



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 19, 2015

AGENDA TITLE: CONCEPT PLAN REVIEW AND COMMENT: Request for citizen, staff and City Council comment on a proposal to annex and redevelop the property located at 96 Arapahoe Ave. with a combination of single family, duplex and attached dwelling units. A total of nine dwelling units are proposed consisting of six market rate units and three affordable units that would be developed on-site upon annexation and establishment of an initial zoning of Residential Medium – 3 (RM-3), consistent with the Boulder Valley Comprehensive Plan (BVCP) land use designation of Medium Density Residential.

PRESENTER/S

Jane S. Brautigam, City Manager
David Driskell, Executive Director of Community Planning & Sustainability
Susan Richstone, Deputy Director of Community Planning & Sustainability
Charles Ferro, Land Use Review Manager
Elaine McLaughlin, Senior Planner
Michelle Allen, Inclusionary Housing Program Manager

On Feb. 5, 2015, Planning Board reviewed the Concept Plan for the subject site; the staff memo is provided as Exhibit A and the minutes from that hearing are provided as Exhibit B.

The City Council voted on March 3, 2015 to call-up the Concept Plan for review and discussion. In calling up the Concept Plan, council members indicated interest in considering Planning Board’s recommendation for more, smaller units on the site rather than less larger units as planned. The intent would be to potentially provide greater opportunity for market rate units of a lower price point as well as additional permanently affordable units on site. Since that time, the applicant provided a higher density Concept Plan option illustrating more, smaller units.

Because additional density on this site would require a change to the BVCP Land Use of Medium Density Residential to High Density Residential and because of impacts to useable open space on the somewhat constrained site, an analysis of the higher density Concept Plan option is provided in Exhibit C. The information is considered as a supplement to the Planning Board Memo given the topics raised by Planning Board and the interest in discussing these additional topics by the City Council. The description of the higher density plan is termed “HD Option” in the supplemental information to ensure it is distinct from an alternative (Alternative B) that the applicant provided as a part of the Planning Board memo that was intended to show relocation of the historic barn as a site design consideration.

Exhibits:

Exhibit A: Planning Board memo with Attachment
Exhibit B: Feb. 5, 2015 Planning Board Minutes
Exhibit C: Supplemental Analysis of High Density (HD) Optional Concept Plan for Greater Density

Exhibit A of City Council Memo Staff Memo to Planning Board

**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM
MEETING DATE: Feb. 5, 2014**

AGENDA TITLE:

CONCEPT PLAN REVIEW AND COMMENT: Request for citizen, staff and Planning Board comment on a proposal to annex and redevelop the property located at 96 Arapahoe Ave. with a combination of single family, duplex and attached dwelling units. A total of nine dwelling units are proposed consisting of six market rate units and three affordable units that would be developed on-site upon annexation and establishment of an initial zoning of Residential Medium – 3 (RM-3), consistent with the Boulder Valley Comprehensive Plan (BVCP) land use designation of Medium Density Residential.

Applicant: Jonathon Warner
Property Owner: 96 Arapahoe LLC

REQUESTING DEPARTMENT:

Community Planning & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Land Use Review Manager
Elaine McLaughlin, Senior Planner

OBJECTIVE:

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

SUMMARY:

Proposal: CONCEPT PLAN REVIEW AND COMMENT: Request for citizen, staff and Planning Board comment on a proposal to redevelop the existing property located at 96 Arapahoe Ave. with a combination of single family, duplex and attached dwelling units. A total of nine dwelling units proposed, consisting of six market rate units and three affordable units to be built on-site. There are two existing dwelling units in a duplex on the property.

Project Name: Nuzum Gardens
Location: 96 Arapahoe Ave.
Size of Tract: 1.37 acres (59,801 square feet)
Zoning: Proposed: RM-3
Comprehensive Plan: Medium Density Residential
Key Issues: Staff is recommending three key issues for discussion of the Concept Plan:

1. Are the preliminary plans consistent with the BVCP Planning Area, Land Use & Policies?
2. Are the conceptual plans for redevelopment consistent with the planned RM-3 zoning?
3. Is the Site Plan responsive to constraints and opportunities, and surroundings?

I. INTRODUCTION

According to the Land Use Code, section 9-2-13, the purpose of the Concept Plan review is,

“to determine a general development plan for the site, including, without limitation, land uses, arrangement of uses, general circulation patterns and characteristics, methods of encouraging use of alternative transportation modes, areas of the site to be preserved from development, general architectural characteristics, any special height and view corridor limitations, environmental preservation and enhancement concepts, and other factors as needed to carry out the objectives of this title, adopted plans, and other city requirements. This step is intended to give the applicant an opportunity to solicit comments from the planning board authority early in the development process as to whether the concept plan addresses the requirements of the city as set forth in its adopted ordinances, plans, and policies.”

Per land use code section 9-2-14(b), B.R.C., 1981, the minimum size for a voluntary Site Review process is that, *“five or more units are permitted on the property.”* Because density in the RM-3 zoning is based upon the requirement for 3,000 square feet of open space per dwelling unit, up to 10 units would be permitted on the property in the area below the Blue Line. An application for annexation with an initial zoning of RM-3, Residential Medium – 3, consistent with the Boulder Valley Comprehensive Plan (BVCP) land use designation of Medium Density Residential (shown in Figure 2 below) is being processed separately and will be reviewed by the Planning Board at a later date.

II. PROJECT DESCRIPTION SUMMARY

The applicant intends to annex the property, to be considered at a later date. However, as currently proposed the applicant has discussed with staff several community benefits currently under consideration including:

- Seek individual landmark designation and adaptive re-use of the existing barn
- Seek individual landmark designation and adaptive re-use of the existing house
- Provision of in excess of 42 percent of the units as permanently affordable
- Dedication of a scenic easement for the area of the property above the Blue Line

As shown in Figure 1 below, the applicant is proposing nine residential units on the site clustered at the front (north) portion of the site: six market rate units with five constructed as new and reuse of the existing duplex on the site, converted into a single family dwelling unit of approximately 3,000 square feet. Also proposed as part of the nine total are three permanently affordable units. A total of 26 parking spaces are also proposed.

The initial schematic site plan (Alternative A) shown in Figure 1, illustrates retaining the existing equipment shed on the site, located above the Blue Line, and relocating the potentially historic barn/warehouse from the center of the site to the front along Arapahoe Avenue with conversion to three affordable residential units. The plan also illustrates preservation of the existing long lived oak tree on the site.



Figure 1: Schematic Site Plan (Alternative A)

The applicant also provided an alternative configuration (Alternative B), shown in Figure 2, after the initial concept plan review comments. In the alternative shown below, the applicant retains the same number of units planned, but instead of the plan illustrates the existing barn/warehouse relocated approximately eight feet to the west. The intent in this alternative was to ensure that the existing barn, built into the slope, can be retained with a similar grading around the building.

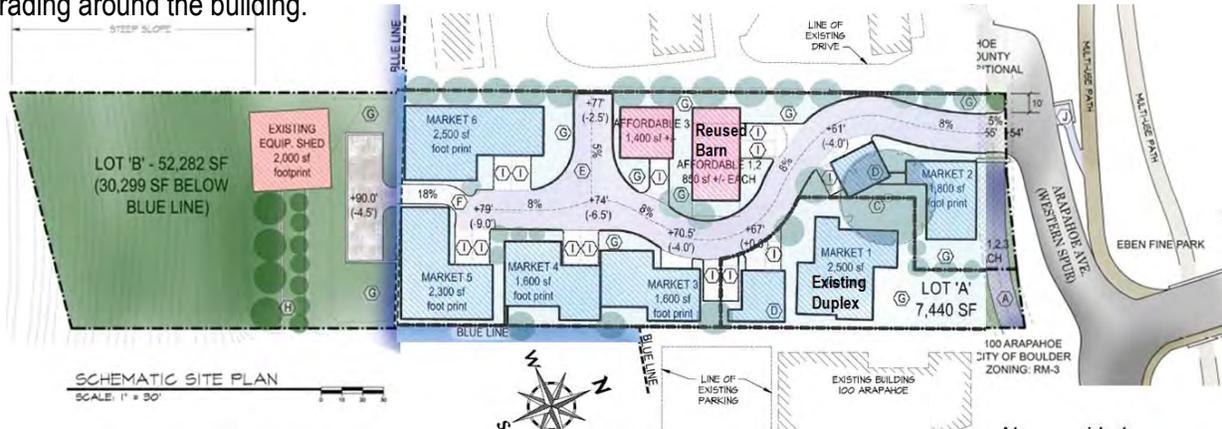


Figure 2: Alternative B with slight relocation of existing barn

Also provided within the Concept Plan packet are photo images of precedent homes that are intended to illustrate the style of design and materials proposed for the project. The fol Also provided within the Concept Plan packet are photo images of precedent homes that are intended to illustrate the style of design and materials proposed for the project. The following are excerpts from the plans: lowing are excerpts from the plans:

- DESIGN CONCEPT FOR NEW BUILDINGS**
- Contemporary design that integrates a solid base with lighter and more translucent materials on upper levels.
 - Base: Stone, Block, Concrete
 - Upper Section: Wood, Stucco, Composite Panels
 - Glazing: Aluminum Frame, Metal frame
 - Roof decks to allow for outdoor 'rooms' and to take advantage of views and connect to the surrounding environment.
 - Patios / Terraces at ground level with access to pedestrian routes to facilitate connection with parks and trails.
 - Sustainability and Energy Efficiency for New Construction:
 - Energy Star Home Certified
 - Alternative Energy provided, to be either: Solar Panels, Solar Thermal, Geo-Thermal or a combination.
 - Exceed Boulder 'Green Points' requirements by 15%
 - Use 'permeability strategies' to mitigate hard surface area added to property

EXTERIOR MASSING & MATERIALS



Figure 3: Precedent Images Presented by Applicant for Design Intent

CONCEPT PLAN REVIEW AND COMMENT (Section 9-2-13, B.R.C. 1981)

(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;**

As shown in Figure 4, the 1.37 acres site is located at the western periphery of the city limits in an area that demarks transition into the Boulder Canyon. As such, the upper reaches on the south side of the property have steeper slopes, and development on the property has created a series of terraces as can be seen in the site's topography.

The upper portion of the site that is located above the Blue Line (described in greater detail on page 7) and it transitions from terraced topography to extremely steep slopes: some at a 1 to1 slope. Figure 5 illustrates the topography of the site. Above the Blue Line, the site is also densely forested with various conifer tree species predominately ponderosa pine with some Douglas fir.

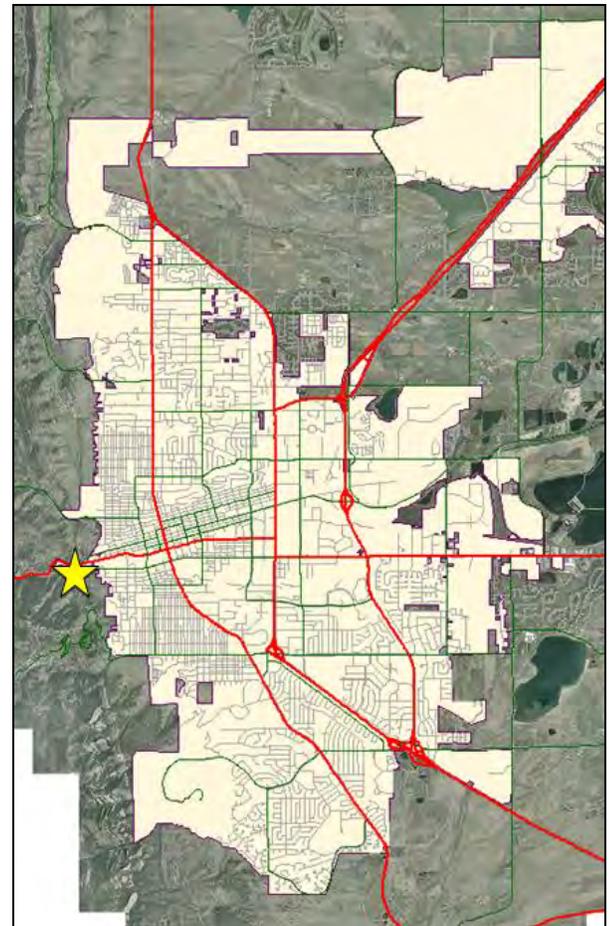
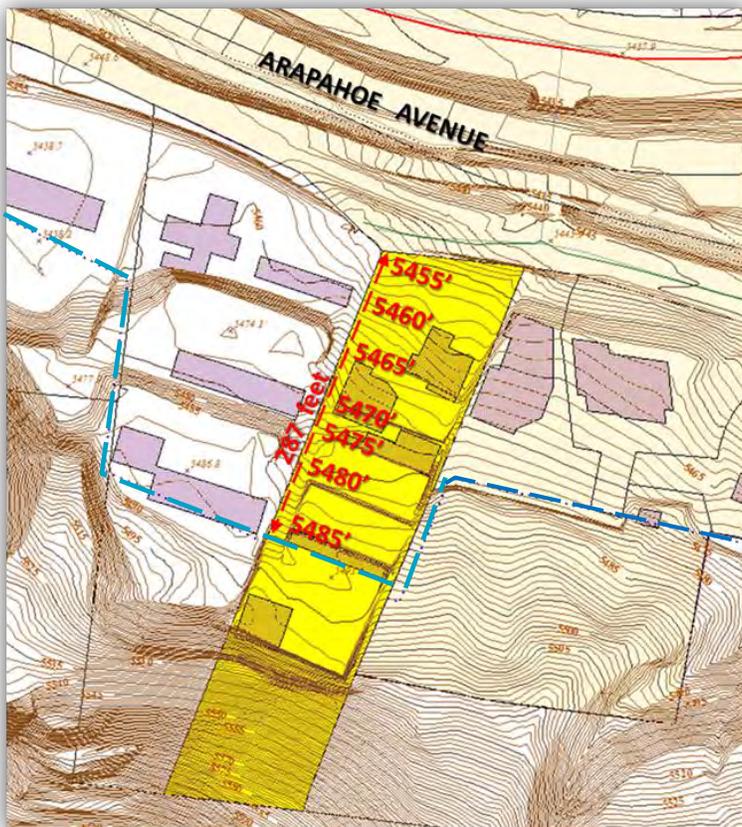


Figure 4: Location of Site on Western Edge



The lower terraced areas of the site, were cleared in earlier times, and include various native and non-indigenous deciduous tree species as well as herbaceous flowering plants and grasses.

At the base of the property is a portion of the concrete lined Anderson Ditch that aligns Arapahoe Lane along with various shrubs aligning the ditch. The ditch is shown to the right in Figure 6.

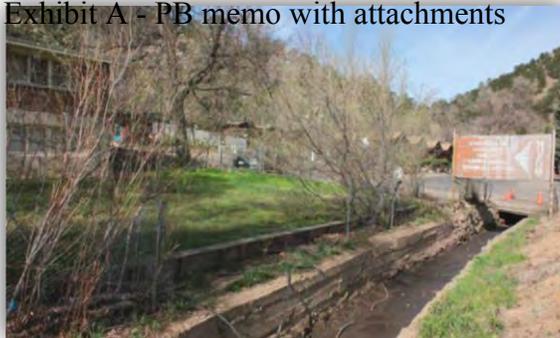


Figure 6: Existing Residence with ditch in Foreground

The site was originally developed in the 1940s and 1950s by Wayne Nuzum who operated a nursery and landscaping business at the property for over 50 years and is considered one of Boulder's most premier gardeners. Located on the property is a large warehouse/barn used for Nuzum's nursery. This building was most likely built in the mid to late 1940s. In 1956, an addition was constructed onto the north side of this building. The Tax Assessor card notes that, "the back wall of one of the buildings on the property is of native moss stone." This note most likely refers to the warehouse shown in photos to the right, Figures 7a thru 7d. The south wall of the barn is built into the hillside terrace.



Figures 7a, b, c, d: Barn/Warehouse Photos
(Historic Images left and Present Day Image right two photos)

Nuzum built as his primary residence a 1½ story masonry ranch house. According to the Tax Assessor card, Nuzum took several years to build the home, beginning in the late 1940s and completing it sometime after 1956. Shown below in Figures 8a and 8b are the home, historically and today.



Figures 8a, b, c:
Existing Residence: historic photo (left) and present day (right)

Surrounding Context. Located directly west of the site is the roughly 3.2 acre Silver Saddle Motel property at 90 West Arapahoe Lane. The motel was built in the mid 1940s with nine log cabin style motel units. According to the tax assessor card, construction finished by 1949.



Figures 9a,b,c,d:
Adjacent Silver Saddle Motel to the west of site: historic photos on left, present day on right

To the east of the property is Canyonside Office Park, located at 100 Arapahoe. During the September 2013 Flood, the easternmost portion of the property was destroyed by a mud flow as shown in Figure 10a and 10b. There are two remaining office buildings on the site that remain functional today.

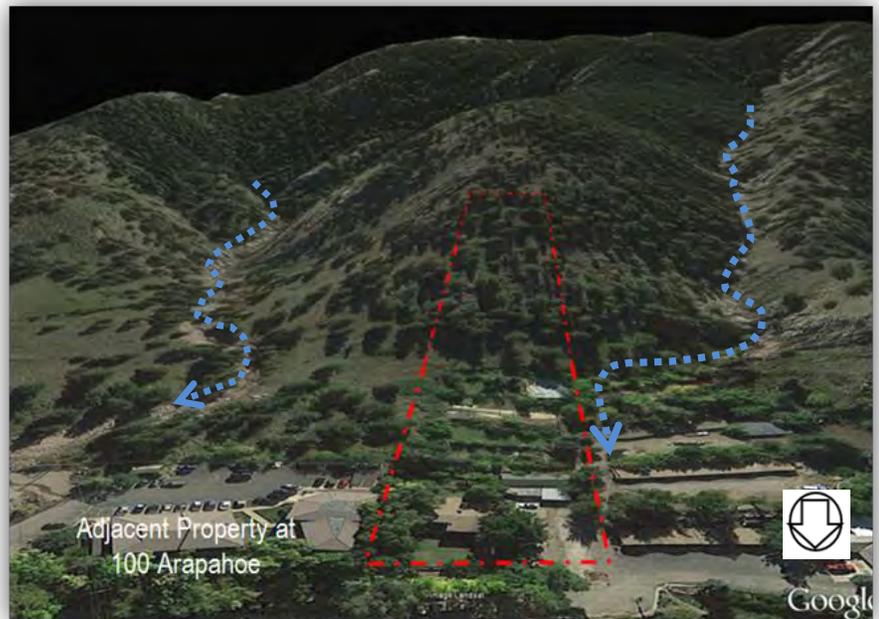
As can be seen in the Google Earth image of Figure 11, the 100 Arapahoe Lane property that suffered destruction in the flooding is at the base of a distinct drainage basin that is incised into the hillside.

Similarly, the property at 90 Arapahoe has a distinct drainage swale that is also incised into the hillside. According to the property owners of 90 Arapahoe, the flood flows in 2013, passed down the hillside and flowed onto the existing road on that property that is lower in elevation than the existing site that was not impacted by flooding during the 2013 flood event.

Further east, at 210 Arapahoe is a 13-unit, medium density condominium development, Park Gables, annexed in 2006 and built in 2007. The density of the site is similar to the density proposed for the project site. Refer to Figures 12a and 12 b that illustrate the development from Arapahoe Avenue as well as in an aerial photo.



**Figures 10 a and 10b:
Aerial of Adjacent Property and Photo of Building destroyed in 2013 Flood Event**



**Figure 11:
Google Earth Image showing site in relation to adjacent drainage swales**



**Figures 12a and 12b:
Recently developed medium density Park Gables Development located further east of site**

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

Approximately 35 percent of the site is located above the Blue Line which is a development boundary line created through a city charter amendment approved by voters in 1959. The Blue Line defines a specific topographic contour above which extension of the water utility is not permitted. As is apparent in the figure ground plane map shown in Figure 13, the Blue Line is continuous throughout most of the western portion of the city. However, in the area where the site is located, the contour wasn't well established, possibly due to grading that had occurred on the site prior to the charter amendment. In the area adjacent to the site, a 1981 amendment was approved that provided a specific legal description that was mapped for that portion. Shown in Figure 14 is the legal mapped description of the Blue Line within the property.

The Blue Line is defined per the City's Charter, Article VIII: Franchises and Public Utilities, Section 128A, "The City of Boulder shall not supply water for domestic, commercial, or industrial uses to land lying on the westward side of the following described line, except as specifically stated herein."

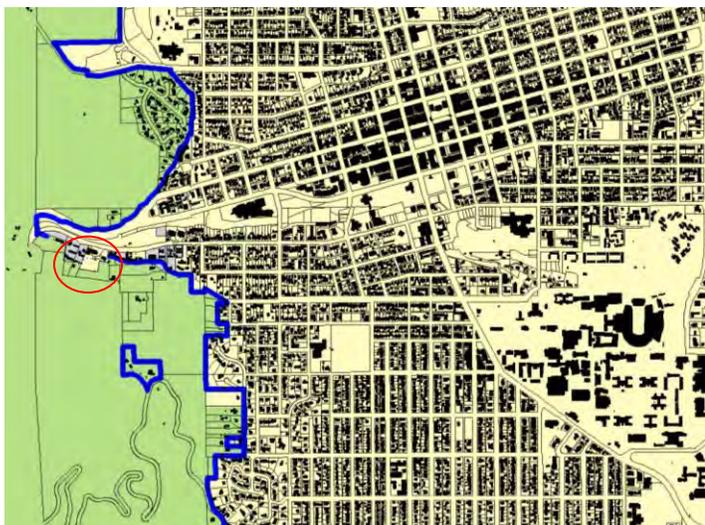


Figure 13:

Portion of the Blue Line on west side of the City of Boulder

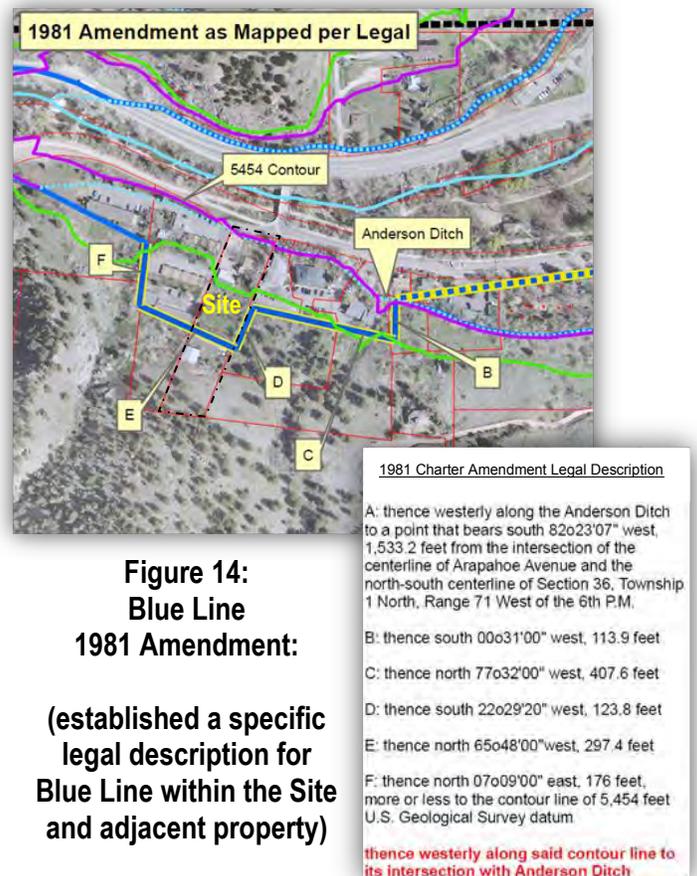


Figure 14:

**Blue Line
1981 Amendment:
(established a specific legal description for Blue Line within the Site and adjacent property)**

The portion of the site that is above the Blue Line is also designated under the Boulder Valley Comprehensive Plan as, "Planning Area III Rural Preserve" shown in Figure 15 and as described on page 27 of the BVCP,

- a) *The Area III-Rural Preservation Area is that portion of Area III where rural land uses and character will be preserved through existing and new rural land use preservation techniques and no new urban development will be allowed during the*

planning period. Rural land uses to be preserved to the greatest possible extent include: rural town sites (Eldorado Springs, Marshall and Valmont); existing county rural residential subdivisions (primarily along Eldorado Springs Drive, on Davidson Mesa west of Louisville, adjacent to Gunbarrel, and in proximity to Boulder Reservoir); city and county acquired open space and parkland; sensitive environmental areas and hazard areas that are unsuitable for urban development; significant agricultural lands; and lands that are unsuitable for urban development because of a high cost of extending urban services or scattered locations, which are not conducive to maintaining a compact community.

Because the intent of the Area III Rural Preserve is to preserve areas such as undevelopable steep slope and the intent of the Blue Line is to limit extension of water utility above the Blue Line, density is not intended for that part of the site. Therefore, density calculations must be limited to only the area below the Blue Line.

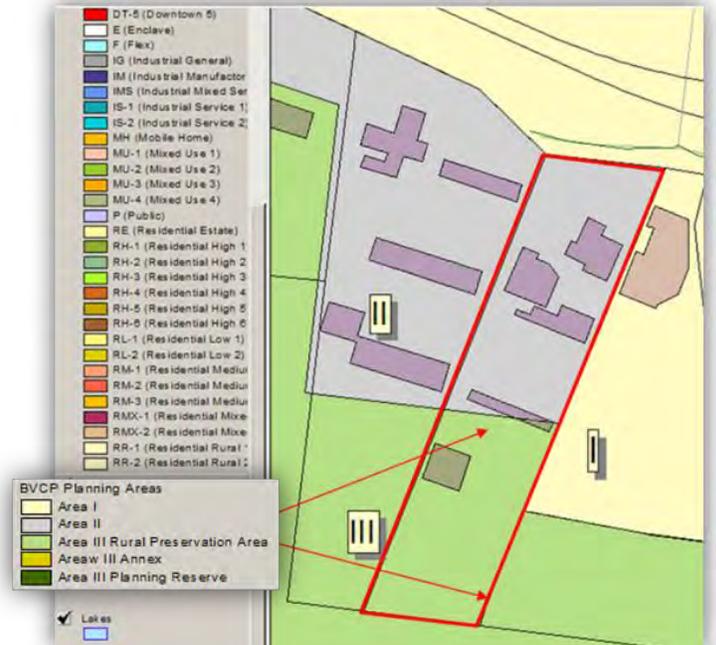


Figure 15: BVCP Planning Areas

As shown below, the Boulder Valley Comprehensive Plan (BVCP) land use map (Figure 16) identifies the property along West Arapahoe Avenue that includes the property and that to the east and west, for Medium Density Residential, which is defined as having six to 14 dwelling units per acre.

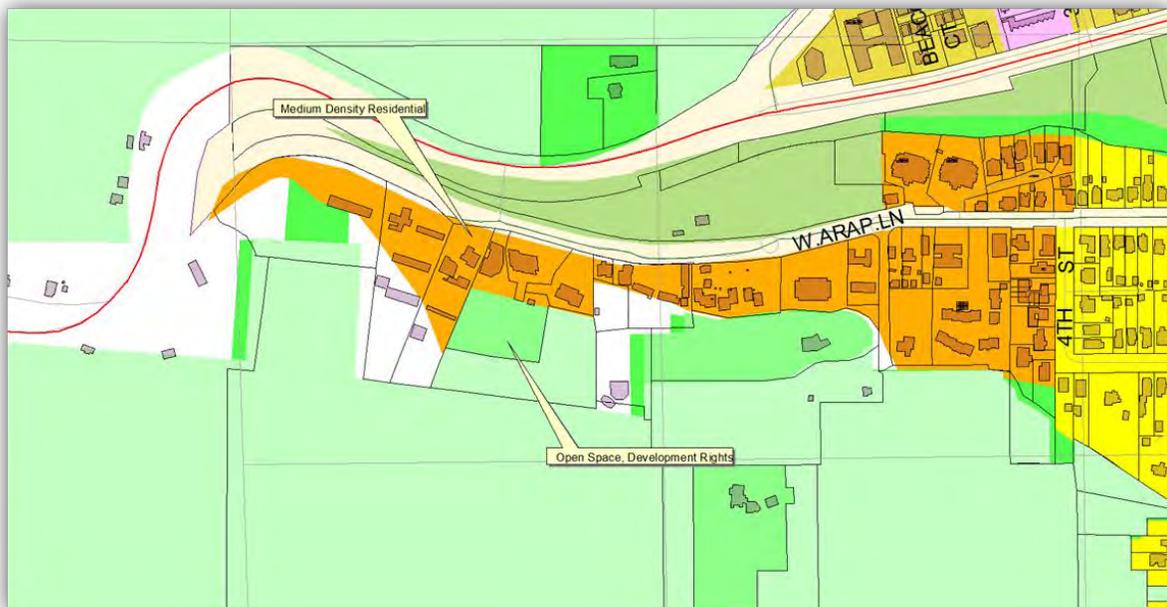


Figure 16: BVCP Land Use Designations

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

An application for Annexation and initial zoning is also currently under consideration. Upon annexation, the application would be subject to Site Review if specific modifications to the development standards are proposed. As proposed in the Concept Plan, there is no requirement for Site Review approval.

(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;

As currently shown, the proposed building layout may necessitate a Site Review process due to modifications to the setback standards on the site. Therefore, following annexation are the reviews and permits required as the project plans progress:

- Site Review
- Technical Document for final plans (i.e. landscape, irrigation, architecture, lighting, engineering)
- Subdivision: Preliminary and Final Plat
- Building Permits

Regarding proposed subdivision, the preliminary and final plat will be required to meet the Subdivision Standards of the Land Use Code Section 9-12-12, B.R.C. 1981 found [here](#). There are several standards that the conceptual subdivision (shown in Figure 17), currently does not meet. There is a provision for Planning Board to waive the requirements, pre section 9-12-12(b)(2), B.R.C. 1981,

“Upon the request of the subdivider if the subdivider provides an alternative means of meeting the purposes of this chapter, which the board finds: (A) is necessary because of unusual physical circumstances of the subdivision; or (B) provides an improved design of the subdivision.”

While the applicant has noted the unusual physical circumstances with the subdivision being the existing historic structures on the site along with the Blue Line encompassing a large portion of a Medium Density designated lot as well as an existing large oak tree. However, among the standards that the conceptual subdivision currently does not appear to meet are as follows:

- Each lot has access to a public street (Concept Plan illustrates a “private driveway access for Lot A)
- Each lot has at least thirty feet of frontage on a public street.
- Side lot lines are substantially at right angles or radial to the centerline of streets, whenever feasible.
- Residential lots are shaped so as to accommodate a dwelling unit within the setbacks prescribed by the zoning district. (Meets this requirement but one of the residential units will require a 3-foot adjustment)
- 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.
- Building Form: The shapes of buildings are designed to maximize utilization of solar energy. Existing and proposed buildings shall meet the solar access protection and solar siting requirements of section [9-9-17](#), "Solar Access," B.R.C. 1981.



Figure 17: Proposed Subdivision Lot Layout

Because of the current subdivision and layout of the lots (shown in Figure 17), setback modifications would likely be required. Table 1 illustrates the standards for RM-3 setbacks compared to the current proposal are as follows:

**Table 1:
Setbacks Required and Currently Proposed**

	REQUIRED	CURRENTLY PROPOSED	
		LOT A	LOT B
FRONT	15 feet	18 feet	84 feet
FRONT FOR PARKING	20 feet	n/a	n/a
SIDE ADJ. TO A STREET	1' per 2' of building height, 10' minimum	7 to 12 feet (Market 6 doesn't meet minimum)**	n/a
INTERIOR SIDE	0 or 5 feet	3 feet**	3 feet**
REAR	15 feet	25 feet	27 feet
REAR ACCESSORY STRUCTURE	0 or 3	n/a	0 feet for garage

* would require redesigning the proposed or approval through a Site Review or Annexation

- (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;**

In accordance with Section 2.04(M) of the City of Boulder Design and Construction Standards (DCS), a public access easement over a portion of the private driveway will be required should the lot be subdivided. The length of the public access easement will be dependent on where the lot is subdivided and the location of the off-street parking intended to serve the subdivided lot. In addition, pursuant to Section 2.10 of the DCS, an emergency access easement will be required for the private driveway(s) in order to accommodate emergency vehicle access. Pedestrians and bicyclists must also be accommodated within the site as well as connecting to the existing multi-use path.

At time of technical document submittal, short-term and long-term bicycle parking must be provided in accordance with the requirements of section 9-9-6 of the Boulder Revised Code, 1981.

If a Site Review submittal is necessary for the project, a TDM plan in accordance with section 2.03(I) of the DCS and section 9-2-14(h)(2)(D) of the Boulder Revised Code is required to be submitted which outlines strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternate modes of travel. The applicant must submit the TDM plan as a separate document with Site Review submittal in addition to incorporating the TDM plan into the traffic impact study as an appendix to the study.

- (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;**

There are no known special status species on the property, however, there are a number of large, mature trees, and in particular there is a large oak tree that is intended to be preserved on the site. The large oak preservation will likely require a larger envelope of protection than shown. The larger and older a tree, the more sensitive it is to impacts and therefore, a licensed arborist must be consulted during the project planning.

Because the site, particularly below the Blue Line, has been terraced and developed with residential and outbuildings over time, much of the native setting has been altered. With the proposed preservation of the area above the Blue Line, in the form of a scenic easement, much of the southern part of the site has the opportunity to remain part of the greater mixed forest biome.

(7) Appropriate ranges of land uses; and

As indicated above, the BVCP land use designation identifies the project site as being suitable for medium density residential for up to 14 dwelling units per acre. However, the western portion of the site is above the Blue Line where density is not anticipated. Therefore, the density calculation must be made based upon the net acreage after the area above the Blue Line is removed.

8) The appropriateness of or necessity for housing

There is a city-wide need for housing. The comprehensive plan policy 7.06 points to provision of a variety of housing types. The applicant indicates intent to provide several types of units on site including single family and attached units both as affordable housing and market rate.

The Comprehensive Housing Strategy was initiated in 2013 when City Council recognized that the city's housing challenges require more than minor adjustments to current programs. In May 2013, Council crafted a draft project purpose statement, key assumptions, and guiding principles. As project plans move forward, the appropriateness of housing within the Concept Plan should be evaluated upon how well the plans address the guiding principles of the Comprehensive Housing Strategy (CHS) as follows:

1. Strengthen Our Current Commitments

Reach or exceed Boulder's goals to serve very-low, low- and moderate-income households, including people with disabilities, special needs and the homeless.

2. Maintain the Middle

Prevent further loss of Boulder's economic middle by preserving existing housing and providing greater variety of housing choices for middle-income families and for Boulder's workforce.

3. Create Diverse Housing Choices in Every Neighborhood

Facilitate the creation of a variety of housing options in every part of the city, including existing single-family neighborhoods.

4. Create 15-minute Neighborhoods

Foster mixed-income, mixed-use, highly walkable neighborhoods in amenity rich locations (e.g., close to transit, parks, open space and trails, employment, retail services, etc.).

5. Strengthen Partnerships

Strengthen current partnerships and explore creative new public-private-partnerships to address our community's housing challenges (e.g., University of Colorado, private developers, financing entities, affordable housing providers, etc.)

6. Enable Aging in Place

Provide housing options for seniors of all abilities and incomes to remain in our community, with access to services and established support systems.

While the specific, programmatic aspects of the housing planned on the site have not yet been finalized, the applicant is proposing a mix of single family and attached multi-family units. The applicant will be required to meet the terms of the Inclusionary Housing ordinance, and the applicant has already begun discussions with staff in that regard on how best to achieve community benefit of IH as well as address the principles of the CHS.

The goal for creating a 15-minute neighborhood can be partially met with this site due to the ¼ to ½ mile proximity of the property (shown in Figure 18 below) to nearby bus stops and Eben G. Fine Park. The shops of West Pearl, near Spruce Bakery and others is slightly further, but still within walking distance of the site.

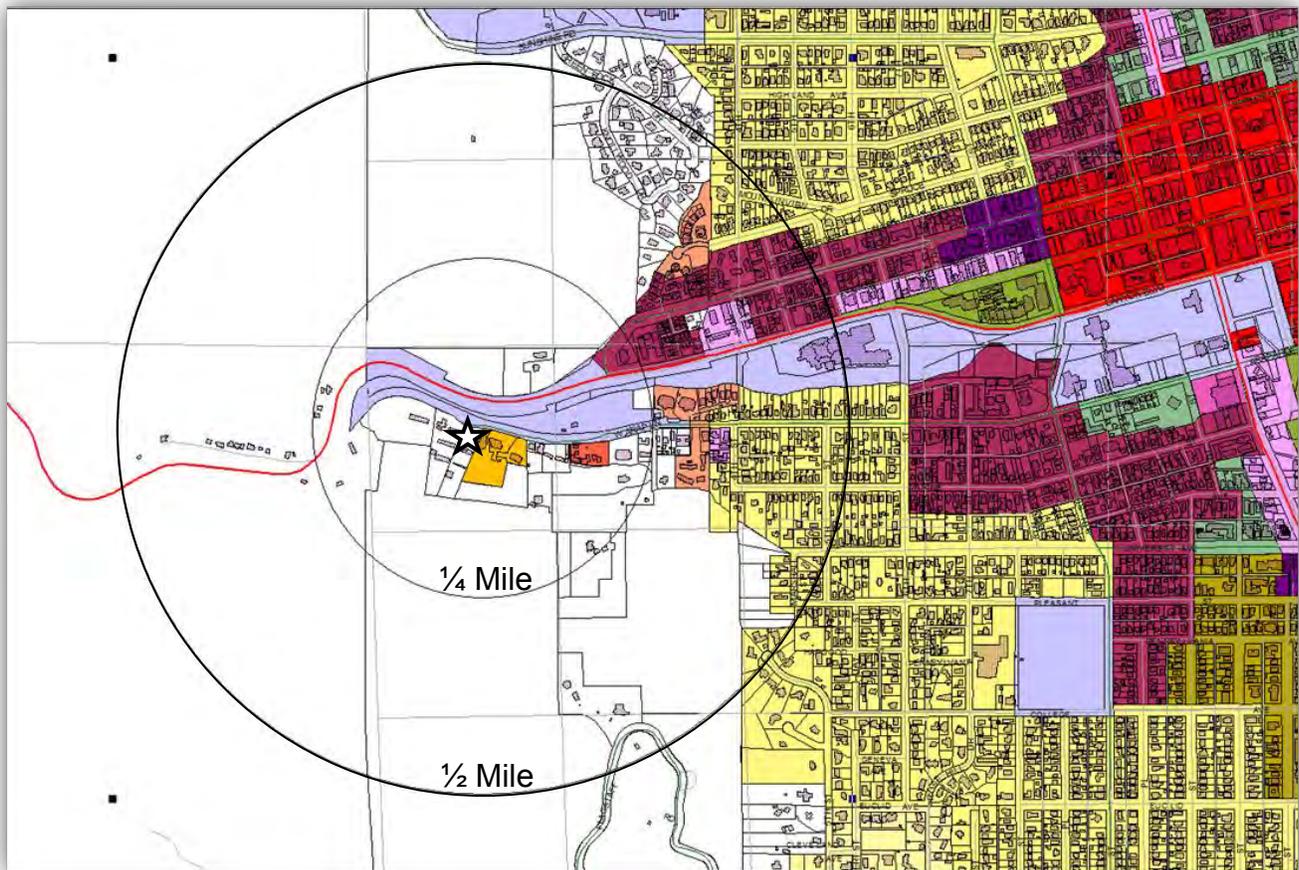


Figure 18
Walking Distances: ¼ and ½ mile radius around the site

The following Key Issues are provided by staff to help guide the Concept Plan review discussion. There may be other issues that the Planning Board would want to discuss, these are suggested issues identified by staff.

Key Issue 1. Are the preliminary plans consistent with the BVCP Planning Area, Land Use & Policies?

Planning Area II Property. The proposed annexation was evaluated under a separate application and staff found that the site is eligible for annexation in that a majority of the site is located within Planning Area II, defined in the BVCP on page 13 as follows, “Area II is the area now under county jurisdiction, where annexation to the city can be considered consistent with policies 1.16 Adapting to Limits on Physical Expansion, 1.18 Growth Requirements, & 1.24 Annexation.” For reference, the policy analysis for annexation is provided in **Attachment A**.

BVCP Land Use. The Boulder Valley Comprehensive Plan (BVCP) land use designation for the property is Medium Density Residential, which is defined as having six to 14 dwelling units per acre. The applicant is proposing nine dwelling units on slightly more than one acre, well within the BVCP land use limits for density in the Medium Density Residential. The maps in Figures 19a, 19b, and 19c provide a comparison of the regulatory framework for the site: 19a is the BVCP land use map; 19b are nearby annexations over time, and 19c the city's zoning map for properties that have been annexed.

As can be noted the BVCP identifies a portion of the site for Medium Density Residential and the adjacent property has the same designation along with "Open Space Development Rights." The properties to the north and east were annexed in the 1980s with an initial zoning of RM-3 while the property located at 210 Arapahoe Ave. that was constructed at a medium density, was annexed in the 2000s with an RM-2 zoning designation. The applicant is proposing RM-3 that would be one of the corresponding zoning designations for the property, consistent with the BVCP Land Use Designation. The proposed RM-3 zoning intent is defined in the Land Use Code section 9-5-2, B.R.C. 1981 as follows,

"Medium density residential areas primarily used for small-lot residential development, including without limitation, duplexes, triplexes, or townhouses, where each unit generally has direct access at ground level.

The proposed project with the planned single family residential along with duplex and attached residential meets the proposed zoning and land use designations.

Consistency with BVCP Policies. There are a number of BVCP policies (found in entirety [here](#)) that the proposed project as the provision of residential in a compact form would be consistent with including:

- | | | | |
|------|----------------------------------|------|--|
| 1.19 | <i>Jobs:Housing Balance</i> | 2.32 | <i>Physical Design for People</i> |
| 2.01 | <i>Unique Community Identity</i> | 2.33 | <i>Environmentally Sensitive Urban Design</i> |
| 2.03 | <i>Compact Land Use Pattern</i> | 2.37 | <i>Enhanced Design for Private Sector Projects</i> |

Key Issue 2. Are the conceptual plans for an redevelopment consistent with the planned RM-3 zoning?

The RM-3 zoning permits up to 12.4 dwelling units per acre. There's also a minimum lot area per dwelling unit of 3,500 square feet. Because the upper reaches of the site are above the Blue Line and within Planning Area III Rural Preserve that area of the site has to be deducted from the overall developable area. In addition, those areas also coincide with very steep, undevelopable slopes. As a result, the net developable area on the site, from which density can be calculated is 30,299 square feet. In dividing the required 3,500 square feet into the developable area, the resulting unit count is 8.65 units, and under the city's municipal code section 1-1-22(a), B.R.C, 1981 that figure must be rounded down to eight. The applicant is illustrating nine units and would need the unit count down by one in order to meet the RM-3 standards. There is no mechanism through Site Review to increase density in the RM-3. Opportunity to increase density through annexation is occasionally an option, however, in this case staff finds that the topographically constrained land doesn't have the carrying capacity to include additional density.

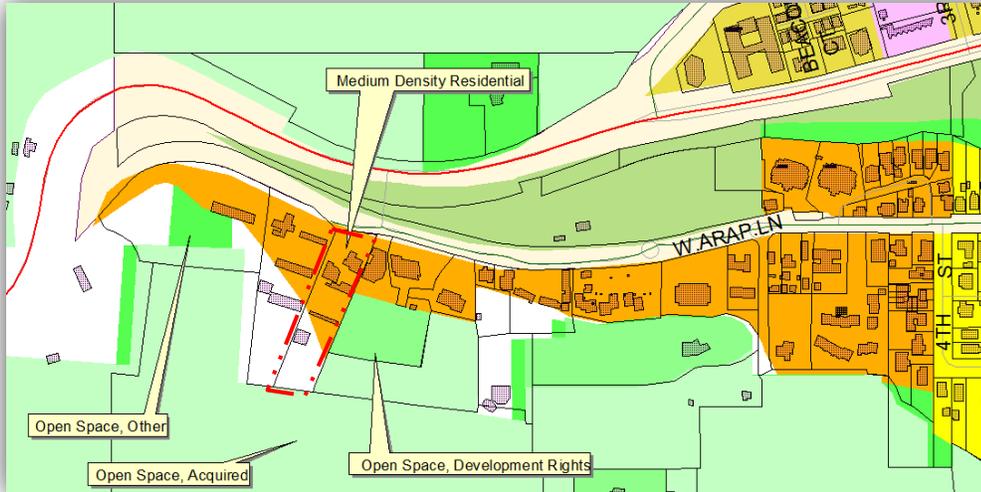


Figure 19a
Land Use

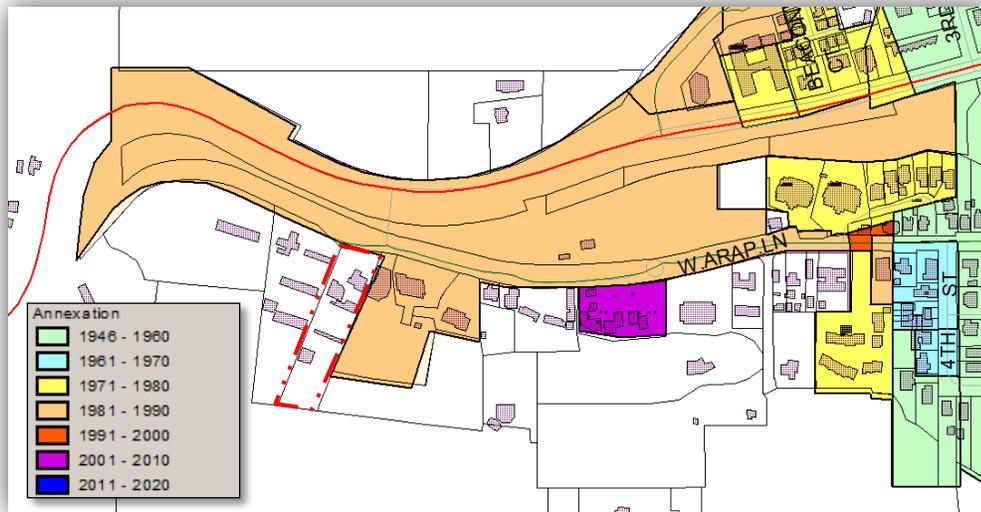


Figure 19b
Annexations

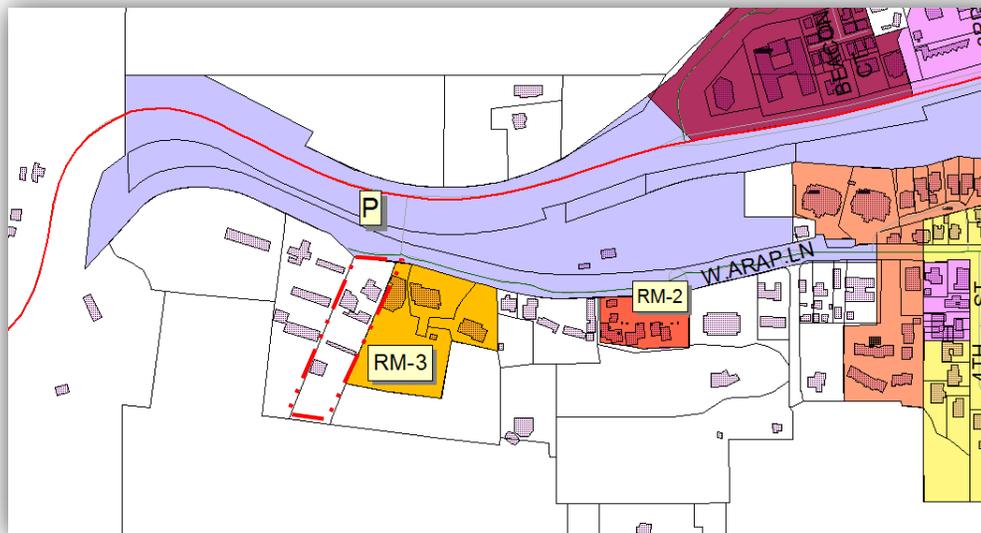


Figure 19c
Zoning

Key Issue 3. Is the Site Plan responsive to constraints and opportunities, and surroundings?

Responsiveness to Constraints and Opportunities: As noted, the site has a fairly consistent slope of 12 percent, although it has been terraced over the years. The plan alternatives both illustrate a curvilinear street that is intended to provide a more gentle slope of eight percent which would also conform better to the sloping topography by traversing the slopes and terraces and be consistent with the Land Use Code section 9-12-12(a)(2)(B) that states, “*streets are designed to bear a relationship to the topography, minimizing grade, slope and fill.*” The roadway layout appears to be appropriate given the context and works better with the topography than a more grid like configuration of roadways.

The applicant illustrates home prototypes that would utilize the terracing by stepping the building massing down the slope and also creating opportunities for roof deck amenities on the residential buildings. The applicant’s most recent concept sketch (Alternative B), provided after staff review comments, does illustrate the existing barn/warehouse retained but moved slightly to the west and still integrated into the terraced slope. While the applicant is proposing to move the barn slightly to the west, this approach would help to maintain the barn more closely in its current location, and would allow for the roadway to traverse the slope. Similarly, the approach to positioning the barn in its current location also provides better opportunity to retain and adaptively reuse the historic structure on the site and in turn, potentially requiring the applicant to seek individual landmark designation of the building through annexation.

On the second schematic (Alternative B) the applicant is also illustrating a market rate single family unit in the location where the applicant originally planned to relocate the barn (Alternative A), refer to the thumbnail comparisons in Figure 20a and 20b. Staff notes that the location of that unit would block views toward the historic residence, that staff is recommending be retained as part of the annexation, and landmarked. In addition, a large and healthy oak tree is located adjacent to the existing home. Staff finds this as an important site amenity and opportunity, and preservation of the oak would be a requisite in annexation as preservation of the historic home and barn. Therefore, staff recommends eliminating that market rate unit on the north end nearest Arapahoe Ave. to not only serve to preserve the viewshed to the potential landmark, but to also better preserve the existing oak and to meet the RM-3 density provisions.

Staff recently completed a pre-application for 90 Arapahoe located just west of this site. That property owner has expressed interest in annexation as well. In that regard, staff highly recommends the applicant look at combining efforts for access into the two sites and/or cross access between sites. As currently designed, the site access is essentially a dead-end. With the combined annexation and redevelopment of the two properties, both sites benefit from cross-access. Staff understands that the property owner for 90 Arapahoe, while interested in annexation, may not be prepared to redevelop the site. Staff’s understanding of the property to the west is that there is an existing drainage pattern on that property and that, that property owner must establish a more efficient and well defined drainage ditch close to the property line to be able to handle storm and flood water flows in the future. However, staff highly recommends that the two sites must respond to one another particularly with regard to shared access and/or cross access.

PUBLIC COMMENT AND PROCESS:

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. All notice requirements of section 9-4-3, B.R.C. 1981 have been met. There were no comments received on the application.

Consistency with State Annexation Law (31-12-101 et seq., C.R.S.) and City of Boulder Policy 1.24 for Annexations

Meets Criteria	Specific Criteria: State Annexation Law
<u>Yes</u>	(1) Minimum Required Contiguity: At least one-sixth of the perimeter of the area to be annexed shall be contiguous to the city limits. <i>The property has 1/6th contiguity to the city limits on the north and east perimeter of the site.</i>
<u>Yes</u>	(2) Annexation by Petition: A petition must be presented by more than half of the landowners owning more than fifty percent of the area to be annexed. For enclaves and municipally owned property, the City may take the initiative without petition. <i>A petition was provided.</i>
<u>n/a</u>	(3) Annexation by Election: Under certain conditions, an election may be held by the property owners and registered electors within the area to be annexed. <i>Not applicable</i>

Meets Criteria	Specific Criteria: City of Boulder Policy 1.24 for Annexations
<u>Yes</u>	a) Annexation will be required before adequate facilities and services are furnished. <i>The site will be required to pay appropriate fees and install utility line infrastructure commensurate with annexation.</i>
	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. <i>The parcel would be considered of high priority to annex since it is an Area II property along the western boundary.</i>
<u>Yes</u>	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. <i>The property is not considered substantially developed because the additional development potential under an initial zoning of RM-3 through annexation.</i>
<u>Yes, prelim.</u>	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.

w. As currently proposed, the applicant intends to seek individual landmark status for both the existing barn and the existing house; over 42 percent of the proposed residential units will be permanently affordable; and the area above the Blue Line will be offered as a Scenic Easement, Preliminarily, the proposed benefit package appears consistent with the subject criterion.

Yes.
prelim.

e) Annexation of substantially developed properties that allows for some additional residential units or commercial square footage will be required to demonstrate community benefit commensurate with their impacts. Further, annexations that resolve an issue of public health without creating additional development impacts should be encouraged.

As currently proposed, the applicant intends to seek individual landmark status for both the existing barn and the existing house; over 42 percent of the proposed residential units will be permanently affordable; and the area above the Blue Line will be offered as a Scenic Easement, Preliminarily, the proposed benefit package appears consistent with the annexation criteria. A final analysis of the proposed impacts and benefits would occur through the annexation process.

yes

f) There will be no annexation of areas outside the boundaries of the Boulder Valley Planning Area, with the possible exception of annexation of acquired open space.

n/a

The property is within Area II of the Boulder Valley Planning Area.

g) Publicly owned property located in Area III and intended to remain in Area III may be annexed to the city if the property requires less than a full range of urban services or requires inclusion under city jurisdiction for health, welfare and safety reasons.

n/a

Not Applicable, the property is not publicly owned.

h) The Gunbarrel Subcommunity is unique because the majority of residents live in the unincorporated area and because of the shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel Public Improvement District and other special districts. Although interest in voluntary annexation has been limited, the city and county continue to support the eventual annexation of Gunbarrel. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.

Not applicable, property not located within Gunbarrel Subcommunity.

Meets Criteria

Specific Criteria: City of Boulder Land Use Code section 9-2-17 policy for zoning of annexed land

Yes

(a) Generally: Zoning of annexed land or land in the process of annexation shall be considered an initial zoning and shall be consistent with the goals and land use designations of the Boulder Valley Comprehensive Plan.

The planned initial zoning of RM-3 (Residential Medium 3) is consistent with the Medium Density Residential land use designation of the Boulder Valley Comprehensive Plan.

Yes

(b) Public Notification: When zoning of land is proposed in the process of annexation, the city manager will provide notice pursuant to [section 9-4-3](#), "Public Notice Requirements," B.R.C. 1981.

A public notice was sent per section 9-4-3, B.R.C. 1981 indicating proposed zoning of the land.

Yes

(c) Sequence of Events: An ordinance proposing zoning of land to be annexed shall not be finally adopted by the city council before the date of final adoption of the annexation ordinance, but the annexation ordinance may include the zoning ordinance for the annexed property.

Appropriate sequencing will occur at the time the ordinance is prepared.

Yes

(d) Placement on Zoning Map: Any land annexed shall be zoned and placed upon the zoning map within ninety days after the effective date of the annexation ordinance, notwithstanding any judicial appeal of the annexation. The city shall not issue any building or occupancy permit until the annexed property becomes a part of the zoning map.

Relevant upon annexation.

Yes

(e) Nonconformance: A lot annexed and zoned that does not meet the minimum lot area or open space per dwelling unit requirements of [section 9-7-1](#), "Schedule of Form and Bulk Standards," B.R.C. 1981, may be used notwithstanding such requirements in accordance with this code or any ordinance of the city, if such lot was a buildable lot under Boulder County jurisdiction prior to annexation.

The lot to be annexed will not be considered non-conforming upon annexation and initial zoning.

Yes

(f) Slopes: Notwithstanding the provisions of subsection (a) of this section, any land proposed for annexation that contains slopes at or exceeding fifteen percent shall not be zoned into a classification which would allow development inconsistent with policies 3.10, 3.15, and 3.16 of the Boulder Valley Comprehensive Plan.

Approximately 0.1 acres of land on the property is contained in slopes that exceed 15 percent. The remaining lower area of the site is approximately 12 percent with some areas terraced to be somewhat flatter.

Attachment B: Concept Plan

Note: Due to the size of the plans, a paper set of plans is available for review within the City Council Office of the City Manager's Office

**Exhibit B of City Council Memo:
Planning Board Signed Meeting Minutes**

**CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
February 5, 2015
1777 Broadway, Council Chambers**

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

PLANNING BOARD MEMBERS PRESENT:

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

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT:

David Driskell, Director of CP&S
Susan Richstone, Deputy Director of CP&S
Charles Ferro, Development Review Manager for CP&S
Hella Pannewig, Assistant City Attorney
Susan Meissner, Administrative Assistant III
Sloane Wlabert, Planner I
David Thompson, Civil Engineer II- Transportation
Lesli Ellis, Director of Comprehensive Planning
Beth Roberts, Housing Planner
Molly Winter, DUHMD Executive Director
Karl Guiler, Senior Planner
Ruth McHeyser, Temporary Senior Planner
Ted Harberg, Comprehensive Planning Intern

1. CALL TO ORDER

Chair, **A. Brockett**, declared a quorum at 5:07 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **B. Bowen** and seconded by **L. Payton**, the Planning Board approved the December 18, 2014 Planning Board meeting minutes.

3. PUBLIC PARTICIPATION

No one from the public spoke.

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

A. Call Up: Floodplain Development Permit (LUR2014-00101) 595 Aurora Avenue Breakaway Fence. Expires 02/06/2015.

B. Call Up: TEC2014-00033: Final plat to combine three separate parcels into one 2.9 acre building site at 1715 and 1725 28th Street for the Eads/Golden Buff redevelopment project approved per application # LUR2013-00066. Expires 02/05/2015.

C. Call Up: (Correction): USE REVIEW for a 3,509 square foot tavern located at 921 Pearl Street with an outdoor patio of no greater than 712 square feet in size, and closing no later than 2:00 a.m. (LUR2014-00081). Proposal will establish a 'tavern' with outdoor seating where there is currently a 'restaurant' with outdoor seating (Bacaro). Property is located in the DT-2 (Downtown 2) zone district. The call-up period expires on Feb. 17, 2015.

C. Gray called up item 4C.

- **C. Gray** asked if the emails sent to Planning Board requesting a call up of the Use Review were enough for it to be called up. Staff said they did not consider those emails to be worded correctly to constitute a call up. **C. Gray** said she would call it up on behalf of the residents.
- **C. Gray** expressed concern that only property owners, not tenants, were receiving public notices. She said that the public notice issue had been raised to Planning Board in relation to other projects around town.

On a motion by **L. Payton**, seconded by **J. Gerstle**, the Planning Board voted 6-1 (**J. Putnam** opposed) to request that public notices be sent to all residences, not only property owners, in the notification area.

- Staff currently uses a third party to send public notifications and will look into means for changing the procedure with that company.
- **A. Brockett** agreed that it did not make sense to prioritize property owners over tenants. For consistency, he would like to see this notification process extended to other projects as well.
- **J. Putnam** opposed the motion because he did not know the full consequences or why this should constitute a special case over other projects. He worried about getting ahead of code requirements.

5. PUBLIC HEARING ITEMS

A. CONCEPT PLAN REVIEW AND COMMENT: Request for citizen, staff and Planning Board comment on a proposal to annex and redevelop the property located at 96 Arapahoe Ave. with a combination of single family, duplex and attached dwelling units. A total of nine dwelling units are

proposed, consisting of six market rate units and three affordable units that would be developed upon annexation and establishment of an initial zoning of Residential Medium – 3 (RM-3), consistent with the Boulder Valley Comprehensive Plan (BVCP) land use designation of Medium Density Residential. Under Concept Plan review, no decision will be made by the Planning Board for approval or denial, rather the intent is to provide the applicant with feedback on the proposal.

Staff Presentation:

E. McLaughlin presented the item to the board.

Board Questions:

E. McLaughlin, D. Thompson and B. Roberts answered questions from the board.

Applicant Presentation:

Jonathan Warner, the applicant, presented to the board.

Public Hearing:

No one from the public spoke.

Board Comments:

- Board members agreed that the design is generally consistent with the BVCP and land use policies. It still needs some work with relation to the historic elements, the amount of proposed impervious circulation and parking area, and affordable housing.
- Members agreed with the request for a solar exemption; it has virtually no impact.
- Most members were comfortable with obscuring the view of the existing duplex. A. Brockett liked the views of the duplex and would prefer that the views, if obscured, be by trees as opposed to buildings.
- Most members did not have an opinion about the architectural style. L. Payton would prefer that be a bit more rustic and modest to fit with its context at the edge of the city. C. Gray requested non- reflective building materials.
- Preserve the historical features of the site as much as possible, namely the retention walls per preservation guidelines and the barn. Most members agreed that the barn could be moved slightly, but would prefer that it stay close to its current location.
- The board encouraged the applicant to either keep the existing road or to work with the adjacent property to share a driveway and access point. Both options would allow the barn location to be preserved and would greatly reduce the amount of paving on the site.
- Members generally thought that the amount of impervious surface area was excessive. Look for other means to accommodate vehicular access and parking. There is too much parking on the site.
- Board members encouraged the applicant to remove the hammerhead parking area; find another location for a fire truck turnaround.
- J. Gerstle suggested that the applicant consider contributing the area above the blue line to Open Space.

- **J. Putnam** cited some potential Open Space issues. He felt that a conservation, not just scenic, easement would be appropriate given the habitat conservation area behind it. Add a condition to the easement to make it difficult for residents to access the Open Space from that area.
- This will be a wildlife corridor. Consider thoughtful wildlife management strategies and vegetation so as to avoid creating problem bears. Comply with the defensible space recommendations.
- Board members agreed that the site plan currently lacks useable open space. Consider opportunities for common green space in the current hammerhead location.
- **B. Bowen** recommended revisions to the site plan to reduce impervious surfaces and to increase common open space area. Move the larger units toward the back of the property, attach the units and aggregate the parking adjacent to the buildings in the lower third of the site. This would provide space for a common green, maintain the same amount of development potential, preserve the historical buildings, eliminate significant amounts of hardscape, connect better with natural scene above, and create more community connections. It would be important to find a different way to calculate height if the board encouraged attached units.
- The board will need to see more community benefit in Site Review. The amount will depend on the size and scope of the project.
- Consider means for achieving energy savings and strive for near net-zero energy opportunities. This could be a good site for a ground source heat pump system.
- Improve the affordable housing options. There are currently large market-rate units and small affordable units. Make the unit sizes more commensurate.
- The board recommended that the applicant build more and smaller units. Affordability is of primary importance.
- **C. Gray** asked why onsite affordable housing was less than the 50% for the annexation.

B. Public Hearing and Consideration of Recommendations to City Council regarding the University Hill Commercial District moratorium project, including: 1. An ordinance amending the BMS zoning district standards to limit new residential uses within the University Hill Commercial District, except for permanently affordable units or housing for persons 62 years or older; and 2. Other strategies to consider further as part of the on-going Uni Hill Revitalization Strategy and the Community Planning and Sustainability Work Plan.

Staff Presentation:

R. McHeyser introduced the item.

K. Guiler presented the item to the board.

Board Questions:

R. McHeyser, K. Guiler and M. Winter answered questions from the board.

Matt Prosser, a consultant from Economic and Planning Systems, answered questions from the board.

Public Hearing:

1. **Rishi Raj, 863 14th Street**, a resident of Uni Hill since 1973, noted that the Hill is already a diverse place where groups work well together. The historic district would create a synergy. A performing arts or community center, similar to the Dairy Center, with underground parking could bring about change in the way residents and students interact.
2. **John Arndt, 1121 Broadway**, is a business owner and resident of the Hill. He sees more partying occurring in the residential area as opposed to the commercial district. Parking is the biggest deterrent to business on the Hill. He did not think that the proposals would reach the core issues.

Board Comments:

Part 1. An ordinance amending the BMS zoning district standards to limit new residential uses within the University Hill Commercial District, except for permanently affordable units or housing for persons 62 years or older.

- Board members generally supported the ordinance as drafted. They did not think that it was the final solution, but would serve as a good first step in making a change and would have minimal unintended consequences.
- Several members doubted whether seniors would choose to live on the Hill but felt it was harmless to leave it in the ordinance.
- **J. Putnam** questioned whether it made sense to prohibit, as opposed to discourage, uses.
- **C. Gray** thought it made sense to change the land use tables to encourage desired uses. Consider options for developing city-owned sites as well.
- **A. Brockett** was excited by the changes to the BMS zone and thought that they would also benefit Pearl Street and North Boulder.
- **B. Bowen** would prefer to keep all housing types as conditional but would support the ordinance as drafted.

Motion:

On a motion by J. Putnam, seconded by C. Gray, the Planning Board voted 7-0 to recommend that City Council adopt an ordinance to revise the BMS zone district standards for the Uni Hill commercial area to limit new residential uses, except for permanently affordable units or housing for persons 62 years or older.

Part 2. Other strategies to consider further as part of the on-going Uni Hill Revitalization Strategy and the Community Planning and Sustainability Work Plan.

- The board supported the idea of designating the Hill as a local historic district. Focus on outreach efforts to get community support.
- Consider tenants that would provide daytime and nighttime activities not involving alcohol and that would keep within the character of the Hill. Swallow Hill in Denver could provide a good example. The Harbeck House could also provide similar

opportunities.

- The board liked the idea of moving some city offices to the Hill.
- **L. May** felt that moving city offices to the Hill would be a viable way for the city to invest in the area. He was skeptical about using public funds to create financial incentives for private enterprise in the absence of economic analysis to assure that the investment would be returned.
- A possible Public-Private Partnership between the Grandview Conference Center and city parking lot to the north could provide an enormous catalyst for the area.
- Clarify the information about financial incentives and tax credits.
- Holistically integrate desired programmatic elements; an anchor tenant like the Grandview Conference Center, bike lanes, pedestrian interest, transit, scale, and façade improvement should be considered early in the process.
- **J. Putnam** suggested utilizing a design competition and creative partnerships to incentivize desired uses on the Hill. He liked the idea of an event street that engages different groups and pulls people from different parts of town; something like Ciclovía could achieve this aim.

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

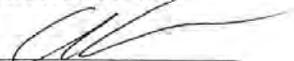
- Staff asked board members to notify **S. Meissner** if they were interested in attending the 2015 APA Conference
- **L. May** and **C. Gray** volunteered to serve on the Housing Process Committee.
- Staff will interview consultants for Form Based Code on February 20th from 12 – 4pm. **L. Payton** volunteered to attend.

6. DEBRIEF MEETING/CALENDAR CHECK

7. ADJOURNMENT

The Planning Board adjourned the meeting at 9:52 p.m.

APPROVED BY


Board Chair

3/19/15

DATE

**Exhibit C of City Council Memo:
Supplemental Analysis of Higher Density Optional Concept Plan**

The Concept Plan that was evaluated by the Planning Board on Feb. 5, 2015 included nine single family residential dwelling units, three of which were proposed to be permanently affordable dwelling units with credit for two existing units, equating to 43 percent affordable. The plan for nine units on the site was intended to meet the density requirements of the proposed initial zoning request of RM-3 and the BVCP land use of Medium Density Residential (refer to Exhibit A, Planning Board memo, Key Issue 2). Among the comments made by the Planning Board was the suggestion that the applicant explore a greater number of smaller-footprint units on the site rather than fewer large-footprint units; the intent being to determine if more, smaller market rate units would create a lower price point as well as more permanently affordable units. The following analysis concludes that a higher density on the site would not necessarily produce that result.

Analysis of Two Options

The applicant provided the High Density Optional (HD) Concept Plan, Figure A on the following page. While it is not typical to submit an alternative as a part of Concept Plan after Planning Board review, this was intended to assist with the question that Planning Board posed. It is important to note that this option *does not* address the Planning Board's interest in preserving the existing stone retaining walls (refer to the Planning Board minutes). For comparison, the original concept plan is also provided in Figure B, on the following page. Table A, on the following page, summarizes the comparison between the two Concept Plan options in terms of number and percentage of both market rate and affordable units, their respective range of sizes, and density.

Comparison of the Percentage of Affordability. As can be seen in the comparison, the Original Concept Plan illustrated three of the nine units as permanently affordable equating to 43 percent (when credit is given to the existing duplex). Planning Board recommended credit for only one existing unit which instead resulted in 37.5 percent permanently affordable units. The HD Option illustrates a total of 16 units, six units of which are proposed as permanently affordable and assuming credit for one existing unit equates to 40 percent affordable units.

The policy and practice for annexations for the past several years has been that 40 to 60 percent of new residential development proposed be permanently affordable to low- and middle-income households depending upon the level of other community benefit provided. The resulting affordable units would typically be split evenly between low/moderate price and middle income pricing. Based on the other community benefits proposed, approximately 50 percent of the units would be expected to be permanently affordable. Neither option meets the 50 percent standard.

Size Comparison. In the Original Concept Plan, the average building footprint size for market rate units is 1,700 square feet compared to the HD Option which is shown to be reduced to 1,180 square feet. Because the units could potentially be built to a maximum three stories, these footprints could result in a maximum floor area ranges of 4,800 to 7,500 square feet for the Original Concept Plan and 2,700 to 5,400 square feet for the HD Option. Also, within the HD Option, several of the permanently affordable units are shown to be undersized: six of the seven affordable units are shown with building footprints between 480 and 575 square feet and floor area that would range from 575 to 1,220, given that two of the units would be within the one-story rehabilitated barn structure. It is important to note that within the HD Option, the affordable units are aggregated at the center of the site in two adjacent triplexes both of which are 100 percent affordable, instead of distributed more broadly throughout the site in both duplexes and triplexes. Additionally, parking for only the affordable units is provided in a lot while the market units all have private garages.

Density Comparison. As also shown in Table A, the original Concept Plan illustrates the nine units at the density of RM-3 which requires a minimum lot area per dwelling unit of 3,500 square feet. The HD Option would result in a higher density of 1,900 square feet per dwelling unit.

Exhibit C - Supplemental Analysis of HD Optional Concept Plan for Greater Density



Figure A: High Density Option Concept Plan



Figure B: Original Concept Plan

Table A:
Unit Size Comparison of Concept Plan to the High Density (HD) Option Concept Plan

	No. of Units	No. of Afford. Units	Typical 50% affordable unit standard (assuming 1 unit credit)	Average Size of Building Footprints (square feet)		Range of Size of Units* (square feet)		Density Min. Lot Area per Dwelling Unit (square feet)
				Market Rate	Affordable	Market Rate	Affordable	
Original	9	3	4	1,700	650	4,800 – 7,500	650	3,500
HD OPTION	16	6	7.5	1,180	618	2,700 – 5,400	575 to 1,220	1,900

*assumes maximum three stories as shown in applicant's precedent images.

Exhibit C - Supplemental Analysis of HD Optional Concept Plan for Greater Density

Potential for Higher Density on the Site. There is no mechanism to modify density in any of the Residential Medium zoning districts. Therefore, to achieve the density shown in the HD Optional Concept Plan, the applicant would be required to request a Comprehensive Plan Land Use change from Residential Medium to Residential High. From a land use compatibility standard as well as considering the topography and other site characteristics, staff believes the existing land use designation is appropriate. However, a land use designation change could be considered as a part of either the five year update to the BVCP that is currently underway, or concurrently with the annexation and initial zoning. Additionally, some of the concerns being raised relate more to unit size and relative affordability. Unit size and type are issues that could be addressed through the annexation and site plan.

Potential for Smaller Market Rate Units with Lower Price Point.

To determine if additional smaller market rate units on the site would result in potentially lower price points, staff looked at a similar Medium Density residential development that was built recently nearby. The Park Gables Condominiums located at 210 Arapahoe, less than one-half mile from the site and was built in 2007 with 13 attached and detached units. Figures C and D below illustrate an aerial and a photo of that development



Figures C and D: Park Gables Aerial and Site Photo

Based on real estate data, in combination with city Inclusionary Housing records, the following summary information was found regarding unit size and sales price of the medium density Park Gables Condominiums, as presented in Table B:

**Table B:
Example of Nearby Comparable Medium Density Residential Development
Market Rate Residential Units
versus Affordable Residential Units**

Unit Type	Unit Size	Selling Price	Income Range (persons per household)
Affordable Units:	1,200 – 1,500 sf	\$149,000 to \$179,000	\$47,600 - \$56,600
Market Rate Units:	1,600 – 2,025 sf	\$778,000 to \$825,000	\$203,000 - \$228,000
	2,140 – 2,500 sf	\$1 million to \$1.4 million	\$279,000 - \$358,000

As can be noted from Table B, the permanently affordable units in the nearby example are affordable to low/moderate income households consistent with Inclusionary Housing pricing and middle income households. However, in comparison to the affordable unit prices, the market rate units jump up in price by \$600,000 to \$1 million dollars. In this instance, it is evident that there is very little advantage for smaller market rate units impacting affordability likely due to the location near the mouth of Boulder Canyon and surrounded by open space.

Exhibit C - Supplemental Analysis of HD Optional Concept Plan for Greater Density

Conclusion. While the applicant could still request a change to the BVCP Land Use to high density, the challenge to such a change would be the constrained site with steep slopes and historic resources, as well as the existing medium density surroundings. Additionally, a higher density with smaller units would likely not produce lower price points for market rate units. Instead, given the request for annexation, the terms of an annexation agreement could include proportionally more permanently affordable units to low, moderate and/ or middle incomes and given the constrained site, potentially restrictions on unit size.