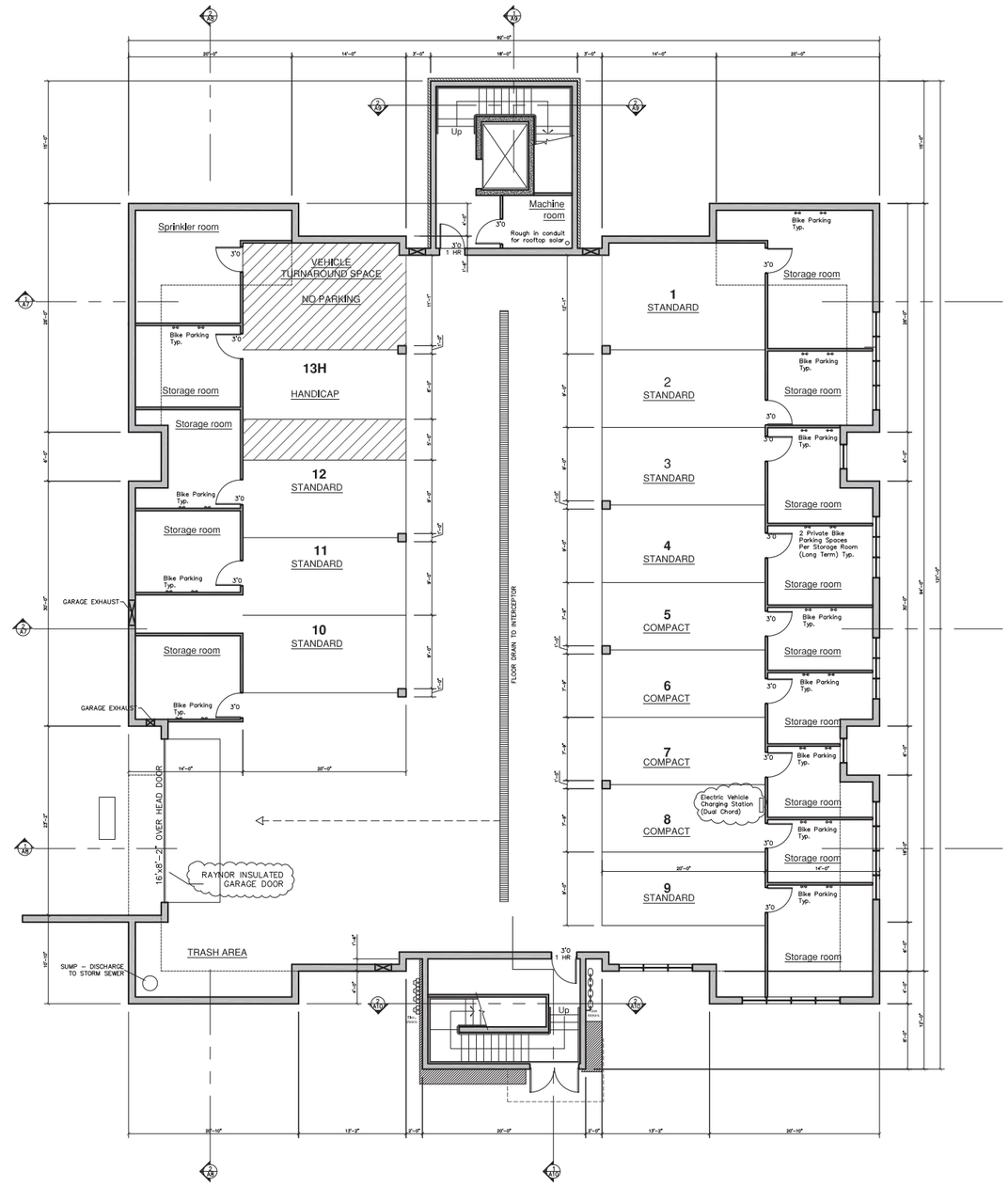
A2



NORTH STAIR TOWER
1/4" = 1'-0"



SOUTH STAIR TOWER
1/4" = 1'-0"



GARAGE PLAN
1/8" = 1'-0"
AREA: 7680 SQ. FT.

NOTES:
1) SEE MECHANICAL & STRUCTURAL PLANS FOR DETAILS OF GARAGE VENTILATION SYSTEMS.
2) SEE PLUMBING PLANS FOR DETAILS OF GARAGE TRENCH DRAIN SYSTEM

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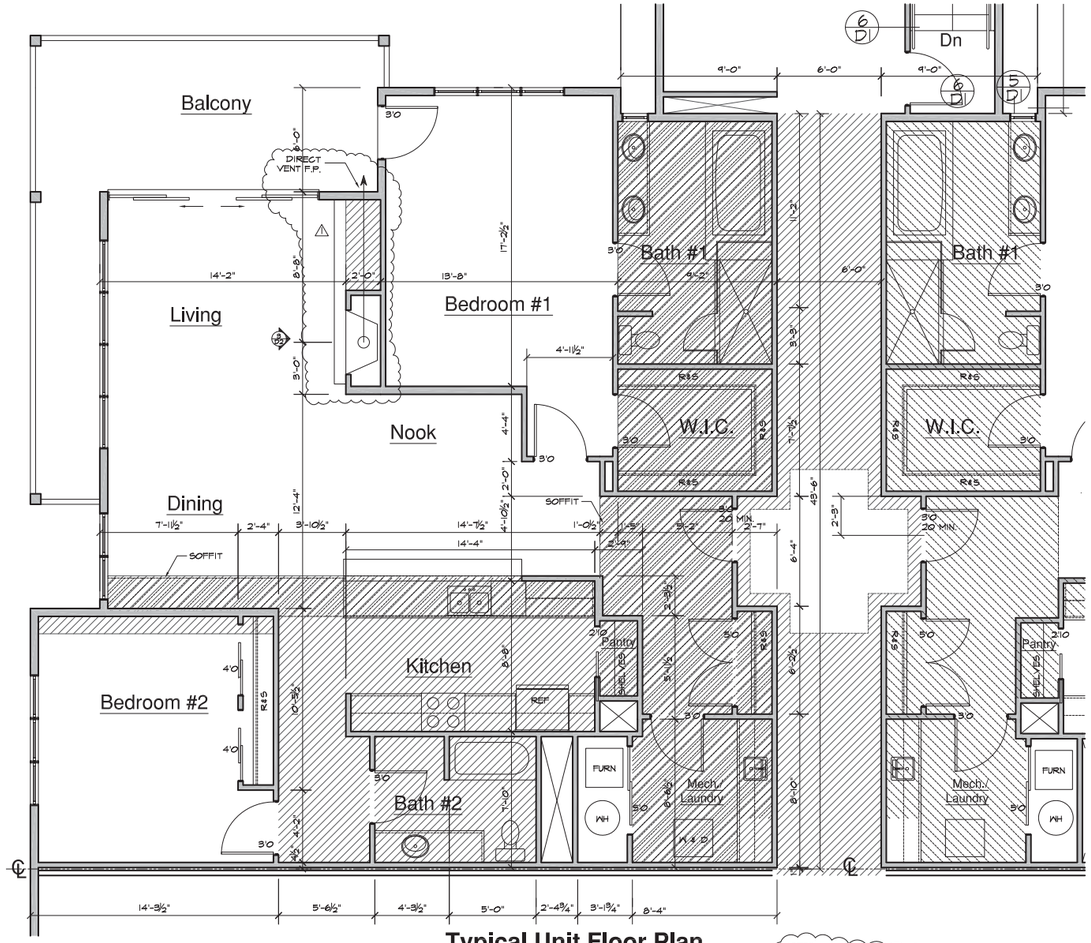
revisions:

GARAGE PLAN

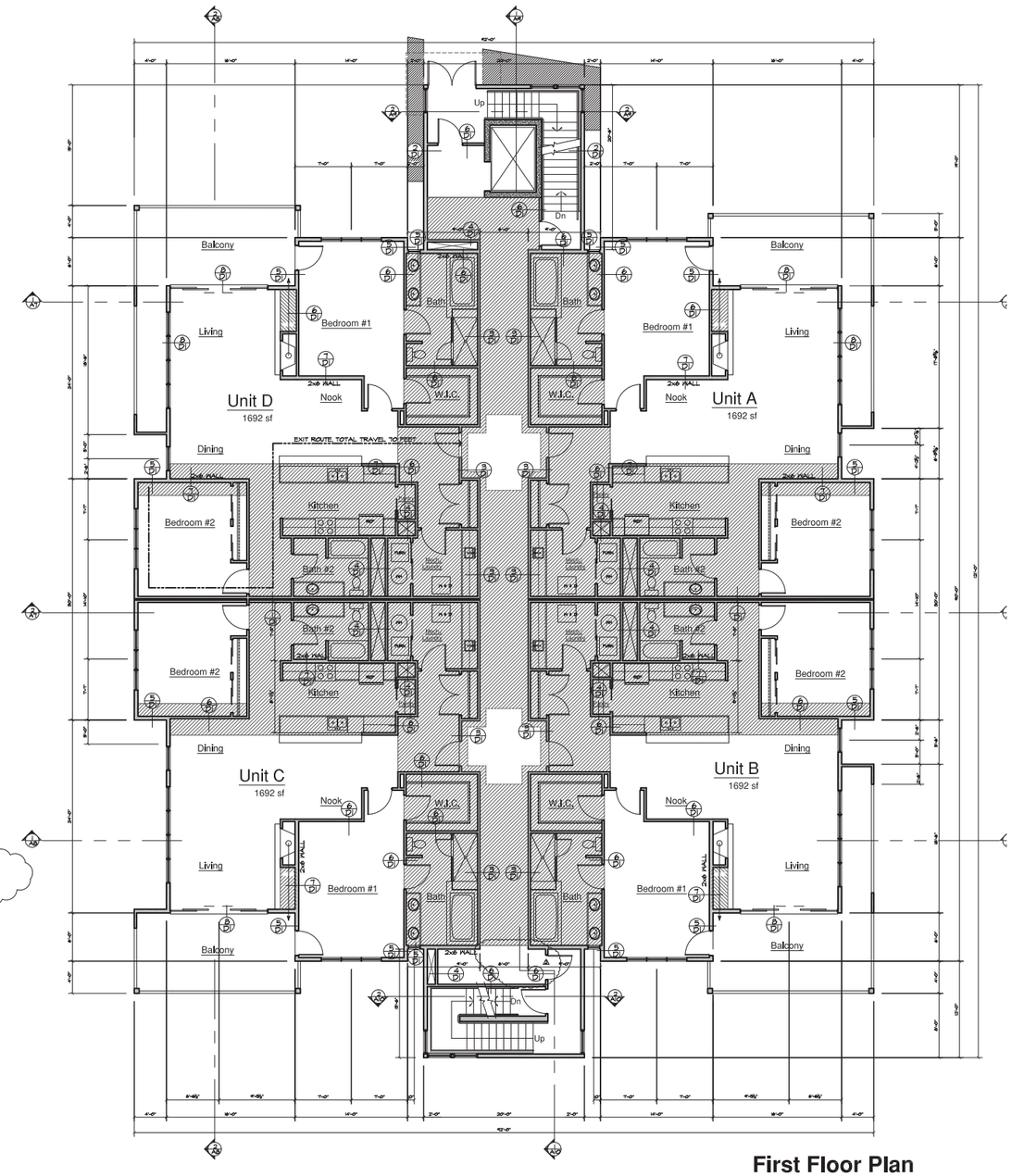
A3



Typical Unit Floor Plan

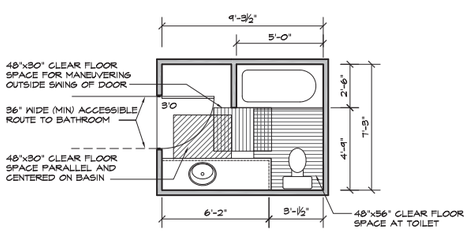
1692 sf 1/4" Scale

NOTES:
1) ALL MECHANICALS RUN PERPENDICULAR TO JOIST TO BE LOCATED IN SOFFITED AREA BELOW 1 HR. ASSEMBLY. SEE SHADED AREAS ON PLANS FOR SOFFIT LOCATIONS
2) FIREPLACES TO BE DIRECT VENT - VENTS TO BE RUN IN SOFFIT BELOW CEILING.



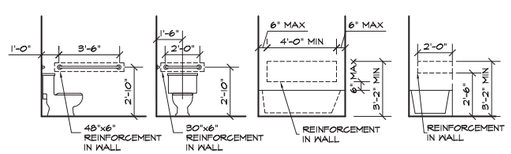
First Floor Plan

7938 sf 1/8" Scale



Clear Floor Space At Toilet Fixtures Type B option

1/4" Scale



Typical size and locations of wall Reinf.

1/4" Scale

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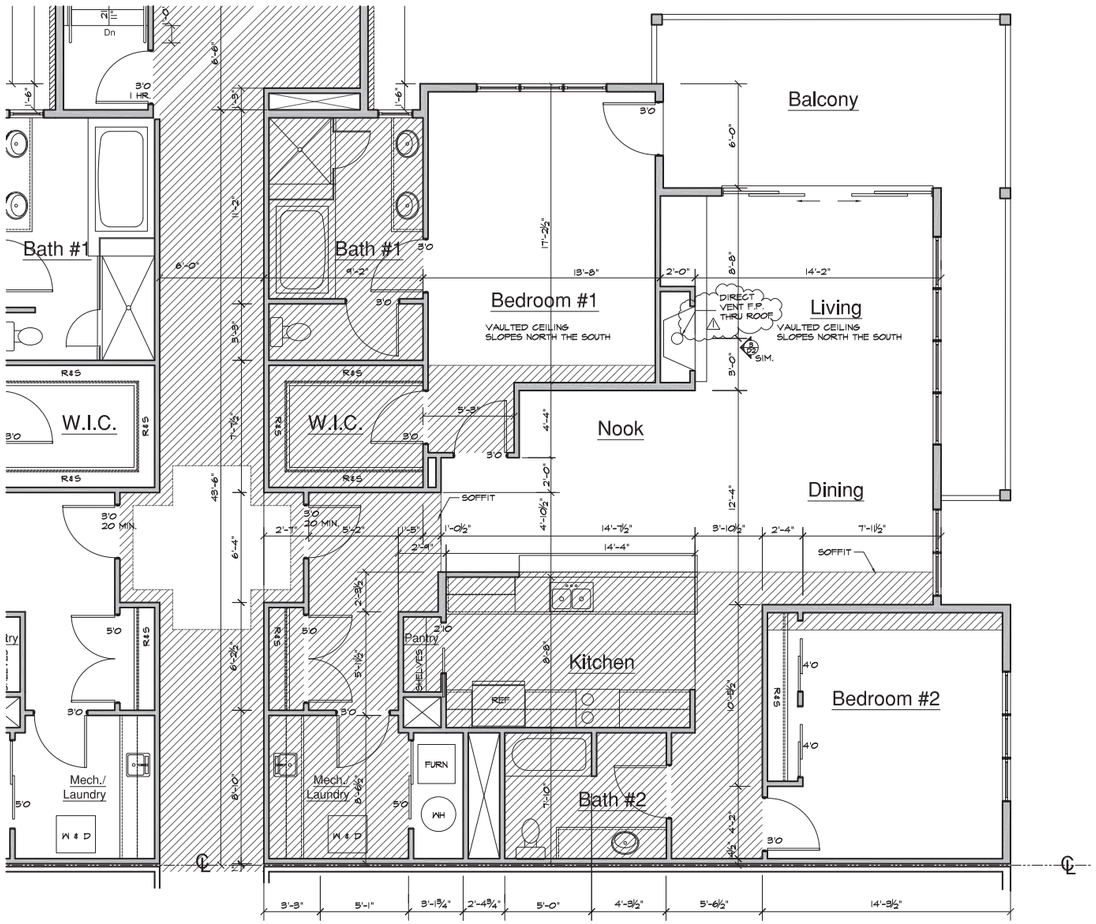
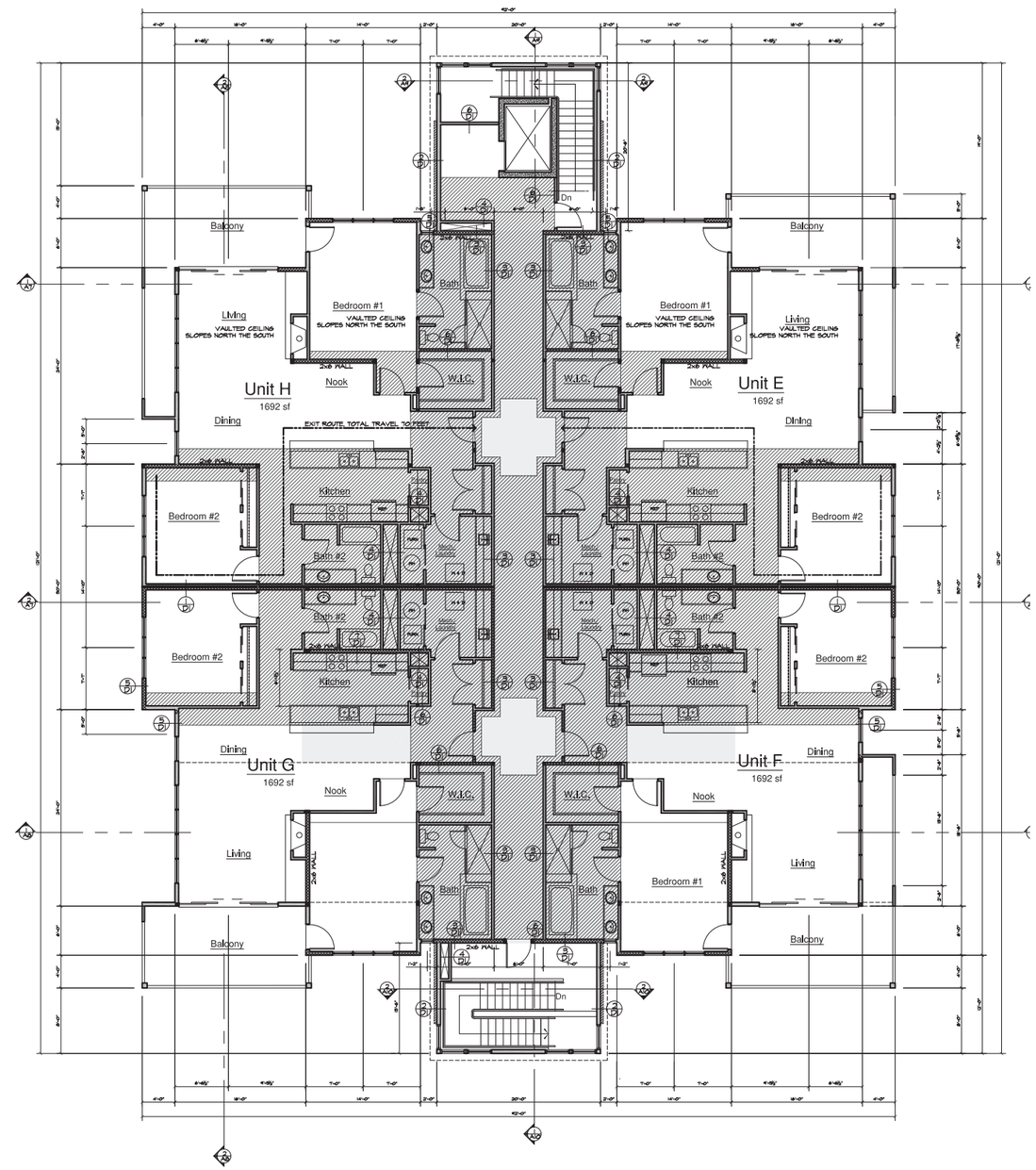
FIRST FLOOR PLANS

A4



Typical Unit Floor Plan

1692 sf 1/4" Scale



Second Floor Plan

7938 sf 1/8" Scale

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 Building B

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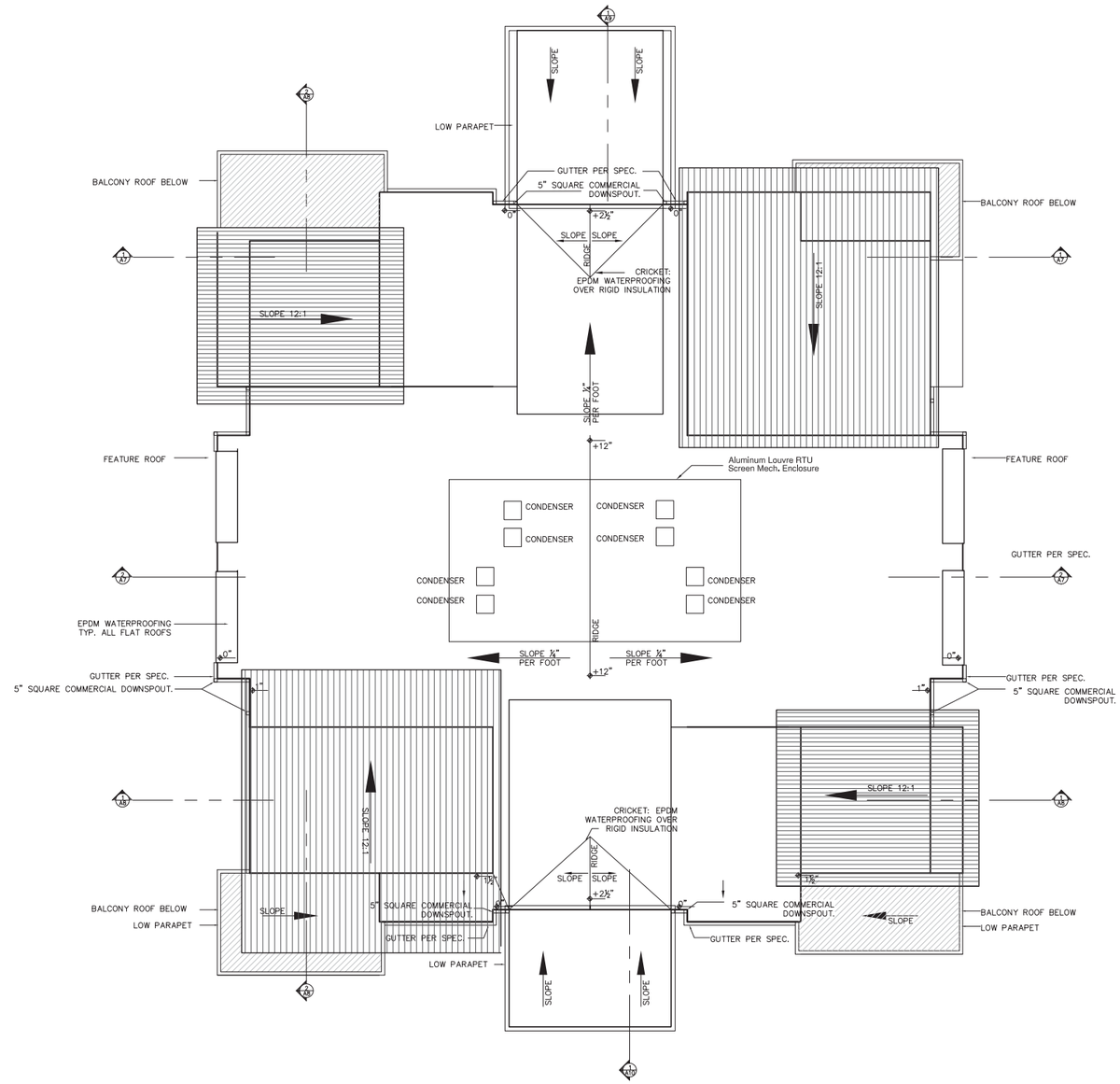
SECOND FLOOR PLANS

NORTH

A5



Roof Plan

1/8" Scale

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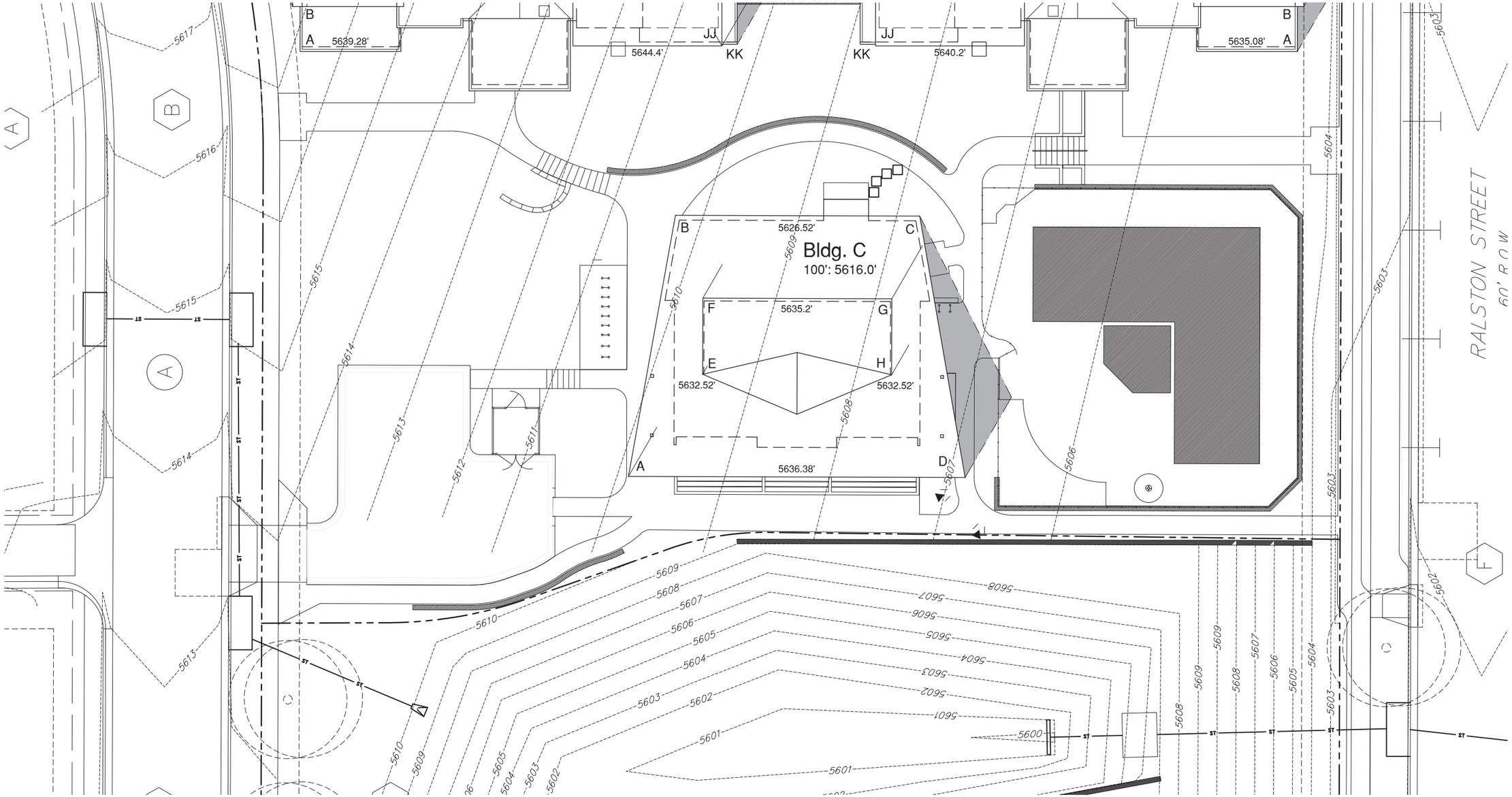
ROOF PLAN

A6



SOLAR ANALYSIS WORKSHEET BUILDING C

Property Zone District: **Solar Fence Height** 25

Roof Element	Step 1	Step 2		Step 3			Step 4		
	Elevation of Building Element (x)	Elevation of Grade at Property Line (y)*		Relative Height of Building Element (h)**			Length of Shadow (L)***		
	(relative to USGS or datum)	10:00 AM	12:00 PM	2:00 PM	10:00 AM	12:00 PM	2:00 PM	10:00 AM	12:00 PM	2:00 PM
A	5636.38	5619.80		5606.85	16.58		29.53			12.0
B	5626.52	5619.10		5607.70	7.42		18.82			
C	5626.52	5617.10		5605.55	9.42		20.97			
D	5636.38	5618.10		5604.03	18.28		32.38			19.6
E	5632.52	5619.30		5606.75	13.22		25.77			2.0
F	5635.20	5619.15		5607.10	16.05		28.10			8.2
G	5635.20	5617.85		5605.30	17.35		29.80			13.0
H	5632.52	5618.25		5604.75	14.27		27.77			7.3

* Elevation in USGS or relative to survey datum where the building element's shadow would cross the property line.
** The relative height of the building element is the elevation of the building element (step 1), minus the elevation of grade at the property line (step 2).
*** The length of the shadow is determined by using the "Adjusted Solar Shadow Lengths" of Table 1, for Solar Access Area 2, of the Solar Access Guide.

Building C
Solar Analysis

1

SCALE: 1/4" = 1' - 0"

NORTH

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STRUCTURAL

DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - BUILDING C

Markel

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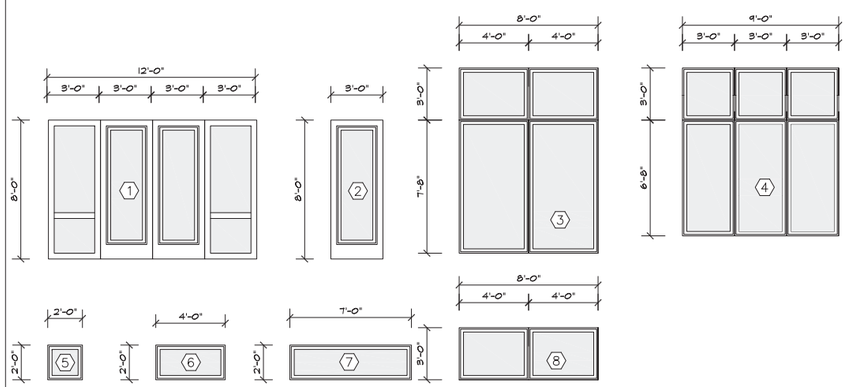
Boulder, Colorado 80301

date: 9/30/16
drawn by:
revisions:

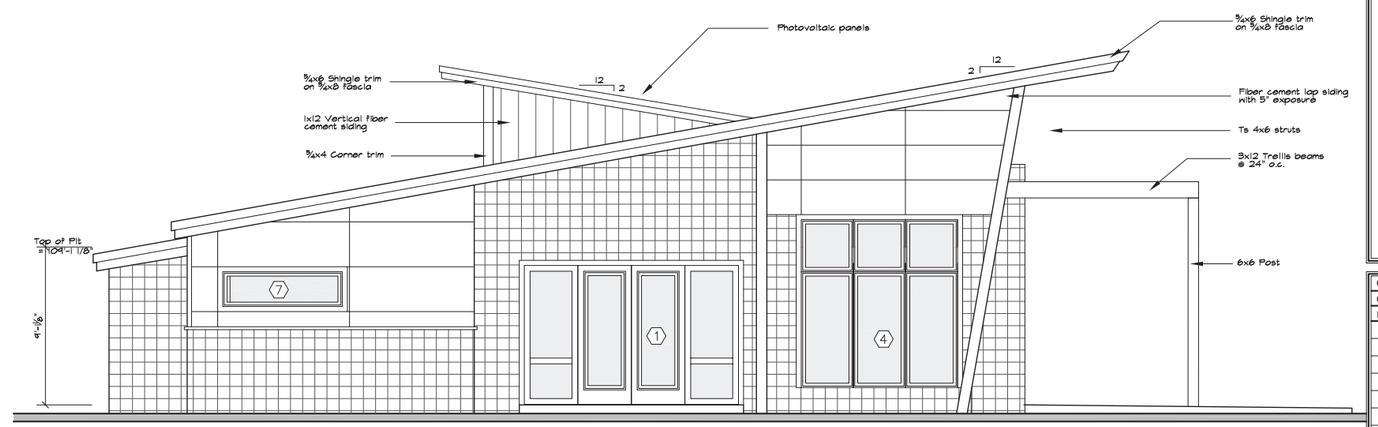
Solar Analysis

A1.1

SOUTH ELEVATION
1/4" = 1'-0"



WINDOW SCHEDULE
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"

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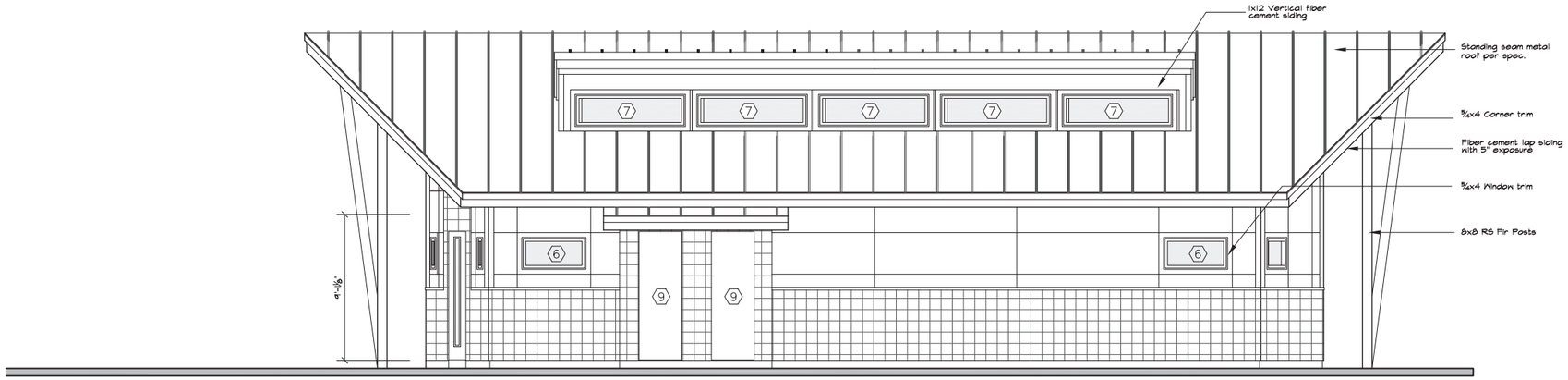
ELEVATIONS

A2



NORTH ELEVATION
1/4" = 1'-0"

EAST ELEVATION
1/4" = 1'-0"

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - BUILDING C

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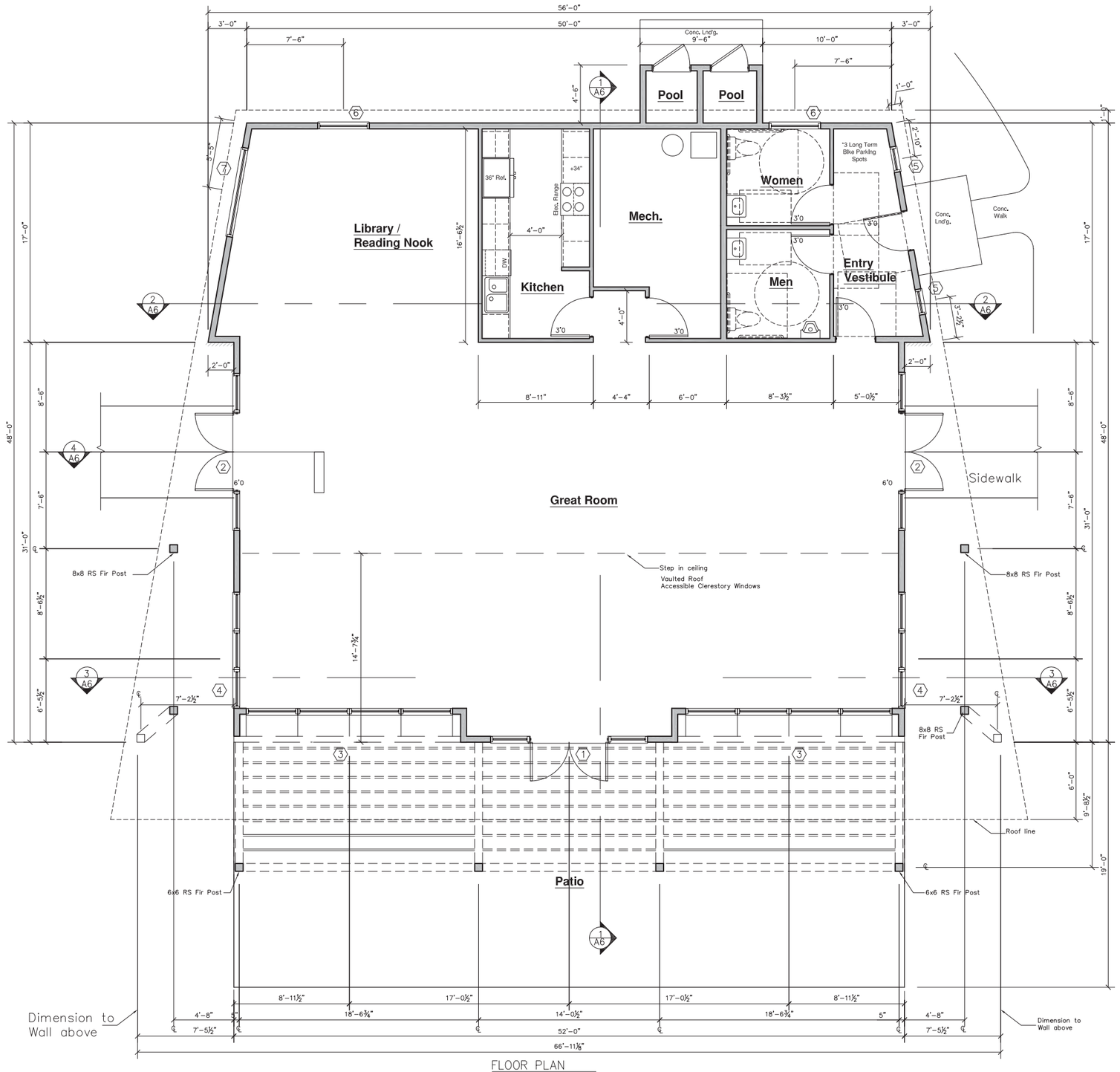
ELEVATIONS

A3



FLOOR PLAN
1/4" = 1'-0" 2513 sf

NORTH

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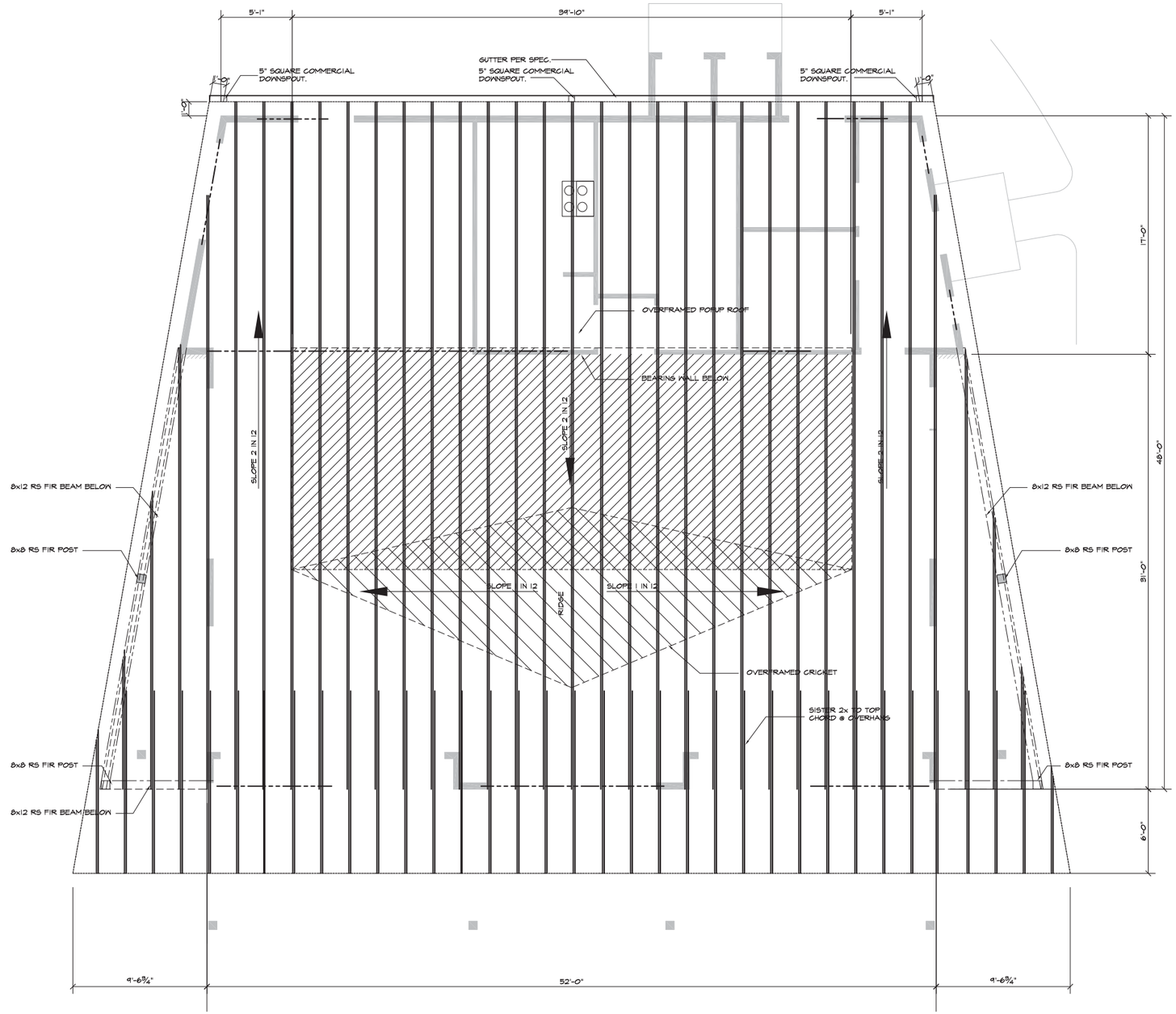
1st FLOOR PLAN

A4



ROOF PLAN
1/4" = 1'-0"

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - BUILDING C

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date: 9/30/16
drawn by:
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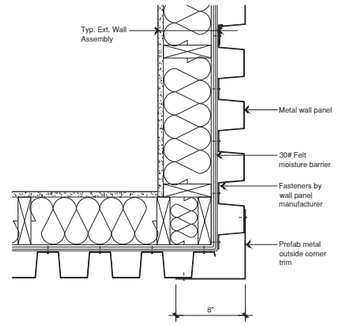
ROOF PLAN

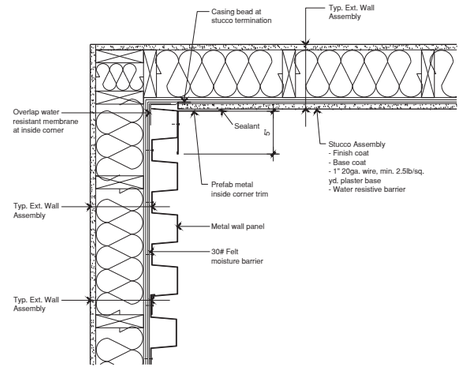
NORTH

A5



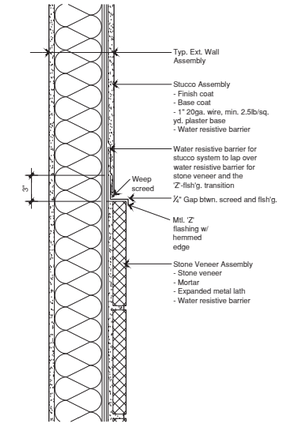
Metal Siding Outside Corner | 4

SCALE: 1½" = 1' - 0"



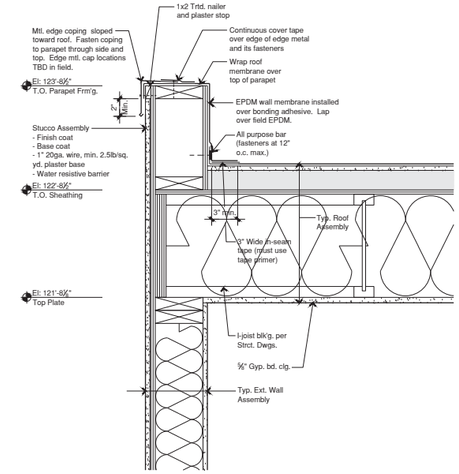
Metal to Stucco Inside Corner | 3

SCALE: 1½" = 1' - 0"



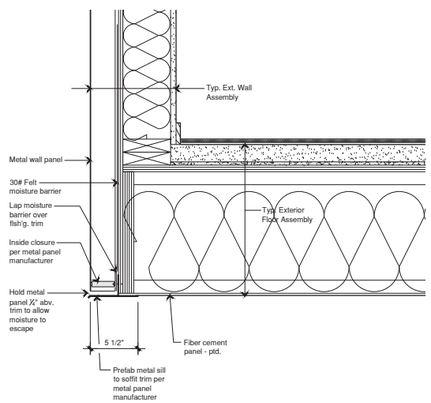
Stucco to Stone Veneer Transition | 2

SCALE: 1½" = 1' - 0"



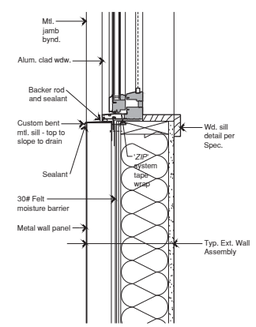
Parapet Detail | 1

SCALE: 1½" = 1' - 0"



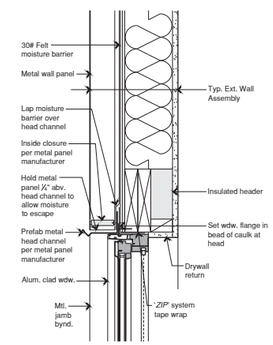
Metal Siding to Soffit Detail | 8

SCALE: 1½" = 1' - 0"



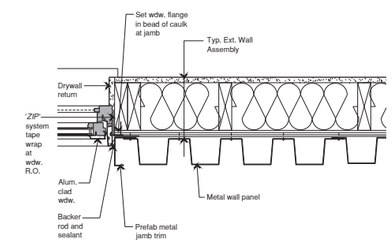
Metal Siding Wdw. Sill Detail | 7

SCALE: 1½" = 1' - 0"



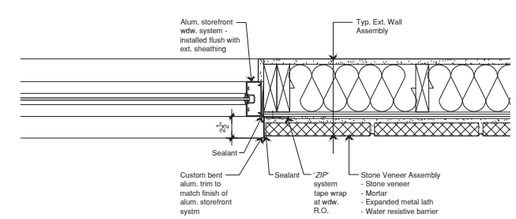
Metal Siding Wdw. Head Detail | 6

SCALE: 1½" = 1' - 0"



Metal Siding Wdw. Jamb Detail | 5

SCALE: 1½" = 1' - 0"



Alum. Storefront Wdw. Jamb Detail | 9

SCALE: 1½" = 1' - 0"

Material Transition Details

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DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3 - BUILDING A

Markel

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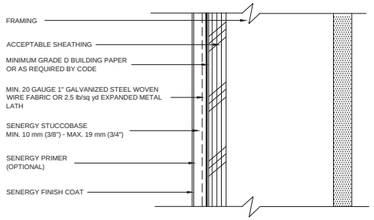
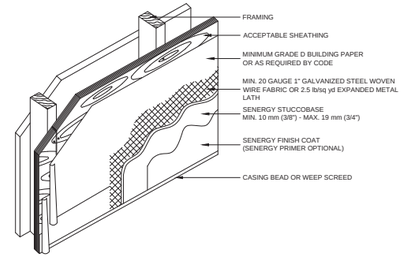
drawn by:
revisions:

Material Transition Details

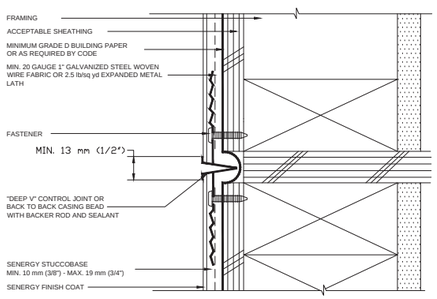
A7



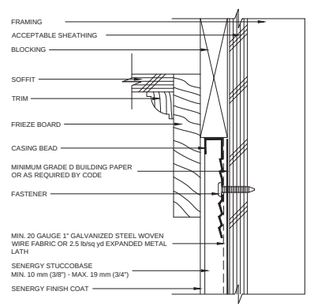
SWS-01 TYPICAL SENERGY STUCCO WALL SYSTEM APPLICATION



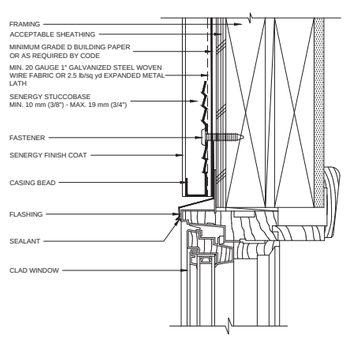
SWS-03 TYPICAL SENERGY STUCCO WALL SYSTEM (ISOMETRIC VIEW)



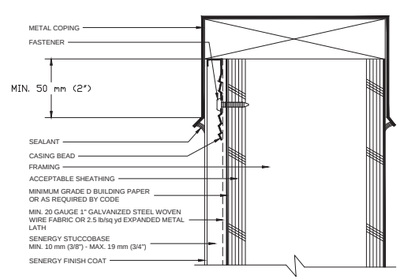
SWS-11 TYPICAL HORIZONTAL EXPANSION JOINT AT FLOOR LINE WOOD FRAME CONSTRUCTION



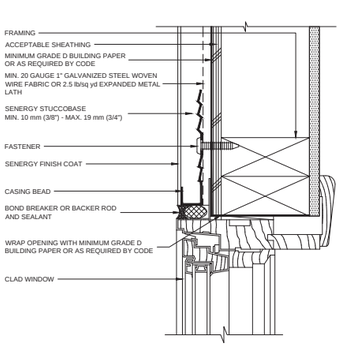
SWS-12 TYPICAL TERMINATION AT SOFFIT/GABLE END



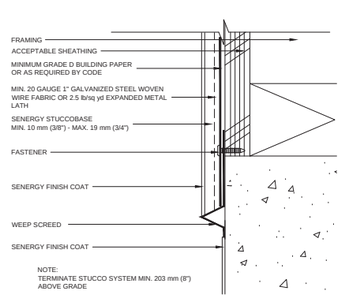
SWS-06 TYPICAL CLAD WINDOW HEAD



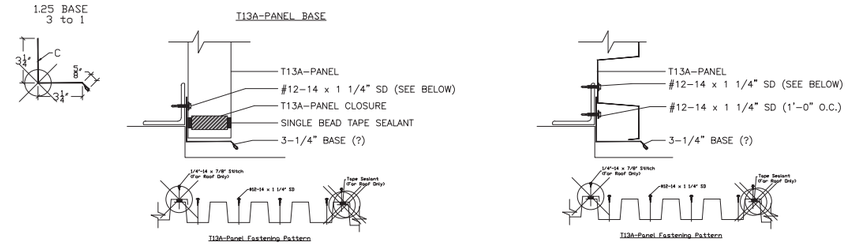
SWS-20 TYPICAL METAL COPING DETAIL

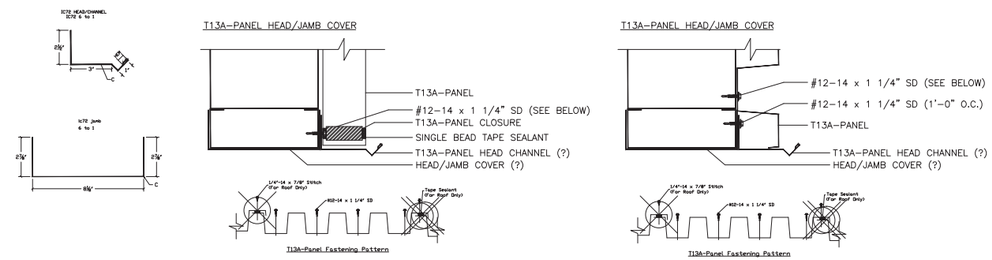


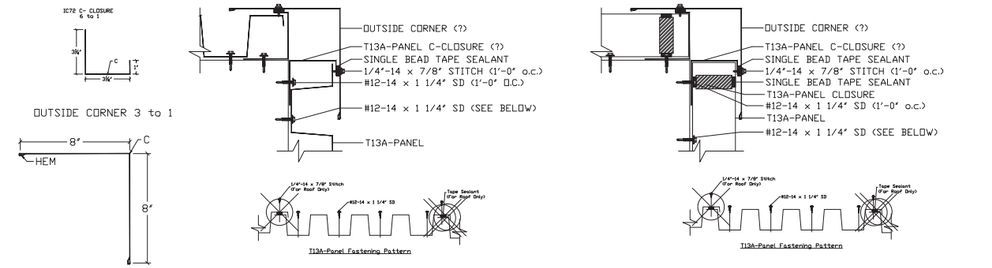
SWS-05 TYPICAL CLAD WINDOW JAMB (PLAN VIEW)

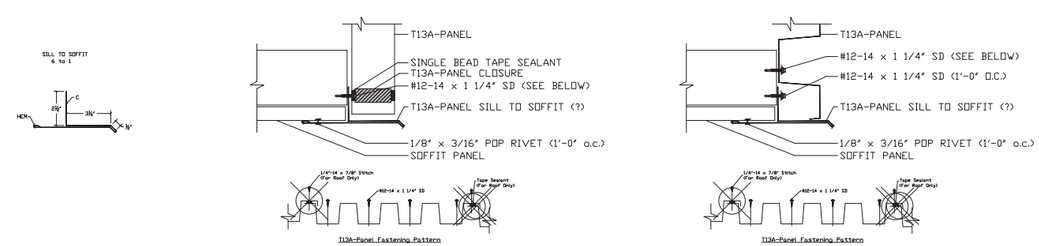


SWS-17 TERMINATION AT FOUNDATION









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ACHITECT ADDRESS
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STUCCO DETAILS

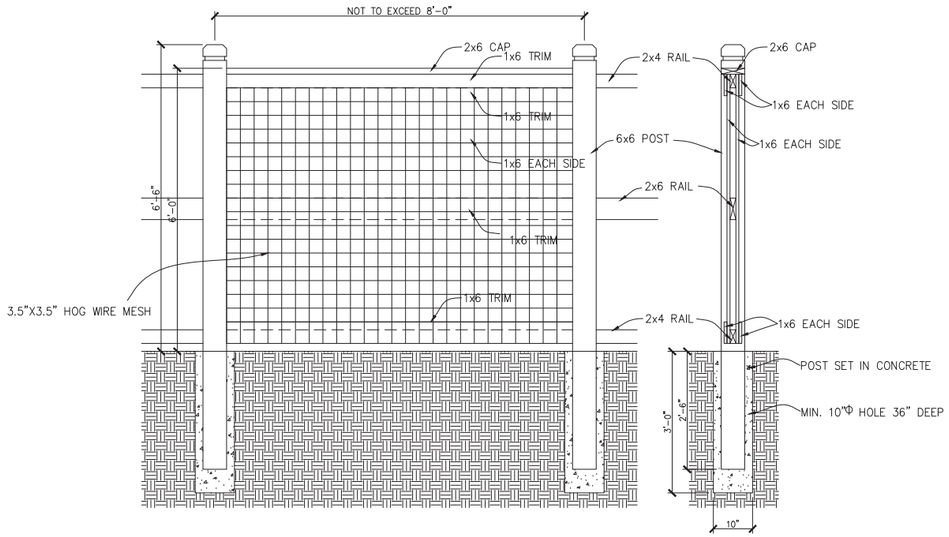
Market

Market Homes Construction Company
5723 Arapahoe Suite 2B

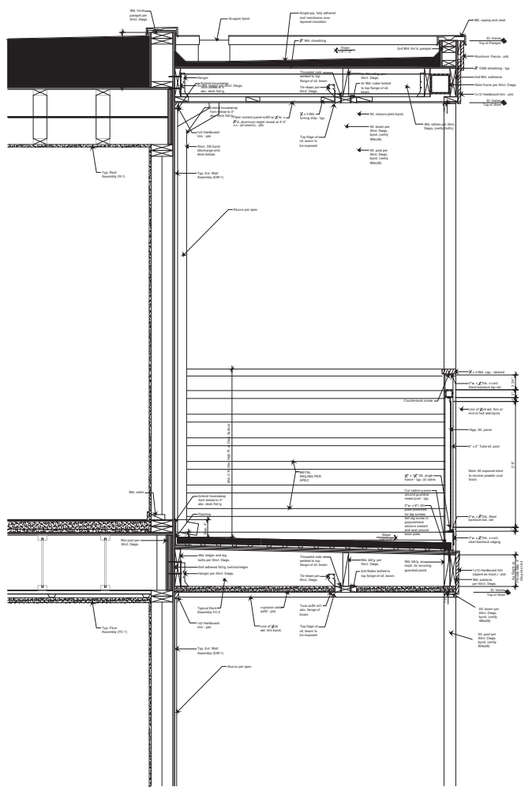
date: 9/30/16
drawn by: ck, rw
revisions:

STUCCO DETAILS

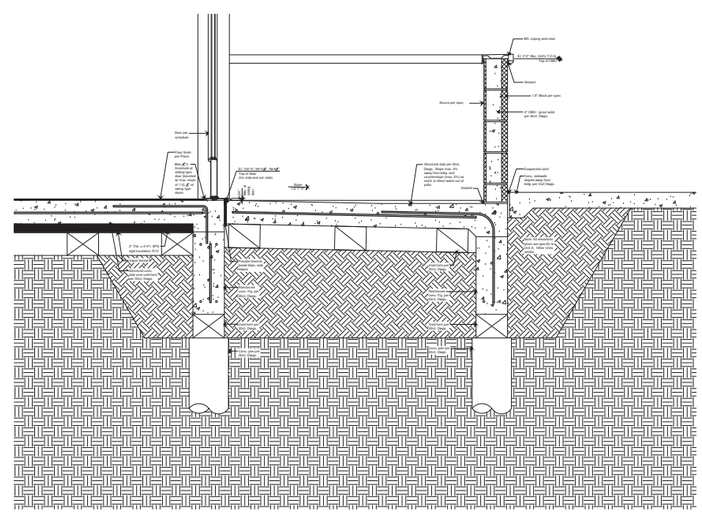
POOL FENCE DETAIL



BALCONY DETAIL



ON GRADE PATIO DETAIL



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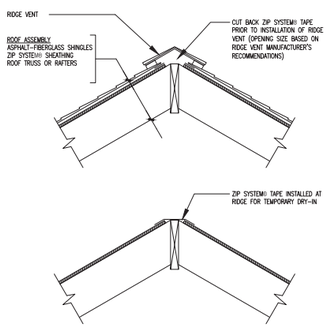
Markel
Markel Homes Construction Company
5723 Arapahoe Suite 2B

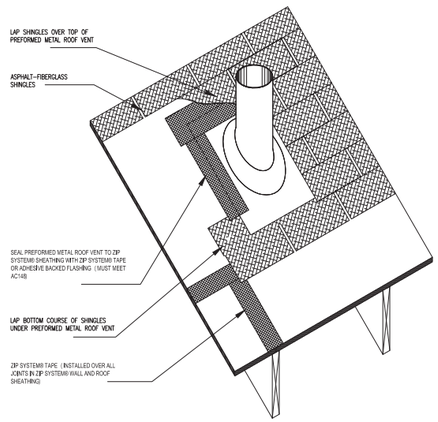
BUILDING DETAILS

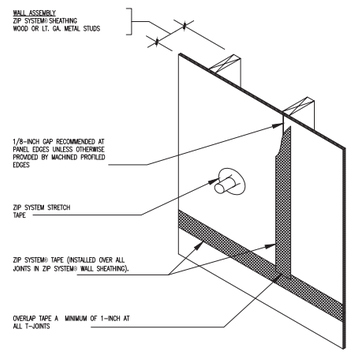
date: 9/30/16
drawn by: ck, rw
revisions:

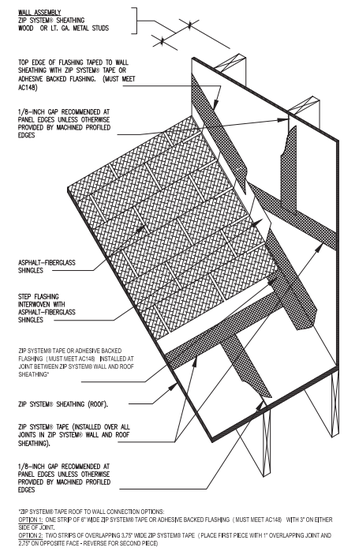
BUILDING DETAILS

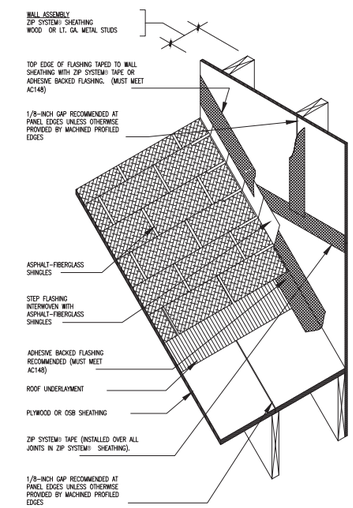
ZIP SYSTEM DETAILS ROOF AND PENETRATIONS

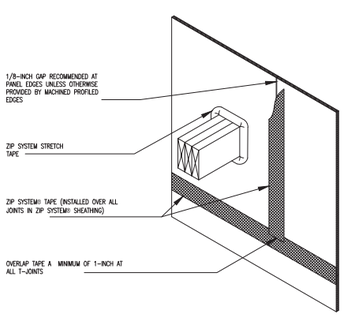


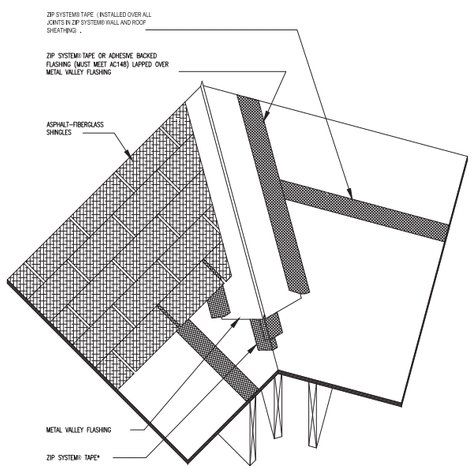


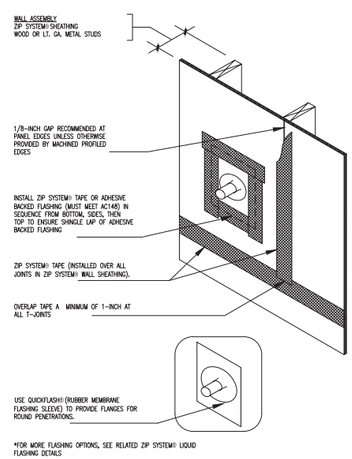


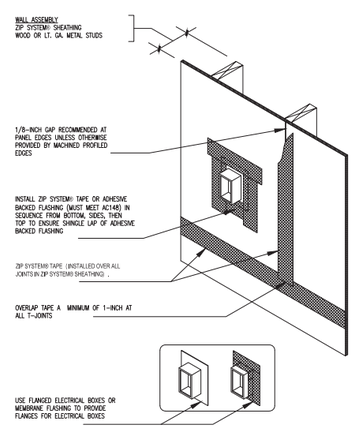


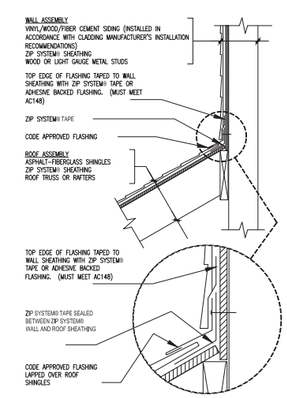












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Markel Homes Construction Company
5723 Arapahoe Suite 2B

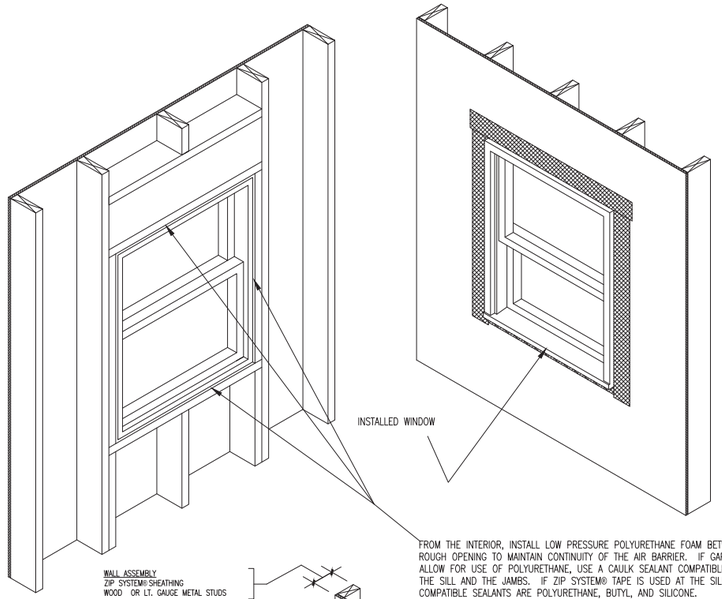
ZIP SYSTEM DETAILS

Markel

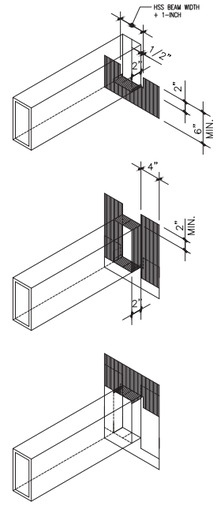
date: 09/30/16
drawn by: JM
revisions:

ZIP SYSTEM
DETAILS

ZIP SYSTEM DETAILS WALLS



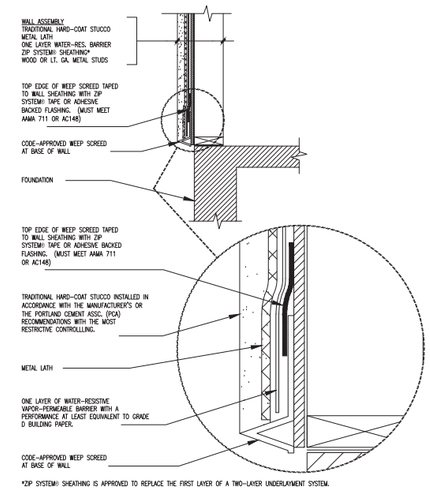
FROM THE INTERIOR, INSTALL LOW PRESSURE POLYURETHANE FOAM BETWEEN WINDOW AND ROUGH OPENING TO MAINTAIN CONTINUITY OF THE AIR BARRIER. IF GAP IS TOO NARROW TO ALLOW FOR USE OF POLYURETHANE, USE A CAULK SEALANT COMPATIBLE WITH FLASHINGS AT THE SILL AND THE JAMBS. IF ZIP SYSTEM® TAPE IS USED AT THE SILL AND THE JAMBS, COMPATIBLE SEALANTS ARE POLYURETHANE, BUTYL, AND SILICONE.

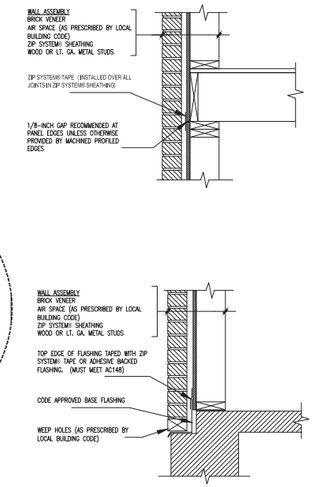


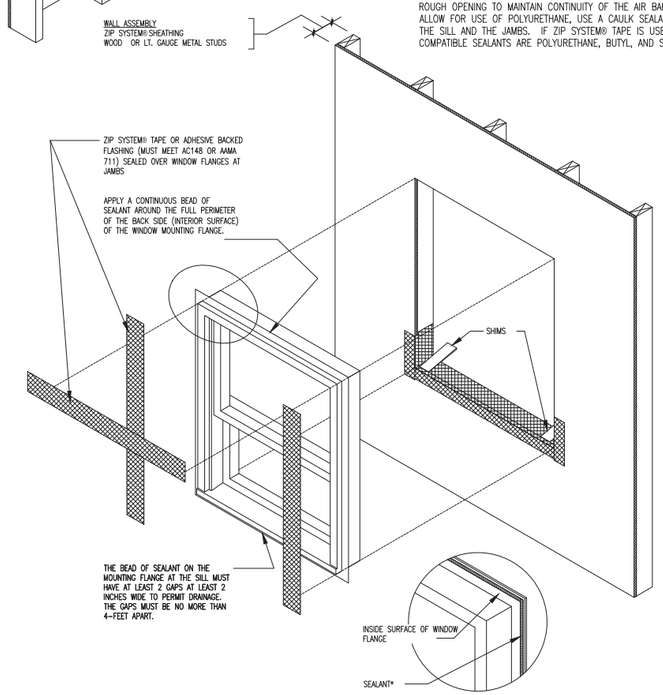
STEP 1
CUT FLASHING TAPE 1-INCH WIDER THAN HSS BEAM AND FLASH BOTTOM OF BEAM AS SHOWN. CENTER TAPE ON BEAM. LAP TAPE ON TO BEAM MIN. 2-INCHES.

STEP 2
USING ZIP SYSTEM TAPE, FLASH SIDES OF HSS BEAM LAPPING ON TO BEAM MIN. 2-INCHES. FLASHING TAPE TO EXTEND MIN. 2-INCHES ABOVE AND BELOW BEAM.

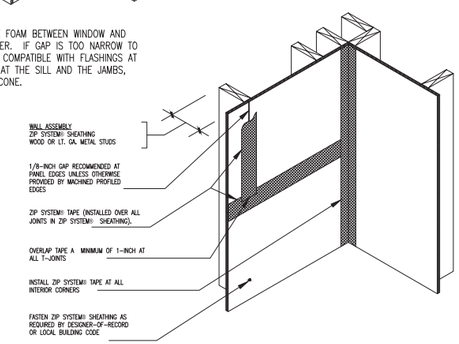
STEP 3
CUT FLASHING TAPE 1-INCH WIDER THAN HSS BEAM AND FLASH TOP OF BEAM AS SHOWN. SEE STEP 1 FOR DIMENSIONS. CENTER TAPE ON BEAM. LAP TAPE ON TO BEAM MIN. 2-INCHES.

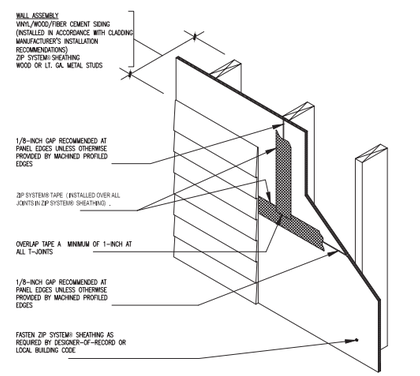


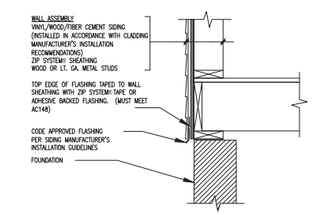


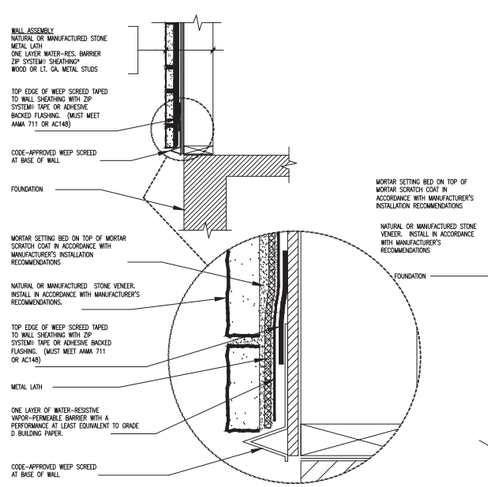


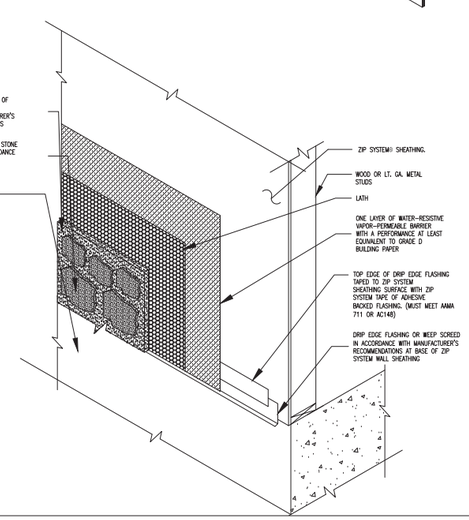
*WHEN USING ZIP SYSTEM TAPE, BUTYL, 100% SILICONE OR POLYURETHANE SEALANTS ARE ACCEPTABLE. DO NOT USE LATEX SEALANTS WITH ZIP SYSTEM TAPE. IF USING ANOTHER FLASHING TAPE, FOLLOW THE FLASHING MANUFACTURER'S RECOMMENDATION IN SELECTING A SEALANT COMPATIBLE WITH THE FLASHING.

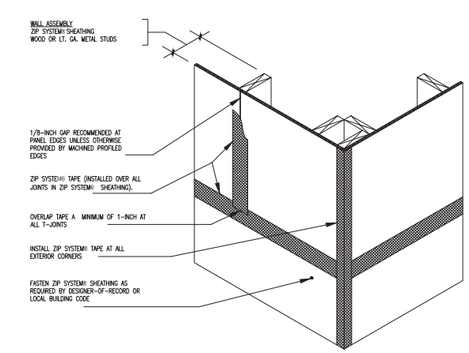












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ARCHITECT NAME
ARCHITECT
ACHITECT ADDRESS
ACHITECT ADDRESS
ACHITECT PHONE

(303) 449-8689
Boulder, Colorado 80301

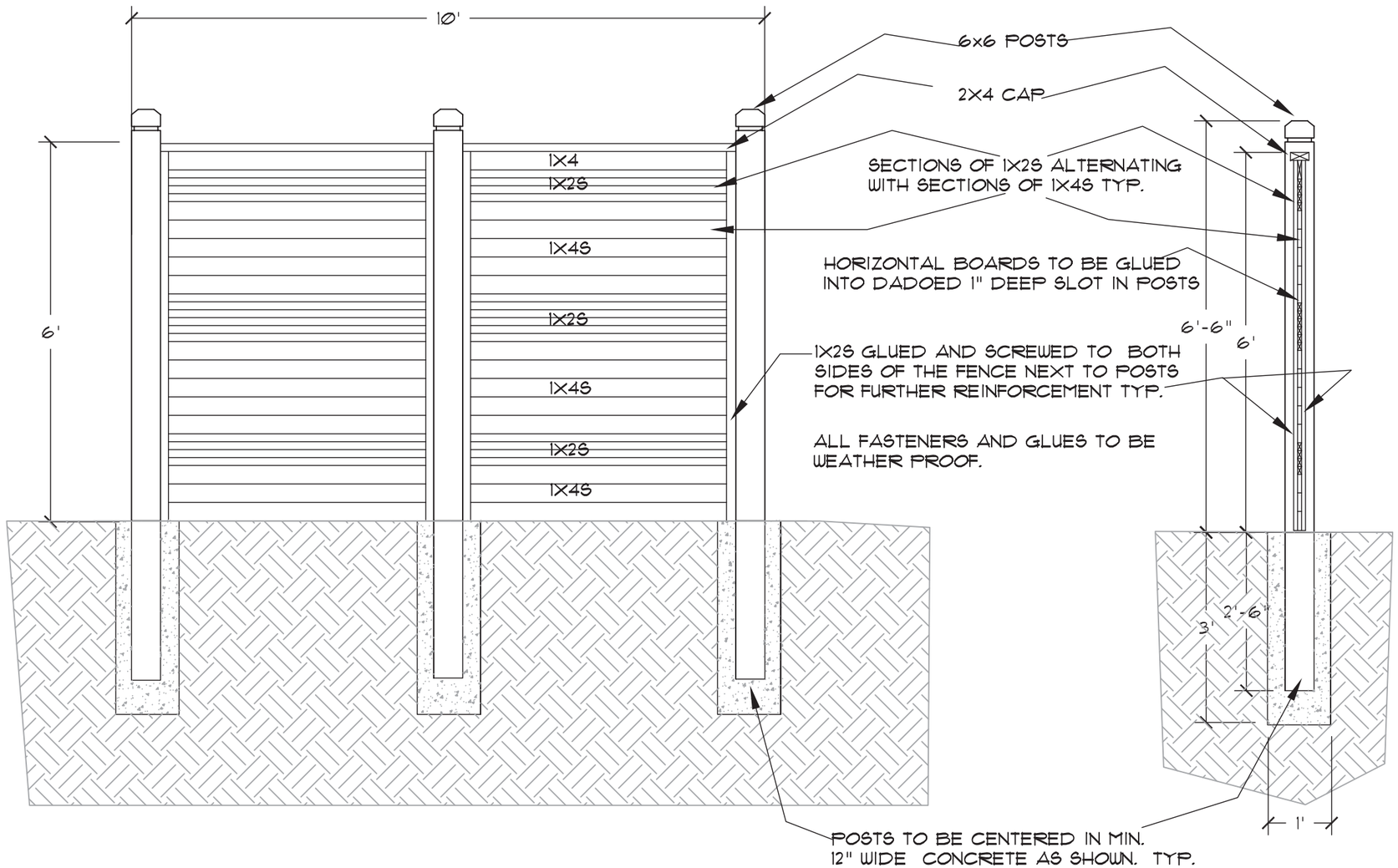
ZIP SYSTEM DETAILS

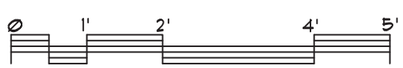
Markel

Markel Homes Construction Company
5723 Arapahoe Suite 2B

date: 09/30/16
drawn by: JM
revisions:

ZIP SYSTEM
DETAILS





SCALE 1/2" = 1'-0"

DETAIL OF DUMPSTER ENCLOSURE

LAND MARK
Land Mark Design Inc.
landscape architects
1027 Pontiac Street
Denver, Colorado 80220
W 303-355-0673 H 303-355-84
www.landmarkdesigninc.com

DETAIL FOR LANDSCAPE DEVELOPMENT, BLOCK 3
DAKOTA RIDGE VILLAGE
BOULDER, COLORADO

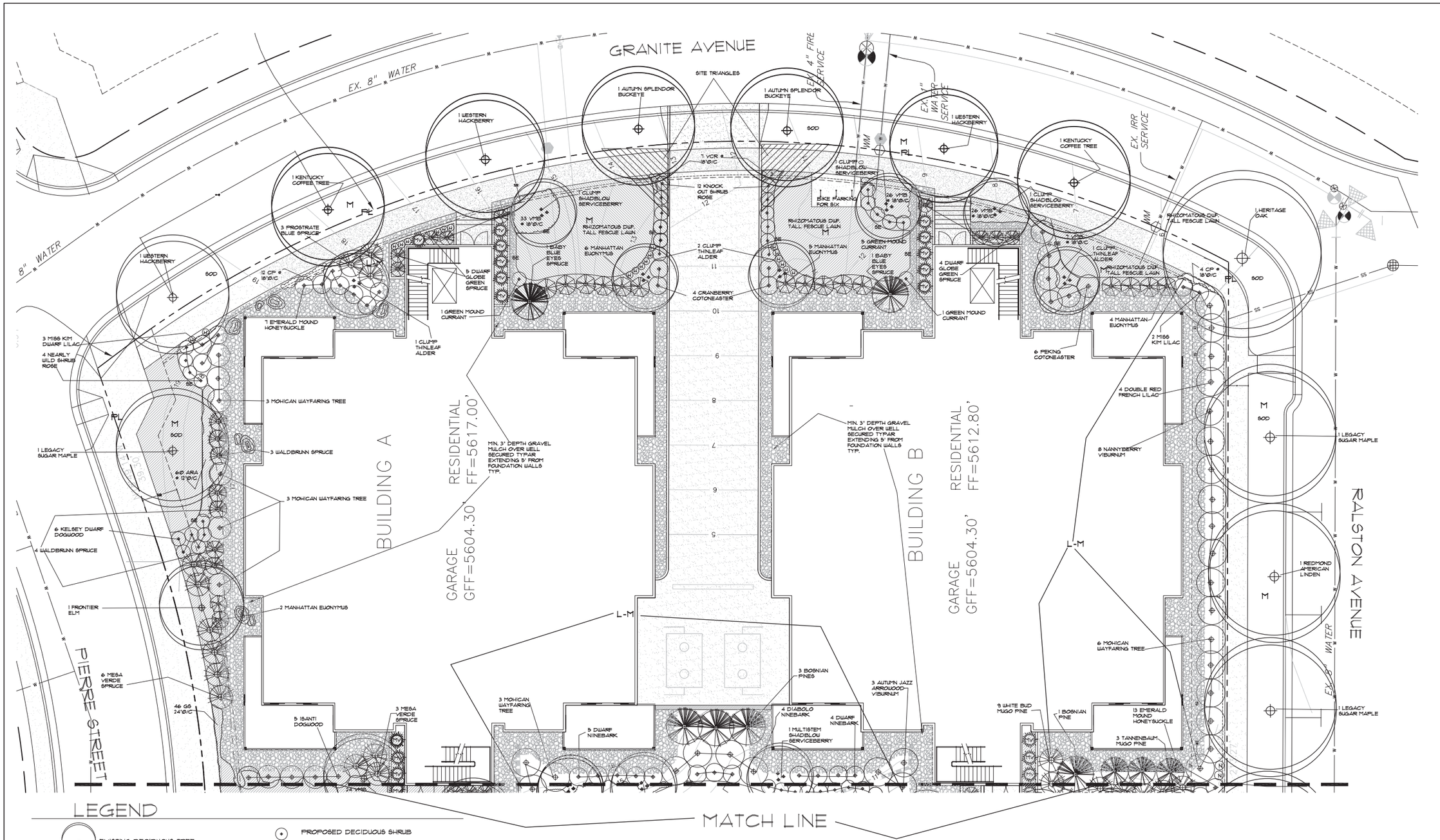
Markel
MARKEL HOMES, INC.
5723 ARAPAHOE RD. # 2B
(303) 449-8689
BOULDER, CO 80303

SCALE: AS SHOWN
DRAWN BY: SLE/GNB
CHECKED BY: GB
PROJECT No:
ISSUE DATE: 9/30/16

SHEET TITLE:
DUMPSTER ENCLOSURE DETAIL

SHEET NUMBER:
L

CUT SHEET 1 OF 1



LEGEND

- EXISTING DECIDUOUS TREE
- PROPOSED DECIDUOUS TREE
- PROPOSED EVERGREEN TREE
- PROPOSED CLUMP OR ORNAMENTAL TREE
- PROPOSED DECIDUOUS SHRUB
- PROPOSED EVERGREEN SHRUB
- PROPOSED BROADLEAF EVERGREEN SHRUB
- PROPOSED GROUNDCOVER, PERENNIAL OR VINE
- PROPOSED ORNAMENTAL GRASS
- CODED PERENNIAL
- PROPOSED STEP STONES
- LARGE DECORATIVE 'FOUND' BOULDERS
- SE — 1/8 " X6" STEEL EDGING
- M — MODERATE WATER ZONE HATCHED OR LABELED
- L-M — LOW TO MODERATE WATER ZONE
- L — LOW WATER ZONE

NOTE: ALL AREAS ARE LOW-MODERATE OR LOW WATER USE AREAS EXCEPT WHERE HATCHED OR LABELED WITH 'M' OR 'L'

Ø 2.5' 5' 10' 20' 30'
SCALE 1" = 10'-0"
NORTH

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Denver, Colorado 80220
303-355-0673
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PLAN FOR LANDSCAPE DEVELOPMENT, BLOCK 3,BUILDINGS A & B
DAKOTA RIDGE VILLAGE
BOULDER, COLORADO

Markel
MARKEL HOMES, INC.
5723 ARAPAHOE RD. # 2B
(303) 449-8689
BOULDER, CO 80303

SCALE:	AS SHOWN
DRAWN BY:	SLE/GNB
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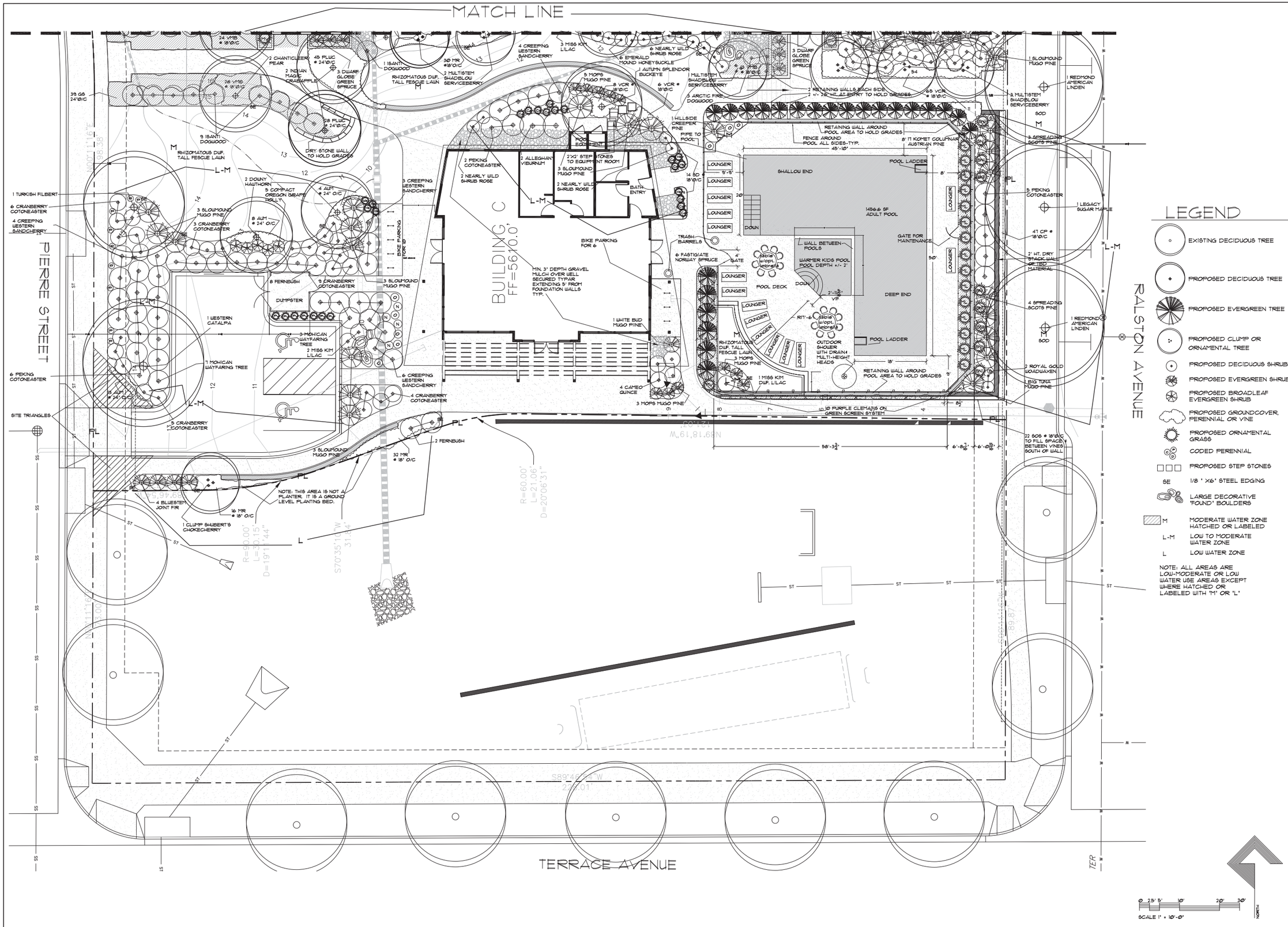
PROJECT No:	
ISSUE DATE:	9/30/16
REVISIONS:	
REVISIONS:	

SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
L1

SHEET 1 OF 3



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landscape architects
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Denver, Colorado 80220
303-355-0673
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PLAN FOR LANDSCAPE DEVELOPMENT, BLOCK 3,BUILDING C & POOL
DAKOTA RIDGE VILLAGE
BOULDER, COLORADO

Markel
MARKEL HOMES, INC.
5723 ARAPAHOE RD. # 2B
(303) 449-8689
BOULDER, CO 80303

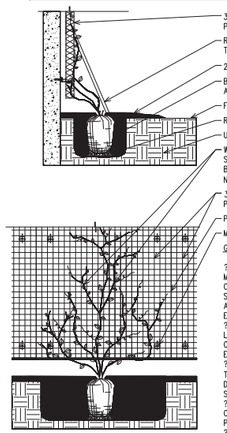
SCALE:	AS SHOWN
DRAWN BY:	SLE/GNB
CHECKED BY:	GB
PROJECT No:	
ISSUE DATE:	9/30/16
REVISIONS:	
REVISIONS:	
REVISIONS:	

SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
L2

SHEET 2 OF 3

FOR GENERAL INFORMATION ONLY - FOR PROJECT SPECIFIC PLANTING DETAILS REFER TO LANDSCAPE/ CIVIL DWGS.



GENERAL NOTES:

? CHOOSING THE APPROPRIATE PLANT MATERIAL FOR greenscreen ? REQUIRES CAREFUL CONSIDERATION OF CLIMATE ZONE, SUN AND WIND EXPOSURE, SOIL TYPE, WATER AND NUTRIENT NEEDS FOR DESIRED VISUAL EFFECT.

? greenscreen ? RECOMMENDS THAT A LANDSCAPE ARCHITECT, LANDSCAPE DESIGNER, OR A HORTICULTURIST BE CONSULTED FOR EACH APPLICATION.

? PLANT VINES PER LANDSCAPE PLANS. TYPICAL SPACING VARIES FROM 1' TO 4' O.C. DEPENDING ON VINE SPECIES AND CONTAINER SIZE.

? IRRIGATION WILL BE REQUIRED IN MOST CLIMATE ZONES. INSTALL PER LANDSCAPE PLANS.

? greenscreen ? DOES NOT SUPPLY PLANT MATERIAL.

COLOR LINE WEIGHTS:
RED- 0.60
YELLOW- 0.40
MAGENTA- 0.35
GREEN- 0.30
CYAN- 0.25
COLOR 30- 0.10
COLOR 8- 0.15
COLOR 9- 0.15

NOTE:
*SPECIFIC ENGINEERING MAY BE REQUIRED BASED ON SITE SPECIFIC CONDITIONS, LOCAL WIND LOAD, AND VERTICAL HEIGHT OF FENCE/SCREEN.
*VERIFY PANEL SPAN AND CLIP SPACING FOR ALL ROOFTOP INSTALLATIONS AND ALL INSTALLATIONS 20' ABOVE GRADE
*SECTION AND ELEVATION- TYPICAL FOR WALL MOUNTED APPLICATION DETAIL SIMILAR FOR STEEL MOUNTED PANELS

GREENSCREEN VINE SUPPORT DETAIL

SCALE: 1"=2'-0"

NOTES

1. Sod Sod shall consist of pure stand of rhizomatous tall fescue available at Turf Master Ltd. 866-453-8311 or turfmaster@interfold.com

2. Soil Preparation
All new planting areas shall have the soil prepared by thoroughly combining a minimum of 4 cubic yards/thousand square feet of A-1 Organics Biocomp or B.O.S.S./Black Tea compost, 5 way organics into the soil to a minimum depth of 6" prior to planting except in native wetland seeding areas.

3. Mulch
All areas left bare after planting shall be mulched until plants are established and fully cover the landscaped area. A minimum of 3" depth, natural colored supreme fiber or shredded cedar mulch shall be used in all areas on the south, west and southwest facing sides of buildings and in the interior parking lot landscaped areas as well as adjacent to sidewalks. Care shall be taken not to install rock mulch on slopes where it can roll onto sidewalks and cause hazards. Rock mulch shall be laid at a minimum depth of 3". In areas where flowers and ground covers are planted a 1" deep layer of bark fines or supreme fiber shall be used. Weed barrier is not allowed. In the bottom of drainage areas only rock mulch, cobbles and the like may be used as a mulch.

All mulch shall be established in such a manner as to be non injurious to the plants and shall be sorted to eliminate pieces of unshredded wood, trash and other foreign materials. No pieces larger than 3/4" diameter and longer than 6" may be used.

4.Top of grade, prior to planting must be at least 1 ½" lower than the adjacent pavement or edging.

5. A low volume **irrigation system**, adequate to irrigate the new plantings according to their needs, shall be provided. Please note water zones indicated on plans. Lawn areas shall be irrigated on separate zones from other plants. Trees in the ROW and other plants located 3 feet or closer to the foundations of buildings shall be irrigated using drip type irrigation. Drip type irrigation is required on all plants except lawn

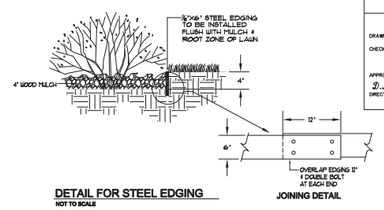
6. Maintenance
All mainicured lawn areas shall be mowed at least weekly during the growing period to a depth of no shorter than 2". A mulching lawn mower may be used as long as clippings are well chopped and distributed evenly otherwise clippings must be bagged. Lawns shall be fertilized at least once in the fall. Other fertilizer may not be necessary if mulching is employed. Edges of lawns shall be neatly trimmed the same length as the rest of the lawn. Care shall be taken to stay away from tree trunks and other non-turf plants with the trimmer and the lawn mower. If needed areas around these plants shall be hand trimmed or weeded so that mowers and power trimmers do not injure the bark and stems of these plants.

Trees shall be pruned as needed to maintain proper heights above walks, drives and streets. (Normally 8' above walks and 13' above streets.) Additionally the health of trees, shrubs and other plants within the Public ROW and Open Space Areas shall be regularly checked and maintained by a knowledgeable crew able to make decisions about fertilizing, pruning, insect and disease control. All plants shall be maintained to retain their natural habit not pruned into balls and weird shapes. Any pruning shall be conducted according to the proper Colorado industry standards.

Any shrub, flower and ground cover areas shall be checked and regularly weeded as necessary, especially during their establishment period. Flowers shall be dead headed, as needed, to maintain long term flowering.

7. In cases where there is a discrepancy between the plant list and the plan, the plan rules.

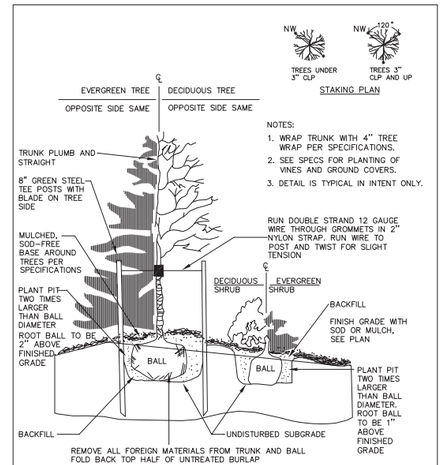
8. Please see written specification for other information - available from Markel Homes.



DETAIL FOR STEEL EDGING
NOT TO SCALE

JOINING DETAIL

LIST OF NEW PLANT MATERIALS

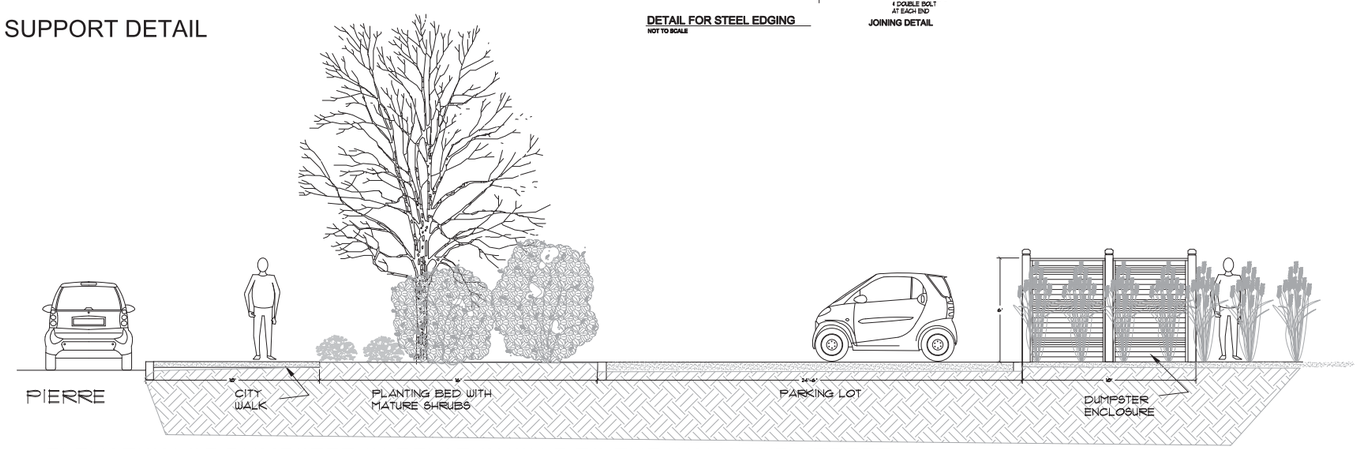


NOTES:
1. WRAP TRUNK WITH 4" TREE WRAP PER SPECIFICATIONS.
2. SEE SPECS FOR PLANTING OF VINES AND GROUND COVERS.
3. DETAIL IS TYPICAL IN INTENT ONLY.

DRAWN BY: JSH
CHECKED BY: SRW
APPROVED BY: D.A. Rhodes
DIRECTOR OF PUBLIC WORKS

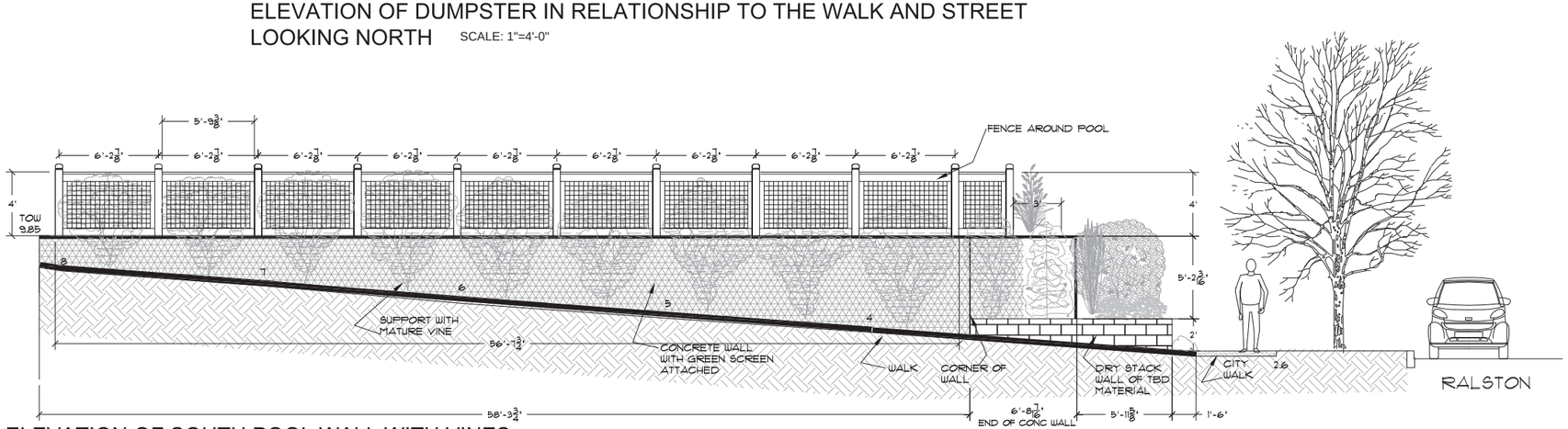
CITY OF BOULDER, COLORADO
TREES AND SHRUBS PLANTING DETAIL

ISSUED: JULY 2, 1998
REVISED: _____
DRAWING NO. 3.02



ELEVATION OF DUMPSTER IN RELATIONSHIP TO THE WALK AND STREET LOOKING NORTH

SCALE: 1"=4'-0"



ELEVATION OF SOUTH POOL WALL WITH VINES

SCALE: 1"=4'-0"

SUMMARY CHART

DRV BLOCK 3, NORTH OF DETENTION POND

Summary Chart of Landscape Calculations		required	provided
total sf area within PL	54606.35 SF		
total sf buildings within PL	20555 SF		
total sf of pool and pool deck	4053.23 SF		
total sf of parking lot	1885 SF		
Total landscaped area within PL including gravel and walks (excludes buildings, parking area, pool and pool deck)	28313.12 SF		
total number of parking stalls	2		
total interior parking lot landscaping	na		
total perimeter parking lot landscaping	included with other landscaping		
total number of street trees in ROW	as many street trees as space allowed	17	15
total trees inside PL counting toward required street tree number			3
total number of trees within PL (including evergreen trees) not counted toward street tree numbers		19	54
total number of shrubs		94	309
total quantity of plant material	see provided list		1108

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303-355-0673
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DETAILS FOR LANDSCAPE DEVELOPMENT, BLOCK 3
DAKOTA RIDGE VILLAGE
BOULDER, COLORADO

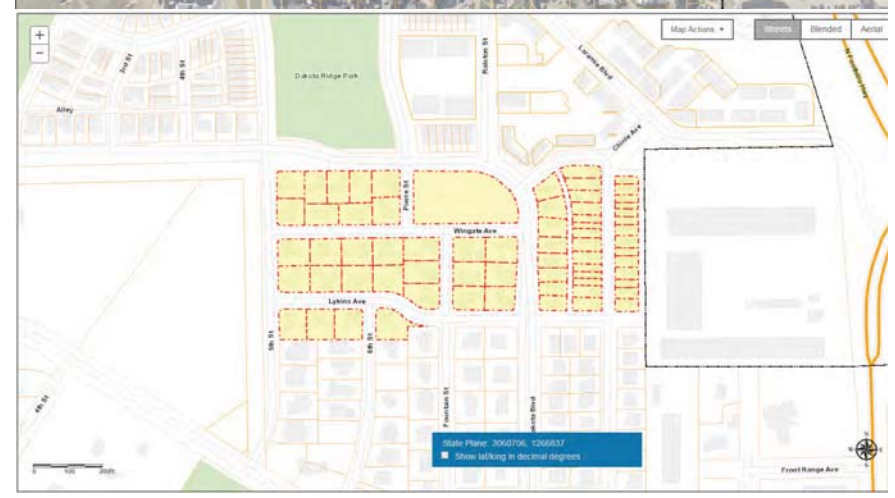
Markel
MARKEL HOMES, INC.
5723 ARAPAHOE RD. # 2B
(303) 449-9689
BOULDER, CO 80303

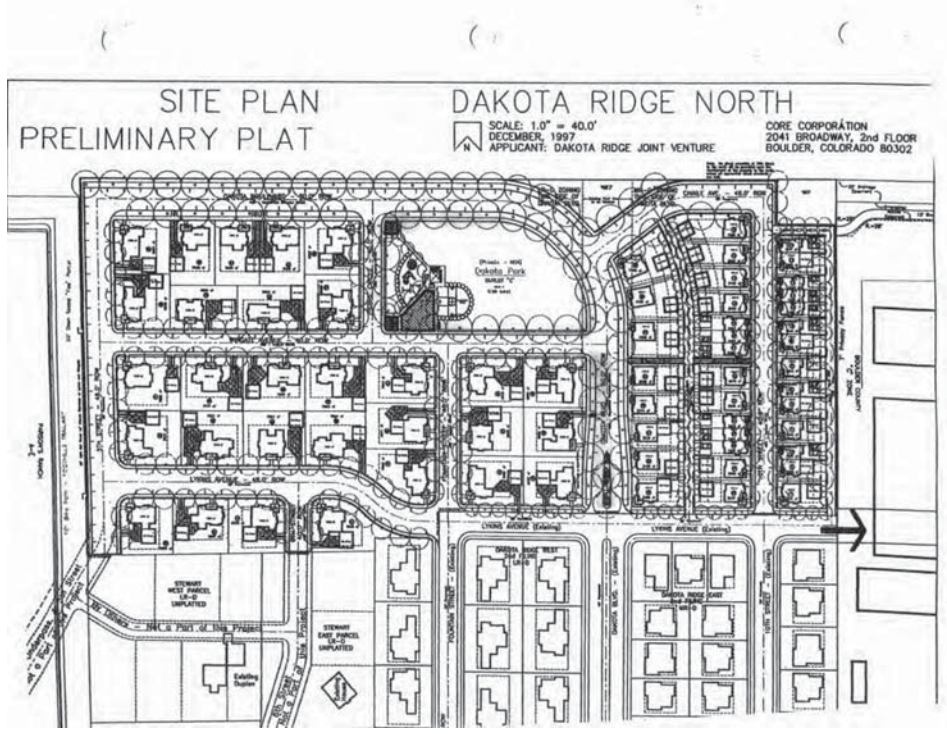
SCALE: AS SHOWN
DRAWN BY: SLE/GNB
CHECKED BY: GB
PROJECT No:
ISSUE DATE: 9/30/16
REVISIONS:
REVISIONS:

SHEET TITLE:
DETAILS, NOTES & LISTS

SHEET NUMBER:
L3
SHEET 3 OF 3

DAKOTA RIDGE NORTH NEIGHBORHOOD





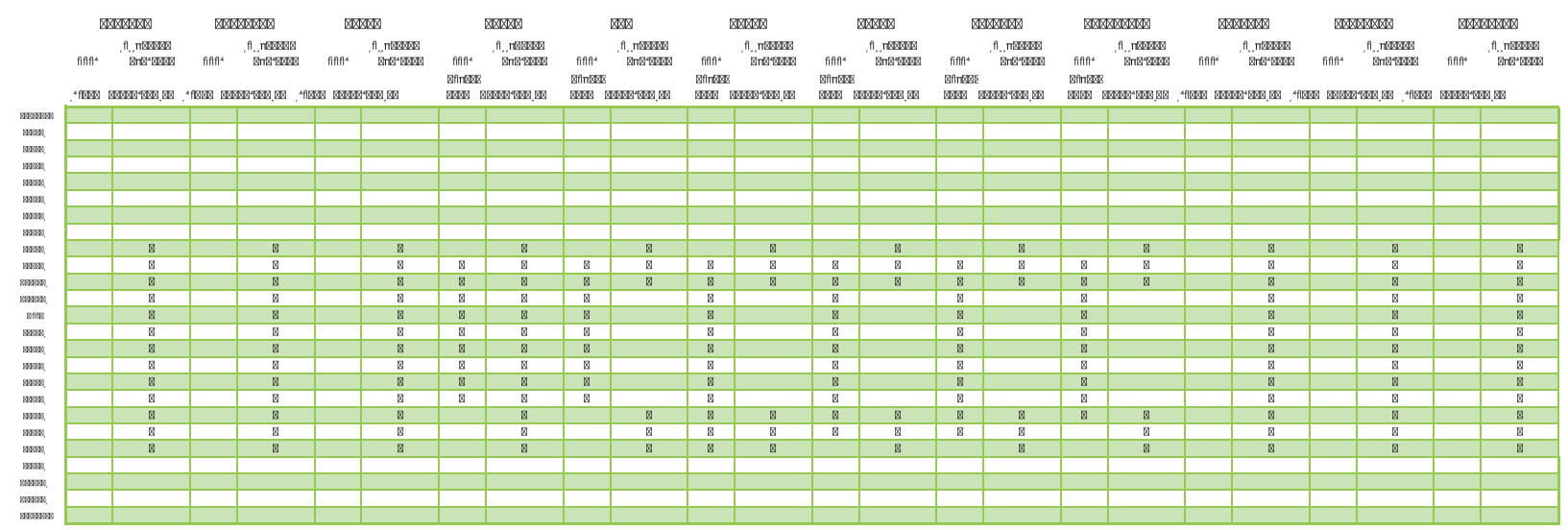
8.31.16

To the City of Boulder Planning Staff:

Thank you for your time and consideration on the Pool and Community Center on the Dakota Ridge Village Block 3 site plan submittal. In regards to the sale of memberships to people outside of our direct HOA, we would like to sell a maximum of 30 memberships to the pool only to the neighborhood that is immediately to our south: Dakota Ridge North Neighborhood. Please see the attached map on Exhibit A for the boundary of the adjacent neighborhood.

Sincerely,

Diane Soucheray, Dakota Ridge HOA president



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ARCHITECT
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COLORADO80302
(303) 447-2714

GLENN FRANK
ENGINEERING
2450 CENTRAL AVE
SUITE: P - 5
BOULDER
CO 80301
(303) 554-9591
FAX 554-9592
STRUCTURAL

DAKOTA RIDGE VILLAGE, PHASE 1, BLOCK 3

Markel Homes Construction Company
5723 Arapahoe Suite 2B
Boulder, Colorado 80301
(303) 449-8689

date: 09/30/16
drawn by:
revisions:

Community Center
and Pool
Membership

A4-1st floor.dwg

Case #: LUR2015-00113

Project Name: Dakota Ridge Village, Phase 1, Block 3

Date: Oct. 11, 2016

CRITERIA FOR REVIEW

V. CITY CODE CRITERIA CHECKLIST

Section 9-2-14(m) Amendments to Approved Site Plans:

(1) No proposal to modify, structurally enlarge, or expand any approved site review, other than a minor modification or minor amendment, will be approved unless the site plan is amended and approved in accordance with the procedures prescribed by this section for approval of a site review, except for the notice and consent provisions of this subsection.

(2) No proposal to modify, structurally enlarge, or expand that portion of a building over the permitted height will be approved unless the site plan is amended and approved in accordance with the procedures prescribed by this section for approval of a building above the permitted height.

(3) If an applicant requests approval of an amendment to an approved site plan, the city manager shall provide public notice pursuant to Section 9-4-3, "Public Notice Requirements," B.R.C. 1981.

(4) The owners of all property for which an amendment is requested shall sign the application.

Section 9-2-14(h), B.R.C. 1981, "Site 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.

Staff finds that the development proposal, on balance, is consistent with the goals and intent of the BVCP and Site Review criteria. The proposal is found to be generally consistent with the zoning and the BVCP land use designation densities. The project supports opportunities for a variety of housing types and is generally consistent with established neighborhood character.

Specifically, the project has been found to meet the following BVCP policies:

- *1.19 Jobs:Housing Balance*
- *2.03 Compact Development Pattern*
- *2.09 Neighborhoods as Building Blocks*
- *2.10 Preservation and Support for Residential Neighborhoods*
- *2.14 Mix of Complimentary Land Uses*
- *2.30 Sensitive Infill and Redevelopment*
- *2.31 Design of Newly-Developing Areas*
- *2.37 Enhanced Design for Private Sector Projects*
- *7.06 Mixture of Housing Types*
- *7.09 Housing for Full Range of Households*

Staff finds that the general layout of the development is appropriate in that it qualifies as an infill development that is sensitive to the surrounding development.

Refer to checklist below for analysis regarding consistency with the North Boulder Subcommunity Plan.

✓ **(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:

✓ **(i)** The density permitted in the Boulder Valley Comprehensive Plan, or,

The site is designated for a Medium Density Residential land use and the density is not permitted to exceed 14 dwelling units per acre. At 12.7 dwelling units per acre, the project would conform to this density.

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 require to meet other site review criteria.

The development would not be rendered infeasible in meeting the BVCP policies or the site review criteria based upon the requirements and recommendations made within these comments.

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

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

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

The site includes greenspace, landscape areas and a community pool, which will provide accessible and function open space for residents and visitors to the site.

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

The project does not contain any detached units. However, private open space will be provided for each dwelling unit.

✓ **(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;

There are no identified natural features or species of concern on the property.

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

Landscape areas around the buildings, open space around the swimming pool and an adjacent grass outlot will provide relief to the density of the development.

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

The proposed swimming pool is large and will be open to residents of the site and to a membership of 30 individuals within the Dakota Ridge area shown within the approved plans.

✓ **(vi)** The open space provides a buffer to protect sensitive environmental features and natural areas; and

No environmental features or natural areas exist on the property.

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

Public sidewalks will be built around the perimeter of the development and will connect to existing sidewalks in the Dakota Ridge neighborhood.

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

✓ **(C)** ***Landscaping***

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

The landscape plan includes a variety of plantings that will provide color and contrast to the hard surface areas of the pool and along the walkways on the site.

✓ **(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;

There are no identified important native species, healthy, long lived trees, plant or animal species of concern on the site.

✓ **(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

The proposed plantings exceed the minimum requirements of the landscaping regulations consistent with this criterion.

✓ **(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.

Ornamental and evergreen trees as well as ground plantings are proposed along all adjacent roadways and will provide for attractive streetscapes enhancing the architectural features of the buildings that face the street.

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

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

Aside from a small parking area and drive to access structured parking beneath the structures, there is little circulation on the site that could be conducive to high speed travel.

✓ **(ii)** Potential conflicts with vehicles are minimized;

Vehicular areas on the site are minimized and designed for enhanced visibility and traffic calming to reduce the potential for any vehicular conflicts.

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

The site was originally approved as part of the Dakota Ridge development and does not include any requirements for bikeways, pedestrianways etc. It would nevertheless include pedestrian walkways on the site and sidewalks at its perimeter that would connect to the existing sidewalks within Dakota Ridge.

✓ **(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;

Walkabilty on the site will be supported by pedestrian walkways and sidewalks and long term and short term bicycle parking are positioned in convenient locations for residents and visitors to the development.

✓ **(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;

A Transportation Demand Management (TDM) plan is required as part of the development and includes bicycle parking in excess of requirements and participation within the NECO bus pass program.

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

See (iv) above.

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

Other than a small surface parking area and a short drive to access parking under the buildings, the amount of land devoted to vehicles or streets is greatly minimized.

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

The site will accommodate parking beneath the building, bike parking in the garage and at surface level and includes pedestrian pathways through the site. The garages are confined to the lower levels of the buildings and will thus confine the impacts 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;

Internal stairwells into the structured parking spaces will provide convenient access to parking and vehicular areas while also providing appropriate separation for safety and aesthetic reasons.

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

The majority of parking areas on the site are confined to two nearly subterranean parking garages which greatly minimize the amount of land devoted to parking purposes.

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

As stated above, most of the parking areas on the site are not visible at surface level and the parking area that is provided for the community building is minimized to necessary accessible parking spaces and is well landscaped to enhance its appearance.

✓ **(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.

See (iii) above.

✓ **(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;

In all, the proposed project represents infill development that is compatible with the surrounding low and medium density residential in the area.

<u>Mass and Scale:</u> The buildings range from one-story to three-story and are articulated to reduce any sense of mass. The massing and scale will be compatible with the existing character of the area as a result.

<u>Orientation:</u> The buildings will orient to the north and south and to adjacent streets which matches the majority of buildings within the Dakota Ridge development.

<u>Architecture:</u> The Dakota Ridge development is a mix of contemporary and traditional architecture that blend together with common elements and color. The proposed project will be predominantly contemporary, but will fit in well with the surrounding architecture.

<u>Configuration:</u> The configuration of buildings on the lot are appropriate with buildings addressing the street and framing open spaces within the site.

<u>Height:</u> The buildings are proposed at 35-feet and will match the allowable height of other buildings the neighborhood and will, thus be compatible with the character of the area. Also see discussion below under criterion (ii).

✓ **(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;

The buildings will comply with the 3-story and 35-foot limit of the zoning district and will match the height of existing buildings of the area.

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

With the exception of an undeveloped outlot to the south, the property includes the entire block and will not have any shadow impacts on 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;

The project will be compatible with its surroundings with its use of stone veneer, board and baton, and stucco accents and will be attractively landscaped to blend into the neighborhood. Signage and lighting will be evaluated at later permit stages, but will be required to be consistent with the land use code.

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

The project includes high quality materials and window glazing on every level including the garage level, which with attractive perimeter landscaping will be conducive to the pedestrian experience consistent with this criterion.

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

Public facilities or amenities are not required for the site. A community pool for Dakota Ridge members would be a key component of the project.

✓ **(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;

The Dakota Ridge neighborhood contains single-family homes, townhomes and apartments and has a high percentage of different housing types. The proposed stacked flats in the subject location will add to this diversity.

✓ **(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;

Construction plans will be required at time of building permit to demonstrate that building codes are met with respect to noise minimization. The arrangement of units at this stage is determined to be appropriate to ensure livability.

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

A detailed lightning plan will be required at time of Technical Documents and will be required to meet section 9-9-16, "Outdoor Lighting," B.R.C. 1981.

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

The project will be compatible with its surroundings with its use of stone veneer, board and baton, and stucco accents and will be attractively landscaped to blend into the neighborhood.

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

The applicant has indicated intent to do a Net-Zero Community building, utilizing solar hot water to heat the pool, around 20% of the monthly BTU's and conserving water through a drip system to individual plants and a rain sensor.

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

The project will present a sense of permanence and will include appropriate detailing with its use of stone veneer, board and baton, and stucco accents and will be attractively landscaped to blend into the neighborhood.

✓ **(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;

The site has a mild slope on it and descends from west to east. The buildings would conform to the natural contours of the land and cut and fill is the minimum necessary to minimize cut and fill.

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

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

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

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

The primary open space of the project is located south of the proposed residential buildings and will minimize the possibility of buildings being located to the south such that shading of the subject buildings would occur.

✓ **(ii)** *Layout and Building Siting:* Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building. Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical, buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading.

The lot is not proposed for reconfiguration or subdivision.

✓ **(iii)** *Building Form:* The shapes of buildings are designed to maximize utilization of solar energy. Buildings shall meet the solar access protection and solar siting requirements of section 9-9-17, "Solar Access," B.R.C. 1981.

The majority of rooflines of the building are either flat or slope to the south. This form would be conducive to solar panel installation on the buildings.

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

The landscape plan takes into account potential for shading in the future with its positioning larger trees along the streetscapes away from the buildings and placing ornamental trees closer to the buildings.

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

N/A **(I)** ***Land Use Intensity Modifications***

N/A **(i)** *Potential Land Use Intensity Modifications:*

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

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

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

(d) Land use intensity may be increased up to 25 percent in the BR-1 district through a reduction of the lot area requirement.

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

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

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

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

NORTH BOULDER SUBCOMMUNITY PLAN

Development Guidelines for All Neighborhoods

Building and Site Design

✓ Locate compatible building types to face one another across streets. Change design rules at rear or side property lines rather than down the middle of the street.

✓ Position houses so that their front doors and front yards face the street.

✓ Leave front yards open wherever possible. When front yard fences are provided, they should be low and open.

✓ Design houses so that garage doors do not dominate the front facade. Locate garage doors no less than 20' behind the principal plane of the front of the houses; detached garages are preferred.

✓ 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 a 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.

✓ Plant street trees along all streets at the time of development or redevelopment of any property.

N/A Design streets to be as narrow as possible.

✓ In higher density areas where parking lots are needed, design the lots so that they are small and clustered. Locate parking in the back of buildings, not in the front.

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

Transportation Connections

N/A Comply, at a minimum, with the Transportation Plan in section 8.

N/A Design streets to be multi-purpose public spaces--comfortable for the pedestrian and bicyclist--not just asroads for cars.

N/A Avoid using flag lots or culs de sac.

From: Polly Jessen
To: Walbert, Sloane
Subject: 650 Terrace Ave.
Date: Sunday, December 06, 2015 3:48:30 PM

I am interested in receiving notice and more information regarding the amendment to approved site plans for this location. A map would be most helpful and the program for the building. For example, what is the size and configuration of the pool area. Indoor or out? Average size of condos? Thank you!

Polly Jessen
Kaplan Kirsch & Rockwell LLP
1675 Broadway #2300
Denver, CO 80202
pjessen@kaplankirsch.com
303.825.7000
http://www.kaplankirsch.com

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Leaf Please consider our environment before printing this email

12/10/15 650 Terrace Ave.

Call with Julie Conagan

Concerns

Developer is building community center, pool is managed and funded by master association.

Concerns about method of funding and plans for pool. Noise and traffic from pool. Liability insurance, upkeep, maintenance of pool – how this will be managed. Concerned about use of the reserves. Have they anticipated change orders in estimate? Cost of construction is always higher than the estimate. Are they leaving themselves in solid financial standing? Not totally against project but has concerns.

Groundwater was on site after flood.

Subsidization of affordable home owners by master's association. Is this ethical?

Lives in large condo association, this association ends up contributing a large amount to the master HOA. Have own costs on top of the master's association. Should have input in master HOA's costs.

Just wants to make sure that the project is successful.

From: Alan Dale
To: Walbert, Sloane
Subject: Comments/Questions re: Project name: Dakota Ridge Village
Date: Tuesday, December 08, 2015 11:43:02 AM

RE: LUR2015-00113

To Whom It May concern:

Regarding the above proposed development in Dakota Ridge Village--

I urge the City to stay with the original "civic use" zoning for this property and not open the property to a swimming pool/community house/condominium development that would benefit relatively few people while asking area homeowners to pay for the upkeep/maintenance via HOA dues. My understanding is that a separate location has been identified for a Dakota Ridge specific community center/clubhouse and that the property in the proposal is intended for a "civic use."

Question: What population is the purposed pool and community center intended to benefit? It does not appear that it will benefit the North Boulder community.

When homeowners purchased homes in the Dakota Ridge Community the marketing materials distributed by the developer (Markel Homes) stated that this property was set aside for a civic or community use (meaning North Boulder or Boulder generally).

Sincerely,

Alan Dale
Dakota Ridge Village

From: Jim Heuck
To: Walbert, Sloane
Subject: DAKOTA RIDGE VILLAGE-Review# LUR2015-00113
Date: Friday, December 04, 2015 8:10:59 PM

Dear Ms. Walbert,

I am writing to you concerning the application for the the Dakota Ridge Village community center. I believe the city should not approve this project because the Dakota Ridge Master HOA does not realize the financial impact this development will have on residents living in in the Dakota Ridge condos. As a current resident living in one of the affordable units our family pays $330.00 in HOA dues a month. With this proposed community center it will eventually put us close to or over $400 in HOA fee's a month in the next couple years. I feel additional living units would be a better choice for Dakota Ridge residents. I also feel Boulder has plenty of quality pools and recreation centers for Dakota Ridge residents to use and enjoy.

Sincerely,

Jim Heuck
979 Laramie Blvd.
Unit G
Boulder, CO 80304
720.217.4721

From: ron rovtar
To: Walbert, Sloane
Subject: LUR2015-00113
Date: Monday, November 30, 2015 4:59:53 PM

Hey Sloane:

The Map of Development Review Cases shows that a community center and 16 condos have been proposed for Dakota Ridge. However, when I click on the accompanying documents, I get a "Forbidden" message. Is it possible for me to get at least the Site Development Plans and the Architectural Plans?

Kind regards,
Ron Rovtar
Front Range Real Estate, Ltd

Ron Rovtar

Website
Cherry Creek Properties
303.981.1617
ron@rovtar.com

EcoBroker
CERTIFIED

From: Linda F Toukan
To: Walbert, Sloane
Subject: NO on LUR2015-00113
Date: Thursday, December 03, 2015 6:50:35 PM

NO on LUR2015-00113

instead would prefer garden area for meditation and 'spiritual' bldg, such as a church because:

1. already have several areas for kids - would like to see area, such as gardens, for adults
2. w/all the hate and terrorism in the world, it would be nice to have a spiritual center/area teaching and inspiring non-violence and outside area for peaceful meditation/contemplation
3. church would be far less costly in terms of maintenance, reserves, mgmt, etc. and cause less upward pressure on HOA fees since not owned by Master HOA - **we have 20% as Affordable Housing units**, many are already burdened w/HUGE and out-of-control HOA fees ($300 - $400+ unit) and so far it's cost us over $130,000 even before anything has been built

From: Linda F Toukan
To: Walbert, Sloane
Subject: Re: NO on LUR2015-00113
Date: Monday, December 07, 2015 11:55:39 AM

I'd also like to add the smell of chlorinated water as another negative and reason for voting NO - unnatural, chemical smell, unfitting w/foothills backdrop

thank you

From: "Walbert, Sloane" <WalbertS@bouldercolorado.gov>
To: Linda F Toukan <LToukan@yahoo.com>
Sent: Monday, December 7, 2015 11:45 AM
Subject: RE: NO on LUR2015-00113

Will do. Thanks Linda.

Sloane Walbert
Planner I, Department of Community Planning and Sustainability
City of Boulder
1739 Broadway, 3rd Floor
P.O. Box 791
Boulder, CO 80306-0791
(303) 441-4231 Direct
WalbertS@bouldercolorado.gov

From: Linda F Toukan [mailto:ltoukan@yahoo.com]
Sent: Monday, December 07, 2015 11:15 AM
To: Walbert, Sloane
Subject: Re: NO on LUR2015-00113

Please include these addt'l points for my voting NO on a Club House w/pool:

- The developer is marketing these condos for seniors/retirees/older people (e.g. elevators in bldgs), so a peaceful, more serene adjacent setting is more inline w/developer's target mkt instead of a club house & pool filled w/screaming kids and all the extra traffic these types of bldgs will generate
- the City already has a recreation center w/pool on Broadway, just a couple of miles south of Dakota Ridge
- a church or spiritual center usually is constructed w/rooms,

classrooms, where we could hold our annual mtgs at minimal cost, in addition to other community activities

- **church/spiritual center w/meditative gardens** is more greatly needed, **far more sustainable**, far less costly and far less of a burden on the 20% of our affordable housing segment than costs associated w/clubhouse & pool - maintenance, reserves, operational expenses - **clubhouse w/pool has already cost us over $130,000 and ground has not yet even been broken ... what does this portend for future**
- far less lighting and noise pollution w/church & gardens, more synergistic w/surroundings of foothills as a backdrop to our community
- far less traffic, less parking congestion

Thank you

From: "Walbert, Sloane" <WalbertS@bouldercolorado.gov>
To: Linda F Toukan <LToukan@yahoo.com>
Sent: Monday, December 7, 2015 10:47 AM
Subject: RE: NO on LUR2015-00113

Dear Linda,

Thank you for the feedback. Your comments will be taken into consideration during staff's review and will be forwarded to the Planning Board. I will also be sure to keep you updated of the project's progress.

Sloane Walbert
Planner I, Department of Community Planning and Sustainability
City of Boulder
1739 Broadway, 3rd Floor
P.O. Box 791
Boulder, CO 80306-0791
(303) 441-4231 Direct
WalbertS@bouldercolorado.gov

From: Linda F Toukan [mailto:ltoukan@yahoo.com]
Sent: Thursday, December 03, 2015 6:50 PM
To: Walbert, Sloane
Subject: NO on LUR2015-00113

NO on LUR2015-00113

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From: Linda F Toukan
To: Walbert, Sloane
Subject: Re: NO on LUR2015-00113
Date: Monday, December 07, 2015 11:17:11 AM

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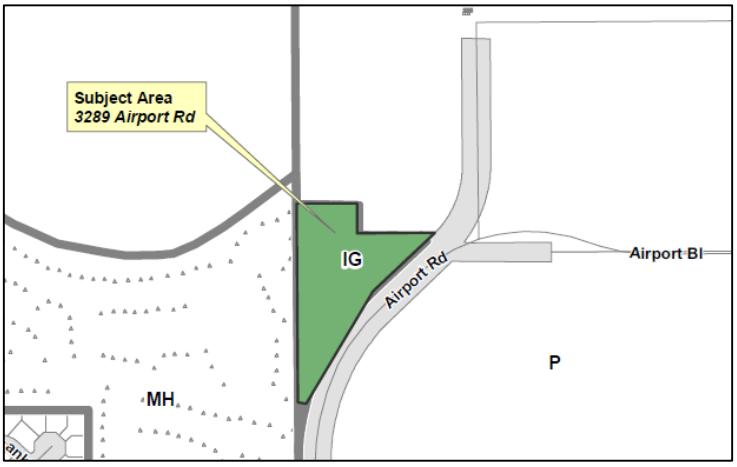
MEMORANDUM

TO: Planning Board
FROM: Elaine McLaughlin, Case Manager
DATE: October 21, 2016
SUBJECT: **Call Up Item:** Use Review for a residential use in an industrial zoning district. Proposed are a total of 70 residential units along with on-site amenities.
ADDRESS: 3289 Airport Road
PROJECT NAME: VeloPark Apartments
CASE NUMBER: LUR2016-00020

Background

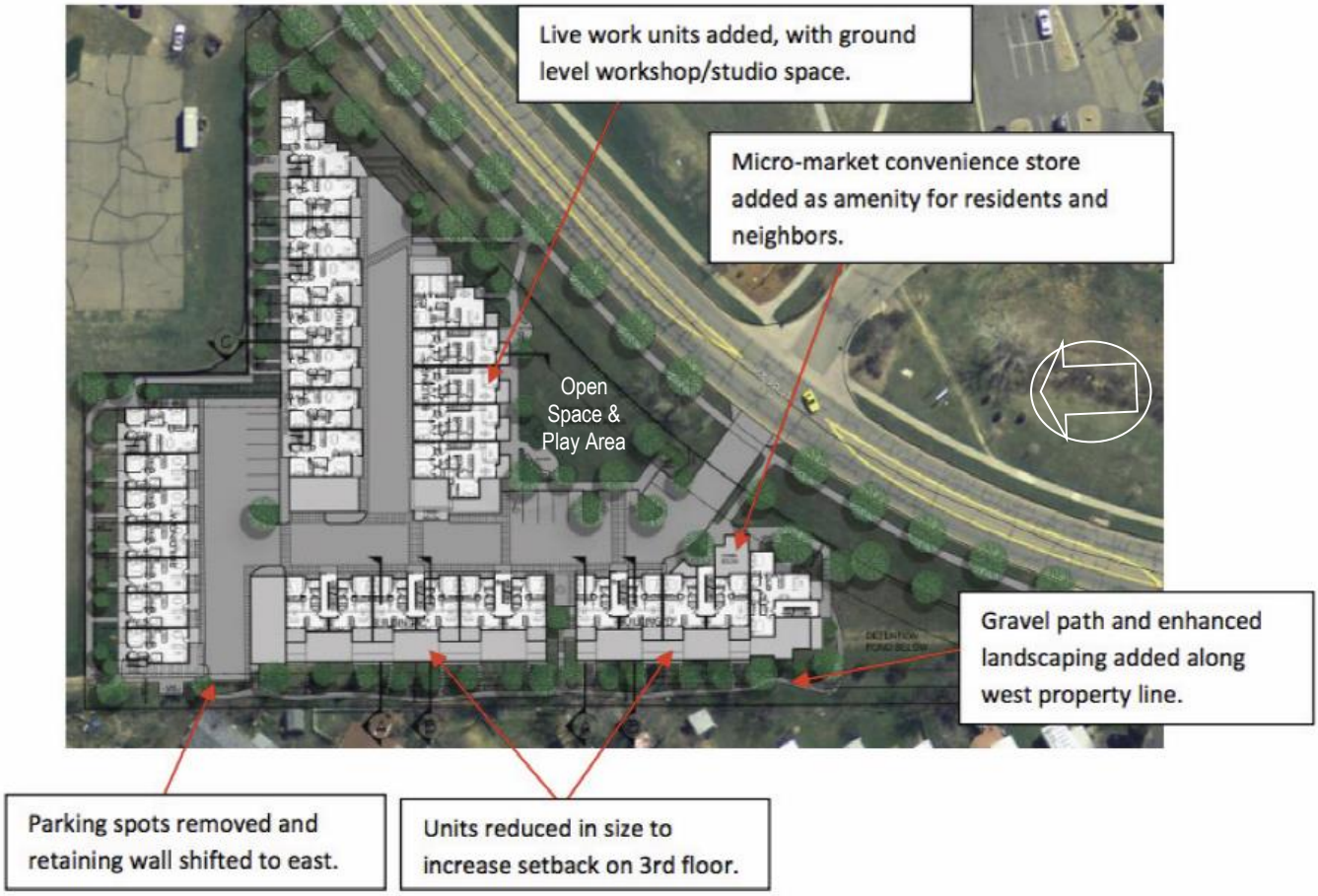
The triangular shaped, 2.7-acre project site is located approximately one quarter mile north of Valmont Road in northeast Boulder within the Industrial - General (IG) zoning district. The site is undeveloped. The land use code section 9-6-1, B.R.C. 1981 requires that residential uses within industrial zoning districts must be evaluated in a Use Review process.



Contextually, the surrounding uses to the north include an industrial hanger building that currently houses a drone technology facility for agricultural uses; further to the north and east is the Boulder Municipal Airport (the site is located outside of any Airport Overlay Zone). Directly east of the site is the Boulder County Jail along with the Boulder County Public Health Addiction Recovery Center. To the northwest is the Hayden Lake, a man-made reservoir which is owned by Boulder & Left Hand Ditch Company where water is stored and then released later in the season into Boulder & Left Hand Ditch. To the west is the Vista Village Mobile Home Park and the Valmont City Park is located approximately one-quarter mile to the south. The context is illustrated to the right.

Proposed Project

The applicant is proposing five buildings: four of the buildings are proposed as stacked flats of one, two and three- bedroom units with tuck under parking. The fifth building is planned as five live/work units. The average unit size is 848 square feet. There are several amenity spaces planned within the apartment complex including a small "micro market" to serve the residents; a dog and bike washing facility; a bike repair room outfitted with tools and a workbench; and a co-working space with multiple Wi-Fi enabled work stations and a private conference room. The center of the site has a small open space area that opens to the live work units and provides a variety of seating and sun/shade options. There is also a walking path that circumnavigates the site and connects to the detached walkway planned along Airport Road.

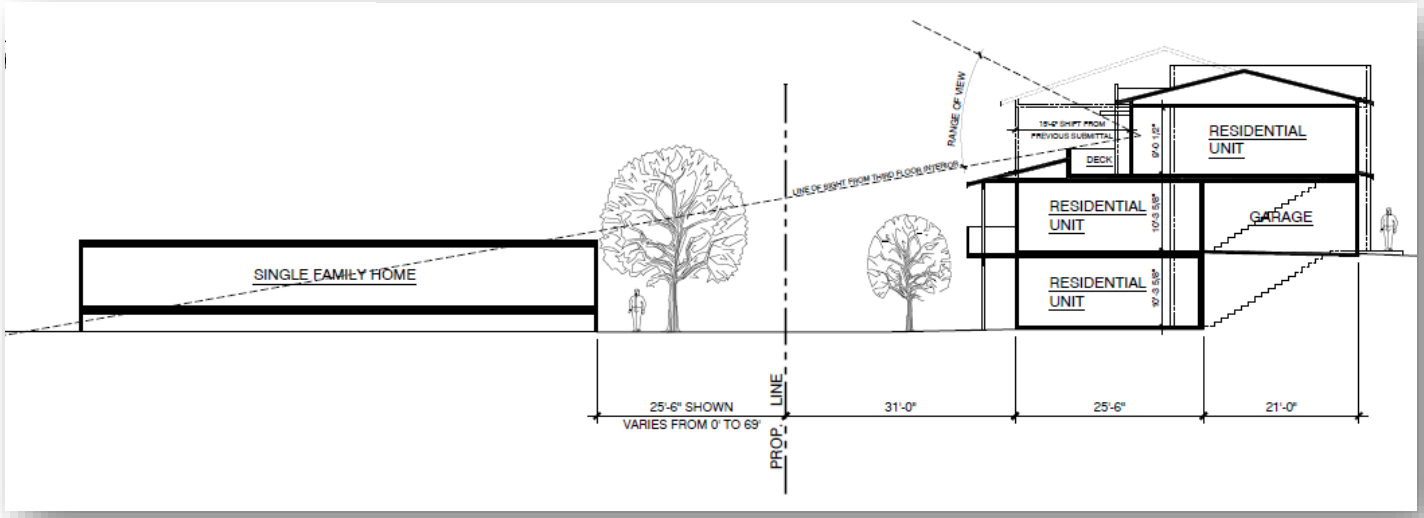


Analysis

The application was found to meet the Use Review Criteria and the criteria for a Residential Use within an Industrial Zoning District (refer to **Attachment B** for the consistency analysis). The Use Review criteria relates primarily to compatibility in the context and transitioning from higher intensity to lower intensity uses. As noted in the analysis, the proposed two- to three-story apartment use can serve as a transition from both the uses on the east and north (the existing Boulder County Jail and the industrial manufacturing facility respectively) to the existing residential to the west. Similarly, the well-designed residential use is arguably a lower intensity use than could be built by right on the Industrial – General (IG) zoned site such as: a brewery <15,000 sf; an animal kennel; a building material sales <15,000 sf; an auto parking garage; a vehicle sales facility; a vehicle service station; cleaning and laundry plants; or other industrial and manufacturing uses. In addition, to help transition the new buildings planned at three stories, to the single story mobile home park to the west, the applicant designed the building to set back the third story of units on the west side of the. The

applicant is also proposing a landscape screen between the proposed project and the existing residential to serve as a transition between the two residential uses and help maintain greater sense of privacy from the back yards of the existing residential.

Public Comment. Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of section 9-4-3, "*Public Notice Requirements*," B.R.C. 1981 have been met. Staff received a number of emails, provided in **Attachment C**. On April 11, 2016, the applicant hosted a Good Neighbor Meeting at staff's request. There were approximately 15 attendees, mostly residents of the Vista Village Mobile Home Park to the west of the site. At the time, concerns included traffic and overflow parking, along with concerns about privacy for residents of Vista Ridge who back up to the site. As a result, the applicant redesigned the nearest buildings to set back the third story units, and to step the building down with the topography. The applicant also worked with adjoining neighbors to proposing screening along the west property line.



With regard to traffic, the trip generation analysis provided by the applicant indicated that the project would likely generate morning peak-hour traffic, which generally occurs for one hour between 6:30 and 8:30 a.m., of approximately six vehicles entering the site and about 23 vehicles exiting the site. During the afternoon peak hour, which generally occurs for one hour between 4:00 and 6:40 p.m., about 22 vehicles would enter and about 12 vehicles would exit the site. The neighbors noted that on bike event days at Valmont Park, there is congestion and parking along Airport Road which makes ingress/egress to the Vista Village Mobile Home Park challenging. However, the proposed project would not affect the existing bike event traffic. The applicant also met at Vista Village with several neighbors to go over changes. They also met on-site and walked the perimeter with several neighbors to look at screening options. The minutes of the meetings are provided in **Attachment C**.

Conclusion. The proposal was *approved* by staff on October 21, 2016 and the decision may be called up before Planning Board on or before ***Nov. 4, 2016*** and there is one Planning Board hearing scheduled during the required 14 day call-up period on ***Nov. 3, 2016.*** Questions about the project or decision should be directed to the Case Manager, Elaine McLaughlin at (303) 441-4130 or at the following email address:mclaughline@bouldercolorado.gov.

Attachments

A. Signed Disposition
B. Use Review Criteria
C. Neighbor Comments and Meeting Notes
D. Project Plans/Written Statement

CITY OF BOULDER
Planning and Development Services
1739 Broadway, Third Floor P.O. Box 791, Boulder, CO 80306-0791
Phone: 303-441-1880 fax: 303-441-3241 email plandevelop@bouldercolorado.gov
www.boulderplandevelop.net

CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION

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

DECISION:	**Approved with Conditions**
PROJECT NAME:	**CITY PARK FLATS (aka VeloPark) APARTMENTS**
DESCRIPTION:	**Use Review for a 70 unit residential project in an Industrial General zoning district developed in five buildings.**
LOCATION:	**3289 AIRPORT Road**
COOR:	**N06W01**
LEGAL DESCRIPTION:	**Lot 1C, Airport South Replat C, City of Boulder, County of Boulder, State of Colorado**
APPLICANT:	**KYLE MCDANIEL**
OWNER:	**Airport Adventures LLC**
APPLICATION:	**Use Review, LUR2016-00020**
ZONING:	**IG**
CASE MANAGER:	**Elaine McLaughlin**
VESTED PROPERTY RIGHT:	**NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

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

Approved On: OCT. 21, 2016
Date

By: _____
David Driskell, Executive Director

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

Appeal to Planning Board expires: NOV. 4, 2016

Final Approval Date: NOV. 7, 2016

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

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

Address: 3289 Airport Road

CONDITIONS OF APPROVAL

1. The Applicant shall be responsible for ensuring that the **development shall be in compliance with all approved plans prepared by the Applicant** on 8/11/2016 on file in the City of Boulder Planning Department except to the extent that the development may be modified by these conditions of approval.

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

3. Prior to a building permit application, **the property owner shall sign a declaration of use**, including all of the conditions for continued use, to be recorded in the office of the Boulder County Clerk and Recorder to serve as actual and constructive notice to potential purchasers and tenants of the owner's property status as a residential use within an industrial zoning district classification.

4. Prior to the issuance of a certificate of occupancy, **the Applicant shall provide to the City written certification that sound abatement and attenuation measures were incorporated in the construction and design** in compliance with the requirements of Section 9-6-3(g)(9), "Construction Standards for Noise and Mitigation, B.R.C. 1981, and as recommended by a professional engineer.

Address: 3289 Airport Road

VI. Conditions on Case

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

___√___(1) <u>Consistency with Zoning and Non-Conformity</u>: The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2(c), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The property is zoned Industrial – General (IG) defined in the city's Land Use Code as *"General industrial areas where a wide range of light industrial uses, including research and manufacturing operations and service industrial uses, are located. Residential uses and other complementary uses may be allowed in appropriate locations."* Given the context, away from the airport and adjacent to other residential, this location is considered a good location for residential uses.

___√___ (2) <u>Rationale</u>: The use either:

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

The provision of a micro-market neighborhood amenity at the project entrance to include coffee and locally sourced baked goods would serve as a convenience to the surrounding uses and neighborhood.

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

An attached residential apartment use can serve as a transition from the existing Boulder County Jail on the east and the industrial manufacturing (drone) facility on the north to the existing residential to the west. Similarly, a well-designed residential use is arguably a lower intensity use than those that could be built by right on the Industrial – General site such as: a brewery <15,000 sf; animal kennel; building material sales <15,000 sf; auto parking garage; vehicle sales; vehicle service; cleaning and laundry plants; or other manufacturing uses.

In addition, to help transition from a three story building to the single story mobile home park, the applicant redesigned the building to set back the third story of units on the western property. The applicant is also proposing a landscape screen between the proposed project and the existing residential to serve as a transition between the two residential uses.

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

not applicable

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

not applicable

___√___ 3) <u>Compatibility</u>: 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 attached residential, is located between existing residential; industrial uses; and the county jail. As such it is considered a compatible use in the context. Similarly, the size of the buildings at three stories and a maximum 35 feet, is in keeping with the anticipated height of the area where up to a 40 height for industrial buildings is permitted by right. The proposed development as a residential use in an industrial zoning district mitigates potential negative impacts from the nearby industrial property to the north by providing landscape screening. In addition, reference the following consistency analysis for the criteria for Residential Development in Industrial Zoning Districts [section 9-6-3(g), B.R.C. 1981].

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

There is existing infrastructure available to serve the site that is zoned industrial but will be residential.

___√___ (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 predominate character of the surrounding area is varied: from residential on the west, to industrial on the north and east. While the site is undeveloped today and the appearance will change with the proposed development, the attractively designed buildings will upgrade the existing setting.

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

Not applicable: not a conversion of dwelling units to non-residential uses.

Criteria Met	Criteria Not Met	Residential Development in Industrial Zoning District Criteria
n/a		**(g) Residential Development in Industrial Zoning Districts: The following standards and criteria apply to any residential development including attached or detached dwelling units, custodial care units, residential care units, congregate care units, boarding and rooming houses, cooperative housing units, fraternities, sororities, dormitories and hostels proposed to be constructed in the IG or the IM zoning district classifications:**
		(1) Application Requirements: An applicant for a dwelling unit in an IG or IM zoning district shall apply on forms provided by the city manager showing how and in what manner the standards and criteria of this subsection have been met. In addition to any information required by sections9-2-2, "Administrative Review Procedures," and 9-2-15, "Use Review," B.R.C. 1981, the applicant shall provide the following information:
√		**(A) Environmental Assessment: A report that addresses each of the items required by the American Society for Testing and Materials Standards (ASTM) E-1527 and E-1528. The report shall be current and with a completion date within five years of the date of application.** *The applicant prepared a Phase I assessment and the results have identified no environmental concerns for the site.*
√		**(B) Contiguity Map: A map that demonstrates that the proposed residential development meets the contiguity requirements of paragraph (g)(2) of this section.** *The applicant provided a contiguity map that demonstrates requirements.*
√		**(2) Location Within the Industrial Districts: Dwelling units within the IG or IM zoning district classifications may be constructed if located on a parcel that has not less than one-sixth of the perimeter of the parcel contiguous with the residential use that includes one or more dwelling units or contiguous to a residential zone or to a City- or county-owned park or open space. Contiguity shall not be affected by the existence of a platted street or alley, a public or private right of way or a public or private transportation right of way or area. If a parcel meets this standard, the approving authority shall presume that the standard in paragraph 9-2-15(e)(5), B.R.C. 1981, has been met.** *The site has one-sixth of the perimeter of the parcel contiguous with the residential use that includes is the Vista Village Mobile Home Park.*
n/a		**(3) Requirement for Certain Residential Uses: The following uses shall also meet the requirement for such uses in sections 9-6-2 through 9-6-9, B.R.C. 1981: custodial care units, residential care units, congregate care units and cooperative housing units.** *Not applicable*

Criteria Met	Criteria Not Met	
n/a		**(4) Residential and Nonresidential Uses Within a Project: If residential uses are to be placed on the property, the entire property shall be used exclusively for residential purposes except as otherwise provided in this paragraph. Nonresidential uses are permitted, provided that site design is approved pursuant to the site review criteria in section 9-2-14, "Site Review," B.R.C. 1981, in order to ensure that the site design and building layout will result in compatibility among uses or to mitigate potential impacts between such uses.** *Not applicable – there is a small retail space along with a dog and bike washing area and a co-working space that are all intended as accessory uses to the apartments, and not within separate buildings.*
√		**(5) Limited Retail Uses Permitted: Convenience store, personal service or restaurant uses may be permitted as accessory uses to a residential development permitted by this subsection if all of the following standards are met:** **(A) Each convenience store, personal service or restaurant use does not exceed two thousand five hundred square feet in floor area, and in the case of restaurants, such restaurants shall close no later than 11:00 p.m. unless otherwise approved in a city review process.** *The applicant is illustrating a "micro market" to be provided for residents of the property*
√		**(B) The total amount of floor area used for all of the convenience store, personal service or restaurant uses does not exceed five percent of the total residential floor area of the development.** *Floor area for the "micro market" is planned at 800 square feet where there is a total residential floor area of _____*
n/a		**(C) The uses are permitted only if development is located no closer than one thousand three hundred twenty feet from another property that is described as a business district in section 9-5-2, "Zoning Districts," B.R.C. 1981, or another convenience store, personal service or restaurant use in another development created pursuant to this subsection.**
√		**(6) Bulk and Density Requirements: All residential development shall be subject to the bulk and density standards set forth in section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and the landscaping for the underlying zoning district, except as modified by the following:** **(A) Lot Size: The minimum lot size shall be at least two acres. Projects over five acres shall also be required to complete a site review pursuant to section 9-2-14, "Site Review," B.R.C. 1981.** *The size of the lot is 2.6 acres.*

Criteria Met	Criteria Not Met	
n/a		**(B) Side Yard Adjacent to a Street: The minimum side yard landscaped setback from a street for all buildings that contain residential uses shall be twenty feet.** *The Site Yard Adjacent to a street is along the south property line, and the setback is approximately 195 feet – with the buildings separated from the property line by a required detention pond located in the lowest corner of the site.*
n/a		**(C) Interior Side Yard: The minimum side yard setback from an interior lot line for all principal buildings and uses shall be twenty feet. If an existing building is converted to residential uses, the side yard setback may be reduced to twelve feet for the existing portion of the building.** *The interior Site Yard Setback is along the west property line and the principal buildings have a range from 20 to approximately 26 feet.*
n/a		**(D) Floor Area Ratios: The floor area regulations for the underlying zoning district classification shall only apply to the nonresidential floor area on the site.** *Not applicable, no non-residential floor area.*
√		**(E) Open Space: If the site is not located within the service area of a neighborhood park, as identified in the Parks and Recreation Master Plan, a minimum of forty percent of the required usable open space shall be configured as a common contiguous area that will provide for the active and passive recreational needs of the residents.** *The site is located within the service area of a neighborhood park as identified in the Parks and Recreation Master Plan, with the Valmont City Park located ¼ mile to the south.*
√		**(7) Buffers From Adjacent Land Uses: The applicant shall provide visual screening, which may include, without limitation, walls, fences, topographic changes, horizontal separation or plantings for those areas that are adjacent to loading docks, truck or other delivery vehicle ingress or egress areas, dumpsters or other recycling vessels and outdoor storage areas.** *At the time of building permit application, the applicant shall provide visual screening for the northeast corner of the site, for buffering from the adjacent property to the north a portion of which has a loading area that is not screened from this site.*
		(8) Environmental Suitability: The applicant shall demonstrate that the proposed use will not be affected by any adverse health or safety impacts associated with potential on-site pollution or contamination beyond that which is customarily acceptable for land that is used for residential purposes. This shall be demonstrated through the use of the environmental assessment required to be submitted with the application. If such environmental assessment identifies any potential adverse health or safety impacts on future residents of the site, the applicant shall also be required to submit further assessments that demonstrate that such concerns are not

Criteria Met	Criteria Not Met	
		present or submit a plan for the mitigation measures that are necessary to alleviate any adverse impacts to public health, safety and welfare.
√		*The applicant prepared a Phase I assessment and the results have identified no environmental concerns for the site.*
		(9) Construction Standards for Noise Mitigation: The applicant shall utilize construction standards that will achieve an interior day-night average noise level of no more than forty-five decibels, anticipating potential exterior day-night average industrial noise levels of seventy-three decibels measured at the property line. Such standards shall be in compliance with chapter 10-5, "Building Code," B.R.C. 1981. Noise shall be measured in a manner that is consistent with the federal Housing and Urban Development's standards in sections 24 CFR §§ 51.100 to 106 for the "measure of external noise environments," or similar standard adopted by the city manager in the event that such rule is repealed. The applicant shall provide written certification prior to the issuance of a certificate of occupancy that the sound abatement and attenuation measures were incorporated in the construction and site design as recommended by a professional engineer.
√		*To be completed prior to issuance of a building permit.*
√		**(10) Declaration of Use Required: Before receiving a building permit, all owners shall sign a declaration of use, including all the conditions for continued use, to be recorded in the office of the Boulder County Clerk and Recorder to serve as actual and constructive notice to potential purchasers and tenants of the owner's property status as a residential use within an industrial zoning district classification.**
		A condition of approval is added to the notice of disposition that will require the declaration of use.
		(11) Modification of Standards: The approving authority is authorized to modify the standards set forth in section 9-2-14, "Site Review," B.R.C. 1981, or paragraphs (g)(6), (g)(7), (g)(8) and (g)(9) of this section, upon finding that: **(A) The strict application of these standards is not possible due to existing physical conditions;** **(B) The modification is consistent with the purpose of the section; and** **(C) The modification is the minimum modification that would afford relief and would be the least modification of the applicable provisions of this chapter.** **The city manager shall require that a person requesting a modification supply the information necessary to substantiate the reasons for the requested modification.**
n/a		*No modifications are proposed*

---------- Forwarded message ----------
From: **Renee Hummel** <renee.hummel@yahoo.com>
Date: Wednesday, August 10, 2016
Subject: 3289 Airport Rd proposed development updates
To: Kyle McDaniel <kmkylemcdaniel@gmail.com>
Cc: Cynthia Holappa <cynthiaholappa@gmail.com>

Dear Kyle,

I appreciate that you and your team have done so much in consideration of the residents of Vista Village. Naturally, no one wants a development next door when they've been used to peaceful open space. Personally, I'm not looking forward to construction noise and the change in view. But change happens. The only sure way to keep vacant land from being developed is to own it oneself.

I believe your care and attention in the process has been exemplary and that many people are grateful for the opportunity to be heard and to have their feedback incorporated into your planning to the degree that is possible. It pains me to see some of the comments in the lette
replied.

Perhaps you sent it to me because of my past interest, or because of my role as
Vista Village HOA. If the latter, please know that I stepped down from that positi
Board of Directors, as of the end of July. I am copying Cynthia Holappa, our new
reply.

Warm regards,

Renée Hummel

From: Kyle McDaniel <kmkylemcdaniel@gmail.com>
To: judyb.found@yahoo.com
Cc: "McLaughlin, Elaine" <mclaughline@bouldercolorado.gov>; Lisa Morzel / City Council <morzell@bouldercolorado.gov>; Danica Powell <danicas@gmail.com>; Daniel Rotner <dan@rhaparch.com>; Ryan Hanneman <ryan@rhaparch.com>; renee.hummel@yahoo.com
Sent: Tuesday, August 9, 2016 5:38 PM
Subject: Re: 3289 Airport Rd proposed development updates

Hi Judy:
Thank you for your email today. I wanted to respond to each of your points, so that we can continue to work together on improving the project, and to avoid any misunderstandings.

First, I am glad you appreciate the change in the parking scheme to remove cars from near your home. It was not an insubstantial change, and required quite a bit of re-design over the whole site. To your point about car headlights shining into your home, we will screen the low retaining wall near the west property line so that car lights do not shine into your home.

Second, I fully understand your concern for the existing trees, and I am happy to do a walking tour with a landscape architect, an arborist, and perhaps even the City's landscape planner. We have no desire to remove healthy trees, and if it is possible, we will preserve them. If the trees are diseased, damaged, or not likely to survive construction activity, we would like to work with you on choosing replacement trees, shrubs, and other plantings that will renew this area, and provide equivalent habitats and screening.

Third, I am sorry that you are not interested in the micro-market convenience store. We included it solely in response to the neighbors' request for such a neighborhood amenity. To clarify, it is not an "automated food outlet"; it is a fully stocked (and if necessary, fully staffed) convenience store which will carry basic everyday necessities, as well as many local brands of natural foods, including Spruce Confections, Justin's Nut Butter, and other local Boulder brands. Our hope is that this will be not only a convenience for our residents and residents of Vista Village, but will also reduce the need for car trips to other stores several miles away.

Fourth, I understand that you do not agree with the number of units we are proposing. However, we are not requesting any variances or increases in density on the site, and have worked very hard on making our project as compatible as possible with both the residential neighborhood to our west, and the industrial neighborhood to our east. Rather than creating fewer, more expensive, and over-sized units which will serve fewer residents, we have designed modestly sized units to serve more individuals and families. We have increased third floor setbacks and moved density to the middle of our site in direct response to your earlier concerns about the facade of our western buildings. None of our traffic will go through Vista Village, but instead will be carried on Airport Rd., which was designed for heavier traffic flows, and through a signalized intersection at Valmont Rd., which already has turn lanes in place. In addition, our traffic will run counter to most Airport Rd. business traffic, with residents leaving the area in the morning and returning in the evening, rather than vice versa. We have completed traffic impact studies and have a traffic demand management plan in place, and will have unbundled parking on site, all in order to minimize the use of cars by our residents.

Fifth, I am sorry that you feel the gravel path is an "affront." In fact, it was another change which was in direct response to other neighbors' requests for a low impact pedestrian connection between our sites, and to the north and the south. We have spent a great deal of time and effort working on the 26' wide landscaped interface between our project and Vista Village, and we incorporated the gravel path when neighbors brought up the potential for skateboarding noise on a concrete sidewalk. Our first floor units will all have fenced private yards, just as each of the mobile homes has, so this will not be a "public park" overrun with foot and dog traffic. We have intentionally placed our common gathering area close to the center of our site, so that any impacts would be borne solely by our own residents.

Sixth, regarding the height of our buildings, we feel we have made every effort to reduce the visual impact of the third floor. Removing the top floor units would not only be an unnoticeable change from Vista Village, given the current setbacks, but given the sloping grade, it would also create very odd one story facades on the eastern side of those buildings. We are below the code requirements for height on all our buildings, and are not proposing any variances, which is in marked contrast to many other new developments in Boulder.

Seventh, we are aware of the impact of the airport, and its potential for noise will of course be made known to our residents. However, we are out of the airport influence zone, and are well to the south of the east/west runways. We are happy to look at planting more trees along the north property line, but I am not sure why the presence of the airport is a rationale for reducing the number of units. There are hundreds of homes in Vista Village, and removing some of those units would not mitigate airplane noise.

Finally, and perhaps most importantly, your allegation that "it has been said at the Neighborhood meetings that people who live in mobile home parks should expect less than ideal conditions, and living next to airports and other busy, noisy places is expected more often than not" is not only incorrect and unfair, but is in its own way, deeply insulting to our design and development team. No one in our group has ever voiced such a comment or held such an attitude. Claiming that "it has been said" is a cheap way to incite ill will and divisiveness. I cannot image how our team is "taking advantage" of anyone in Vista Village, when in fact, we have committed substantial time, effort, and money to revising and refining the project over the past 5 months, primarily in response to comments and requests from the residents of Vista Village.

We intend to continue to work with the residents of Vista Village to improve this project as much possible, and I hope that unsubstantiated claims like this will have no place in that process.

Sincerely,

Kyle McDaniel

On Tue, Aug 9, 2016 at 1:23 PM, <judyb.found@yahoo.com> wrote:
Dear Elaine McLaughlin, Lisa Morzel, and Kyle McDaniel,

In response to Kyle's letter and attachment of July 22nd, and the discussions at the most recent neighborhood meeting prior to that, I am writing to you in the sincere hope that you will reconsider several points and make some alterations to these buildings and plans.

I believe that the two parking spaces at the west end of the driveway that points directly at my house have been moved. I appreciate that very much, but find it unacceptable that car headlights will still be

directed into 3 main rooms in my home: a main bedroom, bath and dining room, according to the way the layout looks to me. There will be a window installed in that bath within the next few months, it has just been delayed in recent weeks, or you would have seen it. There are no trees or wall at that drive to allow for sunlight. which is mandatory, as I understand it. But there will still be traffic in and out of that end of the drive.

I am very upset that there are no provisions to keep and care for the existing trees that were planted 25 - 30 years ago. The City and/ or the Airport had them planted, then failed to provide adequate watering and care for them all these years. They are survivors, and are well established. Many times I have watered them from my own sprinklers when we have had fire danger and drought, and have mowed under them every spring and summer, rather than allow waist-high grass and weeds to grow, which has been the case this summer. Also leaving the lower branches in place has provided shade and sound buffering, and shelter for small animals. They provide fantastic shade for my yard and house, and are used all year for shelter and food by at least a dozen bird species, including hawks and large owls. Some are here year-round and others are migratory, and of course, squirrels make use of them. It may be the case that the City considers Russian olive trees to be 'trash' trees, but these are fine trees, and badly need some care and pruning for damaged and dead branches, but leaving lower branches in place. There are at least 5 Russian olives and 5 or 6 evergreens that line my lot and just past it - the most of any yard that this abominable project borders of all the lots in Vista Village - and I am outraged that you consider it acceptable to take them all down. There are 2 evergreens that show signs of distress recently by dropping needles, but so does the similar very large long-needle pine in my yard. It drops a large amount of needles at times of drought stress, plus an annual drop. I hope these do not have pine beetles, but need professional advice on that. These trees are one of the best features of my location, plus a valuable sound barrier to traffic on Airport Road and Airport air traffic noise. They would be even more critical for sound protection and buffering from the 80 to 100 or more new neighbors you expect to allow to live next to me. Please hear me on this matter and allow them to stay and be cared for. Old trees are hard to come by and are never replaced the same. I respectfully ask to 'grandfather' them in to the space.

I request a scheduled time to walk this lot and do some measuring and accounting for these trees and others along that property line. Kyle McDaniel has indicated he would be willing to do this and take these concerns into account and hopefully make some physical changes.

I do not care for the automated convenience food outlet. I will find no value in it, and would rather decrease the number of tenants and units you plan to build.

In fact, I request to significantly decrease the number of units. I do not believe that Boulder needs to be developed with block style apartments and crowded little houses in every available space. I am privileged to have been born and raised here, and find that more and more projects like these, created by various developers and the City Council, are making Boulder's assets, streets and facilities overcrowded, and are taking away our Blue Line and other features that have always made Boulder unique and special. The traffic is becoming so much more congested than ever, and will continue to get worse as so many streets are not designed to handle thousands more vehicles in the city. The impact of this overrun development is completely detrimental to the quality of life we have here, in my view.

I appreciate a crushed gravel path in lieu of pavement or concrete, but it is another affront to have it just on the other side of my fence, in fact, in the place of these beloved trees, putting people, children

and pets directly outside my private yard. You are taking away the quiet and privacy in this side of our cul-de-sac, allowing more foot traffic and dogs to further ruin what I and my neighbors find valuable here. I am completely opposed to this path the way it has developed. I never volunteered to live next to a busy public park, and that is what this is becoming. Please remove it, or move it adjacent to the apartments.

Not to broadcast the fact, but as a single woman living alone, I find privacy more important than others may feel is needed. I do not want dozens more people potentially aware of my comings and goings.

The height of these buildings takes away the openness and cuts out the sunrises and views of the sky, and the artificial lighting will interfere with the night sky darkness. Again, ruining a valuable amenity of this space. Please drop the height of them, again, building fewer units, without an additional floor, to reduce the overall height on this side of the project. I thank you for setting back the upper floors to cut off the direct line of sight into my home and yard and living spaces, and those of my neighbors.

It is my understanding that the apartment tenants will be required to acknowledge they will be living directly next to an airport. I question if you are fully aware of the use of this Airport, including the frequent helicopter traffic in relationship to the Boulder Community Health hospital directly south-southwest of us. This Airport is the staging ground for many of their maintenance and flight requirements, as well as for emergency services during times of crises, wild fires and other service needs. I question if adequate sound testing has been performed during those exercises and during the general use of the airport and maintenance on engines, planes and small jets. There must be equipment available and arrangements could be made to coordinate tests during those times, I believe, should that be given the priority it deserves. It may be of use to determine a more accurate picture of the impact on the new tenants, but also more reason to scale the number of units back, and plant more trees along the north property line as an additional buffer. And back to the row of trees along my lot, again, they provide a tremendous buffer for the Airport noise!

It has been said at the Neighborhood meetings that people who live in mobile home parks should expect less than ideal conditions, and living next to airports and other busy, noisy places is expected more often than not. Myself and my neighbors enjoy a small but quiet and agreeable, more affordable part of Boulder, and are not 'less than' residents of this City. Most of us have chosen to live here for many, many reasons and by various circumstances that find us here, but we are a community who care about what we have. I find the ways we are taken advantage of in this proposed development are deeply insulting and egregious.

Thank you very much for your time and efforts to have changed the plans from the originals. I request that you give my concerns and what I have voiced further serious consideration for implementation, and will be willing to work with me.

Sincerely,

Judy Bashor

_____

From: Cynthia <nutrilicious2016@gmail.com>
Date: Wed, Aug 17, 2016 at 1:03 PM
Subject: Re: 3289 Airport Rd proposed development updates
To: Renee Hummel <renee.hummel@yahoo.com>
Cc: Kyle McDaniel <kmkylemcdaniel@gmail.com>

Hi Kyle and Renee -

Yes, the HOA has agreed not to take a stance on this issue.
Thank you, Kyle, for your respectful, kind, and informative replies to the residents of Vista Village. We appreciate, too, how available and receptive you have been.
It means much that you are listening and addressing our concerns.
With appreciation,
Cynthia Holappa
VV HOA, President
#30

Airport

Community Meeting| April 11, 2016

Q: Infrastructure – how will youou address the following; Sewer connection, Antiquated/aging infrastructure in Vsta Village.

A: *All the infrastructure will come off of Airport Road and will be new.*

Q: Floodplain – is the property in the floodplain? There was flooding on the western edge of property. Vista Village owners are required to pay flood insurance.

A: *The property is not in the floodplain. Will double check.*

Q: What about the ditch? didn'tpick up debris after they cleaned out the Boulder Ditch
A: *We're not sure what the Ditch Company's responsibilities are along Airport Rd*.

Q: Transportation/Traffic.

- People park on airport road during events. Bike park traffic and impacts to neighborhood. People park along Airport Road – there aren't "no parking" signs". During special events, they put up cones and constrict traffic. Nobody follows rules. Most significant traffic concern was the bike park events during the Summer season.
- Airport Road is a dead end road/box canyon – what happens in emergency? President arrives, fire?
- High travel speeds – don't obey speed limit. Would like to know actual speed that people are traveling.

A: *Traffic study will be required. David Thompson with the City of Boulder will determine what is required in the traffic study. Will look at the requirements of the existing traffic signal and turning movements. Can do Speed studies, capacity studies. Residential traffic is off peak to the traffic that is currently on Airport Road (employment traffic) and will be going the opposite direction. City measures traffic in Level of Services (LOS A-D). Has to be above D, and require mitigation if it worsens. Can include weekend or special event on traffic counts to provide data to community and City.*

Q: Land Uses

- What is the proposed mix of units?
- Would like to see live/work units to reduce traffic impacts and Boulder doesn't have very much Live/Work.
- How will you accomplish your affordable housing requirement? Live/Work – could you trade off garages?
- Could you include a coffee shop, small industrial space, retail or deli?

A: *Haven't decided whether it will be Rental or for sale. Will serve middle class incomes. 1, 2, 3, bedroom units = 850 SF average. Although FAR is not capped, we've limited size of units to make more affordable. For rent would mean cash in lieu. For sale – affordable units on site=14 unit requirement. We're open to incorporating other uses on the site, but think it could create traffic and parking issues.*

Q: Concerns about the height a ad djacent to single story homes. Impacts privaacycy and quality of life. 3 story balconies facing home homes. Not compatible.

A: *Will look at stepping back 3rd floor on units and creating compatible interface. Provided landscape and fencing examples for transition/buffer between uses. Private yards at grade for west facing apartments have low fences for more separation from the neighbors. Sections show 20'-50' of separation between mobile homes and proposed buildings.*

Other Comments:

- Other Impacts. Noise from sirens. Noise from airport. Forest fires/flooding
  A: *Acknowledged* .

- Sale of Land?
  A: *Property was purchased after being marketed to the public on MLS (actual days on market was 113 days)*.

- Wildlife Geese – migration?
  A: *We'd guess that Hayden Lake is probably the real draw for the geese, rather than our property.*

- Play areas for children?
  A: *There is a playground directly adjacent to the mobile homes that border our western side. There are also many acres of public parks in close proximity to Vista Village and our site.*

- If the property is going to be fenced along the west property line, can the fence be installed prior to development?
  A: *Possibly, pending final site layout and utility easements in this area*.

VeloPark - Project Walk with Neighbors on September 7, 2016

Project Team: Sandi Gibson, outsideLA, Danica Powell, Trestle Strategy Group
Vista Village Neighbors: Sunny Brown, Judy Bashor, Jim Yenson, Randall Schroth

The Project Team and Vista Village Neighbors met at 5pm on Wednesday, September 7th to discuss the edge/buffers of the proposed development to understand how this would relate to Vista Village, the neighborhood located directly to the west. As a group, we walked the western edge of the site to measure out where the setbacks and buildings will be located in relation to their existing homes and property line and look at existing and proposed vegetation, utility easements, property lines, and setbacks. We had the site plans on a large tablet to review the details, setbacks and property lines.

During our walk, we discussed the following:

- The neighbors would like to preserve as much of the existing vegetation as possible to protect their privacy and views out their windows as well as have access to an informal pedestrian path. This informal walk is currently used by the VV Neighbors, and is located on the VeloPark project site. This path does not connect to any other existing paths/sidewalks, but is used to access the private properties located north of the site, including city owned airport property and Hayden Lake, which is a private lake owned by the Left Hand Ditch Company. Some pruning and limbing-up of existing vegetation would be required to make the trail passable.
- The neighbors would like the Russian Olives to remain because they provide a buffer along their edge, and the birds love them. We are aware that the City typically doesn't allow these trees, as they are a state listed invasive species, but we said we would work with the City since to see what can be accommodated, especially as many of them are in the future utility easement (which contains Vista Village utilities).
- The Project Team identified the future 10' utility easement along the western edge (which will accommodate existing Vista Village dry utilities). This easement will provide a buffer between the two properties (no structures, no yards, etc), and create a space for a simple trail, as requested by the neighbors.
- With a 25-foot tape, we measured the setbacks and distances between existing and proposed structures, which helped understand the dimensions on the site plans.
- We identified the location of the detention area, which would create a large open space along the southern end of the property.
- We discussed revisions to the path/sidewalk connection along the north to reduce impacts to the neighbors located adjacent to the proposed project.
- One neighbor was concerned about headlight glare as it currently occurs from cars exiting MHP site and heading west. With the new buildings, this glare should be reduced/eliminated.
- The Project Team explained that in the next stage of design and engineering, we will conduct detailed surveying to locate the dry utilities are within the future easement and the exact location of existing trees. Once we have that information we will work to preserve existing vegetation to the extent possible.
- The Project Team will be strategic about what type and where new trees are planted in order to reduce impacts from the neighbors' windows into the proposed project and maximize the efficacy of the buffer/setback area.
- The Project Team is committed to continuing to work with the neighbors on these details once we get to that level of design/engineering.

Live
Work
Ride

VeloPark

LIVE

In a thoughtfully designed, modestly sized one, two, or three bedroom home.

WORK

At home, in a spacious on-site studio, or in a co-working space provided for residents.

RIDE

To the bike park, to a store, into downtown Boulder, or out on the roads for a day of cycling.

Airport Adventures LLC	RHAP Architecture	Trestle Strategy Group	The Sanitas Group	Sandi Gibson
Owner/Developer	Architect	Entitlement Consultant	Civil Engineer	Landscape Architect

Overview

Existing site and neighborhood conditions

The land was acquired in April 2016, with initial plans to construct a “use by right” 55,000 square foot industrial building, up to 40’ of height, with associated surface parking. However, after examining Section 9.6 of the Land Use code, which allows residential uses in industrial zones under certain specific conditions, the project team determined that the parcel could meet all the requirements, without the need for any variances, and so began exploring the option of providing housing. The resulting project includes 70 residential units with 5 live/work units, coworking space, and a micro-market convenience story. Unbundled parking is provided at the code requirements and includes 70 garage spaces (1 per unit).

Multiple site and circulation plans were evaluated during the initial project design phase, including positioning the driveway between the adjacent Vista Village MHP and the proposed residential units. In order to create the most appealing views into the project, minimize impacts to the neighbors, and reduce overall circulation and paving, the circulation was instead placed interior to the site with the units facing west and north. This orientation ensured the project did not “turn its back” on the neighbors and created a desirable interface and buffer between the two residential uses. Given the unique sloping topography of the site, the buildings also could now be stacked and incorporated into the grade so that from many vantage points, they appear to be two story structures, with garages tucked into the sloping grades.

Although there is no FAR limit on residential units in this zone, we elected to include modestly sized one, two, and three bedroom units averaging 848 SF. The intent was to provide units affordable to middle income earners, by virtue of their size and their surrounding context on Airport Road. Based on the findings of the Middle Income Housing Study commissioned by the City of Boulder, there is a high need for such units, in order to reduce commuting and to combat spiraling rents and home prices. The addition of Live/Work units to the core of the site will activate Airport Road, provide innovative opportunities for sustainable living, and support small home businesses.

Introduction

Key Elements

A Bicycle Community

The Outdoors

Industrious Living

Collaborative Infill

VeloPark is an innovative, diverse mixed-use housing development, which will activate and enliven a 2.6 acre parcel of vacant, industrial zoned land at 3289 Airport Road. The property is ideally situated next to an existing residential neighborhood (Vista Village MHP) and in close proximity to the Valmont Bike and Dog Parks and Boulder Airport. The proposed use reduces the adverse impact of the commercial and industrial buildings to the east on the residential neighborhoods to the west. The buildings will also buffer the existing neighborhood housing from Airport Rd. traffic, and will enhance the existing vacant land with substantial landscaping and trees along Airport Rd. VeloPark provides a compatible transition between large scale County and private industrial buildings to the east, and small scale residential units to the west.

We are excited to propose a project that meets the provisions written into the Land Use Code in 2004, which encourage residential uses in industrial zones to create new housing, expanding options for middle income earners to live and work in Boulder.

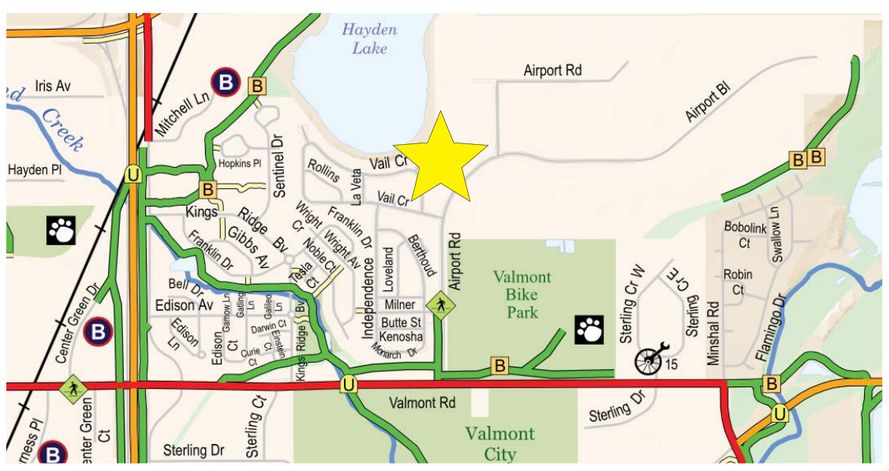
The project has undergone extensive review with City staff and with neighbors, who have all played a significant role in the design of the project. This collaborative process included multiple iterations of building and site layouts, each of which refined the design, layout, and use of the project. We had two meetings with our neighbors at which we received valuable feedback that was incorporated into the project design. We are grateful for the input received from the neighbors and City staff, as the resulting project is an attractive, modern community, which is also compatible with the surrounding residential and industrial uses.

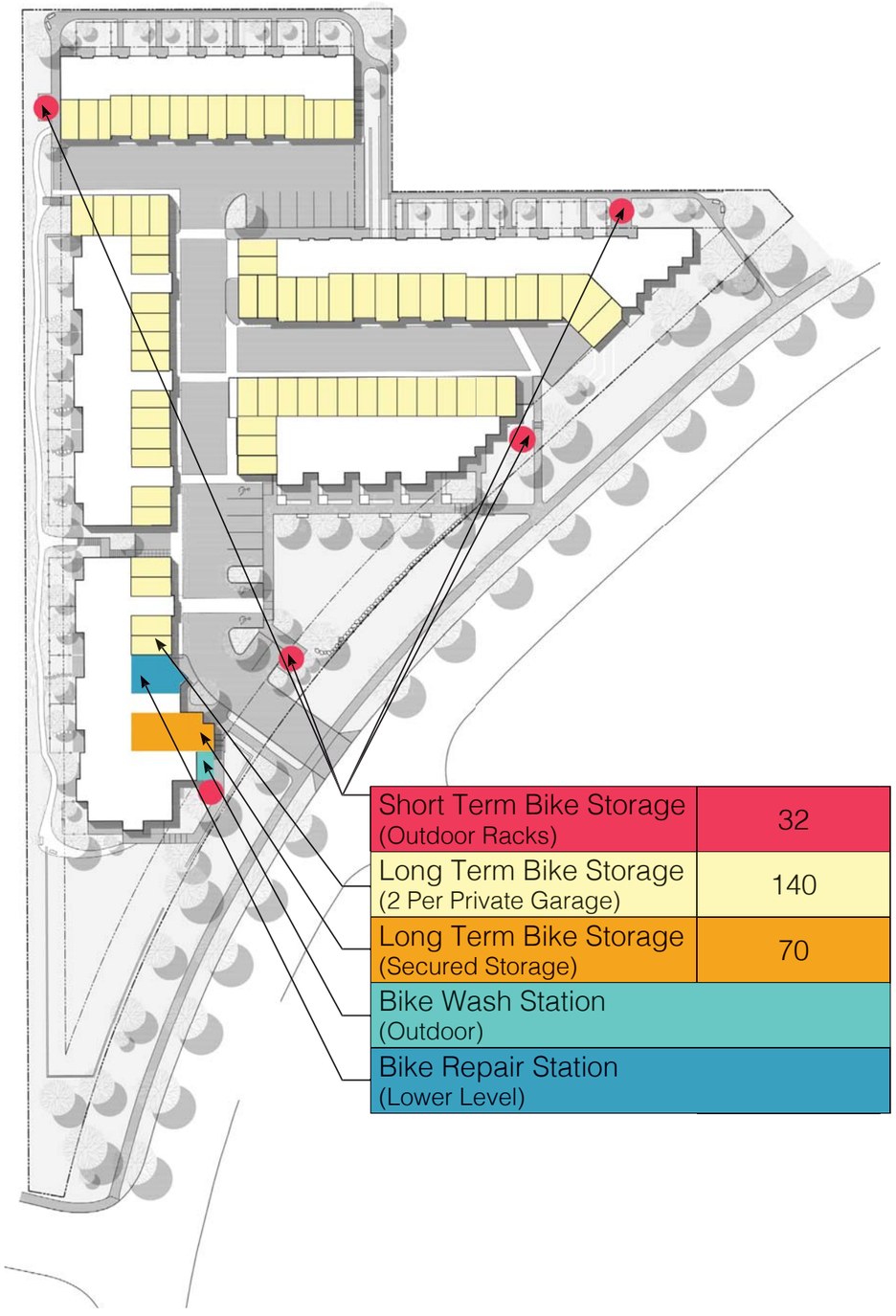
Project Goals

- Respect adjacent residential development through thoughtful massing, setbacks, buffers and building breaks.
- Provide community amenities to support both VeloPark and adjacent residents.
- Create high functioning open space to support the live/work and community environment envisioned for VeloPark, while creating buffers and pedestrian circulation for the neighborhood.
- Support City policy and goals through the provision of workforce housing.
- Improve the City's job/housing balance in order to reduce the amount of commercial growth, create less expensive housing, and mitigate the impacts of traffic congestion.
- Create a livable and "industrious" residential neighborhood that provides a different type of living environment than is currently offered in the City.

Live
Work
Ride

A Bicycle Community

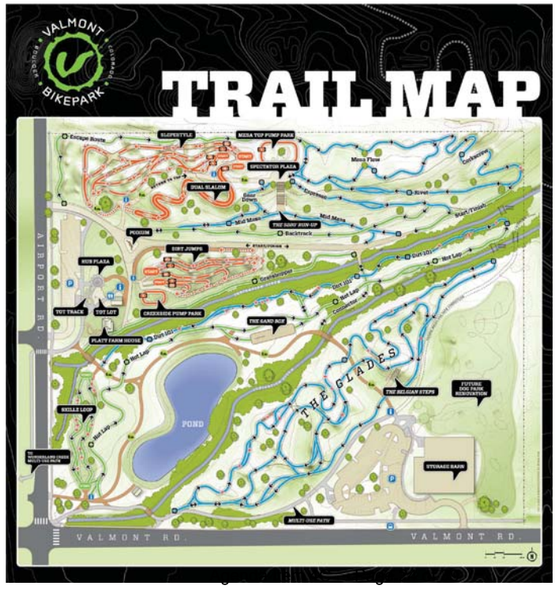




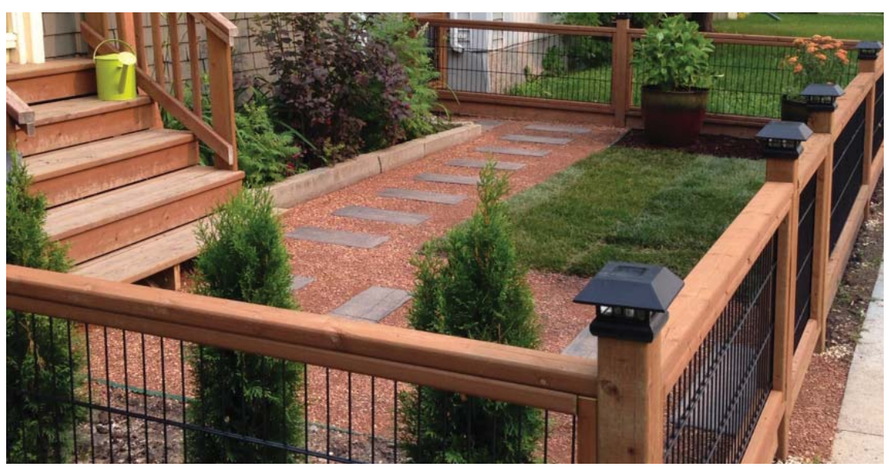
Short Term Bike Storage (Outdoor Racks)	32
Long Term Bike Storage (2 Per Private Garage)	140
Long Term Bike Storage (Secured Storage)	70
Bike Wash Station (Outdoor)	
Bike Repair Station (Lower Level)	

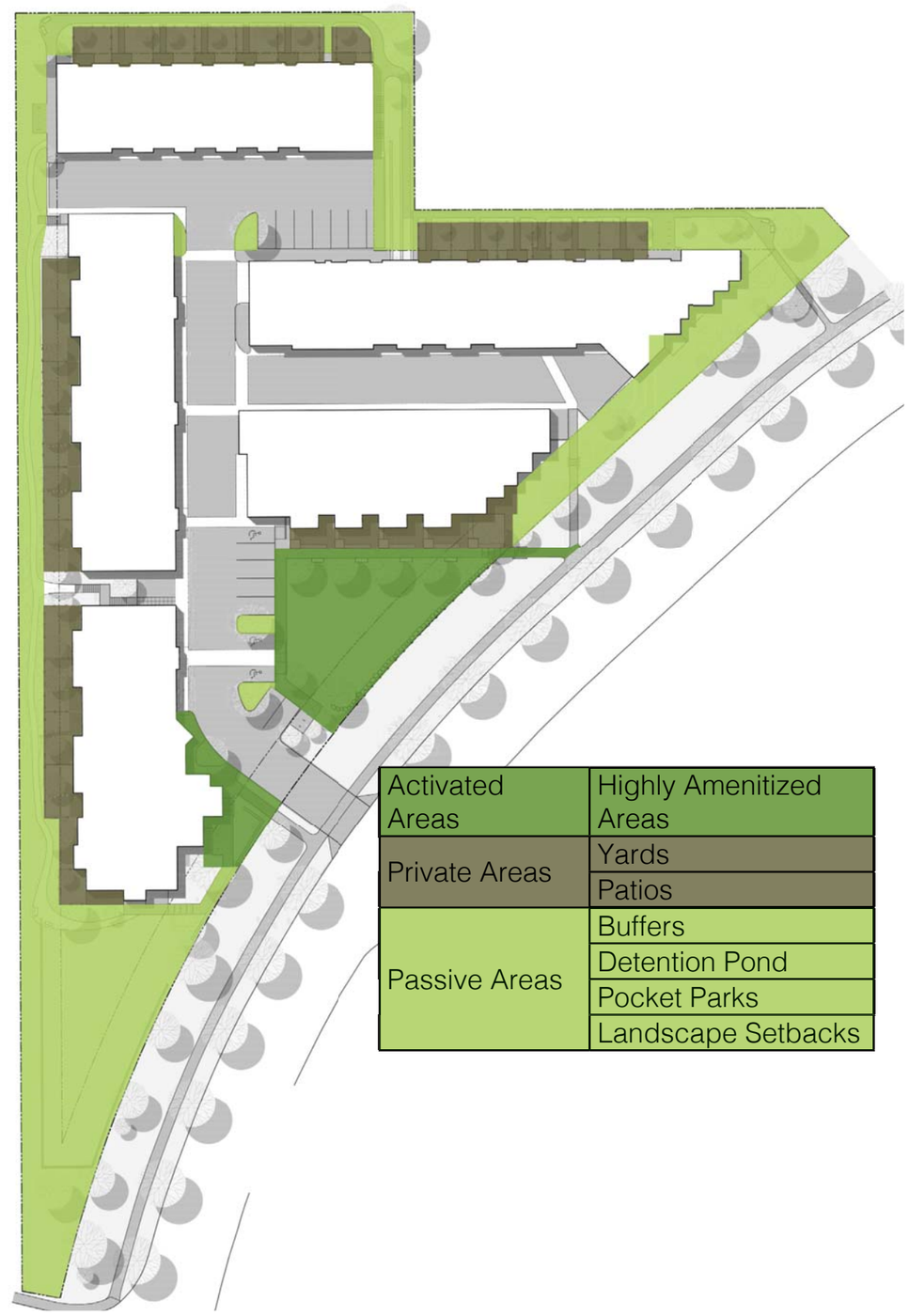
VeloPark is a Live/Work/Ride community that thrives and capitalizes on the City's love of bikes and extensive trail network.

In addition to garages for each residential unit, additional dedicated, secure long-term bike storage, bike wash station, and a well equipped bike repair room are provided on site. Given the proximity to Valmont Bike Park, and the immediate connections to bike paths, most residents are expected to use bikes not only for recreation, but also for everyday commuting.



The Outdoors



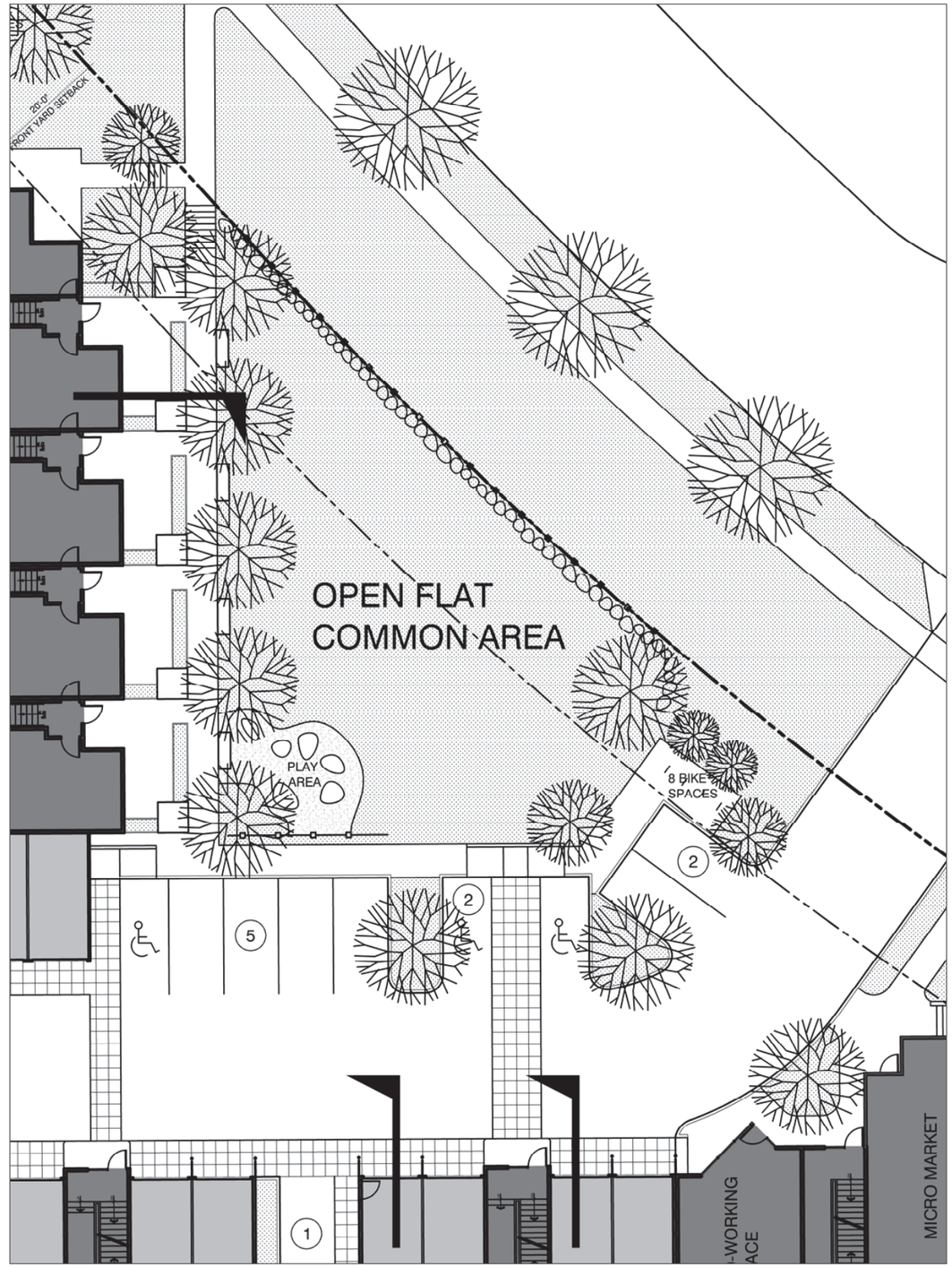


45% Open Space

VeloPark transforms a vacant parcel of land by adding low profile housing surrounded by green space. Ample 20+ foot landscape setbacks surround the residential units and create a green buffer of trees, grasses, and perennials.

- Common spaces with modern seating and gardens are provided outside the live/work units to foster opportunities for working outdoors, and to encourage interactive social encounters.
- A meandering gravel path has been thoughtfully designed to connect to more formal sidewalks and link together several informal gathering areas around the perimeter of the site.
- The site's open space and landscaping has been adjusted to increase privacy from Airport Rd. by adding a low protective berm and plantings.
- All ground level units include private yard areas, with low fencing and attractive plantings.

Community Play

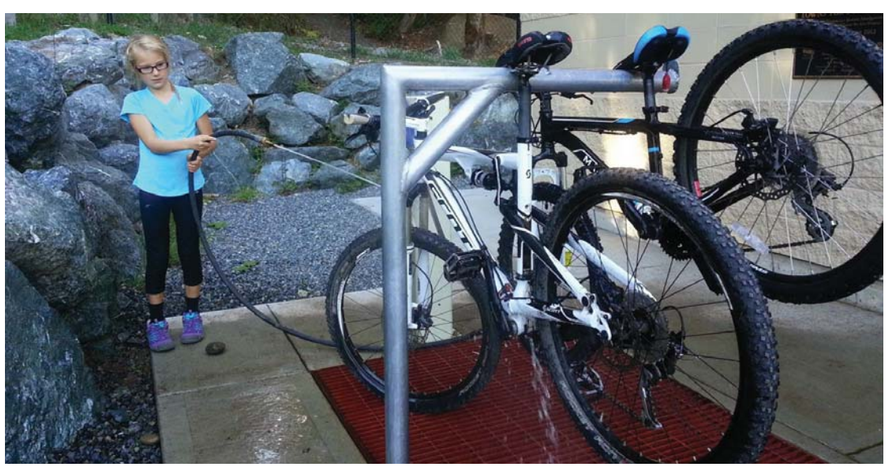


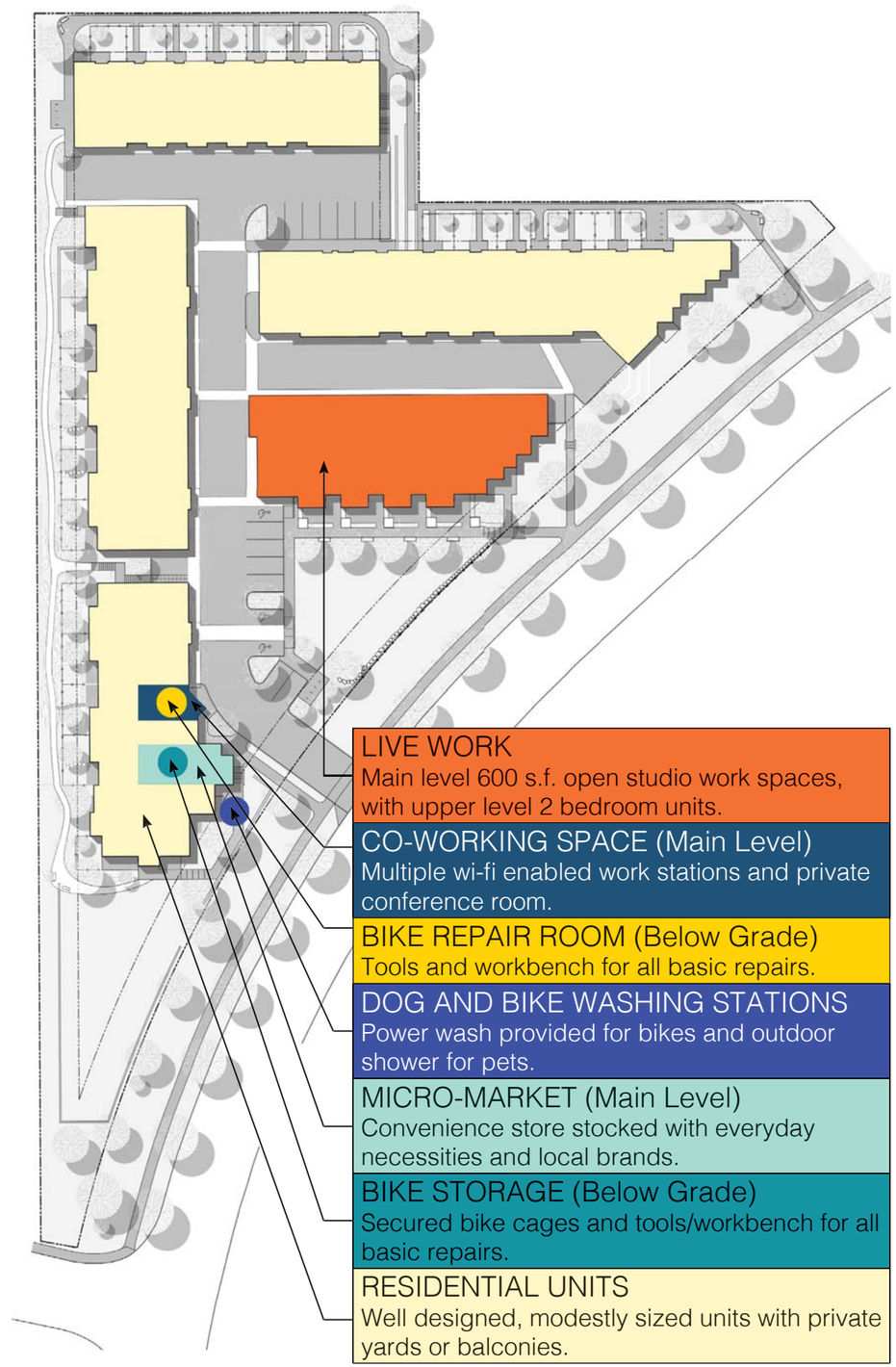
Natural Playscape

- Natural features integrated into central community space
- Activated for live/work users, children and families
- Climbing rocks for children to scramble, jump, climb, and balance
- Central location is safely buffered from Valmont Road and separated from parking by low fence
- Complements playground of Valmont Bike Park

Live
Work
Ride

Industrious Living





Residential		
1-Bedroom	41	59%
2-Bedroom	21	30%
3-Bedroom	3	4%
2-Bedroom Live/Work Units	3	4%
3-Bedroom Live/Work Units	2	3%

With housing shortages reaching critical proportions across the City, we focused our design and planning on providing housing to support the industrious lifestyle of moderate income earners of Boulder. The opportunity to live, work, and ride was the inspiration for the architectural style and choice of amenities at VeloPark.

- Residential units have been carefully designed to be large enough for comfortable living, but small enough to maintain affordability. Averaging around 850 s.f., these one, two, or three bedroom homes include private yards on the ground level, balconies on the upper levels, and spectacular views of the foothills to the south and west.

- Live-work units are located in the central building on the site. The 600 square foot work spaces on the first floor open to common outdoor open space areas with retractable clear glass doors, allowing residents to have workshops, studios, and small home businesses below their living space.

- In order to reduce the need to commute to a separate office, a large co-working conference/support space has been created near the site entrance, adjacent to the micro-market. This will provide open work stations for residents to support on-site collaboration, as well as a private conference room for business meetings. This space can also be used for community events, small birthday parties and other gatherings.

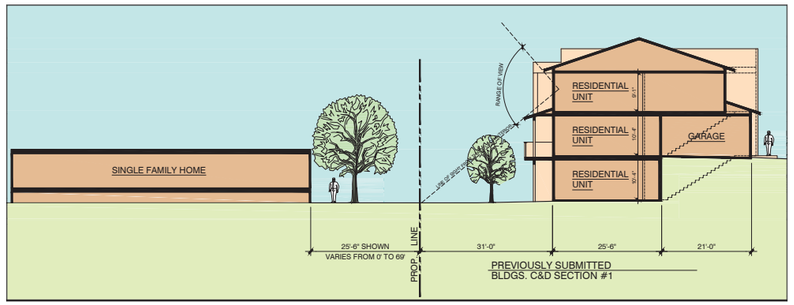
- A micro-market convenience store has been provided as a neighborhood amenity, stocking basic necessities, food, drinks, and coffee. The store will be open to the public during business hours, and VeloPark residents will have 24 hour key card access. This market will reduce the need for short car trips to other stores for small item purchases.

- A dog and bike washing station is included on the lower level just beneath the micro-market store. A secure bike storage and repair room, in the basement level underneath the co-working space, provides a safe option to store bicycles, as well as a workbench and tools to make minor repairs before heading out on a ride.

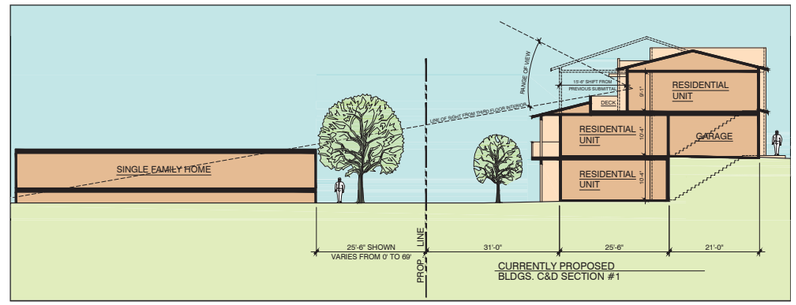
Live
Work
Ride

Collaborative Infill

The proposed use provides a compatible transition between large scale County and private industrial buildings to the east, and small scale residential units to the west. In collaboration with the City and our future neighbors, we made multiple improvements to the project.



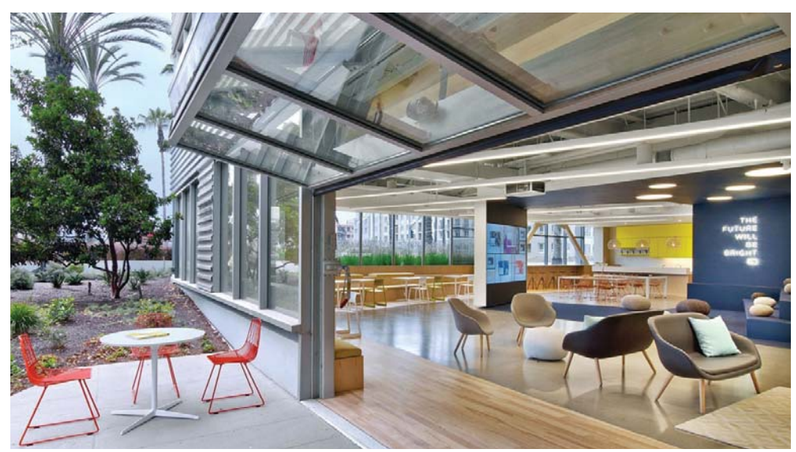
Previously Submitted Buildings C & D



Currently Proposed Buildings C & D

All of the third floor 2 bedroom units on the western facing buildings were reduced in size to 1 bedroom, and the setbacks from the west increased between 12-20'. Density was transferred to the central portion of the site, changing a one-story central building into two-story live/work units. The change in setbacks and careful arrangement of buildings on the sloping grade creates the appearance of two-story facades from almost all sides of the site.

This small retail market will provide coffee, snacks, and basic living goods, reducing the need to travel by car to stores more than a mile away and creating an activated space at the entrance to the project.



Through thoughtful commercial architectural elements, including storefront glass, roll up commercial garage doors, transparent work spaces, and activated modern outdoor landscape design, this site will support the industrial vibe of the area and will create a compatible transition to the residential neighborhood to the west.

Live
Work
Ride

VeloPark

LIVE WORK RIDE

VELO PARK
SITE / LEVEL 1 PLAN

NORTH

SCALE: 1"=20'-0"

8-31-2016

RHAP architecture + planning
711 Walnut Street,
Carriage House
Boulder, co 80302
720-530-5901

A1

PROJECT TEAM:

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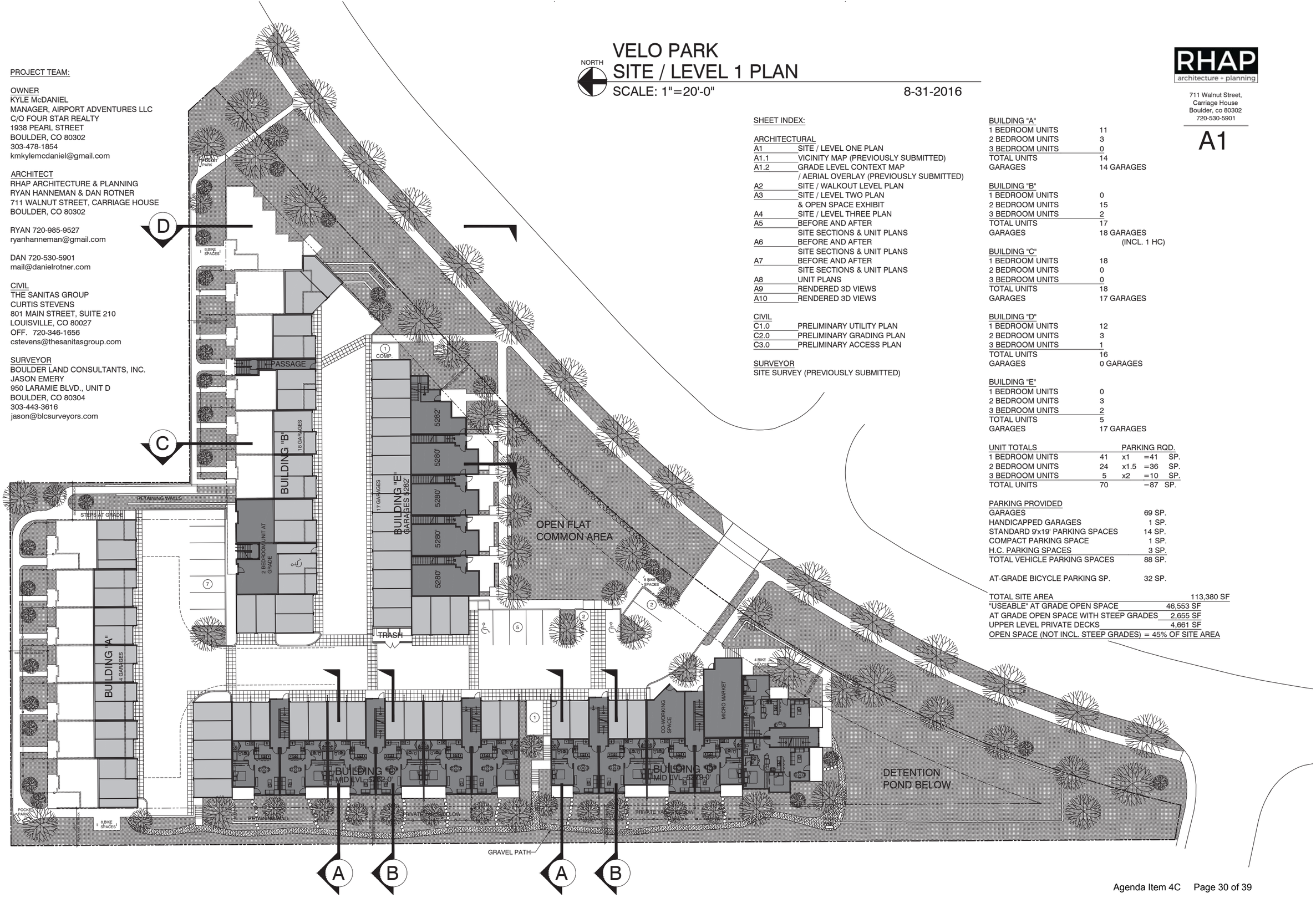

SHEET INDEX:

ARCHITECTURAL	
A1	SITE / LEVEL ONE PLAN
A1.1	VICINITY MAP (PREVIOUSLY SUBMITTED)
A1.2	GRADE LEVEL CONTEXT MAP / AERIAL OVERLAY (PREVIOUSLY SUBMITTED)
A2	SITE / WALKOUT LEVEL PLAN
A3	SITE / LEVEL TWO PLAN & OPEN SPACE EXHIBIT
A4	SITE / LEVEL THREE PLAN
A5	BEFORE AND AFTER SITE SECTIONS & UNIT PLANS
A6	BEFORE AND AFTER SITE SECTIONS & UNIT PLANS
A7	BEFORE AND AFTER SITE SECTIONS & UNIT PLANS
A8	UNIT PLANS
A9	RENDERED 3D VIEWS
A10	RENDERED 3D VIEWS
CIVIL	
C1.0	PRELIMINARY UTILITY PLAN
C2.0	PRELIMINARY GRADING PLAN
C3.0	PRELIMINARY ACCESS PLAN
SURVEYOR	
SITE SURVEY (PREVIOUSLY SUBMITTED)	

BUILDING "A"	
1 BEDROOM UNITS	11
2 BEDROOM UNITS	3
3 BEDROOM UNITS	0
TOTAL UNITS	14
GARAGES	14 GARAGES
BUILDING "B"	
1 BEDROOM UNITS	0
2 BEDROOM UNITS	15
3 BEDROOM UNITS	2
TOTAL UNITS	17
GARAGES	18 GARAGES (INCL. 1 HC)
BUILDING "C"	
1 BEDROOM UNITS	18
2 BEDROOM UNITS	0
3 BEDROOM UNITS	0
TOTAL UNITS	18
GARAGES	17 GARAGES
BUILDING "D"	
1 BEDROOM UNITS	12
2 BEDROOM UNITS	3
3 BEDROOM UNITS	1
TOTAL UNITS	16
GARAGES	0 GARAGES
BUILDING "E"	
1 BEDROOM UNITS	0
2 BEDROOM UNITS	3
3 BEDROOM UNITS	2
TOTAL UNITS	5
GARAGES	17 GARAGES

UNIT TOTALS			PARKING RQD.	
1 BEDROOM UNITS	41	x1	=41	SP.
2 BEDROOM UNITS	24	x1.5	=36	SP.
3 BEDROOM UNITS	5	x2	=10	SP.
TOTAL UNITS	70		=87	SP.

PARKING PROVIDED	
GARAGES	69 SP.
HANDICAPPED GARAGES	1 SP.
STANDARD 9'x19' PARKING SPACES	14 SP.
COMPACT PARKING SPACE	1 SP.
H.C. PARKING SPACES	3 SP.
TOTAL VEHICLE PARKING SPACES	88 SP.
AT-GRADE BICYCLE PARKING SP.	32 SP.

TOTAL SITE AREA	113,380 SF
"USEABLE" AT GRADE OPEN SPACE	46,553 SF
AT GRADE OPEN SPACE WITH STEEP GRADES	2,655 SF
UPPER LEVEL PRIVATE DECKS	4,661 SF
OPEN SPACE (NOT INCL. STEEP GRADES) = 45% OF SITE AREA	

VELO PARK
SITE / WALKOUT LEVEL PLAN

NORTH

SCALE: 1"=20'-0"

8-11-2016

RHAP
architecture + planning
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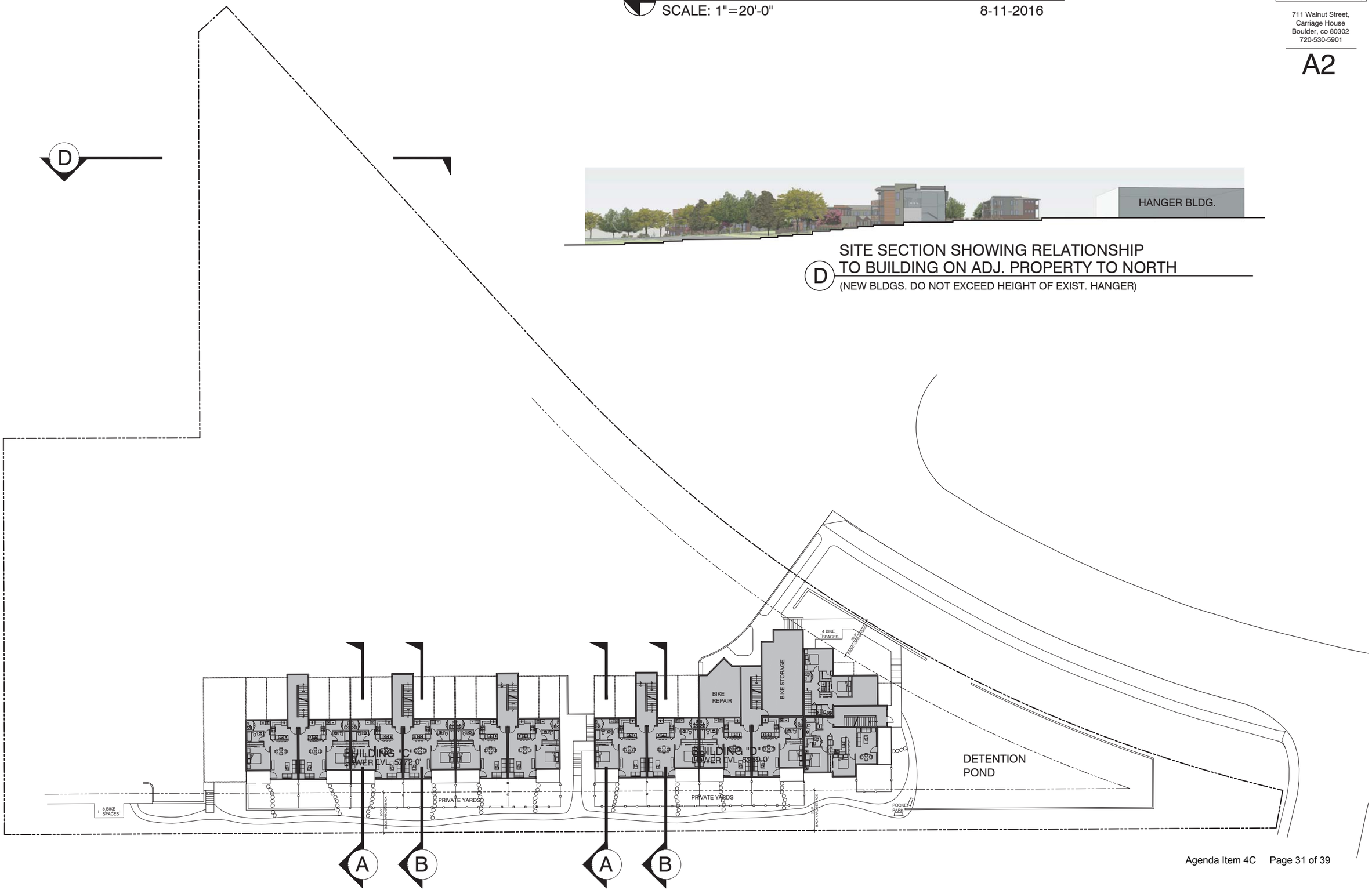
A2

D SITE SECTION SHOWING RELATIONSHIP TO BUILDING ON ADJ. PROPERTY TO NORTH
(NEW BLDGS. DO NOT EXCEED HEIGHT OF EXIST. HANGER)



TOTAL SITE AREA = 113,380 SF

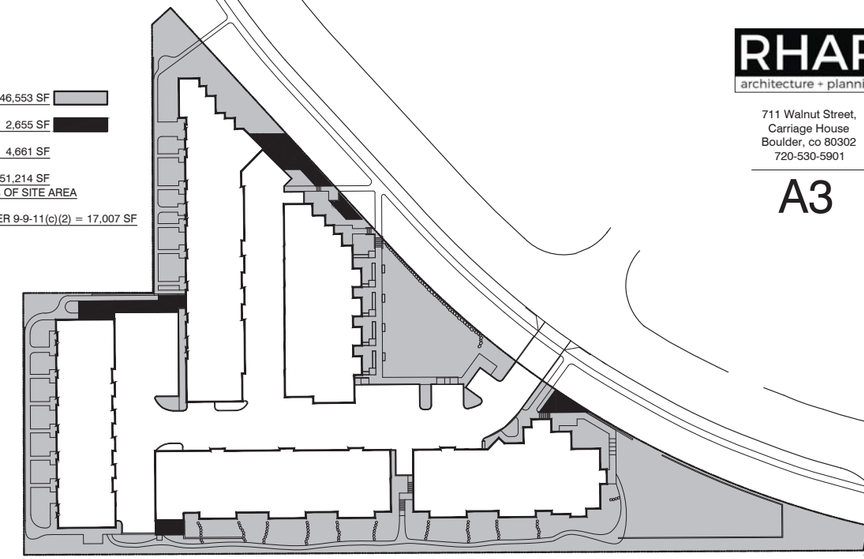
"USEABLE" AT GRADE OPEN SPACE 46,553 SF

AT GRADE OPEN SPACE WITH STEEP GRADES 2,655 SF

UPPER LEVEL PRIVATE DECKS 4,661 SF

TOTAL "USEABLE" OPEN SPACE PROVIDED = 51,214 SF
OPEN SPACE (NOT INCL. STEEP GRADES) = 45% OF SITE AREA

OPEN SPACE REQUIRED = 15% OF SITE AREA PER 9-9-11(c)(2) = 17,007 SF



NORTH

VELO PARK
OPEN SPACE AREA EXHIBIT

SCALE: 1"=50'-0"

8-31-2016

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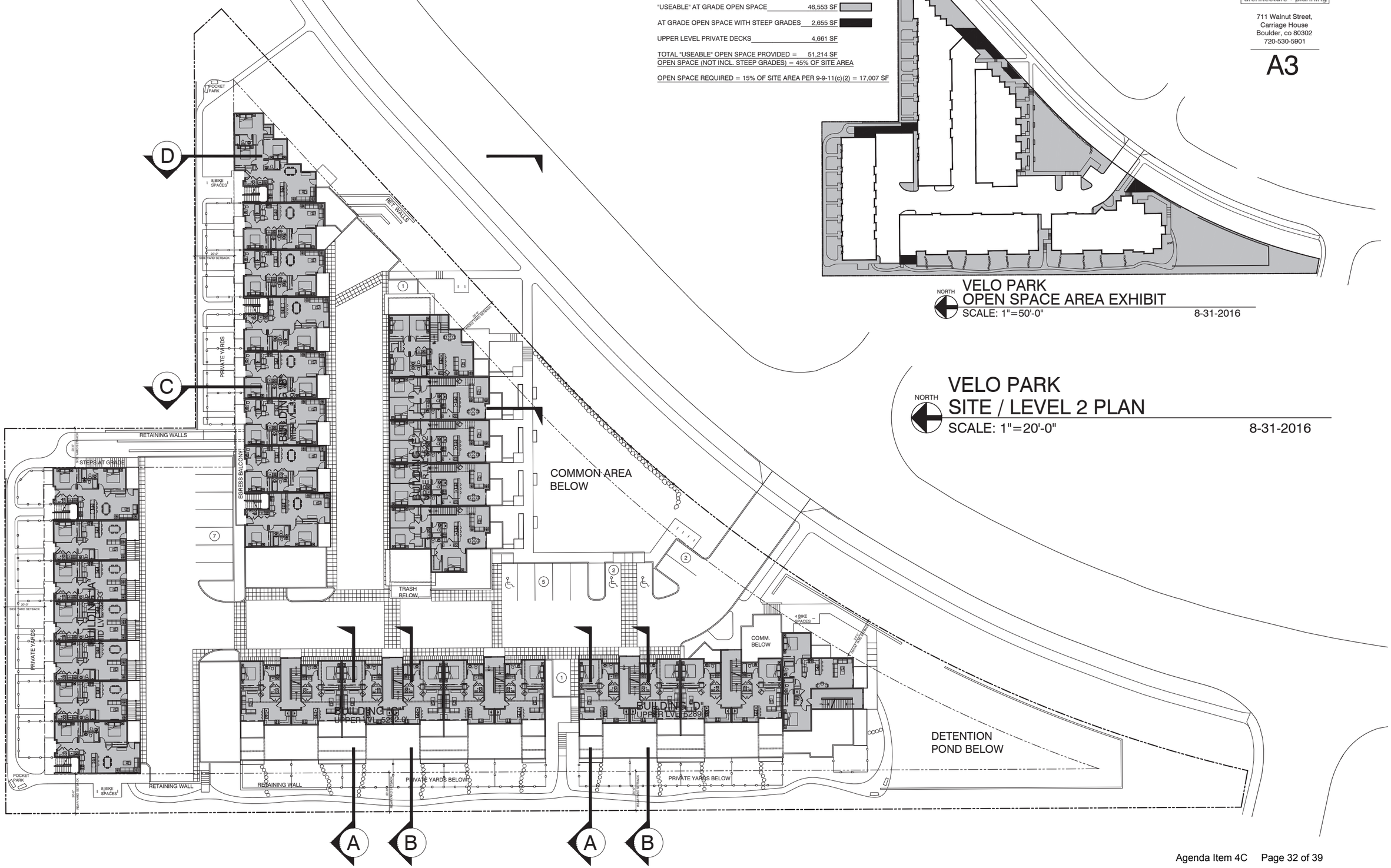
architecture + planning

711 Walnut Street,
Carriage House
Boulder, co 80302
720-530-5901

A3



NORTH

VELO PARK
SITE / LEVEL 2 PLAN

SCALE: 1"=20'-0"

8-31-2016

VELO PARK
SITE / LEVEL 3 PLAN

SCALE: 1"=20'-0"

8-31-2016

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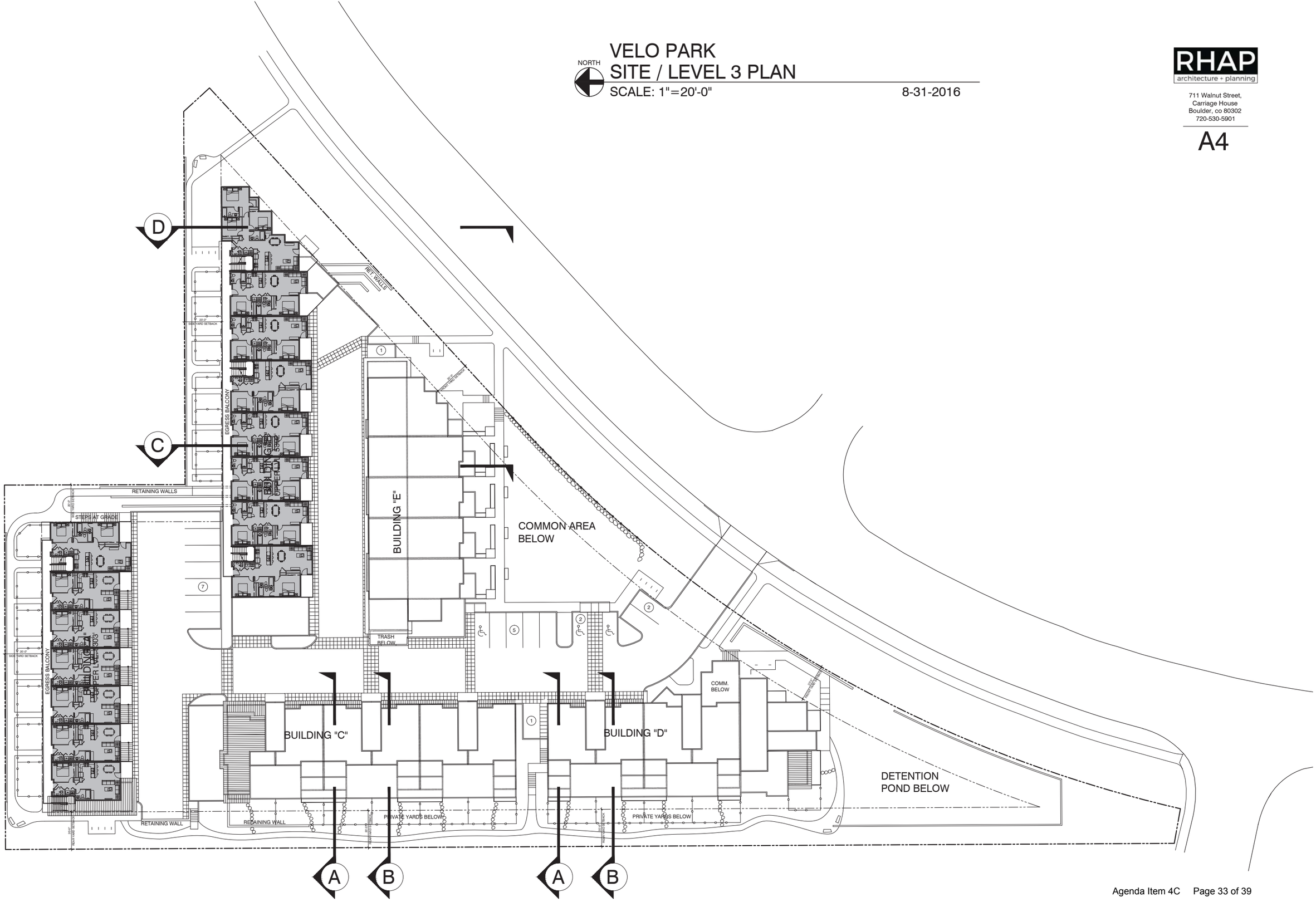
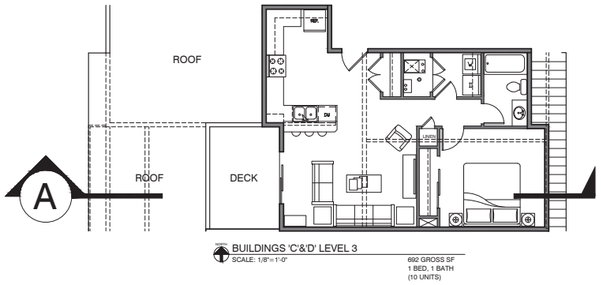
711 Walnut Street,
Carriage House
Boulder, co 80302
720-530-5901

A4

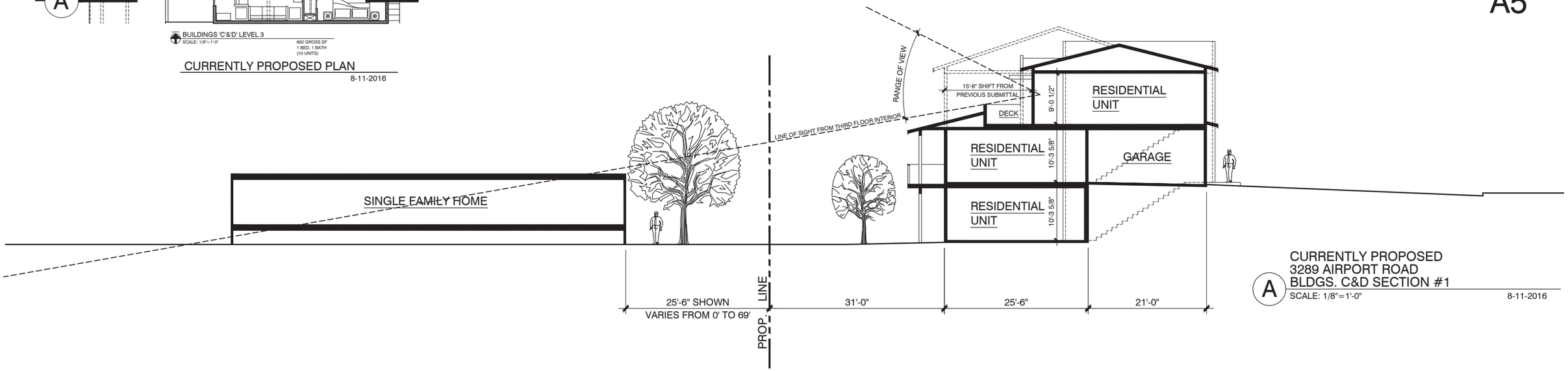


RHAP
architecture + planning
711 Walnut Street,
Carriage House
Boulder, co 80302
720-530-5901

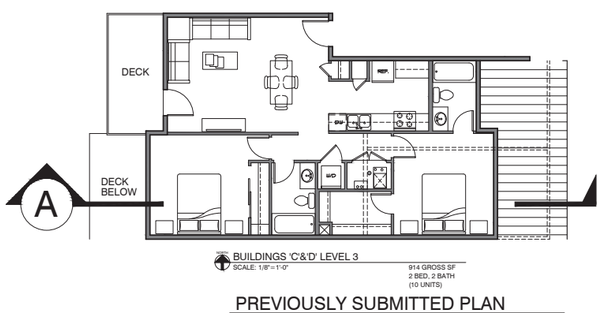
A5



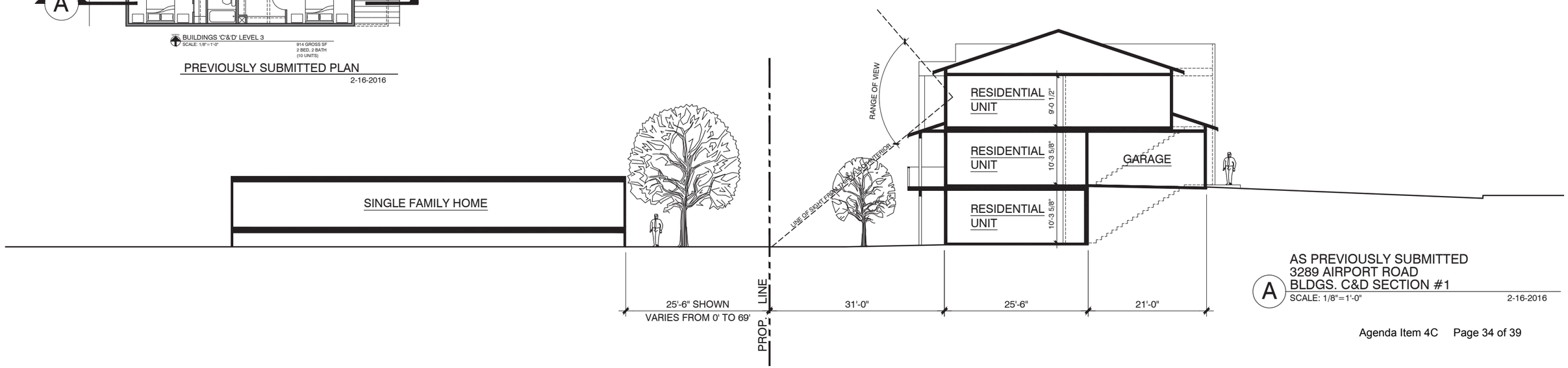
CURRENTLY PROPOSED PLAN
8-11-2016



CURRENTLY PROPOSED
3289 AIRPORT ROAD
BLDGS. C&D SECTION #1
A
SCALE: 1/8"=1'-0"
8-11-2016



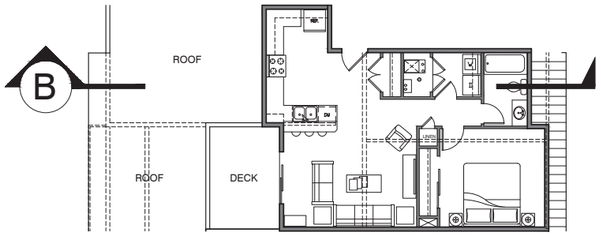
PREVIOUSLY SUBMITTED PLAN
2-16-2016



AS PREVIOUSLY SUBMITTED
3289 AIRPORT ROAD
BLDGS. C&D SECTION #1
A
SCALE: 1/8"=1'-0"
2-16-2016

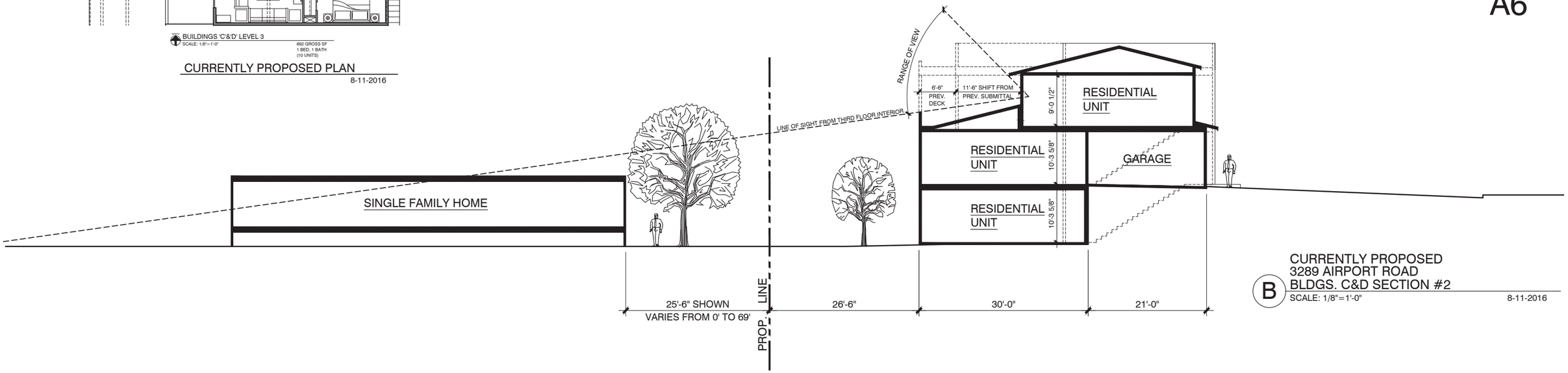
RHAP
architecture + planning
711 Walnut Street,
Carriage House
Boulder, co 80302
720-530-5901

A6

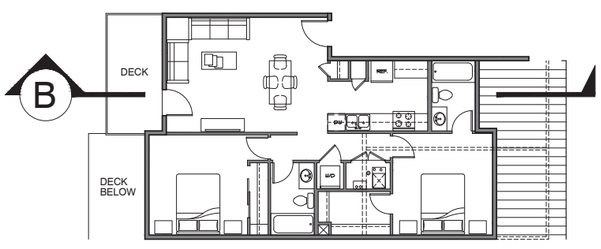


BUILDINGS 'C'&'D' LEVEL 3
SCALE: 1/8"=1'-0"
692 GROSS SF
1 BED, 1 BATH
(10 UNITS)

CURRENTLY PROPOSED PLAN
8-11-2016

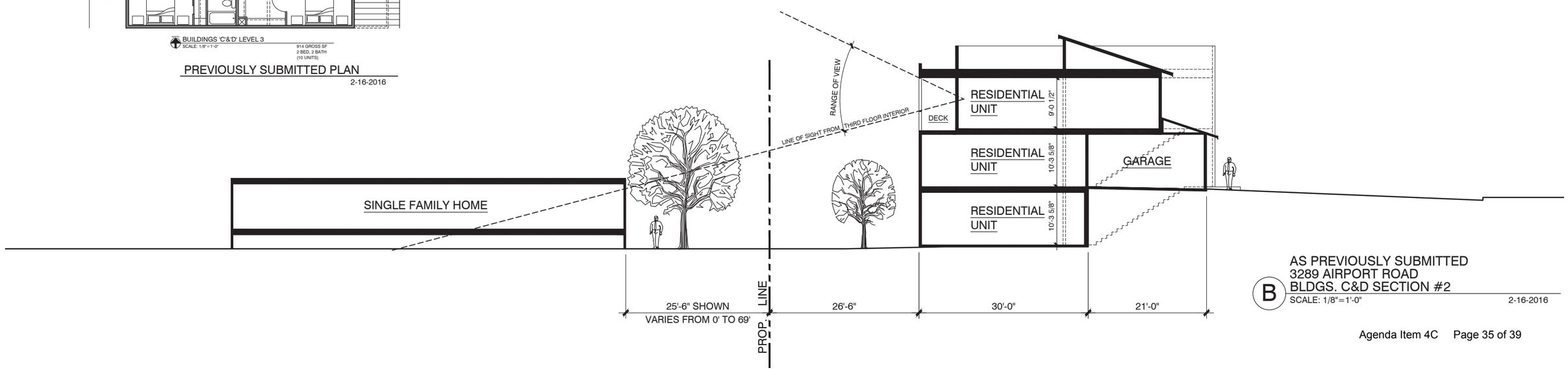


B CURRENTLY PROPOSED
3289 AIRPORT ROAD
BLDGS. C&D SECTION #2
SCALE: 1/8"=1'-0" 8-11-2016



BUILDINGS 'C'&'D' LEVEL 3
SCALE: 1/8"=1'-0"
914 GROSS SF
2 BED, 2 BATH
(10 UNITS)

PREVIOUSLY SUBMITTED PLAN
2-16-2016



B AS PREVIOUSLY SUBMITTED
3289 AIRPORT ROAD
BLDGS. C&D SECTION #2
SCALE: 1/8"=1'-0" 2-16-2016

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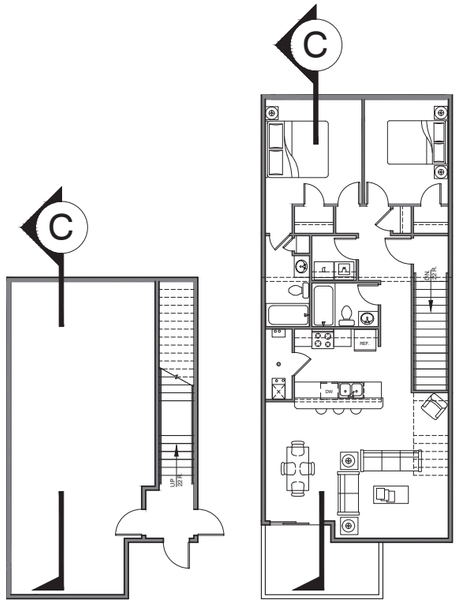
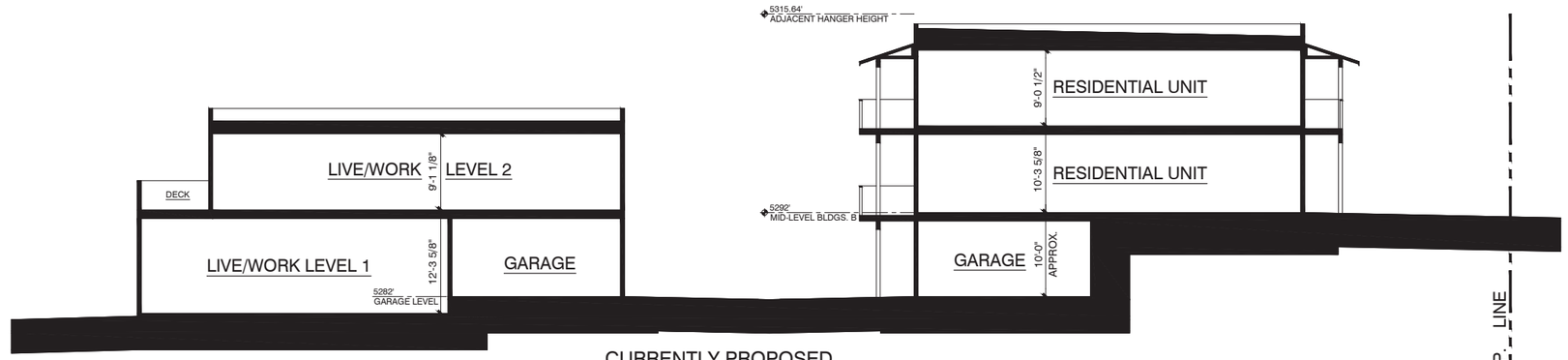
Carriage House
Boulder, co 80302
720-530-5901

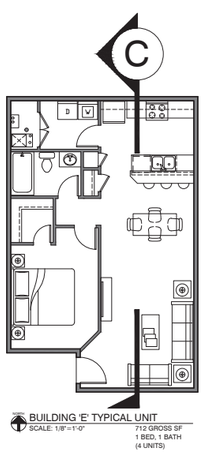
A7



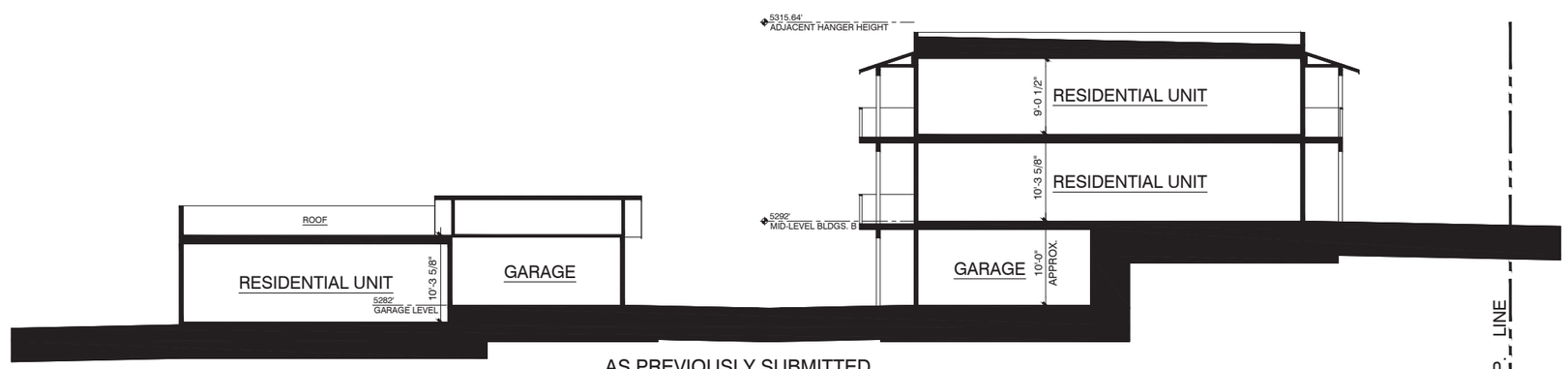
CURRENTLY PROPOSED PLAN
8-11-2016



C CURRENTLY PROPOSED
3289 AIRPORT ROAD
BLDGS. B&E SECTION
SCALE: 1/8"=1'-0"
8-11-2016



PREVIOUSLY SUBMITTED PLAN
2-16-2016



C AS PREVIOUSLY SUBMITTED
3289 AIRPORT ROAD
BLDGS. B&E SECTION
SCALE: 1/8"=1'-0"
2-16-2016

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711 Walnut Street,
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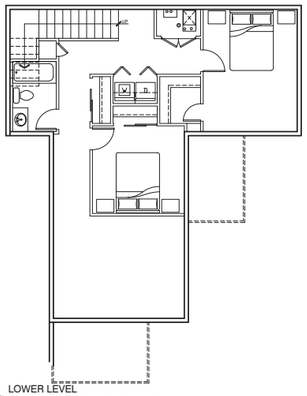
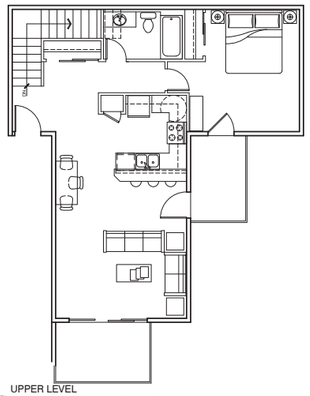
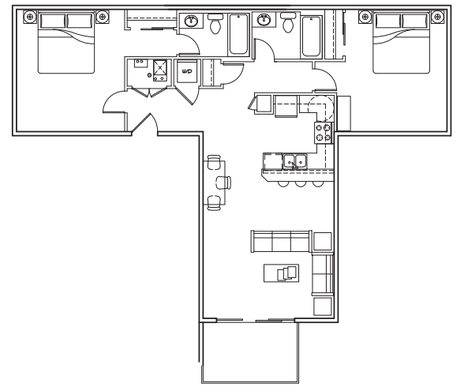
A8



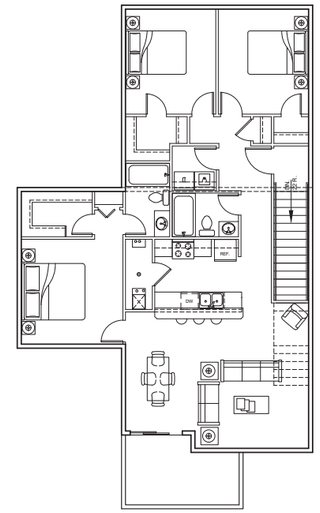
LOWER LEVEL
BUILDING 'D' SOUTHEAST UNIT
SCALE: 1/8"=1'-0"



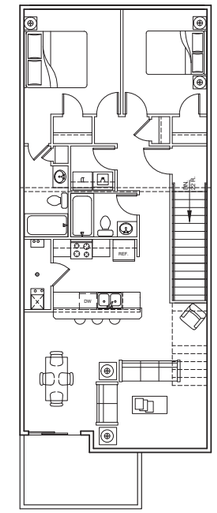
UPPER LEVEL
BUILDING 'D' SOUTHEAST UNIT
SCALE: 1/8"=1'-0"
1,647 GROSS SF
3 BED, 2 BATH
(1 UNIT)



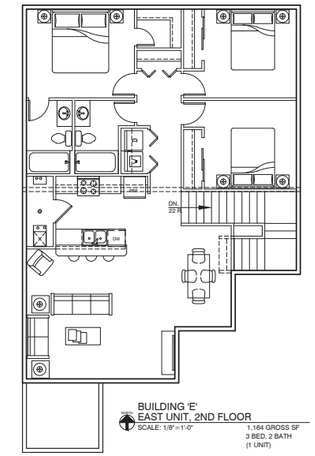
BUILDING 'D' LEVEL 3 SOUTH UNIT
SCALE: 1/8"=1'-0"
1,102 GROSS SF
2 BED, 2 BATH
(1 UNIT)



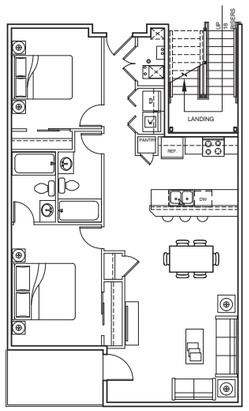
BUILDING 'E'
2ND FLOOR, WEST UNIT
SCALE: 1/8"=1'-0"
1,283 GROSS SF
3 BED, 2 BATH
(1 UNIT)



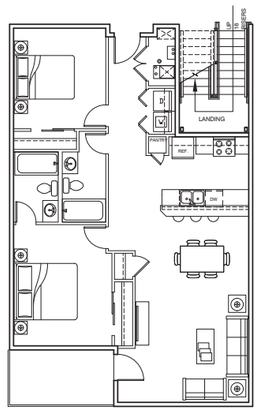
BUILDING 'E'
TYPICAL UNIT 2ND FLOOR
SCALE: 1/8"=1'-0"
1,061 GROSS SF
2 BED, 2 BATH
(3 UNITS)



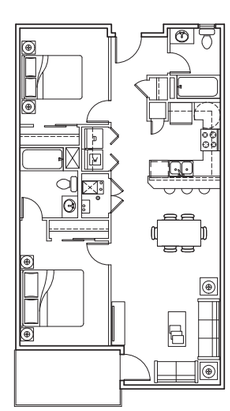
BUILDING 'E'
EAST UNIT, 2ND FLOOR
SCALE: 1/8"=1'-0"
1,164 GROSS SF
3 BED, 2 BATH
(1 UNIT)



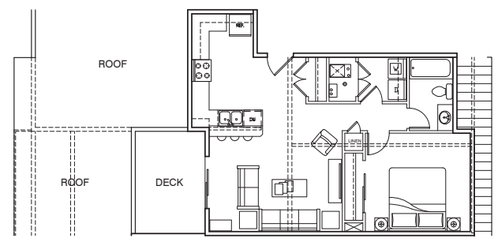
BUILDING 'A' LEVELS 2&3 2BED AT STAIRS
SCALE: 1/8"=1'-0"
1,005 GROSS SF
2 BED, 2 BATH
(3 UNITS)



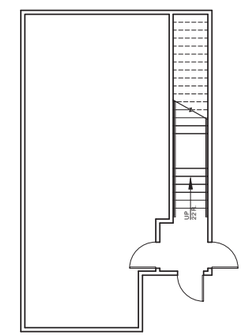
BUILDING 'B' LEVELS 2&3 2BED AT STAIRS
SCALE: 1/8"=1'-0"
1,043 GROSS SF
2 BED, 2 BATH
(4 UNITS)



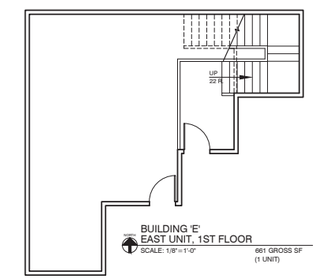
BUILDING 'B' LEVELS 2&3 2BED
SCALE: 1/8"=1'-0"
948 GROSS SF
2 BED, 2 BATH
(10 UNITS)



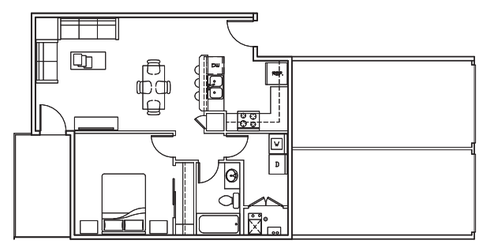
BUILDINGS 'C&D' LEVEL 3
SCALE: 1/8"=1'-0"
692 GROSS SF
1 BED, 1 BATH
(10 UNITS)



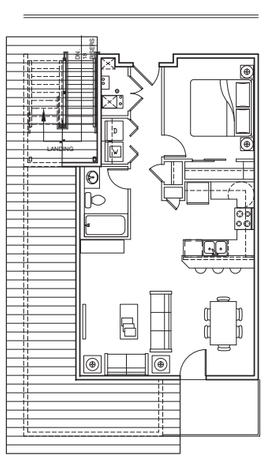
BUILDING 'E'
TYPICAL UNIT 1ST FLOOR
SCALE: 1/8"=1'-0"
762 GROSS SF
(4 UNITS)



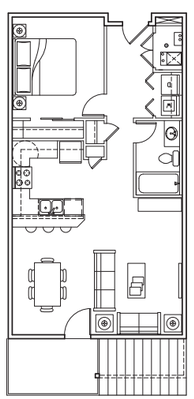
BUILDING 'E'
EAST UNIT, 1ST FLOOR
SCALE: 1/8"=1'-0"
661 GROSS SF
(1 UNIT)



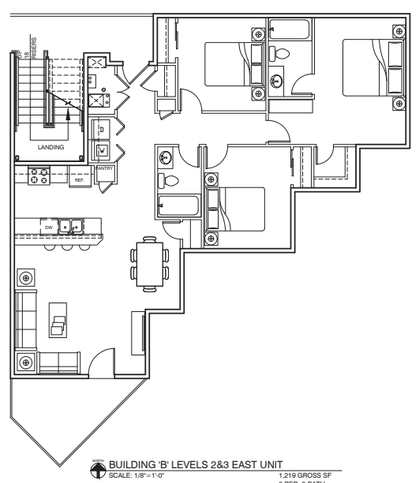
BUILDINGS 'C&D' LEVEL 2
SCALE: 1/8"=1'-0"
706 GROSS SF
1 BED, 1 BATH
(10 UNITS)



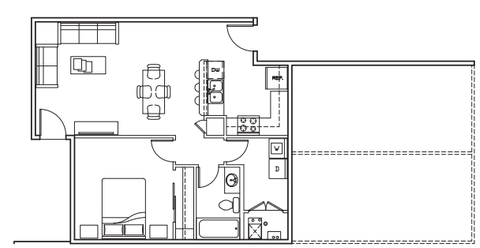
BUILDING 'A' LEVEL 3 WEST UNIT
SCALE: 1/8"=1'-0"
751 GROSS SF
1 BED, 1 BATH
(1 UNIT)



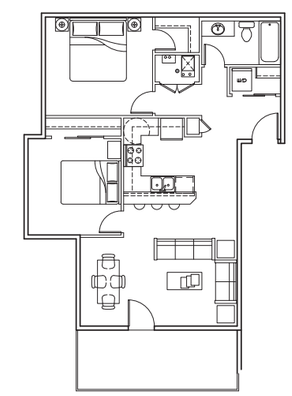
BUILDING 'A' LEVELS 2&3 1BED
SCALE: 1/8"=1'-0"
764 GROSS SF
1 BED, 1 BATH
(10 UNITS)



BUILDING 'B' LEVELS 2&3 EAST UNIT
SCALE: 1/8"=1'-0"
1,219 GROSS SF
3 BED, 2 BATH
(2 UNITS)



BUILDINGS 'C&D' LEVEL 1
SCALE: 1/8"=1'-0"
706 GROSS SF
1 BED, 1 BATH
(10 UNITS)



BUILDING 'D' LEVELS 1&2 SOUTHWEST UNIT
SCALE: 1/8"=1'-0"
897 GROSS SF
2 BED, 1 BATH
(2 UNITS)

VELO PARK, UNIT PLANS

RHAP
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COMMON AREA FROM SOUTHEAST

BUILDING 'D' FROM ENTRY DRIVE

VIEW FROM SOUTH

SOUTHWEST CORNER OF BUILDING 'D'

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VIEW FROM SOUTHEAST

VIEW FROM COMMON AREA LOOKING NORTH

BUILDING 'C' FROM NORTHWEST

BUILDING 'D' FROM SOUTHWEST

C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM
MEETING DATE: November 3, 2016

AGENDA TITLE:
Public hearing for consideration of a Concept Plan proposal (LUR2016-00070) to redevelop the site at 1600 Broadway, an approximately 0.54 acre-property, involving removal of two commercial buildings, development of a new 41,606 square-foot hotel building with approximately 73 hotel rooms, and installation of an underground parking structure. Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3) is also proposed.

Applicant: Julie Eck, Davis Partnership Architects
Property Owner: Stephen D. Tebo

REQUESTING DEPARTMENT:
Planning, Housing & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Land Use Review Manager
Shannon Moeller, Planner II

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 for the proposed redevelopment of the site at 1600 Broadway, an approximate 0.54 acre-property, involving removal of two commercial buildings, a new 41,606 square-foot hotel building with approximately 73 hotel rooms, and installation of an underground parking structure. Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3) is also proposed.
Project Name:	Boulder University Inn Expansion
Location:	1600 Broadway
Size of Property	0.54 acre
Zoning:	BT-2 (Business – Transitional 2)
Comprehensive Plan:	Transitional Business

I. INTRODUCTION AND BACKGROUND

PROCESS

Per Section 9-2-14, B.R.C. 1981, the project requires Concept Plan review and comment, because the project exceeds 30,000 square feet of floor 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 Site Review documents.

BACKGROUND

Site Context

As shown in **Figure 1**, the site is roughly .54 acres in size and is located at the northeast corner of Broadway and Marine Street. The site is developed with existing structures containing Khow Thai Café and DP Dough. Demolition of the two buildings was approved by the Landmarks Design Review Committee (LDRC) in 2016. The remainder of the site consists largely of paved areas and some vegetation. The site generally slopes downward to the northeast toward Boulder Creek and backs to an alley, a multi-use path, open space, and Boulder High School fields to the east; and is bordered by other commercial properties to the north. As shown in the context photos in **Figure 2**, buildings in the

Figure 1 - Vicinity Map

Figure 2 – Context Photos

immediate vicinity on the east and west side of Broadway are generally one and two story, with the exception of the nearby nonconforming four story apartments on the west side of Broadway.

The site is located outside of the Central Area Improvement District (CAGID) and is not subject to the Downtown Design Guidelines. A portion of the northern lot is impacted by the 500-year floodplain, as shown in **Figure 3**.

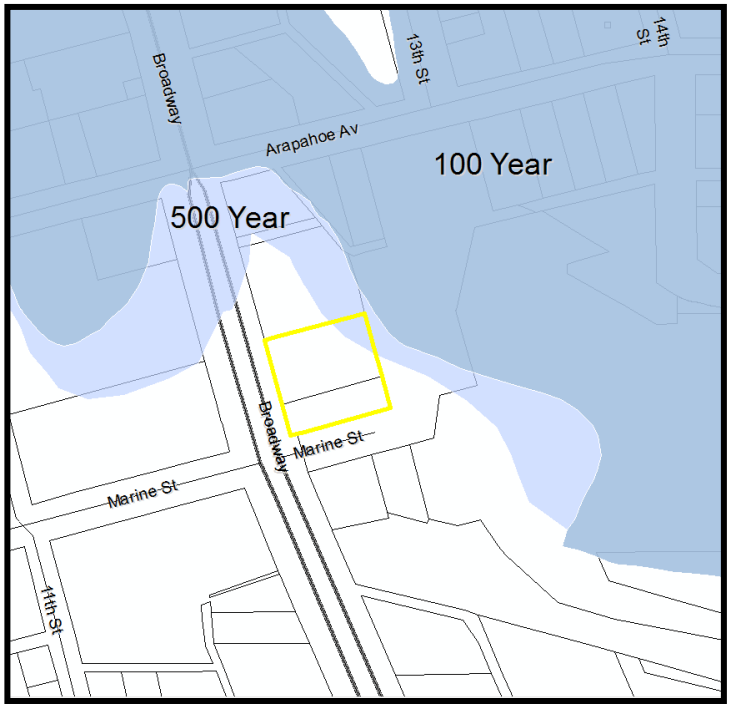


Figure 3 – Floodplain Map

BVCP Land Use Designation

The Boulder Valley Comprehensive Plan (BVCP) designates the site as Transitional Business (see **Figure 4**). Per the BVCP Land Use Map description: "The Transitional Business designation is shown along certain major streets. These are areas usually zoned for less intensive business uses than in the General Business areas, and they often provide a transition to residential areas."

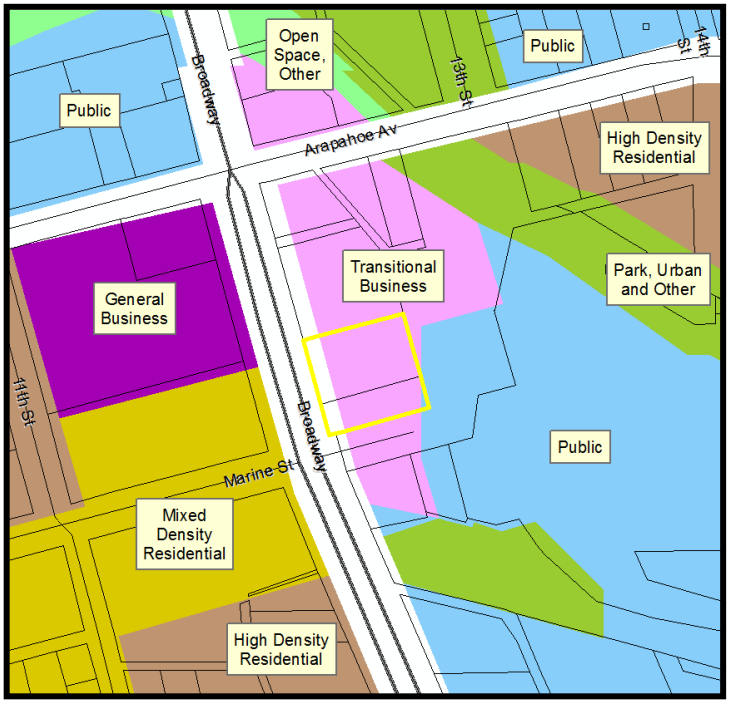


Figure 4 – BVCP Land Use Map

Zoning

The project site is zoned BT-2, Business - Transitional 2 (see **Figure 5**). Section 9-5-2(c)(2)(E), B.R.C. 1981 describes the district as *"transitional business areas which generally buffer a residential area from a major street and are primarily used for commercial and complementary residential uses, including without limitation, temporary lodging and office uses."* Motels and hotels require a Use Review in this zoning district.

The applicant is proposing to rezone the site to DT-3, Downtown - 3. Section 9-5-2(c)(3)(A), B.R.C. 1981 describes the DT-3 district as *"a transition area between the downtown and the surrounding residential areas where a wide range of retail, office, residential, and public uses are permitted. 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." Motels and hotels require a Use Review in this district, as well.

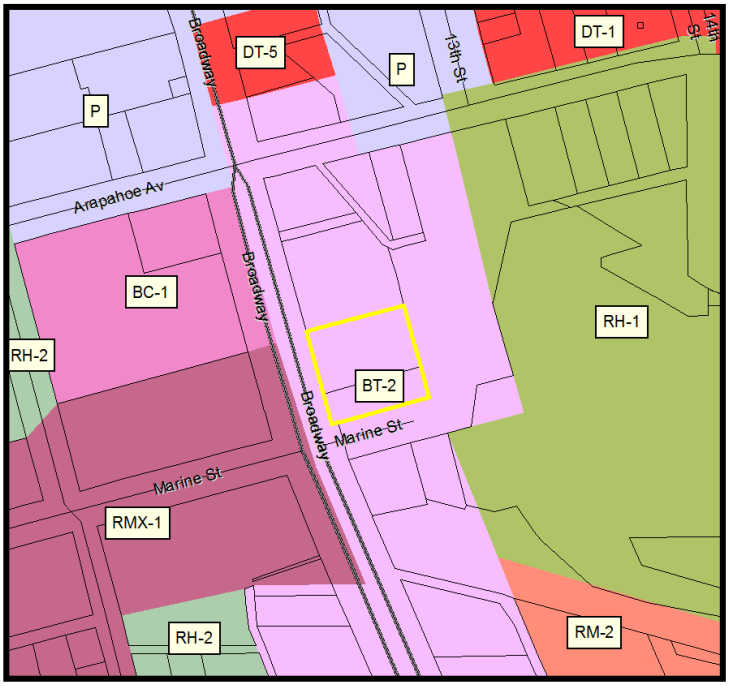


Figure 5 – Zoning Map

II. PROJECT DESCRIPTION SUMMARY

The applicant is requesting feedback on the following proposal:

- Construction of a 41,606 square-foot hotel with 73 rooms and underground parking;
- Modification to the permitted height and number of stories for a proposed 48-foot, four story building;
- Modification to the setbacks, including a proposed 5' front yard setback from Broadway and a 20' rear yard setback;
- An overall proposed 1.74 FAR (Floor Area Ratio);
- Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3).

A conceptual site plan showing the building location, site circulation, and nearby transportation connections is shown in **Figure 6**.

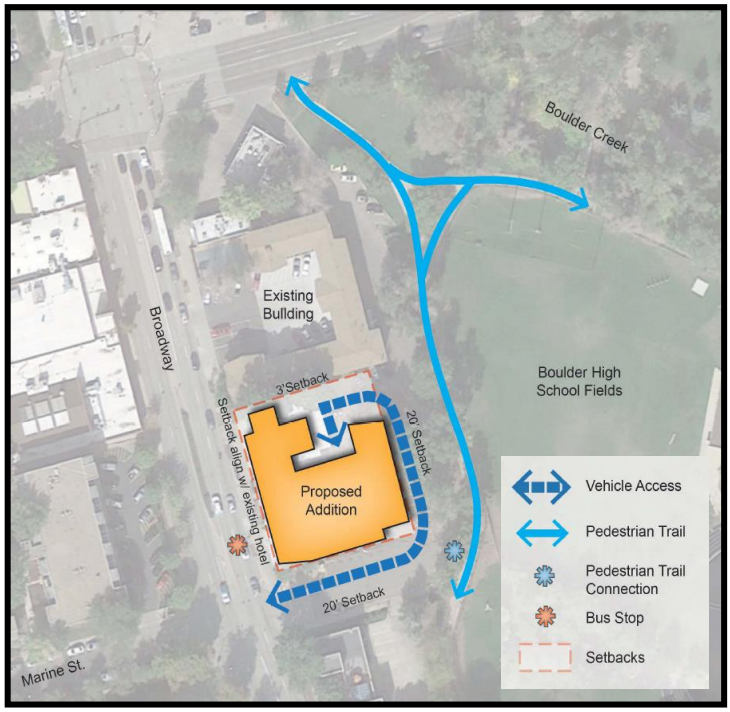


Figure 6 – Conceptual Site Plan

Conceptual site sections are shown in **Figure 7** demonstrating the proposed height and scale of the building in relation to the site topography and existing Boulder University Inn building.

The architecture of the project is shown in **Figure 8**. The proposed building includes four stories (one parking level and three hotel levels) using a mix of materials including steel panels, composite wood-look panels, red and buff stacked sandstone veneer, and brick veneer.

See **Attachment A** for the applicant's written description and **Attachment B** for the conceptual plans. See **Attachment C** for staff's development review comments dated September 28, 2016.

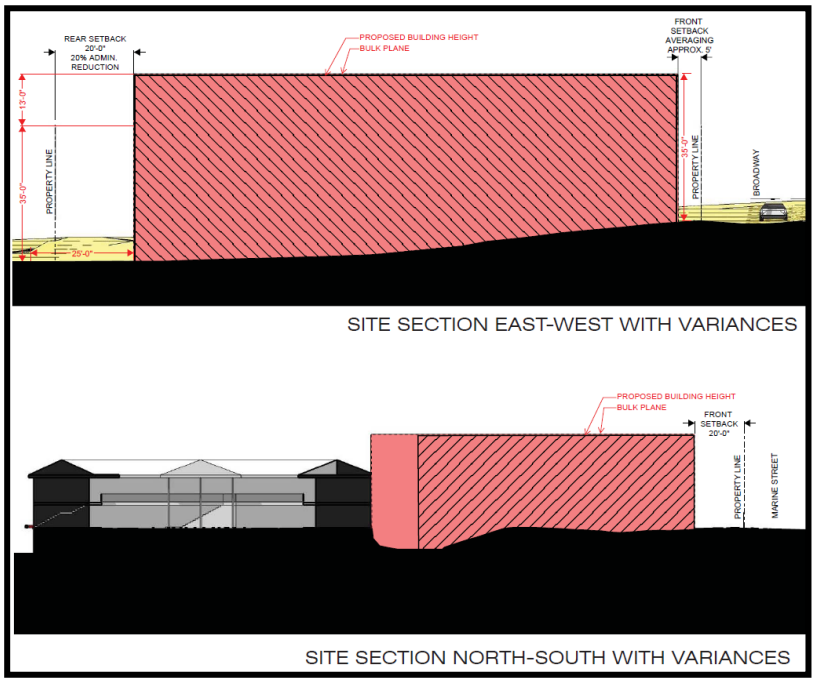


Figure 7 – Site Sections

Figure 8 – Architectural Renderings

III. Concept Plan Review Criteria for Land Use Code Section 9-2-13(e), B.R.C. 1981

CONCEPT PLAN REVIEW AND COMMENT
Section 9-2-13

(g) Guidelines for Review and Comment: The following guidelines will be used to guide the planning board's discussion regarding the site. It is anticipated that issues other than those listed in this section will be identified as part of the concept plan review and comment process. The planning board may consider the following guidelines when providing comments on a concept plan:

1) **Characteristics of the site and surrounding areas, including, without limitation, its location, surrounding neighborhoods, development and architecture, any known natural features of the site including, without limitation, mature trees, watercourses, hills, depressions, steep slopes and prominent views to and from the site;**

   The overall site contains two parcels and is approximately 0.54 acres. The site is developed with existing structures containing Khow Thai Café and DP Dough. Demolition of both buildings was approved by the Landmarks Design Review Committee (LDRC) by HIS2016-00174 and HIS2016-00175. The remainder of the site consists largely of paved areas and some vegetation.

   The site is located immediately east of Broadway and approximately 250 feet south of Arapahoe Avenue. It is surrounded by Marine Street to the south; an alley, multi-use path, open space, Boulder Creek, and Boulder High School fields to the east; and other commercial properties to the north (Boulder University Inn, Massage Specialists, South Mouth Wings).

   The site generally slopes downward to the northeast toward Boulder Creek. Portions of the site slope steeply downward to the east and northeast toward the multi-use path and the existing inn. Several mature trees exist on the site, particularly along both sides of the alley and the multi-use path, and south of the inn.

   The site lies along prominent transportation corridors, including fronting Broadway and backing the multi-use path that links downtown to the University of Colorado.

   The site backs to a large open area containing Boulder High School fields and Boulder Creek.

   Views from the site westward are largely obstructed by existing structures and trees. There are some partial mountain views along Marine Street and from the southwest corner of the site toward the intersection of Arapahoe and Broadway. The property to the east of the site lies at a lower elevation and the topography, existing structures, and trees on the site also largely obstruct mountain views from those properties.

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;**

The current proposal to rezone the property to DT-3 would result in a higher FAR (floor area ratio) than is allowed by the existing BT-2 zoning.

Currently, the BVCP designates the majority of the site as Transitional Business. Per the BVCP Land Use Map description: *"The Transitional Business designation is shown along certain major streets. These are areas usually zoned for less intensive business uses than in the General Business areas, and they often provide a transition to residential areas."* The site has a corresponding zoning designation of Business - Transitional 2 (BT-2) which is defined in the city's code as *"transitional business areas which generally buffer a residential area from a major street and are primarily used for commercial and complementary residential uses, including without limitation, temporary lodging and office uses."*

A comparison of the proposal to the existing BT-2 zoning is provided below.

	BT-2	Proposal	Comparison
Setback and Separation Requirements			
Minimum front yard landscaped setback	20'	5' to Broadway	Non compliant. Requires modification through Site Review
Minimum front yard setback for all covered and uncovered parking areas	20'	Underground parking garage accessed from alley	Complies
Minimum side yard landscaped setback from a street	15'	20' to Marine Street	Complies
Minimum side yard setback from an interior lot line	10'	3' to north property line	Non compliant. Requires modification through Site Review.
Minimum total for both side yard setbacks	20'	> 20'	Complies
Minimum rear yard setback	25'	20'	Non compliant. Requires modification through Site Review
Principal Building Height			
Maximum Height	35'	48'	Does not comply; an ordinance is necessary for height modification per Ordinance 8028 (height moratorium).
Maximum Stories	3	4	Non compliant. Requires modification through Site Review.
Intensity Standards			
Maximum FAR	0.5	1.74	Exceeds Maximum FAR for BT-2. The maximum FAR cannot be modified through Site Review. A rezoning to a district with a greater FAR would be necessary.
Minimum Lot Area	6,000	23,884	Complies
Minimum Open Space	10-20% depending on height. 48' building requires 20% open space.	Not specified	To be evaluated through Site Review.

Outside of the periodic updates of the BVCP, there is an ability to request a change with a concurrent

rezoning and land use map change. Changes outside of the regular BVCP are rare. In this case, the property is located in an area of transition located between downtown and University Hill. It is not considered a part of the downtown area. The transitional nature of the area lends itself to a lower scale and intensity of development than that of downtown. Conceptually, staff does not find that a map change or a rezoning would be consistent with the criteria for a Land Use Change is found in the Comprehensive Plan in Chapter II Amendment Procedures below which states:

> *The Land Use Map is not intended to be a zoning map. It is intended to provide policy direction and definition for future land uses in the Boulder Valley. Thus, a change to the land use designations may be considered at any time if it is related to a proposed change in zoning or proposed annexation and meets all of the following criteria:*
>
> *(a) The proposed change is consistent with the policies and overall intent of the comprehensive plan.*
> *(b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.*
> *(c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan.*
> *(d) The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder.*
> *(e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder.*
> *(f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.*

Similarly, staff doesn't find that a rezoning would be consistent with the criteria for a rezoning is found in section 9-2-18 of the Boulder Revised Code, 1981, which states:

(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;
(2) The existing zoning of the land was the result of a clerical error;
(3) The existing zoning of the land was based on a mistake of fact;
(4) The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils and inadequate drainage;
(5) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area; or

(6) The proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Boulder Valley Comprehensive Plan.

While a BVCP land use map change and a rezoning appear preliminarily inconsistent with the criteria above, staff finds the proposed project preliminarily consistent with the following Boulder Valley Comprehensive Plan policies:

2.03 Compact Development Pattern
2.21 Commitment to a Walkable and Accessible City
2.23 Trail Corridors/Linkages

The following Boulder Valley Comprehensive Plan policies should be used to guide the proposal as it moves into Site Review:

2.14 Mix of Complementary Land Uses
2.30 Sensitive Infill and Redevelopment
2.32 Physical Design for People
2.34 Importance of Street Trees and Streetscapes
2.37 Enhanced Design for Private Sector Projects
- a) The context
- b) The public realm
- c) Human scale
- d) Permeability
- e) On-site open spaces
- f) Buildings

With regard to increased building height, on March 31, 2015, City Council approved Ordinance 8028, which establishes a two-year period during which modifications to the by-right height for new buildings will only be considered through the Site Review process in specific parts of the city or in particular circumstances. The project is not included in the list of exempted areas or circumstances; therefore, a request to exceed the 35-foot height limit for the zone district would require that Ordinance 8028 be amended by City Council. Preliminarily, staff doesn't find that a proposed increase in building height would be consistent with the context of the area or with the Site Review criteria found in Section 9-2-14(h)(2)(F), B.R.C. 1981 related to site context and building design.

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

As stated above, a Site Review application would be required and would be subject to all the criteria in Section 9-2-14(h) of the Land Use Regulations. Submission requirements would be the same as any other Site Review and would have to satisfy the requirements of sections 9-2-6 and 9-2-14(d). Development of the site would also have to be found consistent with the Design and Construction Standards (DCS).

Applications for Site Review are submitted to the Planning and Development Services Center and are reviewed through the Land Use Review process. Ultimately, if the project is designed to include a height modification request, a public hearing and recommendation by the Planning Board followed by approval of an ordinance by City Council would be required.

4) Permits that may need to be obtained and processes that may need to be completed prior to, concurrent with, or subsequent to site review approval;

In addition to the required Concept Plan, the applicant will be required to complete the following processes:

- Rezoning/Land Use Map Change – to rezone the property from BT-2 to DT-3 and change the BVCP land use designation for the site from Transitional Business to Downtown – 3. These processes may be run concurrently and follow the standard land use review process. A rezoning requires a recommendation by the Planning Board followed by approval of an ordinance by City Council.
- Site Review - Per Section 9-2-14, B.R.C. 1981, the project requires Site Review because the project exceeds 30,000 square feet of floor area. Additionally, a number of modifications to the city's development standards have been identified, including:

    - Section 9-7-1 - Maximum height for principal buildings and uses - Request to build up to 48 feet where 35-feet is the maximum.
    - Section 9-7-1 - Maximum number of stories for a building - Request for four stories where three stories is the maximum.
    - Section 9-7-1 - Minimum front yard landscape setback - Request for a 5' front yard building setback from Broadway where 20' is the minimum.
    - Section 9-7-1 - Minimum rear yard setback - Request for a 20' rear yard setback where 25' is the minimum.

    These modifications would need to be considered through the Site Review process.

    Additionally, the Boulder University Inn parcel at 1632 Broadway would be need to be included in the overall Site Review of this proposal per 9-2-14(b)(1)(C) which states that "contiguous lots or parcels under common ownership or control, not subject to a planned development, planned residential development, planned unit development, or site review approval, shall be considered as one property" for the purposes of determining which development is eligible or other required to complete the site review process."

- Subdivision – a subdivision is required in order to consolidate the two existing properties into one property to allow for the proposed development. The subdivision process follows the standard land use review process and is a staff-level subject to call-up by the Planning Board. A subdivision must be completed prior to approval of a building permit application.
- Height Ordinance – to request a height modification to allow for the proposed building to exceed the 35-foot height limit for the BT-2 zone. The ordinance does not have a separate review process and must be requested through the Site Review process. Approval of an ordinance requires a recommendation by Planning Board followed by two readings at City Council.
- Technical Document Review – following Site Review and Rezoning approval, if approved, the applicant is required to submit an application for Technical Document (TEC doc) Review prior to application for building permit. The intent in the TEC doc review is to ensure that technical details are resolved such as drainage and transportation issues that may require supplemental analyses.

- Building Permits

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;

Numerous opportunities exist to enhance the transportation system in this location, including: improvements to Broadway, Marine Street, and the alley to reduce vehicular access points and provide adequate sidewalks and landscaping at appropriate locations; linkages to the existing multi-use path at the rear of the site; provision of short- and long-term bicycle parking; improvements to the existing bus stop at the front of the site; and consideration of measures such as a vehicle or bicycle sharing program as part of an overall TDM plan.

Portions of the existing alley and Marine Street are located in a city-owned parcel, rather than right-of-way. Generally, staff is supportive of the proposed access from the alley, although additional evaluation is necessary to determine if access should be provided through this public land to new developments. Additionally, the existing alley is currently one-way southbound from Arapahoe and is constrained in its location and alignment by the adjacent multi-use path and bridge over Boulder Creek. Additional right-of-way dedication may be necessary where the alley intersects Marine Street to accommodate two-directional traffic. Finally, careful attention to the building design will be critical in addressing how the building will interface with adjacent multi use path.

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 part of a developed commercial property. The proposed structure is impacted by the 500-year floodplain of Boulder Creek. Lodging facilities are considered a critical facility and must comply with the development requirements of Section 9-3-2(i) of the Boulder Revised Code, 1981, including review and approval of an Emergency Management Plan prior to issuance of a Floodplain Development Permit.

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

The proposal is limited to a singular land use, hotel, which would extend along a significant portion of the Broadway block frontage. Additional land uses such as storefront uses should be considered in the first-floor of the proposal along Broadway and at the corner of Broadway and Marine Street to provide a richer mix of land uses in the area.

Housing is not a part of this proposal.

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 not received any public comments on the proposal.

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 dated August 12, 2016
B: Proposed plans dated August 12, 2016
C: Development Review Committee comments dated September 28, 2016

DAVIS PARTNERSHIP ARCHITECTS

August 12, 2016

City of Boulder
Planning and Development Services
1739 Broadway, Third Floor
Boulder, CO 80306

Re: Land Use Review Application: Concept Plan Review
Boulder University Inn Expansion

Dear Planning and Development Services Staff:

Please accept the following Land Use Application for a Concept Plan Review request for the proposed Boulder University Inn Expansion project. As the Applicant on behalf of Tebo Properties, we are happy to continue discussions with Staff regarding the development of additional lodging opportunities within the City and County of Boulder in the downtown area. The proposed building is planned to be located on the two adjacent zone lots to the existing Boulder University Inn at 1632 Broadway and be used for a standalone expansion of that development. The existing buildings on 1600 and 1622 Broadway will be demolished to make room for the expansion. The existing buildings are approximately 3,301 sf and 2,001 sf. Demolition permit applications were approved in June of 2016.

DENVER OFFICE
2901 Blake Street, Suite 100
Denver, CO 80205-2303
T 303.861.8555
F 303.861.3027

www.davispartnership.com

The proposed hotel expansion will be approximately 41,606 sf of additional hotel space to the existing 21,663 sf building. The expansion will front Broadway, Marine Street and a 14' rear alley adjacent to the Christian Recht Field open space. The ultimate project intent is to change the Boulder Valley Comprehensive Plan Land Use and rezone the property to allow a greater density than the existing F.A.R. of 0.5 which the existing University Inn is in non-compliance with. Currently the existing hotel is 1.0 F.A.R.

Existing Site Condition:
The property to be developed adjacent to the existing hotel is approximately 0.55 acres (24,048.52 sf) and is currently zoned BT-2 Business Transitional 2. The site consists of two single story buildings with surface parking. The addresses are 1600 and 1622 Broadway, located east of Broadway and directly north of Marine Street. Surrounding the existing University Inn is a variety of heights and land uses from the Christian Recht Field and open space to the east, to 2, 3 & 4 story buildings on the south and west blocks. There are a mix of uses from grocery, small restaurants and gas stations, City facilities, and residential. There is some existing vegetation along the edges of the site but mostly consist of asphalt lots, buildings and streets in the immediate area. The site is close to the Boulder Creek recreational trail. Broadway

is a major transportation route with bus stops directly in front of the proposed addition.

The site drops steadily 14' from the south to the northeast, with 10' of the drop occurring in an area less than 23' off of the northeast corner of the site. The site grades are consistent through the site except in this location. The grade change happens on less than 12% of the lot. Based on the layout of the site and location of this grade drop, it is not visible from the surrounding uses. The significant grade drop in a small area of the site is not consistent with the surrounding developments.

There are no known wetlands, view corridors, or other natural hazards, wildlife corridors, endangered and protected species and habitats associated with this site. The two lots to be developed are out of the existing floodplain.

Project Design Intent

The design intent is to provide a 73 key standalone expansion to the existing University Inn and use architecture that is complementary to the existing building and the surrounding architecture but updated. The target is to maximize the room count and provide a three story building if building heights can get resolved with Staff and City Council. All parking will be onsite in an underground structure that is accessed from the alley. The front of the building will align with the existing structure approximately 6' off of the property line. The existing buildings to be demolished sit closer to the property line than what is proposed.

The concept plan maximizes the room capacity with 3 stories, which is allowed by zoning. The addition is separated from the existing building along the Broadway side with minimal distance (3' off of the side interior property line). The architecture is compatible with the existing building but with updated detailing for a modern look. The floor to floor is dimension is planned at 10'. The average building height along Broadway is 32.5'. The Marine Street side average height is 33'. The alley side building height averages 38'. In this location in the northeast property corner the site has a significant drop in grade to the low point of the site. Keeping the alley edge consistent sets the northeast corner of the building at a height of 41' at the highest. This is the only location on the building where the project exceeds the current zoning building height of 35' and is not visible from the surrounding street network. The elevator overrun will extend beyond the 35' as well as some mechanical appurtenances. The location of these will be made to be placed on the portion of the roof that is least visible from adjacent streets.

The project intends to work with the setbacks as defined by the new zone classification as determined as we move forward with the project. The following setbacks are shown of the current concept; align the Broadway face with the existing Inn, 20' along Marine Street, 20' along the back alley and 3' at the side interior. Modifications to setbacks that do not conform to propose zoning will be modified as described above through the site plan process.

Access to an underground parking structure will from the alley. Parking ratios will be that as required by zoning, 1 space per guest room, plus required space for nonresidential at 1 space per 300 sf.

Conformance to the Municipal Code

The proposed site plan does not conform to the existing zone within the municipal code for the BT-2 zone in two areas. One specifically that cannot be resolved through the Site Development process, but would require a rezone is the F.A.R.

1. Building Size and Coverage Limitations - F.A.R.

Per BRC Title 9 – Land Use Code,

Principal and Accessory Building Height, section 9-7-1 "Schedule of Form and Bulk Standards," maximum floor area of any principal building permitted by Chapter 9-8-2 for BT-2 zone.

Request:

The development is proposed to be an addition to the existing Boulder Inn. The three story project exceeds the allowable F.A.R. To fit within the confines of the existing zoning F.A.R. the expansion could only be 5,468 sf, which is not a feasible or worthwhile expansion effort.

The Base F.A.R. for the BT-2 zone is 0.5, but maximum total F.A.R. additions are listed as not applicable. The developer considers this an addition, but would like to get approval for a 1.7 over both lots. The existing University Inn has a 1.0 F.A.R.

The sites for development are adjacent to each other and combined are surrounded by streets (Arapahoe, Broadway, Marine and the public alley). The existing use of a hotel and proposed expansion is not a use that can conform to a 0.5 F.A.R. within this blocks depth and width for this type of development expansion proposed.

The sites surrounding the site, including the existing Boulder University Inn do not conform to the 0.5 F.A.R. and are more in line with the proposed expansion with the building ratios as existing. The property cannot reasonably be used for hotel expansion at a 0.5 F.A.R. due to the building coverage needed for an expansion of a use this type. The parcel would need to be significantly bigger to get an expansion that conforms.

The applicant sees a rezone/land use map amendment as the only feasible way to allow the building expansion. The applicant is considering DT-3 zoning and 1.7 F.A.R.

2. Maximum Building Height

Per BRC Title 9 – Land Use Code,

Per Principal and Accessory Building Height, section 9-7-1 "Schedule of Form and Bulk Standards," maximum height for principal buildings and uses in the BR-2 zone is 35' and 3 stories.

The development is proposed to have a 35', 3 story building height for 3/4th of the building footprint. There is a significant grade (10') difference within a 23' area in the northeast corner of the site that creates the lowest elevation to measure the height from. The proposed variance request is to allow this corner of the building to maintain 3 stores but increase the height to 48', keeping the 3 story building configuration consistent throughout the building.

The site grades are consistent through the site except in a 23' location in the northeast quadrant where the site drops 10'. The grade change happens on less than 12% of the lot, but causes a significant reduction in building height on one side of the proposed building. The side in question is on the back side, adjacent to the existing Boulder University Inn along the alley and across the Christian Recht Field open space and tree coverage. Based on the layout of the site and location of this grade drop, it is not visible from the surrounding uses.

The significant grade drop in a small area of the site is not consistent with the surrounding developments. The adjacent properties are built out and have manipulated grades around developments that are not in conformance with the existing BT-2 zone.

Due to the grade change in the back corner only, the development cannot utilize what is allowed in the code for a 3 story building. The significant grade drop would cause the reduction of an entire story due to the one corner in order to keep circulation routes.

The applicant is going forward with the 3 story option with the height request per the adopted ordinance no 8028 Building Height, within 9-2-14 Site Review,

2. The maximum height or conditional height for principal buildings or uses may be modified in any of the following circumstances:

C) In all zoning districts, if the height modification is to allow the greater of two stories or the maximum number of stories permitted in section 9-7-1 in a building and the height modification is necessary because of the topography of the site.

The applicant sees this being resolved by the approval from City Council to allow the preferred concept to be constructed and would like to pursue this option. If this option is denied then the applicant will go with the 2 story option per the City Councils decision.

Conformance with the Boulder Valley Comprehensive Plan

The applicant understands they have missed the 5-year update to the Boulder Valley Comprehensive Plan (BVCP) and would need to pursue an independent rezone in order to increase the F.A.R. as demonstrated above. The proposed project fits within the existing goals of the BVCP and would plan on exhibiting how this project will follow these guiding documents throughout the entitlement process. Below are some of the initial correlations between the proposed project and the BVCP.

1. *Core Values, Sustainability Framework and General Policies:*
   -Compact, continuous development and infill that supports evolution to a more sustainable urban form
   - Vibrant economy based on Boulder's quality of life and economic strengths
   1.03 Principles of Economic Sustainability
   -Promoting a qualified and diversified work force that meets employers' needs and supports a range of jobs
   1.15 City's Role in Managing Growth and Development
   1.16 Adapting to Limits on Physical Expansion
   1.17 Growth Projections
   1.20 Definition of Comprehensive Panning Area I, II and III (Area I)
   1.22 Definition of New Urban Development
   1.29 Channeling Development to Areas with Adequate Infrastructure
2. *Built Environment:*
   2. Individual Character Areas
   3. Activity Centers (University of Colorado and Federal Labs, just south of Downtown Historic Core)
   4. Mobility Grid (University of Colorado)
   2.13 Protection of Residential Neighborhoods Adjacent to Non-residential Zones
   2.14 Mix of Complementary Land Uses
   2.15 Compatibility of Adjacent Land Uses
   2.30 Sensitive Infill and Redevelopment
   2.33 Environmentally Sensitive Urban Design
   2.34 Importance of Street Trees and Streetscapes
   2.35 Outdoor Lighting/Light Pollution
   2.37 Enhanced Design for Private Sector Projects
3. *Natural Environment:*
   3.09. Management of Wildlife-Human Conflicts
4. *Energy and Climate:*
   4.03. Energy Conservation and Renewable Energy
   4.04 Energy-Efficient Building Design
5. *Economy:*
   5.01. Revitalizing Commercial and Industrial Areas
   5.03 Diverse Mix of Uses and Business Types
   5.05 Support for Local Business and Business Retention
   5.08 Role of Tourism in the Economy
   5.14 Employment Opportunities
6. *Transportation:*
   6.10 Managing Parking Supply

Additional Response

A) *Techniques and strategies for environmental impact avoidance, minimization, or mitigation;*
   - Currently the site is paving and commercial structures adjacent to large vegetation and trail system. During construction, efforts will be made to protect existing offsite vegetation and wildlife corridors. Demolition will be coordinated to reduce dust, noise and debris. Removal of onsite materials will be done according to existing industry standards.

B) *Techniques and strategies for practical and economically feasibility travel demands 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*
   - *Anticipated users of the hotel addition are local business and University visitors. Due to the proximity to the campus and downtown via existing pedestrian pathways, bikeways and a bus stop at the front door of the addition, it is anticipated the single-occupant vehicle use will be minimalized. Hotel concierge assists in helping visitors make their way around Boulder, campus and downtown.*

C) *Proposed land uses and if it is a development that includes residential housing type, mix, sizes, and anticipated sales price, the percentage of affordable units to be included; special design characteristics that may be needed to assure affordability.*
   - *The proposed land use is for a hotel; therefor residential housing is not applicable.*

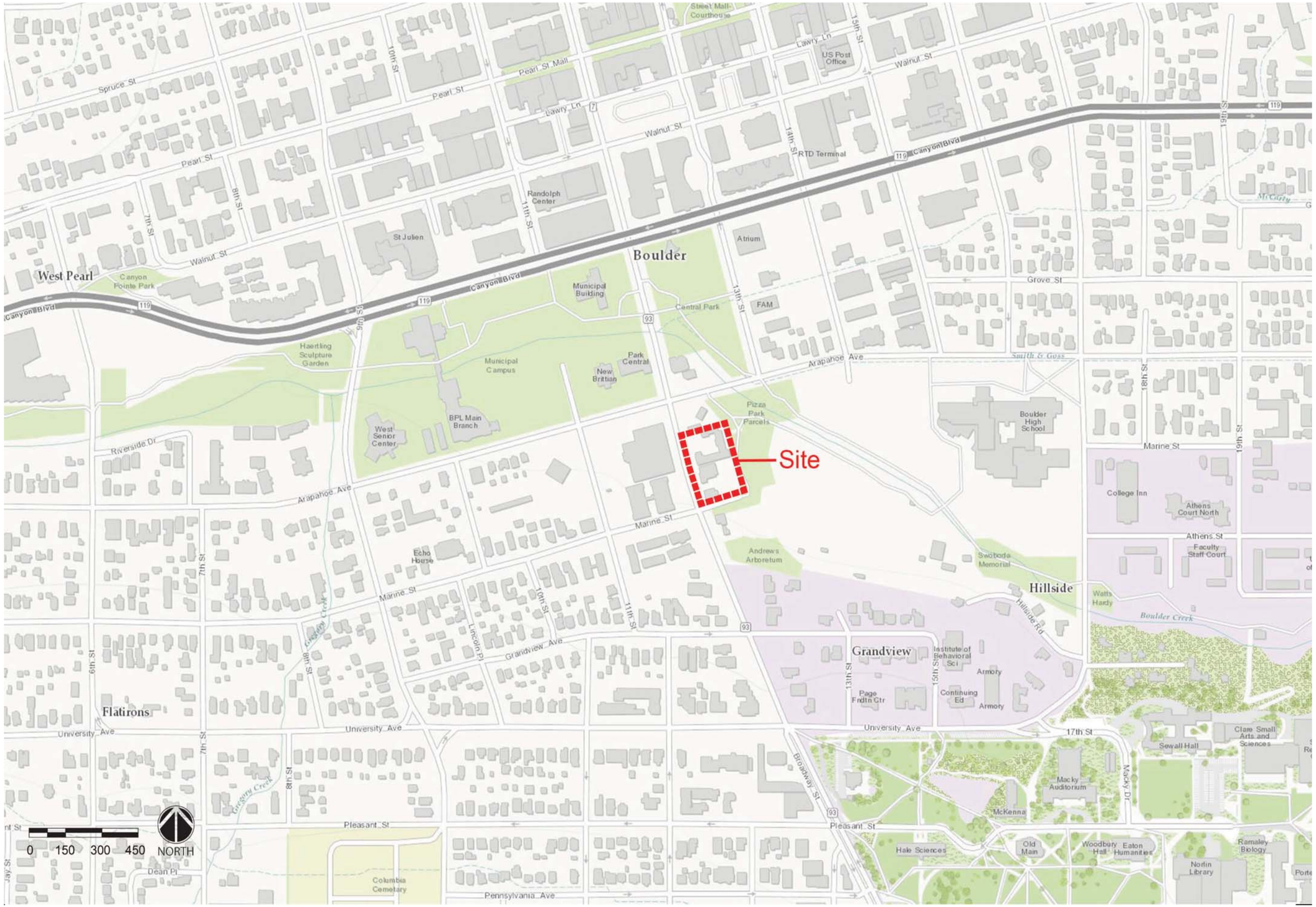
In the attached documents, you will find copies of the Land Use Review Application, Sign Posting Acknowledgement, Context Map, Schematic Site Development Concepts, Trip Generation Analysis, Architectural Character Sketches and this Written Statement and submittal Fee. We look forward to discussing it in more detail with the DRC Staff and the Planning Board soon. Please let me know when there is an opportunity to schedule a meeting.

Sincerely,

Julie Eck, ASLA, EDAC

Senior Associate
Davis Partnership Architects. PC

Cc: File, Tebo Properties



CONTEXT MAP

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT:
TEBO PROPERTIES
2111 28TH STREET
BOULDER, CO 80301
PHONE: 303.447.0326

ARCHITECT:
DAVIS PARTNERSHIP ARCHITECTS
2001 BLAKE STREET, SUITE 100
DENVER, CO 80205
PHONE: 303.861.8555

LANDUSE SUBMITTAL - VICINITY MAP

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APRVD
01.20.16		FIRST SUBMITTAL			

PROJECT NO. 15530.00.00

DATE: 08/12/16

SHEET NUMBER: A-1

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT:
TEBO PROPERTIES
2111 28TH STREET
BOULDER, CO 80301
PHONE: 303.447.0326

ARCHITECT:
DAVIS PARTNERSHIP ARCHITECTS
2001 BLAKE STREET, SUITE 100
DENVER, CO 80205
PHONE: 303.861.8555

LANDUSE SUBMITTAL - SITE CONCEPT

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APRVD
01.20.16		FIRST SUBMITTAL			

PROJECT NO.: 15530.00.00

DATE: 08/12/16

SHEET NUMBER: A-2

SITE CONCEPT

LEGEND

- P PUBLIC
- BC-1 BUSINESS COMMUNITY 1
- BT-2 BUSINESS TRANSITIONAL 2
- RMX-1 RESIDENTIAL-MIXED 1
- RH-1 RESIDENTIAL-HIGH 1
- RH-2 RESIDENTIAL-HIGH 2
- RM-2 RESIDENTIAL-MEDIUM 2

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT:
TEBO PROPERTIES
2111 28TH STREET
BOULDER, CO 80301
PHONE: 303.447.0326

ARCHITECT:
DAVIS PARTNERSHIP ARCHITECTS
2001 BLAKE STREET, SUITE 100
DENVER, CO 80205
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LAND USE SUBMITTAL - ZONING MAP

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APPROD
10.28.16		PREP SUBMITTAL			

PROJECT NO. 15530.00.00

DATE: 08/12/16

SHEET NUMBER: A-3

ZONING MAP

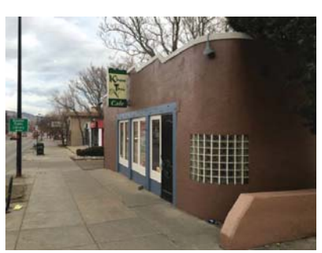
1 - PANARAMA LOOKING NORTH FROM CORNER OF BROADWAY & MARINE

2 - PANARAMA LOOKING SOUTH

3 - PANARAMA LOOKING WEST FROM ALLEY

4 - PANARAMA LOOKING NORTH FROM MARINE STREET

A - BOULDER UNIVERSITY INN
B - D.P. DOUGH
C - KHOW THAI CAFE
D - CHRISTIAN RECHT FIELD
E - DATU HEALTH
F - MARINE PARK APARTMENTS
G - ALFALFA'S
H - MESSAGE SPECIALIST
I - SOUTH MOUTH / THE HOOKAH HOOK-UP



5 - KHOW THAI RESTAURANT

6 - MARINE PARK APARTMENTS

7 - D.P. DOUGH

8 - BOULDER UNIVERSITY INN

9 - MESSAGE SPECIALIST

10 - SOUTH MOUTH / THE HOOKAH HOOK-UP

EXISTING CONTEXT IMAGES

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT:
TEBO PROPERTIES
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ARCHITECT:
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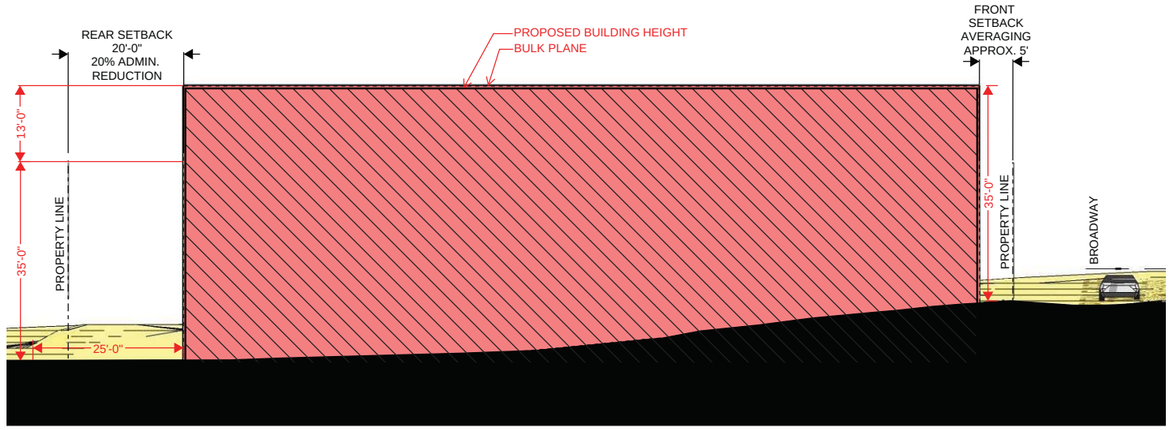
LAND USE SUBMITTAL - EXISTING CONTEXT IMAGES

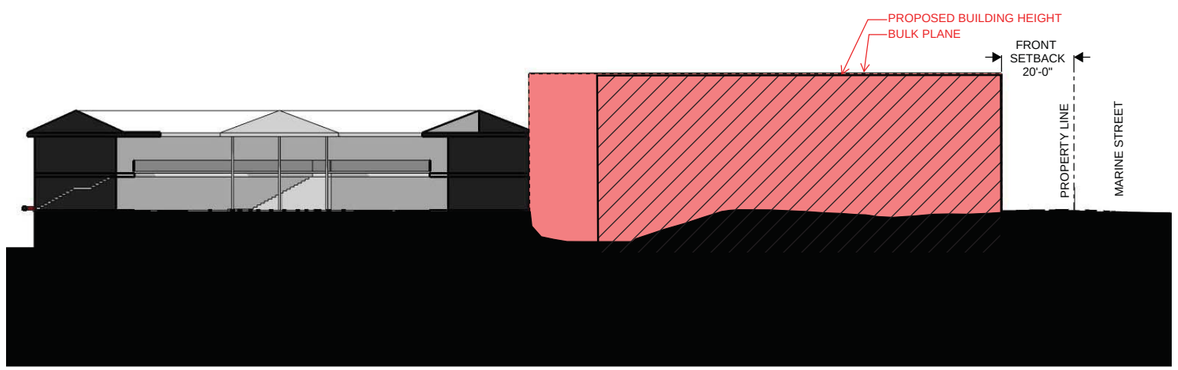
TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APPRVD
07.29.16		FIRST SUBMITTAL			

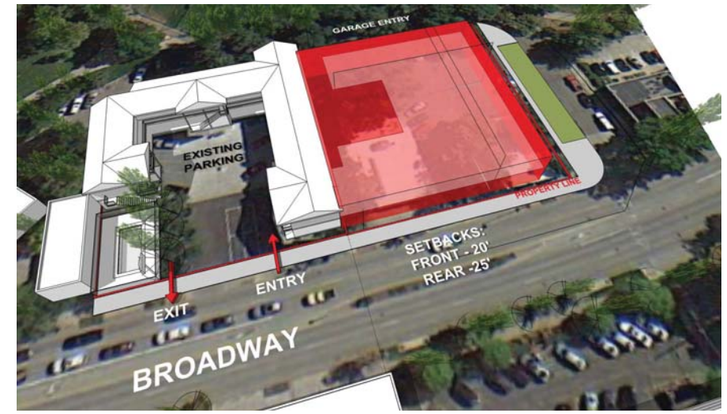
PROJECT NO. 15530.00.00
DATE: 08/12/16
SHEET NUMBER: A-4

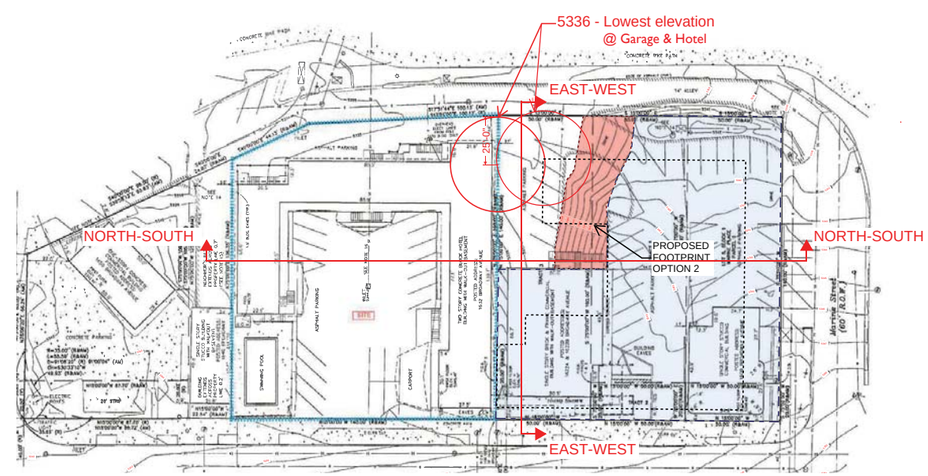


SITE SECTION EAST-WEST WITH VARIANCES



SITE SECTION NORTH-SOUTH WITH VARIANCES





SITE SECTIONS

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT:
TEBO PROPERTIES
2111 28TH STREET
BOULDER, CO 80301
PHONE: 303.447.0326

ARCHITECT:
DAVIS PARTNERSHIP ARCHITECTS
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DENVER, CO 80205
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LAND USE SUBMITTAL - SITE SECTIONS

TEBO PROPERTIES

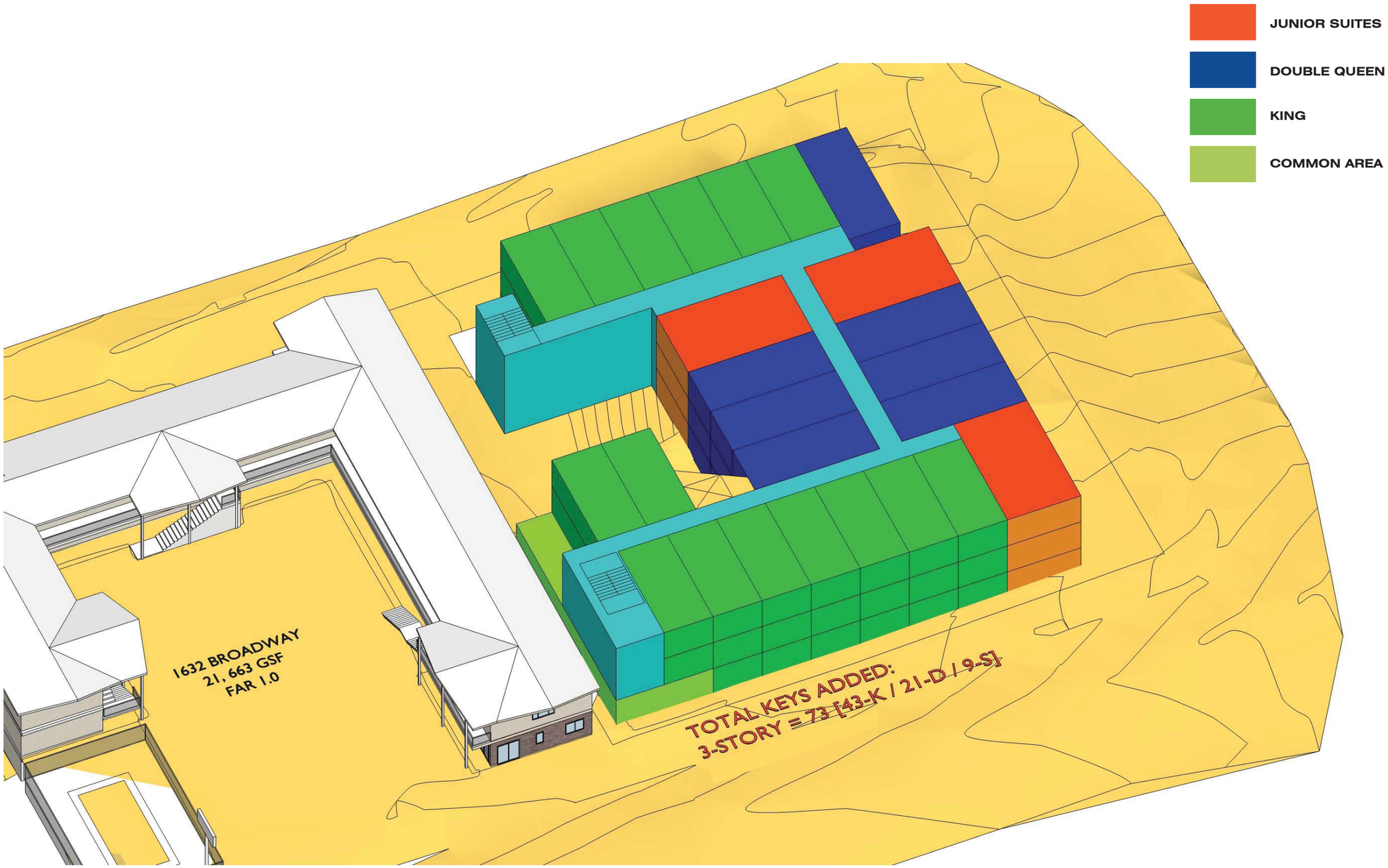
DATE	REV	REMARKS	DRWN	CHKD	APRVD
10-20-16		1ST REVIEW			

PROJECT NO.
15530.00.00

DATE:
08/12/16

SHEET NUMBER:
A-5

TEBO PROPERTIES - BOULDER UNIVERSITY INN ADDITION



DAVIS PARTNERSHIP ARCHITECTS

APPLICANT
TEBO PROPERTIES
3111 28TH STREET
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PHONE: 303.447.0326

ARCHITECT
DAVIS PARTNERSHIP ARCHITECTS
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DENVER, CO 80205
PHONE: 303.861.8555

LAND USE SUBMITTAL - MASSING DIAGRAMS

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APRVD
07.29.16		PRELIM SUBMITTAL			

PROJECT NO. 15530.00.00

DATE: 08/12/16

SHEET NUMBER: A-6

MASSING DIAGRAMS

3-STORY PERSPECTIVES

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT:
TEBO PROPERTIES
2111 28TH STREET
BOULDER, CO 80301
PHONE: 303.447.0326

ARCHITECT:
DAVIS PARTNERSHIP ARCHITECTS
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DENVER, CO 80205
PHONE: 303.861.8555

LAND USE SUBMITTAL - ELEVATION PERSPECTIVES

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APRVD
10.20.16		FIRST SUBMITTAL			

PROJECT NO.
15530.00.00

DATE:
08/12/16

SHEET NUMBER:
A-7

West Elevation

South Elevation

East Elevation

North Elevation

KEYNOTE MATERIALS LIST

01 - Steel panel system
02 - Composite wood-look panel system - Geolam or sim.
03 - Red and buff stack sandstone veneer
03a - Replace existing stone, match new
04 - Brick veneer
05 - Composite window
06 - Storefront glazing system
07 - Architectural screening system - match wood-look panel
08 - Aluminum sun shades
09 - Mechanical equipment
10 - Parking garage access

DAVIS PARTNERSHIP ARCHITECTS

APPLICANT:
TEBO PROPERTIES
3111 28TH STREET
BOULDER, CO 80301
PHONE: 303.447.0326

ARCHITECT:
DAVIS PARTNERSHIP ARCHITECTS
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DENVER, CO 80205
PHONE: 303.861.8555

LAND USE SUBMITTAL - EXTERIOER ELEVATIONS

TEBO PROPERTIES

DATE	REV	REMARKS	DRWN	CHKD	APRVD
11-20-15		FIRST SUBMITTAL			

PROJECT NO. 15530.00.00

DATE: 08/12/16

SHEET NUMBER: A-8

EXTERIOR ELEVATIONS

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:	**September 28, 2016**
CASE MANAGER:	**Shannon Moeller**
PROJECT NAME:	**Boulder University Inn Expansion**
LOCATION:	**1600 BROADWAY**
COORDINATES:	**N02W06**
REVIEW TYPE:	**Concept Plan Review & Comment**
REVIEW NUMBER:	**LUR2016-00070**
APPLICANT:	**CHANCE REESER**
DESCRIPTION:	**CONCEPT PLAN REVIEW AND COMMENT: Expansion of the University Inn involving removal of two commercial buildings, a new 41,606 square feet building with approximately 48 additional rooms, and installation of an underground parking structure.**

IDENTIFIED MODIFICATIONS FROM THE LAND USE REGULATIONS (EXISTING BT-2 ZONING):

- Section 9-7-1 - Maximum height for principal buildings and uses - Request to build up to 48 feet where 35-feet is the maximum (note that the site is not eligible for the identified height modification as discussed below).
- Section 9-7-1 - Maximum number of stories for a building - Request for four stories where three stories is the maximum.
- Section 9-7-1 - Minimum front yard landscape setback - Request for a 5' front yard building setback from Broadway where 20' is the minimum.
- Section 9-7-1 - Minimum side yard landscaped setback from a street - Request for parking in the side yard setback from Marine Street where a 15' landscaped setback is required.
- Section 9-7-1 - Minimum side yard setback from an interior lot line - Request for a 3' north side yard setback where 10' is the minimum.
- Section 9-7-1 - Minimum rear yard setback - Request for a 20' rear yard setback where 25' is the minimum.
- Section 9-8-2 - Maximum floor area ratio - Request for a 1.74 FAR where the maximum permitted is 0.5.

I. REVIEW FINDINGS

Generally, staff finds that the proposal would not conform to either the existing BT-2 or the proposed DT-3 zoning in several significant aspects which cannot be modified through the Site Review process, including the FAR and height.

Upon review of the comments herein, the applicant may decide to proceed forward with a public hearing before the Planning Board, or may submit a revised Concept Plan in response to these comments that better conforms to the zoning.

If the applicant chooses to move forward with the Planning Board hearing tentatively scheduled for November 3, 2016, there are no expectations for revisions based on these comments, although there are minor corrections under **'Plan Documents'** section that should be clarified on the plans before they are routed to the board. The comments found herein will be the basis for the staff memo to the board in which Key Issues for discussion will be presented.

If a revised Concept Plan is submitted, a new round of comments will be provided by staff and a new Planning Board date will be scheduled. Hourly billing rates would apply.

If desired, the Case Manager can set up a meeting with relevant staff to discuss these comments.

II. CITY REQUIREMENTS

Access/Circulation, David Thompson 303-441-4417

1. Staff supports the closure of the existing access point (curb-cut) off Broadway as shown on the concept plan and taking access to the underground parking from the back of the lot.
2. The applicant should consider a parking reduction for the proposed land uses given the location of the site adjacent to Broadway which is a major transit corridor and the site's close proximity to the downtown area. Please be aware though any request for a parking reduction will require a parking study to support the requested reduction. The parking study can be included in the project's Transportation Demand Management (TDM) Plan.
3. In accordance with Section 9-9-8 of the Boulder Revised Code, 1981 and the City's Design and Construction Standards (DCS), the development project is responsible for the dedication of right-of-way and constructing the following public improvements along Broadway and Marine Street:

   Broadway
   - Lengthening the existing southbound left-turn lane if warranted by the Traffic Impact Study
   - Providing an eight-foot wide landscape strip behind the roadway curb-and-gutter
   - Constructing a twelve-foot wide detached sidewalk
   - Reconstructing the existing transit stop to accommodate the eight-foot wide landscape strip and detached sidewalk. The transit stop layout must follow RTD standards with respect to the layout of the boarding area and the concrete pad to accommodate the existing amenities at the stop. These existing amenities include two inverted "u" bicycle racks, a bench and two trash receptacles.

   Marine Street
   - 11' wide travel lane (should the existing travel lane be less than eleven feet)
   - 8½' width for on-street parking and concrete curb-and-gutter
   - 8-foot wide landscape strip
   - 8-foot wide detached sidewalk
4. Pursuant to Section 9-9-8(g) of the B.R.C. 1981 the applicant will be responsible for reconstructing the pavement section of Marine Street adjacent to the site with a 2-inch mill of the pavement coupled with a 2-inch asphalt overlay to support the increase in traffic on Marine Street generated by this project.
5. At time of Site Review:
   - A 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 development and implementable measures for promoting alternative modes of travel. The TDM plan must be submitted as a separate document with the Site Review submittal. In support of meeting the site review criteria for circulation the applicant should consider providing a transit shelter for the existing transit stop on Broadway and providing customers with access to a vehicle and bicycle sharing program.
   - Pursuant to Section 2.02 of the DCS, a Traffic Impact Study is required to assess the impacts of the development proposal at the intersection of Broadway and Marine Street and at the intersection of Arapahoe and the alley. The transportation consultant preparing the Traffic Impact Study must contact David Thompson after the project is heard by Planning Board and possibly City Council to discuss the study parameters prior to initiating the study.
   - Please show on the site plans the location and number of short-term and long-term bicycle parking spaces to be provided on the site, meeting the requirements found in section 9-9-6(g), B.R.C. 1981 to include the parking/storage specifications for the long-term parking spaces.
   - Per section 9-9-9 of the B.R.C. 1981, show on the site plans the location and layout of the off-street loading area that will support the site and how trucks will access the site and turnaround.
   - Show the appropriate sight triangle on the civil and landscape plans pursuant to section 9-9-7 of the B.R.C. 1981.
   - Show and label on the site review plans the public improvements to be constructed along with the right-of-way to be dedicated in conjunction with the site's development.

Flood Control, Jessica Stevens, 303-441-3121

1. The proposed structure is impacted by the 500-year floodplain of Boulder Creek. Lodging facilities located in the 500-year floodplain must comply with the development requirements of Section 9-3-2(i) of the Boulder Revised Code, 1981 (BRC).
2. An Emergency Management Plan must be provided for review and approval prior to issuance of a Floodplain Development Permit.
3. The application materials reference the project as an expansion/addition of the University Inn. The existing structure at 1632 Broadway is located in the 100-year floodplain of Boulder Creek. If the structures are connected, the entire structure will be required to comply with the requirements of Section 9-3-3 of the BRC. An addition of this size would be a substantial modification, requiring the existing lodging units to be elevated to a minimum of two feet above the base flood elevation.

Fees Shannon Moeller, 303-441-3137
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.

Land Uses Shannon Moeller, 303-441-3137
Please see Section V. City Code Criteria Checklist, Guidelines 2 and 7, for a summary of the proposed land uses and the Boulder Valley Comprehensive Plan policies and land use designation.

Landscaping Elizabeth Lokocz, 303-441-3138
The application does not appear to include the entire project area. If the existing hotel site is under common ownership and included for FAR purposes, it also is subject to all Site Review criteria. Consider the following comments as the design develops:

1. Large maturing street trees in an eight-foot landscape strip is the minimum standard. Given the lack of on street parking on Broadway, selecting low water and salt tolerant shrubs and perennials is preferred over turf. On Marine Street, the design should incorporate pedestrian connections to avoid long term maintenance issues.
2. The curb cut, parking in the landscape setback, and lack of any parking lot screening must be addressed at the existing hotel if it is part of the project. Its current condition is not supportable through the Site Review process. Review all Criteria with particular attention to open space, landscape circulation, parking and building design.
3. Given the potential alley use and adjacent multi-use path, careful attention is needed on how this space accommodates different users and presents an attractive building façade. Consider incorporating alley trees and pedestrian circulation.
4. It's not clear how water quality is incorporated into the design. Consider low impact techniques such as pervious paving systems, porous landscape detention and green roofs.
5. Provide a tree inventory prepared by a licensed arborist at the time of Site Review submittal including all trees with a diameter of six inches or great measured 54" above the ground regardless of the intention of preservation.
6. 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.
7. Include a general landscape plan at the time of initial submission to be followed by a detailed landscape plan prior approval, showing the spacing, sizes, specific types of landscaping materials, quantities of all plants and whether the plant is coniferous or deciduous. Refer to section 9-9-12(d) B.R.C. 1981 for a list of what is typically included.

Neighborhood Comments Shannon Moeller, 303-441-3137
Staff has not received any comments as of the date of this correspondence.

Plan Documents Shannon Moeller, 303-441-3137

1. Sheet A-5 Site Sections: The low point appears to be greater than 25' from the proposed building. To identify the correct low point, find the lowest exposed point on the proposed building and draw a 25' radius. The lowest point within 25' is the low point. This point may or may not be within the property boundary. If this affects the resulting "height" of the proposed building, revise the site sections accordingly.
2. Sheet A-6 Massing Diagrams
   a. Sheet states that 73 keys are added, but the application form states that 48 rooms will be added. Please clarify.
   b. FAR calculations must include the parking facility floor area because the parking facility is not located completely below grade on all sides of the structure (refer to the definitions of "*Floor area*" and "*Uninhabitable space*" in section 9-16-1 General Definitions). Please update FAR information accordingly.

Review Process Shannon Moeller, 303-441-3137
The project requires Concept Plan review and comment per Section 9-2-14, B.R.C. 1981 because it exceeds 30,000 square feet of floor area. The Concept Plan is also an opportunity for the applicant to get 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.

Please see Section V. City Code Criteria Checklist, Guidelines 3 and 4, for a summary of additional required review processes.

Zoning Shannon Moeller, 303-441-3137
The site is currently zoned BT-2, Business - Transitional 2. Section 9-5-2(c)(2)(E), B.R.C. 1981 describes the district as

"transitional business areas which generally buffer a residential area from a major street and are primarily used for commercial and complementary residential uses, including without limitation, temporary lodging and office uses." Motels and hotels require a Use Review in this district.

The applicant is proposing to rezone the site to DT-3, Downtown - 3. Section 9-5-2(c)(3)(A), B.R.C. 1981 describes the district as "a transition area between the downtown and the surrounding residential areas where a wide range of retail, office, residential, and public uses are permitted. 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." Motels and hotels require a Use Review in this district.

III. INFORMATIONAL COMMENTS

Area Characteristics and Zoning History Shannon Moeller, 303-441-3137
See Section V. City Code Criteria Checklist, Guideline 1.

Building and Housing Codes Jim Gery 303-441-3129

1. While it is understood that the plans presented are conceptual in nature, it appears that projections and openings into exit courts may be too close to property lines.
2. The grade of the site as shown may present challenges for proper grading of accessible routes.

Building Design Shannon Moeller, 303-441-3137
Below is a summary of staff analysis of the building design:

1. The FAR calculations do not appear to include the parking facility. The parking facility floor area would be included as currently proposed because it is not located completely below grade on all sides of the structure (refer to the definitions of "*Floor area*" and "*Uninhabitable space*" in section 9-16-1 General Definitions). In order for this space to not impact the proposed FAR, the entire parking facility must be below grade on all sides regardless of the topography of the site.
2. The proposal consists of four stories, including the parking facility, per the definition of "story" in section 9-16-1 which states: *"Story means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then between the floor and the ceiling next above it. A basement is a story if any portion of the space included between the surface of the floor and the surface of the ceiling above it extends more than two feet above the natural grade around the perimeter."* A four-story proposal exceeds the maximum number of stories permitted in both the existing BT-2 zone (3 stories) and proposed DT-3 zone (2 stories) per section 9-7-1. The proposal would not qualify for the exemption of 9-2-14(c)(2)(C) created by Ordinance 8028 and a height modification could not be considered at this time. The provisions of Ordinance 8028 will expire on April 19, 2017. The council intends that the ordinance will expire, be amended, or replaced with subsequent legislation after further study of appropriate building heights in the city.

   9-2-14 Site Review

   (c) Modifications to Development Standards: The following development standards of B.R.C. 1981 may be modified under the site review process set forth in this section:

   (1) 9-7-1, "Schedule of Form and Bulk Standards" and standards referred to in that section except for the floor area requirements and the maximum height or conditional height for principal buildings or uses, except as permitted in paragraph (c)(2) below.

   (2) The maximum height or conditional height for principal buildings or uses may be modified in any of the following circumstances:

   (A) For building or uses designated in Appendix J "Areas Where Height Modifications May Be Considered."

   (B) Industrial General, Industrial Service, and Industrial Manufacturing districts if the building has two or fewer stories.

   (C) In all zoning districts, if the height modification is to allow the greater of two stories or the maximum number of stories permitted in Section 9-7-1 in a building and the height modification is necessary because of the topography of the site.

   (D) In all zoning districts if at least fifty percent of the floor area of the building is used for units that meet the requirements for permanently affordable units in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981.1
3. Much of the first-floor space fronting Broadway and Marine Street are private hotel room spaces. The building design should provide additional street-facing first floor uses along Broadway that will allow for activation and transparency of the façade, such as storefront uses. Such uses should anchor the corner of Broadway and Marine Street.
4. Similarly, consider how active first-floor uses can be provided along the east (trail facing) façade.
5. Material choices seem to be fitting.

6. The first floor should have a substantial floor-to-floor height and currently appears truncated. The proposed first floor use and appearance is not compatible with the desired character along Broadway. Additionally, locating hotel rooms with window wells and egress windows creates possible conflicts with the sidewalk, landscaping, and other improvements along Broadway.

Drainage: Kyle Birch, 303-441-3273

1. Detention ponding for storm water shall be provided for all new development or redevelopment where the runoff coefficient for the site is increased, unless runoff for the initial and major storm events from the entire tributary basin can be conveyed directly to the major drainage system without adverse impact on upstream, surrounding, or downstream properties and facilities and storm water detention to meet water quality mitigation measures is not required.
2. Storm water runoff and water quality treatment are issues that must be addressed during the Site Review Process. A Preliminary Storm Water Report and Plan in accordance with the City of Boulder *Design and Construction Standards (DCS)* must be provided by the applicant at time of Site Review application. 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
3. It is not clear on the plans where a detention/water quality pond could be located. Based on the proposed added impervious area to the site, a detention/water quality pond may be required if runoff for the initial and major storm events cannot be conveyed directly to Boulder Creek.

Groundwater: Kyle Birch, 303-441-3273

1. 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.

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

A lot line elimination or the equivalent would be requirement of site review, if approved.

Parking David Thompson, 303-441-4417

If the site to the north is included into the site review staff would require the applicant to close the curb-cuts, move the associated parking to the new garage and looking for opportunities to replace the parking lot with landscaping and other hotel amenities.

Site Design Shannon Moeller, 303-441-3137

1. The Boulder University Inn parcel would be need to be included in the overall Site Review of this proposal per 9-2-14(b)(1)(C) which states that "contiguous lots or parcels under common ownership or control, not subject to a planned development, planned residential development, planned unit development, or site review approval, shall be considered as one property" for the purposes of determining which development is eligible or other required to complete the site review process.
2. The Boulder University Inn parcel lies within the boundaries of the *Non-Historic Area* of the Downtown Historic District as shown in Fig. 1, page 5 of the Downtown Urban Design Guidelines. Please review the applicable guidelines: Downtown Urban Design Guidelines. The Design Advisory Board (DAB) reviews projects valued over $25,000 located in the Non-Historic Area and Interface Area.
3. Below is a summary of staff analysis of the site design and land use layout:
   a. The relationship with the existing Boulder University Inn and the new development should be further clarified; considerations include pedestrian connections, shared outdoor spaces, and shared parking. Additionally, the proposed building is shown very close to the existing inn; potential impacts of this narrow gap should be considered including solar access and snow/ice buildup.
   b. Staff appreciates that an effort is being made to maintain the historic setback line in relationship to the existing inn.
   c. Quality outdoor spaces such as outdoor seating, dining, and other amenities should be provided on the trail side of the hotel to take advantage of proximity to the adjacent open space. Additionally, balconies could take advantage of views. Open space locations and total percentage of useable open space should be documented on

the Site Review. The height of the building determines the percentage of required useable open space per 9-9-11(c).

d. Site circulation should be further considered to evaluate if areas for vehicular circulation could instead provide amenities or open space.
e. Consider how the improvements to the alley can enhance the overall site design.
f. Enhance and provide additional pedestrian connections from the site to the adjacent multi-use path.
g. Exterior lighting will be an important aspect of the site design, particularly on the trail side of the building to provide adequate light for safety and security and to enhance open spaces.
h. Consider how the site can take advantage of any views. Although mountain views are largely obstructed, there are some mountain views from the southwest corner of the site. Additionally, consider how the site design can cultivate unique streetscape scenes along Broadway or scenic views eastward across the open space.
i. Per the definition of *yard, front, rear, and* side in section 9-16-1, the applicable yards and setbacks under the existing BT-2 zoning would be:
    - Broadway: Front yard – 20' minimum.
    - Marine Street: Side yard landscaped setback from a street – 15' minimum.
    - North – Side yard setback from an interior lot line – 10' minimum.
    - East/alley – Rear yard setback – 25' minimum.
    - Setbacks can be modified through Site Review.
j. Parking appears to be shown in the side yard landscaped setback from Marine Street, which is prohibited. This parking should be relocated and screened.

Utilities: Kyle Birch, 303-441-3273

1. A water system distribution analysis will be required at time of Site Review in order to assess the impacts and service demands of the proposed development. Conformance with the city's *Treated Water Master Plan, October 2011* is necessary.
2. A collection system analysis will be required at time of Site Review to determine any system impacts based on the proposed demands of the development. The analysis will need to show conformance with the city's *Wastewater Collection System Master Plan, March 2009*.
3. The applicant is notified that, though the city allows Xcel and Qwest to install their utilities in the public right-of-way, they generally require them to be located in easements on private property.
4. The applicant is advised that any proposed street trees along the property frontage may conflict with existing or proposed utilities, including without limitation: water, wastewater, storm drainage, flood control, gas, electric, telecommunications, drainageways, and irrigation ditches, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the Boulder Revised Code 1981, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.
5. The landscape irrigation system requires a separate water service and meter. A separate water Plant Investment Fee must be paid at time of building permit. Service, meter and tap sizes will be required at time of building permit submittal.
6. 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.
7. 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.

IV. NEXT STEPS

If the applicant chooses to move forward with the Planning Board hearing scheduled for November 3, 2016, there are no expectations for revisions based on these comments, although there are minor corrections under **'Plan Documents'** section that should be clarified on the plans before they are routed to the board.

If a revised Concept Plan is submitted, a new round of comments will be provided by staff and a new Planning Board date will be scheduled. Hourly billing rates would apply.

V. CITY CODE CRITERIA CHECKLIST

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 overall site contains three parcels and is approximately 46,368 square feet in area per GIS records. The site is developed and contains three existing structures containing the Boulder University Inn, Khow Thai Café, and DP Dough. Demolition of the latter two buildings was approved by the Landmarks Design Review Committee (LDRC) by HIS2016-00174 and HIS2016-00175. The remainder of the site consists largely of paved areas and some vegetation.

The site is located immediately east of Broadway and approximately 100 feet south of Arapahoe Avenue. It is surrounded by Marine Street to the south; an alley, multi-use path, open space, Boulder Creek, and Boulder High School fields to the east; and other commercial properties to the north (Massage Specialists, South Mouth Wings).

The site generally slopes downward to the northeast toward Boulder Creek. Portions of the site slope steeply downward to the east and northeast toward the multi-use path and the existing inn. Several mature trees exist on the site, particularly along both sides of the alley and the multi-use path, and south of the inn.

The site lies along prominent transportation corridors, including fronting Broadway and backing the multi-use path that links downtown to the University of Colorado.

The site backs to a large open area containing Boulder High School fields and Boulder Creek.

Views from the site westward are largely obstructed by existing structures and trees. There are some partial mountain views along Marine Street and from the southwest corner of the site toward the intersection of Arapahoe and Broadway. The property to the east of the site lies at a lower elevation and the topography, existing structures, and trees on the site also largely obstruct mountain views from those properties.

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

The current proposal includes a higher FAR (floor area ratio) than is allowed by the existing zoning.

Currently, the BVCP designates the majority of the site as Transitional Business. Per the BVCP Land Use Map description: "The Transitional Business designation is shown along certain major streets. These are areas usually zoned for less intensive business uses than in the General Business areas, and they often provide a transition to residential areas." The site has a corresponding zoning designation of Business Transitional – Two (BT-2).

Outside of the scheduled updates, there is an ability to request a change with a concurrent rezoning and land use map change. Changes outside of the broader scheduled updates are held to a very high standard. Staff does not find that a rezoning would be consistent with the criteria for a Land Use Change is found in the Comprehensive Plan in Chapter II Amendment Procedures, which states:

> *The Land Use Map is not intended to be a zoning map. It is intended to provide policy direction and definition for future land uses in the Boulder Valley. Thus, or proposed annexation and meets all of the following criteria:*
>
> *(a) The proposed change is consistent with the policies and overall intent of the comprehensive plan.*
> *(b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.*
> *(c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan.*
> *(d) The proposed change does not materially affect the adequacy or availability of urban facilities and*

services to the immediate area or to the overall service area of the City of Boulder.

(e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder.

(f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.

Similarly, staff doesn't find that a rezoning would be consistent with the criteria for a rezoning is found in section 9-2-18 of the Boulder Revised Code, 1981, which states:

(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;

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

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

(4) The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils and inadequate drainage;

(5) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area; or

(6) The proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Boulder Valley Comprehensive Plan.

The proposed project is preliminarily consistent with the following Boulder Valley Comprehensive Plan policies:

2.03 Compact Development Pattern
2.21 Commitment to a Walkable and Accessible City
2.23 Trail Corridors/Linkages

Additionally, the following Boulder Valley Comprehensive Plan policies should be used to guide the proposal as it moves into Site Review:

2.14 Mix of Complementary Land Uses
2.30 Sensitive Infill and Redevelopment
2.32 Physical Design for People
2.34 Importance of Street Trees and Streetscapes
2.37 Enhanced Design for Private Sector Projects
a) The context
b) The public realm
c) Human scale
d) Permeability
e) On-site open spaces
f) Buildings

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

The project requires Site Review per Section 9-2-14, B.R.C. 1981 because the project exceeds 30,000 square feet. The process reviews for conformance with the proposed zoning district and land use designation of the BVCP along with policies of the BVCP and the Site Review criteria of the Land Use Code.

(4) Permits that may need to be obtained and processes that may need to be completed prior to, concurrent with, or subsequent to site review approval;

In addition to a Site Review, the proposal would require:

- Design Advisory Board (DAB) review may be required for the Boulder University Inn parcel if exterior work on the property exceeds $25,000.
- Use Review for a hotel use in BT-2 zoning that would take place concurrent with the Site Review.
- Preliminary Plat (generally at the time of Site Review) and Final Plat (Technical Document review after Site Review) to create a platted lot, dedicate any new public rights-of-way, and grant any required easements.
- Technical Documents after Site Review. Dedications of any right-of-way would be required at that time.
- Building permits following approval of Technical Documents and any applicable Final Plat approvals.

(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;

Numerous opportunities exist to enhance the transportation system in this location, including: improvements to Broadway, Marine Street, and the alley to reduce vehicular access points and provide adequate sidewalks and landscaping at appropriate locations; linkages to the existing multi-use path at the rear of the site; provision of short- and long-term bicycle parking; improvements to the existing bus stop at the front of the site; and consideration of measures such as a vehicle or bicycle sharing program as part of an overall TDM plan.

Portions of the existing alley and Marine Street are located in a city-owned parcel, rather than right-of-way. Generally, staff is supportive of the proposed access from the alley, although additional evaluation is necessary to determine if access should be provided through this public land to new developments. Additionally, the existing alley is currently one-way southbound from Arapahoe and is constrained in its location and alignment by the adjacent multi-use path and bridge over Boulder Creek. Additional right-of-way dedication may be necessary where the alley intersects Marine Street to accommodate two-directional traffic.

(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 part of a developed commercial property. The proposed structure is impacted by the 500-year floodplain of Boulder Creek. Lodging facilities are considered a critical facility and must comply with the development requirements of Section 9-3-2(i) of the Boulder Revised Code, 1981, including review and approval of an Emergency Management Plan prior to issuance of a Floodplain Development Permit.

The existing Boulder University Inn lies within the 100-year floodplain of Boulder Creek. If the proposed structure is connected to the existing inn, the entire structure must comply with the requirements of Section 9-3-3 Regulations Governing the One Hundred-Year Floodplain. The size of the proposal would be a substantial modification, and if the structures were connected, would require the existing lodging units to be elevated to a minimum of two feet above the base flood elevation.

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

The proposal is limited to a singular land use, hotel, which would extend along a significant portion of the Broadway block frontage. Additional land uses such as storefront uses should be considered in the first-floor of the proposal along Broadway and at the corner of Broadway and Marine Street to provide a richer mix of land uses in the area.

Housing is not a part of this proposal.

VI. Conditions On Case

None.

C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM
MEETING DATE: November 3, 2016

AGENDA TITLE: Consideration of the following items relating to the properties located at 2010 Upland Avenue and 4270 19th Street

(1) Recommendation to City Council on a proposed amendment to the Annexation Agreement for the Crestview East Neighborhood, in particular for the property located at 2010 Upland Avenue, to remove the requirement to dedicate and construct N. 20th Street (LUR2016-00081);

(2) Recommendation to City Council on a proposed amendment to the Annexation Agreement for the property located at 4270 19th Street to remove the requirement to dedicate and construct N. 20th Street (LUR2016-00081);

(3) Motion to amend the North Boulder Subcommunity Plan to delete the N. 20th Street connection between Upland Avenue and Tamarack Avenue; and

(4) Official notice of vacation of public right-of-way for N. 20th Street adjacent to the properties at 2010 Upland Avenue and 4270 19th Street as required by Section 79 of the City of Boulder Charter (LUR2016-00073).

Applicants: Anne Hockmeyer, Ellen Stark and City of Boulder Public Works
Owner: Anne Hockmeyer and Ellen Stark

REQUESTING DEPARTMENTS:

Planning, Housing & Sustainability
David Driskell, Executive Director of Planning, Housing & Sustainability
Susan Richstone, Deputy Director of Planning
Charles Ferro, Development Review Manager
Sloane Walbert, Planner II

Public Works
Maureen Rait, Executive Director of Public Works
Edward Stafford, Development Review Manager – Public Works
Annie Noble, Greenways Program Coordinator
David Thompson, Civil Engineer II

OBJECTIVE:

Define the steps for Planning Board consideration of this request:

1. Hear Staff and Applicant presentations
2. Hold Public Hearing
3. Planning Board discussion
4. Planning Board action on proposed motion to amend the North Boulder Subcommunity Plan and Planning Board recommendation on the proposed amendments to the annexation agreements.

SUMMARY:

Proposal:	Annexation Agreement Amendments Amendment to the North Boulder Subcommunity Plan
Project Name:	WINTERFELL SUBDIVISION
Location:	2010 Upland Avenue, 4270 19th Street
Zoning:	(RE) Residential - Estate
Comprehensive Plan:	Low Density Residential, Open Space – Other

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

1. **Are the proposed annexation agreement amendments consistent with the Boulder Valley Comprehensive Plan (BVCP) policies of annexation and the intent of the original annexation terms?**
2. **Is the proposed amendment to the North Boulder Right-of-Way Plan consistent with the intent and goals of the Plan as identified in the North Boulder Subcommunity Plan (NBSP)?**

I. PROCESS

The purpose of this request is to amend the annexation agreements for the properties at 2010 Upland Avenue and 4270 19th Street to remove the requirements pertaining to the construction of N. 20th Street between Upland and Tamarack Avenues. The property owners of 2010 Upland Avenue would like to subdivide the property and sell the newly created lot. Refer to **Attachment E** for the applicant's written statement. However, the property is not eligible for subdivision until all requirements of its annexation agreement are met. Per Exhibit E of the annexation agreement (found in **Attachment A**), whichever property owner along the planned N. 20th Street first makes an application for subdivision is responsible for constructing the 30 feet access lane. Further, the N. 20th Street connection is a required redevelopment improvement per Exhibit D of the agreement, upon annexation of 4270 19th Street and dedication of the appropriate right-of-way prior to subdivision. The property at 4270 19th Street annexed into the city in 2014 and dedicated the necessary 15 feet of right of way for the connection. The Annexation Agreement for this property can be found in **Attachment B**.

Amendments to the annexation agreements are required to remove the requirement for the dedication and construction of N. 20th Street. Annexation agreement amendments are reviewed pursuant to section 9-2-16, "Annexation Requirements," B.R.C. 1981. Refer to **Attachments C and D** for the requested amendments to the annexation agreements. Pursuant to section 9-4-2, B.R.C. 1981, Planning Board is required to make a recommendation to City Council on applications for annexation agreement amendments. Following the board's recommendation, the proposed amendments will require a motion approving the amendment by City Council.

The North Boulder Subcommunity Plan (NBSP) is the primary land use policy document for the Crestview East area. The plan sets forth the official vision for the future of North Boulder and provides the basis for decisions about the long-term development and preservation of North Boulder and lists specific actions to be carried out by the City, other public agencies, and the private sector in the coming years. Amendments to the Plan must be consistent with the Plan's intent and goals as identified in the NBSP. Amendments to the Plan are considered by the Planning Board at a noticed public hearing and the board's decision is subject to call-up by the City Council. An amendment to the North Boulder Right-of-Way Plan is required to remove the N. 20th Street connection from the plan.

At the time of annexation, the owners of both subject properties dedicated 15 feet of their property to the city for the N. 20th Street connection. The property owners of 2010 Upland Avenue have requested that this right-of-way be vacated. Public right-of-way can only be vacated by ordinance, after staff review and approval by the City Council. For the public right-of-way to be vacated, the City Council would have to find that the standards of section 8-6-9(c), B.R.C. 1981 are met. This memorandum constitutes official notice to the Planning Board as required by Section 79 of the City of Boulder Charter of a request to vacate public right-of-way. Refer to **Attachment H** for the draft ordinance.

II. BACKGROUND

The subject properties are located in North Boulder in the Crestview East Neighborhood. Please refer to **Figure 1** for a vicinity map. The Crestview East enclave is roughly defined as those properties located north of Tamarack Avenue, south of Violet Avenue, east of 19th Street and west of 22nd Street. The Crestview East annexation, which included the property at 2010 Upland Avenue, was a complex multi-year process that involved the annexation of 14 properties in north Boulder. It was finalized in November 2009. All properties in Crestview East have some redevelopment and subdivision potential. The adjacent property to the southwest (4270 19th Street) annexed into the city following the September 2013 floods, so that the property owner could abandon their well and septic system (both surcharged by flood water) and connect to city water and wastewater services.

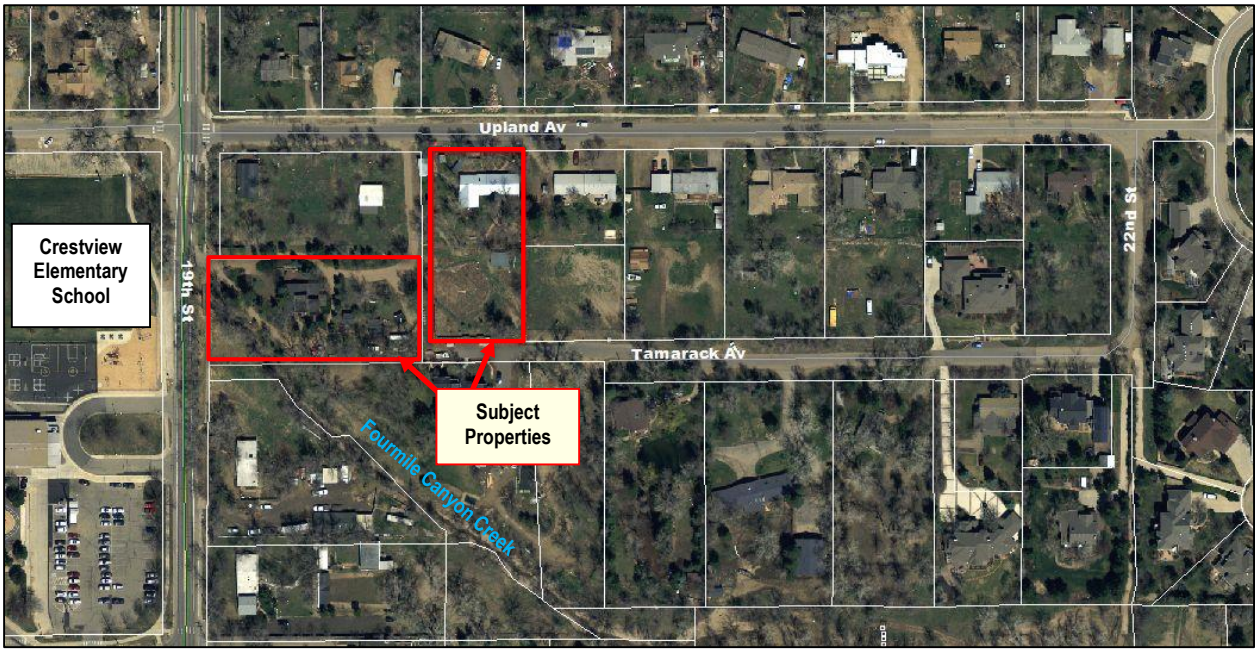

Figure 1: Vicinity Map

As indicated above, the original annexation agreement for 2010 Upland Avenue required that N. 20th St. be constructed upon redevelopment or subdivision. At the time of the original annexation in 2009, city staff recommended that the N. 20th Street vehicular connection shown on the North Boulder Right-of-Way Plan be eliminated and replaced with a 12-foot wide multimodal path/fire access. At that time, Planning Board did not agree with staff's recommendation because the elimination of the connection would result in a disproportionate amount of vehicular trips onto 22nd Street and Upland Avenue, resulting in potential pedestrian conflicts. Refer to **Attachment G** for staff's 2009 memo to City Council regarding the neighborhood annexation, which includes a summary of the Planning Board hearing. City Council agreed with Planning Board's analysis and the connection was included in

the annexation agreement.

The adjacent property located at 4306 19th Street annexed into the city in 2002 and provided the city with a 15-foot right-of-way reservation. The provisions of the annexation agreement require the property owner to dedicate the right-of-way for the future N. 20th St. connection upon request of the city. The final piece of right-of-way for N. 20th St. was acquired by the city in 2014 when the property at 4270 19th Street annexed into the city. The annexation agreement for this property contains the same requirements as the agreement for 2010 Upland Avenue, that at the time of redevelopment N. 20th Street be constructed. The property owner dedicated the necessary 15 feet of right of way for the connection via a Deed of Dedication, recorded August 19, 2014. Refer to **Figure 2** below.

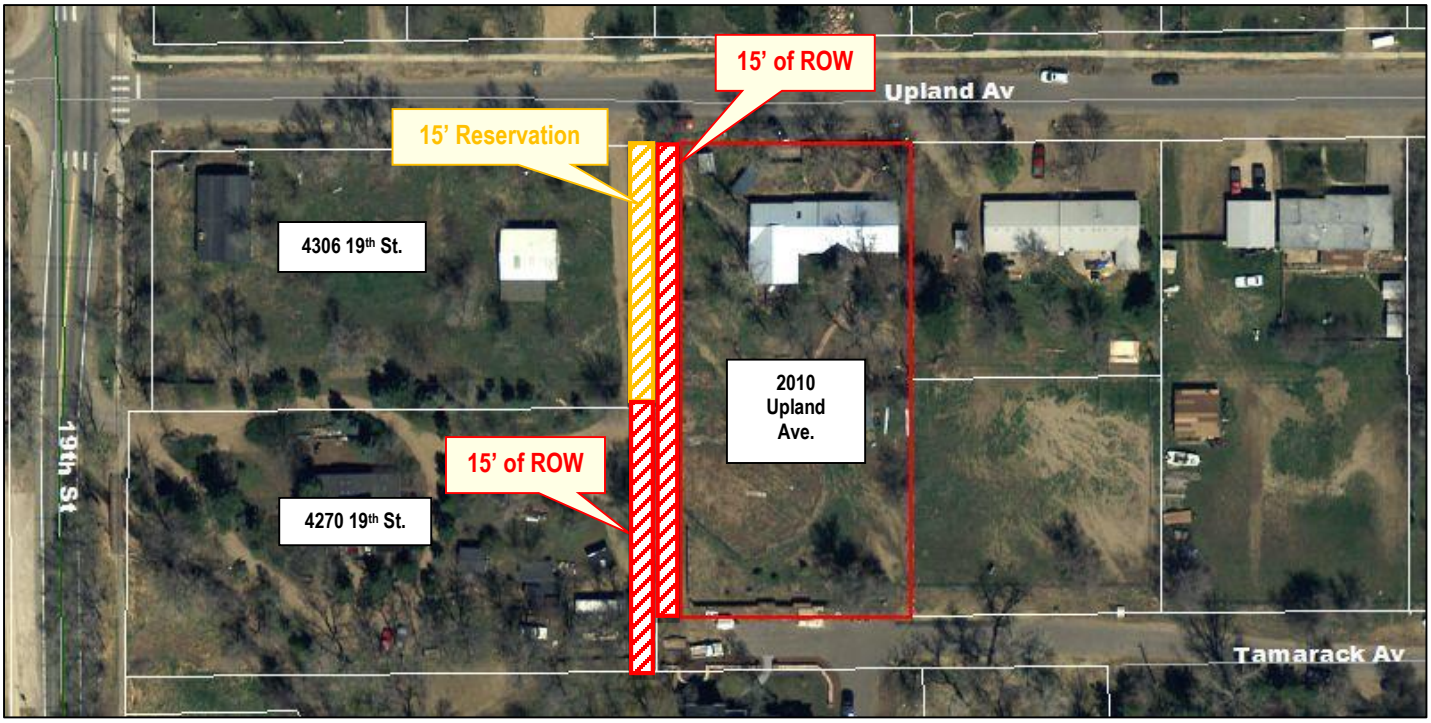

Figure 2: Dedications and Reservations for N. 20th Street

In March 2012, the city conducted a Community and Environmental Assessment Process (CEAP) to evaluate flood mitigation and path connection alternatives along Fourmile Canyon Creek between 19th and 22nd Streets as part of a Greenways improvement project (refer to **Figure 3** on the following page). Emergency access to Tamarack Avenue was also evaluated as part of the process. Several open houses were held to solicit community input. The proposed recommendations were reviewed by the Greenways Advisory Committee (GAC) on February 15, 2012 at a public hearing.

The recommended alternative to meet the goals of the Greenways project was to connect 19th Street to Tamarack Avenue via a path connection that would also provide improved emergency vehicle access to Tamarack Avenue (refer to **Figure 4** on the following page). It was determined that this alternative would consolidate the future bicycle and pedestrian access to Tamarack Avenue with emergency vehicle access only. At that time staff found that N. 20th St. was not warranted based on current and projected traffic volumes generated by potential future subdivisions along Tamarack Avenue. The GAC unanimously (6-0) recommended approval of this alternative.

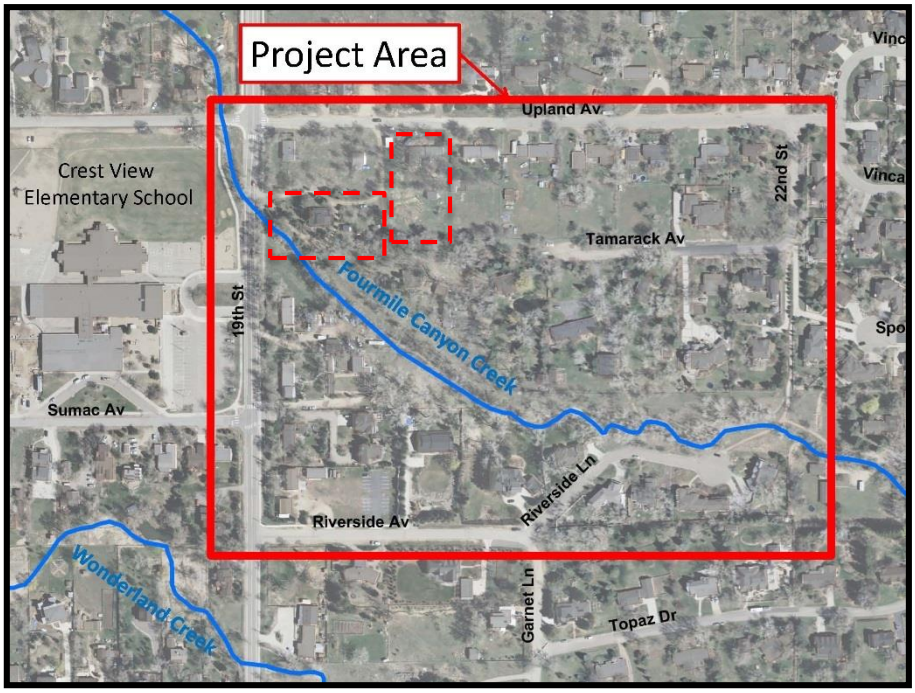

Figure 3: CEAP Project Area

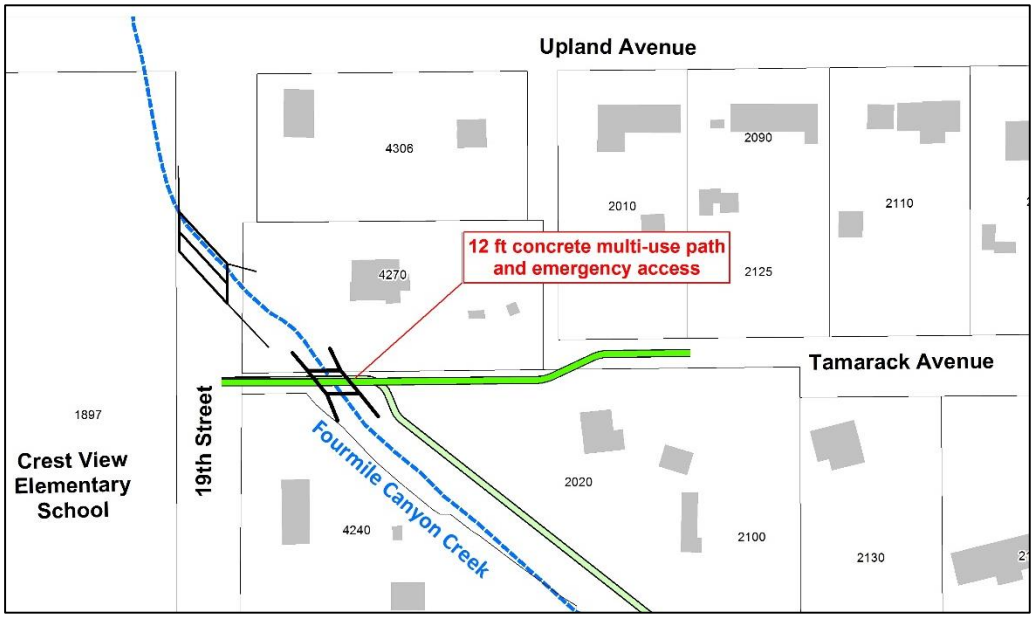

Figure 4: Approved Transportation Connection Alternative in CEAP

The CEAP was submitted to City Council on March 29, 2012 for call-up. City Council did not call up the CEAP and the GAC recommendation was finalized and is reflected in the final CEAP document. Refer to **Attachment F** for the staff memo to City Council regarding the CEAP. The proposed amendments to the annexation agreements, amendment to the North Boulder Right-of-Way Plan and vacation are consistent with the findings made in the CEAP.

III. PROJECT DESCRIPTION

Amendments to Annexation Agreements

To proceed with the intended subdivision at 2010 Upland Avenue, an annexation agreement amendment for the 2010 Upland Avenue property and right-of-way vacation must be completed. Based on the annexation agreement, the construction of the street is required upon annexation of the property at 4270 19th Street, which occurred in 2014. Refer to Exhibits D and E of the Annexation Agreement (**Attachment A**).

Based on the findings of the 2012 Fourmile Canyon Creek CEAP, the owners of 2010 Upland Avenue have requested an amendment to the Annexation Agreement to delete the requirement to construct N. 20th Street and amend the dedication requirements associated with the street. Based on utilities currently located in the said right-of-way the property owners will provide a public utility easement over the western 10 feet of the property to accommodate the necessary utilities. A pedestrian only connection was not considered since another mid-block, north/south multi use path connection between Upland and Tamarack will be constructed in the future (see **Figure 4** below). As part of the requested amendment the owners agree that if subdivided, the southern lot on the property will take access from Tamarack Avenue. They also agree to remove the existing 20.5 foot by 15.5 foot shed located within the newly created utility easement at the request of the city manager. Refer to **Attachment B** for the requested amendment to the Annexation Agreement for 2010 Upland Avenue.

In reviewing the request for the property at 2010 Upland Avenue staff determined that it was appropriate to pursue a concurrent amendment to the Annexation Agreement for 4270 19th Street, since the agreements contain the same requirements for the dedication and construction of N. 20th Street (refer to **Attachment B**) and to concurrently vacate right-of-way dedicated for the construction of N. 20th Street by the owners of 4270 19th Street.

North Boulder Subcommunity Plan

In parallel with the above described Annexation Amendments, the property owners of 2010 Upland Avenue have requested the deletion of N. 20th Street as a thirty-foot-wide residential access lane between Upland Avenue and Tamarack Avenue on the North Boulder Right-of-Way Plan. The current adopted North Boulder Right-of-Way Plan is shown in **Figure 4** on the following page.

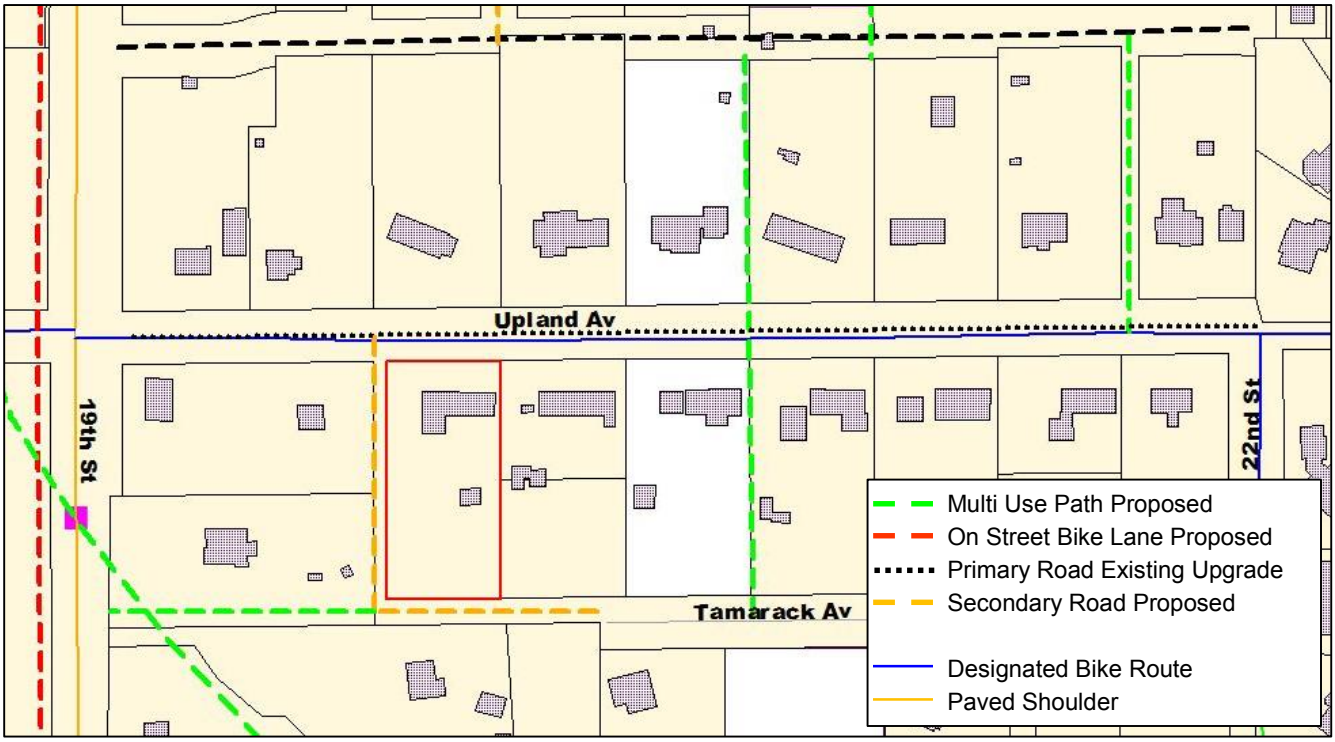

Figure 4: Current NBSP Connections Plan

The following amendment to the North Boulder Right-of-Way Plan is proposed:

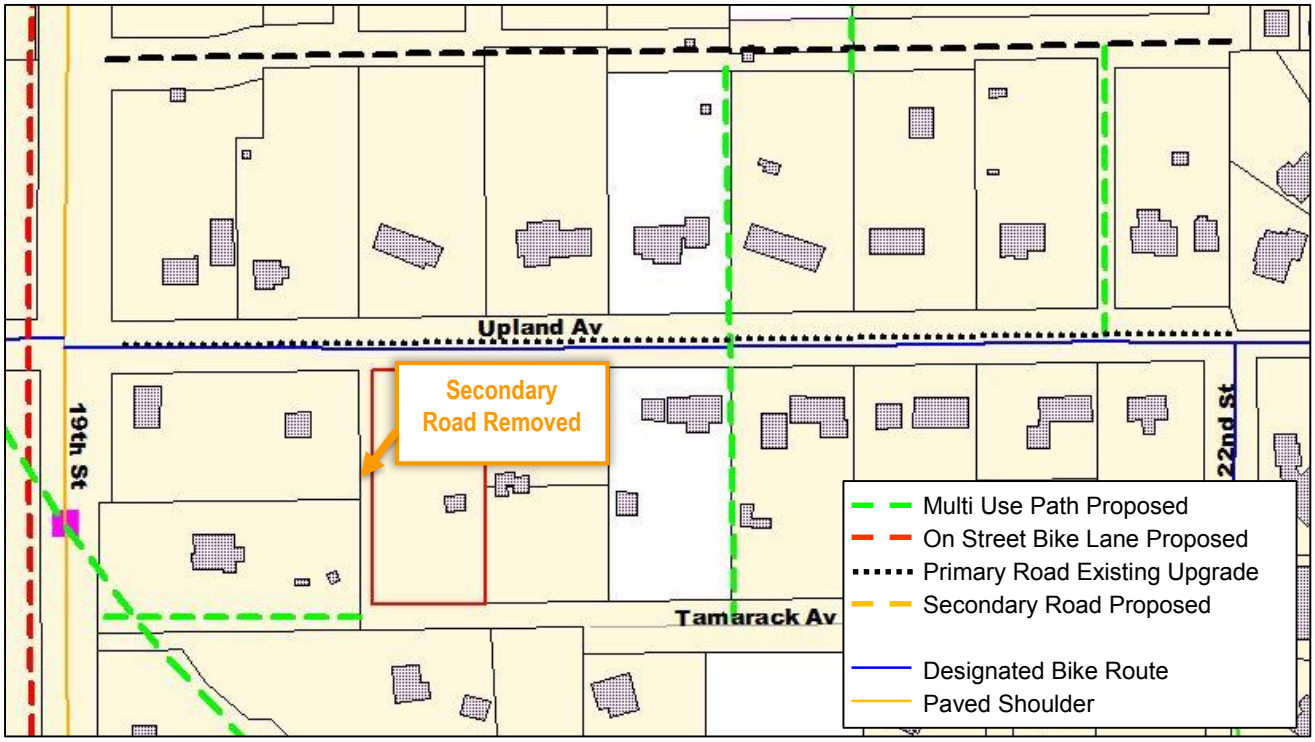

Figure 5: Proposed Amendment to NBSP North Boulder Right-of-Way Plan

Right-of-Way Vacation

The property owners of 2010 Upland Avenue have also requested vacation of a 15-foot strip of public right-of-way adjacent to their property. A 10-foot wide utility easement will be reserved within the area of vacation to accommodate existing public utilities. As described above, staff has initiated the vacation of the associated 15-foot of public right-of-way adjacent to the property at 4270 19th Street since it has been determined that there is no public need for the planned connection. A 15-foot wide utility easement will be reserved within the area of vacation to accommodate utilities and line up with the existing utility easement on the property to the north. The southeast corner of the property has already been dedicated as a bicycle and pedestrian path and emergency access easement in association with the Fourmile Canyon Creek Improvements Project.

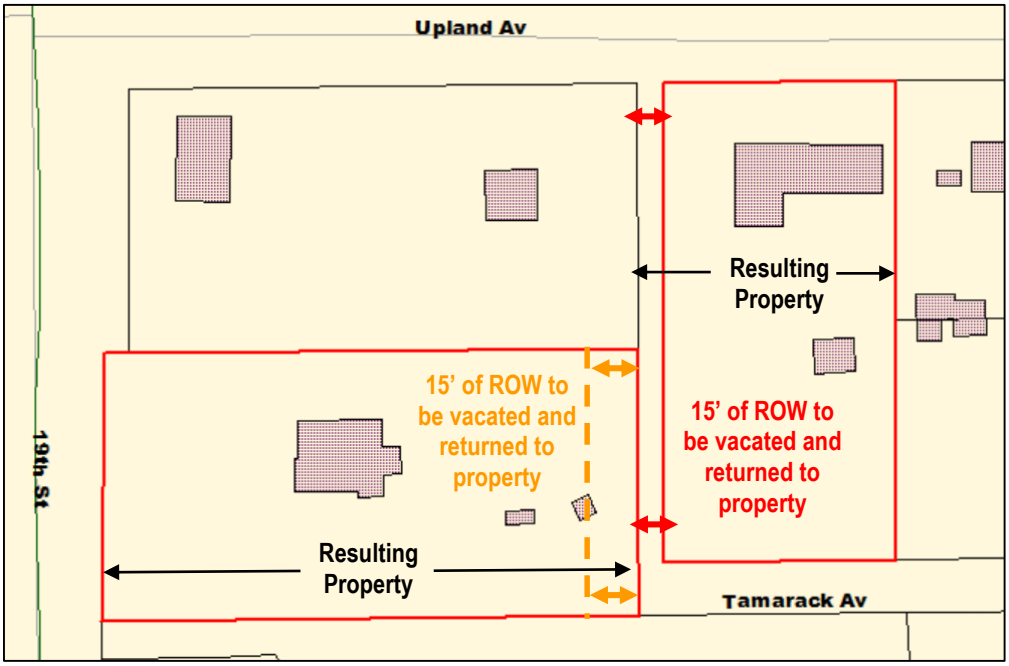

Figure 6: Right-of-Way to be Vacated

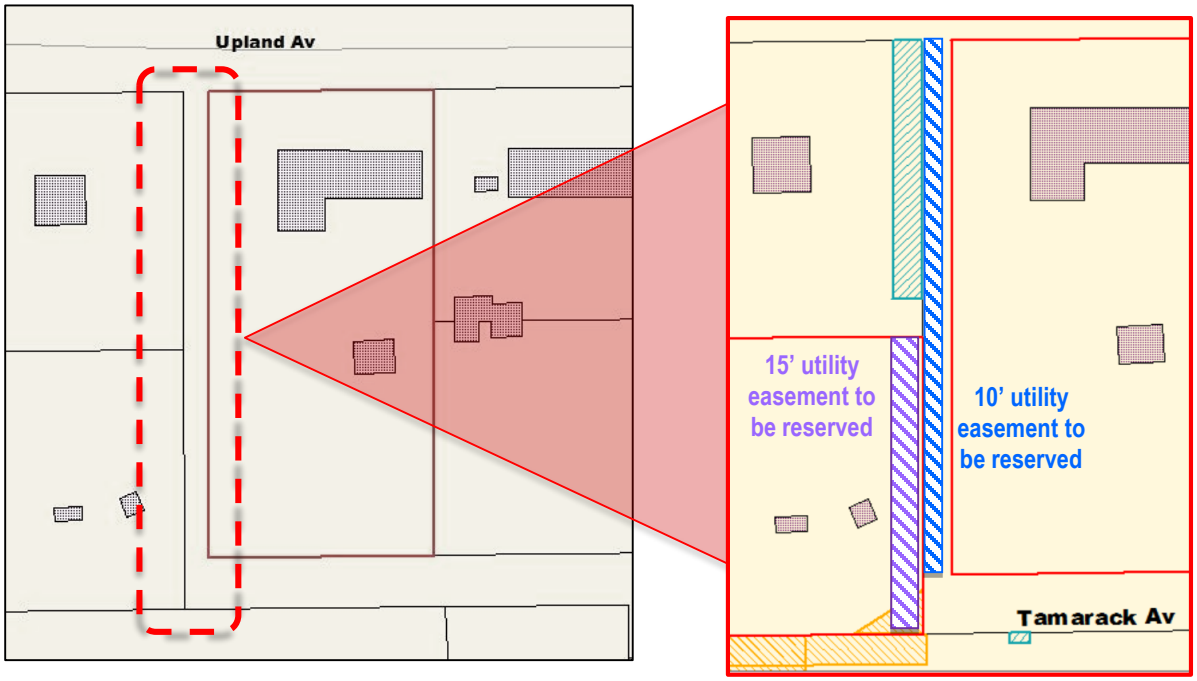

Figure 7: Portion of Utility Easement to Remain

Refer to **Attachment H** for the draft ordinance.

IV. ANALYSIS OF KEY ISSUES

Staff identified the following key issues for discussion regarding the proposed application requests:

1. **Are the proposed annexation agreement amendments consistent with the Boulder Valley Comprehensive Plan (BVCP) policies of annexation and the intent of the original annexation terms?**

Staff finds the proposed annexation agreement amendments consistent with the intent of the original annexation packages. The removal of N. 20th Street would not affect the overall bicycle and pedestrian connectivity of the area. A more direct and safer route is being provided to pedestrians and bicyclists between Tamarack Avenue and areas west of 19th Street with the Fourmile Canyon Creek Improvements Project. The project will provide a new multi-use path connection across Fourmile Canyon Creek, connecting Tamarack Avenue to 19th Street, and an underpass under 19th Street to eliminate the need to cross 19th Street at Upland Avenue. City staff received feedback from neighbors as part of the Fourmile Canyon Creek CEAP process expressing strong support of the proposed removal of the N. 20th Street connection (refer to **Attachment F**). The removal of the requirement to construct N. 20th Street and vacation of the subject right-of-way will also help to defray the property owners' costs of annexation by freeing them from the obligation to pay for the construction of the right-of-way. The elimination of the connection will preserve the existing rural street character in this lower density residential area.

Based on this information, staff concluded that the proposed request, on balance, was consistent with the intent of the annexation agreements and recommends approval of the proposed amendments found in **Attachments B and D.** The annexations would also remain consistent with the BVCP policies related to annexation, as connectivity of the properties is not affected by the proposed amendments and the other benefits and conditions of these annexations remain in place.

2. Is the proposed amendment to the North Boulder Right-of-Way Plan consistent with the intent and goals of the Plan as identified in the North Boulder Subcommunity Plan (NBSP)?

Amendments to the North Boulder Right-of-Way Plan are subject to procedures established by a city manager rule. Under that procedure, deletion of a street connection must be consistent with the intent and goals as identified in the NBSP. The North Boulder Right-of-Way Plan is the section of the NBSP intended to implement the transportation goals and policies. The Right-of-Way Plan seeks to encourage walking, biking and transit use by providing safe, comfortable and convenient pedestrian and bicycle path connections, and seeks to provide connections to existing and future pedestrian and bike path systems. Staff finds that these goals will continue to be met following the proposed amendment to the Right-of-Way Plan, as the right-of-way proposed to be removed is not intended to provide any connections to existing or proposed transportation facilities, and several significant transportation connections, both existing and proposed, remain in close proximity to the subject area.

The current proposal appears consistent with the following goals and policies:

NBSP Transportation Goals and Policies	How the Proposal is Consistent
• Encourage walking, biking, and transit use by providing safe, comfortable and convenient pedestrian and bicycle path connections. • Increase opportunities for safe and efficient pedestrian and bicycle travel.	The removal of N. 20th Street would not affect the overall bicycle and pedestrian connectivity of the area. A more direct and safer route is being provided to pedestrians and bicyclists between Tamarack Avenue and areas west of 19th Street with the Fourmile Canyon Creek Improvements Project. The project will provide a new multi-use path connection across Fourmile Canyon Creek, connecting Tamarack Avenue to 19th Street, and an underpass under 19th Street to eliminate the need to cross 19th Street at Upland Avenue. A mid-block multi use path planned connection will remain a few properties over to the east, furthering accommodating north/south pedestrian and bicycle circulation.
• Create an integrated network of streets, yielding more path options for both motorists and users of alternative travel modes.	The removal of N. 20th Street would not affect the overall connectivity of the area. Vehicular access in this location is not warranted based on current and projected traffic volumes generated by potential future subdivisions along Tamarack Avenue. A turnaround will continue to be provided at the west end of Tamarack Avenue for any vehicles requiring the turn around. One of the primary purposes of the proposed N. 20th Street connection was to provide an additional access route for emergency vehicles, given that Tamarack Avenue wasn't part of an existing neighborhood transportation grid. However, emergency access will now be provided by the Fourmile Canyon Creek Improvements Project. The bridge across Fourmile Creek Canyon is designed to accommodate emergency response vehicles thus providing a direct connection from 19th Street to Tamarack Avenue.
• Maintain rural street character in the central part of the subcommunity to the greatest extent possible.	By eliminating the N. 20th Street connection several properties (4306 Upland, 2010 Upland and 4270 19th Street) will not be fronted by public access on three sides. The elimination of the vehicular connection will maintain the rural estate neighborhood character.

NBSP Transportation Goals and Policies	How the Proposal is Consistent
• In the central part of subcommunity, focus on reducing school-related car trips and calming traffic on existing through-streets. • Encourage school children to walk, bike and take the bus to school. • Determine methods to calm traffic speeds on neighborhood streets.	Crest View Elementary School is located directly to the west of the subject properties, at the northwest corner of 19th Street and Sumac Avenue. The Fourmile Canyon Creek Improvements Project will provide a new multi-use path connection across Fourmile Canyon Creek, connecting Tamarack Avenue to 19th Street, and an underpass under 19th Street to eliminate the need to cross 19th Street at Upland Avenue. Thus, a more direct and safer route is being provided to pedestrians and bicyclists, which will encourage school children to walk or bike to school. In addition, the removal of a through street will calm traffic speeds of vehicles traveling to Tamarack Avenue.
• Pursue aggressive strategies to reduce the number and distance of car trips.	While the removal of the connection could add vehicle miles traveled, Tamarack Avenue currently provides access for only eight properties. Tamarack Avenue is not part of the City's east/west vehicle grid and low daily trips are projected to be generated on Tamarack Ave upon subdivision build-out.

Additionally, staff finds that these proposals are consistent with the vacation standards found in section 8-6-9, "Vacation of Public Rights of Way and Public Access Easements," B.R.C. 1981. Specifically, because it has been determined that the N. 20th Street connection is not required for either vehicle or multi-modal purposes, the public purpose for which the right-of-way was dedicated is no longer valid or necessary for public use. All agencies having a conceivable interest, including Planning, Transportation and Utilities, have indicated that no need exists either at present or conceivably in the future, to retain the existing right-of-way. Finally, vacating the right-of-way would provide a greater public benefit than retaining it in its present status by freeing the city from the maintenance and repair responsibilities associated with N. 20th Street. Because the right-of-way is not needed to provide access, maintaining the requirement for right-of-way on the subject properties would create an unnecessary financial burden for the city.

V. 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 properties and a sign posted on the property at 2010 Upland Avenue for at least 10 days. All notice requirements of section 9-4-3, "*Public Notice Requirements*," B.R.C. 1981 have been met. Staff has not received any public comments in opposition to the proposals. In addition, several open houses were held to solicit community input as part of the CEAP process.

VI. PLANNING BOARD ACTION

Staff recommends the following actions:

- Motion that Planning Board recommend to City Council approval of the Annexation Agreement Amendments as they are consistent with the overall goals and policies of the Boulder Valley Comprehensive Plan policies pertaining to annexation as well as the intent of the original annexation terms.

- Motion that Planning Board find the proposed deletion of the N. 20th Street connection is consistent with the NBSP's intent and goals as identified in the plan and approve this amendment to the North Boulder Right-of-Way Plan.

Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

Attachment A:	2010 Upland Avenue Annexation Agreement and Amendment (signature blocks intentionally omitted)
Attachment B:	4270 19th Street Annexation Agreement
Attachment C:	2010 Upland Avenue Requested Amendment to Annexation Agreement
Attachment D:	4270 19th Street Requested Amendment to Annexation Agreement
Attachment E:	Applicant's Written Statement for 2010 Upland Avenue (attachments intentionally omitted)
Attachment F:	Fourmile Canyon Creek CEAP
Attachment G:	2009 Annexation Memo to City Council
Attachment H:	Draft Ordinance

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ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT, made this 6TH day of NOV., 2009, by and between the City of Boulder, a Colorado home rule city, ("**City**"), and the property owners of 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave., 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave. and 2114 Violet Ave. (individually referred to as "**Property Owner**" and collectively referred to as "**Applicant**"). The City and the Applicant are referred to as the "**Parties**."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the Property described in this Annexation Agreement under **Exhibit A**.

A. The Applicant is the owner of the real property described in the attached Exhibit A ("**Crestview East Addition No. 1A Annexation Property**"). A Property Owner owns an individual property ("**Property**") within the Crestview East Addition No. 1A Annexation Property, including 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave., 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave. and 2114 Violet Ave. Each address represents a separate Property and Property owner.

B. The Applicant is interested in obtaining approval from the City for annexation of each Property in order to provide adequate urban services to said area, particularly City water, drainage and sewer utilities with initial zoning designations as follows:

- RM-2 for the northern 140 feet and RL-1 for the southern 140 feet of 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave., and 2114 Violet Ave.;
- RL-1 for the northern 140 feet and RE for southern 140 feet of 1937 Upland Ave., 2005 Upland Ave., 2075 Upland Ave., 2125 Upland Ave., 2135 Upland Ave., 2155 Upland Ave.; and
- RE for 2010 Upland Ave., 2090 Upland Ave., 2130 Upland Ave. and 2160 Upland Ave.;

C. Consistent with Policy 1.27 (b) of the Boulder Valley Comprehensive Plan, the City finds it desirable to actively pursue annexation of county enclaves in order to provide adequate urban services to the Crestview East Addition No. 1A Annexation Property; and

D. 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.

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 follows:

COVENANTS

1. Definitions.

"Floor area" means the total square footage of all levels measured to the outside surface of the exterior framing, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress by chapter 10-5, "Building Code," B.R.C. 1981, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space. Basements below grade shall be exempt from floor area calculations and garages up to 500 square feet shall be exempt from floor area calculations.

"**Newly Constructed Unit"** means either a new dwelling unit constructed on a vacant parcel or a redeveloped dwelling unit that is greater than 3,000 square feet of total floor area (for inclusionary zoning), as defined by Section 9-16, "Definitions," B.R.C. 1981.

"**Redevelopment**" means the subdivision of a Property to create a new lot or the addition of a dwelling unit to an existing lot.

"**Redevelopment Improvements**" means the improvements which are fully described and shown on **Exhibits B, C and D.**

2. Requirements Prior to First Reading of the Annexation Ordinance.

a. Thirty days prior to scheduling the first reading of the annexation ordinance, each Property Owner shall:

i. Provide title work current to within 30 days of signing the Annexation Agreement;

ii. File an application, and pay the applicable fees for inclusion of each Property in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;

iii. Pay the fees and convey the Property specified on **Exhibit E**. Fees can be paid at the time of first reading or at the time of redevelopment. If a Property Owner desires to defer payment of fees until the time of redevelopment, the property owner shall submit such request with this Agreement prior to first reading of the annexation ordinance. Rates will be based on the fees current at the time of redevelopment.

iv. Provide a written description of any non-conforming use or structure existing on each Property, if any;

v. Submit individual warranty deeds for each individual property owner dedicating new right of way as required by **Exhibit E**

vi. Submit legal descriptions in a form acceptable to the Director of Public Works for any right of way to be vacated pursuant to this Agreement.

b. Regarding interests in the Silver Lake Reservoir and Ditch Company, the Applicant shall:

i. Prior to first reading of the annexation ordinance, sell to the City, at its fair market value, any and all water and ditch rights, except for rights associated with wells, available for use on each Property, including all shares in the Silver Lake Reservoir and Ditch Company. Applicant shall abandon and transfer to the City all shares of the Silver Lake Reservoir and Ditch Company associated with the Property at the price of $25.00 per share; or

ii. Execute an agreement to abide by the outcome of the pending negotiations and mediation between the City and the Silver Lake Reservoir and Ditch Company. The Applicant shall then execute all documents required to be a party to such an outcome within 30 days after a request by the City. In the event that the City declares an impasse in the negotiations and mediation, if the Applicant fails to join in the outcome of the negotiation and mediation, or at the Applicant's discretion, the Applicant shall sell said shares to the City as provided above within 30 days of a request by the City.

4. <u>City Responsible for Construction of Water and Sewer Utilities on Upland and Violet and Detached Sidewalk on the North Side of Upland Avenue.</u> The Applicant agrees that water and sewer main improvements and the detached sidewalk on the north side of Upland Avenue will provide a special benefit to the Property. The City will initially fund installation of the water and sewer mains. Each Applicant is required to comply with the following:

a. The Applicant agrees to:

i. Pay, when billed, its proportionate share of the cost of such improvements; or

ii. Enter into a repayment agreement with the City and pay its proportionate share of the City utility improvements. The repayment amount will be based on each property frontage on the improvements and the actual construction costs incurred by the City. The repayment plan will require ten (10) equal, annual payments over a ten (10) year period at an annual interest rate of Five and a half (5.5%) percent. Payments will begin one (1) year after the date of connection to City water and/or sewer. Full repayment of an individual landowner's share of the costs shall occur within thirty (30) days prior to the recording a final plat for subdivision or sale of the Property.

iii. Accept and acknowledge that the existing Upland Avenue drainage facilities and street sections are not and will not meet the rural residential street standards in City of Boulder Design and Construction Standards once the utility installation, detached sidewalk construction, and street restoration are completed.

b. In the alternative to paragraph 4(a) above, if the City determines that it is appropriate to create a local improvement district for the purpose of assessing the costs of the above-referenced public improvements, the Applicant, agrees to join in a petition to establish a local improvement district to construct such improvements and not to dissent therefrom or oppose or remonstrate against the establishment of such a district.

5. Water and Sewer Connection Requirements. Within 90 days of the installation of water and sewer stubs by the City to each property, the Applicant agrees to perform the following as is applicable to each Property:

a. Connect all existing structures to the City's water and sewer system as required by the Boulder Revised Code.

b. Submit an application that meets the requirements of Chapters 11-1, "Water Utility," and 11-2, "Wastewater Utility," B.R.C. 1981 and obtain City approval to connect to the City's water and sewer mains.

c. The Applicant is responsible for all costs and installation associated with the connection of a service line from the utility mains to the building.

d. The property owners shall pay applicable fees and charges associated with a service line connection to a water and sewer main, including right of way, water, and waste water fees, for permits, inspection fees, installation fees, tap fees, and all plant investment fees associated with the Property prior to connection to the City's water or sewer system. The property owners shall be subject to the Water and Wastewater Plant Investment Fees effective January 5, 2009 for dwelling units in existence at time of annexation if connection is made prior to December 31, 2010.

e. Notwithstanding the provisions of this section, 2135 Upland Ave. may defer connection the city sanitary sewer utility until such time as the septic system fails or when the property redevelops. The Property owner of 2135 Upland agrees to pay such connection, plant investment fees, and other fees at the rates in place at the time of connection to the City's waste water utility.

6. Septic System Abandonment. Upon connection to the City's sewer system, each Property Owner shall abandon the existing septic system in accordance with Boulder County Health Department and State of Colorado regulations.

7. Floor Area Ratios. The parties agree that nothing in this Agreement shall be construed as any type of waiver of any regulations adopted or associated with the City's pending study regarding Compatible Development in Single Family Neighborhoods.

8. Calculating Density.

a. Areas dedicated as right-of-way by a Property Owner to serve as area for new streets, shared drainage ponds, emergency, or pedestrian connections may be included in the overall lot size for the purposes of calculating density by such Property Owner.
b. At the time of redevelopment, the Property shall be developed and planned to accommodate the maximum practical density that is consistent with the zoning. Subdivision of the Property may not reduce the density below that allowed by the Property's square footage.

9. Design Guidelines. The Applicant agrees that the following design guidelines will be applied to each Property.

a. Front doors and front yards shall face the street.
b. Garages shall be alley loaded where an alley exists or is proposed. Where alleys do not exist, structures should be designed so that garage doors do not dominate the front façade of the building. Garage doors shall be located no less than 20 feet behind the principal plane of the building.
c. Properties located at 2105, 2125, 2155 Upland Ave. may reduce the front yard setback of the rear lots that front Vine St. from 25 feet to 15 feet to accommodate an offset in the Vine Street design. If a straight road alignment is proposed for Vine St. subsequent to annexation but before building permits for structures are obtained, the required front yard setback shall meet the requirements of the zone district.

10. Requirements Prior to Subdivision At the time of applying for the first subdivision of each Property, the individual property owner shall be eligible to pay the "minor subdivision" application fee. Any group subdivision application involving more than one property thereafter shall pay the fee prescribed in the Boulder Revised Code for the application type.

11. Requirements Prior to Redevelopment for 1937, 2005, 2075, 2125, 2135, and 2155 Upland Ave. Each Property generally described as 1937, 2005, 2075, 2125, 2135, and 2155 Upland Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit B**.

12. Requirements Prior to Redevelopment for RL portion of 1938, 1960, 2066, and 2114 Violet Ave. Subdivision Requirements. Each Property generally described as 1938, 1960, 2066, and 2114 Violet Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit B.**

    Upon subdivision, a Property Owner may develop two units accessed directly from Vine Street without constructing the alley or North 20th Street as required by the redevelopment requirements shown in **Exhibit C**. In the event a Local Improvement District is formed and the alley is installed prior to construction, access is to be taken from the alley.

13 Requirements Prior to Redevelopment for RM portion of 1938, 1960, 2066, and 2114 Violet Ave. Subdivision Requirements. Each Property generally described as 1938, 1960, 2066, and 2114 Violet Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibits B and C.**

14. Requirements Prior to Redevelopment for 2010, 2090, 2130 and 2160 Upland Ave. Each Property generally described as 2010, 2090, 2130 and 2160 Upland Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit D.**

15. Existing Non-conforming Uses. Existing, legal non-conforming uses will be allowed to continue to be operated in the City of Boulder as legal non-conforming uses and to be modified and expanded under the provisions of Chapter 9-10, "Non-Conformance Standards," B.R.C. 1981, as that section may be amended from time to time. The only non-conforming uses that will be recognized by the City will be those reported to the City pursuant to Paragraph 2 of this Annexation Agreement.

16. Rental Property Requirements. Any Property that is used as rental property at the time of annexation shall be brought into compliance with Chapter 10-3, "Rental Licenses," B.R.C. 1981, within 90 days of the effective date of the annexation ordinance.

17. Existing Wells. The City agrees that it will not prohibit Property Owners from using existing wells for irrigation purposes. Under no circumstances may existing wells be used for domestic water purposes. No person shall make any cross connections to the City's municipal water supply system.

18. Lease of Ditch Shares. The Property Owner(s) selling, abandoning or transferring ditch rights pursuant to Paragraph 2(b)(i) may lease these ditch rights from the City on an annual basis subject to the following terms:

a. Property Owner shall notify the City by April 1st of each year of its desire to lease the water for the upcoming year.

b. The determination regarding availability of the water for lease shall be solely in the City's discretion and may be communicated to the Property Owner by April 15th of any year in which the City has been properly notified of a desire to lease water.

c. The cost of the lease shall be equal to the ditch company annual assessment, plus 10%, plus any special assessments or fees of any kind of the ditch company assessed by the ditch company during the term of the water lease.

d. No future leasing of the water to the Property Owner will occur following any year in which the lease option is not exercised or following the closure of the lateral.

e. No leasing of the water to the Property Owner will occur following subdivision or redevelopment of the property subject to the lease.

19. Ditch Lateral. Property Owners shall not relocate, modify, or alter the ditch or lateral without obtaining any necessary approvals from ditch companies or lateral users or through judicial approval.

20. Permanently Affordable Housing. The Applicant agrees that the following requirements shall apply to the Property and that no additional dwelling units shall be approved for any individual parcel unless the following requirements have been met:

a. Required Documents and Payments. Prior to the application of a building permit for any newly constructed dwelling unit on the Property, the applicant shall provide the following to the city manager:

i. Covenants or deed restrictions, in a form acceptable to the city manager, to secure the permanent affordability of dwelling units shall be signed and recorded with the Boulder County Clerk and Recorder prior to application for any residential building permit.
ii. Any applicable cash-in-lieu of permanently affordable housing payments. The city manager may delay such payments to a time prior to the issuance of such building permit.

b. Properties with RM Zoning. RM portions of each property generally described as 1938, 1960, 2066, and 2114 Violet Ave. shall provide 50% of the total newly constructed dwelling units as permanently affordable. No permanently affordable units shall be accepted until the location, size, type, fixtures, finish and other features are approved by the city manager. The distribution of unit types for the permanently affordable units shall reflect the distribution of the market rate unit types. The city manager is permitted, at the manager's sole discretion, to accept alternate distributions and locations of permanently affordable units if such alternatives result in additional permanently affordable housing benefits to the City. The following conditions shall apply:

i. At least twenty-five percent (25%) of any newly constructed dwelling units on the Property shall be permanently affordable consistent with Chapter 9-13, "Inclusionary Zoning," B.R.C. 1981. If a fraction results from multiplying twenty-five percent (25%) times the total number of permitted new dwelling units on the Property, the total number of such permanently affordable units shall be rounded up to the nearest whole number.

ii. At least twenty-five percent (25%) of any newly constructed dwelling units on the Property shall be permanently affordable to middle income households consistent with the following:

A. Detached single family units shall be permanently affordable to households earning between the Department of Housing and Urban Development's (HUD) Low Income Limit for the City of Boulder and 40% more than the HUD Low Income Limit for and shall be distributed such that the average price of the single family detached units is based upon a household income that is 30% more than the HUD Low Income Limit.

B. Duplex or townhome style units shall be permanently affordable to households earning between the HUD Low Income Limit and 30% more than the HUD Low Income Limit for and distributed such that the average price of the duplex or townhome style units is based upon a household income that is 25% more than the HUD Low Income Limit.

C. A permanently affordable middle income dwelling unit shall be either a detached dwelling unit, duplex unit or townhouse unit.

D. If a fraction results from multiplying twenty-five percent (25%) times the total number of permitted new dwelling units on the Property, the total number of required middle income permanently affordable dwelling units shall be rounded down to the nearest whole number.

c. Properties with RL and RE Zoning. Each property generally described as 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave. and RL portions of each property generally described as 1938, 1960, 2066, and 2114 Violet Ave. shall pay a cash-in-lieu of permanently affordable housing for each newly constructed dwelling unit on the Property. The payment will be a percentage of the cash-in-lieu payment required by the City's inclusionary zoning program or an equivalent amount determined by the city manager at the time of building permit application. The payment amount will be based upon the total floor area of the dwelling unit as follows:

i. 2,499 square feet or less of floor area, the cash-in-lieu payment shall be equal to that required by Chapter 9-13, B.R.C. 1981;
ii. 2,500 square feet to 3,499 square feet of floor area, the cash-in-lieu payment shall be 50% more required by Chapter 9-13, B.R.C. 1981;
iii. 3,500 square feet to 3,999 square feet of floor area, the cash-in-lieu payment shall be 100% more than that required by Chapter 9-13, B.R.C. 1981;
iv. 4,000 square feet to 4,499 square feet of floor area, the cash-in-lieu payment shall be 150% more than that required by Chapter 9-13, B.R.C. 1981;
v. 4,500 square feet to 4,999 square feet of floor area, the cash-in-lieu payment shall be 200% more than that required by Chapter 9-13, B.R.C. 1981;
vi. 5,000 square feet to 5,499 square feet of floor area, the cash-in-lieu payment shall be 250% more than that required by Chapter 9-13, B.R.C. 1981; and
vii. 5,500 square feet of floor area or greater, the cash-in-lieu payment shall be 300% more than that required by Chapter 9-13, B.R.C. 1981.

d. Exceptions, Bonuses and Alternatives.

i. Energy Efficient Homes. Newly constructed dwelling units that have a Home Energy Rating System (HERS) rating of 0 (zero) and which incur a cash-in-lieu of permanently affordable housing payment may have that cash-in-lieu payment reduced by fifty percent (50%).

ii. Current Owner Occupants. The following conditions apply to the following existing Property Owners that are owner-occupying an existing dwelling unit on the following Properties: 1938 Violet Ave., 2075 Upland Ave., 2125 Upland Ave., 2135 Upland Ave., 2010 Upland Ave., 2130 Upland Ave., and 2160 Upland Ave. Each such property owner may use one of the provisions below one time only:

A. An existing property owner occupant whose household income does not exceed forty (40) percentage points more than the U.S. Department of Housing and Urban Development's (HUD) Low Income Limit for the City

of Boulder may construct and occupy a deed restricted, permanently affordable dwelling unit constructed under this Agreement.

B. An existing property owner occupant who converts an existing dwelling unit to a newly constructed dwelling unit and owner-occupies the converted dwelling unit for at least one year following the final inspection for that unit shall be exempt from the requirements for a "newly constructed dwelling unit" in this Agreement.

C. An existing property owner occupant who owns, constructs and owner-occupies a newly constructed dwelling unit that is subject to a cash-in-lieu of permanently affordable housing payment may defer that payment for a period of time not to exceed ten years or until the title to the property is transferred, whichever is less. This deferred payment shall be secured by a deed of trust and promissory note with an interest rate equal to the average of the past increases in the cash-in-lieu amounts as determined per Chapter 9-13, "Inclusionary Zoning," B.R.C. 1981.

iii. Density Bonus for Permanently Affordable Dwelling Units. A duplex dwelling unit shall be permitted on an RL zoned parcel where only one dwelling unit would be allowed as long as one of the duplex dwelling units is permanently affordable to low income households as defined above and the second duplex dwelling unit is permanently affordable to middle income households as defined above. If such permanently affordable units are to be rented, the Applicant agrees to execute any agreements necessary to have rent controlled units that meet state law requirements prior to the rental of such units or an application for a rental license.

iv. Conversion of Middle Income Permanently Affordable Units. On an RM zoned parcel on the Property where two (2) middle income permanently affordable dwelling units would be required, a property owner may substitute, one time only, a single permanently affordable low income single family detached dwelling unit for two permanently affordable middle income dwelling units.

v. Concurrent Construction. On an RM zoned parcel on the Property, the first newly constructed dwelling unit may be a market rate dwelling unit. Thereafter, the second newly constructed dwelling unit shall be a permanently affordable dwelling unit and all subsequent permanently affordable dwelling units shall be constructed concurrently with the market rate dwelling units.

e. Standard Conditions.

i. Any permanently affordable units produced under this Agreement may not be used to satisfy other permanently affordable housing requirements located on property other than the Property.

ii. Permanently affordable dwelling units shall be constructed at least concurrently with the market rate dwelling units except as described in paragraph 18(d)(v) above.

iii. Any newly constructed dwelling unit produced under this Agreement and subject to a cash-in-lieu of permanently affordable housing payment that is constructed with less than 5,500 square feet of floor area and subsequently increases the original floor area shall be subject to a cash-in-lieu of permanently affordable housing payment that is equal to the difference between the previous cash-in-lieu payment and the applicable cash-in-lieu payment for the new total floor area of the dwelling unit.

21. Deeds, other Documents and Public Improvements. All deeds and other documents that are required by this Annexation Agreement are subject to the prior review and approval of the city manager to ensure consistency with this Annexation Agreement and City standards. All public improvements shall be constructed to City standards applicable at the time of construction, and shall be subject to the review, approval, and acceptance of the Director of Public Works.

22. New Construction - Rules and Fees. All new construction commenced on the Property after annexation shall comply with all City of Boulder laws, taxes, and fees, except as modified by this Annexation Agreement. All conditions contained in this Agreement are in addition to any and all requirements of the City of Boulder. Except as expressly provided herein, all City ordinances, regulations, codes, policies and procedures shall be applicable to the use and development of the Property. Nothing contained in this Annexation Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances, or as a waiver or abrogation of the City's legislative, governmental, or police powers to promote and protect the health, safety and general welfare of the City or its inhabitants.

23. Conveyance of Drainage. Each Property Owner shall convey drainage from each Property in an historic manner that does not materially and adversely affect abutting Property Owners.

24. Waiver of Vested Rights. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction. This Annexation Agreement shall replace any such rights that may have arisen under Boulder County jurisdiction. The Applicant acknowledges that nothing contained herein may be construed as a waiver of the City's

police powers or the power to zone and regulate land uses for the benefit of the general public.

25. Binding Agreement. If an individual Applicant or a Property Owner breaches this Annexation Agreement in any respect, the City may withhold approval of any building permits and other development applications requested for the respective property within the Crestview East Addition No. 1A Annexation until the breaches have been cured. This remedy is in addition to all other remedies available to the City at law and equity.

26. Breach of Agreement. In the event that the Property Owner breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Annexation Agreement, the Property Owner 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 obligations herein described. In the event the Property Owner fails to pay any monies due under this Annexation Agreement or fails to perform any affirmative obligation hereunder, the Property Owner agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," 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 Property Owner, and collect its costs in the manner herein provided. The Property Owner agrees to waive any rights he may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing the collection of this specific debt, or acknowledges that the adopting of the annexation ordinance is such enabling ordinance.

27. Future Interests. The agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, its heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Crestview East Addition No. 1 Annexation Property, or any part thereof. If it shall be determined that this Annexation Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty years and three hundred and sixty-four days.

28. Annual Appropriations. The City's financial obligations under this Agreement in future fiscal years are subject to annual appropriation by the Boulder City Council in accordance with Colorado law.

29. Right to Withdraw. A Property Owner retains the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Property Owner's right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. If one or more Property Owner withdraws from this Annexation, the city manager may in the discretion of the Boulder City Council, terminate annexation proceedings on this Annexation. In the event that a Property Owner withdraws from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding such Property Owner. The City agrees, within thirty (30) days of

a request by a Property Owner after a withdrawal, to return all previously submitted stormwater/flood management PIF, NCWCD fees and application, and easement and/or rights of way dedication documents which the Property Owner submitted pursuant to this Agreement to the Property Owner.

30. The Parties agree to fully execute any and all documents necessary to accomplish the annexation of the Properties set forth in this Agreement including, but not limited to, deeds of vacation, deeds of dedication of rights of way and, grants of easements. All such documents shall be executed within thirty (30) days of the effective date of the annexation ordinance.

EXECUTED on the day and year first above written.

[SIGNATURE PAGES FOLLOW]

CITY OF BOULDER, COLORADO

BY: Jane S. Brautigam
City Manager

Attest:

City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

City Attorney
Dated: 12-10-09

Exhibits

Exhibit A	Legal Descriptions
Exhibit B	Redevelopment Improvements for Properties on North Side of Upland Ave. and the RL Zoned Portions Properties on the South Side of Violet Ave.
Exhibit C	Redevelopment Improvements for RM Properties on South Side of Violet Ave.
Exhibit D	Redevelopment Improvements for Properties on South Side of Upland Ave.
Exhibit E	Additional Dedication, Improvements, and Requirements for Individual Lots Prior to Annexation

EXHIBIT A

LEGAL DESCRIPTION

Refer to the Legal Description on the Next two Pages.

EXHIBIT A

LEGAL DESCRIPTION

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

PARCEL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH RANGE 70 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18 TO BEAR NORTH 00°05'30" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 18; THENCE ALONG SAID NORTH-SOUTH CENTERLINE NORTH 00°05'30" EAST, A DISTANCE OF 1302.24 FEET; THENCE DEPARTING SAID LINE NORTH 89°53'00" EAST, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005904 IN THE RECORDS OF BOULDER COUNTY SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING;
THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89°53'00" EAST, A DISTANCE OF 580.70 FEET TO THE NORTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 059876 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE EASTERLY LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 10.40 FEET TO THE NORTHWEST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 059876 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY NORTH 89°53'00" EAST, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 261.95 FEET TO A POINT ON THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 668732 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID SOUTH LINE NORTH 89°51'44" EAST, A DISTANCE OF 139.93 FEET TO A POINT ON THE WEST LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2830344 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID WEST LINE SOUTH 00°04'30" WEST, A DISTANCE OF 30.33 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY NORTH 89°51'19" EAST, A DISTANCE OF 279.11 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2791386; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'41" WEST, A DISTANCE OF 330.99 FEET TO A POINT ON THE CENTERLINE OF UPLAND AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 610371 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 318.00 FEET TO THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO A POINT ON THE WEST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2130866; THENCE ALONG SAID WEST LINE EXTENDED AND SAID WEST LINE NORTH 00°03'40" EAST, A DISTANCE OF 258.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF UPLAND AVENUE; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 0817 AT REC. NO. 065713 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 258.00 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A POINT ON THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 1318 AT REC. NO. 643030 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE WEST LINE AND WEST LINE EXTENDED OF SAID PROPERTY NORTH 00°03'40" EAST, A DISTANCE OF 348.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF UPLAND AVENUE,

REVISED 09/14/09

Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVENUE, #100
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
655 FOURTH AVENUE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

EXHIBIT A

LEGAL DESCRIPTION

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2

PARCEL DESCRIPTION (CONT.)

SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301652 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY SOUTH 89°50'00" WEST, A DISTANCE OF 139.35 FEET TO THE SOUTHWESTERLY MOST CORNER OF SAID PROPERTY; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°16'47" WEST, A DISTANCE OF 203.11 FEET TO A POINT ON A NORTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID NORTHERLY LINE NORTH 89°17'20" EAST, A DISTANCE OF 30.19 FEET TO A POINT ON A WESTERLY LINE OF SAID PROPERTY; THENCE ALONG SAID WESTERLY LINE NORTH 00°18'26" WEST, A DISTANCE OF 100.34 FEET TO A NORTHWESTERLY CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A SOUTHWESTERLY CORNER OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1830871 IN THE RECORDS OF BOULDER COUNTY, SAID POINT HEREIN DESCRIBED AS POINT A; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°19'37" WEST, A DISTANCE OF 100.02 FEET TO A POINT ON A SOUTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005904 SOUTH 89°57'00" WEST, A DISTANCE OF 188.14 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTH 19TH STREET; THENCE ALONG SAID RIGHT-OF-WAY NORTH 00°05'30" EAST, A DISTANCE OF 200.33 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND; COMMENCING AT POINT A, THENCE N89°51'44"E, A DISTANCE OF 391.01 FEET; THENCE S00°03'40"W, A DISTANCE OF 29.52 FEET, TO A POINT BEING THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT RECEPTION NO. 1301950, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID PROPERTY S00°03'40"W A DISTANCE OF 272.53 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF UPLAND STREET, N89°50'00"E A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301950; THENCE N00°03'40"E ALONG SAID EAST LINE A DISTANCE OF 272.46 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY S89°51'44"W A DISTANCE OF 140.00 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY, THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A NET AREA OF 631,759 SQ FT OR 14.50 ACRES MORE OR LESS.

I, JOHN B. GUYTON, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

REVISED 09/14/09

Flatirons, Inc.
Surveying, Engineering & Geomatics

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EXHIBIT B

Redevelopment Improvements for Properties on North Side of Upland Ave. and South Side of Violet Ave.

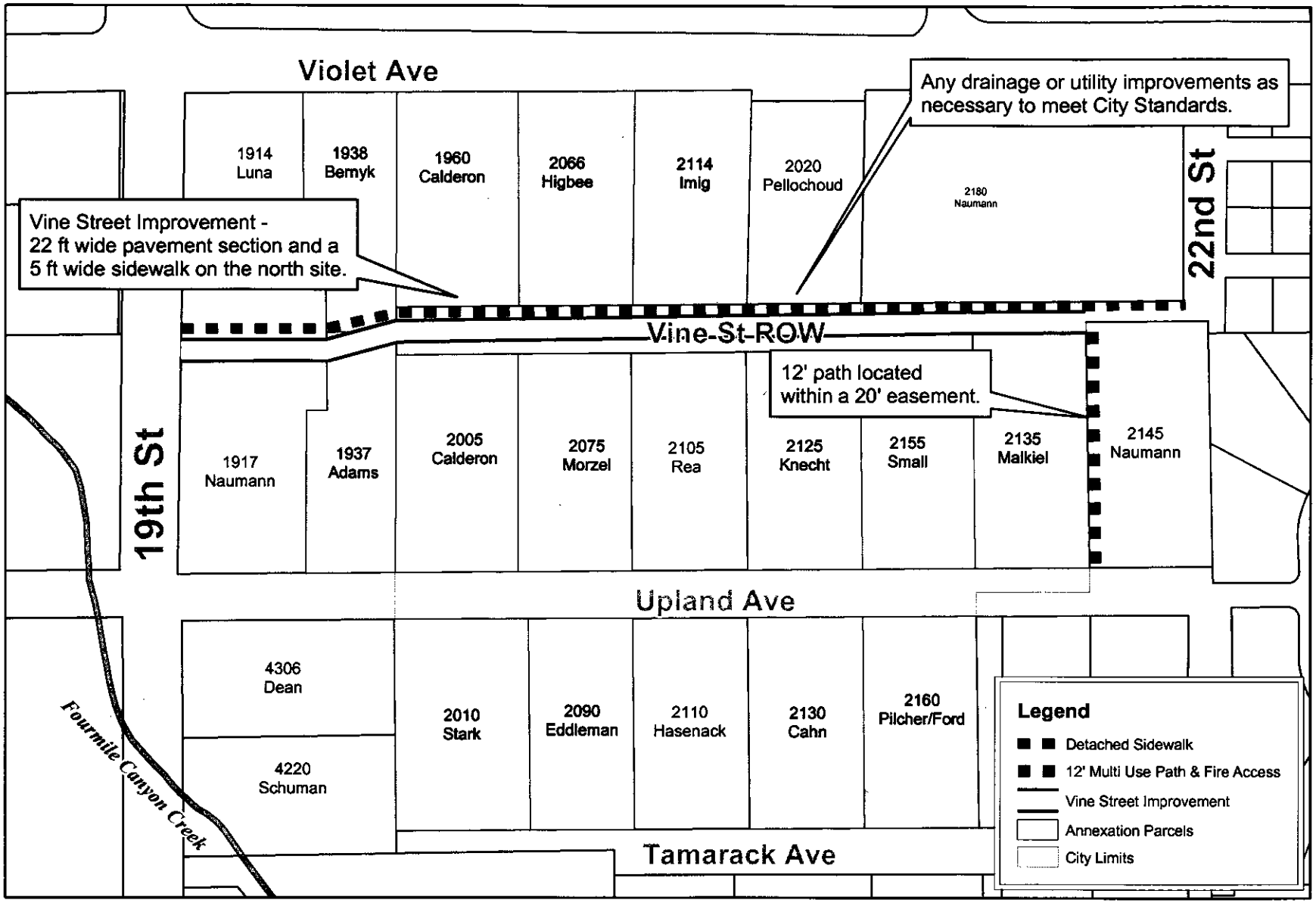
1. Vine St. to be constructed as a 22 foot wide pavement section and a 5 foot wide sidewalk on the north side.

2. Any drainage and utility improvements as necessary to meet City standards.

3. Install a 12 foot wide concrete multi-use path and fire access lane in the existing 20 foot wide right-of-way located on the west side of 2145 Upland Ave.

(Refer to Exhibit B Map on Next Page)

Exhibit B: Redevelopment Improvements for Properties on the North Side of Upland Ave and RL Zoned Portions of Properties on the South Side of Vine St



Location: ***Crestview Area Neighborhood***
Project Name: ***Crestview East Addition 2***
Review Type: ***Annexation/ Initial Zoning***
Review Number: ***LUR2008-00080***

NORTH

1 inch = 183 feet

City of Boulder

The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.

EXHIBIT C

Redevelopment Improvements for RM zoned portions of Properties on South Side of Violet Ave.

1) A 5 foot bike lane beyond the existing 11 foot eastbound travel lane, 2 foot curb and gutter, 8 foot landscape buffer, and 6 foot wide sidewalk on the south side of Violet Ave. for the entire frontage.

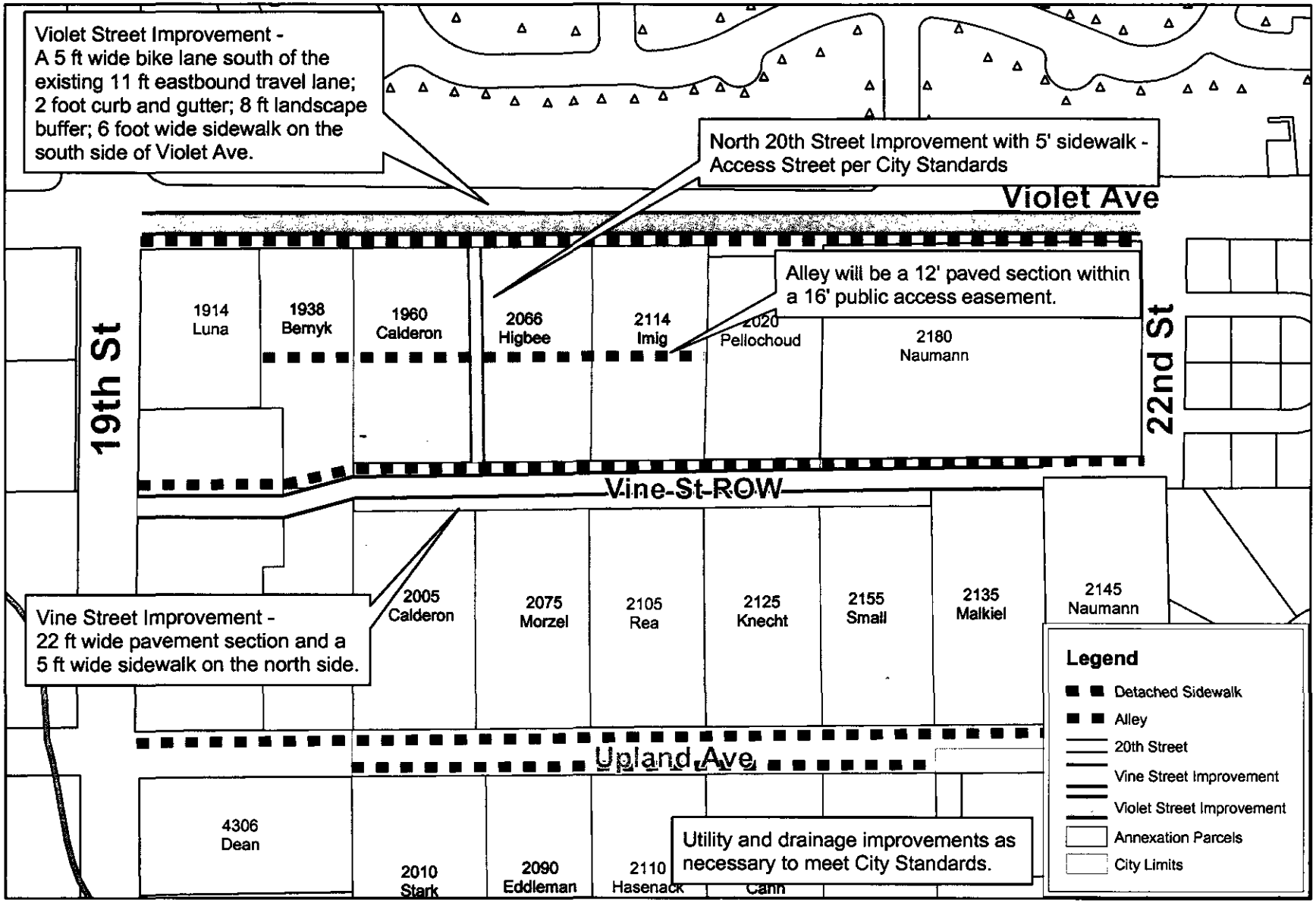
2) 12 foot wide alley between Violet and Upland Avenue..

3) North 20th St. to be constructed as an access street per City standards, Table 2-12 Design & Construction Standards with 5 foot wide sidewalks.

4) Any drainage and utility improvements as necessary to meet City standards.

(Refer to Exhibit C Map on Next Page)

Exhibit C: Redevelopment Improvements for RM Zoned Properties on the South Side of Violet Ave



Location: ***Crestview Area Neighborhood***
Project Name: ***Crestview East Addition 2***
Review Type: ***Annexation/ Initial Zoning***
Review Number: ***LUR2008-0080***

NORTH

1 inch = 183 feet

City of Boulder

The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained hereon.

EXHIBIT D

Redevelopment Improvements for Properties on South Side of Upland Ave.

1. Tamarack Avenue to be constructed as a 30-foot wide and 60 foot wide right-of-way as generally shown on the 1997 North Boulder Subcommunity Plan amendment, to include a turnaround, as generally shown on the attached exhibit map. The 30 foot wide section must meet the access lane standard in §2.09(D)(5) of the City of Boulder *Design and Construction Standards*, including a turnaround and drainage improvements within the Tamarack Avenue right of way;

2. A sewer main extension within Tamarack Avenue right of way from the existing sewer main near 22nd Street to the required turnaround on the western end of Tamarack Avenue;

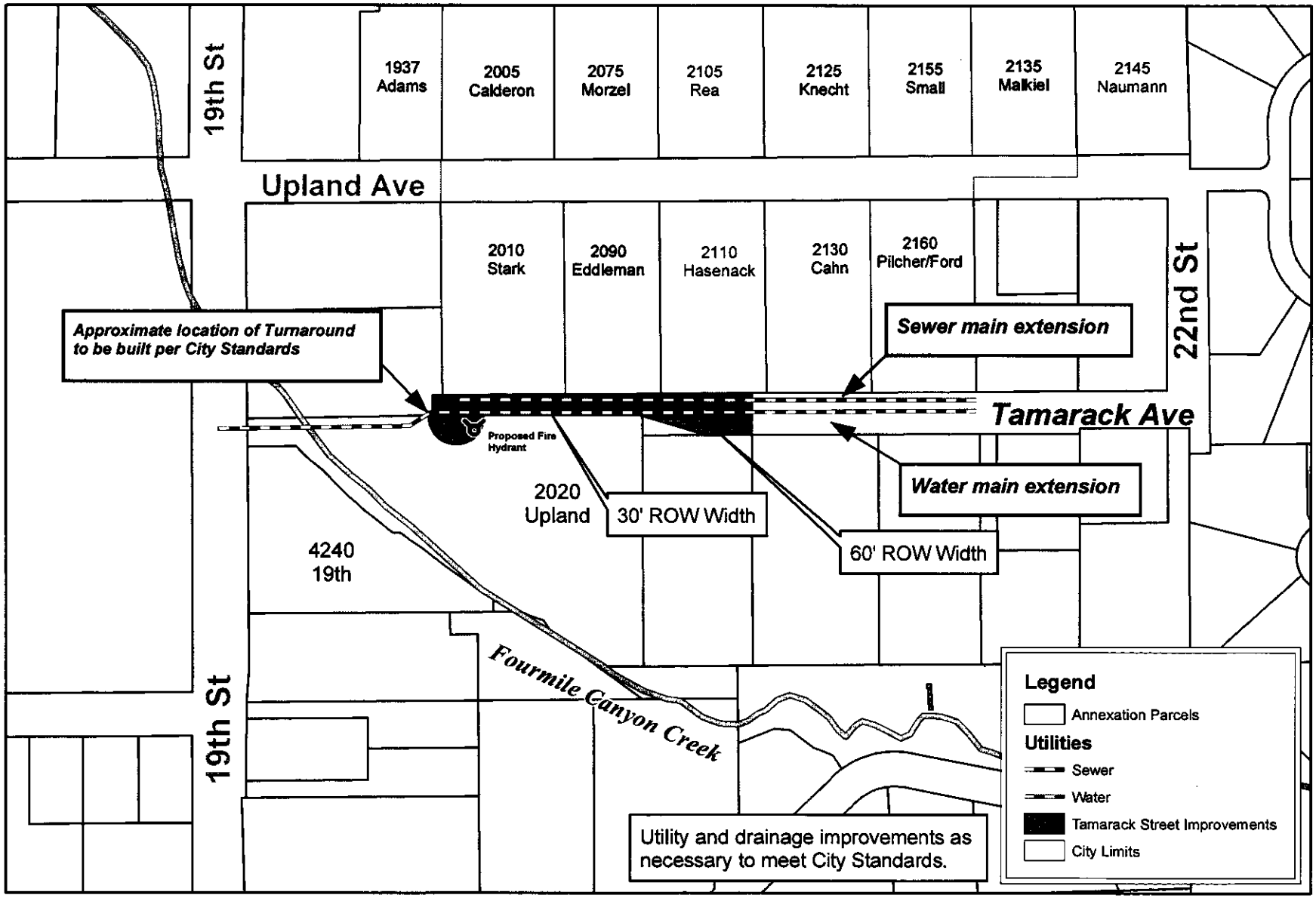
3. A fire hydrant and an extension of the existing water main near 22nd Street in the Tamarack right of way to 19th Street

4. Any drainage and utility improvements as necessary to meet City standards.

5. Construct north 20th Street upon annexation of 4270 19th St. and dedication of the appropriate right-of-way prior to subdivision.

(Refer to Exhibit D Map on Next Page)

Exhibit D: Redevelopment Improvements for Properties on the South Side of Upland Ave



Location: ***Crestview East Neighborhood***
Project Name: ***Crestview East Addition 2***
Review Type: ***Annexation/ Initial Zoning***
Review Number: ***LUR2008-00080***

NORTH

1 inch = 200 feet

City of Boulder

The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.

EXHIBIT E

ADDITIONAL DEDICATIONS, IMPROVEMENTS, AND REQUIREMENTS PERTAINING TO INDIVIDUAL LOTS PRIOR TO ANNEXATION

Dedication of the un-annexed portion of Upland Ave. to create a complete 60 foot wide right-of-way between 19th St. and 22nd St.

In instances where path easements split property lines, the first property redeveloping is required to escrow one half of the construction costs of the multi-use path. The development of the second property shall be the trigger for path construction and that development shall use the escrowed monies and their own to construct the path.

1937 Upland Ave.

1. Dedicate the northern 20 feet of the Property as public right-of-way for Vine Avenue.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 1,470 square feet.

2005 Upland Ave.

1. The City will vacate the southern 9.52 feet of unneeded Vine Avenue right-of-way to Property.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,900 square feet.

2010 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,400 square feet.
2. Dedicate the western 15 feet of the Property as public right-of-way for the future North 20th Street.
3. At the time of annexation when15 feet of right of way is obtained from property located 4270 19th Street a 30 foot access lane known as North 20th Street, can be constructed between Tamarack and Upland. Whichever property owner along the 30 foot wide North 20th Street access lane or Tamarack Ave. first makes an application for subdivision, that property owner will be responsible for constructing the 30 foot access lane when feasible and required by city staff and/or regulations.
4. 2010 Upland Ave. will be allowed to subdivide without North 20th Street if accessed from Tamarack. In the event North 20th St. is installed prior to subdivision of 2010 Upland Ave., access will be taken from North 20th St.

2075 Upland Ave.

1. The City will vacate the southern 9.52 feet of unneeded Vine right-of-way to Property.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 4,850 square feet.

Exhibit E

2090 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,660 square feet.

2125 Upland Ave.

1. Dedicate the western 5 feet of the Property as a public access easement for a 5 foot wide concrete path to meander as necessary to preserve existing mature landscaping.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,450 square feet.
3. If the property at 2020 Violet Ave. annexes, dedicates right-of-way and realigns Vine Avenue to a straight alignment, the southern 9.52 feet of Vine right-of-way can be vacated and returned to the property through the administrative utility easement vacation process.

2130 Upland Ave.

1. Dedicate the western 5 feet of the Property as a public access easement for a 5 foot wide concrete path to meander as necessary to preserve existing mature landscaping.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,398 square feet.

2135 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,154 square feet.
2. Dedicate the northern 20 feet of the Property as public right-of-way for Vine Avenue.
3. Connect to the City wastewater system at the property owner'as expense prior to the issuance of an building permit not associated with wastewater connection or when the existing septic system fails, whichever comes first

2155 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,398 square feet.
2. If the property at 2020 Violet Ave. annexes, dedicates right-of-way and realigns Vine St. to a straight alignment, the southern 9.52 feet of Vine right-of-way can be vacated and returned to the property through the administrative utility easement vacation process.

2160 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,610 square feet.

1938 Violet Ave.

1. Dedicate the southern 20 feet of the Property as public right-of-way for Vine Avenue.
2. Dedicate a 16 foot wide access easement running east-west and north-south through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley. A dead end alley extending to the western property line with a

turnaround meeting City standards, its associated easement and no connection to Vine is acceptable as well.

3. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,196 square feet.

1960 Violet Ave.

1. Vacate northern 9.52 feet of unneeded Vine St. right-of-way to property.
2. Dedicate a 16 foot wide access easement running east-west through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
3. Dedicate the eastern 20 feet of the Property as right-of-way for North 20th Street.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 1,950 square feet.

2066 Violet Ave.

1. The City will vacate the northern 9.52 feet of unneeded Vine right-of-way to Property.
2. Dedicate a 16 foot wide access easement running east-west through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
3. Dedicate the western 20 feet of the Property as right-of-way for North 20th St.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,200 square feet.
5. Pay a Development Excise Tax (DET) based on the existing development on the Property of $643.80

2114 Violet Ave.

1. Dedicate the southern 20 feet of the Property as public right-of-way for Vine Avenue.
2. The City will vacate the southern 10 feet of unneeded Violet Avenue. right-of-way to Property owner.
3. Dedicate a 16 foot wide access easement running east-west through the property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 828 square feet.

ANNEXATION AGREEMENT AMENDMENT

THIS ANNEXATION AGREEMENT AMENDMENT, (the "Amendment") is made this 5th day of October, 2009, by and between the City of Boulder, a Colorado home rule city, ("**City**"), and Ellen A. Stark and Anne Hockmeyer, the property owners of 2010 Upland Ave., (the "**Property Owner.**"), collectively (the "Parties")

RECITALS

The Parties recite the following facts related to the annexation of the Property:

A. The Property Owner is the owner of real property described in the attached **Exhibit A** commonly known as 2010 Upland Ave. ("the Property").

B. The Property Owner has signed the Group Annexation Agreement for the Crestview East Neighborhood, dated October 6, 2009 that is under consideration of the Boulder City Council pursuant to City of Boulder Ordinance No. 7689 (the "Group Annexation Agreement).

C. The Property Owner wishes to amend the Group Annexation Agreement as it relates to 2010 Upland Ave in order to make it more feasible to connect the City's sewer system.

D. The Property Owner has qualified as a low income household through the City's department of Housing and Human Services.

E. The City finds it beneficial to the health, safety, and welfare of the City for the Property Owner to disconnect from the existing failing septic system and connect to the City's sewer. The City is offering a financial package to the Property Owner that would allow the Property Owner to connect to the City's sewer system.

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 to amend the Group Annexation Agreement as it applies to 2010 Upland Ave.

I. The Parties agree that section 4.a. of the Group Annexation Agreement is amended as follows to read:

4. **City Responsible for Construction of Water and Sewer Utilities on Upland and Violet and Detached Sidewalk on the North Side of Upland Avenue.** The Applicant agrees that water and sewer main improvements and the detached sidewalk on the north side of

OFFICIAL CENTRAL RECORDS COPY
20091201-5324

COBCEN

Upland Avenue will provide a special benefit to the Property. The City will initially fund installation of the water and sewer mains. Each Applicant is required to comply with the following:

a. The Applicant agrees to:

i. Pay, when billed, its proportionate share of the cost of such improvements; or

ii. Enter into a repayment agreement with the City and pay its proportionate share of the City utility improvements. The repayment amount will be based on each property frontage on the improvements and the actual construction costs incurred by the City. The repayment plan will require ten (10) equal, annual payments over a ten (10) year period at an annual interest rate of Five and a half (5.5%) percent. Payments will begin one (1) year after the date of connection to City water and/or sewer. Full repayment of an individual landowner's share of the costs shall occur within thirty (30) days prior to the recording a final plat for subdivision or sale of the Property; or

iii. <u>The Property Owner of 2010 Upland Ave. agrees to:</u>

1. <u>Pay the sewer service line connection and the costs associated with abandoning the existing septic system as well as and all fees associated with the service line connection to the sewer main at the time of connection to the City's sewer system.</u>

2. <u>Pay the wastewater plant investment fees at the time of connection to the City's sewer system.</u>

3. <u>Pay a minimum of $4,500 toward the principle cost of the installation of utilities in Upland Ave. at the time of connection to the City's sewer system at the time of connection to the City's sewer system.</u>

4. <u>The remaining principle owed to the City will be charged an annual interest rate of Five and a half (5.5%) percent. The remaining principle plus interest accrued pursuant to this section will be due upon the subdivision of the Property, transfer or title, or sale of the Property. Interest shall begin to accrue one (1) year after the date of connection to City sewer.</u>

II. This Amendment to the Group Annexation Agreement and the covenants set forth herein shall run with the land and be binding upon Ellen A. Stark and Anne Hockmeyer their,

heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Amendment constitutes an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 364 days.

EXECUTED on the day and year first above written.

CITY OF BOULDER, COLORADO

By: Jane S. Brautigam
City Manager

Attest:

City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

City Attorney
Dated: 12-10-09

PROPERTY OWNER:

Ellen A. Stark
Ellen A. Stark

Anne Hockmeyer
Anne Hockmeyer

STATE OF COLORADO)
: ss.
COUNTY OF BOULDER)

The forgoing instrument was acknowledged before me, by Ellen A. Stark and Anne Hockmeyer, this 5th day of October, 2009.

Witness my hand and official seal.

Rachael Maag
Notary Public

My commission expires: My Commission Expires 10/26/2011

(SEAL)

RACHAEL MAAG NOTARY STATE OF COLORADO

Exhibits

Exhibit A Legal Description of 2010 Upland Ave.

OWNER (2010 Upland Ave.)

BY: Ellen A. Stark
Ellen A. Stark

Anne Hockmeyer
Anne Hockmeyer

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 5th day of October, 2009, by Ellen A. Stark and Anne Hockmeyer.

Witness my Hand and Seal
My Commission Expires: My Commission Expires 10/26/2011

[Seal]

RACHAEL MAAG NOTARY PUBLIC STATE OF COLORADO

Rachael Maag
Notary Public

Exhibit A

Legal Description of 2010 Upland Ave.

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., THENCE NORTH 0 DEGREES 5'30" EAST ALONG THE CENTERLINE OF SAID SECTION 18 A DISTANCE OF 3,328.4 FEET; THENCE NORTH 89 DEGREES 50' EAST 331.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 50' EAST 140 FEET; THENCE SOUTH 0 DEGREES 3'40" WEST, 318 FEET, THENCE SOUTH 89 DEGREES 50' WEST, 140 FEET; THENCE NORTH 0 DEGREES 3'40" EAST, 318 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

03398236 08/19/2014 03:55 PM
RF: $56.00 DF: $0.00 Page: 1 of 10
Electronically recorded in Boulder County Colorado. Recorded as received.

For Administrative Purposes Only
Applicants: Robert & Elaine Schuman
Address: 4270 19th Street
Case No. LUR2014-00046

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement"), made this 25th day of July, 2014, by and between the City of Boulder, a Colorado home rule city (the "City"), and Robert J. Schuman and Elaine D. Schuman (the "Applicants"). The City and the Applicants are hereafter referred to as the "Parties."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicants are the owners of property generally known as 4270 19th Street, Boulder, Colorado, and more particularly described on the attached **Exhibit A** attached hereto and incorporated herein (the "Property").

B. The Applicants are interested in obtaining approval from the City of the annexation of the Property in order to provide adequate urban services to the Property.

C. The Parties anticipate that annexation, with an initial zoning designation of Residential - Estate is consistent with the Boulder Valley Comprehensive Plan.

D. In order to assist the Applicants in annexing into the City, the City is providing an annexation package that includes a method for financing the public improvements and a waiver of certain fees and taxes which includes the annexation application fee and the housing excise tax.

E. The City is interested in ensuring that certain terms and conditions of annexation be met by the Applicants 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.

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 follows:

1. Definitions. The Parties agree that terms used in this Agreement will have the following meanings:

"Redevelopment" shall be defined as the subdivision of a property to create a new lot, issuance of a building permit for a new or replacement dwelling unit, issuance of a building permit for additional square footage to the existing structure, or an increase in number of the plumbing fixtures.

2. Requirements Prior to First Reading of the Annexation Ordinance. Prior to the scheduling of first reading of the annexation ordinance, the Applicants shall do the following:

   A. Annexation Agreement. The Applicants will sign this Agreement.

   B. Title Work. The Applicants will provide the City with title work current to within 30 days of signing this Agreement.

   C. Written Descriptions. The Applicants shall provide a written description of any nonconforming uses and/or nonstandard buildings existing on each Property, if any.

   D. Right-of-Way Dedication (19th St). The Applicants shall dedicate to the City, in fee and at no cost, 10.5 feet of right-of-way along the length of the west line of the Property for 19th Street.

   E. Right-of-Way Dedication (20th St). The Applicants shall dedicate to the City, in fee and at no cost, 15 feet of right-of-way along the length of the east line of the Property.

3. Connection Requirements. Prior to connection to the City's water and/or sanitary sewer mains, the Applicants shall:

   A. Submit an application to connect to the City's water and/or sanitary sewer mains that meets the requirements of Chapters 11-1 and 11-2, B.R.C. 1981.

   B. Pay all applicable fees and charges associated with a service line connection to water and/or sanitary sewer mains, including water and wastewater plant investment fees, stormwater and flood management plant investment fees, right-of way, water, and wastewater permit fees, installation fees, and tap fees.

   C. Construct the individual service line that will connect the Applicants' existing residence to the City's water and/or wastewater mains.

   D. Pay any assessments, including but not limited to the following:

Water Main	$ 636.00
Sewer Main	$ 954.00
Stormwater and Flood PIF	$19,967.58

E. Execute a Promissory Note and Deed of Trust, if Applicants selected Payment Option #B, as described under Paragraph 4.B.i below.

4. Payment Options and Requirements for Fees, Taxes, and Public Improvement Costs. The Applicants select **Option #B** set forth below.

A. Option #A: Payment in Full. The Applicants shall connect to City water and sanitary sewer mains within 180 days after the effective date of annexation ordinance and shall comply with the terms of, and pay the costs and fees described in, Paragraph 3 above. The City Manager may, in her discretion, approve a different time for connection to City water and sanitary sewer mains provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension.

B. Option #B: Payment Plan. The Applicants shall connect to City water and sanitary sewer mains within 180 days after the effective date of the annexation ordinance, shall comply with the terms of Paragraph 3 above except that the costs, fees and any assessments described in Paragraph 3 shall be paid in accordance with the terms of the following payment plan:

i. Prior to connection to the City's water and/or sewer mains, the Applicants shall execute a Promissory Note and a Deed of Trust securing said Note and encumbering the Applicants' Property in the principal amount to cover the amounts set forth in Paragraph 3 above. The Note will have a simple interest rate of 3.25 percent per annum, payable in 10 annual installments of principal and interest beginning at the time of connection to both the City water and sewer systems.

The City Manager may, in her discretion, approve a different time for connection to City water and sanitary sewer mains provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension. The City Manager, in her discretion, may approve for good cause a different time for payment of the first of the 10 annual installments of principal and interest.

C. Option #C: Future Connection. The Applicants shall connect to the City's water and sanitary sewer mains at a time later than what is specified in Option #A and #B above, but no later than the time when 1) the Applicants' on-site wastewater system fails or is declared unsafe or the Applicants are otherwise required to stop using the on-site wastewater system by the Boulder County Health Department or the State of Colorado; or 2) at the time Applicants' Property is sold; or 3) at the time of Redevelopment of Applicants' Property, whichever occurs first. At the respective time and prior to the Applicants' connection to the City's water and sanitary sewer mains, the Applicants will pay the following costs and fees described in Paragraph 3 above based on the then applicable fee schedule.

5. Requirements Prior to Subdivision or Addition of a Unit. Prior to subdivision of the Property to create a new lot or the addition of a dwelling unit to the existing lot, the Applicants shall construct the 20th Street right-of-way connection between Tamarack Avenue and Upland Avenue as shown on the North Boulder Subcommunity Plan, as it may be amended, at the time of construction. If said 20th Street right-of-way connection has previously been constructed by someone other than the Applicants, then, prior to subdivision of the Property to create a new lot or issuance of a building permit for the addition of a dwelling unit to the existing lot, the Applicants shall pay the City for the Applicants' equitable pro-rata share of the costs of such public improvements, as they abut the Property, which may include, but is not limited to paving, roadbase, curb, gutter, landscaping, sidewalks, bicycle and pedestrian path connections, water and sewer mains, and drainage improvements. In the event that the public improvements are funded through the creation of a local improvement district, the Applicant agrees to participate in and not to remonstrate against the establishment of a Local Improvement District (LID).

6. City of Boulder Design and Construction Standards. Any public improvements that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder *Design and Construction Standards* applicable at the time of construction, and shall be subject to the review, approval and acceptance of the City Manager.

7. Use of Existing Wells. The City agrees not to prohibit the Applicants from using existing wells for irrigation purposes, even if the Property is served by the City water utility. Under no circumstances may existing wells be used for domestic water purposes once the Applicants have connected to city water utility. No person is allowed to make any cross connections between a well and the City's municipal water utility. The Parties agree that there shall not be any type of connection between any well and the City water system serving the Property.

8. Applicants Responsible for Legal Disconnection of On-site Wastewater System. If the Applicants decide to continue to use an existing on-site wastewater system, the Applicants agree that they will connect to the adjacent sanitary sewer main, in accordance with Section 11-2-9, B.R.C. 1981, upon any declaration by Boulder County Public Health to cease and desist using the on-site wastewater system or other declaration that the on-site wastewater system constitutes a threat to the public health. Currently, under Boulder County Public Health Department policy, all on-site wastewater system must be permitted and approved by 2023. At that time, any resident still using an on-site wastewater system must either have their system permitted and approved, or connect to the adjacent sanitary sewer main. At the time of any disconnection of the on-site wastewater system and connection to the City's sanitary sewer main, the Applicants are required to abandon the existing on-site wastewater system in accordance with Boulder County Public Health and State of Colorado regulations.

9. Historic Drainage. The Applicants agree to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.

10. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicants agree not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.

11. Existing Nonstandard Buildings and/or Nonconforming Uses. Existing, nonstandard buildings and/or nonconforming uses will be allowed to continue to be occupied and operated in the City of Boulder. The Applicants shall identify existing nonstandard buildings and/or nonconforming uses at the time of annexation to be considered a legal use under this Agreement. The Applicants and the City agree that this section shall not be construed to permit the Property to constitute a nuisance or to cause a hazard under the City's life safety codes.

12. New Construction. The Applicant shall ensure that all new construction commenced on the Property after annexation shall comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement. Any new garages shall be designed so that garage doors do not dominate the front façade of the structure. Garage doors shall be located no less than 20 feet behind the principle plane of the primary structure.

13. Waiver of Vested Rights. The Applicants hereby waive any statutory vested rights that may have accrued under County jurisdiction that have not been perfected as common law vested rights. The Applicants acknowledge that nothing in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.

14. Dedications. The Applicants acknowledge that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement.

15. Original Instruments. Prior to the first reading of the annexation ordinance, the Applicants shall provide an original of this Agreement signed by Applicants, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of this Property has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the City does not annex the Property, the City agrees that it will return all such original documents to the Applicants. The Applicants agree that they will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.

16. No Encumbrances. The Applicants agree that between the time of signing this Agreement and the time when final legislative action on the annexation of this Property has occurred, the Applicants shall neither convey ownership nor further encumber the Applicants' Property without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicants agree not to execute transactional documents encumbering the Property or otherwise affecting title to the Property without first notifying the City and submitting revised title work within five (5) working days of any such transaction.

17. Breach of Agreement. In the event the Applicants breach or fail to perform any required action or fail to pay any fee specified under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicants acknowledge 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 obligations herein described. In the event the Applicants fail to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fail to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicants agree 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 may perform the obligation on behalf of the Applicants and collect its costs in the manner herein provided. The Applicants agree to waive any rights they 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 acknowledge that the adoption of the annexation ordinance is such enabling ordinance.

18. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed into the City.

19. Future Interests. This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicants, the Applicants' heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.

20. Right to Withdraw. Applicants retain the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Applicants' right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. If the Applicants withdraw from this Annexation, the city manager may, at the discretion of the City Council, terminate annexation proceedings on this Annexation. In the event that the Applicants withdraw from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding such Applicants. The City agrees, within 30 days of a request by Applicants after a withdrawal, to return all previously submitted stormwater/flood management Plant Investment Fees, Northern Colorado Water Conservancy District fees and application, and easement and/or rights of way dedication documents which the Applicants submitted pursuant to this Agreement to the Applicants.

21. Providing Permanently Affordable Housing. For each additional dwelling unit on the Property that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, the Applicant

shall pay twice the applicable cash-in-lieu amount as required per each market unit in that chapter to the City. This amount is payable prior to issuance of a building permit for each new dwelling unit that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981. The parties acknowledge that the Property has the equivalent of one habitable dwelling unit on such Property at the time of annexation.

EXECUTED on the day and year first above written.

APPLICANTS:

By: Robert J. Schuman
Robert J. Schuman

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me, a Notary Public, this 25th day of July, 2014, by Robert J. Schuman.

Witness my hand and official seal.
My commission expires: 4-27-16

[SEAL]

Julia B. Chase
Notary Public

JULIA B. CHASE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19964003812
MY COMMISSION EXPIRES APRIL 27, 2016

By: Elaine D. Schuman
Elaine D. Schuman

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me, a Notary Public, this 25th day of July, 2014, by Elaine D. Schuman.

Witness my hand and official seal.
My commission expires: 4-27-16

[SEAL]

Julia B. Chase
Notary Public

JULIA B. CHASE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19964003812
MY COMMISSION EXPIRES APRIL 27, 2016

CITY OF BOULDER:

By: _____
Jane S. Brautigam, City Manager

ATTEST:

_____
City Clerk

Approved As To Form:

_____
City Attorney's Office

Date: 7-24-14

EXHIBIT:
A: Legal Description

EXHIBIT A
Legal Description

THE SOUTH 1/2 OF THE FOLLOWING DESCRIBED TRACT, SITUATE IN THE SOUTHWEST 1/4 OF SOUTHWEST 1/4 OF NORTHEAST 1/4 SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18, THENCE NORTH 0°05'30" WEST ALONG THE WEST LINE OF SAID SECTION 18, 3978.54 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF NORTHWEST 1/4 OF SAID SECTION 18; THENCE NORTH 89°33' EAST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 SAID SECTION 18, 2626.56 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18; THENCE SOUTH 0°05'30" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 665.68 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°53' EAST 330 FEET; THENCE SOUTH 0°05'30" WEST PARALLEL TO THE SAID NORTH-SOUTH CENTERLINE, 318 FEET; THENCE SOUTH 89°53' WEST 330 FEET TO A POINT ON THE SAID NORTH-SOUTH CENTERLINE; THENCE NORTH 0°05'30" EAST ALONG SAID NORTH-SOUTH CENTERLINE 318 FEET TO THE TRUE POINT OF BEGINNING. LESS 30 FEET ON THE WEST SIDE OF SAID PROPERTY.
COUNTY OF BOULDER, STATE OF COLORADO.

ANNEXATION AGREEMENT AMENDMENT

THIS ANNEXATION AGREEMENT AMENDMENT, (the "Amendment") is made this _____ day of _____, 2016, by and between the City of Boulder, a Colorado home rule city, ("**City**"), and Ellen A. Stark and Anne Hockmeyer, the property owners of 2010 Upland Ave., (the "**Property Owners**"), collectively (the "Parties")

RECITALS

The Parties recite the following facts related to the annexation of the Property:

A. The Property Owners are the owners of real property generally known as 2010 Upland Ave. and more particularly described on **Exhibit A** attached hereto and incorporated herein ("the Property").

B. The Property Owners signed the Group Annexation Agreement for the Crestview East Neighborhood dated November 6, 2009 and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03049079 on December 22, 2009 (the "Group Annexation Agreement").

C. The Property Owners and the City signed an Annexation Agreement Amendment dated October 5, 2009 and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03049080 on December 22, 2009 ("Amendment").

D. The Parties wish to amend the Group Annexation Agreement, as amended, as it relates to 2010 Upland Ave. as the North Boulder Subcommunity Plan has been amended to delete the North 20th Street connection between Upland Avenue and Tamarack Avenue and is no longer a connection desired to be established.

E. The desired amendments include the following:

1. Deletion of the requirement to construct North 20th Street required under Section 14 of the Group Annexation Agreement and Section 5 of Exhibit D and Section 3 under "2010 Upland" of Exhibit E thereto;

2. Amendment of the dedication requirements associated with North 20th Street for 2010 Upland Avenue under Exhibit E to the Group Annexation Agreement.

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 to amend the Group Annexation Agreement, as amended, as it applies to 2010 Upland Ave.

I. The Parties agree that Section 5 of Exhibit D to the Group Annexation Agreement, listing construction of North 20th Street as a redevelopment improvement requirement for 2010 Upland Avenue, is hereby deleted.

II. The Parties agree that Exhibit E of the Group Annexation Agreement addressing the additional dedications, improvements, and requirements pertaining to 2010 Upland Avenue is amended to read as follows:

<u>2010 Upland Ave</u>.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,400 square feet.
2. Provide a public utility easement to the City of Boulder over the western 10 feet of the Property, in a form acceptable to and approved by the city manager.
3. If subdivided, the southern lot on the Property shall take access from Tamarack Avenue.

[The previous items 2-4 have been deleted.]

III. The Parties agree that the existing 20.5 foot x 15.5 foot shed located within the utility easement provided under Section II.2, above, and to the east and south of Upland Avenue may remain as an encroachment to the easement until ordered removed by the city manager. The city manager may order removal at any time and without cause. Except in emergency situations, as determined by the city manager, the Parties agree that the city manager shall provide ten days' notice before the city manager may remove or cause the removal of the shed and that such removal shall be subject to the provisions of Subsections 8-6-4 (b), (c), and (e), "Removal of Public Nuisances," B.R.C. 1981. The City shall not be liable for any damages, liabilities, or costs that may occur to or arise in connection with the shed and shall not be responsible for any repair of the shed. The shed shall not be reconstructed within the public easement, and the Property Owners agree to hold the City harmless from any costs, damages, or liabilities incurred in connection with the shed.

IV. This Amendment to the Group Annexation Agreement and the covenants set forth herein shall run with the land and be binding upon Ellen A. Stark and Anne Hockmeyer, their, heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Amendment constitutes an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 364 days.

EXECUTED on the day and year first above written.

CITY OF BOULDER, COLORADO

By: _____
City Manager

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

Dated: _____

PROPERTY OWNERS:

_____
Ellen A. Stark

_____
Anne Hockmeyer

STATE OF COLORADO)
ss.
COUNTY OF BOULDER)

The forgoing instrument was acknowledged before me, by Ellen A. Stark and Anne Hockmeyer, this 24th day of October, 2016.

Witness my hand and official seal.

_____
Notary Public

My commission expires: 11 Aug. 2020

(SEAL)

LAUREL OLSEN-HOREN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20084026519
MY COMMISSION EXPIRES 08-11-2020

Exhibit A Legal Description of 2010 Upland Ave.

Exhibit A

LEGAL DESCRIPTION

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., THENCE NORTH 0 DEGREES 5'30" EAST ALONG THE CENTERLINE OF SAID SECTION 18 A DISTANCE OF 3,328.4 FEET; THENCE NORTH 89 DEGREES 50' EAST 331.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 50' EAST 140 FEET; THENCE SOUTH 0 DEGREES 3'40" WEST, 318 FEET, THENCE SOUTH 89 DEGREES 50' WEST, 140 FEET; THENCE NORTH 0 DEGREES 3'40" EAST, 318 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

Attachment D
4270 19th Street Requested Amendment to Annexation Agreement

TO BE PROVIDED PRIOR TO PUBLIC HEARING

Ellen Stark & Anne Hockmeyer

2010 Upland Ave

Boulder, CO 80304

March 18, 2016

RE: Minor Subdivision Proposal

Site: 2010 Upland Ave

To Whom it May Concern,

The purpose of this application is to subdivide an existing 32,281 sq.ft. parcel to create one additional residential lot. Following the proposed subdivision, Lot 1 (which would contain our existing house) would be 16,140 sq.ft. and Lot 2 would be 16,141 sq.ft. The property is zoned RE-Residential Estate.

Note that the surveyor has indicated the locations of the water and sewer taps on the Preliminary Plat map. A separate Utility Plan has not been submitted.

Request to City to Vacate a Strip of Land 15' in Width

We are requesting that the City vacate a strip of land 15' in width running the length of and adjacent to the westerly boundary of 2010 Upland. We were required to dedicate this portion of our land during the annexation of our property in September 2009 (see Deed of Dedication from 9/2/2009 in Attachment). Since then, the City has decided that this land is no longer required for a previously planned north-south connection. Instead, a multi-use path and emergency access will be constructed from 19th Street to the west end of Tamarack. See City Manager memorandum to City Council from March 28, 2012 in Attachment.

It was a grave hardship for us to have to give up this land in order to be able to annex. We hope that the City can vacate this land without requiring us to file an additional and expensive application.

No Obligation to Reimburse 2020 Upland, LLC, for Public Improvement Extension Agreement (PIEA) Costs

We are noting that the owner of 2020 Upland, LLC (Mr. Drew Dolan) has agreed to pay for our share of the previously constructed public improvements in Tamarack

Avenue, including water and sewer connections as well as the roadway paving. This agreement was executed prior to the annexation of 2020 Upland (now known as 2020 Tamarack), and was recorded with Boulder County. When the owner of 2020 Upland, LLC annexed his property he was able to gain a strip of land 30' in width running the length of and adjacent to the northerly boundary of 2020 Tamarack. This land constitutes an area of ca. 255' by 30', which amounts to 7,650 sq.ft. or 0.18 acres.

The agreement between us and the owner of 2020 Upland was made with full knowledge of City officials involved with the annexation negotiations for 2020 Upland. Subsequently, the City agreed to the request of 2020 Upland to shift the western extension of Tamarack 30' north, in order to allow the owner of 2020 Upland take full possession of the additional 30' x 255' piece of land .

We have retained the legal services of Ed Byrne, PC who has examined the relevant records and summarized the obligations of 2020 Upland, LLC. This memo is attached as "6_a_Written Statement_No Obligation for PIEA", including Exhibits A-K.

We trust that the City will honor this agreement, and hold 2020 Upland, LLC responsible for its obligations, as the City has enforced our half of the agreement to give up our land for the benefit of 2020 Upland, LLC.

Sincerely,

Ellen Stark

Ellen Stark

Anne Hockmeyer

Anne Hockmeyer

Attachments:

- Memorandum from City Manager to City Council, Recommendations for Fourmile Canyon Creek Greenways Project from 19th to 22nd Streets, dated 3/29/2012

- Deed of Dedication, for a 15'-wide strip of land along western property line of 2010 Upland, provided at time of annexation, dated 2/9/2009

- Memorandum from Ed Byrne, PC to Department of Planning, Housing and Sustainability, Re: No Obligation to Reimburse 2020 Upland, LLC, for Public Improvement Extension Agreement (PIEA) Costs, date 3/20/2016; and all Exhibits A-K

Included on Flash Drive:

0_LUR Application (1 hard copy)

1_Sign posting (1 copy)

2_Names and addresses (1)

4_Legal Description (1)

5_Vicinity Map (5)

6_a_Written Statement _No Obligation for PIEA (by Ed Byrne, PC) (1)

13_Preliminary Plat, incl. proposed Utility Connections (5)

15_Solar Analysis (1)

20_Project Fact Sheet (2)

21_Title Insurance (2)

24_Mineral Estate (1)

29_Obligation to Pay Form (1)

And all Exhibits for "6_a_Written Statement_No Obligation for PIEA" by Ed Byrne:

Exhibit A Hockmeyer Stark 2020 Upland LLC Contract 2009-04-08

Exhibit B email Young Dolan offer 2010_2020 Upland 2009-01-20

Exhibit C email confirming 2010_2020 Upland agmt 2009-01-20

Exhibit D Four Mile Creek Annual Report 2010-02-23

Exhibit E 2020 Upland Per Rpt and Arts of Org 2010-06-10

Exhibit F Assignment of DofT to 2020 Upland 2010-06-23

Exhibit G Notice of E and D by 2020 Upland 2010-09-07

Exhibit H Lender Consent and subord 2020 Upland 2010-12-10

Exhibit I Public Tree Confirmation Deed 2020 Upland 2011-01-19

Exhibit J email string City plus 2010_2020 Upland 2010-09-24_2011_01_06

Exhibit K 2020 Upland Annexation Agreement Exhibit B_2009_01_20

Fourmile Canyon Creek
19th to 22nd Streets

Community and Environmental Assessment Process Report

March 2012

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Attachment 5: Crest View Summary of Comments
Attachment 6: Summary of E-Comments
Attachment 7: Friends of Fourmile Canyon Creek Safe Route Report and Survey

EXECUTIVE SUMMARY

The Fourmile Canyon Creek project from 19th to 22nd Streets is bound by 19th Street on the west, Upland Avenue on the north, 22nd Street on the east and Riverside Avenue on the south. The purpose of the project is to improve safety and accessibility in the area of Fourmile Canyon Creek within the project bounds. Project objectives include the following:

- Provide flood improvements at 19th Street and Fourmile Canyon Creek
- Improve emergency access to Tamarack Avenue
- Improve pedestrian and bicycle access from 22nd Street to Crest View Elementary School and 19th Street

Crest View Elementary School is located at the northwest corner of 19th Street and Sumac Avenue. During a 100-year storm event, flooding would prohibit safe vehicular access to Crest View Elementary School. In 2009, the city completed a flood mitigation study for Fourmile Canyon Creek and Wonderland Creek. City Council stated the importance of flood improvements at Crest View Elementary School to provide safe vehicular access during a major storm event.

Vehicular access to Tamarack Avenue is currently only available by way of 22nd Street from the east. Recent and potential future annexations in the project area allow for subdivision of existing parcels. Future subdivisions will require a secondary access for emergency vehicles to Tamarack Avenue. The North Boulder Subcommunity Plan (NoBo Plan) and the Transportation Master Plan (TMP) show a secondary road connection from Upland to Tamarack Avenues along the west property line of 2010 Upland (**Figure 2.3** Current NoBo Plan).

A multi-use path exists along Fourmile Canyon Creek from Foothills Parkway to 28th Street (**Figure 2.2** Existing and Proposed Connections). The path will be extended in 2012 from 28th Street to 26th Street through Elks Neighborhood Park along Fourmile Canyon Creek. On-street designated bike routes and small segments of multi-use path exist west of 26th Street to 22nd. The NoBo Plan the TMP and the Greenways Master Plan (GMP) show a conceptual multi-use path connection alignment along Fourmile Canyon Creek from the east end of Riverside Lane at 22nd Street to 19th Street.

Project alternatives fall into three categories: 1) flood mitigation alternatives at 19th Street and Fourmile Canyon Creek, 2) alternatives to provide improved emergency access to Tamarack Avenue, and 3) east-west bicycle and pedestrian connection alternatives. This Community Environmental Assessment Process (CEAP) report presents a comparative evaluation of the following specific alignment alternatives in each category:

<u>Flood Improvements</u> (shown on **Figure 3.1**)

- F1: Replace the existing bridge at Fourmile Canyon Creek and 19th Street with box culverts sized to convey 100-year event flows.
- F2: Replace the existing bridge at Fourmile Canyon Creek and 19th Street with box culverts sized to convey 100-year event flows. One of the box culverts would be used as a pedestrian and bicycle underpass.

Emergency Access to Tamarack Avenue (shown on **Figure 3.3**)

- EA1: A 20-foot wide paved local access road located within a 30-foot wide right-of-way between parcels 2010 Upland Avenue and 4306 19th Street. This alternative would provide primary emergency access to Tamarack Avenue from Upland Avenue and serve motor vehicle, bicycle and pedestrian traffic in a shared roadway.
- EA2: A 12-foot wide paved multi-use path located within a 20-foot wide right-of-way between parcels 2010 Upland Avenue and 4306 19th Street. This alternative would provide secondary emergency access to Tamarack Avenue from Upland Avenue and also serve non-motorized traffic.
- EA3: A 12-foot wide paved multi-use path located within an existing 20-foot wide right-of-way just south of parcel 4270 19th Street. This alternative would provide secondary emergency access to Tamarack Avenue from 19th Street and also serve non-motorized traffic.

East-West Bicycle and Pedestrian Connections (shown on **Figure 3.5**)

- EW1: A 5-foot wide sidewalk along the north side of Riverside Lane / Avenue and the east side of 19th Street.
- EW2: Multi-use path along the north side of Fourmile Canyon Creek. Two subalternatives for this alignment were evaluated:
  a) a 10-foot wide concrete path
  b) an 8-foot wide crusher fine path
- EW3: A 5-foot wide sidewalk along the north side of Tamarack Avenue connecting to a 10-foot wide concrete multi-use path from the west end of Tamarack Avenue east to 19th St.
- EW4: No new connections.

Staff Recommendations

The Greenways Advisory Committee (GAC), which is made up of one representative from each of the following advisory boards: Parks and Recreation Board, Planning Board, Transportation Board, Water Resources Advisory Board, Environmental Board and Open Space Board of Trustees, conducted a public hearing for the Fourmile Canyon Creek CEAP on Thursday, Feb. 15, 2012. The following presents staff recommendations based on results from the GAC meeting. **Figure 5.1** presents a map showing the recommended alternatives.

Flood Improvements

The underpass option (F2) for flood mitigation at Fourmile Canyon Creek and 19th Street is recommended. It was overwhelmingly selected as the preferred alternative from responders to public comment and would provide vehicle traffic separation at 19th Street. The GAC unanimously (6-0) recommended approval of this alternative. Construction of this alternative will require purchase of an easement from 4270 19th Street.

Improved Emergency Access to Tamarck

The 19th Street to Tamarack Avenue alignment (EA3) is the recommended alternative to provide improved emergency vehicle access to Tamarack Avenue. This alternative would consolidate the future bicycle and pedestrian access to Tamarack Avenue with emergency access. Normal vehicular access would not be permitted. It would require enhancing the crossing of Fourmile

Canyon Creek to accommodate emergency vehicles. By eliminating the proposed north-south access to Tamarack (shown in the NoBo Plan) just east of 19th Street, several properties (4306 Upland, 2010 Upland and 4270 19th Street) will not be fronted by public access on three sides. The proposed east-west emergency access alignment and elimination of the north-south alignment would not require an amendment to the NoBo Plan but would be accomplished through the annexation process. The City Transportation, Community Planning and Development Review Divisions agree that a local access roadway providing full (non-emergency) vehicular access is not warranted based on current and projected traffic volumes generated by potential future subdivisions along Tamarack Avenue. The GAC unanimously (6-0) recommended approval of this alternative.

East-West Bicycle and Pedestrian Connection

The 10-foot wide concrete path alignment along Fourmile Canyon Creek (EW2a) was originally recommended by staff for the east-west connection. The GAC, however, did not recommend the construction of a multi-use path along Fourmile Canyon Creek at this time, but unanimously (6-0) recommended keeping this multi-use path alignment in city master plans and the North Boulder Subcommunity Plan. During discussion leading to the motion, the GAC suggested that this be the last path segment be constructed and the city should instead work towards constructing path segments further to the west and east of the project area. In addition, the GAC recommended upgrading the current soft surface trail connection between Sumac Avenue and Riverside Lane/22nd Street to concrete and directed the city to pursue easements along Fourmile Canyon Creek for pedestrian/bicycle and habitat mitigation purposes. During discussions leading to the motion, the GAC requested that staff evaluate on-street bicycle and pedestrian routes and provide bike route signage from 26th Street and the Elks Park to Crest View Elementary.

As a result of the GAC motions, the following summarizes the revised staff recommendation for east-west bicycle and pedestrian connections:

- Keep the conceptual alignment of a future multi-use path connection along Fourmile Canyon Creek in the North Boulder Subcommunity Plan and Greenways and Transportation master plans;
- Work to secure the easements required for the Fourmile Canyon Creek path alignment;
- Do not proceed with the design and construction of a multi-use path along Fourmile Canyon Creek between 19th and 22nd Streets at this time, but evaluate other ways to improve bicycle and pedestrian connectivity for Crest View Elementary School students and other people trying to navigate from 26th Street to 19th Street; and
- Upgrade the soft-surface trail segment between Sumac Avenue and Riverside Lane to a concrete multi-use path.

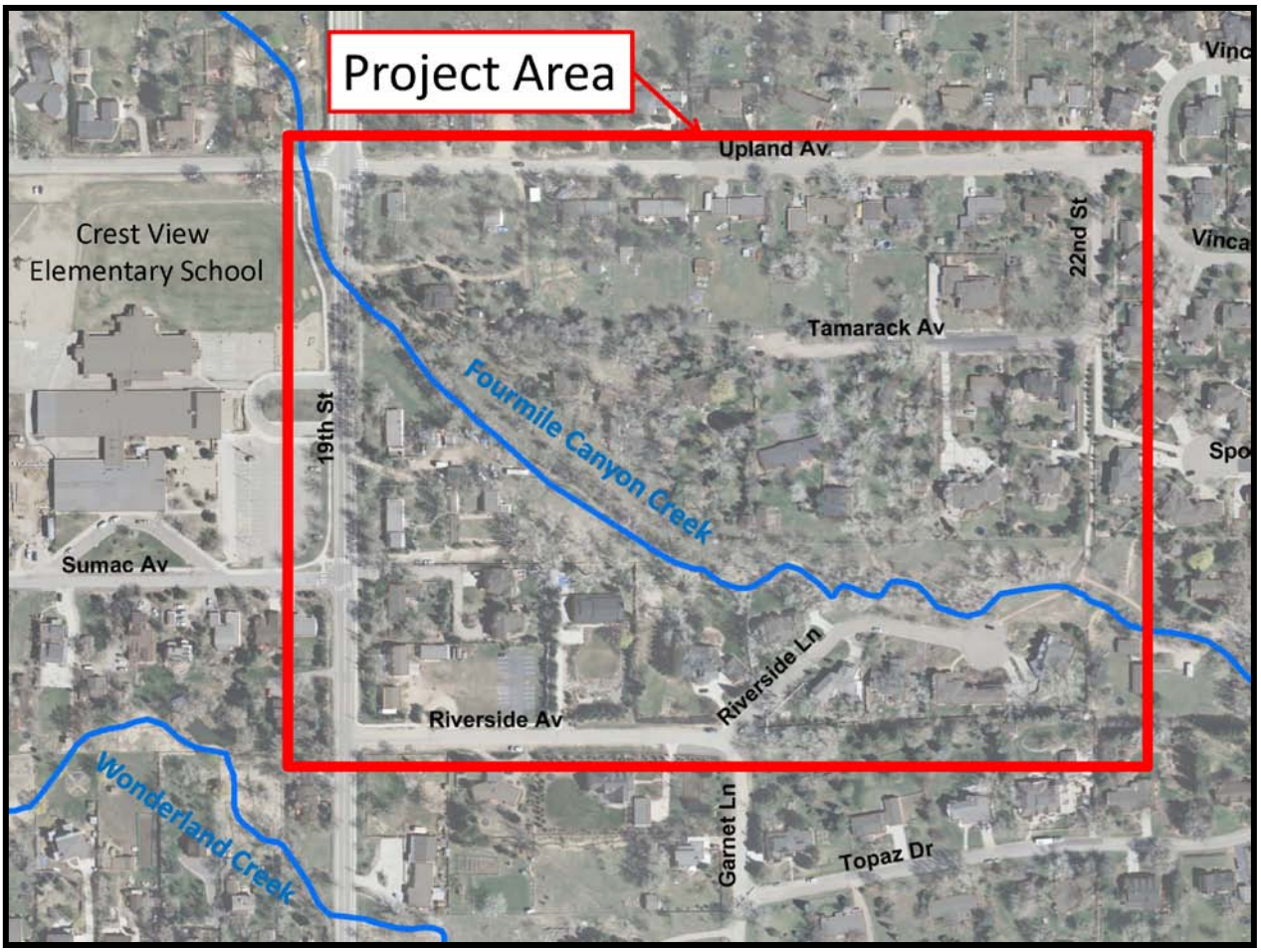
It should be noted that flood and Greenways improvements between Broadway and 19th Street are currently shown in the five year CIP and will be evaluated as a separate CEAP. As a result, construction of the multi-use path along Fourmile Canyon Creek between 19th to 22nd Streets will not be reconsidered in the next five years.

1.0 DESCRIPTION AND LOCATION OF THE PROJECT

The Fourmile Canyon Creek project from 19th to 22nd Streets is bound by 19th Street on the west, Upland Avenue on the north, 22nd Street on the east and Riverside Avenue on the south (**Figure 1.0**). The purpose of the project is to improve safety and accessibility in the area of Fourmile Canyon Creek within the project bounds. Project objectives include the following:

- Provide flood improvements at 19th Street and Fourmile Canyon Creek
- Improve emergency access to Tamarack Avenue
- Improve pedestrian and bicycle access from 22nd Street to Crest View Elementary School and 19th Street

Figure 1.0 Project Location



2.0 BACKGROUND, PURPOSE AND NEED FOR THE PROJECT

In 2009, the city completed a flood mitigation study for Fourmile Canyon Creek and Wonderland Creek. During a 100-year storm event, flooding would prohibit safe vehicular access to Crest View Elementary School (see **Figure 2.1**). During the Nov. 10, 2009 Council Meeting City Council stated the importance of flood improvements at Crest View Elementary School to provide safe vehicular access during a major storm event. To accomplish this, channel improvements will be required at the crossings of Violet Avenue, Upland Avenue and 19th Streets along Fourmile Canyon Creek and at 19th Street along Wonderland Creek. Funding is shown in the Greenways and Flood Utilities 2011-2016 CIP for flood mitigation, a multi-use path connection and environmental restoration. The initial proposed project is for flood mitigation at 19th Street and Fourmile Canyon Creek.

The North Boulder Subcommunity Plan (NoBo) Plan was adopted by City Council and Planning Board in 1995. The Plan created a vision to guide future development and change while preserving character and livability of existing residential neighborhoods. The NoBo Plan called for new residential neighborhoods on the north and a new mixed-use village center along Broadway. It also developed conceptual-level pedestrian, bicycle and vehicular connection alignments in support of this future land use. A proposed multi-use path along Fourmile Canyon Creek from Riverside Lane to 19th Street, a proposed east-west multi-use path from the western extension of Tamarack Avenue to 19th Street and a proposed north-south secondary road from Tamarack Avenue to Upland Avenue are currently shown for this area in the NoBo Plan (**Figures 2.2 and 2.3**). These improvements were also incorporated into the Transportation and Greenways Master Plans.

Since the NoBo Plan was adopted, several parcels have been annexed into the City of Boulder and resulted in amendments to the NoBo Plan. The following presents a summary of connection changes in the recent annexations within the project area:

- 1997 - Crestview East Annexation
    - Amended the NoBo Plan to change the use of a proposed path along Fourmile Canyon Creek between Riverside Lane to 19th Street from pedestrian only to bike and pedestrian use.
    - 22nd Street right-of-way was shifted to the west.
- Jan. 2009 - 2020 Upland and 4240 19th Street Annexations
    - The proposed annexation agreement included a redevelopment improvement requirement for the property owners to construct and complete a 12-foot wide multi-use path along the south side of Fourmile Canyon Creek. City Council members raised concern for the path along Fourmile Canyon Creek. City Council approved the annexation without requiring the proposed multi-use path easement and construction requirement along Fourmile Canyon Creek citing habitat concerns and the lack of available data at the time relative to those concerns (the NoBo Plan was not amended).

- Oct. 2009 - Crestview East Annexation
    - Annexation agreement amended the NoBo Plan and the Transportation Master Plan for eight connections shown in **Figure 2.3**, all of them north and east of this project's area.
    - Staff proposed elimination of the planned secondary road from Upland Avenue to Tamarack Avenue and substitution of a multi-use path / emergency access. Analysis supporting this recommendation was based on the limited number of homes along Tamarack Avenue, the limited subdivision potential, and the estate-type setting along Tamarack. Planning Board approved the annexation without this change and this staff recommendation was subsequently not included in the memorandum to City Council. A neighborhood petition to have the future roadway removed from the NoBo Plan was, however, included as an attachment to the memorandum (provided as **Attachment 2** to this CEAP). Staff was later directed to facilitate a public process to consider the purpose, need and impacts of this improved access to Tamarack Avenue. This CEAP provides a comparative analysis of the alignments in support of the staff recommendation to provide a minimum development improvement of improving emergency and non-motorized access to Tamarack Avenue.

Crest View Elementary School is located at the northwest corner of 19th Street and Sumac Avenue. Crest View Elementary School serves a large population that includes students east of 28th Street (see **Figure 2.4**). BVSD encourages students to walk and bicycle to school and only provides bus service to students living outside a two mile radius from a school with a few exceptions. One exception is for Crest View Elementary School students living east of 28th Street because BVSD considers 28th Street a barrier to children that could otherwise walk or bicycle to school. A multi-use path exists along Fourmile Canyon Creek from Foothills Parkway to 28th Street. The path will be extended in 2012 from 28th Street to 26th Street through the Elks Park along Fourmile Canyon Creek. On-street designated bike routes and small segments of multi-use path exist west of 26th Street to 22nd Street (**Figure 2.2**).

The Community and Environmental Assessment Process (CEAP) is a formal review process to consider the impacts of public development projects. The purpose of the CEAP is to assess potential impacts of conceptual project alternatives in order to inform the selection and refinement of a preferred alternative. The CEAP provides the opportunity to balance multiple community goals in the design of a capital project by assessing a project against the policies outlined in the Boulder Valley Comprehensive Plan and department master plans.

Figure 2.1: Existing Conditions Floodplains

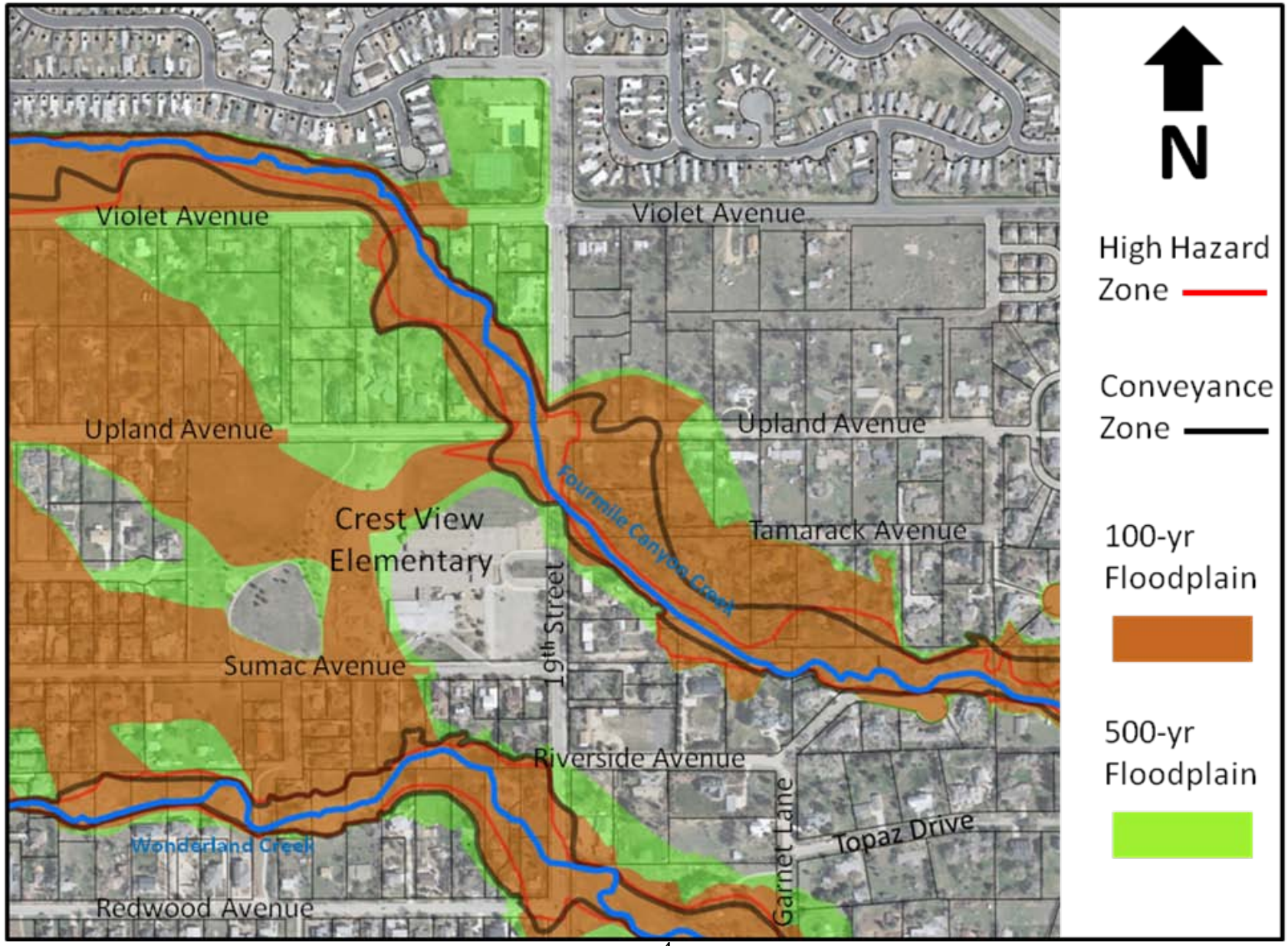


Figure 2.2: Existing and Proposed Connections (Adopted in City Master Plans)

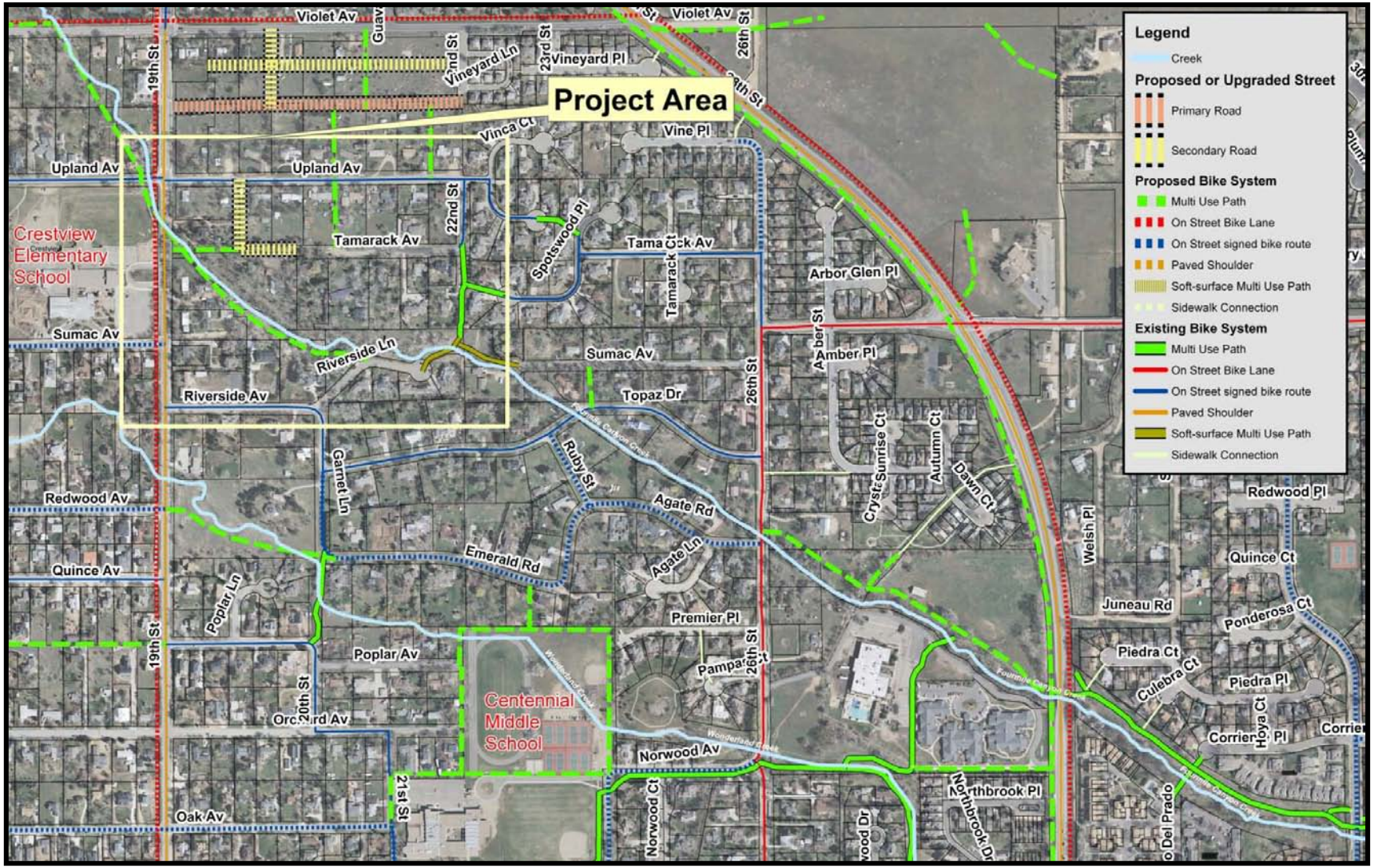


Figure 2.3: Current North Boulder Subcommunity Plan based on changes from Oct. 2009 Crestview East Annexation

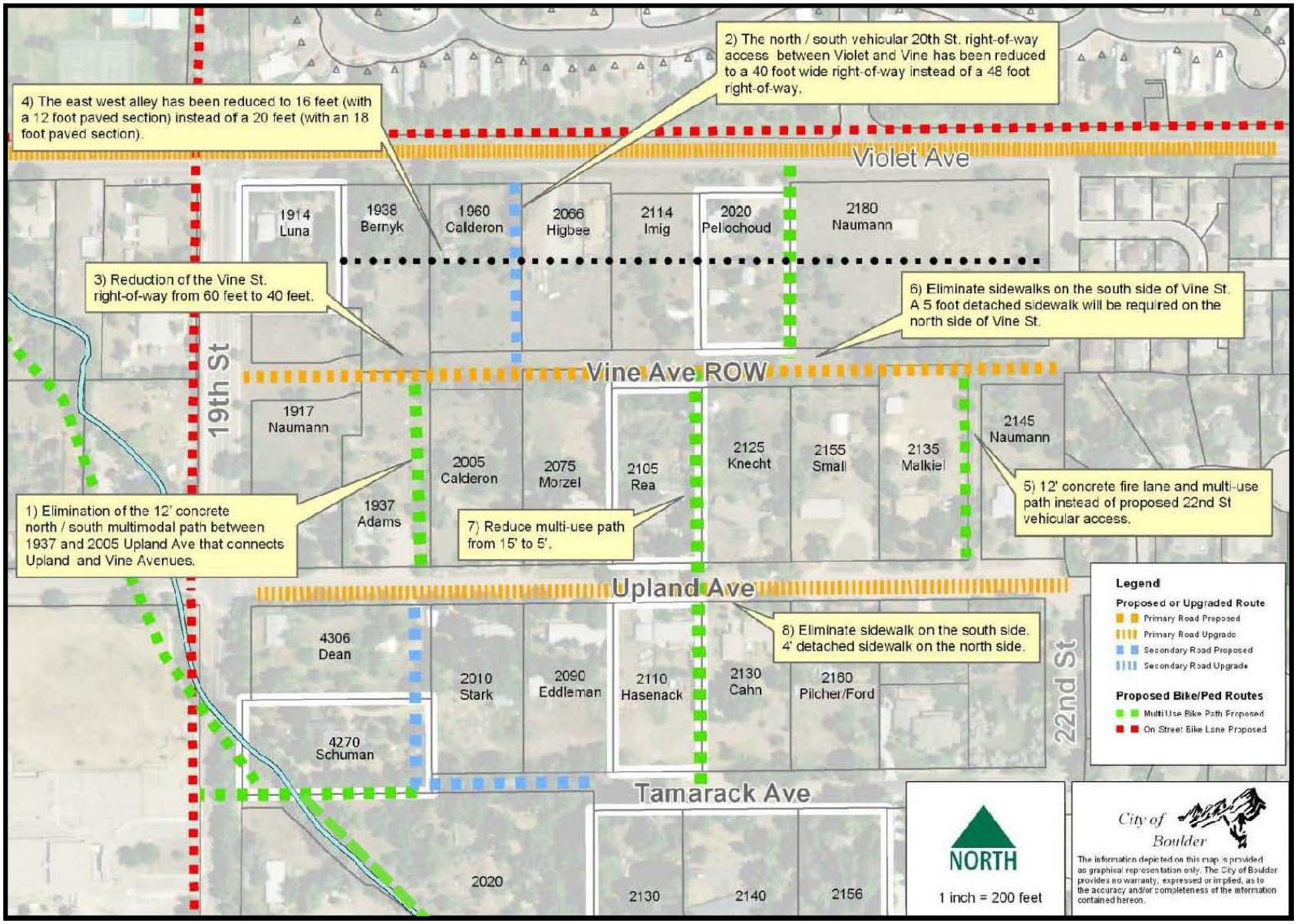
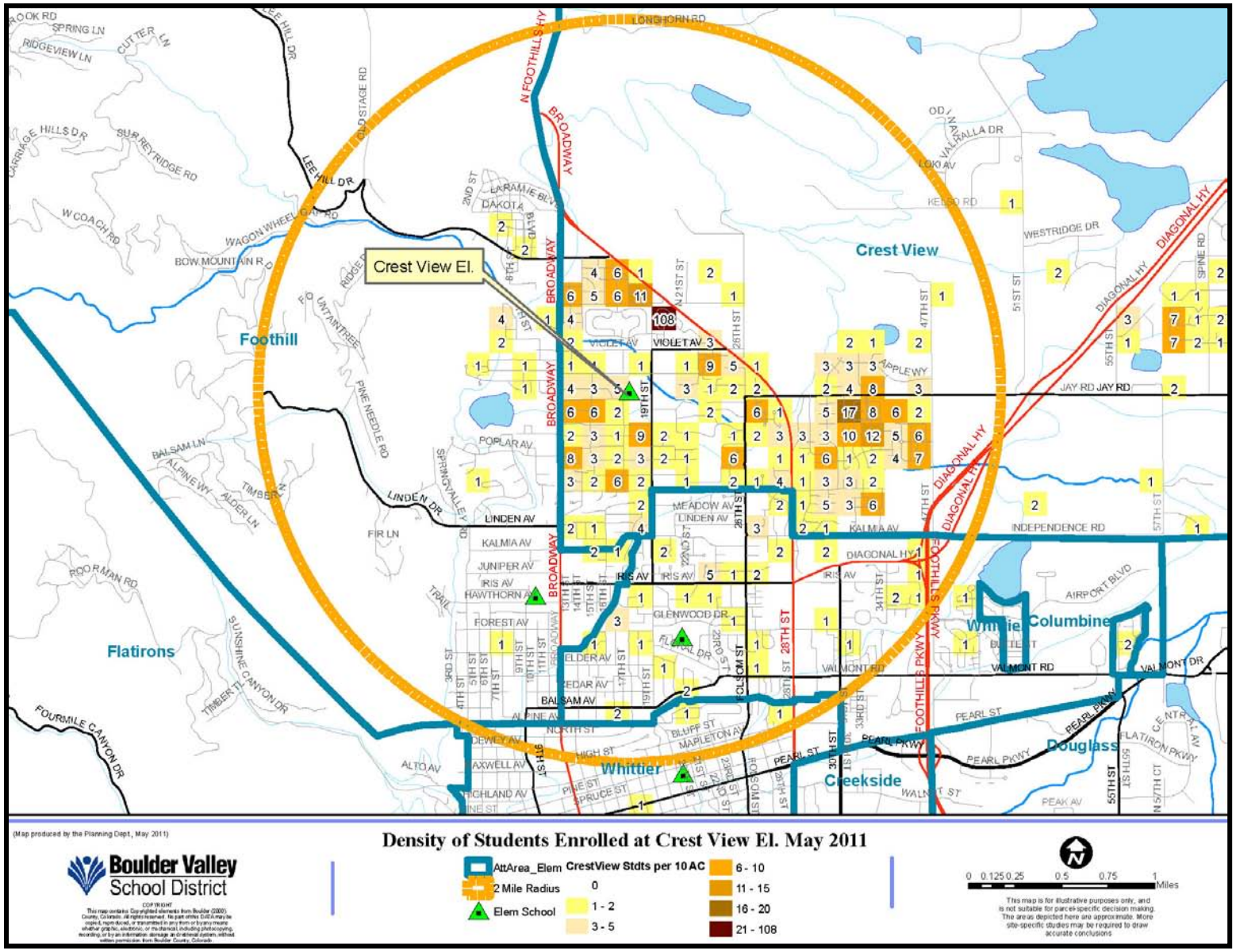


Figure 2.4: Density of Students Enrolled at Crest View Elementary School



3.0 DESCRIPTION OF PROJECT ALTERNATIVES AND SUMMARY OF MAJOR ISSUES

Description of Project Alternatives

Project alternatives fall into three categories:

1) Flood improvements at 19th Street and Fourmile Canyon Creek
2) Improved emergency access to Tamarack Avenue
3) East-west bicycle and pedestrian connections

Flood Improvements / 19th Street Crossing

Two alternatives for flood mitigation are presented for consideration. Both alternatives would be sized to convey flow resulting from a 100-year storm event. One alternative would not include a pedestrian / bicycle underpass and one would. **Figure 3.1** presents the two alternatives. It should be noted that construction of the flood improvements at Fourmile Canyon Creek and 19th Street will still result in residual flood risk as shown on **Figure 3.1**. Safe vehicular access to Crest View Elementary School will require subsequent upgrades to existing crossings along Fourmile Canyon Creek at Upland Avenue and Violet Avenue and Wonderland Creek at 19th Street. It should also be noted that both alternatives will require purchase of a flood easement from parcel 4270 19th Street. **Figure 3.2** presents a summary of major issues related to the flood mitigation alternatives.

F1 (No Bicycle and Pedestrian Underpass): This alternative would replace the existing 19th Street bridge with double 8-foot high by 12-foot wide box culverts. The alternative would also require relocation of an existing sanitary sewer line and water line along with limited upstream and downstream channel work. New sidewalk segments would be constructed along with a pedestrian bridge on the east side of 19th Street. Concept-level cost for this alternative is $838,000.

F2 (Bicycle and Pedestrian Underpass): This alternative is very similar to F1 with the exception that one of the box culverts would be used as a pedestrian and bicycle underpass. A 10-foot wide concrete multi-use path would be constructed on both sides of the box culvert to complete the underpass. Concept-level cost for this alternative is $972,000.

Improved Emergency Access to Tamarack Avenue

Three alignments have been developed to improve emergency access to Tamarack Avenue. At a minimum, emergency access will be required once annexed properties subdivide and therefore a Status Quo alternative is not included. Two of the three options limit vehicular access to only authorized emergency vehicles. All three options provide non-motorized pedestrian/bicycle access. The following presents a summary description of each option. **Figure 3.3** presents a map showing the alignments. **Figure 3.4** presents a summary of major issues related to the east-west alignments.

EA1 (Primary Emergency Access): This option is shown on the existing North Boulder Subcommunity (NoBo) Plan and Transportation Master Plan (TMP). It would provide vehicular, including primary emergency, access from Upland Avenue to Tamarack Avenue by constructing a local access secondary road connection between 2010 Upland Avenue and 4306 / 4270 19th Street. A 20-foot wide paved road would be constructed within a 30-foot wide right-of-way. The paved surface would provide shared space for primary emergency, vehicular, pedestrian and bike travel. The concept-level cost for the road option is $42,000. This cost is entirely developer responsibility based on current annexation agreements. Right-of-way would, however, be needed from 4270 19th Street.

EA2 (Secondary Emergency Access): This option would provide secondary emergency, pedestrian and bicycle access on the same alignment as NS1 via a 12-foot wide concrete multi-use path located within a 20-foot wide right-of-way. The concept-level cost for this alignment option is $25,000. This cost is entirely developer responsibility based on current annexation agreements. Right-of-way would, however, be needed from 4270 19th Street.

EA3 (Secondary Emergency Access): This option would provide secondary emergency, pedestrian and bicycle access east to 19th Street from Tamarack Avenue via a 12-foot wide concrete path within a 20-foot wide right-of-way. The concept-level cost for a combined emergency and pedestrian / bicycle access is $240,000. Right-of-way would be needed from 4270 19th Street (the cost of which is included in the flood improvements at 19th Street).

<u>East-West Bicycle and Pedestrian Connections</u>

Three east-west alignments have been developed based on input to date in addition to a Status Quo alternative. The following presents a summary description of each alignment. **Figure 3.5** presents a map showing the alignments. **Figure 3.6** presents a summary of major issues related to the east-west alignments.

EW1 (Riverside): This alignment would begin at the existing soft-surface multi-use trail located at the east end of Riverside Lane, follow Riverside Lane / Avenue west to an existing sidewalk segment located on the west end of Riverside Avenue. The new segment of 5-foot wide concrete sidewalk along Riverside Lane would be constructed within the existing roadway by restricting parking along the north side. This alternative includes a new sidewalk along the east side of 19th Street. Most of the new sidewalk for this alignment will not be detached from the roadway by a landscape strip and will require new curb and gutter. The concept-level cost for this alignment option is $237,000. Of the total project cost, developers are responsible for approximately $47,000 of improvements based on current annexation agreements. Snow removal would be the responsibility of the adjacent property owner with the exception of the cul-de-sac segment located at the east end of Riverside Lane. This segment is adjacent to city-owned easement and snow removal would be provided by city staff. **Figure 3.7** presents renderings showing existing conditions and the proposed sidewalk along Riverside Lane.

EW2a/b (Fourmile Canyon Creek): This alignment is the one shown in the existing NoBo Plan, TMP and Greenways Master Plan. It would begin on the east at the existing multi-use path located between 22nd Street and Riverside Lane and extend west along the north side of Fourmile

Canyon Creek to 19th Street. Sub-alternative (a) would provide an 8-foot wide crusher fine path. Sub-alternative (b) would provide a 10-foot wide concrete path. The crusher-fine path would not be plowed but the city would maintain the concrete path to transportation standards and perform snow removal and routine maintenance including sweeping. The concept-level cost for the crusher fine path option is $269,000 and $307,000 for the concrete path. Developers are responsible for approximately $159,000 of improvements for either alternative based on current annexation agreements. **Figure 3.8** presents renderings showing existing conditions, the proposed 10-foot wide concrete path option and the eight-foot wide crusher fine path option. This alternative would require the purchase of an easement from 2020 Upland.

EW3 (Tamarack Avenue): This alignment would begin at the end of the existing concrete multi-use path at the intersection of 22nd Street and Tamarack Avenue. This alignment would include a 5-foot wide detached sidewalk along the north side of Tamarack Avenue and a 10-foot wide concrete multi-use path from the west end of Tamarack Avenue to 19th Street. This connection is shown in the NoBo Plan and TMP. The concept-level cost for this alignment option is $248,000. Of the total project cost, developers are responsible for approximately $159,000 of improvements based on current annexation agreements. **Figure 3.9** presents renderings showing existing conditions and the proposed 10-foot wide concrete path west of Tamarack Avenue.

EW4 (Status Quo): This alternative would not construct any new trail connections.

Table 3.1 presents a summary of all project alternatives.

Table 3.1 Project Alternatives Summary

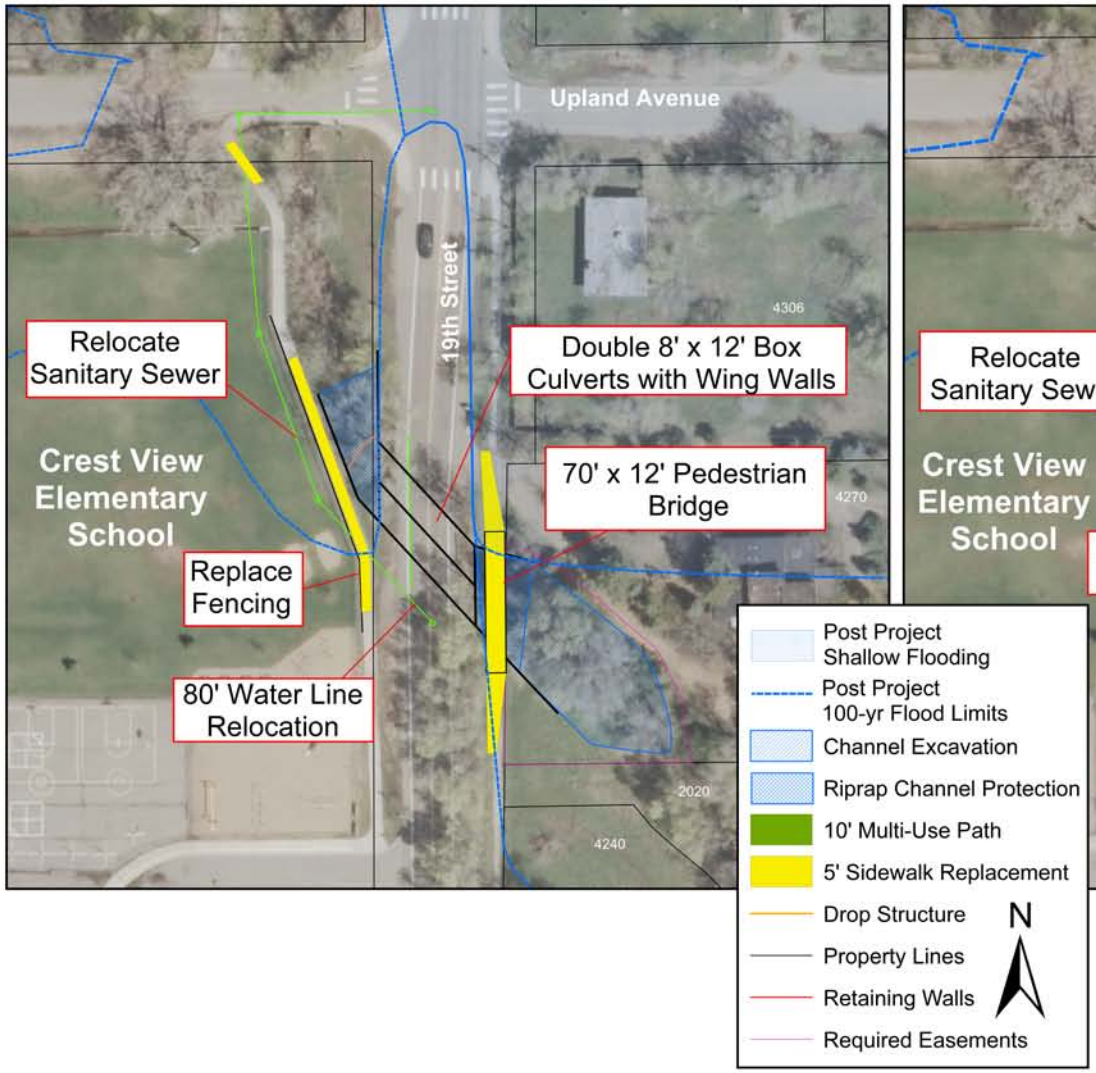
Alternatives	Concept-Level Cost Estimate[1]	Description
Flood Mitigation / 19th Street Crossing		
F1 (No Bicycle and Pedestrian Underpass)	$838,000 total cost $0 private* $838,000 public	Bridge replaced with twin Box Culverts sized for 100-year flows
F2 (Bicycle and Pedestrian Underpass)	$972,000 total cost $0 private* $972,000 public	Bridge replaced with twin Box Culverts sized for 100-year flows and pedestrian underpass of 19th street
Improved Emergency Access to Tamarack Avenue		
EA1 (Primary Emergency)	$42,000 total cost $42,000 private* $0 public	North-south primary emergency access (local access road) from Upland Avenue to Tamarack Avenue
EA2 (Secondary Emergency)	$25,000 total cost $25,000 private* $0 public	North-south secondary emergency and bike/pedestrian access from Upland Avenue to Tamarack Avenue
EA3 (Secondary Emergency)	$239,000 total cost $159,000 private* $80,000**	East-west secondary emergency and bike/ pedestrian access from 19th Street to Tamarack Avenue
East-West Bicycle and Pedestrian Connections		
EW1 (Riverside)	$237,000 total cost $47,000 private* $190,000 public	5-foot wide sidewalk along the north side of Riverside Lane / Avenue (within existing roadway) and east side of 19th Street
EW2 (Fourmile Canyon Creek) • (a) 10-foot concrete path	$307,000 total cost $159,000 private* $148,000 public	10-foot wide concrete path along the north side of Fourmile Canyon Creek
• (b) 8-foot crusher fine path	$269,000 total cost $159,000 private* $110,000 public	8-foot wide crusher fine path along the north side of Fourmile Canyon Creek
EW3 (Tamarack Avenue)	$248,000 total cost $159,000 private* $89,000 public	5-foot wide detached sidewalk along north side of Tamarack Avenue and a 10-foot wide concrete path from the end of Tamarack Avenue to 19th Street
EW4 (Status Quo)	$0	Maintains existing conditions

* Private costs based on current annexation agreements

** Difference in cost to enhance bike/ped crossing to accommodate emergency vehicle

Figure 3.1 Flood Mitigation Alternatives

F1 – No Underpass



F2 – Pedestrian / Bicycle Underpass

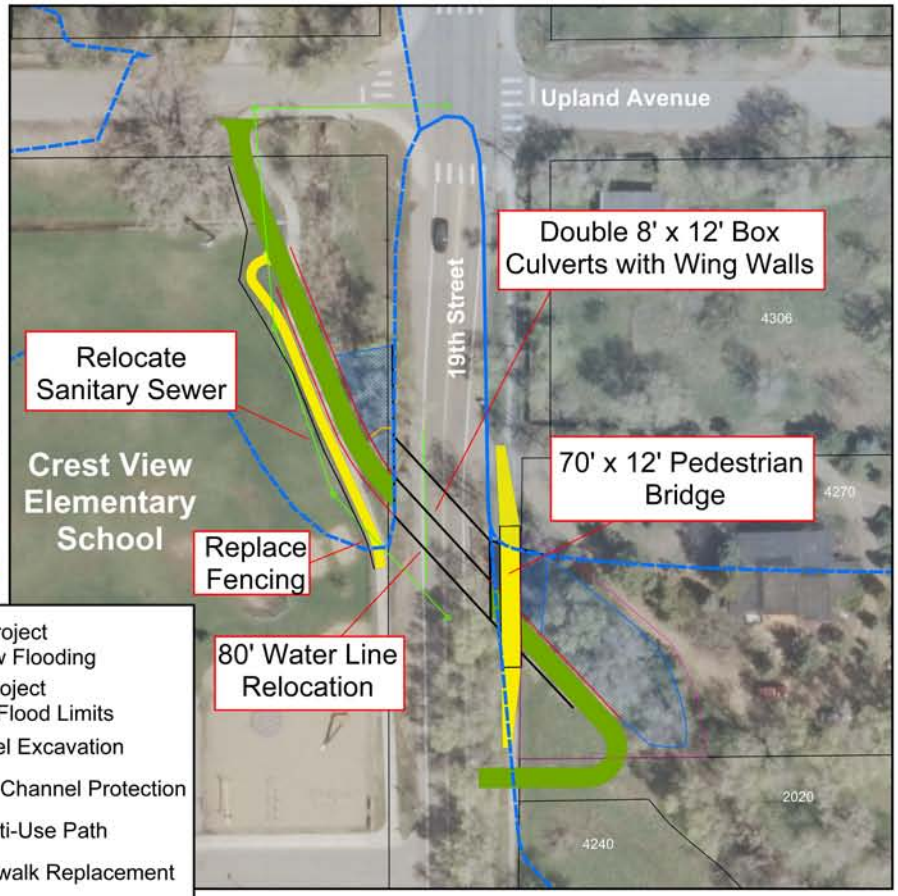


Figure 3.2 Flood Mitigation Alternatives Summary of Major Issues

Best 🟢

Medium 🟡

Worst 🔴

OPTIONS \ ISSUES	Sized for 100-yr Flows	Vehicle Traffic Separation	Habitat Impacts	User Experience*	Public Preference	In Approved Plan
F1 - Bridge without Pedestrian/Bicycle Underpass ($838,000)	X	🔴	🟡	🔴	🔴	X
F2 - Bridge with Pedestrian/Bicycle Underpass ($972,000)	X	🟢	🟡	🟢	🟢	X

* If no underpass is provided, users would be required to cross at existing crossings located at Upland and south on 19th (a new mid-block crossing would not meet city distance standards)

Figure 3.3 Improved Emergency Access to Tamarack Avenue Alignments

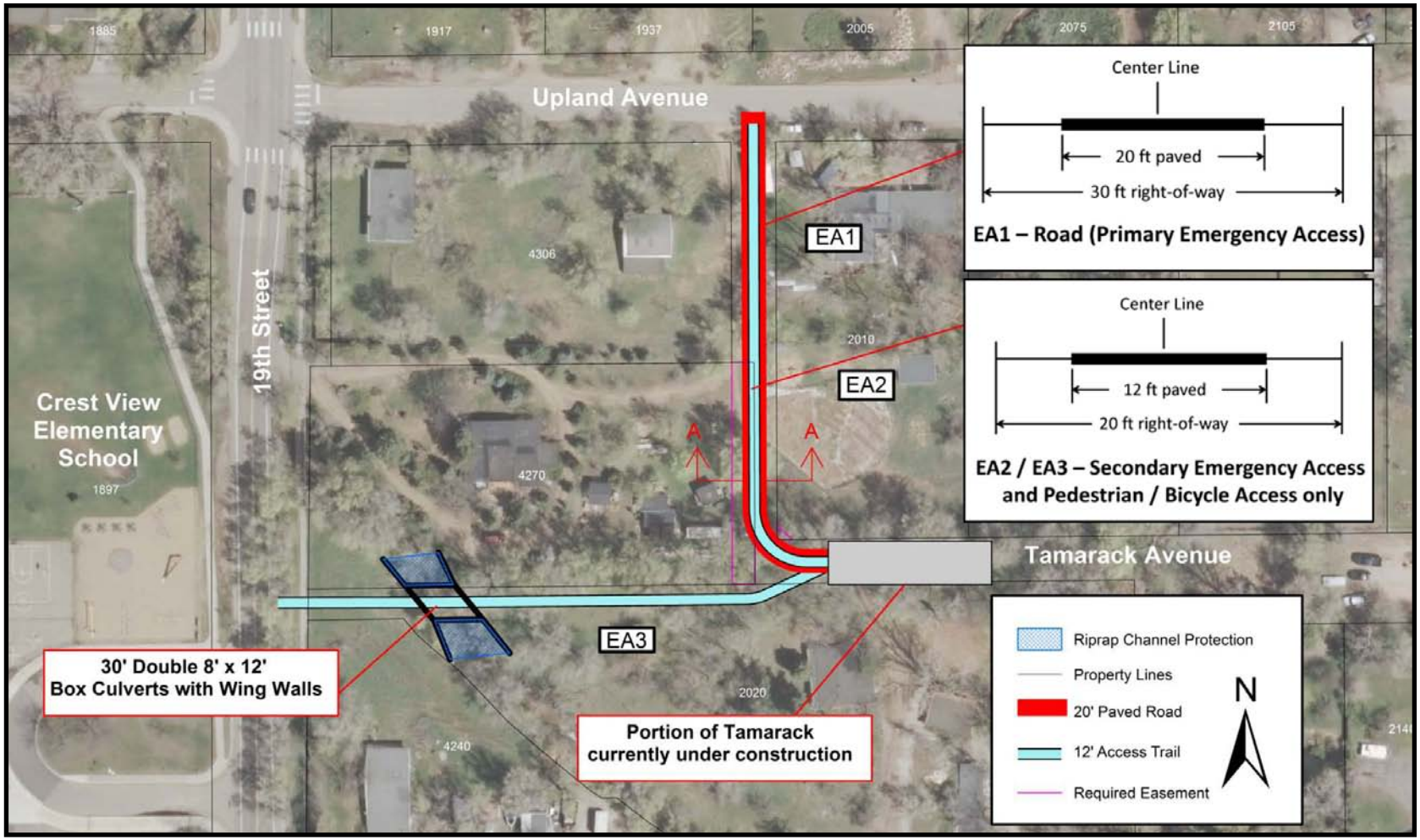


Figure 3.4 Improved Emergency Access to Tamarack Avenue Summary of Major Issues

Best

Medium

Worst

OPTIONS \ ISSUES	Wetland / habitat Impacts	Adjacent Property Impacts	Emergency Access	Public Preference	In Approved Master Plan
EA1 - Primary Emergency Access (Road)	Best	Worst	Best	Worst	X
EA2 - Secondary Emergency and Ped/Bike Only Access	Best	Medium	Medium	Medium	
EA3 - Secondary Emergency and Ped/Bike Access Only	Medium	Best	Medium	Best	

	Total Cost	Private Cost*	Public Cost
EA1 - Road	$42,000	$42,000	$0
EA2 - Emergency/Ped/Bike Only	$25,000	$25,000	$0
EA3 - Emergency/Ped/Bike Only	$80,000**	$80,000	$0

* Private costs based on current annexation agreement commitments

** Cost difference to enhance bike/ped access to accommodate emergency access vehicles

Figure 3.5 East-West Bicycle and Pedestrian Connections

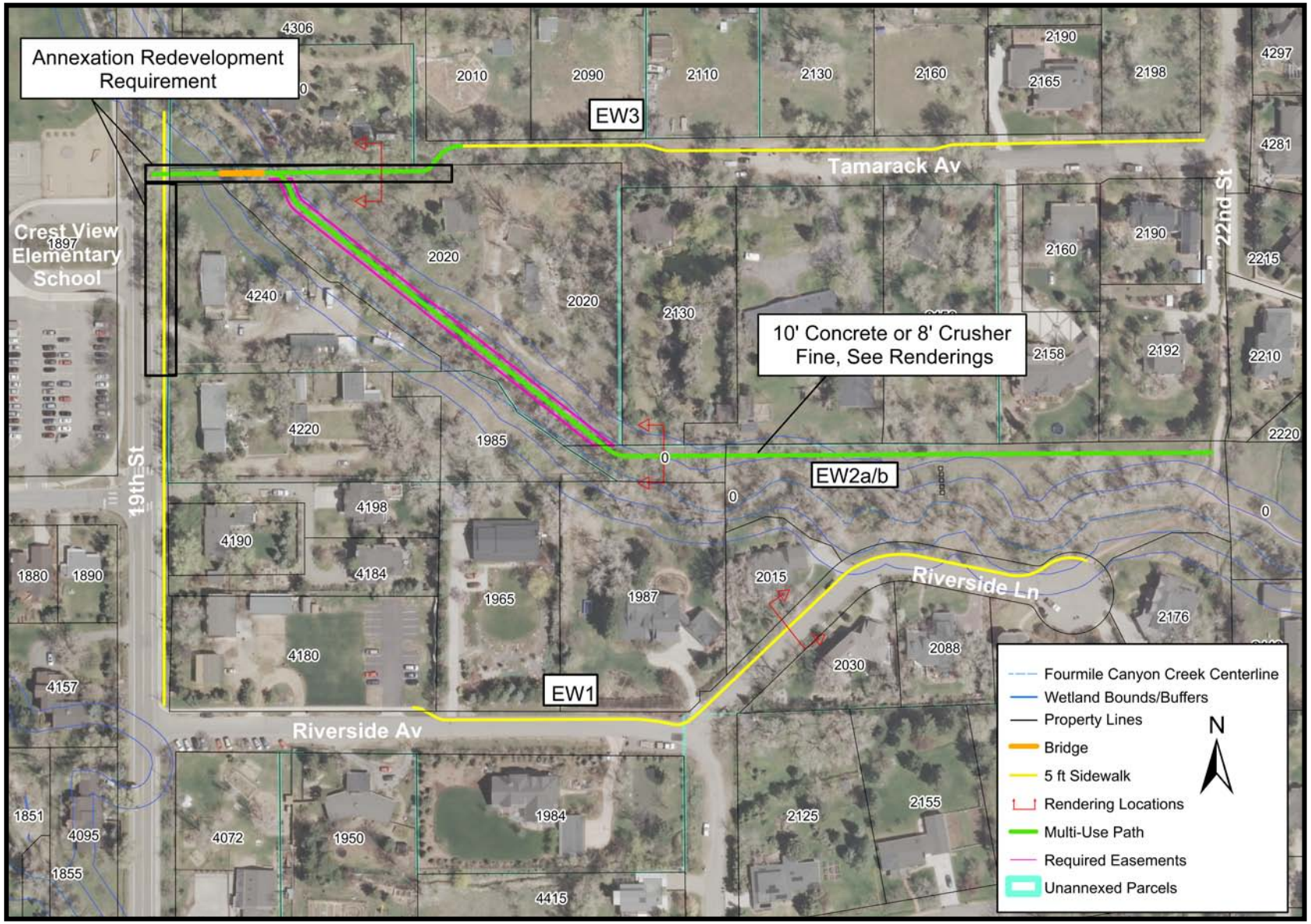


Figure 3.6 East-West Pedestrian and Bicycle Connections Summary of Major Issues

Best 🟢

Medium 🟡

Worst 🔴

OPTIONS \ ISSUES	Wetland Impacts	Habitat Impacts	Most Direct	Vehicle Traffic Separation	User Experience	Public Preference	Year-Round Maintenance	City Maintained	Property Owner Maintained	In Approved Master Plan
EW1 - Riverside / 19th Street 5' Sidewalk	🟢	🟢	🟡	🟡	🔴	🔴	🟡		X	
EW2a - Creek (10' concrete) Multi-use Path	🔴	🔴	🟢	🟢	🟢	🟢	🟢	X		X
EW2b - Creek (8' Crusher Fine) Multi-Use Path	🟡	🔴	🟢	🟢	🟢	🔴	🔴	X		X
EW3 - Tamarack 5' Sidewalk	🟡	🟡	🟡	🟡	🟡	🟡	🟡	X	X	

	Total Cost	Private Cost*	Public Cost
EW1 - Riverside / 19th Street	$237,000	$47,000	$190,000
EW2a - Creek (10' concrete)	$307,000	$159,000	$148,000
EW2b - Creek (8' Crusher Fine)	$269,000	$159,000	$110,000
EW3 - Tamarack	$248,000	$159,000	$89,000

* Private costs based on current annexation agreement commitments

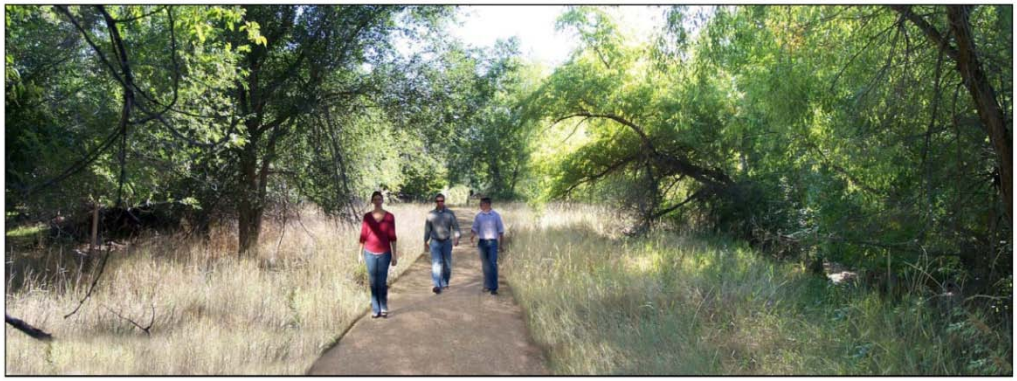
Figure 3.7 EW1 Riverside Lane Renderings

Existing Conditions

Proposed Sidewalk

Figure 3.8 EW2 Fourmile Canyon Creek Renderings

Existing Conditions

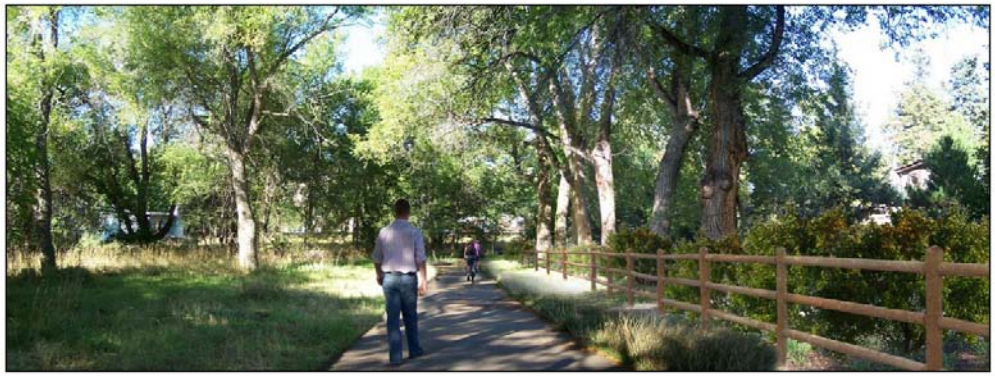


Proposed 8’ Crusher Fine Multi-Use Path

Proposed 10’ Concrete Multi-Use Path

Figure 3.9 EW3 Tamarack Lane Renderings

Existing Conditions



Proposed Multi-Use Path with Post-Rail Fence and Plantings

Proposed Multi-Use Path with Privacy Fence and Plantings

4.0 PERMITS, WETLANDS PROTECTION AND HABITAT ENHANCEMENT

Construction of the project components may require the following permits:

- Colorado Department of Public Health and Environment Colorado Stormwater Discharge Permit (Construction Activity General Permit and Stormwater Management Plan)
- City of Boulder Floodplain Development Permit
- City of Boulder Wetlands Permit
- United States Army Corps of Engineers 404 Wetlands Permit
- Colorado Department of Public Health and Environment Colorado Construction Dewatering Permit
- City of Boulder construction dewatering discharge agreement

A portion of the proposed flood improvements is currently located on land not annexed by the city. This site, however, will not trigger the need to prepare a County Areas and Activities of State Interest 1041 Review Application.

A comprehensive Greenways Riparian Habitat Assessment was completed in 1999 as part of the Greenways Master Plan. The riparian habitat was evaluated based on the quality of vegetation (native or non-native), the vegetative structure and the quality of the habitat based on the presence of bird species. Each stream reach was rated for each of these criteria, with a rating of very poor to excellent. Fourmile Canyon Creek within the proposed project area received the following ratings:

- Vegetative Structure: Very good
- Native Plant Habitat: Good
- Bird Habitat: Poor to good
- Aquatic Habitat: Marginal

The Greenways Master Plan also ranked each of the six Greenways objectives for each stream reach for the purpose of balancing conflicting interests at the time a project is being undertaken. Each objective was given a low to high rank based on specific criteria outlined in the Master Plan. Fourmile Canyon Creek within the proposed project area received the following rankings:

- Habitat: Medium
- Water Quality: Medium
- Transportation: High
- Recreation: High
- Flood: High

The transportation and recreation objectives in this reach ranked high, recognizing the relationship of this reach to Crest View Elementary School and nearby parks. Habitat restoration ranked medium in this reach, based on the average ranking of the existing habitat and the ability to easily replace and enhance the existing vegetation.

The following provides a summary of findings from a site visit conducted by ERO Resources, Corp. on August 24, 2011 (**Attachment 1**). The Fourmile Canyon Creek riparian corridor provides habitat for a variety of wildlife. Riparian corridors are particularly important in urban areas where they are often used as movement corridors for larger mammal such as deer and for nesting by songbirds and raptors. Species that use riparian corridors in developed areas are

typically common species tolerant of human encroachment. As a result, although diverse, most plant and wildlife species in urban riparian areas are not unique or uncommon. Based on a review of background information, the site visit, and professional experience, ERO determined that significant natural resources that would make the project infeasible are not likely to be present in the study area. There is no suitable habitat for federally listed threatened or endangered species. Although there is suitable nesting substrate and residents report the presence of nesting owls, no raptor nests were observed in the study area. It is likely that one or more nests were present but obscured from view by leaves. Because Fourmile Canyon Creek is ephemeral, there are virtually no wetlands in the study area and the lateral extent of riparian trees and shrubs is limited due to encroachment. The city's proposed project would not affect any unique or significant natural resources, but there would be impacts to regulated resources including Fourmile Canyon Creek and its riparian areas. The impacts would be addressed through the Clean Water Act Section 404 and City of Boulder Wetland permitting processes. In the event an active nest is present, the city would comply with the Migratory Bird Treaty Act.

The concept designs were developed to minimize impacts to existing water bodies and riparian areas regulated by the city by locating project features outside of the wetland limits and buffers and sensitive habitat to the extent possible. The proposed flood improvement will, however, impact wetlands and waters of the U.S. The project will mitigate buffer impacts by replacing to the extent possible, non-native species with native species and in-kind habitat.

5.0 PREFERRED PROJECT ALTERNATIVE

The Greenways Advisory Committee (GAC), which is made up of one representative from each of the following advisory boards: Parks and Recreation Board, Planning Board, Transportation Board, Water Resources Advisory Board, Environmental Board and Open Space Board of Trustees, conducted a public hearing for the Fourmile Canyon Creek CEAP on Thursday, Feb. 15, 2012. The following presents staff recommendations based on results from the GAC meeting. **Figure 5.1** presents a map showing the recommended alternatives.

<u>Flood Mitigation</u>

The pedestrian/bicycle underpass option (F2) for flood mitigation at Fourmile Canyon Creek and 19th Street is recommended. It was overwhelmingly selected as the preferred alternative from responders to public comment and would provide vehicle traffic separation at 19th Street. This alternative provides safer access to Crest View Elementary School and the proposed multi-use path connection and Greenways system west of 19th Street. The GAC unanimously (6-0) recommended approval of this alternative. Construction of this alternative will require purchase of an easement from 4270 19th Street. The estimated conceptual-level construction cost for this alternative is $972,000.

Improved Emergency Access to Tamarack Avenue

The 19th Street to Tamarack Avenue alignment (EA3) is the recommended alternative to provide improved emergency vehicle access to Tamarack Avenue. This alternative would consolidate the future bicycle and pedestrian access to Tamarack Avenue with emergency access. Normal vehicular access would not be permitted. It would require enhancing the crossing of Fourmile Canyon Creek to accommodate emergency vehicles. By eliminating the proposed north-south access to Tamarack (shown in the NoBo Plan) just east of 19th Street, several properties (4306 Upland, 2010 Upland and 4270 19th Street) will not be fronted by public access on three sides. The proposed east-west emergency access alignment and elimination of the north-south alignment would not require an amendment to the NoBo Plan but would be accomplished through the annexation process. The GAC unanimously (6-0) recommended approval of this alternative.

Public input received during this CEAP process, continues to express concern for a north-south connection that permits automobile access. The City Public Works for Transportation, Community Planning & Development Review Divisions and the Boulder Fire Departments all support the elimination of secondary roadway connection and the substitution of an alignment that provides non-motorized and secondary emergency access to Tamarack.

Construction of the preferred alternative (EA3) will require purchase of an easement from 4270 19th Street. The estimated conceptual-level construction cost for a combined emergency and pedestrian / bicycle access is $240,000. This alignment would replace the proposed secondary road connection to Upland Avenue shown in the NoBo Plan and TMP.

East-West Bicycle and Pedestrian Connection

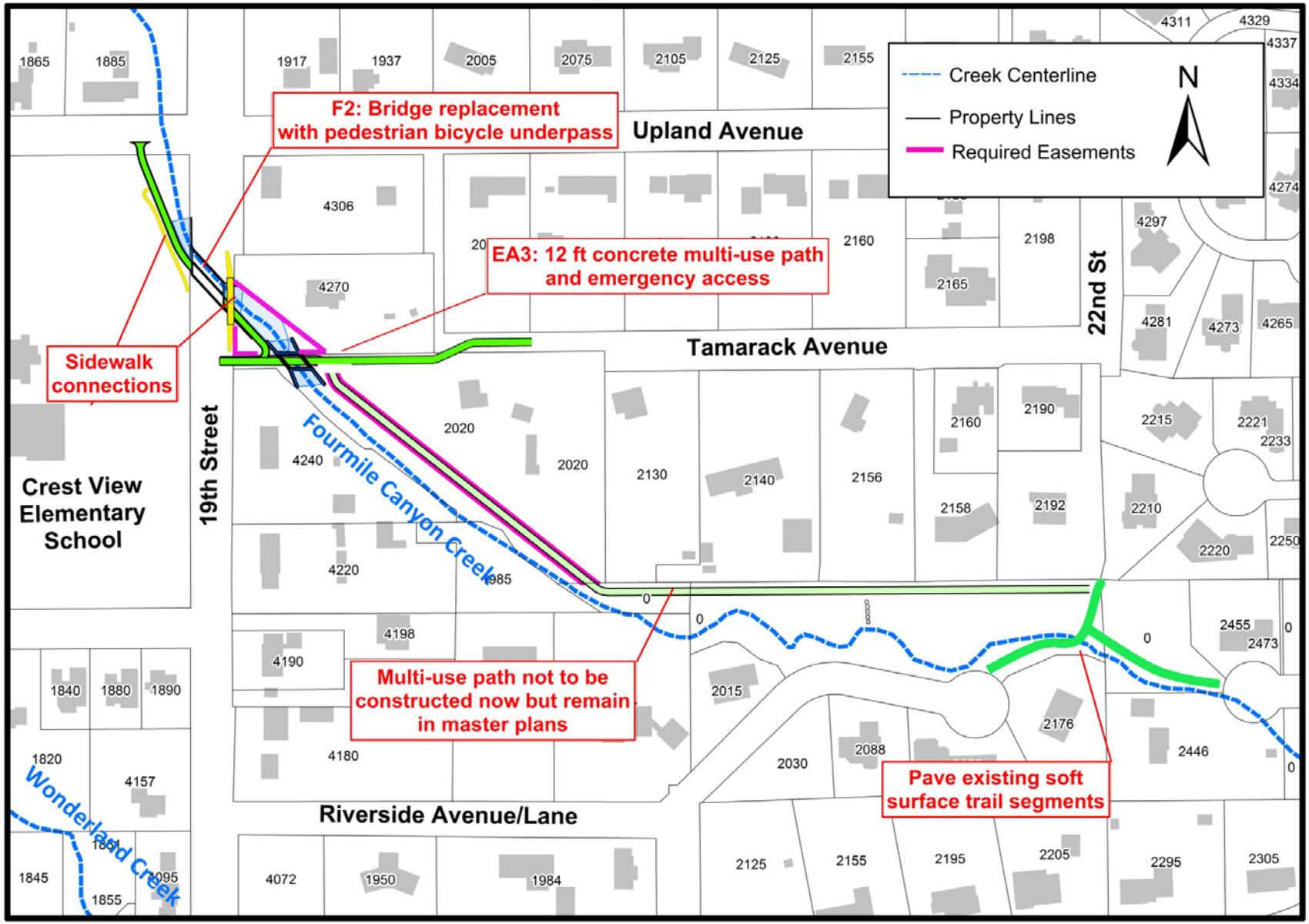
The 10-foot wide concrete path alignment along Fourmile Canyon Creek (EW2a) was originally recommended by staff for the east-west connection. The GAC, however, did not recommend the construction of a multi-use path along Fourmile Canyon Creek at this time, but unanimously (6-0) recommended keeping this multi-use path alignment in city master plans and the North Boulder Subcommunity Plan. During discussion leading to the motion, the GAC suggested that this be the last path segment be constructed and the city should instead work towards constructing path segments further to the west and east of the project area. In addition, the GAC recommended upgrading the current soft surface trail connection between Sumac Avenue and Riverside Lane/22nd Street to concrete and directed the city to pursue easements along Fourmile Canyon Creek for pedestrian/bicycle and habitat mitigation purposes. During discussions leading to the motion, the GAC requested that staff evaluate on-street bicycle and pedestrian routes and provide bike route signage from 26th Street and the Elks Park to Crest View Elementary.

As a result of the GAC motions, the following summarizes the revised staff recommendation for east-west bicycle and pedestrian connections:

- Keep the conceptual alignment of a future multi-use path connection along Fourmile Canyon Creek in the North Boulder Subcommunity Plan and Greenways and Transportation master plans;
- Work to secure the easements required for the Fourmile Canyon Creek path alignment;
- Do not proceed with the design and construction of a multi-use path along Fourmile Canyon Creek between 19th and 22nd Streets at this time, but evaluate other ways to improve bicycle and pedestrian connectivity for Crest View Elementary School students and other people trying to navigate from 26th Street to 19th Street; and
- Upgrade the soft-surface trail segment between Sumac Avenue and Riverside Lane to a concrete multi-use path.

It should be noted that flood and Greenways improvements between Broadway and 19th Street are currently shown in the five year CIP and will be evaluated as a separate CEAP. As a result, construction of the multi-use path along Fourmile Canyon Creek between 19th to 22nd Streets will not be reconsidered in the next five years. The concept-level cost to pave the connection from Sumac Avenue to Riverside Lane and install bike route signs is approximately $28,500.

Figure 5.1: Summary of Recommended Alternatives



6.0 PUBLIC INPUT

Staff conducted an open house on Wednesday, May 11, 2011 at Crest View Elementary School. Thirty seven people attended the meeting and 22 comment sheets were submitted. The following provides a summary of the written comments:

- Ten people identified they lived within the project area and ten lived outside the project area.
- Eight were in favor of the flood improvements and none opposed.
- Ten stated the new crossing should include an underpass and eight stated it should not.
- Ten stated their preference for the Fourmile Canyon Creek path alignment, five preferred the Tamarack alignment and four the Riverside alignment.

The city also received five e-comments following the initial open house. One person stated preference for the Riverside Lane alternative and one for the Fourmile Canyon Creek alignment. Four stated a preference for a pedestrian/bicycle underpass in conjunction with the flood mitigation alternative and one preferred only a bridge. All five people stated they lived inside the project area. **Attachment 3** presents a summary of the comment sheets from the initial open house along with e-comments.

Based on the comments received from the first open house, staff refined the details of the project alternatives, including an evaluation of necessary easements and project costs, and a second open house was conducted on Wednesday, October 26, 2011 at Crest View Elementary School. Twenty four people attended and 22 comment sheets were submitted (**Attachment 4**). The following provides a summary of the written comments:

- Thirteen people identified they lived within the project area and eight lived outside the project area.
- Eighteen stated the flood mitigation alternative should include a pedestrian/bicycle underpass and three stated it should not.
- Twelve people ranked 'status quo' their highest priority for east-west alignments, eight people ranked the Fourmile Canyon Creek alignment as highest and two ranked the Tamarack Avenue alignment highest. The Tamarak Avenue alignment received the greatest number of second ranked priorities with 11.
- Eleven people ranked the east-west alignment to improve access to Tamarack Avenue as their preferred alternative, six ranked the north-south pedestrian / bicycle / secondary emergency access alternative as preferred and two preferred the north-south road alternative.

Staff presented to the Crest View Parent Teacher Organization (PTO) on Monday, November 14, 2011. Thirteen completed comment sheets were submitted. Eleven people ranked the paved Fourmile Canyon Creek alignment their first choice, one person ranked the Riverside alignment first and one ranked the Tamarack alignment first. All 13 were in favor of a pedestrian/bicycle underpass at 19th Street.

Boards displaying project alternatives and comment sheets were also placed in the main hallway of Crest View Elementary School from Oct. 31 through Nov. 14, 2011. The city received 17 completed comments. One person stated a preference for the Riverside east-west alignment

alternative, three the paved Fourmile Canyon Creek alignment, nine the crusher fine Fourmile Canyon Creek alignment, three the Tamarack Avenue alignment and one preferred the status quo. Two people stated a preference for a bridge only for flood mitigation and 13 stated it should include a pedestrian/bicycle underpass. **Attachment 5** presents a summary of the Crest View Elementary School PTO and 'hallway' comments.

Attachment 6 presents a summary of e-comments received following the second Open House (through March 7, 2012).

The Greenways Advisory Committee (GAC), which is made up of one representative from each of the following advisory boards: Parks and Recreation Board, Planning Board, Transportation Board, Water Resources Advisory Board, Environmental Board and Open Space Board of Trustees, conducted a public hearing for the Fourmile Canyon Creek CEAP on Thursday, Feb. 15, 2012. Approximately 30 people presented at the public hearing. An audio recording of the GAC meeting is available at www.Bouldercolorado.gov > City A-Z > G > Greenways Program > Current Greenways Projects and Opportunities > Fourmile Canyon Creek (19th – 22nd Streets) CEAP.

On several occasions throughout the CEAP process, the city project team met with residents that would be directly impacted by proposed project alternatives. Though no one alternative meets the desires of all residents, staff supports the recommended alternatives as being best able to address concerns of affected residents and meet the goals of city Master Plans. In addition, while the property owner of 2020 Upland has expressed no current interest in selling an easement for the east-west Fourmile Canyon Creek multi-use path alignment, the preferred alignment and proposed path connection to improve non-motorized and emergency access to Tamarck Avenue (from the west end of Tamarack Avenue to 19th Street) can serve as an east-west path alignment in the interim and until an easement is secured. Furthermore, based on input from the GAC, staff will focus work plan efforts to complete other missing path links east and west of the project area prior to reconsidering construction of the Fourmile Canyon Creek path alignment. In addition, staff will evaluate other ways to improve bicycle and pedestrian connectivity for Crest View Elementary School students and other people trying to navigate from 26th Street to 19th Street.

On March 14, 2012, the Friends of Fourmile Canyon Creek submitted a response to the draft CEAP. The report, which includes their own survey, is included as **Attachment 7**.

Figure 6.1 presents a graphical summary of public input for the flood mitigation alternatives. **Figure 6.2** presents a graphical summary of public input for alternatives to improve emergency access to Tamarack Avenue. **Figure 6.3** presents a graphical summary of public input for the east-west connection alternatives.

Figure 6.1: Flood Mitigation Alternatives Summary of Public Input

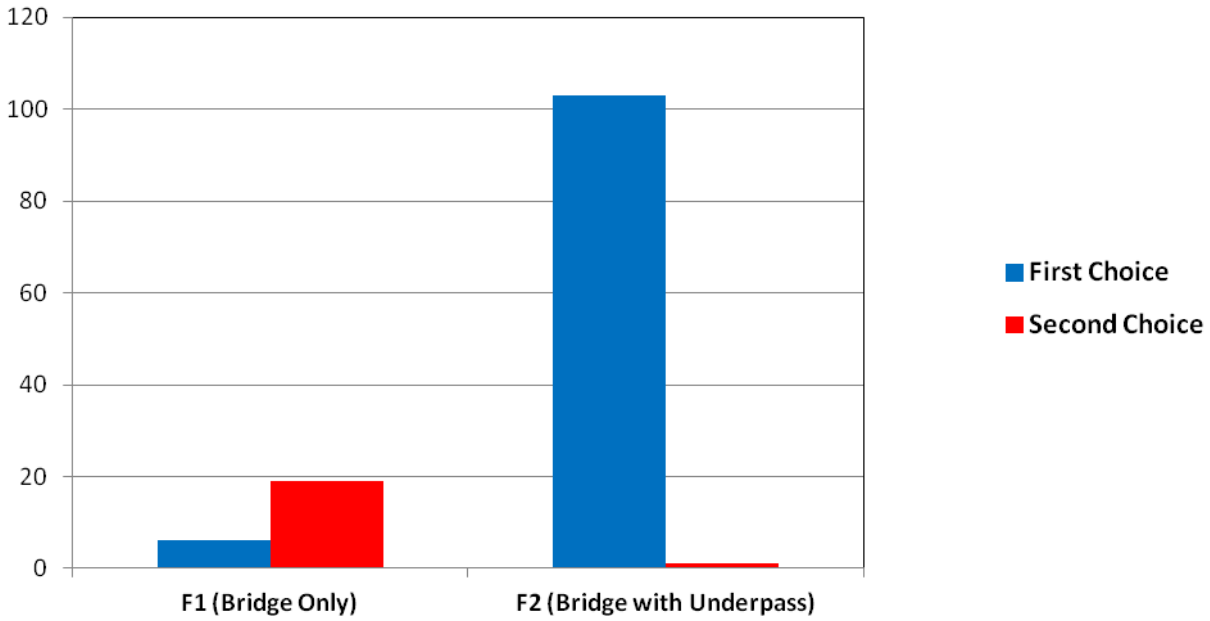


Figure 6.2: Improved Emergency Access to Tamarack Summary of Public Input

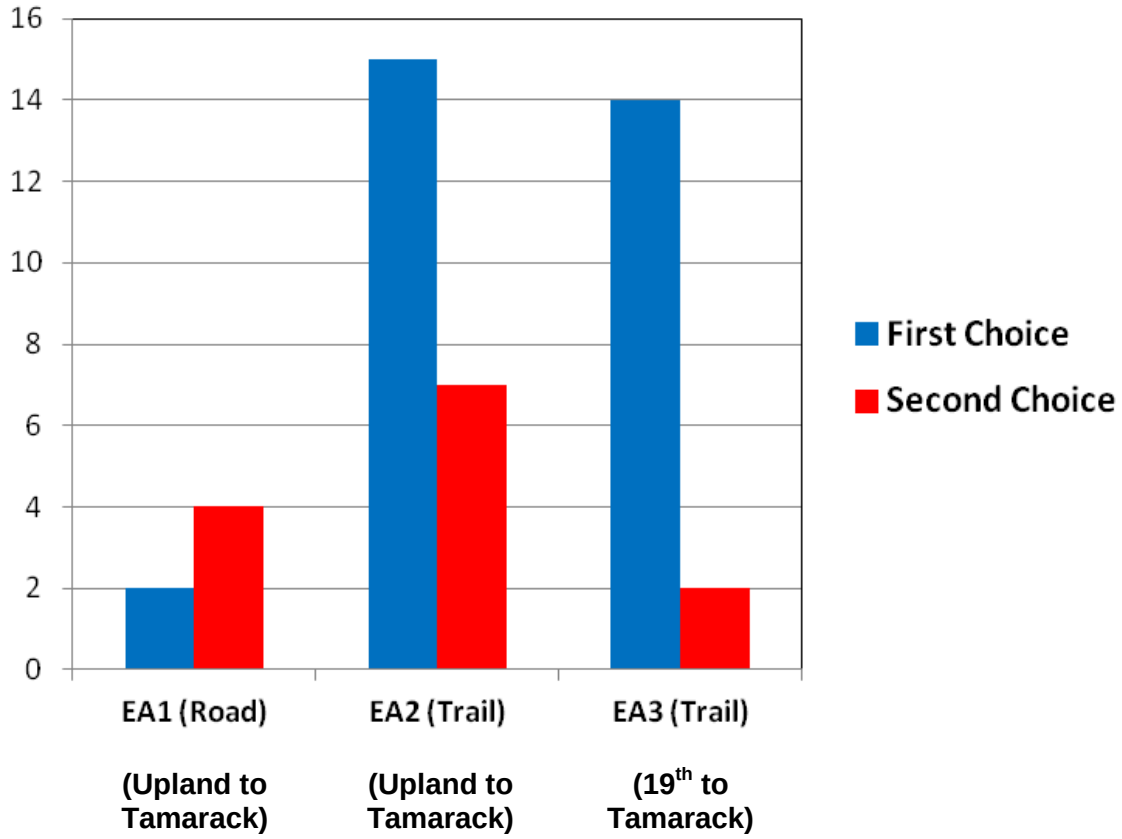
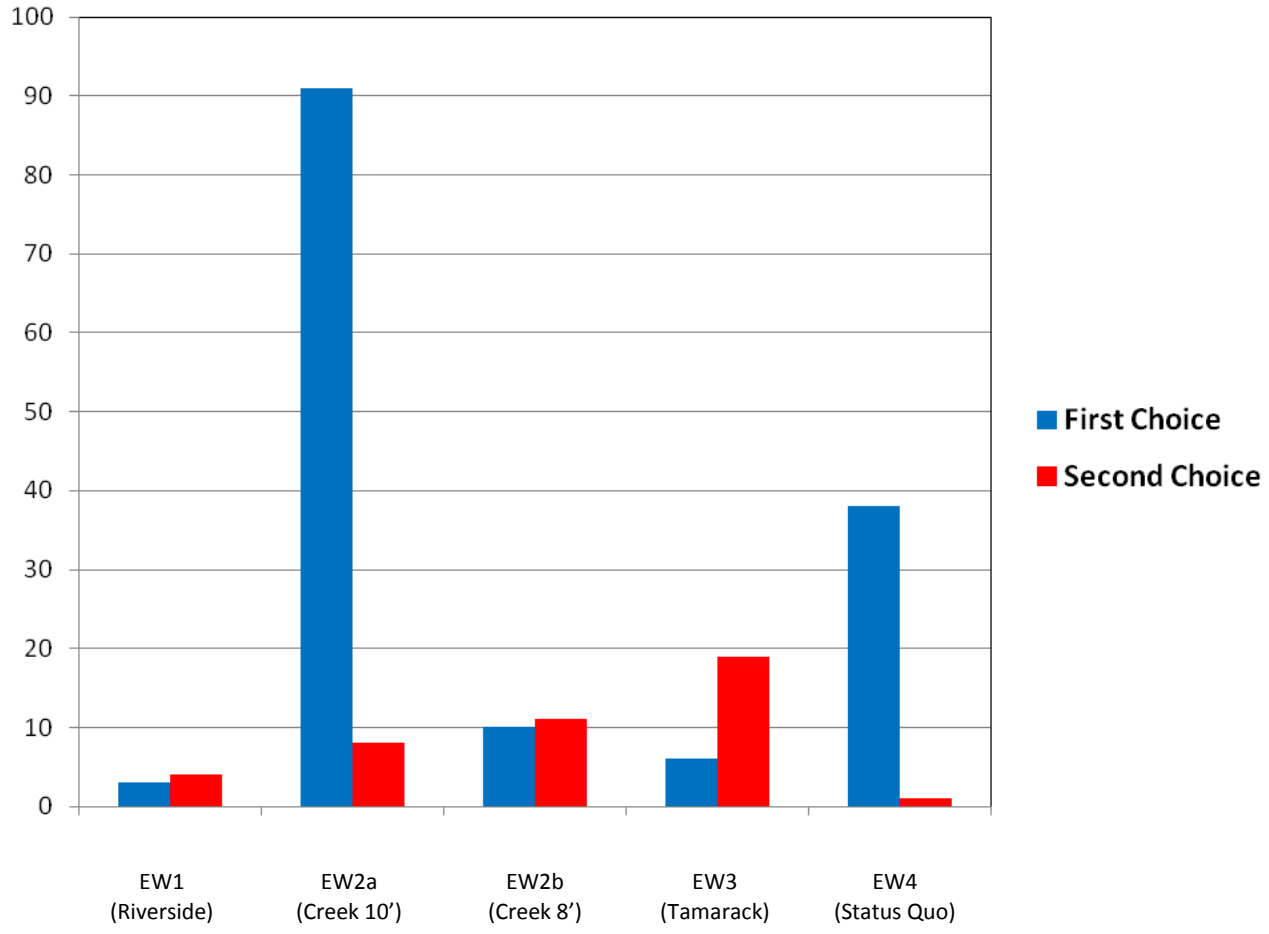


Figure 6.3: East-West Bicycle and Pedestrian Connection Alternatives Summary of Public Input



7.0 STAFF PROJECT MANAGER

The project is managed by Kurt Bauer (Engineering Project Manager) with support from Annie Noble (Greenways Coordinator), Marni Ratzel (Transportation Planner II) and Marie Zuzack (Planner 1).

8.0 OTHER CONSULTANTS OR RELEVANT CONTACTS

The project consultant team lead is the civil engineering firm of Belt Collins West. ERO Resources Corporation is contracted for environmental support.

9.0 GOALS ASSESSMENT

1) Using the Boulder Valley Comprehensive Plan and department master plans, describe the primary city goals and benefits that the project will help to achieve:

   a) Community Sustainability Goals – How does the project improve the quality of economic, environmental and social health with future generations in mind?
   The project's proposed trail component will help to achieve Boulder Valley Comprehensive Plan's Sustainability Framework Policies by working to extend the built environment mobility grid, help create a sustainable urban form, enhance quality of life within the city and reduce greenhouse gas emissions. The proposed flood mitigation component will work to mitigate geologic and natural hazards by reducing the flood hazard at Fourmile Canyon Creek at 19th Street.

   b) BVCP Goals related to:

- Community Design
  The project's proposed trail components match the BVCP Sustainable Urban Form Definition by extending the pedestrian and bike-friendly mobility grid.

- Facilities and Services
  The proposed project includes transportation and flood improvements. These facilities further the BVCP Utility and Parks and Trails policy goals.

- Environment
  The proposed multi-use trail extension will work to reduce greenhouse gas emissions by helping to reduce single occupancy vehicle miles.

- Economy
  This project will help to create a strong and complete transportation system – noted in the BVCP as necessary for a thriving economy - by extending the pedestrian and bicycle trail system.

- Transportation
  Extension of the multi-use trail system as proposed in this project will work to reduce single occupancy auto trips, a goal of the BVCP and the Climate Action Plan.

- Housing
  The proposed trail extension will serve residents in the North Boulder Subcommunity as well as users traveling to Crest View Elementary School and other destinations on foot or by bicycle.

- Social Concerns and Human Services
  Crest View Elementary School is bounded on the south by Wonderland Creek and on the north by Fourmile Canyon Creek. Existing conditions would result in the inability to safely access the school during a major storm event. This project would work to mitigate the flood risk by upgrading the Fourmile Canyon Creek stream crossing at 19th Street. The project would also increase emergency access to Tamarack Avenue and provide a safe pedestrian and bicycle route to Crest View Elementary School.

c) Describe any regional goals (potential benefits or impacts to regional systems or plans?)
This project will work to complete the regional mobility grid by extending the multi-use path system as presented in the North Boulder Subcommunity, Transportation and Greenways Master Plans.

2) Is this project referenced in a master plan, subcommunity or area plan? If so, what is the context in terms of goals, objectives, larger system plans, etc.? If not, why not?
The proposed trail connection is identified in the North Boulder Subcommunity Plan, Transportation Master Plan and the Greenways Master Plan. A key goal of all three plans is to provide and improve pedestrian and bicycle connections where they are needed but currently missing or substandard. The flood mitigation measure proposed with this project is identified as a priority in the Fourmile Canyon Creek and Wonderland Creek Flood Mitigation Final Plan. Completion of this project will fulfill these important plan components.

3) Will this project be in conflict with the goals or policies in any departmental master plan and what are the tradeoffs among city policies and goals in the proposed project alternative? (e.g. higher financial investment to gain better long-term services or fewer environmental impacts)
The recommended project alternatives were developed to be sensitive to the ecology, terrain and privacy of adjacent residents and surroundings. Alternatives will, however, have some environmental and social impact. It is acknowledged that while urban species are tolerant to human presence and the addition of this path connection will not eliminate species, there could be wildlife impacts through the reduction in number of animals as a result of this project. The specific alignment was determined by the project's environmental consultant in an effort to minimize impacts to mature and native riparian vegetation. The project will include enhancement to the riparian habitat through native plantings. In addition, if this path is constructed, the city's Greenways habitat crew would assume maintenance responsibilities, facilitating control of invasive species.

4) List other city projects in the project area that are listed in a departmental master plan or the CIP.

Two additional stream crossings along Fourmile Canyon Creek and one on Wonderland Creek are identified as being a high priority in the Fourmile Creek and Wonderland Creek Flood Mitigation Final Plan. Upgrades to all three stream crossings (located just outside the project area) will allow safe vehicular access to Crest View Elementary School during a major storm event.

5) What are the major city, state and federal standards that will apply to the proposed project? How will the project exceed city, state or federal standards and regulations (e.g. environmental, health, safety or transportation standards)?
The project's trail system will be designed to meet or exceed ADA requirements, meet or exceed city and national standards for the development of bikeway facilities, meet or exceed the city's wetland ordinance requirements, include habitat enhancements, meet or exceed Urban Drainage and Flood Control District standards and comply with all required city, state and federal permits.

6) Are there cumulative impacts to any resources from this and other projects that need to be recognized and mitigated?
The project will result in temporary impacts to water bodies regulated by the city and habitat during construction that will be fully mitigated based on compliance with the city's wetland ordinance.

10.0 IMPACT ASSESSMENT

The following checklists table identifies potential short and long-term impacts from the project alternatives.

++ indicates a high positive effect or improved condition
+ indicates a positive effect or improved condition
- indicates a negative effect or impact
-- indicates a high negative effect or impact
O indicates no effect

Checklist questions are answered following each table for all categories identified as having a potential + or - impact. The preferred alternative components are highlighted in yellow. Individual alternatives were ranked against each other in the following table. It should be noted that EW4 (Status Quo) alternative is not included in the table as no impacts would be realized. It should further be noted that EW2 sub-alternatives 'a' and 'b' have been combined as the impacts were considered similar. For example, each of the east-west trail alignment alternatives was evaluated against each other to determine the relative impact ranking.

Project Title: Fourmile Canyon Creek 19th-22nd Streets Project	**Alternatives**							
	Flood Mitigation		East-West Connections			Access to Tamarack		
	F1 (Bridge Only)	F2 (Underpass)	EW1 (Riverside)	EW2a/b (Creek)	EW3 (Tamarack)	NS1 (Road)	NS2 (Trail)	EW1 (19th to Tamarack)
A. Natural Areas or Features								
a. Construction activities	-	--	O	--	-	O	O	-
b. Native vegetation removal	-	--	O	--	-	O	O	-
c. Human or domestic animal encroachment	O	-	O	--	-	O	O	-
d. Chemicals (including petroleum products, fertilizers, pesticides, herbicides)	O	O	O	O	O	O	O	O
e. Behavioral displacement of wildlife species (due to noise from use activities)	O	-	O	--	-	O	O	-
f. Habitat removal	-	--	O	--	-	O	O	-
g. Introduction of non-native plant species in the site landscaping	O	O	O	O	O	O	O	O
h. Changes to groundwater or surface runoff	O	O	O	O	O	O	O	O
i. Wind erosion	O	O	O	O	O	O	O	O
2. Loss of mature trees or significant plants?	-	--	O	-	O	O	O	O
B. Riparian Areas / Floodplain								
1. Encroachment upon the 100-year, conveyance or high hazard flood zones?	O	O	O	O	O	O	O	O
2. Disturbance to or fragmentation of a riparian corridor?	-	-	O	-	O	O	O	O
C. Wetlands								
1. Disturbance to or loss of a wetland on site?	-	-	O	-	O	O	O	-
D. Geology and Soils								

Project Title: Fourmile Canyon Creek 19th-22nd Streets Project	Alternatives							
	Flood Mitigation		East-West Connections			Access to Tamarack		
	F1 (Bridge Only)	F2 (Underpass)	EW1 (Riverside)	EW2a/b (Creek)	EW3 (Tamarack)	NS1 (Road)	NS2 (Trail)	EW1 (19th to Tamarack)
1. a. Impacts to unique geological or physical features?	O	O	O	O	O	O	O	O
b. Geological development constraints?	O	O	O	O	O	O	O	O
c. Substantial changes in topography?	O	O	O	O	O	O	O	O
d. Changes in soil or fill materials on the site?	O	O	O	O	O	O	O	O
e. Phasing of earth work?	O	O	O	O	O	O	O	O
E. Water Quality								
1. Impacts to water quality from any of the following?								
a. Clearing, excavation, grading or other construction activities	-	--	-	--	-	--	-	-
b. Change in hardscape	-	--	-	--	-	--	-	-
c. Change in site ground features	O	O	O	O	O	O	O	O
d. change in storm drainage	+	+	O	O	O	O	O	O
e. change in vegetation	-	--	-	--	-	-	-	-
f. change in pedestrian and vehicle traffic	O	-	O	--	O	-	O	O
g. pollutants	O	O	O	O	O	O	O	O
2. Exposure of groundwater contamination from excavation or pumping?	-	-	O	O	O	O	O	O
F. Air Quality								
a. From mobile sources?	O	+	+	+	+	O	+	+
b. From stationary sources?	O	O	O	O	O	O	O	O
G. Resource Conservation								
1. Changes in water use?	O	O	O	O	O	O	O	O
2. Increases or decreases in energy use?	O	+	+	+	+	+	+	+
3. Generation of excess waste?	O	O	O	O	O	O	O	O
H. Cultural / Historic Resources								
1. a. Impacts to a prehistoric or archaeological site?	O	O	O	O	O	O	O	O
b. Impacts to a building or structure over fifty years of age?	O	O	O	O	O	O	O	O
c. impacts to a historic feature of the site?	O	O	O	O	O	O	O	O
d. Impacts to significant agricultural land?	O	O	O	O	O	O	O	O
I. Visual Quality								
1. a. Effects on scenic vistas or public views?	O	O	O	O	O	O	O	O
b. Effects on the aesthetics of a site open to public view?	O	O	O	O	O	O	O	O
c. Effects on views to unique geological or physical features?	O	O	O	O	O	O	O	O
D. Changes in lighting?	O	O	O	O	O	O	O	O
J. Safety								
1. Health hazards, odors or radon?	O	O	O	O	O	O	O	O
2. Disposal of hazardous materials?	O	O	O	O	O	O	O	O

Project Title: Fourmile Canyon Creek 19th-22nd Streets Project	Alternatives							
	Flood Mitigation		East-West Connections			Access to Tamarack		
	F1 (Bridge Only)	F2 (Underpass)	EW1 (Riverside)	EW2a/b (Creek)	EW3 (Tamarack)	NS1 (Road)	NS2 (Trail)	EW1 (19th to Tamarack)
3. Site hazards?	+	++	+	++	+	+	++	++
K. Physiological Well-being								
1. Exposure to excessive noise?	O	O	O	O	O	O	O	O
2. Excessive light or glare?	O	O	O	O	O	O	O	O
3. Increase in vibrations?	O	O	O	O	O	-	O	O
L. Services								
1. Additional need for:								
a. Water or sanitary sewer services?	O	O	O	O	O	O	O	O
b. Storm sewer / flood control features?	+	+	O	O	O	O	O	O
c. Maintenance of pipes, culverts and manholes?	+	+	O	O	O	O	O	O
d. Police services?	O	O	O	O	O	O	O	O
e. Fire protection services?	O	O	O	O	O	++	+	+
f. Recreation or parks facilities?	O	O	O	+	O	O	O	O
g. Library services?	O	O	O	O	O	O	O	O
h. Transportation improvements / traffic mitigation?	+	++	+	++	+	+	+	+
i. Parking	O	O	O	O	O	O	O	O
j. Affordable housing?	O	O	O	O	O	O	O	O
k. Open space / urban open land?	O	O	O	O	O	O	O	O
l. Power or energy use?	O	+	+	+	+	+	+	+
m. Telecommunications?	O	O	O	O	O	O	O	O
n. Health care / social services?	O	O	O	O	O	O	O	O
o. Trash removal or recycling services?	O	O	O	O	O	O	O	O
M. Special Populations								
1. Effects on:								
a. Persons with disabilities?	+	++	+	++	+	+	+	+
b. Senior population?	+	++	+	++	+	+	+	+
c. Children or youth?	+	++	+	++	+	+	+	+
d. Restricted income persons	+	+	+	+	+	+	+	+
e. People of diverse backgrounds (including Latino and other immigrants)?	+	+	+	+	+	+	+	+
f. Neighborhoods	+	+	+	+	+	+	+	+
g. Sensitive populations located near the project (e.g. schools, hospitals and nursing homes)?	+	+	+	+	+	+	+	+
N. Economy								
1. Utilization of existing infrastructure?	O	O	O	O	O	O	O	O
2. Effect on operating expenses?	+	+	-	-	-	-	-	-
3. Effect on economic activity?	O	O	O	O	O	O	O	O
4. Impacts to businesses, employment, retail sales or city revenue?	O	O	O	O	O	O	O	O

11.0 CHECK LIST QUESTIONS

Note: The following questions are a supplement to the CEAP checklist. Only checklist items having a – or + anticipated impact have questions answered in full.

A. Natural Areas

1. Describe the potential for disturbance to or loss of significant: species, plant communities, wildlife habitats, or ecosystems via any of the activities listed below (significant species include any species listed or proposed to be listed as rare, threatened or endangered on federal, state or county lists) – See below
a. Construction activities
b. Native vegetation removal
c. Human or domestic animal encroachment
d. Chemicals to be stored or used on the site (including petroleum products, fertilizers, pesticides, herbicides)
e. Behavioral displacement of wildlife species (due to noise from use activities)
f. Introduction of non-native plant species in the site landscaping
g. Changes to groundwater (including installation of sump pumps) or surface runoff (storm drainage, natural stream) on the site
h. Potential for discharge of sediment to any body of water either in the short term (construction-related) or long term
i. Potential for wind erosion and transport of dust and sediment from the site

2. Describe the potential for disturbance to or loss of mature trees or significant plants. – See below

If the potential impacts have been identified, please provide any of the following information that is relevant to the project:

- A description of how the proposed project would avoid, minimize or mitigate identified impacts
- A habitat assessment of the site, including: 1) a list of plant and animal species and plant communities of special concern found on the site; 2) a wildlife habitat evaluation of the site
- Map of the site showing the location of any Boulder Valley Natural Ecosystem, Boulder County Environmental Conservation Area, or critical wildlife habitat – Not Applicable

A comprehensive Greenways Riparian Habitat Assessment was completed in 1999 as part of the Greenways Master Plan. The riparian habitat was evaluated based on the quality of vegetation (native or non-native), the vegetative structure and the quality of the habitat based on the presence of bird species. Each stream reach was rated for each of these criteria, with a rating of very poor to excellent. Fourmile Canyon Creek along the proposed project reach received the following ratings:

- Vegetative Structure: Very good
- Native Plant Habitat: Good
- Bird Habitat: Poor to good

The aquatic habitat within the Greenways system was evaluated in a separate study and was rated on a scale of poor to excellent. Fourmile Canyon Creek along the proposed project reach rated marginal.

The Greenways Master Plan also ranked each of the six Greenways objectives for each stream reach for the purpose of balancing conflicting interests at the time a project is being undertaken. Each objective was given a low to high rank based on specific criteria outlined in the Master Plan. Fourmile Canyon Creek along the proposed project reach received the following rankings:

- Habitat: Medium
- Water Quality: Medium
- Transportation: High
- Recreation: High
- Flood: High

The inventory states a trail connection along Fourmile Canyon Creek as an opportunity.

The following provides a summary of findings from a site visit conducted by ERO Resources, Corp. on August 24, 2011 (**Attachment 1**). The Fourmile Canyon Creek riparian corridor provides habitat for a variety of wildlife. Riparian corridors are particularly important in urban areas where they are often used as movement corridors for larger mammals such as deer and for nesting by songbirds and raptors. Species that use riparian corridors in developed areas are typically common species tolerant of human encroachment. As a result, although diverse, most plant and wildlife species in urban riparian areas are not unique or uncommon.

Based on a review of background information, the site visit, and professional experience, ERO determined that significant natural resources that would make the project infeasible are not likely to be present in the study area. There is no suitable habitat for federally listed threatened or endangered species. Although there is suitable nesting substrate and residents report the presence of nesting owls, no raptor nests were observed in the study area. It is likely that one or more nests were present but obscured from view by leaves. Because Fourmile Canyon Creek is ephemeral, there are virtually no wetlands in the study area and the lateral extent of riparian trees and shrubs is limited due to encroachment.

The city's proposed project would not affect any unique or significant natural resources, but there would be impacts to regulated resources including Fourmile Canyon Creek and its riparian areas. The impacts would be addressed through the Clean Water Act Section 404 and City of Boulder Wetland permitting processes. In the event an active nest is present, the city would comply with the MBTA.

a. Construction Activities

The Fourmile Canyon Creek multi-use path alignment alternatives (EW2a and EW2b) and the flood mitigation alternatives involve construction activities in and around Fourmile Canyon Creek. The construction crew will be required to implement Construction Best Management Practices that would be defined in a Storm Water Management Plan in accordance with a Colorado Department of Public Health and Environment Colorado Stormwater Discharge Permit. Some impacts during construction, however, will be unavoidable.

b. Native Vegetation
Flood mitigation measures and the Fourmile Canyon Creek trail alignment would require removing native vegetation. Only native vegetation will be used in site landscaping and revegetation. The Fourmile Canyon Creek trail alignment would help facilitate control of invasive species by the Greenways Habitat Maintenance Crew.

c. Human or domestic animal encroachment
The project is located in an urbanized area. Increased use by humans or domestic animals is not anticipated to permanently impact the wildlife that currently inhabits the area (see **Attachment 1** Environmental Assessment Report).

d. Chemicals
No project alternative would include the use of chemicals beyond those used during construction. A Stormwater Management plan is required for construction permitting and will include measures to control chemical spills.

e. Wildlife Displacement
Construction activities will likely limit the use of the area by species. It is anticipated that these species will return to the area following the construction period (see **Attachment 1** Environmental Assessment Report).

f. Habitat Removal
The project will temporarily remove habitat during construction. Hardscape features such as the concrete or crusher fine trail along Fourmile Canyon Creek would permanently eliminate some habitat. Native vegetation would be used for site landscaping and the Fourmile Canyon Creek trail alignment would help facilitate control of invasive species by the Greenways Habitat Maintenance Crew. It is therefore anticipated that overall, habitat would therefore be enhanced by the project.

g. Introduction on Non-Native Species
The project would landscape with native species. Invasive species are located within the Fourmile Canyon Creek riparian corridor. The Fourmile Canyon Creek trail alignment project would help facilitate Greenways Habitat maintenance to remove noxious and weed species and foster healthy native species.

h. Changes in Groundwater or Surface Water – No impacts

i. Wind Erosion – No impacts

2. Loss of Mature Trees or Significant Plants
The proposed flood mitigation measures would require removing native vegetation and some trees. Only native vegetation will be used in site landscaping and trees would be planted to replace any losses. There are no known sensitive species in the project corridor (see **Attachment 1** Environmental Assessment Report).

B. Riparian Areas / Floodplains
1. Describe the extent to which the project will encroach upon the 100-year, conveyance or high hazard flood zones – See below

2. Describe the extent to which the project will encroach upon, disturb, or fragment a riparian corridor (this includes impacts to the existing channel of flow, stream banks, adjacent riparian zone extending 50 feet out from each bank, and any existing drainage from the site to a creek or stream) – See below

If potential impacts have been identified, please provide any of the following information that is relevant to the project:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts to habitat, vegetation, aquatic life or water quality
- A map showing the location of any streams, ditches and other water bodies on or near the project site
- A map showing the location of the 100-year flood, conveyance, and high hazard flood zones relative to the project site

Crest View Elementary School is located at the northwest corner of 19th Street and Sumac Avenue. During a 100-year storm event, flooding would prohibit safe vehicular access to Crest View Elementary School. In 2009, the city completed a flood mitigation study for Fourmile Canyon Creek and Wonderland Creek. City Council stated the importance of flood improvements at Crest View Elementary school to provide safe vehicular access during a major storm event. **Figure 2.4** presents the existing floodplain conditions. The proposed flood mitigation alternatives at 19th Street and Fourmile Canyon Creek would work towards the goal of providing safe vehicular access to Crest View Elementary School. **Figure 3.8** presents estimated post-project shallow flooding and 100-year floodplain limits. Full mitigation will require future upgrades to existing crossings of Fourmile Canyon Creek at Violet Avenue, Upland Avenue and 19th Street along with 19th Street at Wonderland Creek. Construction of project elements located within the wetlands buffer would be fully mitigated based on the City of Boulder's wetland permit.

C. Wetlands
1. Describe any disturbance to or loss of a wetland on site that may result from the project. – See below

If potential impacts have been identified, please provide any of the following information that is relevant to the project:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts.
- A map showing the location of any wetlands on or near the site. Identify both those wetlands and buffer areas which are jurisdictional under city code (on the wetlands map in our ordinance) and other wetlands pursuant to federal criteria (definitional).

Figure 3.1 presents the project alternatives in relationship to wetland bounds. The proposed flood mitigation alternatives and the 19th Street to Tamarack alternative to provide emergency access to Tamarack Avenue (EW1) would directly impact the wetlands. A portion of the Fourmile Canyon Creek trail alignments (EW2) would be located within the outer 25 foot

wetlands buffer zone. Work and corresponding mitigation would be done in compliance with the city's wetland permit requirements.

D. Geology and Soils

1. Describe any:

a. impacts to unique geologic or physical features – No impacts

b. geologic development constraints or effects to earth conditions or landslide, erosion or subsidence – No impacts

c. substantial changes in topography – No impacts

d. changes in soil or fill material on the site that may result from the project – No impacts

e. Phasing of earth work – No impacts

If potential impacts have been identified, please provide any of the following information that is relevant to the project:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts.
- A map showing the location of any unique geologic or physical features, or hazardous soil or geologic conditions on the site.

E. Water Quality

1. Describe any impacts to water quality that may result from any of the following:

a. Clearing, excavation, grading or other construction activities that will be involved with the project – Construction of the proposed flood mitigation features will require excavation and grading within the creek. This work will be done in accordance with construction site best management practices developed specifically for the project and documented in a storm water management plan as required for a Colorado Department of Public Health and Environment Colorado Stormwater Discharge Permit.

b. Changes in the amount of hardscape (paving, concrete, brick, or buildings) in the project area – Connection alternatives Fourmile Canyon Creek multi-use trail alternative (EW2a), Tamarack (EW3) and the increased access to Tamarack Avenue alternatives NS1, NS2 and EW1 include construction of concrete trail segments. Runoff from the connection alternatives EW2 and EW3 would be routed to pervious surfaces prior to discharge to Fourmile Canyon Creek.

c. Permanent changes in site ground features such as paved areas or changes in topography – Connection alternatives Fourmile Canyon Creek multi-use trail alternative (EW2a), Tamarack (EW3) and the increased access to Tamarack Avenue alternatives NS1, NS2 and EW1 include construction of concrete trail segments.

d. Changes in the storm drainage from the site after project completion – The proposed flood mitigation alternatives would work to mitigate flood risk in the area (three additional existing creek crossings will need to be updated to fully provide safe vehicular access to Crest View Elementary School during a major storm event).

e. Change in vegetation – The project will disrupt / remove vegetation during construction. The project landscaping will use native plantings.

f. Change in pedestrian and vehicle traffic – The project includes alternatives to extend the multi-use path system or provide sidewalks that will encourage alternative modes of transportation and therefore help to decrease vehicle traffic. The flood mitigation alternatives will work to provide safe vehicular access to Crest View Elementary School during a major storm event.

g. Potential pollution sources during and after construction (may include temporary or permanent use or storage of petroleum products, fertilizers, pesticides or herbicides) – Construction of the project features would require heavy equipment with associated petro-chemicals. Source control of these chemicals would be included in the project storm water management plan construction site best management practices.

2. Describe any pumping of groundwater that may be anticipated either during construction or as a result of the project. If excavation or pumping is planned, what is known about groundwater contamination in the surrounding area (1/4 mile radius of the project) and the direction of groundwater flow? – See below

If any potential impacts have been identified, please provide any of the following that is relevant to the project:

- A description of how the proposed project would avoid, minimize, or mitigate impacts to water quality
- Information from city water quality files and other sources (state oil inspector or the CDPHE) on sites with soil and groundwater impacts within 1/4 mile radius of the project
- Groundwater levels from borings or temporary peizometers prior to proposed dewatering or installation of drainage structures

Construction of the flood mitigation measures would require excavation and groundwater will likely be encountered. It is therefore likely that the work will be conducted based on requirements of a Colorado Department of Public Health and Environment Colorado Construction Dewatering Permit and a City of Boulder construction dewatering discharge agreement. There are no known groundwater contaminant sources within a ¼ mile of the project locations where excavation will be required.

F. Air Quality

1. Describe potential short or long term impacts to air quality resulting from this project. Distinguish between impacts from mobile sources (VMT/trips) and stationary sources (APEN, HAPS).

Construction of the project will result in temporary increases in emissions. The trail components of the project will, however, encourage use of alternative transportation modes and therefore help to reduce overall city emissions. The project will not result in any stationary air quality impacts.

G. Resource Conservation

1. Describe potential changes in water use that may result from the project.

a. Estimate the indoor, outdoor (irrigation) and total daily water use for the facility – No impacts

b. Describe plans for minimizing water use on the site (Xeriscape landscaping, efficient irrigation system) – No impacts

2. Describe potential increases or decreases in energy use that may result from the project.

a. Describe plans for minimizing energy use on the project or how energy conservation measures will be incorporated into the building design

The trail components of the project will facilitate use of alternative transportation modes and therefore help to reduce overall city emissions. The project will not result in any stationary air quality impacts.

b. Describe plans for using renewable energy sources on the project or how renewable energy sources will be incorporated into the building design – No impacts

c. Describe how the project will be built to LEED standards – No impacts

3. Describe the potential for excess waste generation resulting from the project. If potential impacts to waste generation have been identified, please describe plans for recycling and waste minimization (deconstruction, reuse, recycling, green points). – No impacts

H. Cultural / Historic Resources

1. Describe any impacts to:

a. a prehistoric or historic archaeological site – No impacts

b. a building or structure over fifty years of age – No impacts

c. a historic feature of the site such as an irrigation ditch – No impacts

d. significant agricultural lands that may result from the project – No impacts

If any potential impacts have been identified, please provide the following:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts.

I. Visual Quality

1. Describe the effects on:

a. scenic vistas or views open to the public – No impacts

b. the aesthetics of a site open to public view – No impacts

c. view corridors from the site to unique geologic or physical features that may result from the project – No impacts

d. changes in lighting – No impacts

J. Safety

1. Describe any additional health hazards, odors or exposure of people to radon that may result from the project – No impacts

2. Describe measures for the disposal of hazardous materials – No impacts

3. Describe any additional hazards that may result from the project (including risk of explosion or the release of hazardous substances such as oil, pesticides, chemicals or radiation) – See Below

If potential impacts have been identified, please provide the following:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts during or after site construction through management of hazardous materials or application of safety precautions.

The proposed flood mitigation alternatives would work towards providing safe vehicular access to Crest View Elementary School during a major storm event. The east-west trail alternatives would provide a safer way for school children and trail users than is currently available. Upland Avenue is currently the only way to provide emergency access to Tamarack Avenue. The increased access to Tamarack Avenue alternatives would provide a second primary or secondary emergency access route to Tamarack Avenue.

K. Physiological Well-being
1. Describe the potential for exposure of people to excessive noise, light or glare caused by any phase of the project (construction or operations) – See below
2. Describe any increase in vibrations or odor that may result from the project – See below

If potential impacts have been identified, please provide the following:

- A description of how the project would avoid, minimize or mitigate identified impacts

The project would result in increased vibrations and noise during construction. This disruption would be minimized by conducting construction only during weekdays during normal business hours. The primary emergency access alternative (NS1) would increase noise from traffic to adjacent parcels 2010 and 4306 Upland and 4270 19th Street.

L. Services
1. Describe any increased need for the following services as a result of the project:

a. Water or sanitary sewer services – No impacts
b. Storm sewer / flood control features
The project flood mitigation measures would work towards providing safe vehicular access to Crest View Elementary School.
c. Maintenance of pipes, culverts and manholes
The proposed project flood mitigation infrastructure will require period maintenance. This maintenance cost is shared with the Urban Drainage and Flood Control District.
d. Police services – The project flood mitigation measures would work towards providing safe vehicular access to Crest View Elementary School. The alternatives to provide increased access to Tamarack Avenue would provide a second primary or secondary emergency access route to Tamarack Avenue.
e. Fire protection – The project flood mitigation measures would work towards providing safe vehicular access to Crest View Elementary School. The alternatives to provide increased access to Tamarack Avenue would provide a second primary or secondary emergency access route to Tamarack Avenue.
f. Recreation or parks facilities – The east-west Fourmile Canyon Creek multi-use trail alternative (EW2) would provide recreational opportunities
g. Libraries – No impacts
h. Transportation improvements / traffic mitigation – The trail and sidewalk alternatives may increase the amount of alternative transportation miles and therefore decrease the maintenance requirements on existing roadways (though the recommended trail alignment will require city maintenance).
i. Parking – The east-west Riverside Lane alternative (EW1) would eliminate some on street parking.
j. Affordable housing – No impacts
k. Open space / urban open land – No impacts

l. Power or energy use – The trail and sidewalk alternatives may increase the amount of alternative transportation miles and therefore decrease the use of oil and gas.
m. Telecommunications – No impacts
n. Health care / social services – No impacts
o. Trash removal or recycling services – No impacts

2. Describe any impacts to any of the above existing or planned city services or department master plans as a result of this project (e.g. budget, available parking, planned use of the site, public access, automobile / pedestrian conflicts, views) – The Fourmile Canyon Creek multi-use trail alignment (EW2) is shown in the North Boulder Subcommunity Plan, the Transportation Master Plan and the Greenways Master Plan. The secondary road (NS1) increased access to Tamarack Avenue alignment is shown in the North Boulder Subcommunity Plan. Selection of alternative alignments from these shown in the plans will require plan amendments.

M. Special Populations
1. Describe any effects the project may have on the following special populations:
a. Persons with disabilities – See below
b. Senior populations – See below
c. Children or youth – See below
d. Restricted income persons – See below
e. People of diverse backgrounds – See below
f. Sensitive populations located near the project (e.g. adjacent neighborhoods or property owners, schools, hospitals, nursing homes) – See below

If potential impacts have been identified, please provide the following:

- A description of how the proposed project would avoid, minimize, or mitigate identified impact
- A description of how the proposed project would benefit special populations

All proposed project connection alternatives would provide a safer pedestrian and bicycle route than is currently available. The flood mitigation alternative that includes an underpass at 19th (F2) would provide a safe way to cross 19th Street.

N. Economic Vitality
1. Use of existing infrastructure – No impacts
2. Effect on operating expenses - The proposed project flood mitigation infrastructure will require period maintenance. This maintenance cost is shared with the Urban Drainage and Flood Control District. The alternatives that include multi-use trail segments will require snow removal by the city (sidewalk snow removal would be the responsibility of the property owner)

3. Describe how the project will enhance economic activity in the city or region or generate economic opportunities. – No impacts

4. Describe any potential impacts to:
a. businesses in the vicinity of the project (ROW, access or parking) – No impacts
b. employment – No impacts
c. retail sales or city revenue and how they might be mitigated – No impacts

ATTACHMENT 1

ERO RESOURCES ENVIRONMENTAL EVALUATION MEMORANDUM

ERO Resources Corp.

October 10, 2011

To: Kurt Bauer, City of Boulder
Annie Noble, City of Boulder
David Love – Belt Collins

From: Mary L. Powell

Re: Review of 19th St. to 22nd St. Trail and Flood Improvements for Natural Resource "Red Flags"

Background

The City of Boulder is proposing flood control and recreation trail improvements along Fourmile Canyon Creek between 19th Street and 22nd Street. On August 24, 2011 ERO Resources Corp. (ERO) assessed the area within which project alternatives are proposed for the presence of significant natural resources that could make the current project concepts difficult or infeasible to implement. Potential significant natural resources include habitat for threatened or endangered species, raptor nests, unique wetlands or other sensitive vegetation communities, and use by regulated wildlife such as black-tailed prairie dog.

General Description of Study Area

The study area is generally bounded by 19th Street, Upland Avenue, 22nd Street, and Riverside Lane and Avenue. Tamarak Avenue extends east from 22nd Street to about ¾ of the way between 22nd Street and 19th Street. Fourmile Canyon Creek flows from northwest to southeast through the site.

Through most of the project area, Fourmile Canyon Creek flows through areas with large-lot residential development. The sizes of the residential lots vary from around 0.75 to 1.25 acres. The houses along Upland Avenue are generally close to the street, while the others are set back from streets. The creek and its floodplain have been encroached upon by the development and the creek appears to have been channelized along most of its length.

Currently, Fourmile Canyon Creek is incised and isolated from its floodplain in most of the study area. The channel bottom is formed of varies sizes of cobble and rock with interstitial sands and gravel. At the east end of the study area, the channel is not as deeply incised and has access to narrow floodplain terraces. Fourmile Canyon Creek is an ephemeral to intermittent stream that conveys large volumes of water following precipitation events. Small base flows may be present during spring runoff. The creek was not flowing during the site visit.

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Consultants in
Natural Resources
and the Environment

Vegetation in the study area is dominated by a plains cottonwood (*Populus deltoides*) riparian community. In addition to plains cottonwood, the tree overstory includes Siberian elm (*Ulmus pumila*), peachleaf willow (*Salix amygdaloides*), crack willow (*Salix fragilis*), and box elder (*Acer negundo*). Areas without a dense tree overstory are dominated by introduced upland grasses, particularly crested wheatgrass (*Agropyron cristatum*) and smooth brome (*Bromus inermis*).

The Natural Resource Conservation Service has mapped soils in the study area as Nederland very cobbly sandy loam. This soil type is derived from cobbly loamy alluvium and is well drained.

Study Area by Alternative Alignment

Each alignment alternative was assessed for natural resources to gather information that will aid in identifying potential impacts for each alternative.

19th Street

Vegetation along 19th Street is dominated by Siberian elm and introduced species such as smooth brome, crested wheatgrass, and chicory (*Cichorium intybus*). The parcel of property south of Fourmile Canyon Creek adjacent to 19th Street is dominated by crested wheatgrass and bindweed (*Convolvulus arvensis*). Because it is dominated by introduced upland species, this area provides only limited habitat value for small birds and mammals. West of the 19th Street bridge, the Fourmile Canyon Creek riparian community has been encroached upon by 19th Street, the school recreation field, and a multipurpose path. In addition to several Siberian elms and cottonwood, sandbar willow (*Salix exigua*) provide shrub cover along the creek.

In general, habitat along 19th Street is of low value to wildlife. It is likely that small songbirds nest in the trees lining the street, but there are no sensitive plant communities or habitat that would support threatened or endangered species.

Riverside Lane and Avenue

For the most part, vegetation along Riverside Avenue and Riverside Lane is dominated by maintained landscaping and mowed turfgrass. At the east end of Riverside Lane, near the cul-de-sac, the road parallels the Fourmile Canyon Creek riparian community and there are a number of Siberian elm and cottonwood trees adjacent to the road.

The riparian community along Riverside Lane provides the only well-developed wildlife habitat in this alignment. Small songbirds are present and likely nest in the area. Deer, fox, and raccoon may move through this area, but are more likely to use the wider riparian corridor north of Fourmile Canyon Creek at this reach.

Upland Avenue and 22nd Street

Residential lots line all of Upland Avenue and 22nd Street. Along Upland Avenue, the homes are close to the road and most of the lots are mowed turfgrass. Scattered Siberian elm, cottonwood, and conifers are clustered near the homes. The homes along 22nd Street tend to be larger and are situated more centrally on the lots.

The presence of homes and human activity limits the value of habitat along these routes. Songbirds and small mammals such as mice and fox squirrels (*Sciurus niger*) make use of this habitat.

Tamarak Avenue

Tamarak Avenue extends from 22nd Street and terminates about 340 feet from 19th Street. Along the street, conditions are similar to those along Upland Avenue and 22nd Street, but the homes are farther from the street. Cottonwood and Siberian elm are scattered along the street. From its terminus to its extended alignment to 19th Street, there is a thick canopy of cottonwood trees. South of the extended alignment is an undeveloped area that includes Fourmile Canyon Creek and the riparian corridor.

For most of the distance along Tamarak Avenue, habitat value is lowered by the presence of homes and human activity. At the undeveloped west end of the alignment, the numerous trees provide habitat for songbirds and owls. Neighbors have reported the frequent presence of owls in this area, including nesting owls. Recent tree removal and home building in this area has likely reduced the use of the area by owls and other birds, but use may return to pre-disturbance levels if the wildlife becomes acclimated to the changes. In addition to birds, deer, fox, raccoon, and other wildlife use this area to move along the creek, rest, and forage.

Fourmile Canyon Creek Corridor

As previously described, the Fourmile Canyon Creek riparian corridor is dominated by an overstory of plains cottonwood and Siberian elm. Homes and maintained yards encroach upon the creek in several places, with the closest encroachment toward the west end of the corridor where a parking area on the south side of the creek comes to within about 20 feet of the creek. The rest of the corridor has a more undeveloped character, but wildlife use of the corridor is affected by the presence of human activity and by barriers to movement along the corridor up and downstream of the study area.

The most open area along the corridor is at the east end of the study area in the City of Boulder parcel. In this parcel, the creek is less incised and has a more sinuous alignment than elsewhere in the corridor. This parcel has an area of open uplands on the north side of the creek.

The riparian corridor provides the highest quality habitat in the study area and previously mentioned wildlife species would be present. Deer are most likely to be found along the creek and the potential for nesting raptors, including owls, is highest. As in other parts of the study area, wildlife use of the area is limited by the presence of development and human activity.

Threatened and Endangered Species

During the site visit, ERO assessed the study area for suitable habitat for federally listed threatened and endangered species protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA). The project area does not fall within U.S. Fish and Wildlife Service (Service) habitat or survey guidelines for the majority of the species listed by the Service as potentially occurring in Boulder County (Table 1).

Table 1. Federally threatened, endangered, and candidate species potentially found in Boulder County or potentially affected by projects in Boulder County.

Common Name	Scientific Name	Status*	Habitat	Suitable Habitat Present
Mammals				
Canada lynx	*Lynx canadensis*	T	Climax boreal forest with a dense understory of thickets and windfalls	No
Preble's meadow jumping mouse	*Zapus hudsonius preblei*	T	Shrub riparian/wet meadows	No
Birds				
Interior least tern**	*Sterna antillarum athalassos*	E	Sandy/pebble beaches on lakes, reservoirs, and rivers	No habitat and no depletions anticipated
Mexican spotted owl	*Strix occidentalis*	T	Closed canopy forests in steep canyons	No
Piping plover**	*Charadrius melodus*	T	Sandy lakeshore beaches, river sandbars	No habitat and no depletions anticipated
Whooping crane**	*Grus americana*	E	Mudflats around reservoirs and in agricultural areas	No habitat and no depletions anticipated
Fish				
Greenback cutthroat trout	*Oncorhynchus clarki stomias*	T	Cold, clear, gravel headwater streams and mountain lakes	No
Pallid sturgeon**	*Scaphirhynchus albus*	E	Large, turbid, free-flowing rivers with a strong current and gravel or sandy substrate	No habitat and no depletions anticipated
Plants				
Colorado butterfly plant	*Gaura neomexicana* ssp. *coloradensis*	T	Subirrigated, alluvial soils on level floodplains and drainage bottoms between 5,000 and 6,000 feet in elevation	No
Ute ladies'-tresses orchid	*Spiranthes diluvialis*	T	Moist to wet alluvial meadows, floodplains of perennial streams, and around springs and lakes below 6,500 feet in elevation	No

Common Name	Scientific Name	Status*	Habitat	Suitable Habitat Present
Western prairie fringed orchid**	*Platanthera praeclara*	T	Moist to wet prairies and meadows	No habitat and no depletions anticipated

*T = Federally Threatened Species, E = Federally Endangered Species.
**Water depletions in the South Platte River may affect the species and/or critical habitat in downstream reaches in other counties or states.
Source: Service 2010.

Because of the association of the Preble's meadow jumping mouse (Preble's), Ute ladies'-tresses orchid (ULTO), and Colorado butterfly plant (CBP) to wetland/riparian habitat along the Colorado Front Range, ERO evaluated the potential for these species to occur in the project area.

Preble's Meadow Jumping Mouse

Typically, Preble's occurs below 7,600 feet in elevation, generally in lowlands with medium to high moisture along permanent or intermittent streams and canals. Preble's occurs in low undergrowth consisting of grasses and forbs, in open wet meadows, riparian corridors near forests, or where tall shrubs and low trees provide adequate cover. Preble's typically inhabits areas characterized by well-developed plains riparian vegetation with relatively undisturbed grassland and a water source nearby.

ERO evaluated the project area and determined that suitable habitat is not present in the study area and Preble's would not be affected by work in the study area because —

- Fourmile Canyon Creek is ephemeral and does not provide a consistent water source, which is typically associated with Preble's.
- The study area is isolated from other known populations of Preble's by urban development. The nearest known population of Preble's is located over 3 miles away on Upper Bear Creek in El Dorado Canyon.
- A trapping survey was performed on Fourmile Canyon Creek just upstream of 19th Street in 1997 and Preble's was not present.
- Developed land and the back yards of houses surround the project site.

Because of these reasons, it is unlikely that the project area supports a population of Preble's or that Preble's moves through the corridor. Therefore, any work in the study are would have no effect on individual Preble's or the continued existence of the species.

Ute Ladies'-Tresses Orchid

Ute ladies'-tresses orchid occurs at elevations below 6,500 feet in moist to wet alluvial meadows, floodplains of perennial streams, and around springs and lakes where the soil is seasonally saturated within 18 inches of the surface. Generally, the species occurs where the vegetative cover is relatively open and not overly dense or overgrazed.

ERO determined that the project area is not conducive to the establishment of Ute ladies'-tresses orchid and differs from the criteria of the Service's November 1992 *Interim Survey Requirements for* Spiranthes diluvialis for the following reasons:

- Fourmile Canyon Creek is ephemeral and incised and does not support the type of sub-irrigated wetlands with which Ute ladies'-tresses orchid is typically associated.
- Most of the riparian corridor is heavily shaded by tree canopy and would likely preclude the shade-intolerant orchid.
- Dry uplands, dominated by introduced species, and mowed yards surround the project area.

Because of these reasons, it is unlikely that the project area supports a population of Ute ladies'-tresses orchid. Therefore, any work in the study are would have no effect on individuals or the continued existence of the species.

Colorado Butterfly Plant

The Colorado butterfly plant is a short-lived perennial herb found in moist areas of floodplains. It occurs on subirrigated, alluvial soils on level or slightly sloping floodplains and drainage bottoms at elevations 5,000 to 6,400 feet. Colonies are often found in low depressions or along bends in wide, active, meandering stream channels that are periodically disturbed.

The Service has not established formal survey guidelines for the Colorado butterfly plant, but has indicated that areas similar to, and slightly drier than, Ute ladies'-tresses orchid habitat should be assessed. ERO determined that Colorado butterfly plant habitat does not occur at the project area because there is an abrupt transition from channel to uplands and wet and mesic areas are lacking.

Other Sensitive Species and Wildlife

Habitat in the study area is typical for disturbed riparian habitat throughout the City of Boulder and surrounding areas. Although this type of habitat supports more species of wildlife than do habitats such as uplands or urban areas, there are no unique or particularly sensitive plant communities or wildlife species present. Migratory birds make the most use of the study area and are protected by the Migratory Bird Treaty Act (MBTA).

Migratory Birds

ERO assessed the project area for potential habitat and the presence of species protected by the MBTA. Migratory birds, as well as their eggs and active nests, are protected under the MBTA. In addition to the MBTA, the Colorado Division of Parks and Wildlife recommends establishing buffers around active raptor nests in which encroachment should be limited.

Migratory bird habitat typically includes trees and shrubs, but upland grasslands also are used for nesting. ERO did not observe any nests during the site visit, but the fully-leafed out condition of the trees prevented a thorough survey. Residents in the study area have reported the presence of nesting owls, and numerous other bird species such

as magpie (*Pica pica*), European starling (*Sturnus vulgaris*), northern flicker (*Colaptes auratus*), and lesser goldfinch (*Carduelis psaltria*) are likely to nest as well.

If the proposed project would require removing or disturbing trees and shrubs, a survey for active nests should be done prior to the work to ensure that active migratory bird nests are not present. If an active raptor nest is present, the City should consult with Colorado Division of Parks and Wildlife to develop appropriate mitigation measures minimize adverse effects.

Other Wildlife

As with any human development, including multi-purpose trails, wildlife species sensitive to human disturbance are likely to decline in abundance or abandon the area, while other wildlife species adapted to urban development are likely to remain in the study area. Species likely to decline would include some raptors and possibly coyotes. Species likely to increase would include red fox, raccoon, and great horned owl. Overall, surrounding and continuing development contributes to a decline in the number and diversity of wildlife species nearby and to a change in species composition to favor species that adapt better to human disturbance.

Conclusions

The Fourmile Canyon Creek riparian corridor provides habitat for a variety of wildlife. Riparian corridors are particularly important in urban areas where they are often used as movement corridors for larger mammal such as deer and for nesting by songbirds and raptors. Species that use riparian corridors in developed areas are typically common species tolerant of human encroachment. As a result, although diverse, most plant and wildlife species in urban riparian areas are not unique or uncommon.

Based on a review of background information, the site visit, and professional experience, ERO determined that significant natural resources that would make the project infeasible are not likely to be present in the study area. There is no suitable habitat for federally listed threatened or endangered species. Although there is suitable nesting substrate and residents report the presence of nesting owls, no raptor nests were observed in the study area. It is likely that one or more nests were present but obscured from view by leaves. Because Fourmile Canyon Creek is ephemeral, there are virtually no wetlands in the study area and the lateral extent of riparian trees and shrubs is limited due to encroachment.

The City's proposed project would not affect any unique or significant natural resources, but there would be impacts to regulated resources including Fourmile Canyon Creek and its riparian areas. The impacts would be addressed through the Clean Water Act Section 404 and City of Boulder Wetland permitting processes. In the event an active nest is present, the City would comply with the MBTA.

ATTACHMENT 2

OCT. 6, 2009 NEIGHBORHOOD PETITION

PETITION

We, the undersigned, as neighbors of the enclave of Crestview East, are in opposition to the construction of 20th St. between Tamarack and Upland. There is no need for any type of additional vehicular connectivity between Tamarack and Upland east of 19th St.. There is already a road, 22nd St., which provides pedestrian, vehicular and fire access connectivity to Tamarack, which is a dead end street. Pedestrian connectivity will connect to the Four Mile Creek path leading pedestrians to 19 th St. In addition, the Crestview East Neighborhood Annexation provides one north/south pedestrian/bicycle multi-use connection from Tamarack to Upland between 2110 and 2130 Upland as required by transportation staff, thus eliminating the need for an additional north/south pedestrian/bicycle multi-use connection. Since the Crestview East Annexation adds, at most, six additional homes on Tamarack, the increased density does not justify the destructive environmental impact that building an additional road would demand.

Signature: Vigne Schuman Address: 4270 19th St Bldr CO 80304

Signature: Fred Schuman Address: 4270 19th St Bldr Co 80304.

Signature: [illegible] Address: 2130 Tamarack Ave

Signature: [illegible] Address: 2130 Tamarack Ave Boulder, Co

Signature: [illegible] Address: 2150 Tamarack Ave Boulder 80304

Signature: [illegible] Address: 2156 Tamarack Ave 303 444 1216

Signature: [illegible] Address: 2158 Tamarack Ave.

Signature: [illegible] Address: 2198 Upland Ave.

Signature: David Shade Address: 2198 Upland Ave 3449797

Signature: [illegible] Address: 2160 Upland Ave.

Signature: [illegible] Address: 2125 Upland Ave

Signature: [illegible] Address: 2105 UPLAND AVE.

Signature: [illegible] Address: 2075 Upland Ave.

Signature: Ellen Stark Address: 2010 Upland Ave

PETITION

We, the undersigned, as neighbors of the enclave of Crestview East, are in opposition to the construction of 20th St. between Tamarack and Upland. There is no need for any type of additional vehicular connectivity between Tamarack and Upland east of 19th St.. There is already a road, 22nd St., which provides pedestrian, vehicular and fire access connectivity to Tamarack, which is a dead end street. Pedestrian connectivity will connect to the Four Mile Creek path leading pedestrians to 19 th St. In addition, the Crestview East Neighborhood Annexation provides one north/south pedestrian/bicycle multi-use connection from Tamarack to Upland between 2110 and 2130 Upland as required by transportation staff, thus eliminating the need for an additional north/south pedestrian/bicycle multi-use connection. Since the Crestview East Annexation adds, at most, six additional homes on Tamarack, the increased density does not justify the destructive environmental impact that building an additional road would demand.

Signature: _____ Address: 2130 Upland Ave

Signature: _____ Address: 2130 Upland Ave

Signature: Anne Hakemeyer Address: 2010 Upland Ave

Signature: _____ Address: 1937 Upland Ave.

Signature: Drew Dolan Address: 2020 Upland / 2681 Kalmia

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

5A 75

ATTACHMENT 3

INITIAL OPEN HOUSE COMMENT SHEET SUMMARY

Fourmile Canyon Creek CEAP 19th to 22nd Streets
Open House Wednesday May 11, 2011 Comments

37 members of the public attended the Open House. The following presents a summary of the comments. E-comments results are included in Red Font (summary as received before second open house conducted on Oct. 26, 2011). Completed comment sheets and e-comments should be read for full input.

TRAIL ALIGNMENTS

My preference for east-west pedestrian & bicycle access from 22nd Street to 19th Street and Crest View Elementary School is: (*See attached figure for routes)*

Rt 1	*Rt 2*	*Rt 3*	*Rt 4*	*Rt 5*	*Rt A*	*Rt B*
4 *1*	*10* *1*	*1*	*5*	*2*	*0*	*0*

OTHER CONNECTIONS

I think the following other connections such as north-south (vehicular / bike and pedestrian) are important and should be considered:

Route 'A' should be emergency access only = 5

Not needed = 5 *Needed = 6 (almost all voiced alignment A)*

19th STREET FLOOD IMPROVEMENTS

- Comments / concerns relating to the proposed flood improvements at 19th Street and Fourmile Canyon Creek:

Agree with flood improvements = 8

Oppose flood improvements = 0

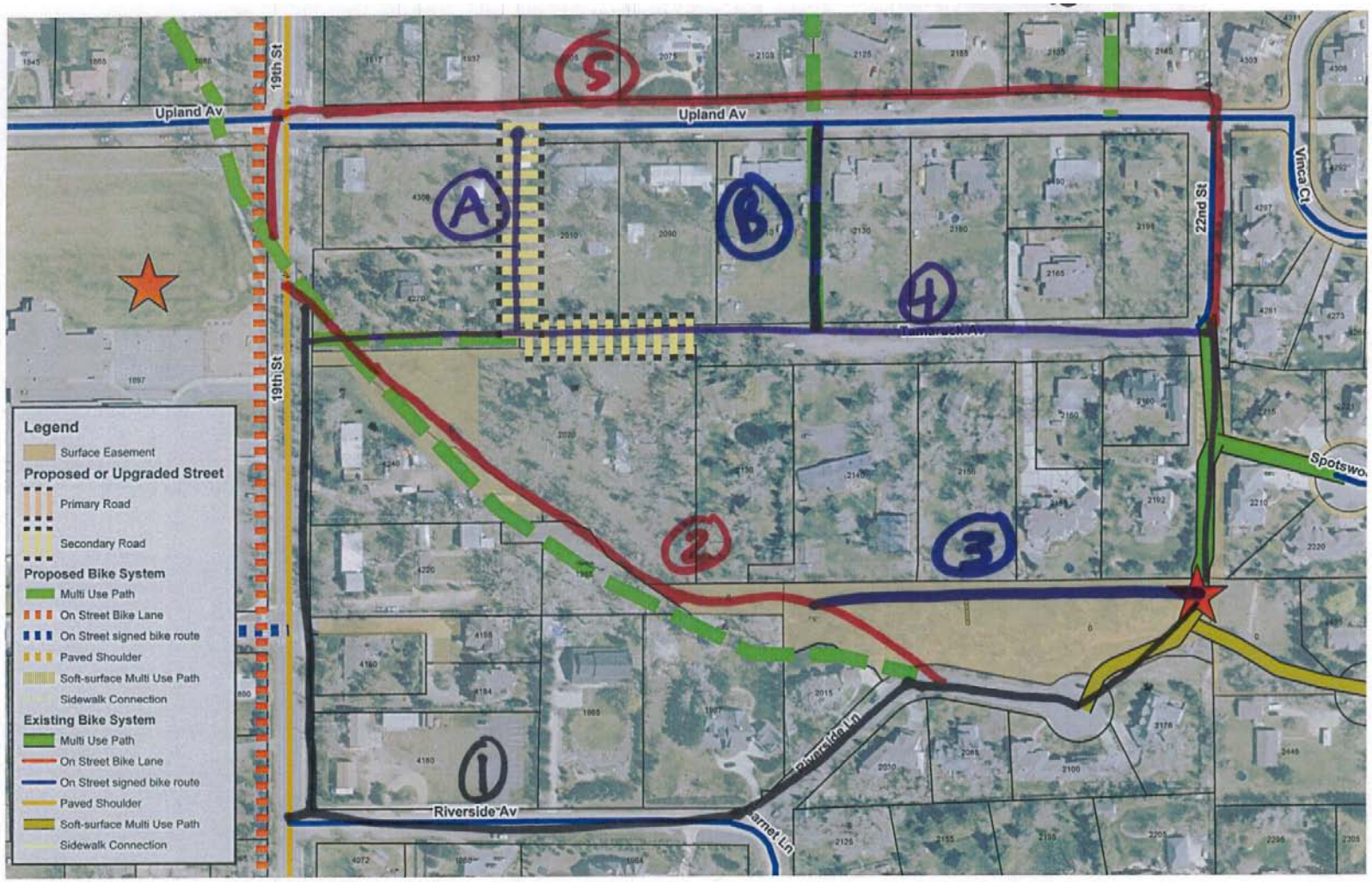
- Should the new flood improvement crossing under 19th Street include a bike/pedestrian underpass? *10* Yes *8* No
  Comments: *3* *1*

OTHER

Other comments and concerns for staff to consider:

I LIVE: (check all that apply)

Inside the project area	Outside the project area	Part of Crestview Elementary Community
10 *5*	*10*	*9* *2*



Potential Bike/Pedestrian Route Options

★ = Connection Point

Fourmile Canyon Creek – 19th to 22nd streets CEAP

Station 5

ATTACHMENT 4

SECOND OPEN HOUSE COMMENT SHEET SUMMARY

Fourmile Canyon Creek CEAP 19th to 22nd Streets
Open House Wednesday October 26, 2011
COMMENTS

24 people attended the Open House. 22 comment sheets were submitted. The following presents a summary of the comments. Completed comment sheets should be read for full input.

EAST-WEST TRAIL ALIGNMENTS

Please rank in order of preference (1 being the best choice) the following east-west alignments:

EW1 (Riverside) ☐ EW2 (Creek) ☐ EW3 (Tamarack) ☐ EW4 (Status Quo) ☐

Comments on east-west alignments:

Summary of rankings:

Rankings	*EW1*	*EW2*	*EW3*	*EW4*
1	*0*	*8*	*2*	*12*
2	*4*	*2*	*11*	*1*
3	*8*	*2*	*3*	*1*
4	*2*	*3*	*2*	*4*

Emergency Access Options

Please rank in order of preference (1 being the best choice) the following north-south alignments:

EA1 (Road) ☐ EA2 (Trail) ☐ EA3 (Trail) ☐

Comments on the emergency access options:

Summary of rankings:

Rankings	*EA1*	*EA2*	*EA3*
1	*2*	*6*	*13*
2	*4*	*7*	*2*
3	*8*	*1*	*1*

19th STREET FLOOD IMPROVEMENTS

Please rank in order of preference (1 being the best choice) the following flood mitigation alternatives:

F1 (Bridge Only) ☐ F2 (Bridge with Underpass) ☐

Comments on the flood mitigation alternatives:

Rankings	*F1*	*F2*
1	*3*	*18*
2	*8*	*1*

I LIVE: (check all that apply)

Inside the project area *13* Outside the project area *8* Part of Crest View Elementary Community *4*

ATTACHMENT 5

CREST VIEW PTO AND 'HALLWAY' SUMMARY OF COMMENTS

COMMENTS
On Bicycle and Pedestrian Access to Crest View

City staff provided a brief presentation to the Crest View PTO on Monday, Nov. 14 at 1:30 p.m. The following presents a summary of the 13 completed comment sheets received. The discussion did not include discussion or seek input on increasing access to Tamarack Avenue.

EAST-WEST TRAIL ALIGNMENTS

Please rank in order of preference (1 being the best choice) the following east-west alignments:

EW1 (Riverside)	EW2a (Creek, 10' concrete path)	EW2b (Creek, 8' gravel path)	EW3 (Tamarack)	EW4 (Status Quo)

Comments on east-west alignments:

Rankings	*EW1*	*EW2a*	*EW2b*	*EW3*	*EW4*
1	*1*	*11*	*0*	*1*	*0*
2	*0*	*2*	*7*	*5*	*0*
3	*6*	*0*	*0*	*5*	*0*
4	*3*	*0*	*5*	*2*	*0*
5	*0*	*0*	*0*	*0*	*10*

19th STREET FLOOD IMPROVEMENTS

Please rank in order of preference (1 being the best choice) the following flood mitigation alternatives:

F1 (Bridge Only) ☐ F2 (Bridge with Underpass) ☐

Comments on the flood mitigation alternatives:

Rankings	*F1*	*F2*
1	*0*	*13*
2	*6*	*0*

COMMENTS
On Bicycle and Pedestrian Access to Crest View

Project east-west alignment and flood mitigation alternatives along with comment sheets were placed in the main hallway at Crest View Elementary School from Oct. 31 to Nov. 14. The city received 17 completed comments sheets. A summary of the rankings are provided below.

EAST-WEST TRAIL ALIGNMENTS

Please rank in order of preference (1 being the best choice) the following east-west alignments:

EW1 (Riverside)	EW2a (Creek, 10' concrete path)	EW2b (Creek, 8' gravel path)	EW3 (Tamarack)	EW4 (Status Quo)

Comments on east-west alignments:

Rankings	*EW1*	*EW2a*	*EW2b*	*EW3*	*EW4*
1	*1*	*3*	*9*	*3*	*1*
2	*0*	*4*	*4*	*3*	*0*
3	*5*	*3*	*0*	*0*	*2*
4	*4*	*2*	*0*	*4*	*0*
5	*1*	*1*	*0*	*1*	*6*

19th STREET FLOOD IMPROVEMENTS

Please rank in order of preference (1 being the best choice) the following flood mitigation alternatives:

F1 (Bridge Only) ☐ F2 (Bridge with Underpass) ☐

Comments on the flood mitigation alternatives:

Rankings	*F1*	*F2*
1	*2*	*13*
2	*5*	*0*

ATTACHMENT 6

E-COMMENT SUMMARY
(Oct. 26, 2011 – March 7, 2012)

Fourmile Canyon Creek CEAP 19th to 22nd Streets

Summary of E-comments

Oct. 26, 2011 – March 7, 2012

104* (excluding repeats) e-comments were received following the second open house from Oct. 26, 2011 – March 6, 2012. The following provides a summary of the e-comments. Completed e-comments should be read for full input.

Trail Alignment Comments:
The following provides a sum total of the stated preferred east-west alignment:

EW1 (Riverside)	EW2a (Creek, Paved)	EW2b (Creek, Soft)	EW3 (Tamarack)	EW4 (Status Quo)
2	69	1	0	25

Other Connection Comments:

EA1 (Road N-S)	EA2 (Trail N-S)	EA3 (E-W)
0	9	1

Flood Improvements Comments:
The following provides a sum total of the stated preferred flood mitigation alternative:

F1 (Bridge only)	F2 (Bridge with Underpass
1	59

Live Inside Project Area: 21

Live Outside Project Area: 64

Crest View Elementary Community: 24

* It should be noted that not all comments submitted responded to all of the questions.

ATTACHMENT 7

FRIENDS OF FOURMILE CANYON CREEK
SAFE ROUTES REPORT AND SURVEY

Safe Routes Fourmile (DRAFT)

An Initiative of the Friends of Fourmile Canyon Creek (FFCC)

This document outlines possible improvements to a set of eight popular on-street pedestrian and bicycle routes through the neighborhoods surrounding the Fourmile Canyon Creek between 19th and 26th Streets. The goals of this document are to increase the safety and provide education and signage to make the routes more obvious and useable.

3/12/2012

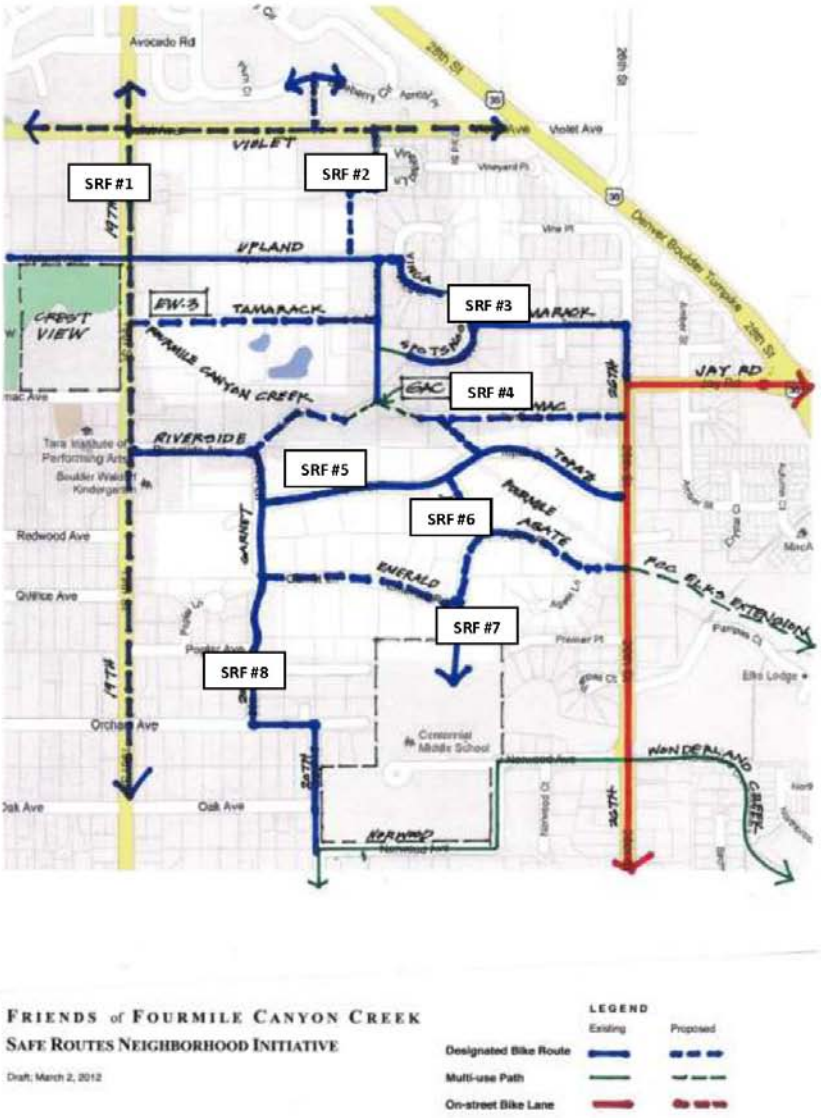
Safe Routes Fourmile (DRAFT)

Executive Summary

Safe Routes Fourmile (SRF) is a citizen initiative of the Friends of Fourmile Canyon Creek (FFCC) to suggest near-term improvements to on-street routes through the Fourmile Canyon Creek neighborhoods. SRF is based on a theme of discussion introduced by Greenways Advisory Committee member Kate Ryan at the February 15th meeting. The gist of this theme is whether the city should explore near-term improvements for safety and education on routes within the Fourmile neighborhoods. SRF is not in conflict with the proposed East West Multi-use path along Fourmile Creek. While FFCC still opposes the construction of that path, we do recognize the legitimate concerns of Crest View Elementary and Cycling communities with regards to safety and efficiency of travel through our neighborhoods. SRF is an attempt to demonstrate alternatives to the proposed paved Multi-use path on Fourmile Canyon Creek. It is our desire to use this as a working document to spur constructive discussions and to help set near-term tasks to improve the overall safety and usability of the numerous on-street routes. A final plan would necessarily include specific capital improvements, maintenance changes, and an educational program. In addition, the plan should include metrics that can be used to evaluate the effectiveness of SRF with respect to the overall goals of safety and usability.

Safe Routes Fourmile Routes Overview

This document contains a collection of eight distinct on-street routes through the neighborhoods which border the Fourmile Canyon Creek. Below is a System Map of the routes. Routes #1 - #6 primarily serve homes to the north and east for children headed to Crest View Elementary School. Routes #7 and #8 serve homes to the north and east for access to Centennial Middle School.



Safe Routes Fourmile Systems Map

Route #1 – 19th St.

This route follows 19th Street south to Sumac Ave. and Crestview. The route is 0.25 miles and can be walked in about 5 minutes.

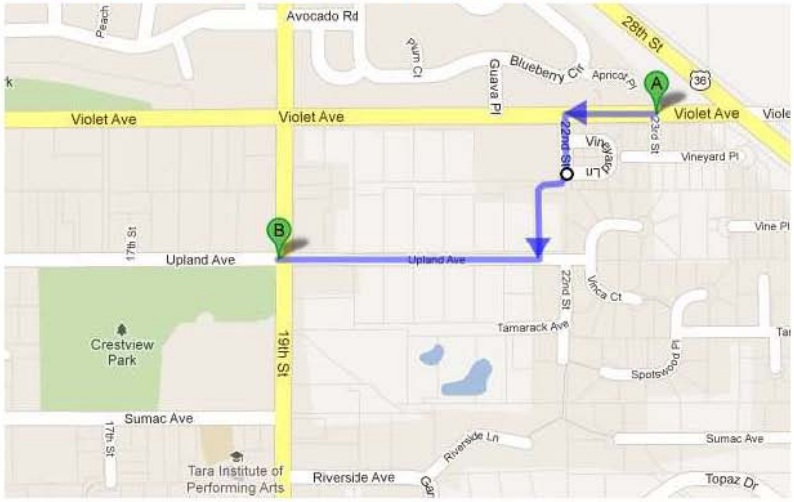
19th Street and Violet Ave

This intersection is already a 4-Way Stop on a busy intersection surrounded by sidewalks. No further improvements are recommended.

19th Street and Upland Ave

This intersection is already an Enhanced Pedestrian Crossing with no further improvements recommended. **We recommend efforts to encourage children to take the 19th and Fourmile Underpass when completed (Option F2).**

Route #2 – East Violet Ave, Upland Ave



This route starts at the East end of Violet Ave, travels along an unimproved footpath between Violet and Upland Ave and crosses 19th St. at Upland. The route is 0.5 miles and takes about 9 minutes to walk.

Violet Ave and 22nd Street

This intersection funnels children from North and East Violet (Boulder Meadows) to routes south. We recommend a **4-Way Stop** or **Enhanced Pedestrian Crossing** for this intersection as an alternative to 19th and Violet Ave.

22nd Street and Footpath to Upland Ave

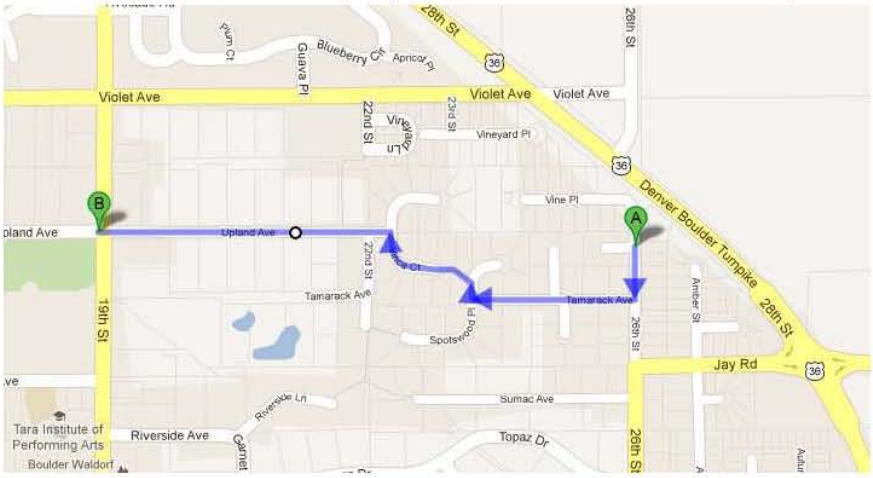
At the South end of 22nd St there is an unimproved footpath which leads across to Upland Ave. We recommend the consideration of either **an improved pedestrian footpath** or **multi-use crusher fine pedestrian/bicycle path**.

The footpath terminates at the sidewalk on Upland Ave. **We recommend improvements to allow bicycles to ride smoothly onto Upland Ave**.

Upland Ave and 19th Street

This intersection is already an Enhanced Pedestrian Crossing with no further improvements recommended. **We recommend efforts to encourage children to take the 19th and Fourmile Underpass when completed (Option F2).**

Route #3 – Tamarack Ave, Spotswood Pl, Vinca Ct, and Upland Ave



This route follows Tamarack Ave to Vinca Ct and Upland Ave. The route is 0.6 miles long and requires about 13 minutes to walk.

26th Street and Tamarack Ave

This intersection has extremely light traffic. We do not recommend any improvements.

Tamarack Ave and Spotswood Pl

This intersection has good signage indicating a bike route. We do not recommend any improvements.

Spotswood Pl to Vinca Ct

This is an existing pedestrian/bicycle path which has good signage.

Upland Ave and 19th Street

This intersection is already an Enhanced Pedestrian Crossing with no further improvements recommended. **We recommend efforts to encourage children to take the 19th and Fourmile Underpass when completed (Option F2).**

Route #4 – Tamarack Ave, Spotswood Pl, Tamarack Ave, EA3

This route follows Tamarack Ave to Spotswood Pl and then West again on Tamarack Ave. This route assumes that Tamarack improvements including EA3 (Emergency Access path from Tamarack to 19th St.) will be completed. The route is 0.6 miles long and requires about 13 minutes to walk.

26th Street and Tamarack Ave

This intersection has extremely light traffic. We do not recommend any improvements.

Tamarack Ave and Spotswood Pl

This intersection has good signage indicating a bike route. We do not recommend any improvements.

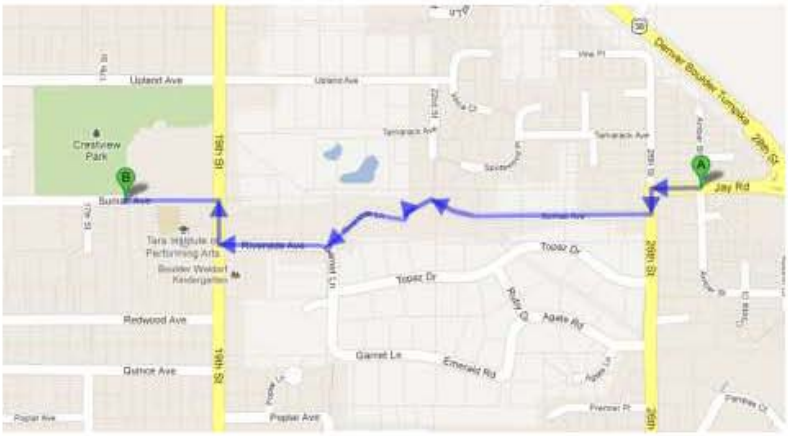
Spotswood Pl to 22nd & Tamarack Ave

This is an existing pedestrian/bicycle path with good signage. No improvements are necessary.

Tamarack Ave to EA3

This portion of the route is still under development. If and when EA3 is completed, then this route will become viable.

Route #5 – Jay Rd, 26th St, Sumac Ave, Multi-Use Path, Riverside Ln, Riverside Ave, 19th St



This route guides children from the north of Jay and Sumac along Sumac Ave and Riverside Lane to 19th Street. The route is 0.8 miles long and requires about 16 minutes to walk.

Jay Rd and 26th St

This intersection includes a 3-Way Stop and good signage. No further improvements are necessary.

26th St and Sumac Ave

This intersection is not protected from the east. **A crosswalk for pedestrians** may be considered.

Sumac Ave

This section of the route follows Sumac Ave which is unplowed during the winter. We recommend **additional snow removal** for this section up to the multi-use path.

Sumac Ave to Multi-Use Path

This section of Sumac Ave terminates at a crusher fine multi-use path. **We recommend that this path be paved with concrete and be plowed in the winter.**

Multi-Use Path to Riverside Lane

The Multi-Use path terminates to the south at Riverside Lane. **Riverside Lane is unplowed in the winter. We recommend that Riverside Lane be plowed.**

Riverside Ln and Riverside Ave.

The route follows connects Riverside Lane to the right with Riverside Ave to the left. This intersection is not plowed in the winter and we recommend **additional snow removal** for this section up to 19th St.

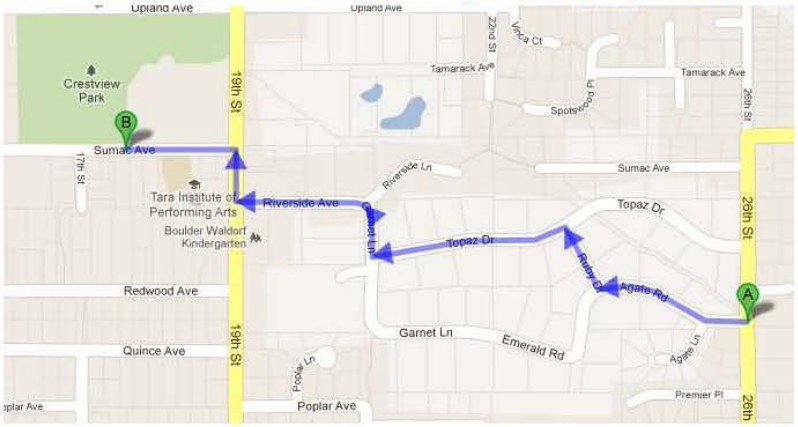
Riverside Ave. and 19th St.

The route follows 19th St. to the right. This intersection contains an existing sidewalk as well as sidewalks and bicycle lanes along 19th St. There are no improvements recommended for it.

19th Street and Sumac Ave.

The route crosses 19th St. within the Enhanced Pedestrian crossing at Sumac Ave. This is a high traffic crossing during school hours. **Education to encourage children to cross to the north via the Fourmile Creek pedestrian/bicycle underpass should be considered.**

Route #6 – Agate Rd, Ruby Dr, Topaz Dr, Garnet Ln, Riverside Ave, 19th St



This route starts at the intersection of 26th Street and Agate Rd. The route is 0.8 miles and can be walked in about 16 minutes.

26th St. and Agate Rd.

This intersection has relatively light traffic, but the FFCC suggests that an **Enhanced Pedestrian/Bicycle Crosswalk** be considered.

Agate Rd. and Ruby Dr.

The route follows this intersection to the right along Ruby St. It is generally safe (light vehicle traffic) but **Yield to Pedestrians/Bicycle signs** may be considered to improve safety for small children.

Ruby Dr. and Topaz Dr.

The route follows this intersection to the right along Topaz Dr. Again **Yield to Pedestrians/Bicycle signs** may be considered for this intersection.

Topaz Dr. and Garnet Ln.

The route follows Garnet Ln to the right. **We recommend snow removal on the pedestrian/bicycle rights-of-way through this intersection.**

Garnet Ln. and Riverside Ave.

The route follows Riverside Ave. to the left. This intersection is not plowed in the winter and we recommend **additional snow removal** for this section up to 19th St.

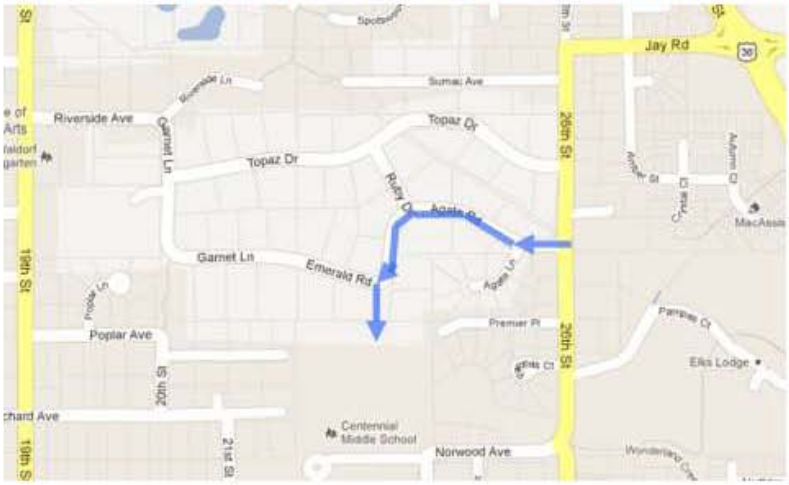
Riverside Ave. and 19th St.

The route follows 19th St. to the right. This intersection contains an existing sidewalk as well as sidewalks and bicycle lanes along 19th St. There are no improvements recommended for it.

19th Street and Sumac Ave.

The route crosses 19th St. within the Enhanced Pedestrian crossing at Sumac Ave. This is a high traffic crossing during school hours. **Education to encourage children to use the Fourmile Creek pedestrian/bicycle underpass should be considered.**

Route #7 – Agate Rd, Emerald Rd, Centennial Middle School North



This route starts at the intersection of 26th Street and Agate Rd., follows Agate past Ruby Dr. to Emerald, then enters Centennial Middle School . The route is 0.6 miles and can be walked in about 13 minutes.

26th St. and Agate Rd.

This intersection has relatively light traffic, but the FFOC suggests that an **Enhanced Pedestrian/Bicycle Crosswalk** be considered.

Agate Rd. and Ruby Dr.

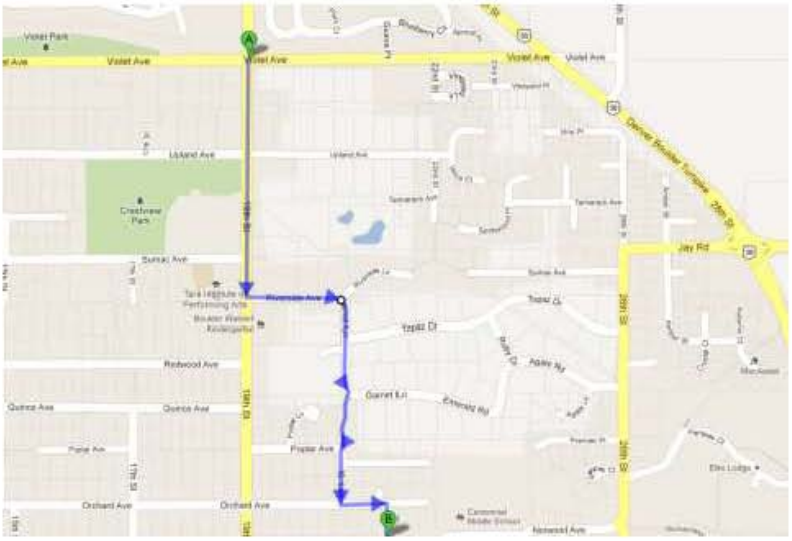
The route follows this intersection to the left along Agate to Emerald Rd. It is generally safe (light vehicle traffic) but **Yield to Pedestrians/Bicycle signs** may be considered to improve safety for small children.

Emerald Rd to Centennial Middle School

The route follows Agate to Emerald and then cuts down this pedestrian/bicycle path at the north end of the running track and on to the school grounds.

Route #8 – 19th St, Riverside Ave, Garnet Ln, Multi-Use Path, Poplar/20th St, Orchard Ave/21st St, Centennial Middle School West

This route follows 19th Street south to Riverside Ave, Garnet Ln, and then cuts through a paved multi-use path to Poplar Ave, 20th St, Orchard Ave, and then 21st St. The route is 0.8 miles and can be walked in about 16 minutes.



19th Street and Violet Ave

The route follows 19th Street south past Violet.

19th Street and Riverside Ave

The route comes from the right off of 19th Street onto Riverside Ave.

Garnet Lane

The route crosses to Garnet Lane through the traffic mitigation device and continues south along Garnet to the left. **Snow removal at the device is recommended.**

Garnet Lane and Multi-Use Path

At the southernmost portion of Garnet Lane, the route follows a paved Multi-Use path.

Multi-Use Path and Poplar Ave

The Multi-Use path exits on to Poplar and 20th St. **Snow removal along 20th Street is recommended.**

Orchard Ave and 21st Street

The route continues along Orchard Ave, then turns on 21st Street which fronts Centennial Middle School.

Summary of Improvements

This section lists the possible capital improvements, maintenance, and educational initiatives recommended by this initiative.

Near-Term Capital Improvements

- Sidewalks along Violet Ave both east and west of 19th St
- Concrete Paving of existing Multi-Use paths between 22nd St, Sumac Ave, and Riverside Lane
- Redesign of traffic mitigation device at Garnet Ave and Topaz Dr to allow for snow removal
- Improvements to pedestrian path between 22nd St and Upland Ave possibly including improvement to a Multi-Use path along with smooth transitions for bicycles
- 4-Way Stop at Violet Ave and 22nd Street
- Enhance Pedestrian Crosswalk at 26th St and Agate Rd
- Yield to Pedestrian/Bicycle Signs at Ruby Dr and Topaz Dr
- Yield to Pedestrian/Bicycle Signs at Ruby Dr and Agate Rd
- Enhanced Pedestrian Crosswalk at 26th St and Sumac Ave

Maintenance (Snow Removal)

- Multi-Use paths between 22nd St, Sumac Ave, and Riverside Lane
- Sumac Ave between 22nd and 26th St
- Riverside Ave and Riverside Lane
- For pedestrian/bicycle access through Garnet Ave traffic mitigation at Garnet and Topaz
- Tamarack Ave, Vinca Ct, and Spotswood Pl
- Upland Ave

Educational Initiatives

- Review plan with Crest View Elementary PTO and incorporate input
- Review plan with Community Cycles group and incorporate input
- Addition of final routes to the GoBoulder bicycle map
- Education initiative at Crest View Elementary to encourage children to use pedestrian/bicycle underpass when available instead of the crossings at Sumac Ave and Upland on 19th St.

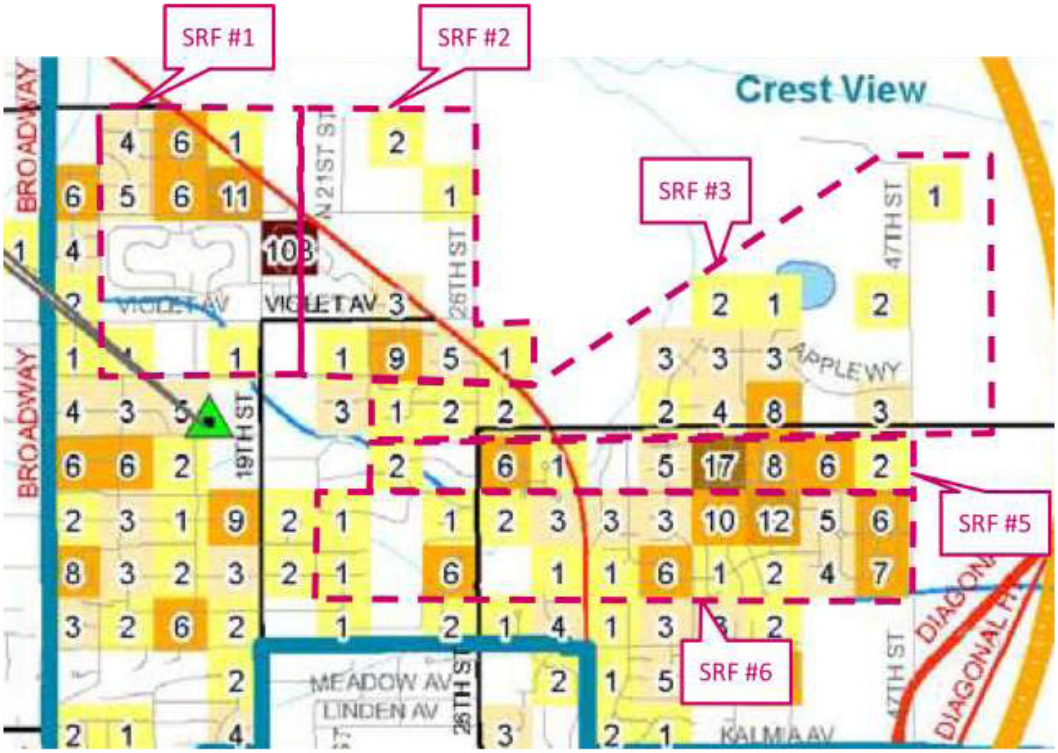
Scoring of Crestview Population vs. Routes

This section provides a summary of the expected maximum possible traffic on each route. This is based on the Crest View Elementary census data provided in the Draft Fourmile CEAP. Data for the several other educational facilities in the area (Centennial MS, New Horizons School, Boulder Waldorf Kindergarten, and Tara Institute for the Performing Arts) should also be considered if available.

In addition, we assume that children will take the shortest possible route to school. We do not yet include Route #4 due to the lack of EA3 crossing at 19th and Tamarack Ave.

Route	Description	Max. Children	%
#1	19th & Violet	107	33%
#2	22nd & Upland	55	17%
#3	Tamarack, Vinca, Upland	37	12%
#5	Sumac, Riverside, 19th	47	15%
#6	Agate, Ruby, Topaz, Garnet, Riverside, 19th	75	23%

Below are the detailed boundaries that define the derivation of the totals above.



We would suggest that these tables be used to prioritize any improvement projects if there are scarce funds. Thus Routes #1 and #6 should take priority.

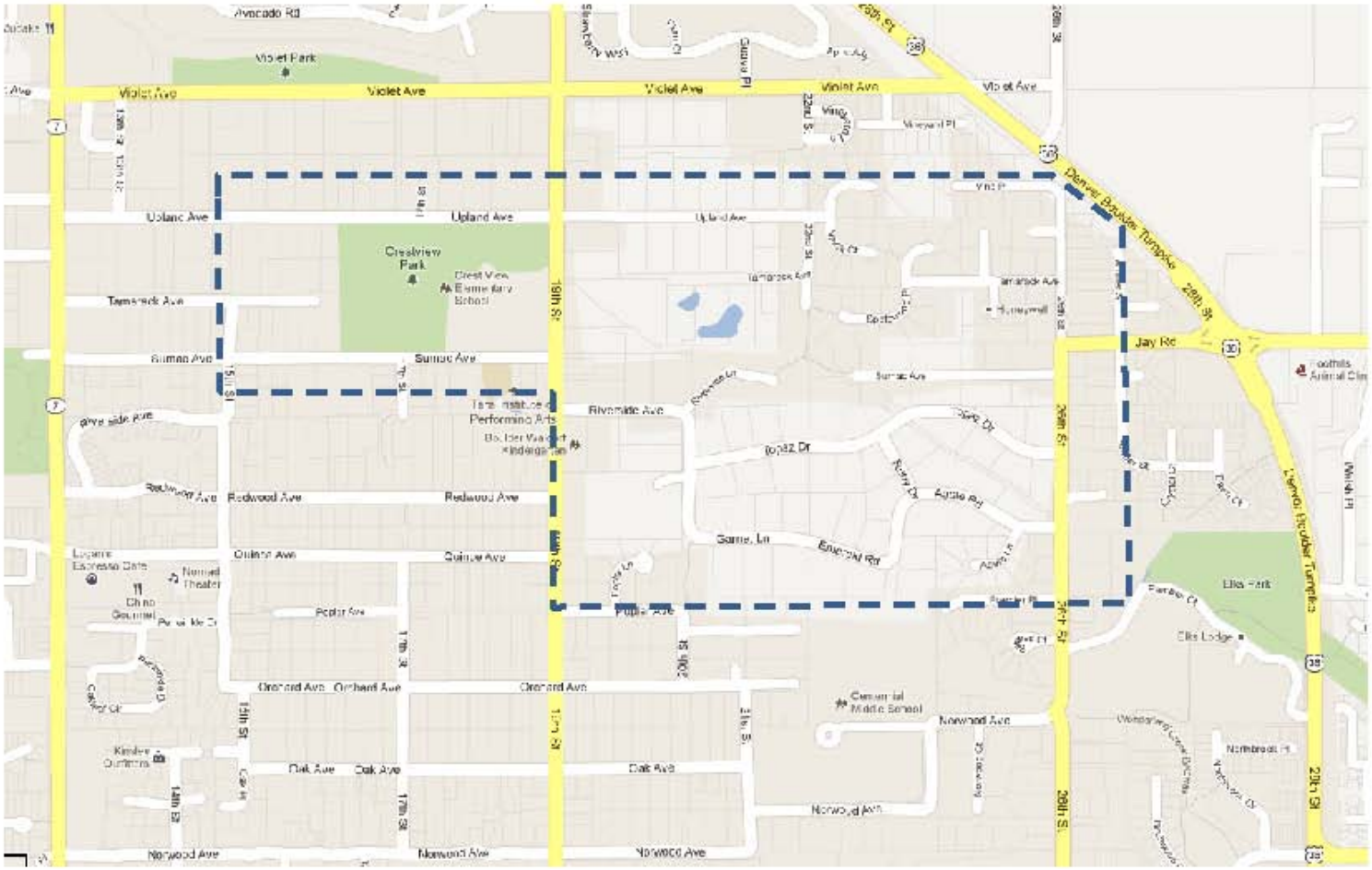
Friends of Fourmile Canyon Creek

Summary of Ballot Results

Executive Summary

- This document presents the results of a survey initiated by Friends of Fourmile Canyon Creek (FFCC) between early January and the February 15th GAC meeting
- The results show a strong opposition to the proposed EW2 option (path along Fourmile Canyon Creek) with 81% opposed
- The results for the Emergency Access and Flood Improvement options were mixed
- The results are presented as summary graphs for each individual response and as maps of household location vs. response for the household

Survey Distribution



Crestview Interface Neighborhood Coalition (CINC) Fourmile Canyon Creek Project

NEIGHBORHOOD BALLOT

Neighbor Information*

Name: _____

Address: _____

Email: _____

Phone: _____

*Specific "neighbor" information is important for production of survey maps to present to the city, communication about CINC email and Facebook drives. We promise to keep specific responses private.

Item No. 1 East-West Trail Solutions

Please choose the solution from the East-West Trail options presented that you find **MOST** acceptable:

- ☐ **EW1 (Riverside Sidewalk)**
- ☐ **EW2 (Fourmile Creek Path)[1]**
- ☐ **EW3 (Tamarack Path & Sidewalk)**
- ☐ **EW4 (No New Connections)**
- ☐ **EW5 (Soft Path connection between 19th and Tamarack)[2]**

Please choose the solution from the East - West Trail options presented that you find **LEAST** acceptable:

- ☐ **EW1 (Riverside Sidewalk)**
- ☐ **EW2 (Fourmile Creek Path)[1]**
- ☐ **EW3 (Tamarack Path & Sidewalk)**
- ☐ **EW4 (No New Connections)**
- ☐ **EW5 (Soft Path connection between 19th and Tamarack)[2]**

Comment _____

_____

_____

Item No. 2 Emergency Access

Please choose the solution from the Emergency Access options presented that you find **MOST** acceptable:

- ☐ **EA1 (20 ft. Paved Road) 2010 Upland and 4306 and 19th)**
- ☐ **EA2 (12 ft. Multi-Use Path between 2010 Upland and 4306 19th)**
- ☐ **EA3 (12 ft. Multi-Use Path south of 4270 19th)[1]**
- ☐ **No New Access**

Please choose the solution from the Emergency Access options presented that you find **LEAST** acceptable:

- ☐ **EA1 (20 ft. Paved Road between 2010 Upland and 4306 and 19th)**
- ☐ **EA2 (12 ft. Multi-Use Path between 2010 Upland and 4306 19th)**
- ☐ **EA3 (12 ft. Multi-Use Path south of 4270 19th)[1]**
- ☐ **No New Access**

Comment _____

_____

Item No. 3 Flood Improvements

Please choose the solution from the East-West Trail options presented that you find **MOST** acceptable:

- ☐ **F1 (Box Culverts Only)**
- ☐ **F2 (Box Culvert & Pedestrian/Bicycle Underpass)[1]**
- ☐ **None of the above**

Comment _____

_____

[1] Recommended solution in Fourmile Canyon Creek CEAP [2] Not included in CEAP

If you **do not** wish to fill out this form, please feel free to contact **David Munsinger** at 303-819-7603 or david.munsinger@alum.mit.edu to express your opinion.

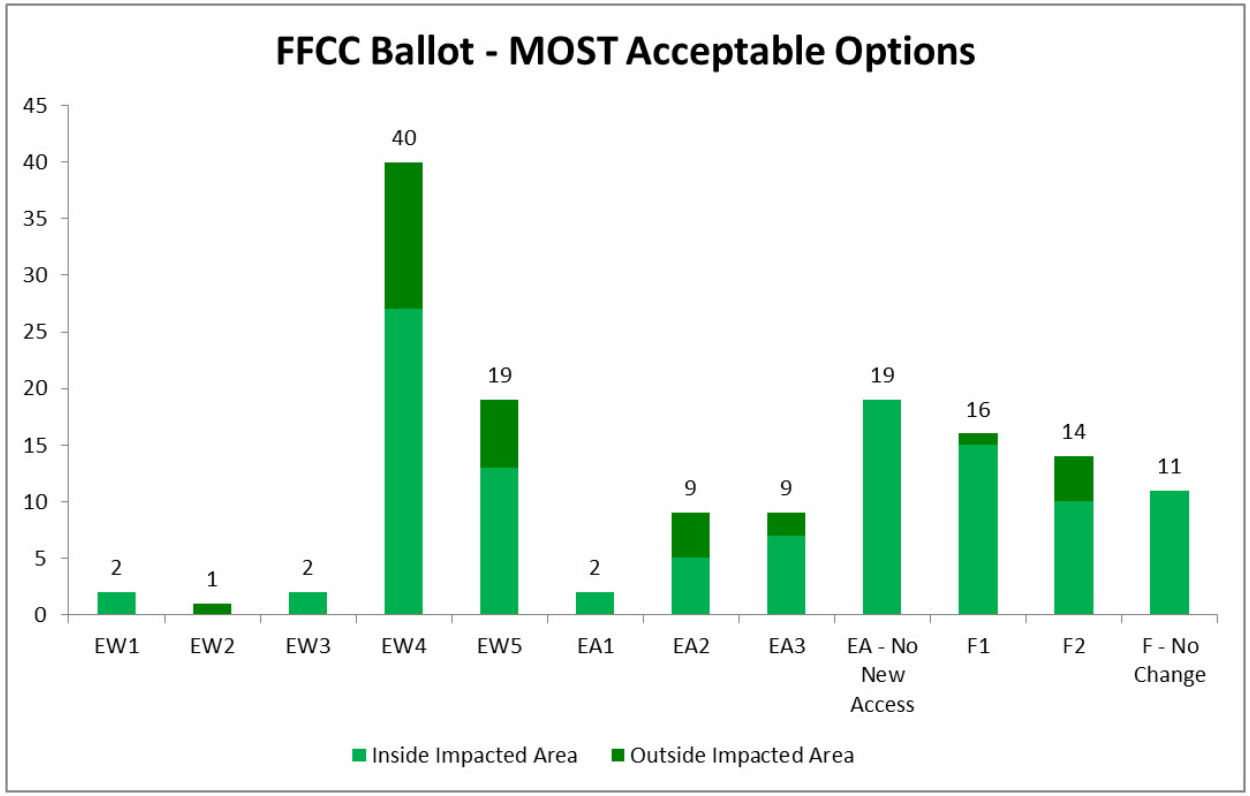
If you would like to continue to received updated information, postings will occur on our Facebook site and through accessing the following public file: https://public.me.com/communitybydesign Go to the folder marked CINC.

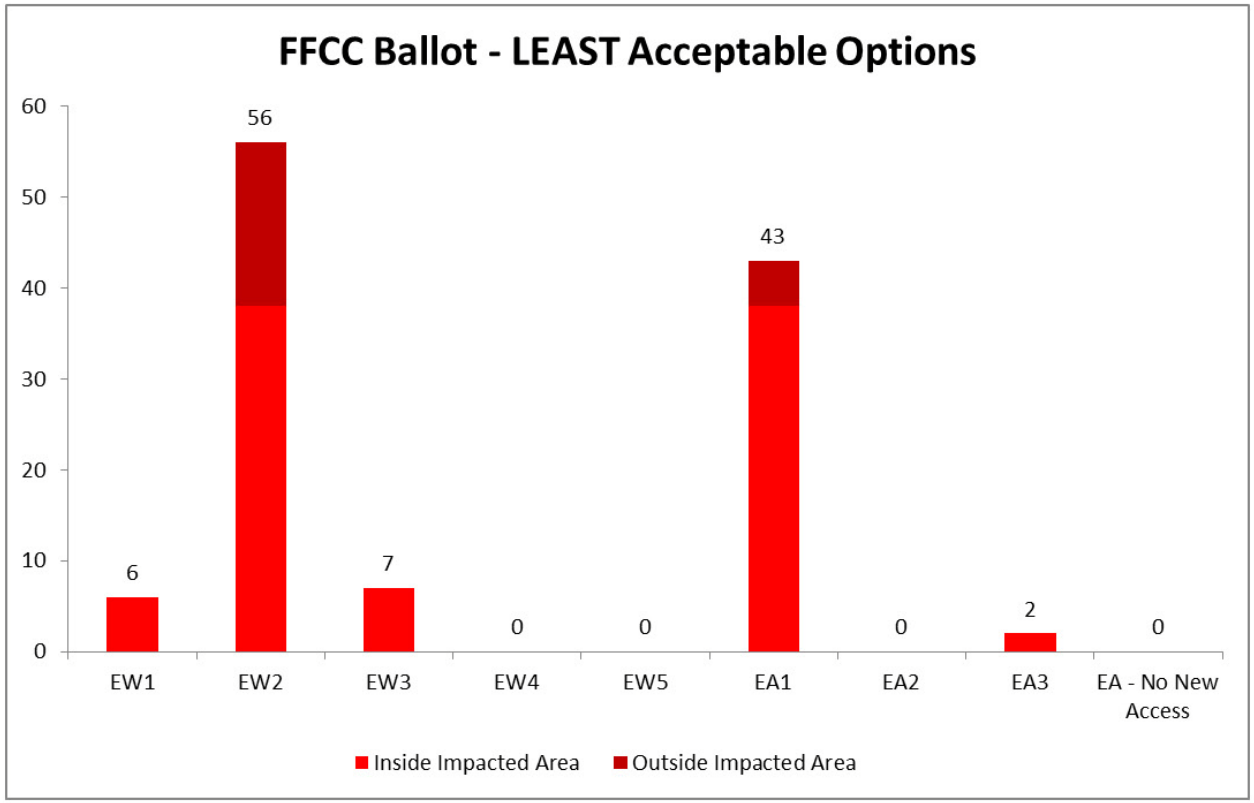
Ballot Results [1]

- East West Access
  - EW4 (No New Access) is the **CLEAR CHOICE** with **63%** of the respondents choosing this option
  - EW5 (Ped Path option proposed by FFCC) is 2nd with **30%** of the respondents
  - Without the EW5 option, more than 90% of the respondents would have selected the EW4 option on the city's survey
  - EW2 was **CLEARLY OPPOSED** with **81%** of the respondents voting against the proposal

Ballot Results [2]

- Emergency Access
  - No New Access was the **1ST CHOICE** of **49%** of the respondents
  - Option EA1 was overwhelmingly **OPPOSED** with **96%** voting against this option
- Flood Improvements
  - Respondents were split fairly evenly between F1, F2, and No Change, with F1 leading at **39%**

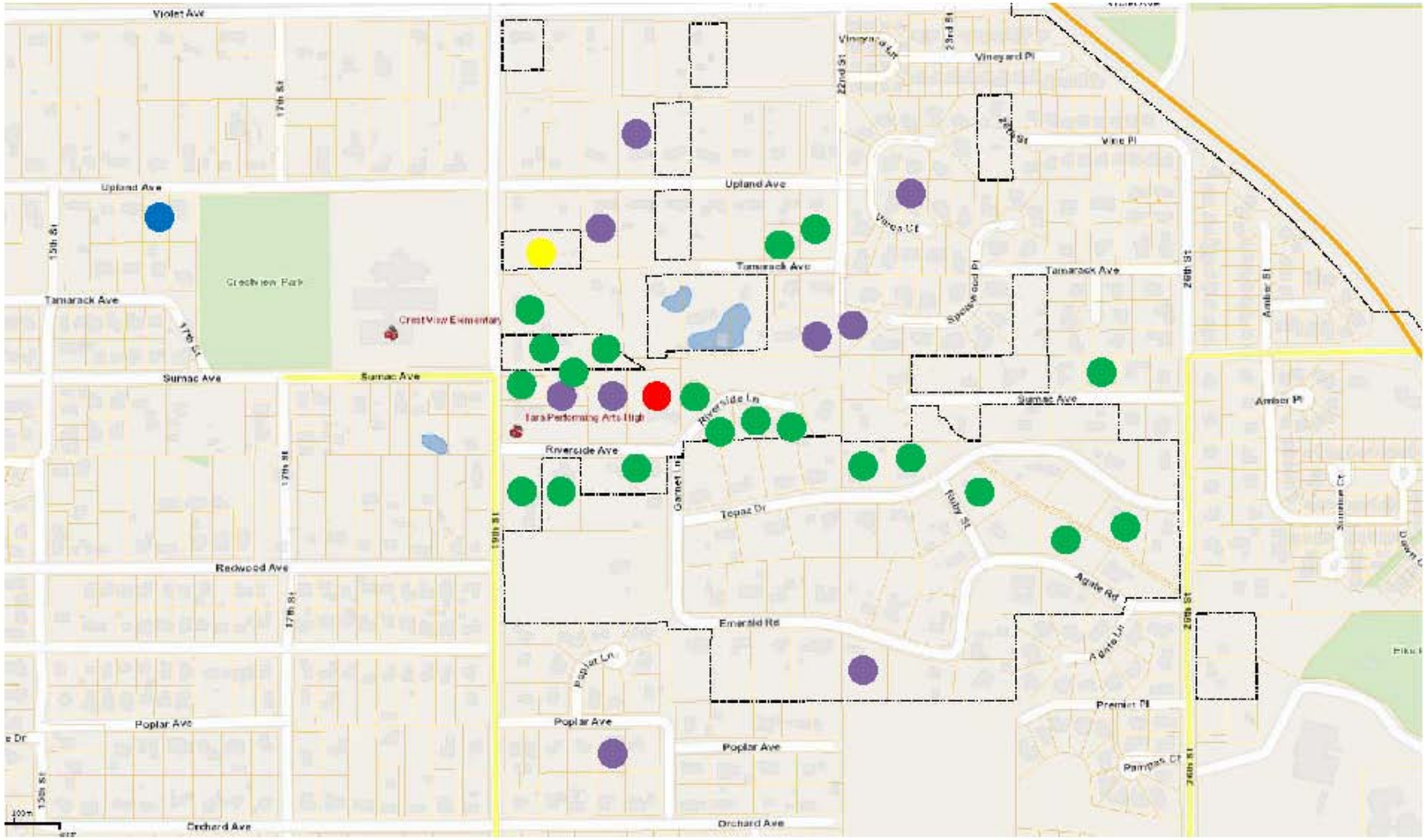

FFCC Ballot - MOST Acceptable Options
45
40
35
30
25
20
15
10
5
0
2
1
2
40
19
2
9
9
19
16
14
11
EW1
EW2
EW3
EW4
EW5
EA1
EA2
EA3
EA - No New Access
F1
F2
F - No Change
Inside Impacted Area
Outside Impacted Area


FFCC Ballot - LEAST Acceptable Options
60
50
40
30
20
10
0
56
43
6
7
0
0
0
2
0
EW1
EW2
EW3
EW4
EW5
EA1
EA2
EA3
EA - No New Access
Inside Impacted Area
Outside Impacted Area

EW5 Proposal

Boulder County Enclave

Fourmile CEAP Options – East West Connections (MOST Acceptable)



EW 1: Sidewalk on Riverside

EW 2: Fourmile Creek Path

EW 3: Sidewalk on Tamarack

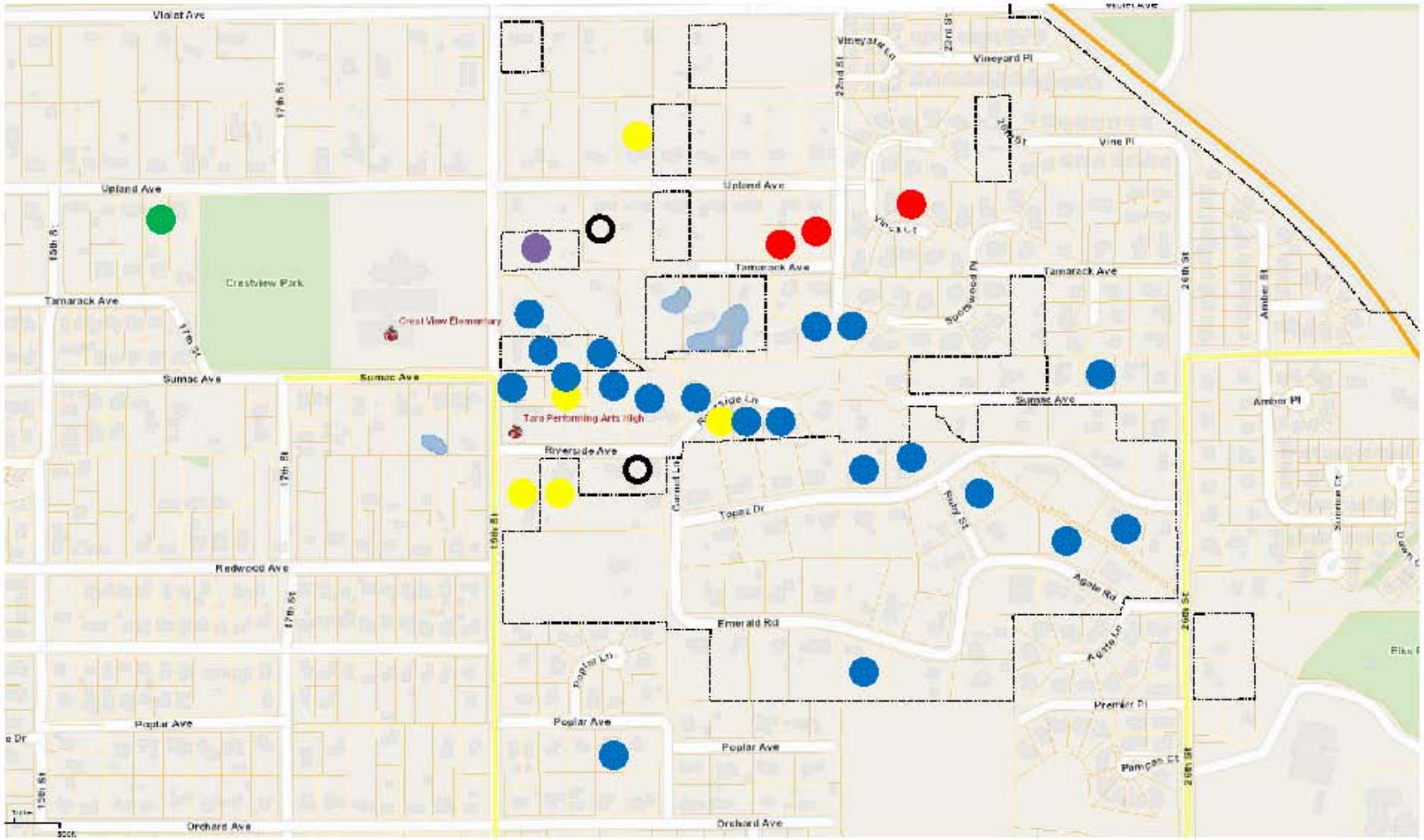
EW 4: No New Connections

EW 5: Crusher-fine Path 19th to Tamarack

No Opinion Offered

Fourmile CEAP Options – East West Connections (LEAST Acceptable)

Boulder County Enclave



EW 1: Sidewalk on Riverside

EW 2: Fourmile Creek Path

EW 3: Sidewalk on Tamarack

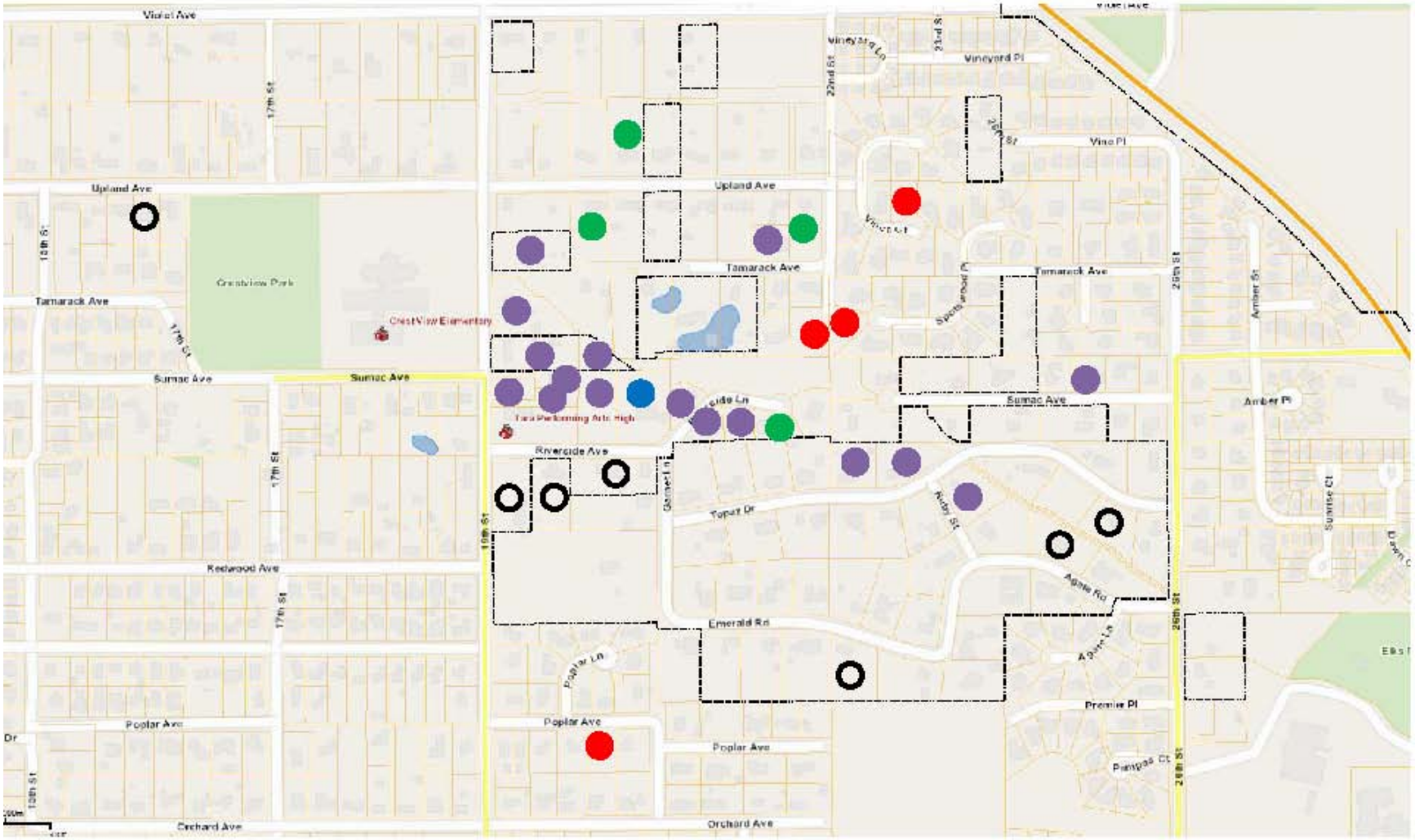
EW 4: No New Connections

EW 5: Crusher-fine Path 19th to Tamarack

No Opinion Offered

Boulder County Enclave

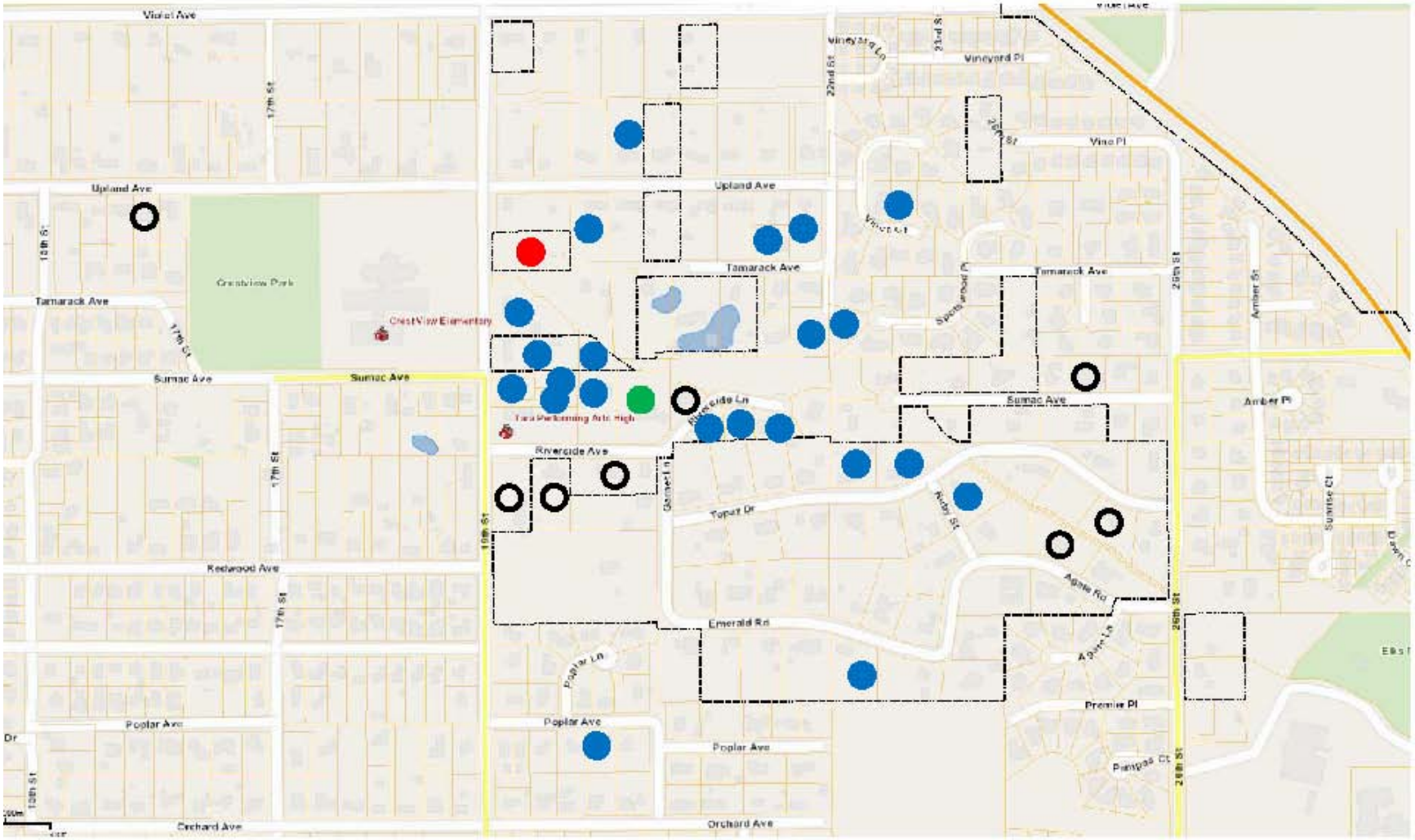
Fourmile CEAP Options – Emergency Access (MOST Acceptable)



- EA1: 20 ft. Paved Road 2010 Upland and 4306 19th St.
- EA2: 12 ft. Multi-Use Path between 2010 Upland and 4306 19th St.
- EA3: 12 ft. Multi-Use Path south of 4270 19th St.
- No New Access
- No Opinion Offered

Fourmile CEAP Options – Emergency Access (LEAST Acceptable)

Boulder County Enclave



EA1: 20 ft. Paved Road 2010 Upland and 4306 19th St.

EA2: 12 ft. Multi-Use Path between 2010 Upland and 4306 19th St.

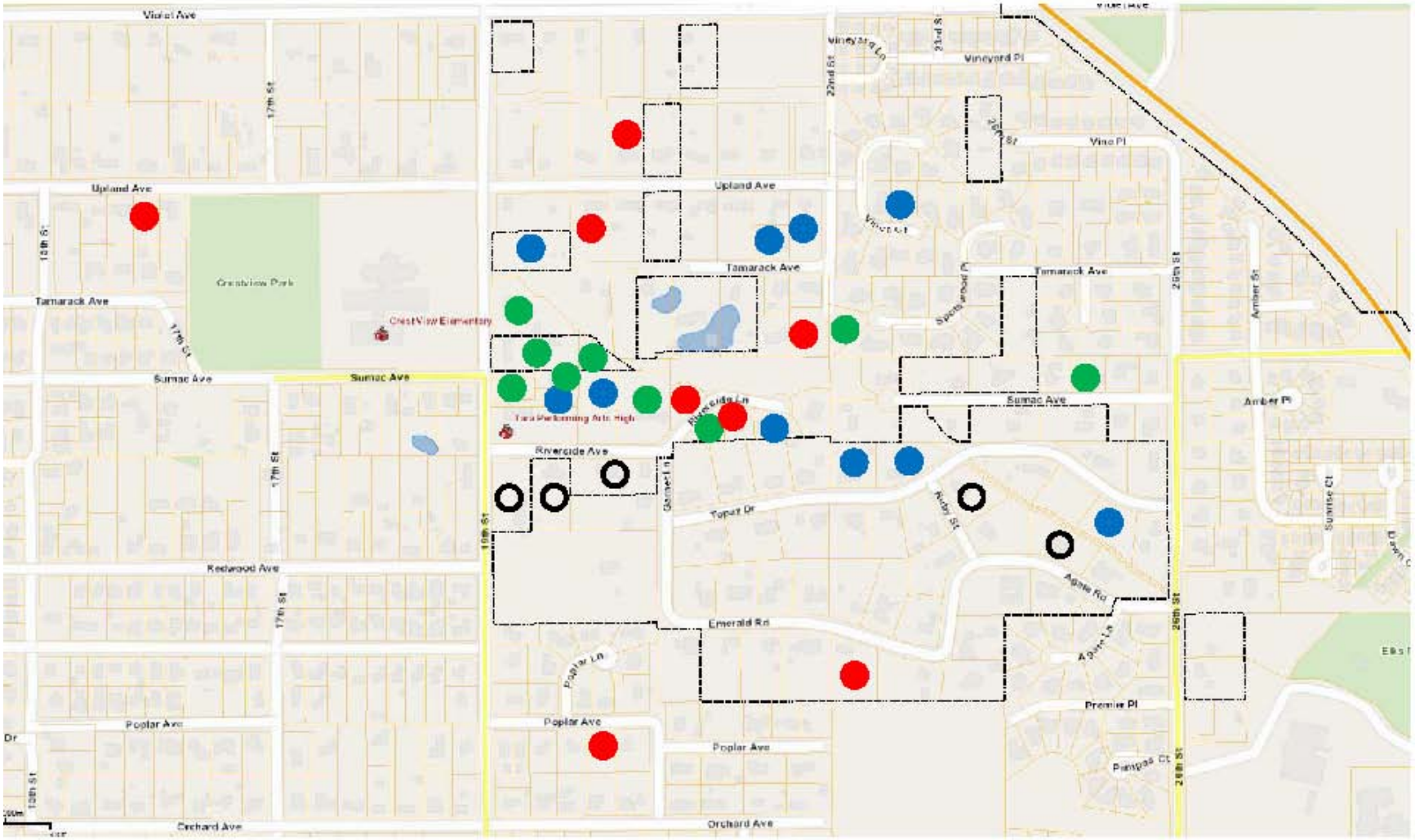
EA3: 12 ft. Multi-Use Path south of 4270 19th St.

No New Access

No Opinion Offered

Boulder County Enclave

Fourmile CEAP Options – Flood Improvements



F1: Box Culverts Only

F2: Box Culverts & Pedestrian/Bicycle Underpass

No Change to 19th and Fourmile Underpass

No Opinion Offered

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: October 6, 2009

AGENDA TITLE:
Second reading and consideration of a motion to order published by title only, Ordinance 7689 to annex and zone fourteen parcels in the Crestview East Neighborhood located at 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave., 2114 Violet Ave., 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave. to initial city zoning designations of Residential Estate (RE), Residential Low – 1 (RL-1), and Residential Medium – 2 (RM-2). The application also includes a request to amend the North Boulder Subcommunity Plan Bicycle / Pedestrian / Auto Improvements Map.

Owners/Applicants:
1937 Upland Ave. Christine Adams
2005 Upland Ave. Gary Calderone
2010 Upland Ave. Anne Hockmeyer and Ellen Stark
2075 Upland Ave. Jan Morzel
2090 Upland Ave. Gary and Barbara Eddleman
2125 Upland Ave. Robert and Joan Knecht
2130 Upland Ave. Rachael Cahn
2135 Upland Ave. Mary and Andy Malkiel
2155 Upland Ave. Rodrigo and Shari Moraga
2160 Upland Ave. Steven Ford and Margaret Pilcher
2114 Violet Ave. Betsy Imig
1938 Violet Ave. Walter and Erika Bernyk
1960 Violet Ave. Mark Young / Gary Calderon
2066 Violet Ave. Michael Marez

PRESENTER/S:
Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
David Driskell, Executive Director of Community Planning and Sustainability
Charles Ferro, Acting Land Use Review Manager
Robert Ray, Housing and Human Services Division Manager
Steve Buckbee, Civil Engineer II

EXECUTIVE SUMMARY:

On September 15, 2009, City Council approved the first reading of Ordinance 7689 for annexation and initial zoning of 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave., 2114 Violet Ave., 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave. and posed questions to staff regarding the terms of the proposed annexation. **Answers to council's questions posed to staff at first reading and through subsequent hotline communications are provided in Attachment A.**

The purpose of this item is for council to consider second reading of an ordinance to annex a portion of the Crestview East county enclave into the city. The proposed annexation conditions would:

- Provide public health and environmental benefits by abandoning existing shallow wells and failing septic systems and by connecting existing homes in the area to public water and sewer service;
- Allow residents in the neighborhood to stay in their existing homes and pay annexation costs over time (refer to summary of financing terms on page 4);
- Establish a future land use and transportation system that is compatible with the pattern in the surrounding area and generally consistent with the North Boulder Subcommunity Plan (NBSP) and the Boulder Valley Comprehensive Plan (BVCP) land use designations;
- Allow for approximately 26 additional single family and approximately 22 multi-family units to be added to the neighborhood over time;
- Result in approximately 12 additional permanently affordable units and payment of two times the required cash-in-lieu fees over time; and
- Annex 14 properties within one of the largest residential county enclaves in the Boulder Valley, resulting in a more logical service boundary. (Nine properties in the enclave will remain unannexed).

As part of the second reading of the ordinance, council is also asked to amend the North Boulder Subcommunity Plan Bicycle / Pedestrian / Auto Improvement Maps (NBSP Transportation Connections Plan) as outlined in **Attachment B**. Staff believes these amendments are generally consistent with the NBSP and are recommended as a way to meet connectivity goals in the NBSP while respecting the existing character of the area per BVCP policies.

Efforts to annex the Crestview East neighborhood into the city and connect properties to public water and sewer go back as far as 1995 when the NBSP[1] was adopted by Planning Board and City Council. Annexations of this nature, with multiple residents with varying interests and financial means, are always challenging. It has taken nearly two years to come to agreement on the details that are presented in the annexation agreement to the satisfaction of the neighborhood and the city.

[1] The North Boulder Subcommunity Plan is available on-line at:
http://www.bouldercolorado.gov/index.php?option=com_content&task=view&id=3541&Itemid=1713

The only outstanding issue between the city and some of the residents relates to one property (2010 Upland Ave). The property owners at 2010 Upland Ave. are on a fixed income and have requested no payments to the city for utility installation until the property is sold, title is transferred, or the property is subdivided (which they have no intention of initiating in the foreseeable future). The proposed annexation agreement in **Attachment C** defers repayment of each property owner's proportional share of utilities one year after connection to city water and sewer service and allows for repayment over a ten year period.

Originally staff agreed to offer the property owners at 2010 Upland Ave. the option to defer the principal and make interest only payments until the time of redevelopment or sale. However, the property owners have indicated that this would not be financially feasible for them. While staff does not support deferral of all up-front costs for utility connection, staff does support allowing the low-income qualified property owners to pay as much as they can up-front to help cover the costs to connect to the city's sewer system (the property already has city water through a previous out-of-city utility permit) and deferring the remainder. The deferred remainder owed to the city would essentially cover the costs associated with their fair share portion of street reconstruction (e.g., asphalt pavement) with interest compounding annually at 5.5%, which the 2010 Upland property owners have accepted. A separate amendment to the annexation agreement outlining the terms of the arrangement will be provided to council for consideration under separate cover prior to second reading of the annexation ordinance on October 6, 2009. A discussion of options that were considered and other issues related to this property are outlined in **Attachment A**.

One of the key issues that was identified early in the process was how to finance and install utilities. Generally, installation of utilities is the responsibility of a private developer; however, because of the multiple property owners involved in the proposed annexation, this would not be feasible. It was especially complicated given the multiple property owners with different financial interests and timing considerations. The process was further complicated by the city's limited financial resources. The proposal presented here is for the city to up-front the costs and install utilities in Violet and Upland Avenues. The city has already designed the utility system and the plans out to bid in early September 2009. If council approves the annexation, staff anticipates that utilities can be installed by no later than spring 2010 (possibly sooner depending on the weather and the availability of the selected contractor), allowing all applicants to connect their homes to public water and sewer service.

STAFF RECOMMENDATION:

Suggested Motion Language:
Staff requests council consideration of this matter and action in the form of the following motion:

Motion to approve the conditions of annexation set forth in the proposed annexation agreement, **Attachment C**, and to adopt Ordinance No. 7689 and the proposed amendments to the North Boulder Subcommunity Plan as outlined in **Attachment B.**

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- Economic: The Crestview East annexation will provide economic benefits to the individual property owner by allowing additional residential development potential. Crestview East is one of the few enclave areas in the city with potential for new multi family and single family development.

- Environmental: A majority of the properties are currently served by independent well and septic systems. The wells in the area are shallow and there is a concern regarding surface run off contaminating the wells. In addition, many of the septic systems in the area are failing and may ultimately result in contaminated ground water sources.

  Based on the fact that new pedestrian, sidewalk, and vehicular connections are required, trees will inevitably be lost. An inspection by the city's landscape architect has found that a majority of the trees that would be removed are "volunteer" Siberian Elm trees, which are non-native and considered a nuisance species. Subdivision will require new trees to be planted. Required easements will be platted wider than normal to allow connections to meander around healthy mature landscaping where possible.

- Social: The primary community benefit associated with the proposed annexation is the provision of permanently affordable housing. The provision of additional permanently affordable housing will help promote social equity, economic and social diversity in the city while helping to accomplish the city's goal of providing an overall affordable city-wide housing stock of ten percent.

OTHER IMPACTS:

- City Costs Upon Annexation: According to the Annexation Agreement **(Attachment C)**, the city has agreed to install sewer mains in Violet and Upland Avenues, install water and sewer service lines to the property line of each property and reconstruct roadways after installation of the buried pipes. The city will upfront the total cost of approximately $673,000 for this work which is to be paid back by the annexing property owners under a financing arrangement with the city. The proposed funding source for this project is the Utilities' Capital Improvement Program (CIP). A total of $1.2 million has been budgeted in the CIP to fund utility improvements associated with annexations such as Crestview East and Gapter Road. The financing terms for the Crestview East annexation require the funds to be paid back by annexing property owners at 5.5 percent interest over a period of ten years.

  With respect to the annexation of the Gapter Road area, negotiations have been on-going for several years and property owners have not yet submitted a formal application for annexation. Negotiations were inactive until recently and it appears that there is some neighborhood interest in moving forward with annexation. Staff has approached the Gapter Road area with a similar proposal of installing the necessary infrastructure (water and sewer lines) in the Gapter Road neighborhood. The cost estimate for this work is approximately $1.2 million, which is larger than the Crestview East project. If the Gapter Road annexation application is submitted in the near future, it is probable that a budget shortfall equal to the

amount needed to fund the utility work associated with the Crestview East annexation will occur until the Crestview East annexation property owners repay the fund. It is possible that some of the Crestview East and Gapter Road property owners will choose to pay up front instead of accepting the city's financing arrangement and therefore the funding shortfall may be reduced. However, it is likely that a funding shortfall will still exist in which case the Gapter Road annexation will need to be delayed until sufficient funds have been recovered through payments on the loan. Refer to **Attachment D** for a spreadsheet of utility installation costs by property, as well as the duration of payback to the city.

- Revenue Generated upon Annexation: Prior to annexation, applicants will be required to pay between $4,000 and $16,000 respectively in water, wastewater, storm water and flood control Plant Investment Fees (PIFs). Further, any redevelopment that occurs on any of the parcels will also be required to pay additional PIFs for new impervious surfaces. Future application fees for subdivision and building permits will also generate additional revenue upon annexation. Per **Attachment D,** the city's total costs are estimated to be $673,000 for installation of utilities and repaving the roadways for this project.

  Attachment D illustrates the worst case scenario for payback to the city in the event that none of the property owners subdivide or redevelop any of the properties in the enclave over the 10 year payback period. After the 10 year payback of $673,000, the city will break even on the loan. Assuming that several properties redevelop or are sold over the course of the 10 year payback period, the city will be repaid sooner. Upon annexation, properties will also be required to pay city property taxes.

- Staff time: The annexation application fee has been paid and the annexation has been processed according to the provisions of a standard annexation application which is intended to fully cover the city's costs. However, due to the complexity of this application, staff's time to process this application has far exceeded the application fee of $20,000.

BOARD AND COMMISSION FEEDBACK:

On August 12, 2008, the City Council held a study session to discuss the outstanding annexation issues identified by the neighbors in Crestview East. Council supported the city financing of utilities, maintaining consistency with adopted policies regarding affordable housing, an alternative street design for Vine St. and some form of house size limitations. Most council members also indicated that sidewalks should be provided along Upland and Violet Avenues. Council also discussed revisiting the projected land use pattern for the Crestview East neighborhood as outlined in the NBSP. Council suggested that staff get input from the Planning Board on this issue.

Subsequent to the City Council Study Session, Planning Board considered the land use pattern and confirmed that they felt it is the appropriate pattern for the area. On June 4, 2009, the Planning Board held a public hearing in consideration of the annexation and initial zoning and recommended approval.[2] The board made specific recommendations regarding several

[2] The Planning Board Minutes can be found on-line at:
http://www.bouldercolorado.gov/files/june_4_2009_pb_minutes_final_approved.pdf

unresolved neighborhood issues regarding vehicular and pedestrian transportation connections and affordable housing. The Planning Board also recommended approval of amendments to the adopted North Boulder Subcommunity Plan Transportation Network Plan (discussed in detail in **Attachment B).**

Annexations are subject to county referral and city Planning Board recommendation prior to City Council action. The county has reviewed the annexation request and is in support of the request.

The Planning Board motion was as follows:

On a motion by **B. Holicky**, seconded by **K. Becker**, the Planning Board recommended (7-0) to City Council the approval of LUR2008-00080 the annexation of Crestview East with Staff recommendations as findings of fact with the modification recommended by the city attorney on page 34 and 35 changed to 18B to delete the RL zone from that statement and to further modify subsection C on page 35 to make it clear that it applies to all RL zoned properties within the annexation.

On a motion **E. Jones**, seconded by **B. Holicky**, the Planning Board would like to go on record (7-0) as encouraging City Council to continue exploration of formation of Local Improvement District (LID) or other equitable solutions for dealing with the up front costs including extending the payback period.

Staff has incorporated the Planning Board's recommendations into the annexation agreement found in **Attachment C.**

City Council reviewed and unanimously recommended approval of the annexation and initial zoning at first reading on September 15, 2009 and had questions related to the terms of the annexation agreement. Staff has provided answers to council's questions in **Attachment A** of this memorandum.

PUBLIC FEEDBACK:

Subsequent to the City Council study session in August 2008, staff hired a professional facilitator and held regular meetings over the course of the past year with Crestview East residents to work through remaining neighborhood issues and complete negotiations related to the terms of annexation.

There have been a number of issues and changes to the terms of the annexation over the past few years and staff's approach has been to honor the intent of all applicable regulatory and policy documents that pertain to the annexation while working to address the residents' concerns in an attempt to keep as many participants in the annexation as possible.

Staff's Memorandum of Recommendation to Planning Board can be found at:
http://www.bouldercolorado.gov/files/cf_memo.pdf

At this time, most neighbors are satisfied with the annexation agreement with the exception of the property owners at 2010 Upland Ave. who would like to defer the required ten year assessment for repayment to the city until the time of redevelopment (**Attachment E**). The property owners also expressed that they do not want North 20th St. installed adjacent to their property (although it appears that this is no longer an issue based on discussion with neighborhood representatives). A neighborhood petition to have the future roadway removed from the North Boulder Subcommunity Plan is included in **Attachment F.**

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 ten days. All notice requirements of Section 9-4-2, B.R.C. 1981 have been met.

ANALYSIS:

1. Compliance with State Annexation Statute

Annexations must comply with the Municipal Annexation Act of 1965, section 31-12-101, *et seq.*, C.R.S. Staff has reviewed the annexation petition for compliance with section 31-12-104, C.R.S. and section 31-12-105, C.R.S. and finds that the application is consistent with the statutory requirements, as affirmed by the criteria below:

- Landowners of more than 50 percent of the area have petitioned to annex;
- A petition for annexation was filed with the City Clerk;
- There is a community interest between the property proposed for annexation and the City of Boulder;
- The subject property does not include any area included in another annexation proceeding involving a municipality other than the City of Boulder;
- The annexation would not remove the property from one school district and add it to another; and
- The property has, at least, one-sixth contiguity with the perimeter to the city of Boulder.

Staff has found that the proposed applications are compliant with the state provisions for annexation located in Section 31-12-101 et seq., C.R.S.

2. Compliance with City Policies

Staff has found the proposed annexation in compliance with the applicable BVCP and NBSP policies as follows:

BVCP Policy 1.27 Annexation

Staff's analyses of relevant annexation policies found in Section 1.27 of the BVCP are below:

a) Annexation will be required before adequate facilities and services are furnished.

Per the attached annexation agreement (Attachment C), utilities will not be installed until after the properties are annexed.

b) The city will actively pursue annexation of county enclaves, Area II properties along the western boundary, and other fully developed Area II properties. County

enclave means an unincorporated area of land entirely contained within the outer boundary of the city. Terms of annexation will be based on the amount of development potential as described in (c), (d), and (e) of this policy. Applications made to the county for development of enclaves and Area II lands in lieu of annexation will be referred to the city for review and comment. The county will attach great weight to the city's response and may require that the landowner conform to one or more of the city's development standards so that any future annexation into the city will be consistent and compatible with the city's requirements.

The city has been actively working with the residents of Crestview East to annex the enclave into the City for the past several years. The proposed terms of annexation are based on the annexation policy guidelines for the Crestview East enclave that recognize the subdivision potential that will be created upon annexation of the area.

c) Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that respect existing lifestyles and densities. The city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area or of the city. The city, in developing annexation plans of reasonable cost, may phase new facilities and services. The county, which now has jurisdiction over these areas, will be a supportive partner with the city in annexation efforts to the extent the county supports the terms and conditions being proposed.

The proposed annexation conditions offered are compliant with the densities of the BVCP land use designations for the area. Additionally, the land use pattern is consistent with development patterns specified in the North Boulder Subcommunity Plan (NBSP).

Staff and Planning Board have also recommended amendments to the adopted NBSP Transportation Connections Plan that would reduce pavement sections and amend roadway and path alignments. Some of these amendments would deviate from the city's standards in order to respect the existing character of the area while helping to improve pedestrian and vehicular circulation in the area.

d) In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city. For annexation considerations, emphasis will be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special opportunity or benefit: receiving sites for transferable development rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city's land use regulations, environmental preservation, or other amenities determined by the

city to be a special opportunity or benefit. Parcels that are proposed for annexation that are already developed and which are seeking no greater density or building size would not be required to assume and provide that same level of community benefit as vacant parcels unless and until such time as an application for greater development is submitted.

The proposed redevelopment and subdivision potential is based on the densities of the BVCP Land Use designations and the NBSP. The primary benefit associated with the proposed annexation is the provision of affordable housing either through on-site development or payment of cash-in lieu contributions for affordable housing upon subdivision and redevelopment of each property.

The proposed affordable housing requirements are based on the annexation policy guidelines for existing developed Area II neighborhoods as approved by City Council in 2002.

The affordable housing requirements for this annexation can be found in the annexation agreement in Attachment C. Additionally, a summary of the terms of annexation regarding affordable housing can be found below.

3. Compliance with the North Boulder Subcommunity Plan

The North Boulder Subcommunity Plan (NBSP) is the primary land use policy document for the Crestview East area. The plan sets forth the official vision for the future of North Boulder and provides the basis for decisions about the long-term development and preservation of North Boulder and lists specific actions to be carried out by the City, other public agencies, and the private sector in the coming years. The plan is the result of several years of public process and was adopted by Planning Board on August 31, 1995 and City Council on August 29, 1995. It was subsequently amended by Planning Board and City Council in 1996 and 1997.

Land Use

Staff has found the proposed annexation compliant with the goals and guidelines provided in the NBSP. An excerpt from the NBSP that pertains directly to the Crestview East neighborhood is included in **Attachment G**. It contains specific goals and guidelines for the annexation and redevelopment of the enclave. An analysis of *specific* annexation goals for the Crestview East neighborhood can be found in **Attachment H.**

Specifically, a Future Growth Management Land Use Map was adopted with the plan to provide for specific land use patterns in the Crestview East enclave that would allow for future growth while maintaining rural neighborhood character. The concept of the land use pattern is to mirror the adjacent medium density land uses on the north side of Violet Ave. and provide a transition or cascading reduction in density to the existing residential low density uses (due to flood constraints) south of Tamarack Ave.

Transportation

A detailed analysis of the proposed amendments to the NBSP Transportation Connections Plan can be found in **Attachment B.** Staff is recommending reducing right-of-way and pedestrian path widths, eliminating one pedestrian path and one street connection, and eliminating one portion of sidewalk along the south side of Upland Ave. In general, staff finds the proposed amendments meet the connectivity goals of the NBSP.

Planning Board did not agree with staff's original recommendation for elimination of the north / south vehicular right-of-way access (20th St.) between Tamarack and Upland Avenues and substitution of a 12 foot wide multimodal path / fire access. There is potential for an additional 11 to 15 units (in addition to the eight existing units) on Tamarack Ave. Planning Board felt the connection would result in a disproportionate amount of forced vehicular trips onto 22nd St. and Upland Ave. that may result in additional conflicts with pedestrians along Upland Ave. and 22nd St. The property owners at 2020 Upland Ave. (already annexed into the city) are opposed to the roadway connection and would support a fire access / pedestrian multi-use path. The annexation agreement presented for consideration by council includes the North 20th St. connection between Tamarack and Upland Avenues.

Terms of Annexation

Specific terms of the proposed annexation can be found in the annexation agreement (**Attachment C**). The general terms of annexation have been summarized below.

1) The city will finance the installation of utilities in Violet and Upland Avenues, the required reconstruction of the streets, and the installation of the detached sidewalk on the north side of Upland Ave. Repayment will be based on the frontage length of each property and the actual construction cost incurred by the city.

2) The agreement allows a 10 year payback at 5.5% to the city for financing utilities. The first assessment payment is due to the city one year after utility connection.

3) The agreement allows deferment of development excise taxes (DETs) and storm water plant investment fees (PIFs) until the time of redevelopment (between $2,000 and $5,000 per property). DETs and storm water PIFs may also be paid at the time of first reading. In the event DETs and storm water PIFs are deferred to the time of redevelopment, the property owner will be expected to pay the PIF rate in place at the time of redevelopment.

4) The agreement allows water and waste water PIFs (between $2,000 and $10,000 per property) to be to be deferred until 90 days after the installation of utilities.

5) The construction of Vine St. will be financed and built by a private consortium of neighborhood residents.
    - North 20th St., the east / west alley, and Vine St. improvements will be required to be built at the time of redevelopment of the Residential-Medium Two (RM-2) properties along Violet St.
    - The agreement allows curb cuts along both sides of Vine St. without requiring the construction of the east west alley between Violet and Vine Avenues.

Within 90 days of the city's installation of water and sewer stubs to the property, applicants will be required to connect to city utilities and pay applicable water and wastewater PIFs (between $2,000 and $10,500 per property) with the exception of one property at 2135 Upland Ave. that will not be required to connect to sewer until the time the septic system fails.

Depending on respective property location, upon subdivision or redevelopment, additional public improvements will be required such as the construction of Vine St. and the associated east / west alley connection, pedestrian connections, and installation of a detached sidewalk, curb and gutter, and a bike lane along Violet St.

Affordable Housing:

The adopted annexation guidelines for the Crestview East neighborhood state that 50% of the total new units on properties with combined Residential Medium Two (RM-2) and Residential Low One (RL-1) zoning be permanently affordable to low and middle income households; 25% of the new units on properties with combined Residential Low One (RL-1) and Residential Estate (RE) zoning be permanently affordable to middle income households; and market rate units be assessed twice the inclusionary zoning cash-in-lieu amounts; and new units on Residential Estate (RE) zoned properties be assessed twice the inclusionary zoning cash-in-lieu amount. Given that all of the properties with combined Residential Low One (RL-1) and Residential Estate (RE) zoning have the potential for three or less new units, each new market rate unit will be assessed a cash-in-lieu amount (25% of three or less equals a fraction of a unit.) However, through negotiations with the property owners, the following additional provisions were included:

1) Sliding scale for cash-in-lieu payments. The larger the new house, the greater the cash-in-lieu payment, with the largest amount equal to three times the inclusionary zoning cash-in-lieu payment.

2) Cash-in-lieu payments applied to redeveloped units greater than 3,000 square feet.

3) A reduction in the cash-in-lieu payment for energy efficient homes with a Home Energy Efficiency Rating (HERS) of zero.

4) Options for existing, owner occupants, including deferring a cash-in-lieu payment for up to ten years and an exemption from paying cash-in-lieu for a redeveloped unit.

5) Density bonus for additional permanently affordable homes. Duplexes would be allowed in the LR zones if both units are permanently affordable, one unit for low income households and one unit for middle income households.

6) Ability to convert, one time for each property owner, two middle income units into one low income unit.

Planning Board accepted these conditions with one change: that properties with combined RM and RL zoning not be required to provide permanently affordable units on the RL zoned portion,

but instead that new units constructed on the RL portions be assessed the cash-in-lieu amounts agreed above. This results in on-site permanently affordable units on the RM zoned portions only and eliminates the opportunity for permanently affordable single family homes. The annexation agreement found in **Attachment C** reflects Planning Board's recommended change.

Approved By:

Susan Kohl for

Jane S. Brautigam,
City Manager

ATTACHMENTS:

A: Staff Responses to City Council's First Reading Questions
B: North Boulder Subcommunity Plan – Proposed Transportation Plan Amendments
C: Annexation Agreement
D: Utilities Cost Estimate
E: Neighborhood Letter dated September 10, 2009
F: Neighborhood Petition Regarding the Connection of N.20th St. between Upland and Tamarack
G: North Boulder Subcommunity Plan Excerpt Regarding the Crestview East enclave
H: Staff Analysis of North Boulder Subcommunity Plan Annexation Goals
I: Ordinance #7689

ATTACHMENT A

Staff Responses to City Council's First Reading Questions

Transportation Connections

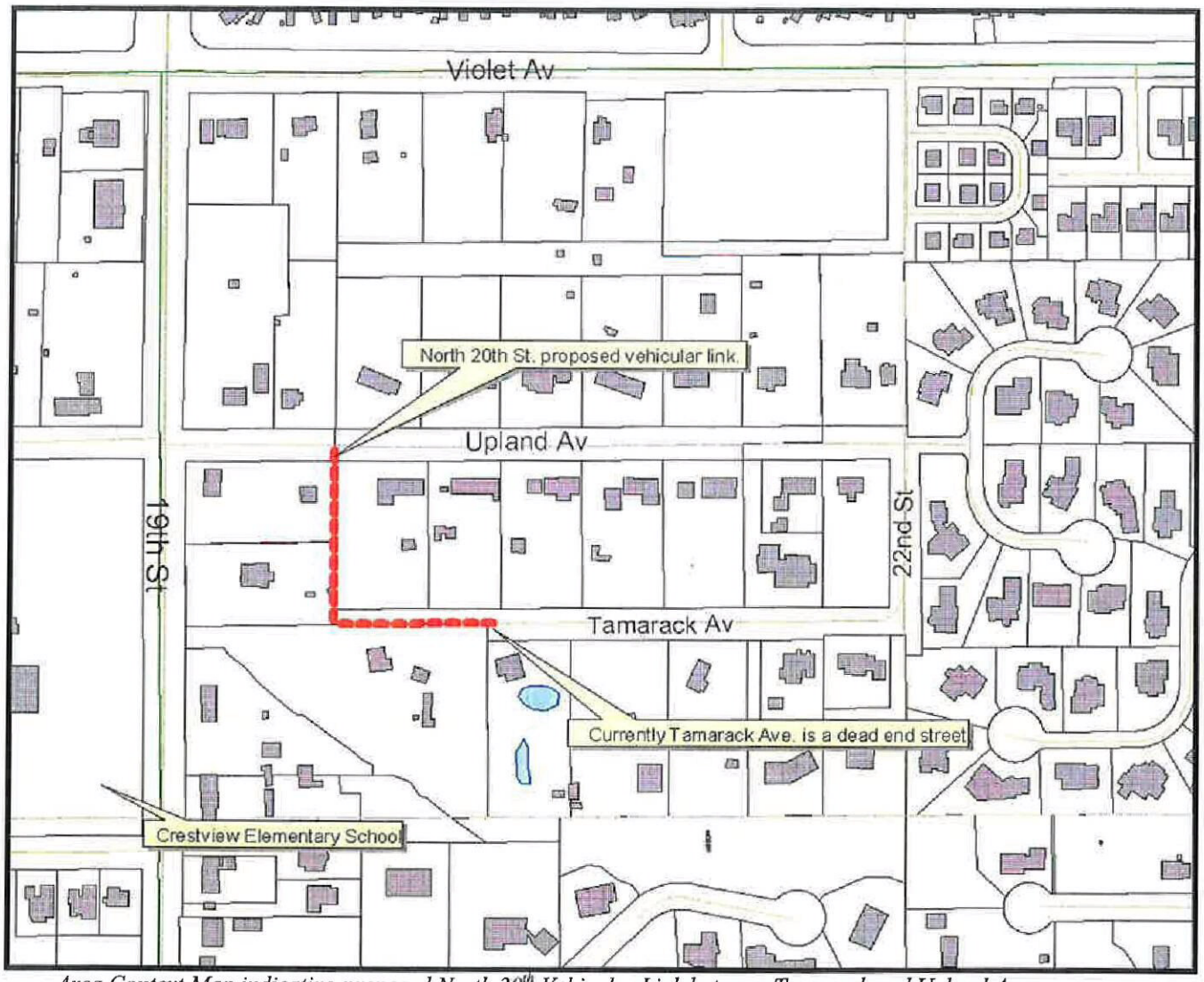
1. Elimination of various sidewalks. Although it is true that there will likely be limited pedestrian traffic, our standards clearly call for sidewalks everywhere for a good reason. And several members of this council have been adamant about enforcing our snow removal ordinance, which is of course moot without sidewalks. Why make an exception in this case, particularly at annexation time which is essentially the only time to enforce these longstanding rules?

   The currently adopted North Boulder Subcommunity Plan (NBSP) Transportation Network Plan calls for detached sidewalks on both sides of Upland and Vine Avenues. The proposed annexation agreement would only require sidewalks on the north side of each street.

   From the beginning of staff's discussions with the neighborhood, this has been an area of disagreement with staff feeling that sidewalks are an important component of neighborhood redevelopment (given the neighborhood's proximity to Crestview Elementary School) and the neighbors feeling that sidewalks will require mature trees to be removed and diminish the established character of the neighborhood. Staff was primarily concerned with having sidewalks on both sides of Upland Ave. since it served as a more centralized neighborhood connection and provides more of a direct link to Crestview Elementary School to the east.

   For that reason, staff checked in with City Council on this issue as a part of the study session on August 12, 2008. Most council members indicated support for sidewalks on both sides of Upland Ave., and staff continued to support this position. However, at the Planning Board hearing on June 4, 2009, the Board felt that pedestrian volume in the area was relatively low and that pedestrian comfort along Upland Ave. would increase by reducing the amount of vehicular trips forced onto Upland Ave. from Tamarack Ave. (Based on the fact that North 20th St. would provide a new north / south vehicular connection between Tamarack and Upland Avenues.) Currently, as indicated by the map below, Tamarack Ave. is a dead end, forcing all vehicular trips from Tamarack Ave. onto Upland Ave. via North 22nd St. The new North 20th St. connection would provide a new vehicular link from the east end of Tamarack Ave. to Upland Ave., thereby reducing the amount of vehicular trips forced onto Upland Ave. and providing easier access to 19th St. A maximum of 19 new single family homes could potentially develop along Tamarack Ave. once all properties along Tamarack Ave. are annexed. North 20th St. would be required to be built once all properties abutting the North 20th St. connection are annexed and the necessary right-of-way is obtained.

The Board also felt that elimination of the sidewalks on the south sides of Upland and Vine would help to preserve existing mature trees and the established character of the area.



Area Context Map indicating proposed North 20th Vehicular Link between Tamarack and Upland Aves.

2. In #4(a)(iii), we note that Upland Ave. doesn't meet our street standards. Why is that something we would support in the first place?

Upland Ave. is the only street in the neighborhood that will not have new units added to it over time. New units will be added to the rear of properties abutting this street (with new lots fronting on Tamarack Ave. to the south and Vine St. to the north. Upland Ave. does not currently meet city standards in terms of the storm drainage and roadside swales.

Staff feels it would be suitable to accept the existing condition because there will be no additional traffic along Upland Ave. especially in light of the new north / south

vehicular connection (North 20th St.) that will eventually occur between Upland and Tamarack Avenues. In order to eliminate additional design and construction costs along Upland Ave., staff feels that it is acceptable to continue the existing drainage conditions.

3. In #4(b), it would appear that the city can, by its sole decision, create a LID that all must join. Is that correct? What are the implications of this on costs to the applicants and repayment to the city?

   Correct, the agreement is written so that property owners cannot contest the creation of a Local Improvement District (LID) (A LID is a method by which a group of property owners can share in the cost of transportation infrastructure improvements or other types of public improvements such as installing water and sanitary sewer lines.) Under the city's code, creation of a LID requires a certain amount of participation, which would be achieved under the agreement as written. LIDs are funded by the city but paid back over a specified period of time by the participating property owners. While the city agreed to finance the installation of utilities in Crestview East over 10 years (through the Utilities budget), a LID may be created to install the required vehicular and pedestrian improvements. If a LID were created for the area, the financial implications for the applicants would be an additional assessment (based on a proportionate share of the improvements) on their properties to pay the city back over a period of time (in addition to the assessment for the repayment of the installation of utilities).

Financing

4. In #4(a)(ii), the repayment agreement has a fixed interest rate for 10 years, instead of one that follows some index (whether it goes up or down). Why?

   This has been the policy in past annexations, namely Crestview West, where we have provided a financing option that gives the annexing property owners a level of predictability with a locked-in repayment rather than a payment that can fluctuate over time. A fixed rate also eliminates some administrative complexity on the City's end. We would be required to monitor a fluctuating interest rate and update the payments as opposed to sending out the same annual bill.

5. Clarify any outstanding neighborhood issues.

   The only outstanding issue between the city and some of the residents relates to one property (2010 Upland Ave). Originally there were several unresolved issues, however, should council accept staff's recommendation, all neighborhood issues would be considered resolved. The property owners at 2010 Upland Ave. are on a fixed income and have requested to be allowed to connect to the city's sewer with no payments to the city for the utility until the property is sold, title is transferred, or the property is subdivided (which they have no intention of initiating in the foreseeable future). The proposed annexation agreement already defers repayment

of each property owner's proportional share of utilities one year after connection to city water and sewer service and allows for repayment over a ten year period.

While staff does not support deferral of all up-front costs for utility connection, staff does support allowing the low-income qualified property owners to pay as much as they can up-front to help cover the costs to connect to the city's sewer system (the property already has city water through a previous out-of-city utility permit). Staff supports deferral until the property is sold, title is transferred or the property is subdivided. The deferral would include the costs associated with their fair share portion of street reconstruction (e.g., asphalt pavement) with interest compounding annually at 5.5%, which the 2010 Upland property owners have accepted.

The property owners originally did not want North 20th St. installed adjacent to their property. However, if council accepts the recommendation above regarding financing, many of the property owners have indicated that this is no longer an issue

6. Include a discussion of financing options - how can the city help? If city cannot help, at least provide a discussion of the dilemma. Council Member Osborne is interested in annexing as many properties as possible up-front.

The general terms of annexation have been summarized below:

1) ***The city will finance the installation of utilities in Violet and Upland Avenues, the required reconstruction of the streets, and the installation of the detached sidewalk on the north side of Upland Ave. Repayment will be based on the frontage length of each property and the actual construction cost incurred by the city.***

2) ***The agreement allows a 10 year payback at 5.5% to the city for financing utilities. The first assessment payment is due to the city one year after utility connection.***

3) ***The agreement allows deferment of development excise taxes (DETs) and storm water plant investment fees (PIFs) until the time of redevelopment (between $2,000 and $5,000 per property). DETs and storm water PIFs may also be paid at the time of first reading. In the event DETs and storm water PIFs are deferred to the time of redevelopment, the property owner will be expected to pay the PIF rate in place at the time of redevelopment.***

4) ***The agreement allows water and waste water PIFs (between $2,000 and $10,000 per property) to be to be deferred until 90 days after the installation of utilities.***

5) ***The construction of Vine St. will be financed and built by a private consortium of neighborhood residents.***

- ***North 20th St., the east / west alley, and Vine St. improvements will be required to be built at the time of redevelopment of the Residential-Medium Two (RM-2) properties along Violet St.***
- ***The agreement allows curb cuts along both sides of Vine St. without requiring the construction of the east west alley between Violet and Vine Avenues.***

Within 90 days of the city's installation of water and sewer stubs to the property, applicants will be required to connect to city utilities and pay applicable water and wastewater PIFs (between $2,000 and $10,500 per property) with the exception of one property at 2135 Upland Ave. that will not be required to connect to sewer until the time the septic system fails.

Depending on respective property location, upon subdivision or redevelopment, additional public improvements will be required such as the construction of Vine St. and the associated east / west alley connection, pedestrian connections, and installation of a detached sidewalk, curb and gutter, and a bike lane along Violet St.

Staff and the neighborhood representatives contacted all property owners within Crestview Enclave informing them of the pending annexation, explaining the process and benefits of annexing, and inviting them to join. Of the remaining properties, some property owners felt that they could not annex due to costs (despite the city's finance package) and others simply were not interested in annexing.

7. In #4(a)(ii), full repayment is deferred until subdivision or sale – not, for example, substantial (50%) redevelopment of a property. Why would the city's repayment be placed behind a very costly property redevelopment?

   This is in recognition of the difficulty associated with annexation involving multiple property owners and the fact that this is a county enclave. Both the Boulder Valley Comprehensive Plan and the North Boulder Subcommunity Plan indicate that the city will be proactive in annexing the enclave.

   The North Boulder Subcommunity Plan recommends "defraying the cost of annexation" to neighbors in the Crestview East enclave. It is anticipated that a number of residents will subdivide in the near future at which time the city would be paid in full. A few of the applicants also anticipate paying up-front at the time of connection. Based on the number of applicants and their varying financial positions, this was a solution that worked for all applicants and provided enough flexibility to allow the maximum number of property owners to participate in the application.

8. In #5(d), we freeze the PIFs until the end of 2010. Is that typical?

While this is not typical, allowing the water and wastewater PIFs to be locked in until end of 2010 is a concession intended to address the applicants' concerns with the duration of the annexation negotiations and the accompanying fee increases. The original intent was to lock in the PIFs from early 2009, when the annexation agreement was close to completion, until the end of 2009. However, due to infrastructure construction timing associated with winter weather it appears that connection to city water and sewer service will not occur until spring of 2010. While this is not typical, staff extended the period through 2010 to account for the length of the negotiations while eliminating a neighborhood perception of a last minute fee increase.

Land Use/ Development Pattern/ Wells and Ditches

9. In #8(a), nobody else in the city gets to count rights-of-way, etc. as part of their property in order to allow for additional lots to be created. Why is that specially allowed here?

   Since a number of right-of-way and easement dedications were required, neighbors felt that the dedicated rights-of-way should not penalize their development potential, especially those that will have north / south pedestrian paths adjacent to their properties. Based on the number of applicants, staff agreed that this was a solution that provided enough flexibility to allow the maximum number of property owners to participate in the application. Staff finds that the allowance still results in a land use pattern and street path network that was advocated by the North Boulder Subcommunity Plan.

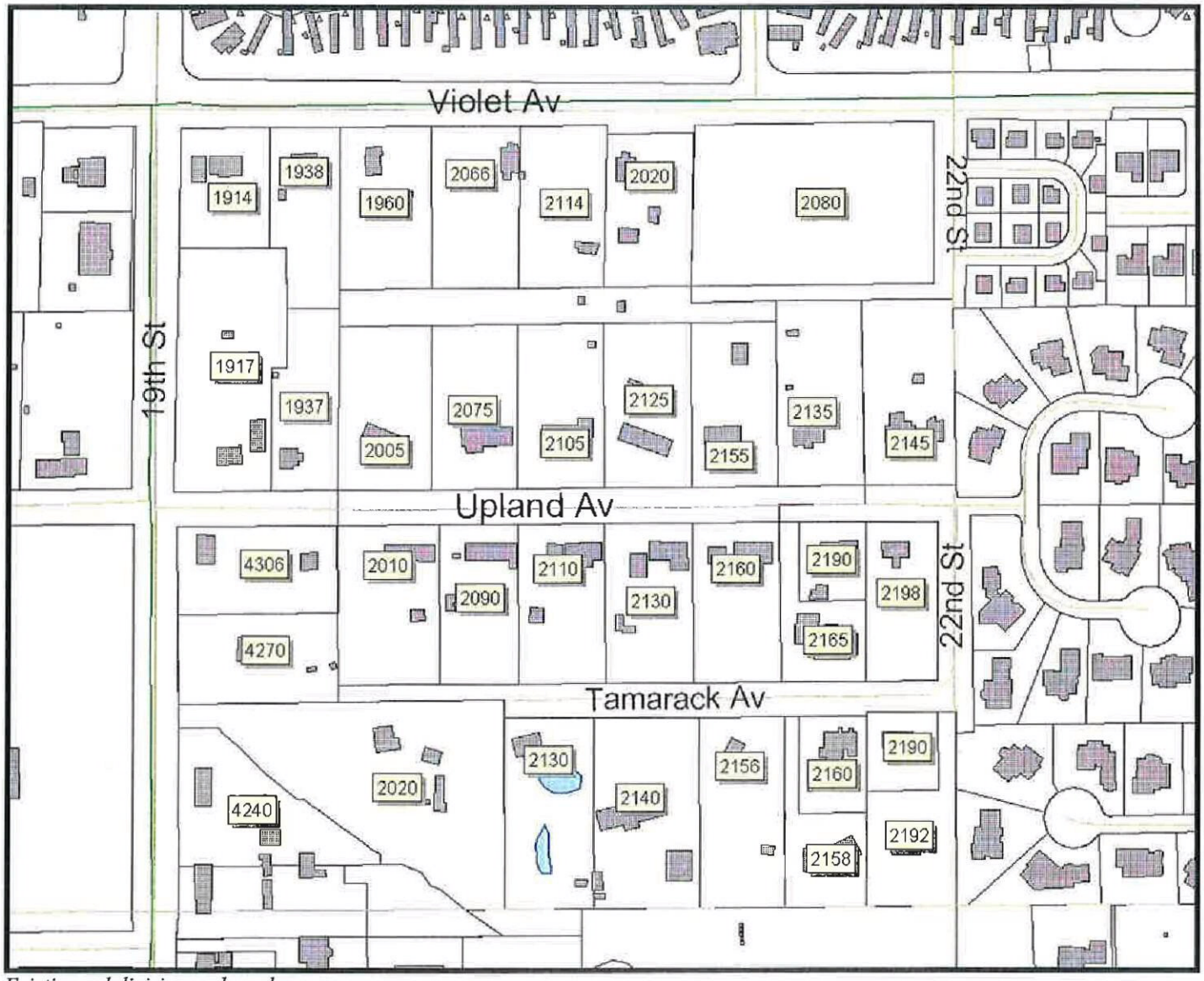
10. In #10, we allow that the "minor subdivision" fee will be applied in certain circumstances, presumably even if the subdivision isn't "minor." Are there likely to be cases that aren't "minor?" If so, what happened to cost recovery and equitable treatment of all subdivisions?

    If only one lot will result from the subdivision and no public utility extensions are required, a Minor Subdivision may be processed. While some properties have the potential to subdivide in more than two lots, the utilities and roadways are already designed for the enclave and the city will have already collected all necessary easement and right-of-way dedications through the annexation process. Staff finds that individual subdivisions will be significantly less complicated than a standard residential subdivision.

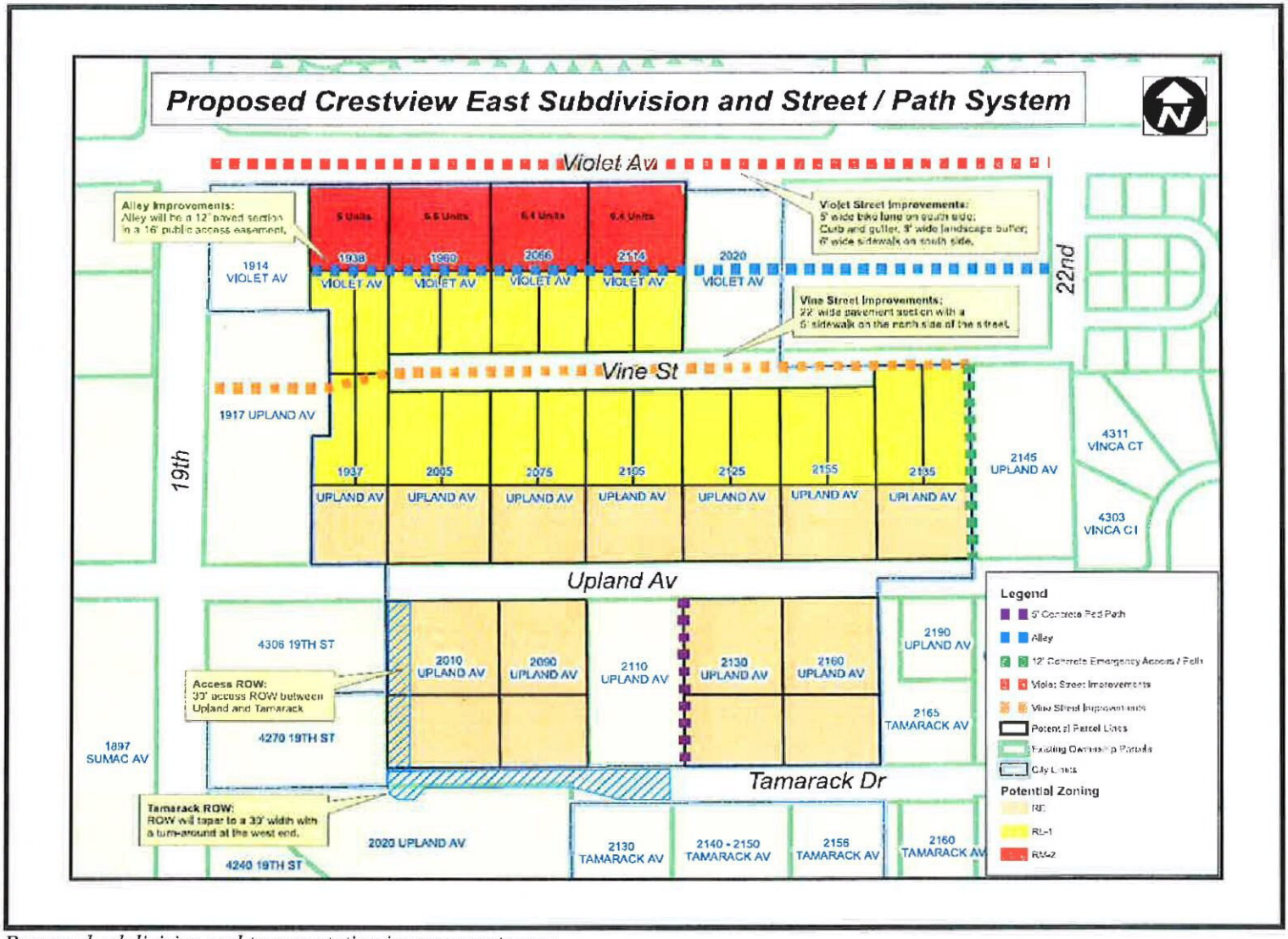
    Section 10 of the annexation agreement would allow <u>individual</u> property owners to apply for Minor Subdivision (which is significantly less expensive than a standard subdivision). Property owners that apply together with multiple lots under one application would be required to apply for a standard subdivision.

11. In #12, why allow two units to get access directly from Vine – presumably as some sort of flag lots? Don't we now disallow such access, especially for annexations?

As shown on the map below, no flag lots will be approved as a part of this annexation. The intent of the required east / west alley between Vine and Violet was to eliminate driveway cuts along Violet Ave. and minimize them along Vine to the extent possible and allow rear-loaded units. Since it is not known when the alley will be built, staff felt that allowing properties on the north side of Vine St. to access their properties from Vine St. rather than from the alley was appropriate since it will match the pattern on the south side of Vine (refer to the subdivision map below).



Existing subdivision and roadway map.



Proposed subdivision and transportation improvements map.

12. In #15, what are the existing non-conforming uses that will be allowed to be continued?

    Single family homes that have been divided into duplexes will be allowed to continue. Upon annexation, such properties would be required to obtain a city rental license and a safety inspection.

13. Finally, a crystal-ball question that staff may not want to answer. Given the form of development in this area, and likely development trends, and the costs of land, what will this area likely look like in, say, 10 or 20 years?

    As indicated by the before and after subdivision maps above in question #11, all properties have some subdivision potential. Based on the zoning districts anticipated by the North Boulder Subcommunity Plan, the neighborhood will

redevelop with medium density to the north down to low density to the south near the flood plain.

14. In #17, don't we almost always require that existing wells be removed upon annexation?

    No. Wells or another private water supply can continue to be used for irrigation as allowed under Boulder Revised Code 11-1-13 and 11-1-30. Any cross connection with our water system or domestic use of a private water supply must be eliminated.

15. In #18, while it seems that the city has the sole right to refuse to lease ditch water, it also suggests that such leasing will continue until subdivision or redevelopment (as defined in this agreement). That could allow leasing to continue for some time, even if the existing house is reconstructed. Is this typical?

    Correct, this could allow leasing of ditch shares for some time. This is typical language for annexation agreements with properties that are impacted by ditches.

Affordable Housing

16. In the Covenants, #1, Floor area is defined very specifically, and doesn't, among other things, include 500 sf of garages. In #7, it state that FARs will be based on the new compatible development ordinance. Which is it? Are there any exceptions? Since the new ordinance has passed (although not yet taken effect), why not just reference it and not specially define floor area here?

    The definition of "floor area" under #1 was specifically for the affordable housing section with its sliding scale for cash-in-lieu and application to existing units that redevelop into larger units.

17. Also in #1, there are definitions for "newly constructed unit" and "redevelopment" that don't (I think) agree with our standard uses of these terms (don't we normally consider a 50% change to a structure to be "redevelopment" that triggers various rules?). Why?

    These definitions relate to the affordable housing requirements and were a result of negotiations with the property owners. One of the key components of the proposed annexation is the provision of significantly more permanently affordable housing than required for development within the city, in order to meet the "community benefit" stipulation in the BVCP annexation policies. While the inclusionary zoning regulations for development within the city do not apply to additions to existing units or new construction resulting from demolition of an existing unit, the proposed annexation agreement applies affordable housing requirements if an existing home is either torn down or added on to with the resulting home larger than 3,000 square feet, with a defined square footage exemption for basements and garages in certain owner-occupied homes.

18. In #20(b), are the requirements for the moderate income units consistent with our typical requirements for such units? Also, given that this is an annexation, and we typically require 40% - 50% of new units to be "affordable," is it typical that half of them can be moderate income units?

    Typically with residential annexations, the range of permanently affordable housing is 45% to 65%, with the low end of the range for projects that provide other community benefits or that have substantial constraints. It is typical that half of the permanently affordable units will be for low income households and half for middle income households. The adopted guidelines for the Crestview East Neighborhood state that 50% of the total units on parcels with combined RM/RL zoning should be permanently affordable, with half for low income and half for middle income households.

19. In #20(c), is there a definition for "newly constructed" as applied to reconstruction of existing houses?

    Yes, the "newly constructed" definition applies if an existing house is demolished or remodeled and the total resulting floor area exceeds 3,000 square feet.

20. In #20(c), is it safe to assume that the cash-in-lieu payment will be based on the then-current rate, not today's rate?

    Yes.

21. In #20(d)(i), we seem to be trading off affordable housing for energy efficiency. Have we ever done that before, anywhere? Also, given our current building codes, which will likely require even higher energy efficiency standards in the future, a large house of > 5000 sf must already have a HERS rating of around 25 - 30, so aren't we trading off perhaps 150% of the cash-in-lieu for a very small improvement in energy efficiency, and perhaps even encouraging the construction of very large houses?

    No, we have not traded energy efficiency for affordable housing before. The BVCP annexation policy refers to "community benefit" and during the negotiations with the property owners of Crestview East, they wanted energy efficiency to count as a community benefit.

22. In #20(d)(ii)(A), aren't we essentially giving priority for affordable units to people living in the neighborhood, regardless of their true need and possibly significant assets?

    This clause was also a result of negotiations with the property owners based on a concern for an elderly, fixed income household with the potential for one additional unit. A property owner wishing to make use of this provision does need

to be income qualified according to the city's regulations for permanently affordable housing.

23. In #20(d)(ii)(B), it would appear that someone who builds a new house on their lot, no matter how large, and then lives in it for only one year, can completely avoid paying the affordable housing fees (and maybe other things as well; I can't tell what the exemption really refers to). Perhaps I'm missing something here, but won't that provide significant incentive for someone to essentially "flip" a house, with the city's affordable housing program effectively subsidizing that?

    Up to seven of the annexing parcels that have owner-occupied homes may have additions or be demolished and rebuilt and be exempt from the definition of "newly constructed unit" if such a unit continues to be owner-occupied for one year. Any homes added on to or redeveloped under this clause would be subject to the limits of the compatible development regulations and have no affordable housing obligations.

24. In #20(d)(ii)(C), there is yet another exception to paying the affordable housing fee. Have we ever done something like this before? And why use past increases in the fee to determine the interest rate instead of basing that rate on some ongoing index?

    This clause allows a current owner-occupant to defer the cash-in-lieu contribution. This option is also available under the City's current inclusionary zoning program, although it has not been used to date. The amount of past cash-in-lieu increases is used as the interest rate in order to attempt to project future increase amounts, result in an amount that is generally higher than any of the "standard" housing related indexes.

25. In #20(d)(iii) and (iv), it looks like one rule allows the creation of an additional affordable unit, while the other allows the creation of one less affordable unit. Have we ever done that before? Why not just be clear about what we want instead of leaving it up to the developer?

    These clauses were a result of negotiations with the property owners. 20(d)(iii) was the result of some property owners who wanted to be able to build in a more compact development pattern than allowed by low density zoning. In order to balance out the increased development potential, it was agreed that both units in the duplex would need to be permanently affordable. In a couple of previous annexations which essentially resulted in more density than originally provided for in the BVCP, this additional density resulted in more permanently affordable housing overall.

    With the Planning Board recommendation to not require on-site permanently affordable units on the RL portions of the properties fronting on Violet (but requiring payment of the applicable cash-in-lieu amounts), this effectively means that there will be no single family, permanently affordable units developed as a

result of this annexation. Some property owners asked for the option to be able to provide more low income and less middle income than required. 20(d)(iv) was the result of those negotiations which allows two middle income permanently affordable units to be exchanged for one market and one single family low income permanently affordable unit.

26. There are several properties that are not part of this annexation agreement. Assuming they later want to annex, what would be the requirements placed on them? What will their non-annexation mean to infrastructure improvements and who pays for them? Further, if any of those property owners forced annexation upon the city since the lots are within an enclave, then what would be the rules of the annexation?

    Property owners who did not join this application who wish to annex in the future would be required to submit a new application and would be subject to policies and plans in place at the time they annex. Under current policy, the property would be subject to the NBSP (including land uses and connections) and BVCP land use designations and policies.

    In terms of permanently affordable housing, absent negotiations to the contrary, the adopted guidelines for Crestview East would be employed. These state that parcels with combined MR/RL zoning provide 50% of the total units as permanently affordable to low and middle income households; properties with combined RL/RE zoning provide 25% of the total units as permanently affordable to middle income households; and all other market rate units pay twice the applicable cash-in-lieu amounts.

    Assessments for the infrastructure installation will be placed on all properties (including those that are not annexing as a part of this application). These assessments will be collected as properties redevelop or annex. The annual payments from the annexing properties along with the water and wastewater PIFs collected at time of connection will cover the original installation costs at the end of ten years in the event no redevelopment or annexation takes place within that period.

27. Given all of the exceptions, bonuses, and alternatives (and the exceptions to the exceptions), if all of the ones that reduced the affordable housing requirements and/or delayed/exempted payment of any sort of fees were selected by property owners, what would the city end up with – relative to what we would expect to end up with, both in affordable units and in fees if all of these exceptions, etc. weren't provided?

    The exceptions, bonuses and alternatives regarding affordable housing in the current annexation agreement may be summarized as follows:

    - ***There are seven properties which are currently owner-occupied. Under the proposed agreement, these seven property owners may use one, and only one, of the following three exceptions:***

i. *A middle income qualified household may construct and live in a permanently affordable middle income home;*
ii. *If a current owner-occupant tears down or adds on to their existing home and continues to live in it for a year, there will be no affordable housing requirement for that unit; and*
iii. *A current owner-occupant who incurs a cash-in-lieu payment may defer that payment for up to ten years.*

- *All RL and RE market rate units are subject to a cash-in-lieu payment that increases with the size of the home ranging from the standard inclusionary zoning amount (for homes less than 2,500 square feet) to three times the standard cash-in-lieu amount (for homes greater than 5,500 square feet).*

- *Applicable cash-in-lieu amounts will be reduced by half for new homes that have a HERS score of 0.*

- *Duplexes may be constructed on an RL parcel as long as both units are permanently affordable to low and middle income households.*

- *On RM parcels, each property owner may, one time only, take two required permanently affordable middle income units and build one low income permanently affordable unit instead.*

- *Any newly constructed dwelling unit that is less than 5,500 square feet which is later added on to will be subject to an additional cash-in-lieu payment for the additional floor area.*

In terms of the potential numbers of units, the current agreement allows for the following:

57 dwelling units (max.) for all parcels without the density bonus.

12 on-site permanently affordable units (max.) (RM parcels only)
-6 low income permanently affordable units
-6 middle income permanently affordable units

34 market rate units (max.) that could be subject to a cash-in-lieu payment

17 market rate units (max.) that could be subject to a cash-in-lieu payment if each RL property develops with an affordable duplex and each of the seven eligible property owners owner-occupy a newly constructed dwelling unit for at least one year.

17 dwelling units (max.) if each RL parcel develops a duplex where both units are permanently affordable.

67 dwelling units (max.) if each RL parcel develops a duplex where both units are permanently affordable

20 potential additional on-site permanently affordable units (max.) if each RL parcel develops one affordable duplex for a potential total of 32 permanently affordable units.

-16 low income permanently affordable units
-16 middle income permanently affordable units

Given the sliding scale based on house size cash-in-lieu option, it is not possible to estimate cash-in-lieu amounts under the current agreement.

The potential number of units per the 2002 annexation guidelines for Crestview East are as follows:

57 dwelling units (max.) for all parcels

22 permanently affordable units (max.)

-8 low income permanently affordable units
-14middle income permanently affordable units

10 = Maximum number of new units paying twice the applicable inclusionary zoning cash-in-lieu amount

ATTACHMENT B

Proposed Amendments to the Adopted North Boulder Subcommunity Plan Transportation Network Plan

Each number below corresponds to the attached map titled "Proposed NOBO TNP Amendment" and indicates what is required on the adopted North Boulder Subcommunity Plan Transportation Network Plan as well as the proposed amendments.

1) **ELIMINATION OF A MULTI-MODAL PATH – Between Upland Ave. and Vine St.**
   Elimination of the 12 foot concrete north / south multimodal path between 1937 and 2005 Upland Ave. that connects Upland and Violet Avenues. Staff supports the elimination of this connection as two other mid block multimodal connections are proposed to the east and access to Vine Ave. will be provided from 19th Ave. within 400 feet of the proposed connection.

2) **REDUCTION OF RIGHT-OF-WAY WIDTH – N. 20th St.**
   Reduction of the north / south vehicular right-of-way access (20th St.) between Violet and Vine Avenues from a 48 foot wide right-of-way (as required by the plan) to a 40 foot wide right-of-way. Staff supports this street section as it will match the proposed 40' wide Vine St. section and will reduce pavement and help discourage cut through traffic while providing a complete neighborhood street design.

3) **REDUCTION OF RIGHT-OF-WAY WIDTH – Vine St.**
   Reduction of the Vine St. right-of-way from 60 feet to 40 feet. Staff supports this street section as it was agreed to in the previous iteration of the annexation in 2007 and will minimize pavement and encourage less neighborhood cut through traffic.

4) **REDUCTION OF RIGHT-OF-WAY WIDTH – East / West Alley**
   Reduction of the east / west alley width between 19th and 22nd Avenues from 20 feet (with an 18 foot paved section as required by the plan) to 16 feet (with a 12 foot paved section).

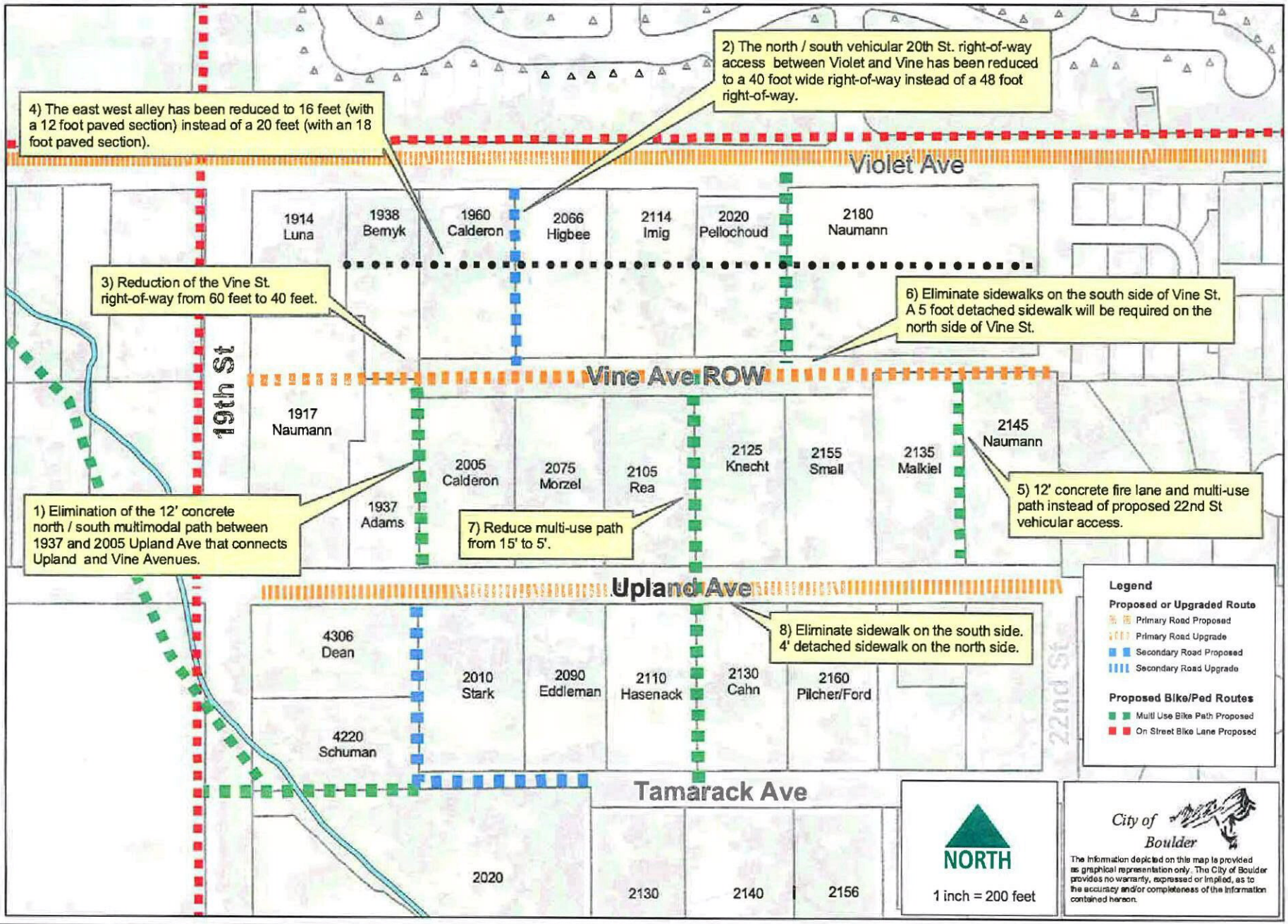
5) **ELIMINATION OF A VEHICULAR ACCESS – N. 22nd St.**
   Elimination of the north / south vehicular right-of-way access (22nd St.) between Upland and Vine Avenues and a substitution of a 12' wide multimodal path / fire access. Staff supports the elimination of this connection as the vehicular transportation network will adequately circulate with existing vehicular connections from Upland Ave. to 19th St. and new connections from Vine St. to 19th St. and Vine St to Violet Ave.

6) **ELIMINATE SIDEWALKS ON SOUTH SIDE OF Vine St.**
Eliminate sidewalks on the south side of Vine St. A five foot detached sidewalk will be required on the north side of Vine St. only. Planning Board felt the amount of pedestrian traffic in the neighborhood could be served with one sidewalk and that trees and landscaping on the south side of the street could be preserved.

7) **REDUCTION IN MULTI MODAL PATH WIDTH – Between Upland and Tamarack Avenues**
Based on the amount of proposed pedestrian connections in the Crestview East neighborhood, Planning Board recommended reducing the mid-block, 15 foot wide concrete, multi-modal path to 5 feet wide with a 10 foot easement to allow the path to meander around any mature trees.

8) **ELIMIATE SIDEWALKS ON SOUTH SIDE OF Upland Ave.**
The currently adopted North Boulder Subcommunity Plan (NBSP) Transportation Network Plan calls for detached sidewalks on the north and south side of Upland Ave.; however, based on the moderate amount of existing and expected future pedestrian traffic, Planning Board recommended removal of the sidewalks on the north side of Upland Ave. Elimination of the sidewalk will also help to preserve existing mature trees.

Proposed NOBO TNP Amendments



ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT, made this _____ day of _____, 200__, by and between the City of Boulder, a Colorado home rule city, ("**City**"), and the property owners of 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave., 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave. and 2114 Violet Ave. (individually referred to as "**Property Owner**" and collectively referred to as "**Applicant**"). The City and the Applicant are referred to as the "**Parties**."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the Property described in this Annexation Agreement under **Exhibit A**.

A. The Applicant is the owner of the real property described in the attached Exhibit A ("**Crestview East Addition No. 1A Annexation Property**"). A Property Owner owns an individual property ("**Property**") within the Crestview East Addition No. 1A Annexation Property, including 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave., 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave. and 2114 Violet Ave. Each address represents a separate Property and Property owner.

B. The Applicant is interested in obtaining approval from the City for annexation of each Property in order to provide adequate urban services to said area, particularly City water, drainage and sewer utilities with initial zoning designations as follows:

- RM-2 for the northern 140 feet and RL-1 for the southern 140 feet of 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave., and 2114 Violet Ave.;
- RL-1 for the northern 140 feet and RE for southern 140 feet of 1937 Upland Ave., 2005 Upland Ave., 2075 Upland Ave., 2125 Upland Ave., 2135 Upland Ave., 2155 Upland Ave.; and
- RE for 2010 Upland Ave., 2090 Upland Ave., 2130 Upland Ave. and 2160 Upland Ave.;

C. Consistent with Policy 1.27 (b) of the Boulder Valley Comprehensive Plan, the City finds it desirable to actively pursue annexation of county enclaves in order to provide adequate urban services to the Crestview East Addition No. 1A Annexation Property; and

D. 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.

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 follows:

COVENANTS

1. Definitions.

"Floor area" means the total square footage of all levels measured to the outside surface of the exterior framing, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress by chapter 10-5, "Building Code," B.R.C. 1981, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space. Basements below grade shall be exempt from floor area calculations and garages up to 500 square feet shall be exempt from floor area calculations.

"**Newly Constructed Unit**" means either a new dwelling unit constructed on a vacant parcel or a redeveloped dwelling unit that is greater than 3,000 square feet of total floor area (for inclusionary zoning), as defined by Section 9-16, "Definitions," B.R.C. 1981.

"**Redevelopment**" means the subdivision of a Property to create a new lot or the addition of a dwelling unit to an existing lot.

"**Redevelopment Improvements**" means the improvements which are fully described and shown on **Exhibits B, C and D.**

2. Requirements Prior to First Reading of the Annexation Ordinance.

a. Thirty days prior to scheduling the first reading of the annexation ordinance, each Property Owner shall:

i. Provide title work current to within 30 days of signing the Annexation Agreement;

ii. File an application, and pay the applicable fees for inclusion of each Property in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;

iii. Pay the fees and convey the Property specified on **Exhibit E**. Fees can be paid at the time of first reading or at the time of redevelopment. If a Property Owner desires to defer payment of fees until the time of redevelopment, the property owner shall submit such request with this Agreement prior to first reading of the annexation ordinance. Rates will be based on the fees current at the time of redevelopment.

iv. Provide a written description of any non-conforming use or structure existing on each Property, if any;

v. Submit individual warranty deeds for each individual property owner dedicating new right of way as required by **Exhibit E**

vi. Submit legal descriptions in a form acceptable to the Director of Public Works for any right of way to be vacated pursuant to this Agreement.

b. Regarding interests in the Silver Lake Reservoir and Ditch Company, the Applicant shall:

i. Prior to first reading of the annexation ordinance, sell to the City, at its fair market value, any and all water and ditch rights, except for rights associated with wells, available for use on each Property, including all shares in the Silver Lake Reservoir and Ditch Company. Applicant shall abandon and transfer to the City all shares of the Silver Lake Reservoir and Ditch Company associated with the Property at the price of $25.00 per share; or

ii. Execute an agreement to abide by the outcome of the pending negotiations and mediation between the City and the Silver Lake Reservoir and Ditch Company. The Applicant shall then execute all documents required to be a party to such an outcome within 30 days after a request by the City. In the event that the City declares an impasse in the negotiations and mediation, if the Applicant fails to join in the outcome of the negotiation and mediation, or at the Applicant's discretion, the Applicant shall sell said shares to the City as provided above within 30 days of a request by the City.

4. <u>City Responsible for Construction of Water and Sewer Utilities on Upland and Violet and Detached Sidewalk on the North Side of Upland Avenue.</u> The Applicant agrees that water and sewer main improvements and the detached sidewalk on the north side of Upland Avenue will provide a special benefit to the Property. The City will initially fund installation of the water and sewer mains. Each Applicant is required to comply with the following:

a. The Applicant agrees to:

i. Pay, when billed, its proportionate share of the cost of such improvements; or

ii. Enter into a repayment agreement with the City and pay its proportionate share of the City utility improvements. The repayment amount will be based on each property frontage on the improvements and the actual construction costs incurred by the City. The repayment plan will require ten (10) equal, annual payments over a ten (10) year period at an annual interest rate of Five and a half (5.5%) percent. Payments will begin one (1) year after the date of connection to City water and/or sewer. Full repayment of an individual landowner's share of the costs shall occur within thirty (30) days prior to the recording a final plat for subdivision or sale of the Property.

iii. Accept and acknowledge that the existing Upland Avenue drainage facilities and street sections are not and will not meet the rural residential street standards in City of Boulder Design and Construction Standards once the utility installation, detached sidewalk construction, and street restoration are completed.

b. In the alternative to paragraph 4(a) above, if the City determines that it is appropriate to create a local improvement district for the purpose of assessing the costs of the above-referenced public improvements, the Applicant, agrees to join in a petition to establish a local improvement district to construct such improvements and not to dissent therefrom or oppose or remonstrate against the establishment of such a district.

5. Water and Sewer Connection Requirements. Within 90 days of the installation of water and sewer stubs by the City to each property, the Applicant agrees to perform the following as is applicable to each Property:

a. Connect all existing structures to the City's water and sewer system as required by the Boulder Revised Code.

b. Submit an application that meets the requirements of Chapters 11-1, "Water Utility," and 11-2, "Wastewater Utility," B.R.C. 1981 and obtain City approval to connect to the City's water and sewer mains.

c. The Applicant is responsible for all costs and installation associated with the connection of a service line from the utility mains to the building.

d. The property owners shall pay applicable fees and charges associated with a service line connection to a water and sewer main, including right of way, water, and waste water fees, for permits, inspection fees, installation fees, tap fees, and all plant investment fees associated with the Property prior to connection to the City's water or sewer system. The property owners shall be subject to the Water and Wastewater Plant Investment Fees effective January 5, 2009 for dwelling units in existence at time of annexation if connection is made prior to December 31, 2010.

e. Notwithstanding the provisions of this section, 2135 Upland Ave. may defer connection the city sanitary sewer utility until such time as the septic system fails or when the property redevelops. The Property owner of 2135 Upland agrees to pay such connection, plant investment fees, and other fees at the rates in place at the time of connection to the City's waste water utility.

6. Septic System Abandonment. Upon connection to the City's sewer system, each Property Owner shall abandon the existing septic system in accordance with Boulder County Health Department and State of Colorado regulations.

7. Floor Area Ratios. The parties agree that nothing in this Agreement shall be construed as any type of waiver of any regulations adopted or associated with the City's pending study regarding Compatible Development in Single Family Neighborhoods.

8. Calculating Density.

   a. Areas dedicated as right-of-way by a Property Owner to serve as area for new streets, shared drainage ponds, emergency, or pedestrian connections may be included in the overall lot size for the purposes of calculating density by such Property Owner.
   b. At the time of redevelopment, the Property shall be developed and planned to accommodate the maximum practical density that is consistent with the zoning. Subdivision of the Property may not reduce the density below that allowed by the Property's square footage.

9. Design Guidelines. The Applicant agrees that the following design guidelines will be applied to each Property.

   a. Front doors and front yards shall face the street.
   b. Garages shall be alley loaded where an alley exists or is proposed. Where alleys do not exist, structures should be designed so that garage doors do not dominate the front façade of the building. Garage doors shall be located no less than 20 feet behind the principal plane of the building.
   c. Properties located at 2105, 2125, 2155 Upland Ave. may reduce the front yard setback of the rear lots that front Vine St. from 25 feet to 15 feet to accommodate an offset in the Vine Street design. If a straight road alignment is proposed for Vine St. subsequent to annexation but before building permits for structures are obtained, the required front yard setback shall meet the requirements of the zone district.

10. Requirements Prior to Subdivision At the time of applying for the first subdivision of each Property, the individual property owner shall be eligible to pay the "minor subdivision" application fee. Any group subdivision application involving more than one property thereafter shall pay the fee prescribed in the Boulder Revised Code for the application type.

11. Requirements Prior to Redevelopment for 1937, 2005, 2075, 2125, 2135, and 2155 Upland Ave. Each Property generally described as 1937, 2005, 2075, 2125, 2135, and 2155 Upland Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit B**.

12. Requirements Prior to Redevelopment for RL portion of 1938, 1960, 2066, and 2114 Violet Ave. Subdivision Requirements. Each Property generally described as 1938, 1960, 2066, and 2114 Violet Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit B.**

    Upon subdivision, a Property Owner may develop two units accessed directly from Vine Street without constructing the alley or North 20th Street as required by the redevelopment requirements shown in **Exhibit C**. In the event a Local Improvement District is formed and the alley is installed prior to construction, access is to be taken from the alley.

13 Requirements Prior to Redevelopment for RM portion of 1938, 1960, 2066, and 2114 Violet Ave. Subdivision Requirements. Each Property generally described as 1938, 1960, 2066, and 2114 Violet Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibits B and C.**

14. Requirements Prior to Redevelopment for 2010, 2090, 2130 and 2160 Upland Ave. Each Property generally described as 2010, 2090, 2130 and 2160 Upland Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit D.**

15. Existing Non-conforming Uses. Existing, legal non-conforming uses will be allowed to continue to be operated in the City of Boulder as legal non-conforming uses and to be modified and expanded under the provisions of Chapter 9-10, "Non-Conformance Standards," B.R.C. 1981, as that section may be amended from time to time. The only non-conforming uses that will be recognized by the City will be those reported to the City pursuant to Paragraph 2 of this Annexation Agreement.

16. Rental Property Requirements. Any Property that is used as rental property at the time of annexation shall be brought into compliance with Chapter 10-3, "Rental Licenses," B.R.C. 1981, within 90 days of the effective date of the annexation ordinance.

17. Existing Wells. The City agrees that it will not prohibit Property Owners from using existing wells for irrigation purposes. Under no circumstances may existing wells be used for domestic water purposes. No person shall make any cross connections to the City's municipal water supply system.

18. Lease of Ditch Shares. The Property Owner(s) selling, abandoning or transferring ditch rights pursuant to Paragraph 2(b)(i) may lease these ditch rights from the City on an annual basis subject to the following terms:

a. Property Owner shall notify the City by April 1st of each year of its desire to lease the water for the upcoming year.

b. The determination regarding availability of the water for lease shall be solely in the City's discretion and may be communicated to the Property Owner by April 15th of any year in which the City has been properly notified of a desire to lease water.

c. The cost of the lease shall be equal to the ditch company annual assessment, plus 10%, plus any special assessments or fees of any kind of the ditch company assessed by the ditch company during the term of the water lease.

d. No future leasing of the water to the Property Owner will occur following any year in which the lease option is not exercised or following the closure of the lateral.

e. No leasing of the water to the Property Owner will occur following subdivision or redevelopment of the property subject to the lease.

19. Ditch Lateral. Property Owners shall not relocate, modify, or alter the ditch or lateral without obtaining any necessary approvals from ditch companies or lateral users or through judicial approval.

20. Permanently Affordable Housing. The Applicant agrees that the following requirements shall apply to the Property and that no additional dwelling units shall be approved for any individual parcel unless the following requirements have been met:

a. Required Documents and Payments. Prior to the application of a building permit for any newly constructed dwelling unit on the Property, the applicant shall provide the following to the city manager:

i. Covenants or deed restrictions, in a form acceptable to the city manager, to secure the permanent affordability of dwelling units shall be signed and recorded with the Boulder County Clerk and Recorder prior to application for any residential building permit.

ii. Any applicable cash-in-lieu of permanently affordable housing payments. The city manager may delay such payments to a time prior to the issuance of such building permit.

b. Properties with RM Zoning. RM portions of each property generally described as 1938, 1960, 2066, and 2114 Violet Ave. shall provide 50% of the total newly constructed dwelling units as permanently affordable. No permanently affordable units shall be accepted until the location, size, type, fixtures, finish and other features are approved by the city manager. The distribution of unit types for the permanently affordable units shall reflect the distribution of the market rate unit types. The city manager is permitted, at the manager's sole discretion, to accept alternate distributions and locations of permanently affordable units if such alternatives result in additional permanently affordable housing benefits to the City. The following conditions shall apply:

i. At least twenty-five percent (25%) of any newly constructed dwelling units on the Property shall be permanently affordable consistent with Chapter 9-13, "Inclusionary Zoning," B.R.C. 1981. If a fraction results from multiplying twenty-five percent (25%) times the total number of permitted new dwelling units on the Property, the total number of such permanently affordable units shall be rounded up to the nearest whole number.

ii. At least twenty-five percent (25%) of any newly constructed dwelling units on the Property shall be permanently affordable to middle income households consistent with the following:

A. Detached single family units shall be permanently affordable to households earning between the Department of Housing and Urban Development's (HUD) Low Income Limit for the City of Boulder and 40% more than the HUD Low Income Limit for and shall be distributed such that the average price of the single family detached units is based upon a household income that is 30% more than the HUD Low Income Limit.

B. Duplex or townhome style units shall be permanently affordable to households earning between the HUD Low Income Limit and 30% more than the HUD Low Income Limit for and distributed such that the average price of the duplex or townhome style units is based upon a household income that is 25% more than the HUD Low Income Limit.

C. A permanently affordable middle income dwelling unit shall be either a detached dwelling unit, duplex unit or townhouse unit.

D. If a fraction results from multiplying twenty-five percent (25%) times the total number of permitted new dwelling units on the Property, the total number of required middle income permanently affordable dwelling units shall be rounded down to the nearest whole number.

c. Properties with RL and RE Zoning. Each property generally described as 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave. and RL portions of each property generally described as 1938, 1960, 2066, and 2114 Violet Ave. shall pay a cash-in-lieu of permanently affordable housing for each newly constructed dwelling unit on the Property. The payment will be a percentage of the cash-in-lieu payment required by the City's inclusionary zoning program or an equivalent amount determined by the city manager at the time of building permit application. The payment amount will be based upon the total floor area of the dwelling unit as follows:

i. 2,499 square feet or less of floor area, the cash-in-lieu payment shall be equal to that required by Chapter 9-13, B.R.C. 1981;
ii. 2,500 square feet to 3,499 square feet of floor area, the cash-in-lieu payment shall be 50% more required by Chapter 9-13, B.R.C. 1981;
iii. 3,500 square feet to 3,999 square feet of floor area, the cash-in-lieu payment shall be 100% more than that required by Chapter 9-13, B.R.C. 1981;
iv. 4,000 square feet to 4,499 square feet of floor area, the cash-in-lieu payment shall be 150% more than that required by Chapter 9-13, B.R.C. 1981;
v. 4,500 square feet to 4,999 square feet of floor area, the cash-in-lieu payment shall be 200% more than that required by Chapter 9-13, B.R.C. 1981;
vi. 5,000 square feet to 5,499 square feet of floor area, the cash-in-lieu payment shall be 250% more than that required by Chapter 9-13, B.R.C. 1981; and
vii. 5,500 square feet of floor area or greater, the cash-in-lieu payment shall be 300% more than that required by Chapter 9-13, B.R.C. 1981.

d. Exceptions, Bonuses and Alternatives.

i. Energy Efficient Homes. Newly constructed dwelling units that have a Home Energy Rating System (HERS) rating of 0 (zero) and which incur a cash-in-lieu of permanently affordable housing payment may have that cash-in-lieu payment reduced by fifty percent (50%).

ii. Current Owner Occupants. The following conditions apply to the following existing Property Owners that are owner-occupying an existing dwelling unit on the following Properties: 1938 Violet Ave., 2075 Upland Ave., 2125 Upland Ave., 2135 Upland Ave., 2010 Upland Ave., 2130 Upland Ave., and 2160 Upland Ave. Each such property owner may use one of the provisions below one time only:

A. An existing property owner occupant whose household income does not exceed forty (40) percentage points more than the U.S. Department of Housing and Urban Development's (HUD) Low Income Limit for the City

of Boulder may construct and occupy a deed restricted, permanently affordable dwelling unit constructed under this Agreement.

B. An existing property owner occupant who converts an existing dwelling unit to a newly constructed dwelling unit and owner-occupies the converted dwelling unit for at least one year following the final inspection for that unit shall be exempt from the requirements for a "newly constructed dwelling unit" in this Agreement.

C. An existing property owner occupant who owns, constructs and owner-occupies a newly constructed dwelling unit that is subject to a cash-in-lieu of permanently affordable housing payment may defer that payment for a period of time not to exceed ten years or until the title to the property is transferred, whichever is less. This deferred payment shall be secured by a deed of trust and promissory note with an interest rate equal to the average of the past increases in the cash-in-lieu amounts as determined per Chapter 9-13, "Inclusionary Zoning," B.R.C. 1981.

iii. Density Bonus for Permanently Affordable Dwelling Units. A duplex dwelling unit shall be permitted on an RL zoned parcel where only one dwelling unit would be allowed as long as one of the duplex dwelling units is permanently affordable to low income households as defined above and the second duplex dwelling unit is permanently affordable to middle income households as defined above. If such permanently affordable units are to be rented, the Applicant agrees to execute any agreements necessary to have rent controlled units that meet state law requirements prior to the rental of such units or an application for a rental license.

iv. Conversion of Middle Income Permanently Affordable Units. On an RM zoned parcel on the Property where two (2) middle income permanently affordable dwelling units would be required, a property owner may substitute, one time only, a single permanently affordable low income single family detached dwelling unit for two permanently affordable middle income dwelling units.

v. Concurrent Construction. On an RM zoned parcel on the Property, the first newly constructed dwelling unit may be a market rate dwelling unit. Thereafter, the second newly constructed dwelling unit shall be a permanently affordable dwelling unit and all subsequent permanently affordable dwelling units shall be constructed concurrently with the market rate dwelling units.

e. Standard Conditions.

i. Any permanently affordable units produced under this Agreement may not be used to satisfy other permanently affordable housing requirements located on property other than the Property.

ii. Permanently affordable dwelling units shall be constructed at least concurrently with the market rate dwelling units except as described in paragraph 18(d)(v) above.

iii. Any newly constructed dwelling unit produced under this Agreement and subject to a cash-in-lieu of permanently affordable housing payment that is constructed with less than 5,500 square feet of floor area and subsequently increases the original floor area shall be subject to a cash-in-lieu of permanently affordable housing payment that is equal to the difference between the previous cash-in-lieu payment and the applicable cash-in-lieu payment for the new total floor area of the dwelling unit.

21. Deeds, other Documents and Public Improvements. All deeds and other documents that are required by this Annexation Agreement are subject to the prior review and approval of the city manager to ensure consistency with this Annexation Agreement and City standards. All public improvements shall be constructed to City standards applicable at the time of construction, and shall be subject to the review, approval, and acceptance of the Director of Public Works.

22. New Construction - Rules and Fees. All new construction commenced on the Property after annexation shall comply with all City of Boulder laws, taxes, and fees, except as modified by this Annexation Agreement. All conditions contained in this Agreement are in addition to any and all requirements of the City of Boulder. Except as expressly provided herein, all City ordinances, regulations, codes, policies and procedures shall be applicable to the use and development of the Property. Nothing contained in this Annexation Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances, or as a waiver or abrogation of the City's legislative, governmental, or police powers to promote and protect the health, safety and general welfare of the City or its inhabitants.

23. Conveyance of Drainage. Each Property Owner shall convey drainage from each Property in an historic manner that does not materially and adversely affect abutting Property Owners.

24. Waiver of Vested Rights. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction. This Annexation Agreement shall replace any such rights that may have arisen under Boulder County jurisdiction. The Applicant acknowledges that nothing contained herein may be construed as a waiver of the City's

police powers or the power to zone and regulate land uses for the benefit of the general public.

25. Binding Agreement. If an individual Applicant or a Property Owner breaches this Annexation Agreement in any respect, the City may withhold approval of any building permits and other development applications requested for the respective property within the Crestview East Addition No. 1A Annexation until the breaches have been cured. This remedy is in addition to all other remedies available to the City at law and equity.

26. Breach of Agreement. In the event that the Property Owner breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Annexation Agreement, the Property Owner 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 obligations herein described. In the event the Property Owner fails to pay any monies due under this Annexation Agreement or fails to perform any affirmative obligation hereunder, the Property Owner agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," 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 Property Owner, and collect its costs in the manner herein provided. The Property Owner agrees to waive any rights he may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing the collection of this specific debt, or acknowledges that the adopting of the annexation ordinance is such enabling ordinance.

27. Future Interests. The agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, its heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Crestview East Addition No. 1 Annexation Property, or any part thereof. If it shall be determined that this Annexation Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty years and three hundred and sixty-four days.

28. Annual Appropriations. The City's financial obligations under this Agreement in future fiscal years are subject to annual appropriation by the Boulder City Council in accordance with Colorado law.

29. Right to Withdraw. A Property Owner retains the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Property Owner's right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. If one or more Property Owner withdraws from this Annexation, the city manager may in the discretion of the Boulder City Council, terminate annexation proceedings on this Annexation. In the event that a Property Owner withdraws from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding such Property Owner. The City agrees, within thirty (30) days of

a request by a Property Owner after a withdrawal, to return all previously submitted stormwater/flood management PIF, NCWCD fees and application, and easement and/or rights of way dedication documents which the Property Owner submitted pursuant to this Agreement to the Property Owner.

30. The Parties agree to fully execute any and all documents necessary to accomplish the annexation of the Properties set forth in this Agreement including, but not limited to, deeds of vacation, deeds of dedication of rights of way and, grants of easements. All such documents shall be executed within thirty (30) days of the effective date of the annexation ordinance.

EXECUTED on the day and year first above written.

[SIGNATURE PAGES FOLLOW}

CITY OF BOULDER, COLORADO

BY:_____
City Manager

Attest:

_____
City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

_____
City Attorney
Dated: _____

Exhibits

Exhibit A	Legal Descriptions
Exhibit B	Redevelopment Improvements for Properties on North Side of Upland Ave. and the RL Zoned Portions Properties on the South Side of Violet Ave.
Exhibit C	Redevelopment Improvements for RM Properties on South Side of Violet Ave.
Exhibit D	Redevelopment Improvements for Properties on South Side of Upland Ave.
Exhibit E	Additional Dedication, Improvements, and Requirements for Individual Lots Prior to Annexation

OWNER (1938 Violet Ave.)

BY: Walter G. Bernyk

Walter G. Bernyk

Erika C. Bernyk

Erika C. Bernyk

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 11 day of September, 2009, by Walter G. Bernyk and Erika C. Bernyk.

Witness my Hand and Seal.
My Commission Expires: 5/14/13

Seal JENNIFER K. ZUIKER
NOTARY PUBLIC
STATE OF COLORADO
MY COMMISSION EXPIRES 5/14/2013

Notary Public

OWNERS: (1960 Violet Ave.)

1960 Violet LLC, a Colorado limited liability corporation

BY: _____
Gary H. Calderon
Title: MANAGER

1970 Violet LLC, a Colorado Limited Liability Corporation

BY: _____
Mark V. Young
Title: _____

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 2 day of Sept, 2009, by GARY CALDERON, as MANAGER for the 1960 Violet Corporation, a Colorado limited liability corporation, and MARK YOUNG, as MANAGER for the 1970 Violet Corporation, a Colorado limited liability corporation.

Witness my Hand and Seal.
My Commission Expires: 4.25.2013

[Seal]

_____
Notary Public

COLEEN ESTEP NOTARY PUBLIC STATE OF COLORADO My Commission expires April 25, 2013

OWNER (2066 Violet Ave.)

BY: _____
Michael Marez, as Trustee for the Toby J. Marez Revocable Trust

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 9 day of September, 2009, by Michael Marez, Trustee for the Toby J. Marez Revocable Trust.

Witness my Hand and Seal.
My Commission Expires: 9/25/2010

[Seal]

_____
Notary Public

AIMEE L. DILL
NOTARY
PUBLIC
STATE OF COLORADO
My Commission Expires
Sept. 25, 2010

OWNER (2114 Violet Ave.)

BY: Betsy Imig Broyles
Betsy Imig Broyles AKA Betsy Jill Imig

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 1 day of September, 2009, by Betsy Imig Broyles.

Witness my Hand and Seal.
My Commission Expires: Coleen Estep

[Seal]

COLEEN ESTEP NOTARY PUBLIC STATE OF COLORADO MY COMMISSION EXPIRES: APRIL 25, 2009

Notary Public

COLEEN ESTEP NOTARY PUBLIC STATE OF COLORADO My Commission expires April, 25, 2013

46

OWNER (1937 Upland Ave.)

BY: Christine Foley Adams
Christine Foley Adams

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 8 day of September, 2009, by Christine Foley Adams.

Witness my Hand and Seal.
My Commission Expires: Feb. 26, 2011

[Seal]

Notary Public

47

OWNER (2005 Upland Ave.)

BY: _____
Gary Howard Calderon

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 2 day of Sept, 2009, by Gary Howard Calderon.

Witness my Hand and Seal.
My Commission Expires: 4-25-2013

[Seal]

_____
Notary Public

COLEEN ESTEP
NOTARY
PUBLIC
STATE OF COLORADO
My Commission expires
April 25, 2013

5H 58

OWNER (2075 Upland Ave.)

BY: _____
Jan Morzel

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 9th day of September, 2009, by Jan Morzel.

Witness my Hand and Seal.
My Commission Expires: April 2, 2013

[Seal]

KIMBERLEY HUTTON NOTARY PUBLIC STATE OF COLORADO

_____
Notary Public

OWNER (2125 Upland Ave.)

BY: _____ _____
Robert D. Knecht Joan E. Knecht

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 1 day of Sept, 2009, by Robert D. Knecht and Joan E. Knecht.

Witness my Hand and Seal.
My Commission Expires: April 25, 2013

[Seal]

_____
Notary Public

COLEEN ESTEP NOTARY PUBLIC STATE OF COLORADO
My Commission expires April. 25, 2013

OWNER (2155 Upland Ave.)

BY: _____ _____
Rodrigo B. Moraga Shari Moraga

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 1st day of September, 2009, by Rodrigo B. Moraga and Shari Moraga.

Witness my Hand and Seal.
My Commission Expires: Feb. 26, 2011

[Seal]

_____
Notary Public

OWNER (2135 Upland Ave.)

BY: _____ _____
Andrew J. Malkiel Mary Berg Malkiel

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 8 day of September, 2009, by Andrew J. Malkiel and Mary Berg Malkiel.

Witness my Hand and Seal.
My Commission Expires: Feb. 26, 2011

[Seal]

_____
Notary Public

OWNER (2010 Upland Ave.)

BY: Ellen Stark
Ellen A. Stark

Anne Hockmeyer
Anne Hockmeyer

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 2 day of September, 2009, by Ellen A. Stark and Anne Hockmeyer.

Witness my Hand and Seal.
My Commission Expires: 9/25/2010

[Seal]

Aimee Oie
Notary Public

OWNER (2090 Upland Ave.)

BY: James G. Eddleman
James G. Eddleman

Barbara K. Eddleman
Barbara K. Eddleman

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 2 day of Sept, 2009, by James G. Eddleman and Barbara K. Eddleman.

Witness my Hand and Seal.
My Commission Expires: 4.25.2013

[Seal]

COLEEN ESTEP NOTARY PUBLIC STATE OF COLORADO
My Commission expires April 25, 2013

Coleen Estep
Notary Public

OWNER (2130 Upland Ave.)

BY: Rachel Cahn
Rachel Cahn

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 9 day of September, 2009, by Rachel Cahn.

Witness my Hand and Seal.
My Commission Expires: 9/25/2010

[Seal]

Aimee Dill
Notary Public

AIMEE L. DILL
NOTARY
PUBLIC
STATE OF COLORADO
My Commission Expires
Sept. 25, 2010

OWNER (2160 Upland Ave.)

BY: _____ _____
Stephen D. Ford Margaret L. Pilcher

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 2 day of Sept, 2009, by Stephen D. Ford and Margaret L. Pilcher.

Witness my Hand and Seal.
My Commission Expires: 4-25-2013

[Seal]

COLEEN ESTAP NOTARY PUBLIC STATE OF COLORADO
My Commission expires April 25, 2013

_____
Notary Public

EXHIBIT A

LEGAL DESCRIPTION

Refer to the Legal Description on the Next two Pages.

LEGAL DESCRIPTION

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

PARCEL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH RANGE 70 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18 TO BEAR NORTH 00°05'30" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 18; THENCE ALONG SAID NORTH-SOUTH CENTERLINE NORTH 00°05'30" EAST, A DISTANCE OF 1302.24 FEET; THENCE DEPARTING SAID LINE NORTH 89°53'00" EAST, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005904 IN THE RECORDS OF BOULDER COUNTY SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING;
THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89°53'00" EAST, A DISTANCE OF 580.70 FEET TO THE NORTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 059876 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE EASTERLY LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 10.40 FEET TO THE NORTHWEST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 059876 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY NORTH 89°53'00" EAST, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 261.95 FEET TO A POINT ON THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 668732 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID SOUTH LINE NORTH 89°51'44" EAST, A DISTANCE OF 139.93 FEET TO A POINT ON THE WEST LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2830344 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID WEST LINE SOUTH 00°04'30" WEST, A DISTANCE OF 30.33 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY NORTH 89°51'19" EAST, A DISTANCE OF 279.11 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2791386; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'41" WEST, A DISTANCE OF 330.99 FEET TO A POINT ON THE CENTERLINE OF UPLAND AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 610371 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 318.00 FEET TO THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO A POINT ON THE WEST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2130866; THENCE ALONG SAID WEST LINE EXTENDED AND SAID WEST LINE NORTH 00°03'40" EAST, A DISTANCE OF 258.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF UPLAND AVENUE; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 0817 AT REC. NO. 065713 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 258.00 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A POINT ON THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 1318 AT REC. NO. 643030 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE WEST LINE AND WEST LINE EXTENDED OF SAID PROPERTY NORTH 00°03'40" EAST, A DISTANCE OF 348.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF UPLAND AVENUE,

REVISED 09/14/09

Flatirons, Inc.
Surveying, Engineering & Geomatics

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655 FOURTH AVENUE
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www.Flatirons.com

LEGAL DESCRIPTION

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2

PARCEL DESCRIPTION (CONT.)

SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301652 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY SOUTH 89°50'00" WEST, A DISTANCE OF 139.35 FEET TO THE SOUTHWESTERLY MOST CORNER OF SAID PROPERTY; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°16'47" WEST, A DISTANCE OF 203.11 FEET TO A POINT ON A NORTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID NORTHERLY LINE NORTH 89°17'20" EAST, A DISTANCE OF 30.19 FEET TO A POINT ON A WESTERLY LINE OF SAID PROPERTY; THENCE ALONG SAID WESTERLY LINE NORTH 00°18'26" WEST, A DISTANCE OF 100.34 FEET TO A NORTHWESTERLY CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A SOUTHWESTERLY CORNER OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1830871 IN THE RECORDS OF BOULDER COUNTY, SAID POINT HEREIN DESCRIBED AS POINT A; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°19'37" WEST, A DISTANCE OF 100.02 FEET TO A POINT ON A SOUTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005904 SOUTH 89°57'00" WEST, A DISTANCE OF 188.14 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTH 19TH STREET; THENCE ALONG SAID RIGHT-OF-WAY NORTH 00°05'30" EAST, A DISTANCE OF 200.33 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND; COMMENCING AT POINT A, THENCE N89°51'44"E, A DISTANCE OF 391.01 FEET; THENCE S00°03'40"W, A DISTANCE OF 29.52 FEET, TO A POINT BEING THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT RECEPTION NO. 1301950, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID PROPERTY S00°03'40"W A DISTANCE OF 272.53 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF UPLAND STREET, N89°50'00"E A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301950; THENCE N00°03'40"E ALONG SAID EAST LINE A DISTANCE OF 272.46 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY S89°51'44"W A DISTANCE OF 140.00 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY, THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A NET AREA OF 631,759 SQ FT OR 14.50 ACRES MORE OR LESS.

I, JOHN B. GUYTON, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

DATE
FSI JOB NO. 08-55,432

REVISED 09/14/09

Flatirons, Inc.
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Annexation Map

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

PARCEL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH RANGE 70 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18 TO BEAR NORTH 00°05'30" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 18; THENCE ALONG SAID NORTH-SOUTH CENTERLINE NORTH 00°05'30" EAST, A DISTANCE OF 1302.24 FEET; THENCE DEPARTING SAID LINE NORTH 89°53'00" EAST, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005904 IN THE RECORDS OF BOULDER COUNTY SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF VIOLET AVENUE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°53'00" EAST, A DISTANCE OF 157.27 FEET TO THE NORTHWEST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1830871 IN THE RECORDS OF BOULDER COUNTY, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89°53'00" EAST, A DISTANCE OF 423.45 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2878623 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE EASTERLY LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 19.46 FEET TO THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 005876 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY NORTH 89°53'00" EAST, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 281.85 FEET TO A POINT ON THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 658732 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID SOUTH LINE NORTH 89°51'44" EAST, A DISTANCE OF 139.93 FEET TO A POINT ON THE WEST LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2830344 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID WEST LINE SOUTH 00°04'30" WEST, A DISTANCE OF 30.33 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY NORTH 89°51'19" EAST, A DISTANCE OF 279.11 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2391356; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'41" WEST, A DISTANCE OF 330.99 FEET TO A POINT ON THE CENTERLINE OF UPLAND AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 610371 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 318.00 FEET TO THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO A POINT ON THE WEST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2130085; THENCE ALONG SAID WEST LINE EXTENDED AND SAID WEST LINE NORTH 00°03'40" EAST, A DISTANCE OF 258.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF UPLAND AVENUE; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 0817 AT REC. NO. 085713 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 258.00 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A POINT ON THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 1316 AT REC. NO. 643030 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE WEST LINE AND WEST LINE EXTENDED OF SAID PROPERTY NORTH 00°03'40" EAST, A DISTANCE OF 348.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF UPLAND AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM 1831 AT REC. NO. 1301652 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY SOUTH 89°50'00" WEST, A DISTANCE OF 139.30 FEET TO THE SOUTHWESTERLY MOST CORNER OF SAID PROPERTY; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°16'47" WEST, A DISTANCE OF 203.11 FEET TO A POINT ON A NORTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID NORTHERLY LINE NORTH 89°17'20" EAST, A DISTANCE OF 30.19 FEET TO A POINT ON A WESTERLY LINE OF SAID PROPERTY; THENCE ALONG SAID WESTERLY LINE NORTH 00°16'26" WEST, A DISTANCE OF 100.34 FEET TO A NORTHWESTERLY CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A SOUTHWESTERLY CORNER OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1830871 IN THE RECORDS OF BOULDER COUNTY, SAID POINT HEREIN DESCRIBED AS POINT A; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°16'37" WEST, A DISTANCE OF 100.02 FEET TO A POINT ON A SOUTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID SOUTHERLY LINE SOUTH 89°57'00" WEST, A DISTANCE OF 30.13 FEET TO A SOUTHWESTERLY CORNER OF SAID PROPERTY; THENCE NORTH 00°07'09" WEST ALONG A WESTERLY LINE OF SAID PROPERTY, A DISTANCE OF 200.51 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND; COMMENCING AT POINT A, THENCE N89°51'44"E, A DISTANCE OF 301.01 FEET; THENCE S00°03'40"W, A DISTANCE OF 29.52 FEET, TO A POINT BEING THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT RECEPTION NO. 1301850, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID PROPERTY S00°03'40"W A DISTANCE OF 272.53 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF UPLAND STREET; N89°50'00"E, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301850; THENCE N00°03'40"E ALONG SAID EAST LINE A DISTANCE OF 272.46 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY S89°51'44"W A DISTANCE OF 140.00 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY, THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A NET AREA OF 631,759 SQ FT OR 14.50 ACRES MORE OR LESS.

LEGAL DESCRIPTIONS:

1937 UPLAND AVENUE (FILM 1831 REC #1301652)
THAT PART OF THE SOUTHWEST 1/2 OF THE NORTHEAST 1/2 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" WEST, 2678.54 FEET ALONG THE WEST LINE OF SAID SECTION 18; THENCE NORTH 89°35' EAST, 2628.56 FEET; THENCE NORTH 89°57' EAST, 107.27 FEET; THENCE SOUTH 0°05'30" WEST, 232.61 FEET; THENCE NORTH 89°57' EAST, 30.13 FEET; THENCE SOUTH 0°05'30" WEST, 100.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°05'30" WEST, 100.31 FEET; THENCE SOUTH 89°57' WEST, 30.13 FEET; THENCE SOUTH 0°05'30" WEST, 232.60 FEET TO THE SOUTH LINE OF THAT TRACT OF LAND CONVEYED TO CHARLES J. BECKER AS DESCRIBED IN DEED RECORDED ON FILM 580 AT RECEPTION NO. 828040; THENCE NORTH 89°57' EAST, 140.00 FEET ALONG THE SOUTH LINE OF SAID TRACT OF LAND DESCRIBED ON SAID FILM THENCE NORTH 0°05'30" EAST, 332.65 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED ON SAID FILM 580 AT RECEPTION NO. 828040 TO A POINT FROM WHICH THE TRUE POINT OF BEGINNING BEARS: SOUTH 89°57' WEST; THENCE SOUTH 89°57' WEST, 109.87 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THE SOUTH 30 FEET THEREOF, AND ALSO, THAT STRIP OF LAND AS DESCRIBED AT RECEPTION NO. 2850687 OF THE BOULDER COUNTY RECORDS.

COUNTY OF BOULDER,
STATE OF COLORADO.

1938 VIOLET AVENUE (REC #1830871)
A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW ¼ NE ¼) OF SECTION EIGHTEEN (18), TOWNSHIP ONE (1) NORTH, RANGE SEVENTY (70) WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION EIGHTEEN (18); THENCE NORTH 0 DEGREES 05 MINUTES 40 SECONDS WEST, 2678.54 FEET ALONG THE WEST LINE OF SAID SECTION EIGHTEEN (18); THENCE NORTH 89 DEGREES 53 MINUTES EAST, 2628.56 FEET TO THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO CHARLES J. BECKER AS DESCRIBED IN DEED RECORDED ON FILM 580 AS RECEPTION NO. 828040 OF THE BOULDER COUNTY RECORDS; THENCE NORTH 89 DEGREES 57 MINUTES EAST, 107.27 FEET ALONG THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 580 AS RECEPTION NO. 828040 TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 05 MINUTES 30 SECONDS WEST, 232.61 FEET; THENCE NORTH 89 DEGREES 57 MINUTES EAST, 30.13 FEET; THENCE SOUTH 0 DEGREES 05 MINUTES 30 SECONDS WEST, 100.04 FEET; THENCE NORTH 89 DEGREES 57 MINUTES EAST, 109.87 FEET TO THE EAST LINE OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 580 AS RECEPTION NO. 828040; THENCE NORTH 0 DEGREES 05 MINUTES 30 SECONDS EAST, 332.65 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 580 AS RECEPTION NO. 828040 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89 DEGREES 57 MINUTES WEST, 140.00 FEET ALONG THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED ON FILM 580 AS RECEPTION NO. 828040 TO THE TRUE POINT OF BEGINNING.

EXCEPT THE NORTH 30 FEET AND THE EAST 30 FEET THEREOF, FOR THE ROAD PURPOSES AS EXCEPTED IN DEED RECORDED SEPTEMBER 2, 1966 ON SAID FILM 580 AS RECEPTION NO. 828040. COUNTY OF BOULDER, STATE OF COLORADO.

1960 VIOLET AVENUE (REC #2864227)
THAT PORTION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 00°05'30" EAST, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 2694.08 FEET TO THE NORTHWEST CORNER OF SAID S1/2 NE1/4; THENCE NORTH 89°53'27" EAST ALONG THE NORTH LINE OF SAID S1/2 OF NE1/4, A DISTANCE OF 327.37 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°05'30" WEST, 332.50 FEET; THENCE NORTH 89°51'44" EAST 143.41 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED BY WARRANTY DEED RECORDED IN BOOK 1301 AT PAGE 444; THENCE NORTH 00°03'44" EAST, 332.50 FEET TO THE NORTH LINE OF SAID S1/2 OF NE1/4 OF SECTION 18; THENCE SOUTH 89°53'27" WEST, 143.41 FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF BOULDER,
STATE OF COLORADO.

2005 UPLAND AVENUE (REC #2390069)
A TRACT OF LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 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, 331.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0°03'40" EAST 332.87 FEET; THENCE NORTH 89°51'44" EAST, 140.0 FEET; THENCE SOUTH 0°03'40" WEST, 332.80 FEET; THENCE SOUTH 89°50' WEST 140.0 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THE SOUTH 30 FEET AND THE NORTH 30 FEET THEREOF, COMMONLY KNOWN AS 2005 UPLAND AVENUE, BOULDER, COLORADO.

2010 UPLAND AVENUE (REC #843030)
BEGINNING AT THE SOUTH ONE-QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., THENCE NORTH 0°5'30"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18 A DISTANCE OF 3328.4 FEET; THENCE NORTH 89°50' EAST 331.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°50' EAST 140 FEET; THENCE SOUTH 0°3'40" WEST, 318 FEET, THENCE SOUTH 89°50' WEST, 140 FEET; THENCE NORTH 0°3'40" EAST, 318 FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF BOULDER,
STATE OF COLORADO.

LEGAL DESCRIPTIONS CONTINUED:

2064 VIOLET AVENUE (REC #2878623)
A PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST, ALONG THE NORTH/SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 3994.08 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE NORTH 89°53'27" EAST, ALONG THE NORTH LINE OF SAID SOUTH 1/2 OF THE NORTHEAST 1/4, 616.60 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°03'40" WEST, 332.6 FEET; THENCE SOUTH 89°51'44" WEST, 140 FEET; THENCE NORTH 0°03'40" EAST, 332.5 FEET; TO A POINT ON THE NORTH LINE OF SAID SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE NORTH 89°53'27" EAST, ALONG SAID NORTH LINE, 140 FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF BOULDER,
STATE OF COLORADO.

2075 UPLAND AVENUE (REC #2565556)
A TRACT OF LAND SITUATE IN THE NE 1/4 OF SECTION 18, T1N, R70W, 6TH P.M. CONTAINING 1.06 ACRES, A LITTLE MORE OR LESS, AND DESCRIBED AS FOLLOWS: COMMENCING AT THE S 1/4 CORNER OF SAID SECTION 18; THENCE N 0°05'30" E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18 A DISTANCE OF 3,328.4 FT; THENCE N 89°50' E 471.03 FT TO THE TRUE POINT OF BEGINNING; THENCE N 0°03'40" E 332.80 FT; THENCE N 89°51'44"E 140.0 FT; THENCE S 0°03'40" W 332.50 FT; THENCE S 89°50' W 140.0 FT TO THE TRUE POINT OF BEGINNING.

SUBJECT TO A 30 FT RIGHT OF WAY ALONG THE SOUTH BOUNDARY, AND 30 FT ALONG THE NORTH BOUNDARY FOR ROAD PURPOSES, AS WELL AS A 10 FT UTILITY EASEMENT RUNNING EAST AND WEST THROUGH THE CENTER OF SAID 1.06 ACRES.

COUNTY OF BOULDER, STATE OF COLORADO.

2090 UPLAND AVENUE (REC #085713)
ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 18; TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., IN THE COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 3328.4 FEET; THENCE NORTH 89°50' EAST 471.05 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°50' EAST, 140 FEET; THENCE SOUTH 0°03'40" WEST, 318 FEET; THENCE SOUTH 89°50' WEST, 140 FEET, THENCE NORTH 0°03'40" EAST, 318 FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF BOULDER,
STATE OF COLORADO.

2114 VIOLET AVENUE (REC #059876)
PART OF THE N ½ OF THE N ½ OF THE SW ¼ OF THE NE ¼ OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE S ¼ CORNER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.; THENCE N 00°05'30" E, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 3994.08 FEET TO THE NORTHWEST CORNER OF THE S ½ OF THE NE ¼ OF SAID SECTION 18; THENCE N 89°53'27" E, ALONG THE NORTH LINE OF THE S ½ OF THE NE ¼ OF SAID SECTION 18, A DISTANCE OF 700.69 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 00°03'40" E, PARALLEL WITH THE WESTERLY LINE OF THAT TRACT OF LAND CONVEYED FROM CAPITOL HILL FINANCE CORPORATION TO CATHERINE GOODSENS BY DEED RECORDED NOVEMBER 20, 1968, ON FILM 652 AS RECEPTION NO. 897242, A DISTANCE OF 332.5 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF SAID TRACT CONVEYED BY RECEPION NO. 897242; THENCE S 89°51'44" W, ALONG THE SOUTHERLY LINE OF SAID TRACT CONVEYED BY RECEPTION NO. 897242, A DISTANCE OF 140.00 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED FROM CAPITOL HILL FINANCE CORPORATION TO VICTOR G. BARNITE AND MARY JANE DARNITE BY DEED RECORDED SEPTEMBER 23, 1953, IN BOOK 1301 AT PAGE 444; THENCE N 00°03'40" E, ALONG THE EASTERLY LINE OF SAID TRACT CONVEYED IN BOOK 1301 AT PAGE 444, A DISTANCE OF 332.50 FEET TO THE NORTHEAST CORNER OF SAID TRACT CONVEYED IN BOOK 1301 AT PAGE 444, SAID CORNER BEING ON THE NORTH LINE OF THE S ½ OF THE NE ¼ OF SAID SECTION 18; THENCE N 89°53'27" E, ALONG SAID NORTH LINE OF THE S ½ OF THE NE ¼ OF SAID SECTION 18, A DISTANCE OF 140.00 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT THAT PART OF SUBJECT PROPERTY CONVEYED BY CATHERINE GOODSENS AND VICTOR M. GOODSENS TO THE COUNTY OF BOULDER BY DEED RECORDED MARCH 2, 1973, ON FILM 820 AS RECEPTION NO. 056585.

COUNTY OF BOULDER,
STATE OF COLORADO.

LEGAL DESCRIPTIONS CONTINUED:

2125 UPLAND AVENUE (REC #1352209)
A TRACT OF LAND LOCATED IN THE NE 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
BEGINNING AT THE S1/4 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; THENCE NORTH 89°50' EAST, 751.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0°03'40" EAST, 332.46 FEET; THENCE NORTH 89°51'44" EAST, 140.00 FEET; THENCE SOUTH 0°03'40" WEST, 332.39 FEET; THENCE SOUTH 89°50' WEST, 140.00 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT THE NORTH 30.00 FEET AND THE SOUTH 30.00 FEET THEREOF.

2130 UPLAND AVENUE (REC #2130865)
ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH 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, 751.09 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°03'40" WEST, 318.0 FEET; THENCE NORTH 89°50' EAST, 140.0 FEET; THENCE NORTH 0°03'40" EAST, 318.0 FEET; THENCE SOUTH 89°50' WEST, 140.0 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THE NORTH 30 FEET AND THE SOUTH 30 FEET THEREOF.

COUNTY OF BOULDER,
STATE OF COLORADO.

2139 UPLAND AVENUE (REC #2791388)
THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 3328.4 FEET; THENCE NORTH 89°50'00 EAST, 1031.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0°03'40" EAST, 332.32 FEET; THENCE NORTH 89°51'44" EAST, 140.0 FEET; THENCE SOUTH 0°03'40" WEST, 332.25 FEET; THENCE SOUTH 89°50'00" WEST, 140.0 FEET TO THE TRUE POINT OF BEGINNING, EXCEPTING THEREFROM ANY PORTION LYING WITHIN UPLAND AVENUE, COUNTY OF BOULDER, STATE OF COLORADO.

2155 UPLAND AVENUE (REC #2935212)
A TRACT OF LAND SITUATED IN THE NE ¼ OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ¼ 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, 891.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0°03'40" EAST, 332.39 FEET; THENCE NORTH 89°51'44" EAST, 140.00 FEET; THENCE SOUTH 0°03'40" WEST, 332.32 FEET; THENCE SOUTH 89°50' WEST 140.00 FEET TO THE TRUE POINT OF BEGINNING, LESS, HOWEVER THE NORTH 30 FEET AND THE SOUTH 30 THEREOF.

2160 UPLAND AVENUE (REC #610371)
COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 18, T1N, R70W, OF THE 6TH P.M.; THENCE NORTH 0°05'30" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 3328.4 FEET; THENCE NORTH 89°50' EAST 891.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°03'40" WEST 318.0 FEET; THENCE NORTH 89°50' EAST 140.00 FEET; THENCE NORTH 0°03'40" EAST 318.00 FEET; THENCE SOUTH 89°50' WEST 140.0 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO, EXCEPT THE NORTH 30 FEET AND THE SOUTH 30 FEET THEREOF.

Surveyor's Statement

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON NOVEMBER 5, 2008 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

DRAFT COPY 09-14-09
FOR YOUR REVIEW AND COMMENT

JOHN B. GUYTON — DATE
COLORADO P.L.S. #34405 — FSI JOB NO. 03-55,432
CHAIRMAN/CEO, FLATIRONS, INC.

Flatirons, Inc.
3234 IRIS AVE, SUITE B
BOULDER, CO 80301
PHONE: (303) 443-7501
FAX: (303) 443-8810
www.flatironsinc.com

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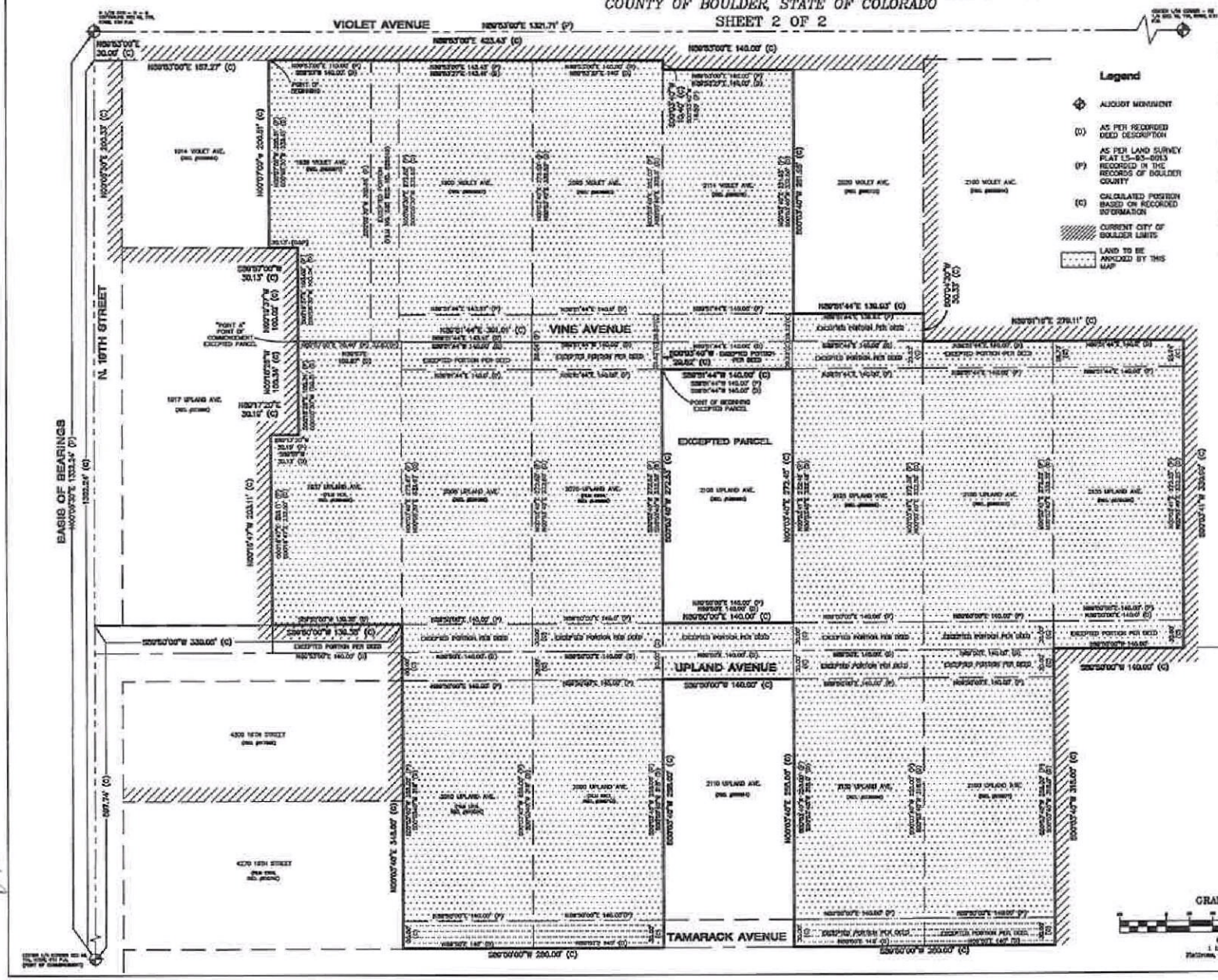
Annexation Map

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



Notes:

1) THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND DOES NOT CONSTITUTE A TITLE SEARCH BY FLATIRONS SURVEYING, INC. TO DETERMINE TITLE OR EASEMENTS OF RECORD. THIS MAP DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUB-DIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

2) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS MAP BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

3) BASIS OF BEARINGS: NORTH 00°03'30" EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18 AS SHOWN ON THE LAND SURVEY PLAT BY WILLIAM STENGEL DATED OCTOBER, 1992 RECORDED AS LS-93-0013. ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.

4) THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.

5) ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. 18-4-508.

6) THE LEGAL DESCRIPTION IS BASED ON MEASURED LOCATIONS OF SURVEY MONUMENTS AND HAS BEEN CREATED AT THE REQUEST OF THE CLIENT. THIS DESCRIPTION IS NOT INTENDED TO SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE AND IS SHOWN FOR INFORMATIONAL PURPOSES ONLY.

7) PARCEL DESCRIPTIONS HEREON ARE GRAPHICALLY DEPICTED BASED ON WILLIAM STENGEL'S LAND SURVEY PLAT DATED MARCH 15, 1993 AND RECORDED IN THE RECORDS OF BOULDER COUNTY AS LS-93-0013.

Contiguity

TOTAL PERIMETER	3,676.75'
1/6TH PERIMETER	612.80'
PERIMETER CONTIGUOUS TO CITY LIMITS	2,404.03'

DRAFT COPY 09-14-09
FOR YOUR REVIEW AND COMMENT

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.
Flatirons, Inc. Job# 08-03.03

Flatirons, Inc.

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Item 5A Page 61

EXHIBIT B

Redevelopment Improvements for Properties on North Side of Upland Ave. and South Side of Violet Ave.

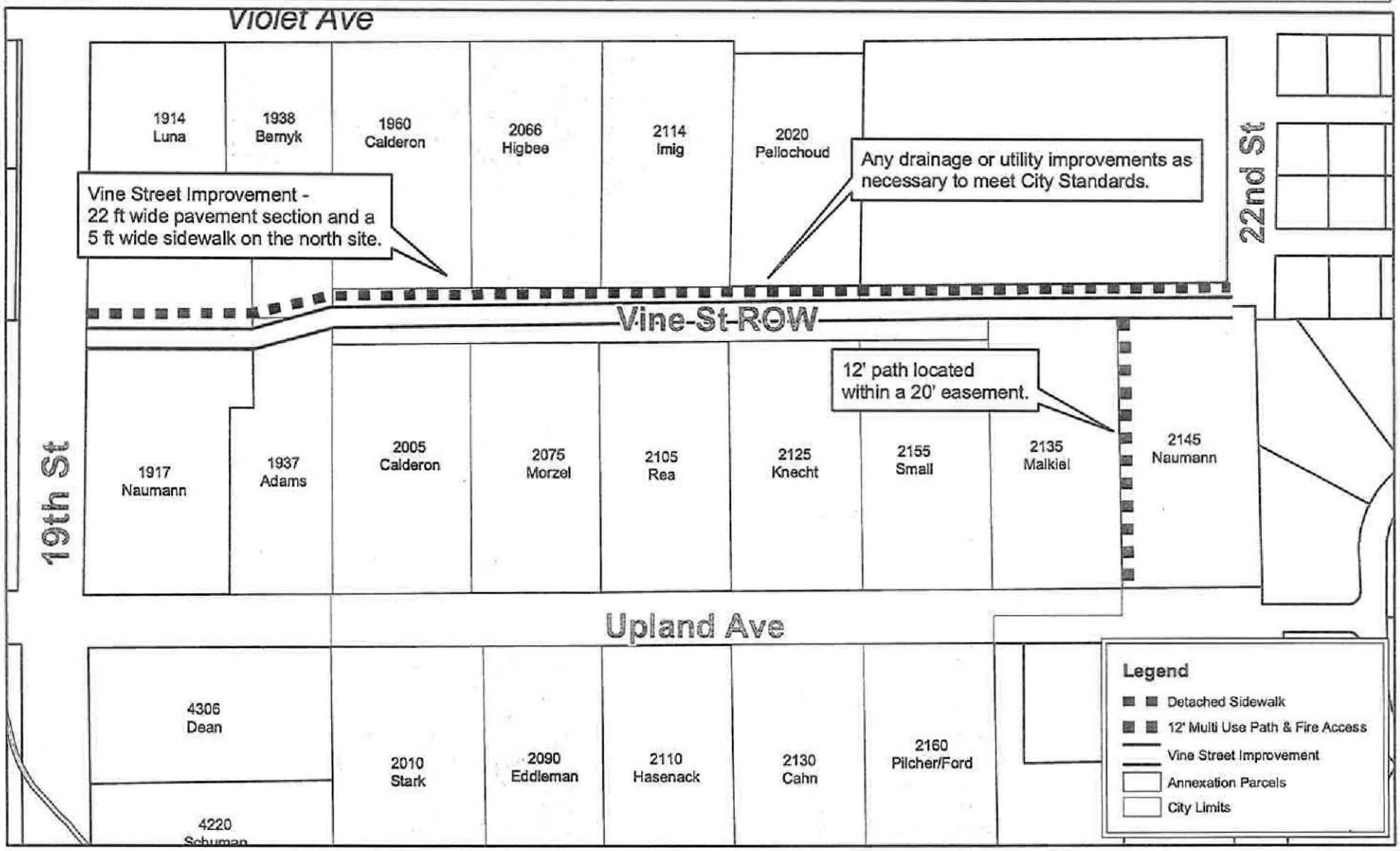
1. Vine St. to be constructed as a 22 foot wide pavement section and a 5 foot wide sidewalk on the north side.

2. Any drainage and utility improvements as necessary to meet City standards.

3. Install a 12 foot wide concrete multi-use path and fire access lane in the existing 20 foot wide right-of-way located on the west side of 2145 Upland Ave.

   (Refer to Exhibit B Map on Next Page)

Exhibit B: Redevelopment Improvements for Properties on the North Side of Upland Ave. and RL Zoned Portions of Properties on the South Side of Vine St.



Location: ***Crestview Area Neighborhood***
Project Name: ***Crestview East Addition 2***
Review Type: ***Annexation/ Initial Zoning***
Review Number: ***LUR2008-00080***

NORTH

1 inch = 150 feet

City of Boulder

The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained hereon.

Agenda Item 5A Page 63

EXHIBIT C

Redevelopment Improvements for RM zoned portions of Properties on South Side of Violet Ave.

1) A 5 foot bike lane beyond the existing 11 foot eastbound travel lane, 2 foot curb and gutter, 8 foot landscape buffer, and 6 foot wide sidewalk on the south side of Violet Ave. for the entire frontage.

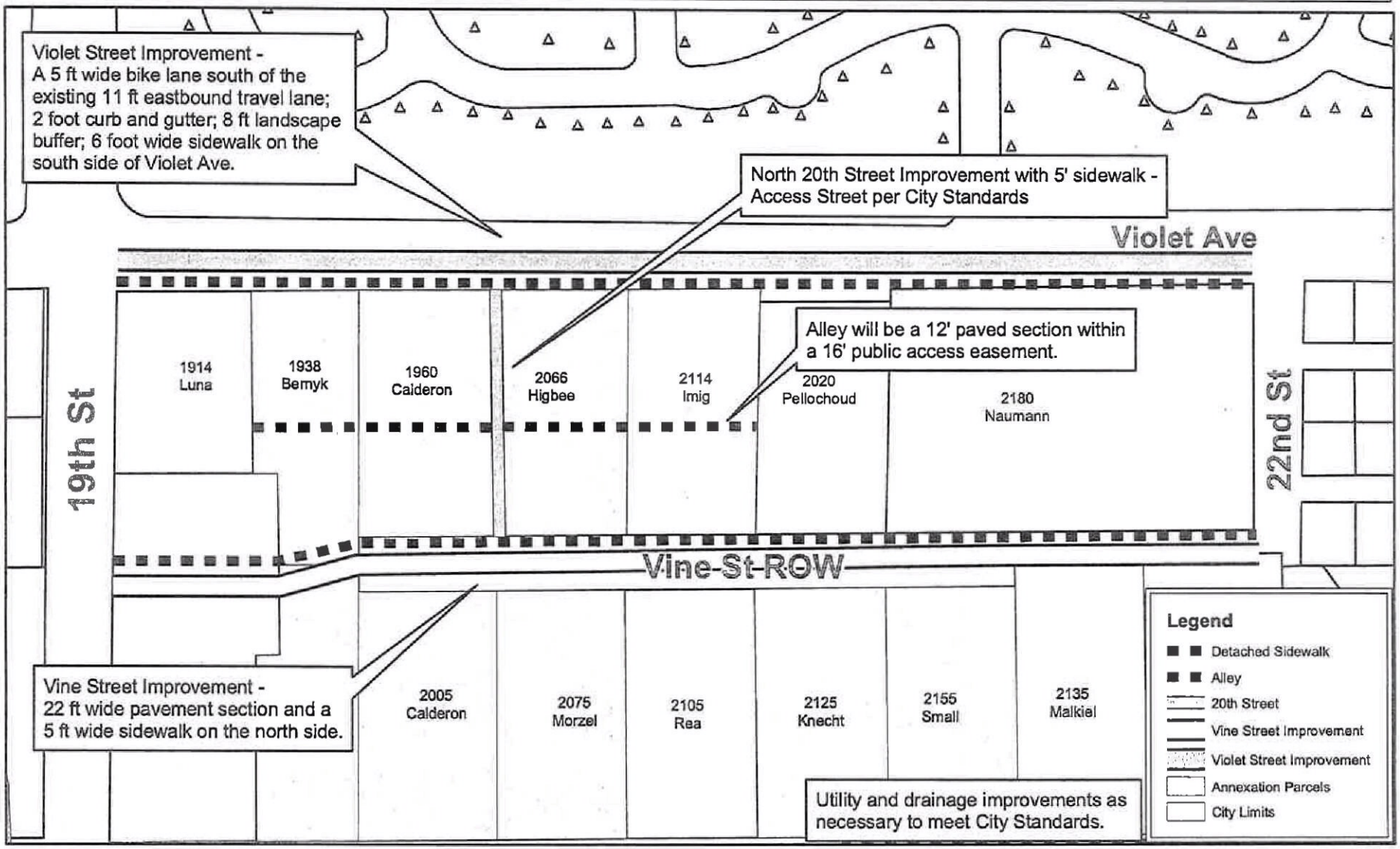
2) 12 foot wide alley between Violet and Upland Avenue..

3) North 20th St. to be constructed as an access street per City standards, Table 2-12 Design & Construction Standards with 5 foot wide sidewalks.

4) Any drainage and utility improvements as necessary to meet City standards.

(Refer to Exhibit C Map on Next Page)

Exhibit C: - Redevelopment Improvements for RM Zoned Properties on the South Side of Violet Ave.



Location: ***Crestview Area Neighborhood***
Project Name: ***Crestview East Addition 2***
Review Type: ***Annexation/ Initial Zoning***
Review Number: ***LUR2008-0080***

NORTH

1 inch = 150 feet

City of Boulder

The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained hereon.

EXHIBIT D

Redevelopment Improvements for Properties on South Side of Upland Ave.

1. Tamarack Avenue to be constructed as a 30-foot wide and 60 foot wide right-of-way as generally shown on the 1997 North Boulder Subcommunity Plan amendment, to include a turnaround, as generally shown on the attached exhibit map. The 30 foot wide section must meet the access lane standard in §2.09(D)(5) of the City of Boulder *Design and Construction Standards*, including a turnaround and drainage improvements within the Tamarack Avenue right of way;

2. A sewer main extension within Tamarack Avenue right of way from the existing sewer main near 22nd Street to the required turnaround on the western end of Tamarack Avenue;

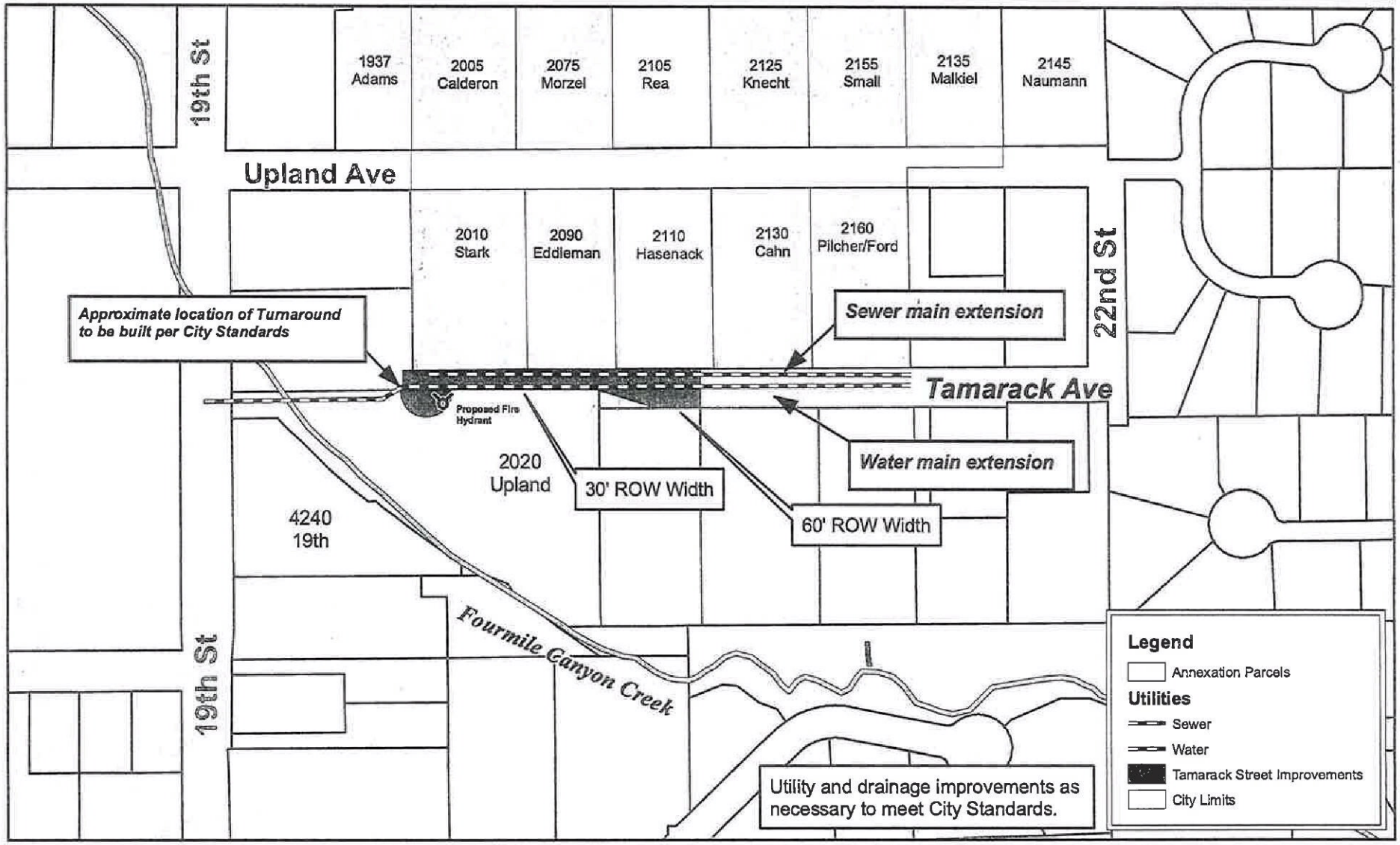
3. A fire hydrant and an extension of the existing water main near 22nd Street in the Tamarack right of way to 19th Street

4. Any drainage and utility improvements as necessary to meet City standards.

5. Construct north 20th Street upon annexation of 4270 19th St. and dedication of the appropriate right-of-way prior to subdivision.

(Refer to Exhibit D Map on Next Page)

Exhibit D: Redevelopment Improvements for Properties on the South Side of Upland Ave.



Location: ***Crestview East Neighborhood***
Project Name: ***Crestview East Addition 2***
Review Type: ***Annexation/ Initial Zoning***
Review Number: ***LUR2008-00080***

NORTH

1 inch = 200 feet

City of Boulder

The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained hereon.

EXHIBIT E

ADDITIONAL DEDICATIONS, IMPROVEMENTS, AND REQUIREMENTS PERTAINING TO INDIVIDUAL LOTS PRIOR TO ANNEXATION

Dedication of the un-annexed portion of Upland Ave. to create a complete 60 foot wide right-of-way between 19th St. and 22nd St.

In instances where path easements split property lines, the first property redeveloping is required to escrow one half of the construction costs of the multi-use path. The development of the second property shall be the trigger for path construction and that development shall use the escrowed monies and their own to construct the path.

1937 Upland Ave.

1. Dedicate the northern 20 feet of the Property as public right-of-way for Vine Avenue.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 1,470 square feet.

2005 Upland Ave.

1. The City will vacate the southern 9.52 feet of unneeded Vine Avenue right-of-way to Property.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,900 square feet.

2010 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,400 square feet.
2. Dedicate the western 15 feet of the Property as public right-of-way for the future North 20th Street.
3. At the time of annexation when15 feet of right of way is obtained from property located 4270 19th Street a 30 foot access lane known as North 20th Street, can be constructed between Tamarack and Upland. Whichever property owner along the 30 foot wide North 20th Street access lane or Tamarack Ave. first makes an application for subdivision, that property owner will be responsible for constructing the 30 foot access lane when feasible and required by city staff and/or regulations.
4. 2010 Upland Ave. will be allowed to subdivide without North 20th Street if accessed from Tamarack. In the event North 20th St. is installed prior to subdivision of 2010 Upland Ave., access will be taken from North 20th St.

2075 Upland Ave.

1. The City will vacate the southern 9.52 feet of unneeded Vine right-of-way to Property.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 4,850 square feet.

2090 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,660 square feet.

2125 Upland Ave.

1. Dedicate the western 5 feet of the Property as a public access easement for a 5 foot wide concrete path to meander as necessary to preserve existing mature landscaping.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,450 square feet.
3. If the property at 2020 Violet Ave. annexes, dedicates right-of-way and realigns Vine Avenue to a straight alignment, the southern 9.52 feet of Vine right-of-way can be vacated and returned to the property through the administrative utility easement vacation process.

2130 Upland Ave.

1. Dedicate the western 5 feet of the Property as a public access easement for a 5 foot wide concrete path to meander as necessary to preserve existing mature landscaping.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,398 square feet.

2135 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,154 square feet.
2. Dedicate the northern 20 feet of the Property as public right-of-way for Vine Avenue.
3. Connect to the City wastewater system at the property owner'as expense prior to the issuance of an building permit not associated with wastewater connection or when the existing septic system fails, whichever comes first

2155 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,398 square feet.
2. If the property at 2020 Violet Ave. annexes, dedicates right-of-way and realigns Vine St. to a straight alignment, the southern 9.52 feet of Vine right-of-way can be vacated and returned to the property through the administrative utility easement vacation process.

2160 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,610 square feet.

1938 Violet Ave.

1. Dedicate the southern 20 feet of the Property as public right-of-way for Vine Avenue.
2. Dedicate a 16 foot wide access easement running east-west and north-south through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley. A dead end alley extending to the western property line with a

turnaround meeting City standards, its associated easement and no connection to Vine is acceptable as well.

3. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,196 square feet.

1960 Violet Ave.

1. Vacate northern 9.52 feet of unneeded Vine St. right-of-way to property.
2. Dedicate a 16 foot wide access easement running east-west through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
3. Dedicate the eastern 20 feet of the Property as right-of-way for North 20th Street.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 1,950 square feet.

2066 Violet Ave.

1. The City will vacate the northern 9.52 feet of unneeded Vine right-of-way to Property.
2. Dedicate a 16 foot wide access easement running east-west through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
3. Dedicate the western 20 feet of the Property as right-of-way for North 20th St.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,200 square feet.
5. Pay a Development Excise Tax (DET) based on the existing development on the Property of $643.80

2114 Violet Ave.

1. Dedicate the southern 20 feet of the Property as public right-of-way for Vine Avenue.
2. The City will vacate the southern 10 feet of unneeded Violet Avenue. right-of-way to Property owner.
3. Dedicate a 16 foot wide access easement running east-west through the property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 828 square feet.

Cost Summary

CRESTVIEW EAST UTILITIES COST ESTIMATE

In Annexation		Water Main	Wastewater Main	(10 years @ 5.5%)*	Water & Wastewater PIFs (Due @ time of Connection)	In Property Connection Costs (Due @ time of connection)	DETs, Storm PIF, (2010 Storm PIF) (Due @ time of Redevelopment)
1937 Upland		$ -	$ 30,238	$4,011.61	$ 2,000	$ 3,500	$ 2,014
2005 Upland		$ 11,799	$ 30,238	$5,576.95	$ 10,500	$ 7,000	$ 3,973
2010 Upland**		$ -	$ 30,238	$1,663.09	$ 2,000	$ 3,500	$ 4,658
2075 Upland		$ 11,799	$ 30,238	$5,576.95	$ 10,500	$ 7,000	$ 7,741
2090 Upland		$ 11,799	$ 30,238	$5,576.95	$ 10,500	$ 7,000	$ 5,014
2125 Upland		$ 11,799	$ 30,238	$5,576.95	$ 10,500	$ 7,000	$ 4,727
2130 Upland		$ -	$ 30,238	$4,011.61	$ 2,000	$ 3,500	$ 5,043
2135 Upland***		$ -	$ 17,404	$2,308.95	$ 2,000	$ 3,500	$ 2,951
2155 Upland		$ 11,799	$ 30,238	$5,576.95	$ 10,500	$ 7,000	$ 3,285
2160 Upland		$ -	$ 30,238	$4,011.61	$ 2,000	$ 3,500	$ 3,576
1938 Violet		$ -	$ 17,830	$2,365.47	$ 2,000	$ 3,500	$ 4,379
1960 Violet		$ 11,799	$ 17,830	$3,930.81	$ 10,500	$ 7,000	$ 2,672
2066 Violet		$ 11,799	$ 17,830	$3,930.81	$ 10,500	$ 7,000	$ 3,658
2114 Violet		$ 11,799	$ 17,830	$3,930.81	$ 10,500	$ 7,000	$ 1,134

* First payment due 1 year after connection

** Yearly assessments may be deferred until the time of redevelopment, sale or transfer of title to the property.

*** Sewer connection deferred to redevelopment

Total collected 2 years after connection with PIFs	**$210,099.09**
Total collected 5 years after connection with PIFs	**$384,247.73**
Total collected 10 years after connection with PIFs	**$674,495.45**
Total Utilities Outlay	**$672,681.00**

Future Assessments on Undeveloped Properties Already Annexed & Properties in the Enclave that aren't Annexing

		Water	Wastewater	
1914 Violet		$ -	$ 17,830	
2020 Violet		$ -	$ 17,830	
2180 Violet		$ -	$ 53,490	
2105 Upland		$ 11,799	$ 30,238	
2110 Upland		$ 11,799	$ 30,238	
1917 Upland		$ 11,799	$ 30,238	
2145 Upland**			$ 2,194	(**Sidewalk Only Required as Part of Annexation Agreement)

Total $ 217,455

Ferro, Charles

From: Nathan Knec
Sent: Thursday, September 10, 2009 1:17 PM
To: Ferro, Charles; McHeyser, Ruth; Buckbee, Steven
Cc: Jan Morzel; Anne Hockmeyer; ellen stark
Subject: CVE Outstanding Issue

Charles,

please include with your memo to council.

Thanks,

Nathan

Members of Boulder City Council,

The Crestview East Enclave comes to you with one outstanding issue for your consideration.

We have finally negotiated an acceptable repayment plan for the infrastructure installed by the City of Boulder. However, it has come to our attention that this plan is unattainable for low-income qualifying residents, on fixed incomes, that do not wish to subdivide or sell at this time.

What we've hoped to negotiate and are still exploring with City Staff was that PIF's would be paid at time of connection and that infrastructure costs be deferred until time of subdivision or sale of property for qualifying property owners.

At the moment we've identified one property, 2010 Upland Avenue, who qualifies and is in need of a deferred repayment plan. As the agreement is now written this property owner will be forced to withdraw from the annexation if further costs cannot be reduced. We've explored a number of creative alternatives to reduce these costs. One example came from studying the cost estimates for utility installation. We've identified the cost of repaving as a significant portion of this estimate, $200,000 of the estimated $700,000. About $20,000 per Upland Avenue property. For the property at 2010 Upland Ave. this is 2/3rds of there repayment expense of approximately $30,000.

All of the previous annexations in our enclave were not required to repave when they were annexed, they were only required to patch. This includes properties owned by Steven Tebo and properties developed by Coburn Development.

We've had a road construction contractor explain that repaving can only be completed over a well patched road and often repaving is an expense excluded from installation. He quoted us that patching was guaranteed for five years and repaving was unnecessary at this time. While it seems logical that repaving be done at the same time as the utility installation, the cost to each individual property owner is significant. Repaving the road is a benefit to others in the City as well as the City of Boulder and perhaps we can all share in its cost if it is to be done at the time of annexation.

On a further note. The majority of the enclave is working together towards infrastructure improvements on Tamarack Avenue and Vine St. which would allow us to subdivide as soon as possible. It is our hope, and in all likely hood, that this will develop over the next year

and many property owners will pay the city back in full as part of our redevelopment agreement.

Please consider further deferments for low-income qualifying residents in our enclave.

Sincerely,

Nathan Knecht & Jan Morzel
Neighborhood Representatives

PETITION

We, the undersigned, as neighbors of the enclave of Crestview East, are in opposition to the construction of 20th St. between Tamarack and Upland. There is no need for any type of additional vehicular connectivity between Tamarack and Upland east of 19th St.. There is already a road, 22nd St., which provides pedestrian, vehicular and fire access connectivity to Tamarack, which is a dead end street. Pedestrian connectivity will connect to the Four Mile Creek path leading pedestrians to 19 th St. In addition, the Crestview East Neighborhood Annexation provides one north/south pedestrian/bicycle multi-use connection from Tamarack to Upland between 2110 and 2130 Upland as required by transportation staff, thus eliminating the need for an additional north/south pedestrian/bicycle multi-use connection. Since the Crestview East Annexation adds, at most, six additional homes on Tamarack, the increased density does not justify the destructive environmental impact that building an additional road would demand.

Signature: Ugne Schuman Address: 4270 19th St Bldr CO 80304

Signature: Trist Schuman Address: 4270 19th St Bldr Co 80304.

Signature: [illegible] Address: 2130 Tamarack Ave

Signature: [illegible] Address: 2130 Tamarack Ave Boulder Co

Signature: [illegible] Address: 2150 Tamarack Ave Boulder 80304

Signature: [illegible] Address: 2156 Tamarack Ave 303 444 1216

Signature: [illegible] Address: 2158 Tamarack Ave.

Signature: [illegible] Address: 2198 Upland Ave.

Signature: David Shade Address: 2198 Upland Ave 3449795

Signature: [illegible] Address: 2160 Upland Ave.

Signature: [illegible] Address: 2125 Upland Ave

Signature: [illegible] Address: 2105 UPLAND AVE.

Signature: [illegible] Address: 2075 Upland Ave.

Signature: Ellen Stark Address: 2010 Upland Ave

PETITION

We, the undersigned, as neighbors of the enclave of Crestview East, are in opposition to the construction of 20th St. between Tamarack and Upland. There is no need for any type of additional vehicular connectivity between Tamarack and Upland east of 19th St.. There is already a road, 22nd St., which provides pedestrian, vehicular and fire access connectivity to Tamarack, which is a dead end street. Pedestrian connectivity will connect to the Four Mile Creek path leading pedestrians to 19 th St. In addition, the Crestview East Neighborhood Annexation provides one north/south pedestrian/bicycle multi-use connection from Tamarack to Upland between 2110 and 2130 Upland as required by transportation staff, thus eliminating the need for an additional north/south pedestrian/bicycle multi-use connection. Since the Crestview East Annexation adds, at most, six additional homes on Tamarack, the increased density does not justify the destructive environmental impact that building an additional road would demand.

Signature: _____ Address: 2130 Upland Ave

Signature: Rachel Cl Address: 2130 Upland Ave

Signature: Anne Hackmeyer Address: 2010 Upland Ave

Signature: C. Adams Address: 1937 Upland Ave.

Signature: Drew Dolan Address: 2020 Upland / 2681 Kalmia

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Signature: _____ Address: _____

Development Guidelines for All Neighborhoods

Building and Site Design

- *Locate compatible building types to face one another across streets. Change design rules at rear or side property lines rather than down the middle of the street.*
- *Position houses so that their front doors and front yards face the street.*
- *Leave front yards open wherever possible. When front yard fences are provided, they should be low and open.*
- *Design houses so that garage doors do not predominate the front facade. Locate garage doors no less than 20' behind the principal plane of the front of the houses; detached garages are preferred.*
- *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 a 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.*
- *Plant street trees along all streets at the time of development or redevelopment of any property.*
- *Design streets to be as narrow as possible.*
- *In higher density areas where parking lots are needed, design the lots so that they are small and clustered. Locate parking in the back of buildings, not in the front.*
- *Use alleys wherever possible to provide a "service" side to properties. Reduce curb cuts and sidewalk interruptions on the "public" side of lots.*

Transportation Connections

- *Comply, at a minimum, with the Transportation Plan in section 8.*
- *Design streets to be multi-purpose public spaces--comfortable for the pedestrian and bicyclist--not just as roads for cars.*
- *Avoid using flag lots or culs de sac.*

RECOMMENDATIONS

The key development sites in North Boulder are shown on the map on page 9.
New residential areas must comply with the Development Guidelines listed on the left, as well as those listed in the gray boxes for each area.

County Enclaves

The North Boulder Subcommunity includes several large residential County enclaves (i.e., areas in the County completely surrounded by land in the City). The bulk of the area is shown on the map below.

The enclaves should annex to the City for two main reasons:

- The area needs public water and sewer service: some properties have groundwater contamination, and/or shallow wells, and are served by failing septic systems.
- The enclaves have been part of the City's "Service Area" since 1978 and have developed at urban densities. The patchwork of properties in and out of the City is confusing and inefficient for the provision of urban services such as police, fire, and environmental enforcement.

When people talk about North Boulder's "rural character," the enclaves are typically the area of which they speak. While they are not literally rural in that most of the homesites are one acre or less, they possess qualities that are generally associated with rural areas including: unimproved roads with borrow ditches (no curb and gutter or "hard edges"); mailboxes placed at the end of gravel driveways; farm animals; equipment stored on the property; no street lighting; large setbacks; modestly scaled residential and accessory buildings; and a general sense of quiet.

From the perspective of the enclave landowners, the desire for the future ranges from keeping the area "the way it is now" to establishing City zoning that would allow additional homes to be built. Through the public hearing process on the Plan, different goals/ objectives emerged for each of the areas and are listed in the box on the right.

Githens Acres and portions of Crestview West are not appropriate for further development, for they are located in flood zones and possess a rural character worthy of preservation. Crestview East and other portions of Crestview West, on the other hand, are located adjacent to planned transit and a higher density neighborhood to the north, and are appropriate for higher densities for affordable and diverse housing. The land use pattern to support the goals for each area is shown on the map below.

County Enclave Development Guidelines

New development in the Enclaves must meet the Guidelines for All Neighborhoods, as well as those listed below.

All Enclave Areas

- *Develop building size limitations for the area to preserve and enhance neighborhood character.*
- *Preserve environmental features and avoid development in high hazard flood areas.*

Githens Acres and flood constrained areas

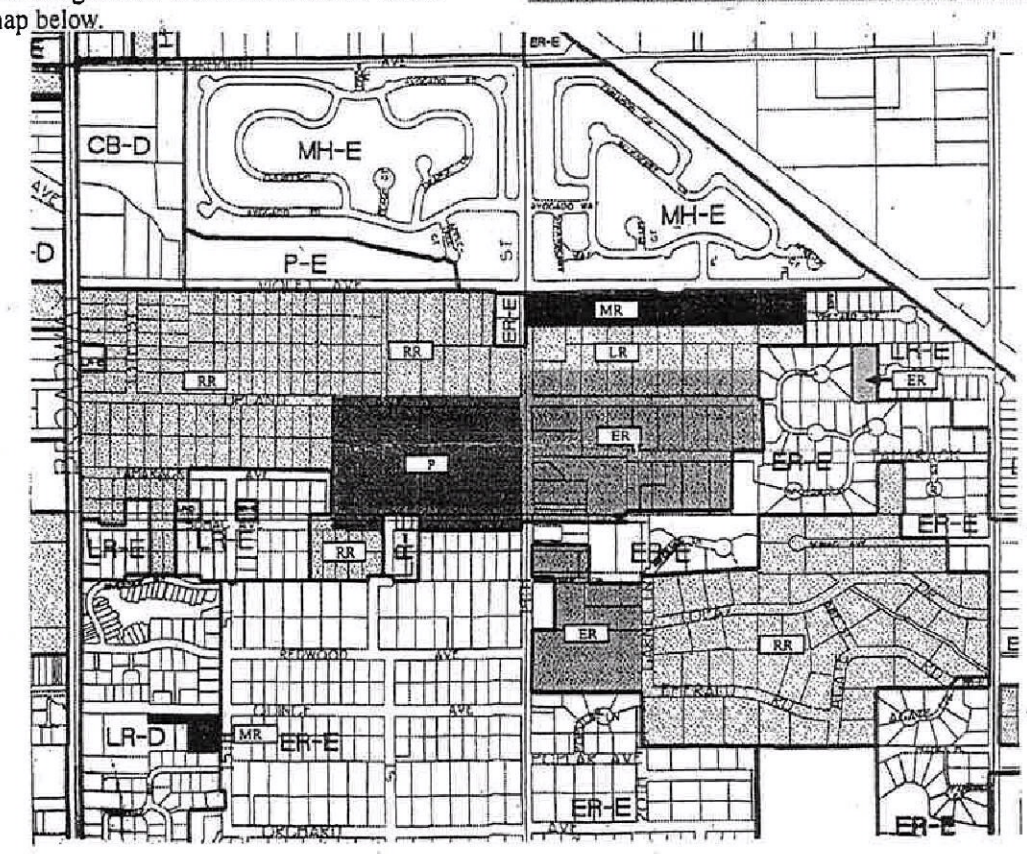
- *Preserve the rural/semi-rural character in this area with a very low density land use pattern.*
- *Preserve rural street character by maintaining borrow ditches and rural mailboxes.*

Crestview West Annexation Goals

- *Preserve the rural character, particularly in flood-constrained areas.*
- *Allow possible higher densities along the Broadway corridor to achieve affordable and diverse housing close to transit.*
- *Provide public water service to properties with contaminated wells.*
- *Consider neighborhood consensus, in balance with other community goals.*
- *Help defray the property owners' costs of annexation.*

Crestview East Annexation Goals

- *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. Provide connections as shown on the Transportation Plan, plus at least one additional north-south street and east-west alleys in the MR and LR zones.*
- *Consider transfers of development (TDR) from other, less centrally located areas.*
- *Consider neighborhood consensus, in balance with other annexation goals.*
- *Help defray the property owners' costs of annexation.*



This map illustrates the recommended land use pattern in the County enclaves. ***Crestview West*** *is the area between Broadway and 19th Street,* ***Crestview East*** *is the area between 19th Street and 26th Streets north of Sumac, and* ***Githens Acres*** *is located south of Crestview East.*

Staff Analysis of Crestview East Annexation Goals from the North Boulder Subcommunity Plan

Crestview East Annexation Goals:

1) Create permanently affordable and diverse housing.

The attached annexation agreement will provide for permanently affordable single and multi family homes consistent with the amounts and percentages adopted Guidelines for Annexation Agreements Mostly Developed Residential Properties in Area II located in Crestview East (see ***Attachment D).***

2) Develop minimum densities in the MR and LR zones.

Minimum lot sizes specified in the MR and LR zone district will be required, however, in an effort to provide for more permanently affordable and diverse housing, the annexation agreement permits duplexes in the LR zone.

3) Create new development in a pattern that supports walkability and good community design. Provide connections as shown on the Transportation Plan, plus at least one additional north-south street and east-west alleys in the MR and LR zones.

The development pattern will support walkability and improved community design. The proposed transportation connections will meet the intent of the adopted NBSP Transportation Connections plan and will provide significantly improved pedestrian and vehicular access in and through the neighborhood. A new north/south street between Violet Ave. and Vine Ave. is proposed as well as an east/west alley between 19th and 22nd Avenues. Sidewalks are also proposed along Violet and Upland Avenues.

4) Consider transfers of development (TDR) from other, less centrally located areas.

Transfer of development rights have not been proposed as a part of the negotiations.

5) Consider neighborhood consensus, in balance with other annexation goals.

Staff has worked closely with a large neighborhood group through the course of the annexation to negotiate a balanced annexation agreement that neighbors are comfortable with.

6) Help defray the property owners' costs of annexation.

In an effort to defray the cost of annexation, the city will install all required utility mains and will require payback over a ten year period rather than requiring neighbors to pay for services up front as required by most other annexations. Staff is also pursuing establishment of a Local Improvement district to install streets and alleys up front for neighbors.

ORDINANCE NO. 7689

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 14 ACRES OF LAND GENERALLY LOCATED AT 1937 UPLAND AVE., 2005 UPLAND AVE., 2010 UPLAND AVE., 2075 UPLAND AVE., 2090 UPLAND AVE., 2125 UPLAND AVE., 2130 UPLAND AVE., 2135 UPLAND AVE., 2155 UPLAND AVE., 2160 UPLAND AVE., 2114 VIOLET AVE., 1938 VIOLET AVE., 1960 VIOLET AVE. AND 2066 VIOLET AVE., WITH AN INITIAL ZONING CLASSIFICATION OF RESIDENTIAL ESTATE (RE), RESIDENTIAL LOW – 1 (RL-1), RESIDENTIAL MEDIUM – 2 (RM-2) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," BOULDER REVISED CODE, 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE SAID PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT; AND SETTING FORTH DETAILS IN RELATION HERETO.

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

THAT Christine Adams, Gary Calderone, Anne Hockmeyer, Ellen Stark, Jan Morzel, Gary and Barbara Eddleman, Robert and Joan Knecht, Rachael Cahn, Mary and Andy Malkiel, Rodrigo and Shari Moraga, Steven Ford and Margaret Pilcher, Betsy Imig Broyles, Walter and Erika Bernyk, 1960 Violet, LLC, 1970 Violet, LLC, and the Toby J. Marez Revocable Trust are the owners of the parcels which comprise the real property more particularly described in Exhibit "A"; and,

THAT the owners of 100% of the area proposed for annexation, including streets and alleys, have been petitioned for annexation of, and zoning designations of Residential Estate (RE), Residential Low – 1 (RL-1), Residential Medium – 2 (RM-2) and the said property is not embraced within any city, city and county, or incorporated town, and that the said property abuts upon, and is contiguous to, the City of Boulder by at least one-sixth of its perimeter; and,

THAT a community of interest exists between the property proposed for annexation and the City of Boulder, the said property is urban or will be urbanized in the near future, and the said property is capable of being integrated into the City of Boulder; and,

THAT the subject property does not include any area included in another annexation proceeding involving a city other than the City of Boulder; and,

THAT this annexation will not result in the detachment of the area from one school district and the attachment of same to another school district; and,

THAT this annexation will not have the effect of extending the City of Boulder's boundaries any further than three miles from any point of the existing City boundaries; and,

THAT the subject property does not include any area which is the same or substantially the same area in which an election for the annexation to the City was held within twelve months preceding the filing of the above Petition; and,

THAT the Planning Board duly proposed that the subject property be annexed to the City of Boulder and that the zoning district map adopted by the City Council be amended to zone and include portions of the subject property in the Residential Estate (RE), Residential Low – 1 (RL-1), Residential Medium – 2 (RM-2) zoning districts, as provided in Chapter 9-5, "Modular Zone System," Boulder Revised Code, 1981; and,

THAT a public hearing on the proposed annexation and initial zoning of the property annexed and zoned hereby was duly held before the City Council on October 6, 2009; and,

THAT the zoning of the subject property is consistent with the Boulder Valley Comprehensive Plan, and bears a substantial relation to and will enhance the general welfare of the subject property and of the residents of the City of Boulder; and,

THAT the City Council has jurisdiction and the legal authority to annex and zone the subject property.

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

Section 1. The territory more particularly described in Exhibit "A" be, and the same hereby is, annexed to and included within the corporate boundaries of the City of Boulder.

Section 2. Chapter 9-5, "Modular Zone System," Boulder Revised Code, 1981, and the zoning district map forming a part thereof, be, and the same hereby are, amended to include the subject properties within the Residential Estate (RE), Residential Low – 1 (RL-1), Residential Medium – 2 (RM-2) zoning districts.

Section 3. The annexation and zoning of the subject property is necessary for the protection of the public health, safety, and welfare.

Section 4. The City Council deems it appropriate that this ordinance be published by title only and directs the City Clerk to make available in his office copies of the text of the within ordinance for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 15th day of September, 2009.

_____

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of October, 2009.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

EXHIBIT A

LEGAL DESCRIPTION

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

PARCEL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH RANGE 70 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18 TO BEAR NORTH 00°05'30" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 18; THENCE ALONG SAID NORTH-SOUTH CENTERLINE NORTH 00°05'30" EAST, A DISTANCE OF 1302.24 FEET; THENCE DEPARTING SAID LINE NORTH 89°53'00" EAST, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005904 IN THE RECORDS OF BOULDER COUNTY SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING;
THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89°53'00" EAST, A DISTANCE OF 580.70 FEET TO THE NORTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 059876 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE EASTERLY LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 10.40 FEET TO THE NORTHWEST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 059876 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY NORTH 89°53'00" EAST, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 261.95 FEET TO A POINT ON THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 668732 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID SOUTH LINE NORTH 89°51'44" EAST, A DISTANCE OF 139.93 FEET TO A POINT ON THE WEST LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2830344 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID WEST LINE SOUTH 00°04'30" WEST, A DISTANCE OF 30.33 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY NORTH 89°51'19" EAST, A DISTANCE OF 279.11 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2791386; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'41" WEST, A DISTANCE OF 330.99 FEET TO A POINT ON THE CENTERLINE OF UPLAND AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 610371 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 318.00 FEET TO THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO A POINT ON THE WEST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2130866; THENCE ALONG SAID WEST LINE EXTENDED AND SAID WEST LINE NORTH 00°03'40" EAST, A DISTANCE OF 258.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF UPLAND AVENUE; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 0817 AT REC. NO. 065713 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 258.00 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A POINT ON THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 1318 AT REC. NO. 643030 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE WEST LINE AND WEST LINE EXTENDED OF SAID PROPERTY NORTH 00°03'40" EAST, A DISTANCE OF 348.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF UPLAND AVENUE,

REVISED 09/14/09

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LEGAL DESCRIPTION

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2

PARCEL DESCRIPTION (CONT.)

SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301652 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY SOUTH 89°50'00" WEST, A DISTANCE OF 139.35 FEET TO THE SOUTHWESTERLY MOST CORNER OF SAID PROPERTY; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°16'47" WEST, A DISTANCE OF 203.11 FEET TO A POINT ON A NORTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID NORTHERLY LINE NORTH 89°17'20" EAST, A DISTANCE OF 30.19 FEET TO A POINT ON A WESTERLY LINE OF SAID PROPERTY; THENCE ALONG SAID WESTERLY LINE NORTH 00°18'26" WEST, A DISTANCE OF 100.34 FEET TO A NORTHWESTERLY CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A SOUTHWESTERLY CORNER OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1830871 IN THE RECORDS OF BOULDER COUNTY, SAID POINT HEREIN DESCRIBED AS POINT A; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°19'37" WEST, A DISTANCE OF 100.02 FEET TO A POINT ON A SOUTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005904 SOUTH 89°57'00" WEST, A DISTANCE OF 188.14 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTH 19TH STREET; THENCE ALONG SAID RIGHT-OF-WAY NORTH 00°05'30" EAST, A DISTANCE OF 200.33 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND; COMMENCING AT POINT A, THENCE N89°51'44"E, A DISTANCE OF 391.01 FEET; THENCE S00°03'40"W, A DISTANCE OF 29.52 FEET, TO A POINT BEING THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT RECEPTION NO. 1301950, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID PROPERTY S00°03'40"W A DISTANCE OF 272.53 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF UPLAND STREET, N89°50'00"E A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301950; THENCE N00°03'40"E ALONG SAID EAST LINE A DISTANCE OF 272.46 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY S89°51'44"W A DISTANCE OF 140.00 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY, THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A NET AREA OF 631,759 SQ FT OR 14.50 ACRES MORE OR LESS.

I, JOHN B. GUYTON, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

DATE
FSI JOB NO. 08-55,432

REVISED 09/14/09

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Annexation Map

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

PARCEL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH RANGE 70 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18 TO BEAR NORTH 00°05'30" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 18; THENCE ALONG SAID NORTH-SOUTH CENTERLINE NORTH 00°05'30" EAST, A DISTANCE OF 1302.24 FEET; THENCE DEPARTING SAID LINE NORTH 89°53'00" EAST, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005294 IN THE RECORDS OF BOULDER COUNTY SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF VIOLET AVENUE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°53'00" EAST, A DISTANCE OF 153.27 FEET TO THE NORTHWEST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1830871 IN THE RECORDS OF BOULDER COUNTY, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89°53'00" EAST, A DISTANCE OF 423.43 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2878833 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE EASTERLY LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 10.40 FEET TO THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2926878 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY NORTH 89°53'00" EAST, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 281.95 FEET TO A POINT ON THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 668732 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID SOUTH LINE NORTH 89°51'44" EAST, A DISTANCE OF 138.93 FEET TO A POINT ON THE WEST LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2830344 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID WEST LINE SOUTH 00°04'30" WEST, A DISTANCE OF 30.33 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY NORTH 89°51'16" EAST; A DISTANCE OF 279.11 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2791366; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'41" WEST, A DISTANCE OF 330.90 FEET TO A POINT ON THE CENTERLINE OF UPLAND AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 610371 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 318.00 FEET TO THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO A POINT ON THE WEST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2130655; THENCE ALONG SAID WEST LINE EXTENDED AND SAID WEST LINE NORTH 00°03'40" EAST, A DISTANCE OF 258.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF UPLAND AVENUE; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 0817 AT REC. NO. 085713 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 258.00 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A POINT ON THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 1318 AT REC. NO. 845550 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE WEST LINE AND WEST LINE EXTENDED OF SAID PROPERTY NORTH 00°03'40" EAST, A DISTANCE OF 348.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF UPLAND AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM 1301 AT REC. NO. 1301652 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY SOUTH 89°50'00" WEST, A DISTANCE OF 130.35 FEET TO THE SOUTHWESTERLY MOST CORNER OF SAID PROPERTY; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°16'47" WEST, A DISTANCE OF 203.11 FEET TO A POINT ON A NORTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID NORTHERLY LINE NORTH 89°17'20" EAST, A DISTANCE OF 30.19 FEET TO A POINT ON A WESTERLY LINE OF SAID PROPERTY; THENCE ALONG SAID WESTERLY LINE NORTH 00°16'28" WEST, A DISTANCE OF 100.34 FEET TO A NORTHWESTERLY CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A SOUTHWESTERLY CORNER OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1830871 IN THE RECORDS OF BOULDER COUNTY, SAID POINT HEREIN DESCRIBED AS POINT A; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°16'37" WEST, A DISTANCE OF 100.00 FEET TO A POINT ON A SOUTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID SOUTHERLY LINE SOUTH 89°53'00" WEST, A DISTANCE OF 30.13 FEET TO A SOUTHWESTERLY CORNER OF SAID PROPERTY; THENCE NORTH 00°07'09" WEST ALONG A WESTERLY LINE OF SAID PROPERTY, A DISTANCE OF 200.51 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND; COMMENCING AT POINT A, THENCE N00°07'41"E, A DISTANCE OF 201.01 FEET; THENCE S00°03'40"W, A DISTANCE OF 23.52 FEET, TO A POINT BEING THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT RECEPTION NO. 1301850, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID PROPERTY S00°03'40"W A DISTANCE OF 272.53 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF UPLAND STREET, N89°50'00"E, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301850; THENCE N00°03'40"E ALONG SAID EAST LINE A DISTANCE OF 272.45 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY S89°51'44"W A DISTANCE OF 140.00 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY, THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A NET AREA OF 631,759 SQ FT OR 14.50 ACRES MORE OR LESS.

LEGAL DESCRIPTIONS:

1937 UPLAND AVENUE (FILM 1831 REC #1301652)
THAT PART OF THE SOUTHWEST 1/2 OF THE NORTHEAST 1/2 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" WEST, 2678.54 FEET ALONG THE WEST LINE OF SAID SECTION 18; THENCE NORTH 89°51' EAST, 2626.58 FEET; THENCE NORTH 89°57' EAST, 187.27 FEET; THENCE SOUTH 0°05'30" WEST, 332.61 FEET; THENCE NORTH 89°57' EAST, 30.13 FEET; THENCE SOUTH 0°05'30" WEST, 100.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°05'30" WEST, 100.31 FEET; THENCE SOUTH 89°57' WEST, 30.13 FEET; THENCE SOUTH 0°05'30" WEST, 332.50 FEET TO THE SOUTH LINE OF THAT TRACT OF LAND CONVEYED TO CHARLES J. BECKER AS DESCRIBED IN DEED RECORDED ON FILM 580 AT RECEPTION NO. 826040; THENCE NORTH 89°57' EAST, 140.00 FEET ALONG THE SOUTH LINE OF SAID TRACT OF LAND DESCRIBED ON SAID FILM THENCE NORTH 0°05'30" EAST, 332.65 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED ON SAID FILM 580 AT RECEPTION NO. 826040 TO A POINT FROM WHICH THE TRUE POINT OF BEGINNING BEARS SOUTH 89°57' WEST; THENCE SOUTH 89°57' WEST, 109.87 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THE SOUTH 30 FEET THEREOF, AND ALSO, THAT STRIP OF LAND AS DESCRIBED AT RECEPTION NO. 2850697 OF THE BOULDER COUNTY RECORDS.

COUNTY OF BOULDER,
STATE OF COLORADO.

1938 VIOLET AVENUE (REC #830871)
A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW ¼ NE ¼) OF SECTION EIGHTEEN (18), TOWNSHIP ONE (1) NORTH, RANGE SEVENTY (70) WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION EIGHTEEN (18); THENCE NORTH 0 DEGREES 05 MINUTES 40 SECONDS WEST, 2678.54 FEET ALONG THE WEST LINE OF SAID SECTION EIGHTEEN (18); THENCE NORTH 89 DEGREES 53 MINUTES EAST, 2626.58 FEET TO THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO CHARLES J. BECKER AS DESCRIBED IN DEED RECORDED ON FILM 580 AS RECEPTION NO. 826040 OF THE BOULDER COUNTY RECORDS; THENCE NORTH 89 DEGREES 57 MINUTES EAST, 187.27 FEET ALONG THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 580 AS RECEPTION NO. 826040 TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 05 MINUTES 30 SECONDS WEST, 332.61 FEET; THENCE NORTH 89 DEGREES 57 MINUTES EAST, 30.13 FEET; THENCE SOUTH 0 DEGREES 05 MINUTES 30 SECONDS WEST, 100.04 FEET; THENCE NORTH 89 DEGREES 57 MINUTES EAST, 109.87 FEET TO THE EAST LINE OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 580 AS RECEPTION NO. 826040; THENCE NORTH 0 DEGREES 05 MINUTES 30 SECONDS EAST, 332.65 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND DESCRIBED ON SAID FILM 580 AS RECEPTION NO. 826040 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89 DEGREES 57 MINUTES WEST, 140.00 FEET ALONG THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED ON FILM 580 AS RECEPTION NO. 826040 TO THE TRUE POINT OF BEGINNING.

EXCEPT THE NORTH 30 FEET AND THE EAST 30 FEET THEREOF, FOR THE ROAD PURPOSES AS EXCEPTED IN DEED RECORDED SEPTEMBER 2, 1966 ON SAID FILM 580 AS RECEPTION NO. 826040. COUNTY OF BOULDER, STATE OF COLORADO.

1960 VIOLET AVENUE (REC. #2868227)
THAT PORTION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 00°05'30" EAST, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 3994.08 FEET TO THE NORTHWEST CORNER OF SAID S1/2 NE1/4; THENCE NORTH 89°53'27" EAST ALONG THE NORTH LINE OF SAID S1/2 OF NE1/4, A DISTANCE OF 327.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°05'30" WEST, 332.50 FEET; THENCE NORTH 89°51'44" EAST 143.41 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED BY WARRANTY DEED RECORDED IN BOOK 1301 AT PAGE 444; THENCE NORTH 00°03'40" EAST, 332.50 FEET TO THE NORTH LINE OF SAID S1/2 OF NE1/4 OF SECTION 18; THENCE SOUTH 89°53'27" WEST, 143.41 FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF BOULDER,
STATE OF COLORADO.

2005 UPLAND AVENUE (REC #229098)
A TRACT OF LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 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 331.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0°03'40" EAST 332.67 FEET; THENCE NORTH 89°51'44" EAST, 140.0 FEET; THENCE SOUTH 0°03'40" WEST, 332.60 FEET; THENCE SOUTH 89°50' WEST 140.0 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT THE SOUTH 30 FEET AND THE NORTH 30 FEET THEREOF, COMMONLY KNOWN AS 2005 UPLAND AVENUE, BOULDER, COLORADO.

2010 UPLAND AVENUE (REC #843030)
BEGINNING AT THE SOUTH ONE-QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., THENCE NORTH 0°5'30"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18 A DISTANCE OF 3328.4 FEET; THENCE NORTH 89°50' EAST 331.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°50' EAST 140 FEET; THENCE SOUTH 0°3'40" WEST, 318 FEET, THENCE SOUTH 89°50' WEST, 140 FEET; THENCE NORTH 0°3'40" EAST, 318 FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF BOULDER,
STATE OF COLORADO.

LEGAL DESCRIPTIONS CONTINUED:

2066 VIOLET AVENUE (REC #2878833)
A PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST, ALONG THE NORTH/SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 3994.08 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE NORTH 89°53'27" EAST, ALONG THE NORTH LINE OF SAID SOUTH 1/2 OF THE NORTHEAST 1/4, 810.68 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°03'40" WEST, 332.5 FEET; THENCE SOUTH 89°51'44" WEST, 140 FEET; THENCE NORTH 0°03'40" EAST, 332.5 FEET; TO A POINT ON THE NORTH LINE OF SAID SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE NORTH 89°53'27" EAST, ALONG SAID NORTH LINE, 140 FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF BOULDER,
STATE OF COLORADO.

2075 UPLAND AVENUE (REC #158558)
A TRACT OF LAND SITUATE IN THE NE 1/4 OF SECTION 18, T1N, R70W, 6TH P.M. CONTAINING 1.06 ACRES, A LITTLE MORE OR LESS, AND DESCRIBED AS FOLLOWS: COMMENCING AT THE S 1/4 CORNER OF SAID SECTION 18; THENCE N 0°05'30" E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18 A DISTANCE OF 3,328.4 FT; THENCE N 89°50' E 471.03 FT TO THE TRUE POINT OF BEGINNING; THENCE N 0°03'40" E 332.60 FT; THENCE N 89°51'44"E 140.0 FT; THENCE S 0°03'40" W 332.60 FT; THENCE S 89°50' W 140.0 FT TO THE TRUE POINT OF BEGINNING.

SUBJECT TO A 30 FT RIGHT OF WAY ALONG THE SOUTH BOUNDARY, AND 30 FT ALONG THE NORTH BOUNDARY FOR ROAD PURPOSES, AS WELL AS A 10 FT UTILITY EASEMENT RUNNING EAST AND WEST THROUGH THE CENTER OF SAID 1.06 ACRES.

COUNTY OF BOULDER, STATE OF COLORADO.

2090 UPLAND AVENUE (REC #085713)
ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 18; TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., IN THE COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 3328.4 FEET; THENCE NORTH 89°50' EAST 471.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°50' EAST, 140 FEET; THENCE SOUTH 0°03'40" WEST, 318 FEET; THENCE SOUTH 89°50' WEST, 140 FEET; THENCE NORTH 0°03'40" EAST, 318 FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF BOULDER,
STATE OF COLORADO.

2114 VIOLET AVENUE (REC #056878)
PART OF THE N ½ OF THE N ½ OF THE SW ¼ OF THE NE ¼ OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE S ¼ CORNER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.; THENCE N 00°05'30" E, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 3994.08 FEET TO THE NORTHWEST CORNER OF THE S ½ OF THE NE ¼ OF SAID SECTION 18; THENCE N 89°53'27" E, ALONG THE NORTH LINE OF THE S ½ OF THE NE ¼ OF SAID SECTION 18, A DISTANCE OF 750.68 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 00°03'40" W, PARALLEL WITH THE WESTERLY LINE OF THAT TRACT OF LAND CONVEYED FROM CAPITOL HILL FINANCE CORPORATION TO CATHERINE GOOSSENS BY DEED RECORDED NOVEMBER 20, 1968, ON FILM 852 AS RECEPTION NO. 897242, A DISTANCE OF 332.5 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF SAID TRACT CONVEYED BY RECEPTION NO. 897242; THENCE S 89°51'44" W, ALONG THE SOUTHERLY LINE OF SAID TRACT CONVEYED BY RECEPTION NO. 897242, A DISTANCE OF 140.00 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED FROM CAPITOL HILL FINANCE CORPORATION TO VICTOR E. BARNETT AND MARY JANE BARNETT BY DEED RECORDED SEPTEMBER 23, 1963, IN BOOK 1301 AT PAGE 444; THENCE N 00°03'40" E, ALONG THE EASTERLY LINE OF SAID TRACT CONVEYED IN BOOK 1301 AT PAGE 444, A DISTANCE OF 332.50 FEET TO THE NORTHEAST CORNER OF SAID TRACT CONVEYED IN BOOK 1301 AT PAGE 444, SAID CORNER BEING ON THE NORTH LINE OF THE S ½ OF THE NE ¼ OF SAID SECTION 18; THENCE N 89°53'27" E, ALONG SAID NORTH LINE OF THE S ½ OF THE NE ¼ OF SAID SECTION 18, A DISTANCE OF 140.00 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT THAT PART OF SUBJECT PROPERTY CONVEYED BY CATHERINE GOOSSENS AND VICTOR M. GOOSSENS TO THE COUNTY OF BOULDER BY DEED RECORDED MARCH 2, 1973, ON FILM 868 AS RECEPTION NO. 056583.

COUNTY OF BOULDER,
STATE OF COLORADO.

LEGAL DESCRIPTIONS CONTINUED:

2125 UPLAND AVENUE (REC #335285)
A TRACT OF LAND LOCATED IN THE NE 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
BEGINNING AT THE S1/4 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; THENCE NORTH 89°50' EAST, 791.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0°03'40" EAST, 332.48 FEET; THENCE NORTH 89°51'44" EAST, 140.00 FEET; THENCE SOUTH 0°03'40" WEST, 332.39 FEET; THENCE SOUTH 89°50' WEST, 140.00 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT THE NORTH 30.00 FEET AND THE SOUTH 30.00 FEET THEREOF.

2130 UPLAND AVENUE (REC #2130655)
ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH 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, 751.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°03'40" WEST, 318.0 FEET; THENCE NORTH 89°50' EAST, 140.0 FEET; THENCE NORTH 0°03'40" EAST, 318.0 FEET; THENCE SOUTH 89°50' WEST, 140.0 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THE NORTH 30 FEET AND THE SOUTH 30 FEET THEREOF.

COUNTY OF BOULDER,
STATE OF COLORADO.

2135 UPLAND AVENUE (REC #2791366)
THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 1 NORTH; RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 3328.4 FEET; THENCE NORTH 89°50'00 EAST, 1031.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0°03'40" EAST, 332.32 FEET; THENCE NORTH 89°51'44" EAST, 140.0 FEET; THENCE SOUTH 0°03'40" WEST, 332.25 FEET; THENCE SOUTH 89°50'00" WEST, 140.0 FEET TO THE TRUE POINT OF BEGINNING; EXCEPTING THEREFROM ANY PORTION LYING WITHIN UPLAND AVENUE, COUNTY OF BOULDER, STATE OF COLORADO.

2155 UPLAND AVENUE (REC #2935212)
A TRACT OF LAND SITUATED IN THE NE ¼ OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ¼ 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, 891.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0°03'40" EAST, 332.39 FEET; THENCE NORTH 89°51'44" EAST, 140.00 FEET; THENCE SOUTH 0°03'40" WEST, 332.32 FEET; THENCE SOUTH 89°50' WEST 140.00 FEET TO THE TRUE POINT OF BEGINNING, LESS, HOWEVER THE NORTH 30 FEET AND THE SOUTH 30 THEREOF.

2160 UPLAND AVENUE (REC #610371)
COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 18, T1N, R70W, OF THE 6TH P.M.; THENCE NORTH 0°00'30" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 3328.4 FEET; THENCE NORTH 89°50' EAST 891.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°0'40" WEST 318.0 FEET; THENCE NORTH 89°50' EAST 140.00 FEET; THENCE NORTH 0°03'40" EAST 318.00 FEET; THENCE SOUTH 89°50' WEST 140.0 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO, EXCEPT THE NORTH 30 FEET AND THE SOUTH 30 FEET THEREOF.

Surveyor's Statement

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON NOVEMBER 5, 2008 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

DRAFT COPY 09-14-09
FOR YOUR REVIEW AND COMMENT

JOHN B. GUYTON — DATE
COLORADO P.L.S. #8406 — FSI JOB NO. 08-65,432
CHAIRMAN/CEO, FLATIRONS, INC.

Flatirons, Inc.

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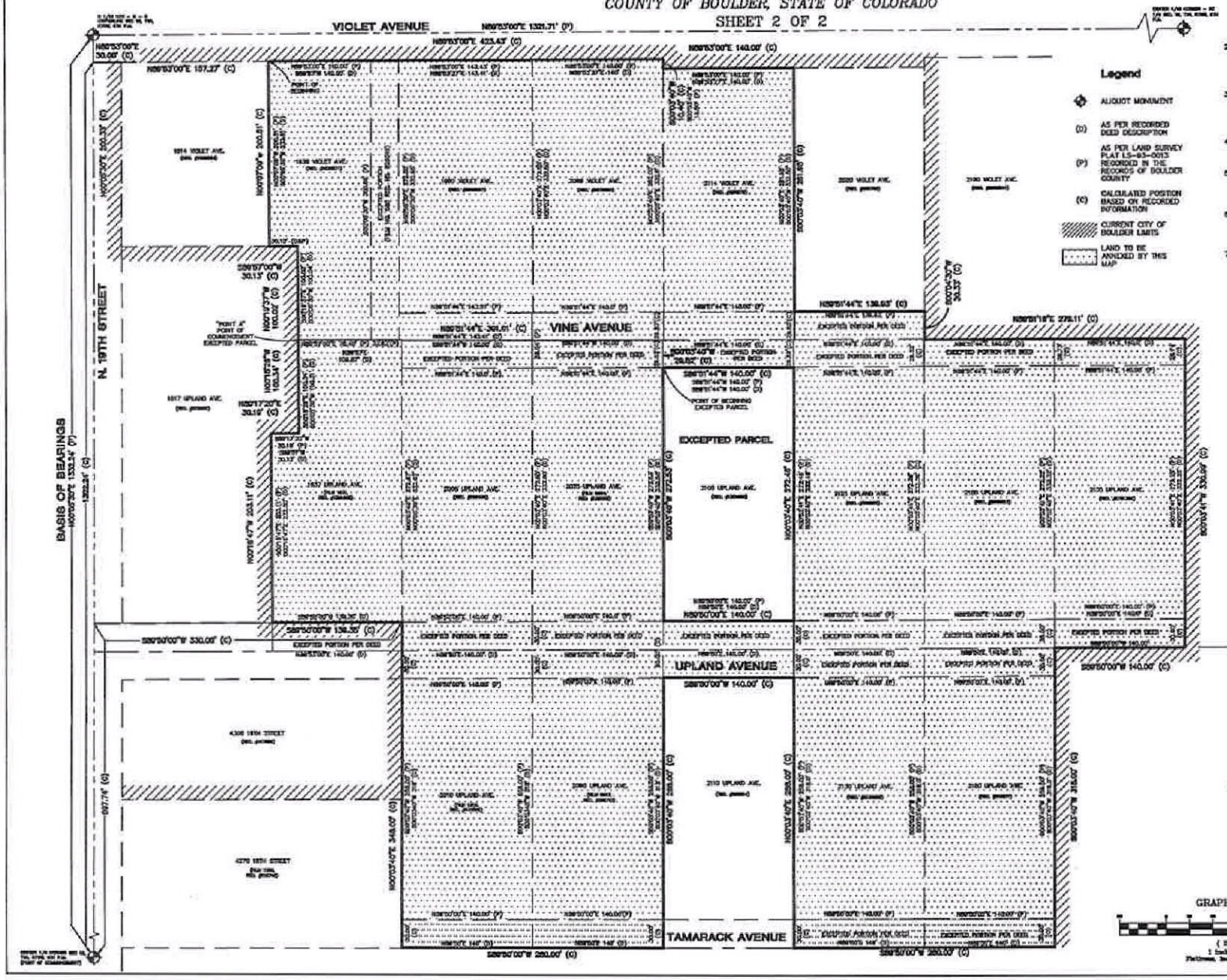
Annexation Map

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2


VIOLET AVENUE
VINE AVENUE
UPLAND AVENUE
TAMARACK AVENUE
N. 19TH STREET
BASIS OF BEARINGS
EXCEPTED PARCEL
POINT OF BEGINNING
POINT OF COMMENCEMENT EXCEPTED PARCEL
N89°53'00"E 1321.31' (P)
N89°53'00"E 423.43' (C)
N89°53'00"E 140.00' (C)
N89°53'00"E 157.27' (C)
S89°50'00"W 330.00' (C)
S89°50'00"W 280.00' (C)
S89°50'00"W 140.00' (C)
N89°51'44"E 130.93' (C)
N89°51'44"E 301.01' (C)
N89°51'18"E 278.11' (C)
S89°57'00"W 30.13' (C)
N89°17'20"E 30.10' (C)
N00°03'30"E 1332.24' (P)
N00°03'30"E 1332.24' (C)
N00°03'40"E 272.40' (C)
N00°03'40"E 272.40' (C)
N00°03'40"E 272.40

ORDINANCE _____

AN ORDINANCE VACATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF VACATION FOR RIGHT OF WAY FOR NORTH 20TH STREET, CITY OF BOULDER, COUNTY OF BOULDER, COLORADO GENERALLY LOCATED ADJACENT TO THE WEST OF 2010 UPLAND AVENUE AND TO THE EAST OF 4270 19TH STREET, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER FINDS AND RECITES THAT:

A. Ellen A. Stark and Anne Hockmeyer, the owners of the property generally known as 2010 Upland Avenue, Boulder, CO, and more particularly described on **Exhibit A** attached hereto and incorporated herein ("2010 Upland Property"), have requested that the city vacate the 15-foot wide right-of-way for North 20th Street located immediately west of the 2010 Upland Property.

B. Robert J. Schuman and Elaine D. Schuman, the owners of property generally known as 4270 19th Street, Boulder, CO, and more particularly described on **Exhibit B** attached hereto and incorporated herein ("4270 19th Property"), also dedicated right-of-way for North 20th Street located immediately east of the 4270 19th Property.

C. The City Council is of the opinion that the vacation of right-of-way for North 20th Street described in this ordinance is in the public interest and that said right-of-way is not necessary for the public use, with the exception the utility easements to be reserved as described herein.

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

Section 1. The City Council vacates and authorizes the city manager to execute a deed of vacation for a 15-foot wide right-of-way adjacent to 2010 Upland Property as dedicated to the City of Boulder on the deed recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03045662 on the 3rd day of December 2009 and as more particularly described in **Exhibit C**, reserving a utility easement interest for any and all utility purposes on the 10-foot wide parcel described in **Exhibit D**.

Section 2. The City Council vacates and authorizes the city manager to execute a deed of vacation for a 15-foot wide right-of-way adjacent to 4270 19th Property as dedicated to the City of Boulder on the deed recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03398238 on the 19th day of August 2014 and as more particularly described in **Exhibit E**, reserving a utility easement interest for any and all utility purposes over the entire width and length of the 15-foot wide parcel shown on **Exhibit E**.

Section 3. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 4. 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 15th day of November, 2016.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of December, 2016.

_____
Mayor

Attest:

_____
City Clerk

Exhibit A

LEGAL DESCRIPTION

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., THENCE NORTH 0 DEGREES 5'30" EAST ALONG THE CENTERLINE OF SAID SECTION 18 A DISTANCE OF 3,328.4 FEET; THENCE NORTH 89 DEGREES 50' EAST 331.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 50' EAST 140 FEET; THENCE SOUTH 0 DEGREES 3'40" WEST, 318 FEET, THENCE SOUTH 89 DEGREES 50' WEST, 140 FEET; THENCE NORTH 0 DEGREES 3'40" EAST, 318 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

Exhibit B

Legal Description

THE SOUTH 1/2 OF THE FOLLOWING DESCRIBED TRACT, SITUATE IN THE SOUTHWEST 1/4 OF SOUTHWEST 1/4 OF NORTHEAST 1/4 SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18, THENCE NORTH 0°05'30" WEST ALONG THE WEST LINE OF SAID SECTION 18, 3978.54 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF NORTHWEST 1/4 OF SAID SECTION 18; THENCE NORTH 89°33' EAST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 SAID SECTION 18, 2626.56 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18; THENCE SOUTH 0°05'30" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 665.68 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°53' EAST 330 FEET; THENCE SOUTH 0°05'30" WEST PARALLEL TO THE SAID NORTH-SOUTH CENTERLINE, 318 FEET; THENCE SOUTH 89°53' WEST 330 FEET TO A POINT ON THE SAID NORTH-SOUTH CENTERLINE; THENCE NORTH 0°05'30" EAST ALONG SAID NORTH-SOUTH CENTERLINE 318 FEET TO THE TRUE POINT OF BEGINNING. LESS 30 FEET ON THE WEST SIDE OF SAID PROPERTY.
COUNTY OF BOULDER, STATE OF COLORADO.

Exhibit C

LEGAL DESCRIPTION:

A 15' WIDE ROADWAY VACATION LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID ROADWAY EXISTING ALONG THE WESTERLY SIDE OF THAT PARCEL DESCRIBED IN BOULDER COUNTY DEED RECEPTION NUMBER 3045662, ALSO BEING KNOWN AS "TRACT 2689", MORE COMMONLY KNOWN AS 2010 UPLANS AVE., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

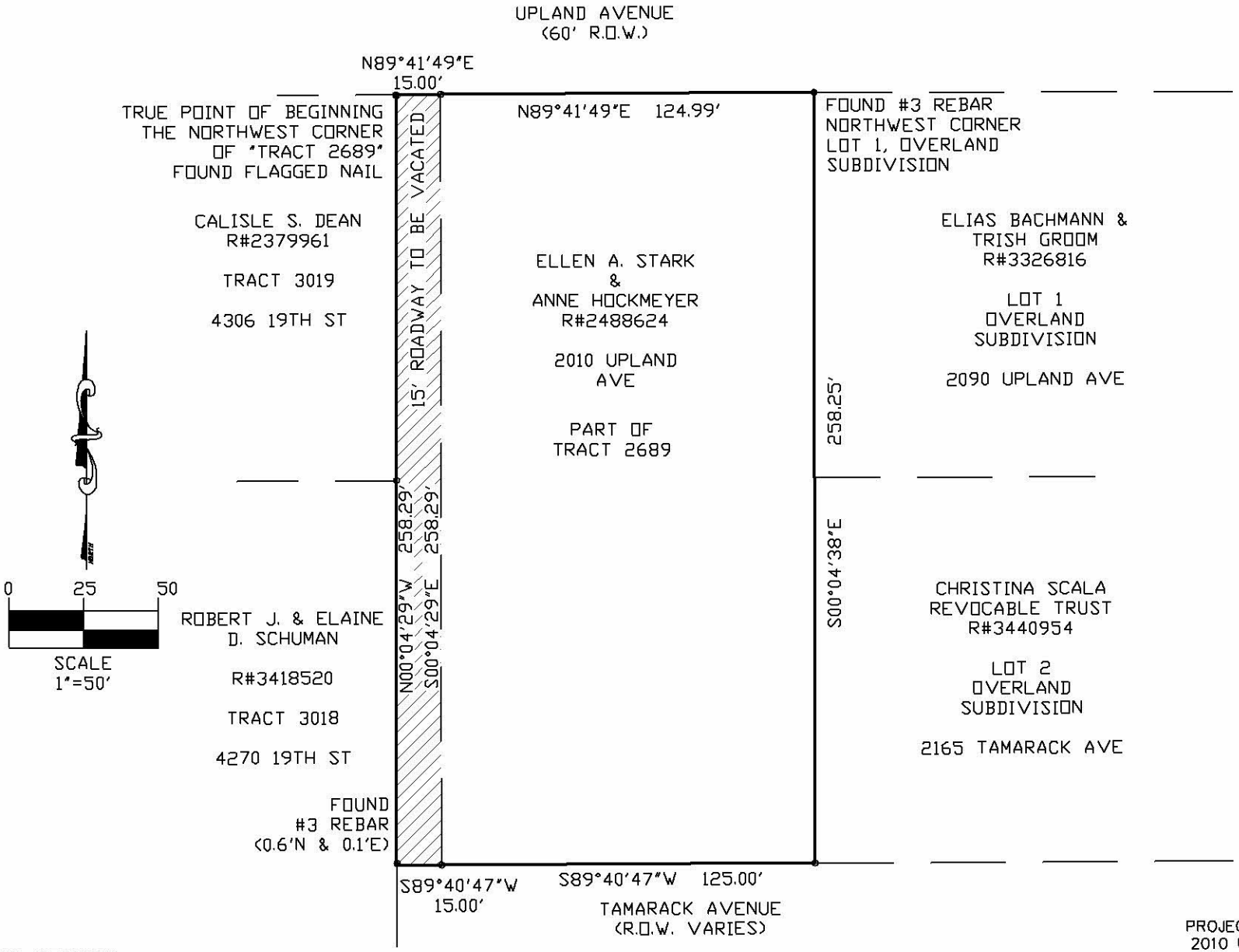
CONSIDERING THE NORTH LINE OF "TRACT 2689" TO BEAR NORTH 89°41'49" EAST BETWEEN THE MONUMENT LOCATED AT THE NORTHWEST CORNER OF SAID TRACT, BEING A FOUND NAIL WITH FLAGGING, AS SHOWN AND DESCRIBED HEREON, AND THE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SAID TRACT, BEING A FOUND #3 REBAR, AS SHOWN AND DESCRIBED HEREON, WITH ALL OTHER BEARINGS AND DISTANCES SHOWN HEREON RELATED THERETO; BEGINNING AT SAID NORTHWEST CORNER OF SAID "TRACT 2689"; THENCE NORTH 89°41'49" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 00°04'29" EAST, A DISTANCE OF 258.29 FEET; THENCE SOUTH 89°40'47" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°04'29" WEST, A DISTANCE OF 258.29 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID RIGHT OF WAY VACATION CONTAINING 3,874 SQ. FT, OR 0.09 ACRES MORE OR LESS.

GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

Exhibit C

PAGE 2 OF 2



GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

Exhibit D

LEGAL DESCRIPTION:

A 10' UTILITY EASEMENT LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID EASEMENT EXISTING ALONG THE WESTERLY SIDE OF THAT PARCEL DESCRIBED IN BOULDER COUNTY DEED RECEPTION NUMBER 3045662, ALSO BEING KNOWN AS "TRACT 2689", MORE COMMONLY KNOWN AS 2010 UPLANS AVE., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

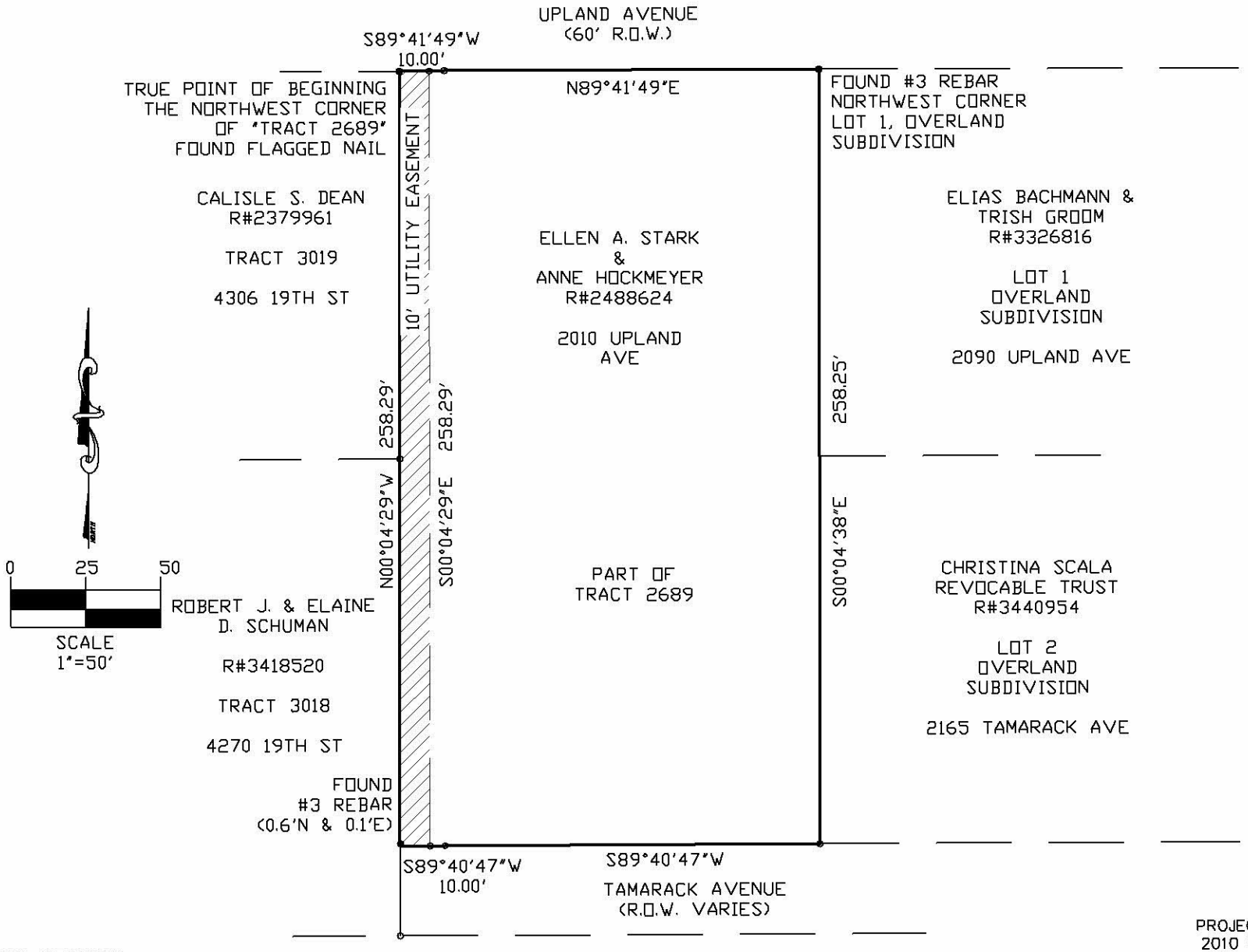
CONSIDERING THE NORTH LINE OF "TRACT 2689" TO BEAR NORTH 89°41'49" EAST BETWEEN THE MONUMENT LOCATED AT THE NORTHWEST CORNER OF SAID TRACT, BEING A FOUND NAIL WITH FLAGGING, AS SHOWN AND DESCRIBED HEREON, AND THE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SAID TRACT, BEING A FOUND #3 REBAR, AS SHOWN AND DESCRIBED HEREON, WITH ALL OTHER BEARINGS AND DISTANCES SHOWN HEREON RELATED THERETO; BEGINNING AT SAID NORTHWEST CORNER OF SAID "TRACT 2689"; THENCE NORTH 89°41'49" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00°04'29" EAST, A DISTANCE OF 258.29 FEET; THENCE SOUTH 89°40'47" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 00°04'29" WEST, A DISTANCE OF 258.29 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINING 2,583 SQ. FT. 0.06 ACRES MORE OR LESS.

GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

Exhibit D

PAGE 2 OF 2



GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

Exhibit E

LEGAL DESCRIPTION

SHEET 1 OF 2

A TRACT OF LAND OVER AND ACROSS A PORTION OF A PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742, ON APRIL 18, 1984, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742 TO BEAR SOUTH 00°05'30" WEST, A DISTANCE OF 159.00 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742, AND A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TAMARACK AVENUE, THE POINT OF BEGINNING.
THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF LOT 2, GRIT GROVE SUBDIVISION AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3153015 ON JUNE 8, 2011, SOUTH 89°53'00" WEST, A DISTANCE OF 15.00 FEET;
THENCE DEPARTING SAID NORTH LINE, AND 15.00 FEET WEST OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF TAMARACK AVENUE AND THE WESTERLY LINE OF A 15 FOOT WIDE RIGHT-OF-WAY AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3045662, ON DECEMBER 3, 2009, NORTH 00°05'30" EAST, A DISTANCE OF 159.00 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742; THENCE ALONG SAID NORTH LINE, NORTH 89°53'00" EAST, A DISTANCE OF 15.00 FEET TO A POINT ON SAID 15 FOOT WIDE RIGHT-OF-WAY LINE;
THENCE DEPARTING SAID NORTH LINE AND ALONG SAID 15 FOOT RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF SAID TAMARACK AVENUE, SOUTH 00°05'30" WEST, A DISTANCE OF 159.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING 2,385 SQ.FT. OR 0.05 ACRES MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406 FSI JOB NO. 14-63,623
CHAIRMAN/CEO, FLATIRONS, INC.

JOB NUMBER: 14-63,623(C)
DRAWN BY: E. PRESCOTT
DATE: JULY 16, 2014
REV: JULY 17, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

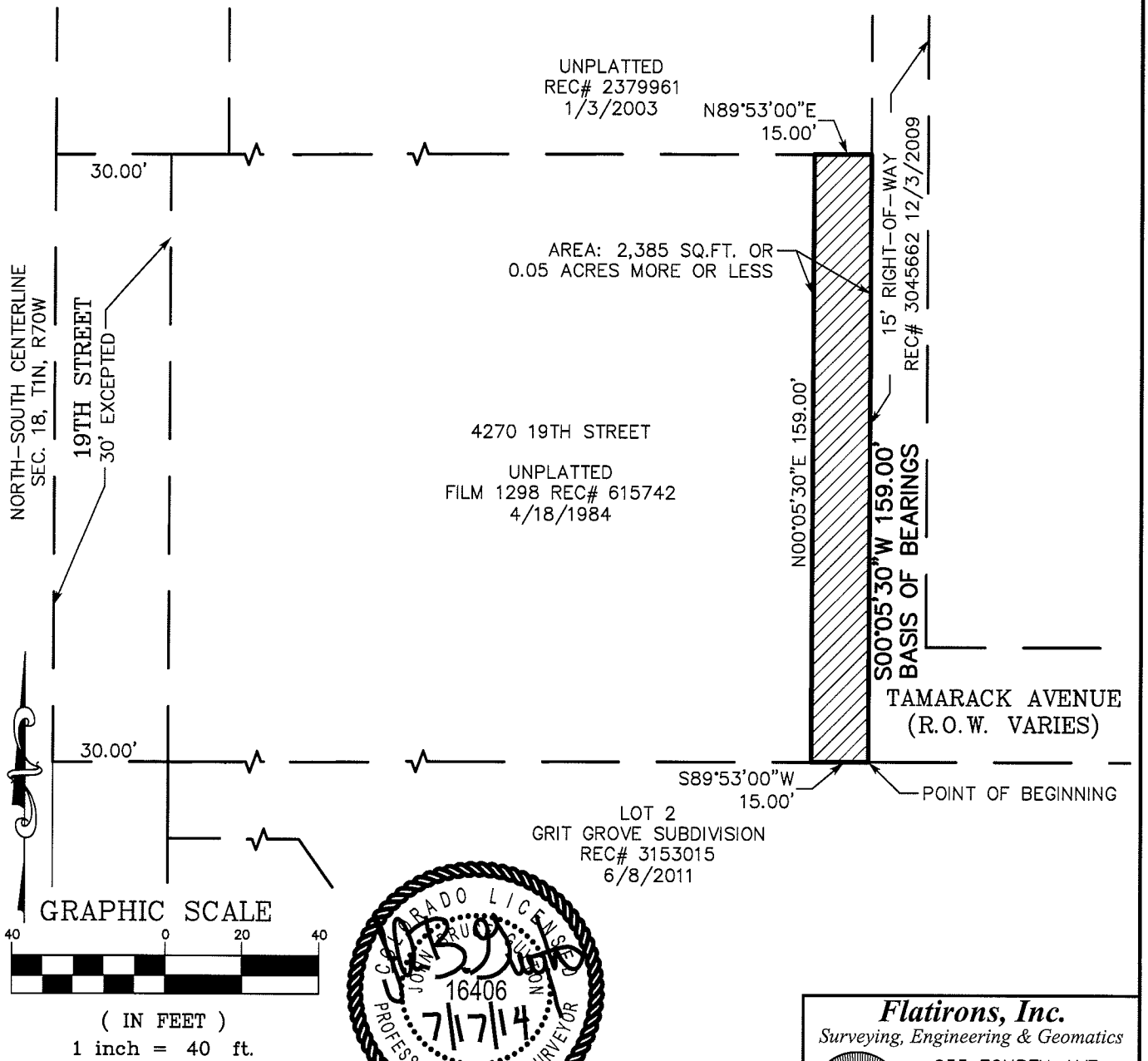
Flatirons, Inc.
Surveying, Engineering & Geomatics
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:EPRESCOTT FILE:63623-DESC-19TH ST-C-13.DWG DATE:7/17/2014 3:37 PM

Exhibit E

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



JOHN PRUDEN GUSTAFSON
COLORADO LICENSED
16406
7/17/14
PROFESSIONAL LAND SURVEYOR

JOB NUMBER: 14-63,623(C)
DRAWN BY: E. PRESCOTT
DATE: JULY 16, 2014

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BY:EPRESCOTT FILE:63623-DESC-19TH ST-C-13.DWG DATE:7/17/2014 3:33 PM