



**CITY OF BOULDER**  
**Planning and Development Services**

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**CITY OF BOULDER**  
**LAND USE REVIEW RESULTS AND COMMENTS**

DATE OF COMMENTS: **July 13, 2012**  
CASE MANAGER: **Karl Guiler**  
PROJECT NAME: **BOULDER CREEK COMMONS**  
LOCATION: **5399 KEWANEE DRIVE & 5697 SOUTH BOULDER ROAD**  
COORDINATES: **S02W01**  
REVIEW TYPE: **Annexation and Initial Zoning, Site Review and Preliminary Plat**  
REVIEW NUMBER: **LUR2006-00099 & LUR2012-00048**  
APPLICANT: **MICHAEL BOYERS**

DESCRIPTION: **1) ANNEXATION AND INITIAL ZONING: Request to annex 22 acres into the City of Boulder with Residential Low – 2 (RL-2) zoning.**

**2) SITE REVIEW AND PRELIMINARY PLAT: Proposal to subdivide and develop an existing 22-acre site with 50 congregate care units, six affordable duplex units, two affordable single-family units, and 63 market rate single-family units for a total of 121 dwelling units. New public rights-of-way are proposed between Kewanee Drive and 55<sup>th</sup> Street. The application will be processed simultaneous to the original Annexation and Initial Zoning application #LUR2006-00099 and will require review of both the Planning Board and City Council.**

**3) VESTED RIGHTS: The application also includes a request for vested rights pursuant to section 9-2-19, B.R.C. 1981.**

REQUESTED MODIFICATION FROM THE LAND USE REGULATIONS:

- Aggregation of open space across the site as permitted in RL-2 zoning through Site Review.
- Section 9-7-1, B.R.C. 1981, Minimum front yard setback: 12.5 and 16.5 feet where 20 feet is required. Section 9-7-1, B.R.C. 1981, Minimum front yard setback for covered parking areas: 18 feet where 20 feet is required.
- Section 9-7-1, B.R.C. 1981, Minimum side yard setback: 5 feet where one foot for every two feet of height is required.
- Section 9-7-1, B.R.C. 1981, Minimum rear yard setback: 15 feet where 20 feet is required.
- Section 9-9-11(f)(4)- Request to include landscape areas within the public right-of-way to count for no more than 10% of the required open space.

**I. REVIEW FINDINGS**

Planning Board reviewed a Concept Plan for this site in January 2012. The board's assessment is summarized in the "Area Characteristics and Planning/Zoning History" section within the Information Comments of this document. In general, the board was supportive of the proposed land use and community benefits associated with the project. The board did, however, request some site design alterations to make the open space within the project more naturalized and linear, rather than a central formal park, and the street system be more gridded and logical. The board also expressed its support of a street connection from Kewanee Drive to 55<sup>th</sup> Street. One board member was against any development of the site.

Staff finds the proposed site design accomplishes the requested Planning Board changes quite well and includes an appropriate attention to the quality of landscaping and general building designs. These elements contribute to an attractive and more logical site plan with pedestrian friendly streetscapes as required by the Site Review criteria of section 9-2-14(h), B.R.C. 1981. Staff has identified some aspects of the project, however, that will require improvement and modification to meet the Site Review criteria, as well as other changes that would be required to meet city development

codes.

Staff also agrees that the provision of 48% of the site as permanently affordable housing in the form of 50 attached senior congregate care units and five detached and duplex units in combination of the sensitive environmental areas to be preserved, constitute appropriate community benefit for the site. Staff has requested additional information to further assess the affordable units and has also noted the areas to be preserved be done so within conservation easements.

While Planning Board was generally positive about the direction of the project, the board identified that development of the site would not be supported unless it is thoroughly demonstrated through detailed studies that are cross-verified with the neighborhood representatives that the engineering will function to avoid flood and groundwater impacts to surrounding areas. To this end, staff is bringing forward a resolution for the consideration of Planning Board on August 2, 2012, that would require cooperation between the neighborhood and the applicant to share data and avoid situations where last minute information is presented to the Planning Board.

Before moving forward with scheduling for Planning Board, the detailed comments within this document must be fully addressed. Revisions are necessary to meet the Site Review criteria, as well as the Land Use Code and the Design and Construction Standards (DCS). Engineering reviewers have also requested updates to the traffic study and revisions the Drainage Report and plans. Section II of this document below outlines in detail the refinements and information required.

Staff understands the complex relationship between meeting the requirements listed within this document and would be happy to meet with the applicant to discuss the comments and assist in meeting code criteria and standards. To set up a meeting, please contact the Case Manager, Karl Guiler, at 303-441-4236.

**Please review and address all comments in this document and submit 10 revised review sets and written responses to the comments to the Project Specialists within 60 days.** If submittal is not possible in that time frame, please inform the Case Manager of the reason for delay. If the applicant demonstrates that there is a good faith reason for the delay and that work is continuing on addressing the comments, the City Manager may extend the review time. If no review sets are received in this time and the applicant does not contact the Case Manager, the project will be considered withdrawn.

Questions regarding process and zoning related items should be forwarded to the Case Manager (Karl Guiler, 303-441-4236). Otherwise, specific questions about reviewer comments should be forwarded to the specific reviewer identified in each section.

## II. CITY REQUIREMENTS

### Access/Circulation

1. The submitted Traffic Impact Study is based on existing traffic counts that were conducted on Tuesday April 24 and Wednesday April 25. The adjacent Manhattan Middle School opens at 8:40 am on Tuesdays and at 9:30 am on Wednesdays. The morning peak hour traffic counts occur between the hours of 7 am and 9 am. In comparing the existing traffic counts at the intersections of Manhattan with Baseline Road and Manhattan with South Boulder Road (both of which were counted on Tuesday April 24), the counts at the intersection of Manhattan and Kewanee (counted on Wednesday April 25) appear low. The traffic study must be revised to explain this discrepancy, boost the volumes at Kewanee to account for school traffic, or recount the intersection of Manhattan and Kewanee on a day that captures school traffic. (Heidi Schum, 303-441-4276)
2. Key results from prior traffic studies appear to have been incorporated appropriately and there are only minor editorial comments as follows:
  - The second bullet on Page 25 refers to South Boulder "Drive".
  - On Figure 12, the daily traffic on Manhattan just south of Kewanee has an apparent minor math or typographical error.  $660 + 115$  does not equal 788.
3. There is one correction necessary for the TDM Plan. The Zone 1 Pricing has changed, and there is also an addition of 10% to Year 2 and 3 to ensure there is enough money in the escrow account (see below):

RTD NECO Pass Pricing

Zone:

2012 Household Cost

Units

Year	Year 1	Year 2	Year 3	Total to put in Escrow
Eco Pass Cost	\$113	\$124.30	\$136.73	
Units	71	71	71	
	\$8,023	\$8,825	\$9,708	<b>\$26,556</b>

**Affordable Housing** Michelle Allen, Senior Housing Planner 303-441-4076

Pending resolution of the Community benefit issues identified in the section of this document titled "Annexation and Community Benefit considerations" below, the applicant proposes 48% of the housing units, be permanently affordable. The affordable housing is proposed to include two single-family and six duplex units and a 50 unit congregate care permanently affordable senior stack flat apartment building with unit floor areas that range from 575 to 850 sq. ft.

1. No floor plans were included for the two affordable single family homes on 45' wide lots, please provide at the next submittal.
2. Duplexes:
  - a. Duplex #1 is well designed and meets the Affordable Housing requirements and Livability Guidelines.
  - b. Duplex #2 is awkward and an inefficient use of space and is not acceptable as an affordable unit as designed. The kitchen, dining, living area is broken up by the entry and the living room space is very small, smaller than the bedrooms. The upstairs could be extended over the current living room area and reconfigured into two bedrooms and two baths. The master bedroom, full bath and living room downstairs could be combined into a usable dining/living area. The large master closet could be accessed from the foyer entry from the garage and function as a pantry. The applicant should meet with housing staff to confer on an acceptable design for this unit.
  - c. The congregate care building needs to include details for communal cooking and dining area. There does not appear to be an outdoor patio area for the use of the residents. However, careful design of Outlot G could function in that capacity. The units would benefit from being larger, at least 100 sf each per the two models and need to include more storage including an entry closet and pantry.

Once the Annexation and Site Review are approved, a Determination of Inclusionary Housing Compliance form, Voluntary Affordable Housing Agreement, and deed restricting covenants to secure the permanent affordability of the units must be signed and the latter two documents recorded prior to application for any residential building permit. Security, if used to defer construction must be in place prior to application for a building permit. The permanently affordable single family and duplex units must be marketed concurrent with market-rate units. Affordable pricing will be determined when the deed restricting covenant is signed. Additional requirements may be found on-line at [www.boulderadffordablehomes.com](http://www.boulderadffordablehomes.com) click on "Are You a Developer?"

**Building Design** Karl Guiler, Case Manager, 303-441-4236

1. Staff finds that the form, fenestration and general design of the proposed congregate care building is appropriate and consistent with the Site Review criteria with the exception that to meet section 9-2-14(h)(2)(F)(iv),(v), and (xii) listed below, the following additional information and modifications are required:
  - Revise the elevations to indicate the proposed colors and materials and submit a colors and materials board or like information for staff to evaluate the quality of the materials and the general appearance for compatibility with the surrounding area.
  - The blank walls around the stair well must be updated with additional windows and/or other features to increase visual interest. If necessary, stairwells could be reoriented and/or better integrated into the structure to have units on the ends with windows.

- The proposed building orients to the internal parking lot, which is counter to the criteria below that require building forward design and pedestrian entrances from the street. Staff sees an opportunity to add an additional entry to the building from the 55<sup>th</sup> Street side that would connect to the entry foyer area. The entrance should provide an attractive face of the building from 55<sup>th</sup> with an appropriate emphasized pedestrian entry on that side. Staff expects that there would be some pedestrian traffic that would use that side to access the East Boulder Recreation Center and the nearby open space.

Applicable Site Review criteria:

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

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

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

2. To meet the criteria listed above, it is also necessary to provide colors and materials information to the single-family homes. Further, staff finds that a requirement for windows in the garage doors should be required and single doors or the appearance of single doors be consider for the garages to reduce their visual impact. The following modifications should also be considered to meet the criteria above as well as section 9-2-14(h)(2)E)(iii), B.R.C. 1981, which states: “*Parking areas and lighting are designed to reduce the visual impact on the project, adjacent properties, and adjacent streets.*”

- Garages should be no closer than 20 feet from the front property line as to avoid the garages being a prominent visual element on the streetscape. Staff also questions the placement of the recycling/trash enclosure within that setback and suggests an alternative location. Building code requirements for fire separation would also be necessary for the proposed position of the enclosure. For pedestrian interest and to make the garages less apparent, minimum front porches of at least 60 square feet should also be provided along the front of the homes.

3. Section 9-2-14(h)(2)(F)(xi), B.R.C. 1981 requires the following:

*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.*

Please provide additional information demonstrating that this criterion will be met.

**Drainage** Scott Kuhna, 303-441-4071

1. The inflow point for runoff from the Senior Housing Building (Basin A8) into Detention Pond 2 is shown directly adjacent to the outlet for Detention Pond 2. Per the UDFCD Drainage Criteria Manual – Vol. 3 the flow length through the Extended Detention Basin (EDB) shall be at least twice as long as the width of the EDB (Flow length  $\geq 2w$ ). Clarification on the plans and in the *Preliminary Storm Water Report for Boulder Creek Commons Subdivision (Drainage Report)* is required.
2. Per Section 7.12(C)(4) of the DCS the undetained drainage area may not exceed five percent (5%) of the entire parcel and tributary basin to be developed or redeveloped and the release rate may not exceed twenty five percent (25%) of the historic release rate from the entire parcel. Basins A1, A2, A3, B1, B2, and C discharge from the site undetained. Basins A1, B2, and C will not be developed and are not of major concern, but basins A2, A3, and B1 will be developed. Revise the plans and *Drainage Report* as necessary. The basin areas should be added to the “Proposed Conditions – Storm Water Flows by Basin” chart on the Preliminary Drainage Plan West Parcel plan (Sheet DR2).
3. The Runoff Coefficients (C) used for the “Residential: Single Family” areas of the subdivision do not match the requirements of Table 7-2 in the DCS. Revisions to the *Drainage Report* are required.
4. In determining the required Water Quality Capture Volume ( $V_{wq}$ ) for the EDB’s on site, basins A4, A7, A8, and A9 were used for the calculation; however, basins A5 and A6 were not. Clarification in the *Drainage Report* needed.

5. The Capacity Analysis of Composite Channel worksheets in the *Drainage Report* contain freeboard calculations for  $Q_{FB}=Q_{SBC} + 1/3 Q_{SBC}$  which appear to be incorrect. For the DCD-1 design flow  $Q_{FB}=135.35 + 1/3*135.35=180.47\text{cfs}$  (where 175.96 cfs is shown). For the DCD-2 design flow  $Q_{FB}=177.50 + 1/3*177.50=236.67\text{cfs}$  (where 230.75 cfs is shown).
6. The *Drainage Report* does not contain a discussion of how the existing groundwater on the property may affect the capacity and functionality of the proposed detention ponds. Revise accordingly.
7. The plans show low points (sump conditions) in the public streets between Lots 6 and 7 and south of Lot 53. An overflow release is required for storm events larger than the major design storm or when inlets clog or fail. The overflow shall be designed to release runoff in a direction and manner that will not adversely affect adjacent and downstream properties.

**Flood Control** Katie Knapp, 303-441-3273

The South Boulder Creek Flood Mitigation Planning Project has identified several alternatives to alleviate flooding conditions within the South Boulder Creek floodplain. The latest report (dated June 2012 and available at [www.southbouldercreek.com](http://www.southbouldercreek.com)) describes five alternatives that have been refined and an engineering recommendation. Three of these alternatives (including the engineering recommendation) include improvements to Dry Creek Ditch along the western edge of the project site. Please include information in the Preliminary Stormwater Report to illustrate that the proposed Boulder Creek Commons project would not impede these potential future improvements.

**Fees**

Site Review

Please note that 2012 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.

Annexation

1. Prior to first reading of the annexation ordinance, the applicant shall pay a Storm Water and Flood Management Utility Plant Investment Fee (based on an impervious area of 2,025 square feet and a fee of \$1.78/square foot of impervious area) of **\$3,604.50**.
2. Upon annexation, this property will be subject to a Storm Water and Flood Management Utility monthly fee based on current rates as described in the Boulder Revised Code, 1981.
3. Water and wastewater Plant Investment Fees (PIF's) will be evaluated at time of building permit application for each of the dwelling units.
4. Based on city records there are no outstanding utility main reimbursements (water and sewer) owed by this property.

**Fire Protection** David Lowrey, 303.441.4356

1. Hydrants: additional fire hydrants will be needed on the two new west streets. Somewhere around lot 30 or 31 on one street and lots 49 or 50 on the other street. We also need to see where the existing hydrant is on Kewanee Dr. to see an any more would be required on the west end.
2. Access streets: City of Boulder Design and Construction Standard requires Emergency Access Lanes (Section 2.10) to be a minimum of 20 foot clear width. It appears that with the parking on both sides of the streets you will only have 16 feet of clear width. Please provide the required 20' of unobstructed clear width.
3. Congregate care facility is required to be fully fire sprinklered (fire line is shown on utility plan) and fully alarmed.

**Land Uses** Karl Guiler, Case Manager, 303-441-4236 and Michelle Allen, Housing Planner, 303-441-4076

Annexation and Initial Zoning application

Annexations must comply with Colorado Revised Statutes (C.R.S.) 31-12-101 et seq. Staff has reviewed the annexation petition for compliance with C.R.S. 31-12-104 and C.R.S. 31-12-105, and finds that actions must be taken to be consistent with those sections, as follows:

1. An updated annexation petition is required, which includes the signatures of all involved properties, for submission to the City Clerk. The new application indicates that Boulder Creek Commons, LLC is the owner of the property as represented by Michael Boyers. The original petition includes the signatures of Hogan and Pancost,

the previous property owners.

2. Annexation Map:

- a. Revise the Annexation Map to include the 55<sup>th</sup> Street right-of-way within the area to be annexed.
- b. Revise the Property Description to include the 55<sup>th</sup> Street right-of-way. Revise the references to reception numbers in the last two paragraphs to include the applicable film numbers. Revise the last paragraph to be more specific regarding the “part” of a right-of-way conveyed to the City of Boulder per Quit Claim Deed recorded on Film 1580 as Film \_\_\_\_\_, Reception Number 00983929.
- c. Revise the map to not show the following:
  - i. 10’ Telephone Easement, “Conservation Open Area”, the portion of ROW for 55<sup>th</sup> Street (everything north of the property line) to be vacated. The City requests that the details such “Parcel I” and “Parcel II” labels as well as the dashed line between “Parcel I” and “Parcel II” be removed. Information regarding surround properties should be in light grey type. Less detail should be shown on the area west of the property being annexed. (Note: The primary purpose of this map is to show the exterior property boundaries of the area being annexed.)
  - ii. Depict the “City Limits” in a darker font and perhaps using cross-hatching to clearly depict the City Limits.
- d. Revise Note #1 so as not to mention a “reserved conservation easement”. (Note: In Paragraph 1 of the Agreement, it states that “Hogan covenants for itself, its successors and assigns that Hogan shall, by covenant, plat restriction, grant of conservation easement or other means reasonable satisfactory to the City Manager, commit as open area not subject to building or development a minimum of 21,055 square feet. Part of this requirement shall be satisfied from the eastern portion of the northeaster remainder of the Hogan Property, as depicted on the map attached hereto as Exhibit 3 in the approximate location designated by the vertical-lined area, the precise extent of which shall be determined by the City Manager and committed as open area by Hogan at the time of annexation of the Hogan Property.” The full extent of the area to be committed as open area will be shown on the preliminary plat.)

3. Please be advised that because the site is greater than 10 acres, Colorado Revised Statutes require an annexation impact report per C.R.S. 31-12-108.5. The CRS section is below:

*31-12-108.5. Annexation impact report - requirements*

*(1) The municipality shall prepare an impact report concerning the proposed annexation at least twenty-five days before the date of the hearing established pursuant to [section 31-12-108](#) and shall file one copy with the board of county commissioners governing the area proposed to be annexed within five days thereafter. Such report shall not be required for annexations of ten acres or less in total area or when the municipality and the board of county commissioners governing the area proposed to be annexed agree that the report may be waived. Such report shall include, as a minimum:*

*(a) A map or maps of the municipality and adjacent territory to show the following information:*

*(I) The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;*

*(II) The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and*

*(III) The existing and proposed land use pattern in the areas to be annexed;*

*(b) A copy of any draft or final pre-annexation agreement, if available;*

*(c) A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation;*

*(d) A statement setting forth the method under which the municipality plans to finance the extension of the*

*municipal services into the area to be annexed;*

*(e) A statement identifying existing districts within the area to be annexed; and*

*(f) A statement on the effect of annexation upon local-public school district systems, including the estimated number of students generated and the capital construction required to educate such students.*

#### Annexation and Community Benefit considerations

Per the Boulder Valley Comprehensive Plan (BVCP) proposed annexations with additional development potential need to demonstrate community benefit consistent with BVCP policy **1.27 Annexation** (listed within Section III of this document) to offset the negative impacts of additional development in the Boulder Valley.

The policy and practice for the past several years has been that 50% of the new development be permanently affordable to low and middle income households, usually split evenly between the two income groups. As little as 45% of the new development could be provided as permanently affordable to low and middle income households if other important community benefits are provided in the proposed development. The applicant proposes 48% of the housing units, be permanently affordable and the protection and restoration of wetlands as community benefits. Staff finds that this percentage of units and the proximity of senior units to the senior center and recreation amenities (e.g., the East Boulder Recreation Center and city-owned open space) in combination with the effort to preserve sensitive environmental areas of the project may be valid community benefits dependent on resolution of the issues identified below.

These are described in more detail below:

#### ⇒ **Permanently affordable housing:**

The 58 units proposed as affordable include two single-family and six duplex units and a 50 unit congregate care permanently affordable senior stack flat apartment building with unit floor areas that range from 575 to 850 sq. ft. The market units include 63 approx. 2,500 sf. ft. single family homes. To make up for the discrepancy in size and type, the affordable apartments should provide deeper affordability than usually acquired through annexation.

1. The applicant is proposing that three duplexes and two single family homes, or 6.6% percent of the housing be permanently affordable to middle income households. All fifty or 41% of the housing would be permanently affordable to lower income senior households as follows:

- 6 units with rents set to be affordable to households earning 30% of the area median income
- 5 units with rents set to be affordable to households earning 40% of the area median income
- 4 units with rents set to be affordable to households earning 50% of the area median income
- 35 units with rents set to be affordable to households earning 60% of the area median income

Rents affordable to households earning 60% of the area median incomes are comparable to what is available in the non-affordable rental market and as such do not represent adequate community benefit. Deeper affordability, with an approximate equal mix of units affordable to households earning 30, 40 and 50% of the area median income, is needed for the city to support the proposal. Please propose a mix that will meet these requirements.

2. Please clarify how the affordable senior apartments will meet the requirement to be constructed concurrent to the single family homes. Up to sixteen single family homes may be constructed concurrently or after the two affordable single family homes and three affordable duplexes receive a certificate of occupancy. Any further development will need to be concurrent or after the construction of the affordable senior apartments. The concurrency may be deferred for up to three years if adequate security is provided to ensure the affordable senior apartments are constructed in a timely manner.

4. Additional comments about the specific unit designs proposed are provided under "Affordable Housing" above.

#### ⇒ **Environmental preservation:**

BVCP Policy 1.27 indicates that preservation of sensitive environmental lands can also constitute community benefit. In the case of this project the eastern parcel is proposed to be preserved within an outlot and would be the location of mitigated wetlands (other areas on the site would include mitigated wetlands as well). Staff finds that to fully meet this intent to preserve the sensitive areas, Outlot K, the eastern parcel and location of wetlands, must be preserved within a conservation easement. Further, as an agreement dated October 20, 1993 requires (attached), at least 21,055 square feet of land on the easternmost portion of the Parcel I must be preserved. This could include Outlot J, but may require an increase in the size of that outlot to meet the minimum land area for preservation.

**Landscaping** Elizabeth Lokocz, 303-441-3138

This was a very good initial submittal. Staff appreciates the attention to detail at this stage of design development. In particular, the open space and water quality areas well integrated. Respond to the following comments for the next submittal. Contact staff with any questions.

1. At the next submittal, label all proposed trees and include total quantities for trees and shrubs in the Plant Palette. For the final submittal, label all shrubs and preferably perennials as well.
2. Clarify the intent of the “no planting zone” hatch. Is this intended to refer to trees specifically? Trees may be placed within sight triangles if they are large maturing high canopied trees that will not conflict with the clearance requirements.
3. Lots 58 through 68 along the northeastern project boundary may need some additional coordination with the proposed grading plan. The architectural plans illustrate useable patios and open space; however that doesn't appear feasible when compared to the grading of these lots.
4. The proposed trash enclosures in the frontyard setback seems like a poor solution for storage. Incorporate trash into the garages (preferred) or a screened space in the sideyard setback.
5. Provide a Landscape Requirements table for the open space and street trees for the entire project similar to the one provided for the Congregate Care Facility. In the Congregate care facility table, include the linear frontage for the streets being included.
6. There are a number of street trees in smaller planting areas that should be centered within the planters or adjusted to be no closer than three feet from the edge of the adjacent driveway (four or more is preferable). This may result in some variation in tree spacing which is preferable in these conditions. Check all lots, but in particular adjust lots 16/17, 18/19, 22, 28/29, 30, 40, 42/43, 44/45, 46, 48/49, 66, 67, etc.
7. Outlot G has multiple tree/path conflicts; please revise.
8. The civil plans omit the proposed trees adjacent to lots 8 and 9. Please coordinate.
9. Utility services and trees need to be adjusted on lots 6, 26, 40. Coordinate with all utilities engineering comments.
10. Add lot numbers to the landscape sheets for easier reference and coordination.
11. Its staff's opinion that one master Plant List is easier to use at this stage of the project. If for construction documentation it's easier to break out the plant lists by area, that is an acceptable alternative later in the review process.
12. Plant selection comments:
  - a. No Ash will be approved for this project due to overplanting citywide. Use instead, Swamp White Oak (*Quercus bicolor*), American linden (*Tilia Americana* – NOT Little Leaf), or Kentucky Coffeetree (*Gymnocladus dioicus*).
  - b. The Common Hackberry cultivar 'Prairie Pride' should be substituted with the straight species.
  - c. Shademaster Honeylocust should be substituted for the Imperial.
  - d. The Norway Maple should be deleted due to sunscald. Other maples should not be substituted due to soil conditions.
  - e. Substitute Russian Hawthorne (*Crataegus ambigua*) for the Winter King Hawthorne for species diversity.
  - f. Specify which crabapples will be used.
  - g. Austrian Pine and Ponderosa Pine should be substituted with Southwestern White Pine (*Pinus strobiformis*) and White Fir (*Abies concolor*) due to mountain pine beetle and species diversity.
13. The large conifers specified in the Plant Palette should be evaluated for pricing and availability. They are not always easily found and sometimes do not justify the increase in price. If approved as part of the Site Review, the project is committed to the larger sizes.
14. Specify what kind of mulch is intended in Planting Note #8 on Sheet L5.
15. Informational: the applicant should be aware that any street tree in an access easement remains the full responsibility of the adjacent property owner and/or HOA. Rotational pruning and hazardous tree inspections and removals typically performed by the City Forestry Division on public street trees will NOT apply to these privately owned trees.

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

1. The Applicant is required to provide an updated annexation petition (on behalf of Boulder Creek Commons, LLC)

signed by the person authorized to sign on behalf of the LLC. Documentation (such as a operating agreement or Statement of Authority) confirming who can sign on behalf of the LLC is also required.

2. Prior to signing both the annexation and development agreements, the Applicant will be required to provide an updated title commitment current within 30 days of signing each agreement.
3. The mineral estate letter must be signed by either the applicant or property owner.

#### **Neighborhood Comments**

Karl Guiler, Case Manager, 303-441-4236

Staff has received some written comments on the proposal and will forward to the applicant for review.

#### **Plan Documents**

Karl Guiler, Case Manager, 303-441-4236

##### Site Development Plans

1. Add zoning data (e.g., parking requirements, floor area, number of units etc.) related to the Congregate Care building to Sheet A7. Also, add the proposed 20 foot setback to Kewanee Drive on that plan.

##### Preliminary Plat

1. Add a sheet that better depicts existing conditions (e.g., trees, contours, ditches etc.)
2. Per section 9-12-6(a)(2), B.R.C. 1981, add the names of all abutting subdivisions (e.g., Keewayden Meadows).
3. Per section 9-12-6(a)(4), B.R.C. 1981, designate the north arrow as true north.
4. In accordance with section 9-12-6(a)(14), include the floodplain designations, estimated flow rate and base flood elevations on the preliminary plat. Also include the source of the floodplain information and a statement that this information is subject to change.
5. Section 9-12-12(a)(1)(E), B.R.C. 1981 notes that double frontage lots avoided. The lots for the Congregate Care building would not technically meet this section and would require a waiver pursuant to section 9-12-12(b)(2), B.R.C. 1981. Please provide a statement as to why this situation "*provides an improved design of the subdivision.*"
6. Section 9-12-12(a)(1)(K), B.R.C. 1981- Add note that at least one deciduous tree of two-inch caliper required per lot.
7. See section 9-12-12(a)(4)(E) and (G), B.R.C. 1981. Staff will await revised plans to determine whether the project minimizes flood damage as required by these sections.
8. Outlot Table: Add proposed ownership information. Also, add a reference to "Outlot H". For those outlots with detention ponds, state that specific purpose in the "usage."
9. Revise the 2<sup>nd</sup> paragraph of Note #1 and the plat map so as not to mention a "reserved conservation easement". (Note: In Paragraph 1 of the Agreement, it states that "Hogan covenants for itself, its successors and assigns that Hogan shall, by covenant, plat restriction, grant of conservation easement or other means reasonable satisfactory to the City Manager, commit as open area not subject to building or development a minimum of 21,055 square feet. Part of this requirement shall be satisfied from the eastern portion of the northeaster remainder of the Hogan Property, as depicted on the map attached hereto as Exhibit 3 in the approximate location designated by the vertical-lined area, the precise extent of which shall be determined by the City Manager and committed as open area by Hogan at the time of annexation of the Hogan Property." The full extent of the area to be committed as open area will be shown on the preliminary plat, not just the area shown as the "approximate location" of part of the open space area as described the Settlement Agreement.) However, if the applicant is going to dedicate a conservation easement over Outlot J (as may be modified) and Outlot K, then please add labels accordingly.
10. Revise the 4<sup>th</sup> paragraph of Note #1 to address that the area north of existing 55<sup>th</sup> will be vacated by ordinance and the reception number will be shown on the preliminary plat.)
11. Whenever possible, add the actual street names (in particular, Kewanee Drive is a known street name). Then, add labels to each street that they are "to be dedicated." If a street name is not yet known, the following is sample of how it could appear:

(to be dedicated)

12. For each easement label, please ensure that the type of easement is identified. For instance, instead of "8' Easement", the label should be revised to read as follows: "8' Utility Easement."
13. Add the following to the label for the area of the 55<sup>th</sup> Street to be vacated:  
  
(Vacated by Reception No. \_\_\_\_\_).
14. Add a label to clarify the purpose of the area between Lot 65 and Lot 66. If it is ROW, then add a label such as the one shown in comment #10 above.

**Site Design** Karl Guiler, Case Manager, 303-441-4236

1. Overall staff finds that the designs of the open spaces are well-landscaped and will provide interesting pedestrian experiences through the site. Staff finds that this concept could be expanded somewhat by also providing an east-west pedestrian connection between Lots 14 and 15, 21 and 22, and 30 and 31 given the greater amount of spacing in those areas. This mid-block connection should be considered along with a connection behind Lots 53, 54, and 55. These changes would make the project more consistent with section 9-2-14(h)(2)(D)(iii), B.R.C. 1981, which states: "*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.*"
2. Section 9-2-14(h)(2)(A)(i), B.R.C. 1981 requires that "*Useable open space is arranged to be accessible and functional and incorporates quality landscaping, a mixture of sun and shade and places to gather.*" To enhance the functionality and attractiveness of certain open space nodes within the development, staff suggests the incorporation of benches, picnic table areas and/or play structures. Outlots G and H would be the greatest opportunity sites for these features.
3. Section 9-2-14(h)(2)(D)(iv), B.R.C. 1981 requires that "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." Staff finds that to meet this provision bicycle parking should be provided in a convenient and accessible location by the congregate care building.
4. The TDM plan shows a pedestrian connection traversing north-south on Outlot F up to the park; however, the site plan does not show this connection. Please clarify.

**Utilities** Scott Kuhna, 303-441-4071

Site Review

1. Fire hydrant locations must meet the coverage requirements outlined in Section 5.10 of the City of Boulder *Design and Construction Standards (DCS)*. Per the standards, there shall be no more than 500 feet of fire access distance between hydrants and no dwelling unit shall be over 250 feet of fire access distance from the nearest hydrant. Additional hydrants are required near the southwest/west portions of the proposed subdivision.
2. The plans show proposed water and wastewater mains behind the back of curb in several areas throughout the site primarily near intersections. Manholes and valve boxes may not be placed in landscaped areas behind the curb.
3. Only one (1) domestic water service and one (1) wastewater service line are permitted for duplex residential units. Revise the plans accordingly.
4. The applicant has submitted a *Preliminary Utility Report for Boulder Creek Commons*. Per Sections 5.02 and 6.02 of the *DCS*, there are no "preliminary" or "final" utility report requirements, but only one (1) Utility Report. All of the requirements of Sections 5.02 and 6.02 of the *DCS* must be met in the Utility Report at this time (Site Review).
5. The *Preliminary Utility Report for Boulder Creek Commons* shows that under the Peak Day + Fire Flows scenario of the water model, Pipe 12 has a velocity of 10.38 feet per second (where 8 feet per second maximum is allowed). Upsizing of the proposed 8-inch water main in this area may be necessary.

Annexation

1. Prior to 1<sup>st</sup> Reading of the Annexation Ordinance at City Council, a petition to join the Northern Colorado Water Conservation District (NCWCD) and the Municipal Sub-district must be filed with the NCWCD for the subject property and a copy of the application submitted to the city. Please contact Marilyn Conley with the NCWCD at 970-622-2216 regarding NCWCD Sub-district applications and fees. Upon completion, the NCWCD will supply the applicant with a

signed court order. A copy of this signed court order must be submitted to the city prior to final engineering approval to confirm NCWCD Sub-district inclusion.

2. As a condition of annexation, the applicant is required to abandon any existing septic systems in accordance with Boulder County Health Department and State regulations.

**Wetlands** Katie Knapp, 303-441-3273

1. In the Wetland Mitigation Plan, page 6, Section 5.4, please revise the date of the annual monitoring report to September 1.
2. On page 7 of the Wetland Monitoring Report, please revise the success criteria of Section 5.5.4 to include a requirement that there are no Colorado A list noxious weed species present.
3. In the Wetland Mitigation Plan, please include the areas of the different proposed wetland areas depicted in figures 5 and 6.

**Wildlife Management** Valerie Matheson, Wildlife Coordinator, 303-441-3004  
The prairie dog removal statement has been reviewed and is considered accurate.

**Vested Rights** Karl Guiler, Case Manager, 303-441-4236

A request for vested rights is included in the application. Please note the applicant's specific responsibilities as outlined in section 9-2-19(b), B.R.C. 1981:

Establishing a Vested Property Right: In order to establish a vested property right as defined in section 24-68-102(5), C.R.S., for a site specific development plan, the applicant shall meet all of the following requirements:

- (1) Public Hearing Required: For those site specific development plan approvals not requiring a public hearing before the planning board, the applicant shall request, in writing, that its application be referred to the planning board for hearing under the city manager's discretionary power pursuant to paragraph [9-2-7\(b\)\(1\)](#), B.R.C. 1981. The city manager will refer any such requested application to the planning board for public hearing pursuant to subsection [9-4-4\(d\)](#), B.R.C. 1981.
- (2) Elements of Plans to Be Vested: The applicant shall state clearly in its application those specific elements of the plan in which the applicant seeks to create vested rights, including, without limitation, type of use, density, building height, building footprint location, and architecture.
- (3) Notice of Approval: If a site specific development plan is approved by the planning board, the applicant shall cause a notice advising the general public of the site specific development plan approval and the creation of a vested property right to be published in a newspaper of general circulation no later than fourteen days following final approval. Further, the applicant shall provide the city manager with the newspaper's official notice of said publication no later than ten days following the date of publication.
- (4) Compliance With Conditions of Approval: The applicant shall meet and maintain all conditions of final approval for the site specific development plan.

**Xcel Energy** Robert Voegely, 303-245-2395

Review Criteria Are Not Met. Public Service Company will require separate easements(s) for the proposed and existing gas and electric facilities that will serve this project. This will be done on our standard utility form and must be executed prior to signing the final plat and shown on the final plat with the reception number. Please contact Bob Voegely at 303-245-2395 or [bob.voegely@xcelenergy.com](mailto:bob.voegely@xcelenergy.com) concerning the size and location of the required easement(s), or if you have any questions.

**Zoning** Karl Guiler, Case Manager, 303-441-4236

Site size

The land survey indicates a total site size of 22.17 acres, including the main parcel west of 55<sup>th</sup> and the open space parcel east of 55<sup>th</sup>. This figure also includes a land area of 55<sup>th</sup> Street not currently used for right-of-way that needs to be vacated. This will require a separate Land Use Review application to vacate public right-of-way, which requires City Council decision. This action should occur simultaneous to the City Council's consideration of the Annexation and Initial Zoning and the Site Review applications.

Density

Address: 5399 KEWANEE

There are a two different of ways to calculate density on the site based on the city density calculations whereby three congregate care units can equate to one dwelling unit. See below.

<b>Density considering congregate care units on a 1:1 ratio</b>	
121 units / 22.17 acres	5.45 du/ac
<b>Density considering congregate care units on a 3:1 ratio</b>	
88 units / 22.17 acres	3.9 du/ac

#### Initial Zoning

The application indicates that Residential Low -2 (RL-2) zoning would be proposed. This zoning is appropriate as the density would be within the two to six dwelling unit per acre range (as discussed above) and also considering the surrounding single-family and open space context. Further, the nearby Greenbelt Meadows neighborhood was developed under that zoning. As staff supports the inclusion of Congregate Care, a use not ordinarily permitted in RL-2 zoning, a special exception will be incorporated into the draft Annexation Agreement for the site.

#### Congregate Care

The applicant must demonstrate that the proposed senior units qualify as congregate care by submitting a detailed written statement that demonstrates that the use meets the definition in Chapter 9-16 of the Land Use Code and that the standards in sections 9-6-3(f), "Residential Care, Custodial Care, and Congregate Care Facilities," B.R.C. 1981 and 9-8-6(g), B.R.C. 1981, "Occupancy Equivalencies for Group Residences," B.R.C. 1981.

Please note that staff is processing amendments to section 9-6-3(f), B.R.C. 1981 and the definition to make sure that such uses operate as congregate care with expected services for seniors, a minimum number of units, and limitations on the unit sizes. At present, it is unclear whether the proposed changes will be adopted by City Council, but the proposal does not otherwise appear to be inconsistent with the proposed changes.

Also, congregate care uses have density calculations that are different from typical dwelling units (i.e., three congregate care units equals one dwelling unit for density purposes). In general, congregate care uses are expected to have less of an impact on traffic given that the residents would be expected to be less independent than those living in apartments, but more independent relative to, for example, a nursing home.

As previously stated, the application must be very clear about the nature of the congregate care use and what the expected level of independence of its residents would be. Further, information about occupancy and number of employees would be necessary to assess the proposed use for potential impacts to the area.

It is also important to make sure that the use chosen for the trip counts in ITE accurately matches what is proposed and that the Transportation Demand Management strategies also coincide with what would be most useful for the residents as alternatives to the automobile.

#### Building Setbacks

1. RL-2 zoning district setbacks would apply. The following setback modifications have been identified:

- Section 9-7-1, B.R.C. 1981, Minimum front yard setback: 12.5 and 16.5 feet where 20 feet is required.
- Section 9-7-1, B.R.C. 1981, Minimum front yard setback for covered parking areas: 18 feet where 20 feet is required.
- Section 9-7-1, B.R.C. 1981, Minimum side yard setback: 5 feet where one foot for every two feet of height is required.
- Section 9-7-1, B.R.C. 1981, Minimum rear yard setback: 15 feet where 20 feet is required.

Please confirm that these are indeed accurate. Staff is generally supportive of the proposed setbacks to achieve a more traditional and less suburban streetscape. However, staff finds that some modifications cannot be supported as discussed in the 'Building Design' section above.

2. Based on the current design and build out of the single-family lots, demonstrate how accessory structures would be accommodated.
3. Indicate the patio height above grade. Please note that if greater than 30 inches it would have to be meet the building setbacks.

4. It appears that home floor plans are designed for lots with 50 foot and 55 foot widths. However, there are certain lots that fall below these widths. Please make sure that the buildings will meet setbacks for those lots if floor plans are to be standardized.

#### Building Heights

In the RL-2 zoning district, building heights would be limited to 35 feet using the definition of 'building height' in the Land Use Code and City Charter whereby the measurement is made from the lowest point within 25 horizontal feet of each building's tallest side. This measurement would be from existing natural grade and not the resultant grade for the building sites. As it appears that roughly four to five feet of fill is proposed for the site, it must be demonstrated that building will comply with the height limit. More specifically, demonstrate that the Congregate Care building would not exceed 35 feet from the existing natural grade on both the Site Development Plan and on the elevations using elevation points. Also provide examples of how the single-family and duplex buildings have been designed as to not exceed this limit on the elevation drawings. Staff will not support any height modifications on the site.

#### Building Massing/Floor Area

1. Please note that such regulations may be applied to the site irrespective of the zoning should the city find the bulk limiting standards would be necessary to ensure compatibility with the surrounding neighborhoods. Please review chapters 9-7, "Form and Bulk Standards," B.R.C. 1981 and 9-8, "Intensity Standards," B.R.C. 1981 for more information.
2. The calculated floor area for the residences is not done according to the definition of "floor area" within chapter 9-16 of the Boulder Revised Code. The calculations must be revised to include the garage, storage and unfinished areas. Staff has estimated floors areas ranging from 2,500 to 3,500 square feet, where substantially less is represented in the plans.

#### Development Standards

Please be advised that the project would be subject to all of the development standards of Section 9-9, Development Standards.

#### Parking

1. The parking requirements for the single-family units would be met with at least two parking spaces per unit. Please note that for the duplexes the following parking requirement would apply: *1 for 1-bedroom DU, 1.5 for 2-bedroom DU 2 for 3-bedroom DU 3 for a 4 or more bedroom DU.* With what appears to be two duplex units with the potential for three-bedrooms each, the duplex lots may not meet the parking requirements on the singular sites. Please demonstrate how the parking will be accommodated on the duplex sites or revise the plan to accommodate all parking spaces.
2. More information is required on the proposed Congregate Care use as section 9-6-3(f)((1)(B), B.R.C. 1981 states, *"off-street parking is appropriate to the use and needs of the facility and the number of vehicles used by its occupants, regardless of whether it complies with other off-street parking requirements of this chapter."* As noted during the Concept Plan review, a parking study is necessary at the Site Review stage to substantiate the proposed parking for the facility.
3. Add dimensions to the parking lot on the Congregate Care site showing that the minimum required dimensions are met. See section 9-9-6(d), B.R.C. 1981 for the specific parking design standards.

#### Open Space

1. Per RL-2 zoning, at least 6,000 square feet of open space per unit is required. This may be aggregated if approved through the Site Review process. This is common on RL-2 projects. Please review section 9-9-11, "Useable Open Space," B.R.C. 1981 to better understand what counts as useable open space. As open space would be aggregated and shared it would be necessary to be explicitly clear about how much expansion potential each single-family and duplex lot would have rather than having to recalculate open space on a case by case basis in the future. Further, to maintain the proposed amount of open space on the site, a minimum amount of open space must be designated for the congregate care site as to avoid any possible expansions in the future decreasing the expansion potential on the single-family lots.
2. On the Open Space plan remove the driveways from the duplex lots as area to be included in the open space as this exemption only applied to detached dwelling units per section 9-9-11(f)(3), B.R.C. 1981.

#### Outdoor Lighting

Please note that development of the lot will require compliance with Section 9-9-16, Outdoor Lighting.

### Signs

Please review section 9-9-21, "Signs," B.R.C. 1981, to determine whether the proposed monument signs would comply. If they do not and modifications are intended, the request for modifications must occur during the Site Review stage and not later.

### Solar Access

The property, as low density residential development, would become part of Solar Area II and would have to comply with the 25-foot solar fence limitation per section 9-9-17 of the Land Use Regulations. Staff has reviewed the Shadow Analysis Diagram and it appears that most of the homes would comply with the solar fence requirement. However, there are a number of properties where the lines cross property lines. This requires an analysis of the actual shadow length per Table 2 of the Solar Access handout. Please provide an actual shadow length analysis for each of the lots that have lines crossing the property lines.

### Occupancy of Dwelling Units

Please note the occupancy limits set forth in Section 9-8-5.

## **III. INFORMATIONAL COMMENTS**

### **Area Characteristics and Planning/Zoning History** Karl Guiler, Case Manager, 303-441-4236

An Annexation and Initial Zoning application was submitted in 2006 (#LUR2006-00099) and continues to be an active application. Several Concept Plan applications have been submitted since that time. Since 2000, three requests have been made by the South East Boulder Neighborhood Association to change the BVCP Planning Area from Area IIA to Area III-Rural Preservation; the most recent of which was made during the Year 2010 Major Update of the BVCP. As part of the Year 2000 major update to the BVCP, the city and county reviewed a land use suitability study of undeveloped Area II properties to determine their suitability for urban development as part of the consideration to change the Planning Area to Area III-Rural Preservation for the Hogan-Pancost site.

As part of that study, it was concluded by council that the west portion of the Hogan-Pancost site was suitable for residential development while the portion east of 55th Street would be more appropriate for environmental preservation. Consequently, the city and the county kept the site in Area II, changed the land use designation on the eastern portion of the site to Environmental Protection, and retained the existing Low Density Residential designation on the remaining portion of the site. Staff has recently recommended against a change to Area III-Rural Preservation pending the results of the environmental study and also to allow the processing of the annexation and initial zoning application. If it is determined through additional review of the application that the proposal to annex and develop the site is not supportable, reconsideration of the Planning Area change to Area III-Rural Preservation would be appropriate. Staff presented this option to City Council this year and the council agreed.

Previous efforts to annex and develop the property have faced significant neighborhood opposition related to environmental concerns including wetlands, ground water, flood and wildlife habitat as well as potential impacts to the surrounding neighborhood from additional density and traffic, resulting in the applicant withdrawing their application. Controversy also surrounded overlot grading to "contain groundwater seepage from irrigation ditches in the area" that occurred in 2008.

As part of a previous Concept Plan in 2007, which did not proceed to Planning Board for review and was subsequently withdrawn, the property owners agreed that prior to the submittal and review of a subsequent Concept Plan application, the property owners would provide staff with more detailed environmental analyses for the property.

These environmental analyses were completed by the applicant's consultants and were submitted to the city and city-contracted third party consultants for analysis. The studies were distributed to the neighborhood as well for their review. These studies were reviewed by the Planning Board at a public hearing on Jan. 6, 2011. At that hearing, Planning Board found that the studies affirmed that the site was suitable for development and noted that a Concept Plan specific to site and building design etc. could be submitted, although there were some follow-up items that that the board requested such as the more on-site testing of neighbors lots, including the East Boulder Recreation Center, if possible to understand the groundwater issues on the site, more analysis of the potential traffic impacts, and additional information related to wildlife mitigation strategies.

In late 2011, a new Concept Plan was submitted and analyzed by city staff and neighbors. Planning Board reviewed the plan on Jan. 19, 2012. In summary, the board ranged on agreement on the appropriateness of development on the site due to the information provided by the Concept Plan and public information provided. The board was unanimous that more scientific information will be needed at the Site Review due to the conflicting information with independent studies

prepared by the public. The chair recommended that information from the public be provided in advance so it can be analyzed by staff and the applicant in a timely manner, especially before the next hearing. This would allow both sides to analyze each other's reports and allow staff to provide an overview in the memo. The following other points were discussed:

#### Land Use Appropriate - RL2 zoning

The majority of the board felt the proposed land use and incorporation of senior housing was appropriate was appropriate. One board member felt the land uses were not appropriate and the site should be designated Area III, Rural Preservation, due to the lack of availability of services and transit.

#### Community Benefit

Regarding community benefit, some board members found the affordable housing benefit and the annexation acceptable, but there was concern about taking the middle income houses away from the senior affordable. Another board member felt that it wasn't acceptable to put 50 senior units in the floodplain.

#### General Design

The board agreed that the design needed to be simplified to be more gridded and with open space provided throughout the site. For the open space, the board acknowledged the area has a large city park next door, so the board would like to see a more creative use of the open space and have it flow better through the project and be more consistent with wildlife corridors ("fingers of open space"). Regarding the grid, the board would like to see a simpler plan that is easier to navigate and provides a better connection to the north. It was suggested to take advantage of the open space by having the homes on it instead of the roads.

#### Kewanee Drive

The board felt that from a city connection standpoint it makes sense to connect Kewanee to 55<sup>th</sup> Street to balance the traffic on 55<sup>th</sup>.

#### **Drainage** Scott Kuhna, 303-441-4071

1. A Final Storm Water Report and Plan will be required as part of the Technical Document Review process. All plans and reports shall be prepared in accordance with the City of Boulder *Design and Construction Standards*.
2. All inlet grates in proposed streets, alleys, parking lot travel lanes, bike paths, or sidewalks shall utilize a safety grate approved for bicycle traffic.
3. A construction stormwater discharge permit is required from the State of Colorado for projects disturbing greater than 1-acre. The applicant is advised to contact the Colorado Department of Public Health and Environment.

#### **Flood Control** Katie Knapp, 303-441-3273

1. The property is impacted by the 100-year floodplain. Any development within the 100-year floodplain is subject to the city's floodplain regulations and will require a floodplain development permit.
2. The floodplain development permits can be submitted prior to or concurrently with the building permit applications and shall contain certified drawings demonstrating that:
  - a. The proposed residential buildings will be elevated to the flood protection elevation, have structural components capable of resisting projected hydrostatic and hydrodynamic loads, and be constructed with materials resistant to flood damage.
  - b. Any proposed structures or obstructions in the floodplain, including trash enclosures and raised planters, will be properly anchored to prevent flotation, collapse, or lateral movement and be capable of resisting hydrostatic and hydrodynamic loads.
  - c. Proposed enclosures below the flood protection elevation will have the required openings intended to counteract hydrostatic pressures on the walls in accordance with section 9-3-3(a)(18)(B) B.R.C. The landscape design shall not prohibit flood waters entering and exiting the openings during flood events.

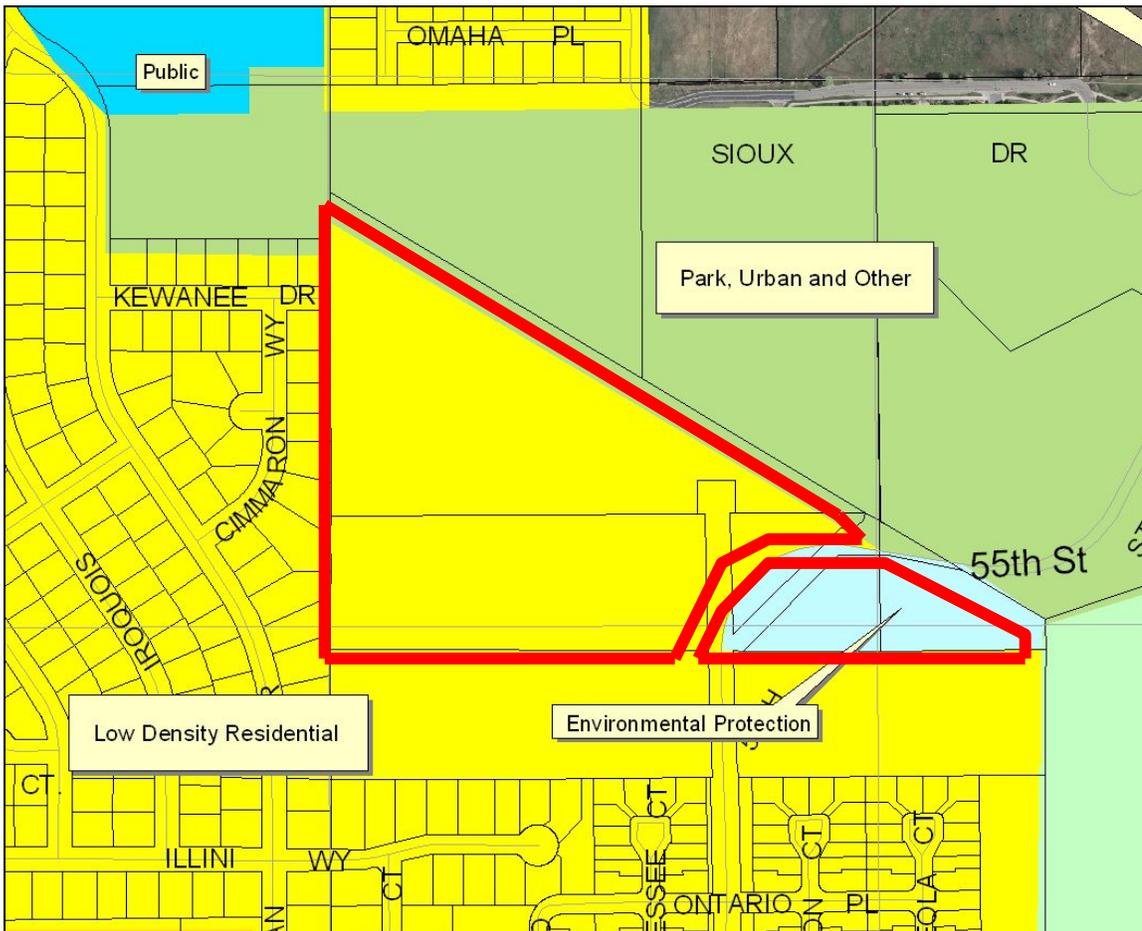
- d. The buildings will be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- e. Any proposed surface parking is not projected to flood to a depth greater than 18 inches in the event of a one-hundred year flood.
- f. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- g. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

**Irrigation Ditches and Laterals** Scott Kuhna, 303-441-4071

The applicant is responsible for obtaining approvals for any relocations or modifications to irrigation ditches or laterals from the impacted ditch company. This includes the crossing of any irrigation ditch or lateral for vehicular or utility purposes and the release of stormwater runoff into any ditch or lateral. The applicant is advised that revisions to any approved city plans necessary to address ditch company requirements may require reapplication for city review and approval at the applicant's expense.

**Land Uses** Karl Guiler, Case Manager, 303-441-4236

Currently, the subject property is not a part of the City of Boulder and remains under the jurisdiction of Boulder County. Although not part of the city at this time, the Boulder Valley Comprehensive Plan (BVCP) applies to the site. Development of the property, as proposed, would require Annexation to the City of Boulder. The current BVCP land use designation is Low Density Residential and Environmental Protection and is within Area IIA of the Boulder Valley Planning Area. Properties in Area IIA that have 1/6 of their boundaries contiguous to the city are eligible for annexation. The Low Density Residential designation in the BVCP Land Use Map allows residential densities of two to six dwelling units per acre. The BVCP land use map for the site and surrounding properties follows:



**BVCP land use of the site and surrounding properties.**

## BVCP Policies

Below are most applicable identified BVCP policies to the proposed project. One policy to focus on is 1.27, Annexation, below – particularly subsection (d). A discussion on preliminary compliance with these policies is within Section V below:

### **1.20 Growth Requirements.**

The overall effect of urban growth must add significant value to the community, improving quality of life. The city will require development and redevelopment as a whole to provide significant community benefits and to maintain or improve environmental quality as a precondition for further housing and community growth.

### **1.27 Annexation.**

The policies in regard to annexation to be pursued by the city are:

- a) Annexation will be required before adequate facilities and services are furnished.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

### **2.06 Design of Community Edges.**

Well defined edges for the city's boundaries are important because they support an understanding and appreciation of the city's image and create a clear sense of arrival and departure. Natural features are most effective as edges, but public open land, major roadways or heavy tree planting can also function as community edges. As new areas are developed, the definition of a community edge will be a design priority.

### **2.13 Support for Residential Neighborhoods.**

In its community design planning, the city will support and strengthen its residential neighborhoods. The city will seek appropriate building scale and compatible character of new development or redevelopment, desired public facilities and mixed commercial uses, and sensitively designed and sized rights-of-way.

**2.19 Compatibility of Adjacent Land Uses.**

In order to avoid or minimize noise and visual conflicts between adjacent land uses that vary widely in use, intensity or other characteristics, the city will use tools such as interface zones, transitional areas, site and building design and cascading gradients of density in the design of subareas and zoning districts. With redevelopment, the transitional area should be within the zone of more intense use.

**2.31 Commitment to a Walkable City.**

The city and county will promote the development of a walkable city by designing neighborhoods and business areas to provide easy and safe access by foot to places such as neighborhood centers, community facilities, transit stops or centers, and shared public spaces and amenities.

**2.32 Trail Corridors/Linkages.**

In the process of considering development proposals, the city and county will encourage the development of trails and trail linkages for appropriate uses such as hiking, bicycling or horseback riding, so as to provide a variety of alternative recreation and transportation opportunities. Implementation of this goal will be achieved through the coordinated efforts of the private and public sectors.

**2.39 Sensitive Infill and Redevelopment.**

Overall, infill and redevelopment will be expected to provide significant benefits to the community and the neighborhoods. The city will develop tools such as neighborhood design guidelines to promote sensitive infill and redevelopment. The city will work with neighborhoods to protect and enhance neighborhood character and livability.

**2.40 Physical Design for People.**

The city and county will take all reasonable steps to ensure that new development and redevelopment, public as well as private, be designed in a manner that is sensitive to social, physical and emotional needs. Broadly defined, this will include factors such as accessibility to those with limited mobility; provision of coordinated facilities for pedestrians, bicyclists and bus-riders; provision of functional landscaping and open space; and the appropriate scale and massing of buildings related to neighborhood context.

**2.42 Enhanced Design for the Built Environment.**

Through its policies and programs, the city will encourage or require quality architecture and urban design in private sector development that encourages alternative modes of transportation, provides a livable environment and addresses the elements listed below.

- a) The context.

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

- b) The public realm.

Projects should relate positively to public streets, plazas, sidewalks and paths. Buildings and landscaped areas—not parking lots—should present a well-designed face to the public realm, should not block access to sunlight, and should be sensitive to important public view corridors.

- c) Human scale.

Projects should provide pedestrian interest along streets, paths and public spaces.

- d) Permeability.

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

- e) On-site open spaces.

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

- f) Buildings.

Buildings should be designed with a cohesive design that is comfortable to the pedestrian, with inviting entries that are visible from public rights of way.

### **3.25 Support for Community Facilities.**

The city and county recognize the importance of the health care, social service, educational and nonprofit community agencies that provide vital services to the residents of the Boulder Valley and will work collaboratively with these agencies to reasonably accommodate their facility needs.

### **4.09 Wetland Protection.**

Natural and human-made wetlands are valuable for their ecological and, where appropriate, recreational functions, including their ability to enhance water and air quality. Wetlands also function as important wildlife habitat, especially for rare, threatened and endangered plants and wildlife. The city and county will continue to develop programs to protect and enhance wetlands in the Boulder Valley. The city will discourage the destruction of wetlands, but in the rare cases when development is permitted and the filling of wetlands cannot be avoided, new wetlands will be created or degraded wetlands will be restored.

### **4.21 Flood Management.**

The city will protect the public and property from the devastating impacts of flooding in a timely and cost-effective manner while balancing community interests with public safety needs. The city will manage the potential for floods by implementing the following guiding principles: a) Preserve floodplains b) Be prepared for floods c) Help people protect themselves from flood hazards d) Prevent unwise uses and adverse impacts in the floodplain e) Seek to accommodate floods, not control them

### **4.32 Groundwater.**

The city and county will continue to evaluate aquifers, groundwater recharge and discharge areas, and sources of groundwater pollution within the Boulder Creek watersheds and formulate appropriate pollution and source protection programs. Impacts to groundwater will be considered in land use planning, development review and public land management practices.

### **4.40 Energy-Efficient Land Use.**

The city and county will encourage the conservation of energy through land use policies and regulations governing placement, orientation and clustering of development and through housing policies and regulations. The conservation of energy is served by the development of more intense land use patterns; the provision of recreation, employment and essential services in proximity to housing; the development of mass transit corridors; and efficient transportation.

### **6.09 Transportation Impact.**

Traffic impacts from a proposed development that cause unacceptable community or environmental impacts or unacceptable reduction in level of service will be mitigated. All development will include strategies to reduce the vehicle miles traveled (VMT) generated by the development. New development will be designed and built to be multimodal and pedestrian-oriented. Strategies to reduce the VMT generated by new development will include all modes of travel as well as travel management programs such as the Eco Pass. The design of new development will especially focus on providing continuous modal systems through the development, on connecting these systems to those surrounding the development and on providing connections between the modes. (See Policy 3.05 Growth to Pay Fair Share of New Facility Costs.) The city will provide tools and resources to help businesses manage employee access and mobility and support public-private partnerships such as transportation management organizations to facilitate these efforts.

### **6.12 Neighborhood Integration.**

The city and county will strive to protect and improve the quality of life within neighborhoods while at the same time facilitating the movement of vehicular, bike and pedestrian traffic. Improving access and safety within neighborhoods by controlling vehicle speeds will be given priority over vehicle mobility. Transportation actions will not be implemented solely to shift a problem or impact from one location to another. Neighborhood needs and goals will be balanced against the community benefit of a transportation improvement.

### **6.13 Neighborhood Streets Connectivity.**

New neighborhood streets will be designed in a well connected and fine grained pattern of streets and alleys to effectively disperse and distribute vehicle traffic and to promote bike and pedestrian travel.

### **7.01 Local Solutions to Affordable Housing.**

The city and county will emphasize locally developed solutions to meet the housing needs of their low and moderate income households, including those who work but may not live in Boulder County. The city and county further recognize that such needs may not be met solely through private development. To facilitate availability of housing for this segment of the population, appropriate federal, state and local programs and resources will be used both locally and in collaboration with other jurisdictions. The city's pursuit of additional affordable housing programs will include an analysis of the unmet need for such programs as well as an analysis of the financial, social, demographic and community resources and constraints.

### **7.04 Populations with Special Needs.**

The city and county will encourage development of housing for very low and low income populations with special needs including facilities for the older adults, people with disabilities and other populations requiring group homes or other specialized facilities where appropriate. The location of such housing should be in proximity to shopping, medical services, entertainment and public transportation. Every effort will be made to avoid concentration of these homes in one area. (See Policy 2.40 Physical Design for People and Policy 6.05 Accessibility.)

### **7.06 Mixture of Housing Types.**

The city and county, through their land use regulations and incentive programs, will encourage the private sector to provide and

maintain a mixture of housing types with varied price ranges and densities, which attempt to meet the affordability needs of a broad range of the Boulder Valley population. This includes families, essential workers, older adults, persons with disabilities, at-risk children and adults and vulnerable, very low income residents. (See Policy 2.18 Mixture of Complementary Land Uses and Policy 2.42 Enhanced Design for the Built Environment.)

**7.10 Keeping Low- and Moderate-Income Workers in Boulder.**

The city will explore policies and programs to increase housing for low and moderate income Boulder workers, particularly essential workers, by fostering housing opportunities through mixed use and multi-family development, developing permanently affordable housing on vacant and redevelopable sites, by considering the conversion of commercial and industrial zoned or designated land to residential use, and providing preferences within city-subsidized projects for housing Boulder's workforce. (See Policy 2.21 Mixed Use.)

**Miscellaneous** Scott Kuhna, 303-441-4071

1. The applicant is notified that any groundwater discharge to the storm sewer system will require both a state permit and a city agreement. The steps for obtaining the proper approvals are as follows:

Step 1 -- Identify applicable Colorado Discharge Permit System requirements for the site.

Step 2 -- Determine any history of site contamination (underground storage tanks, groundwater contamination, industrial activities, landfills, etc.) If there is contamination on the site or in the groundwater, water quality monitoring is required.

Step 3 -- Submit a written request to the city to use the municipal separate storm sewer system (MS4). This submittal should include a copy of the Colorado Department of Public Health and Environment (CDPHE) permit application. The written request should include the location, description of the discharge, and brief discussion of all discharge options (e.g., discharge to MS4, groundwater infiltration, off-site disposal, etc.) The request should be addressed to: City of Boulder, Stormwater Quality, 4049 75th St, Boulder, CO 80301 Fax: 303-413-7364

Step 4 -- The city's Stormwater Quality Office will respond with a DRAFT agreement, which will need to be submitted with the CDPHE permit application. CDPHE will not finalize the discharge permit without permission from the city to use the MS4.

Step 5 -- Submit a copy of the final discharge permit issued by CDPHE back to the City's Stormwater Quality Office so that the MS4 agreement can be finalized.

For further information regarding stormwater quality within the City of Boulder contact the City's Stormwater Quality Office at 303-413-7350. All applicable permits must be in place prior to building permit application.

2. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement.

**Review Process** Karl Guiler, Case Manager, 303-441-4236

Due to the size of the property (over three acres) and the requirement to annex the property, Site Review is required per Table 2-2 within Section 9-2-14(b), B.R.C. 1981. The application can only be approved if the Site Review criteria are met. The Site Review criteria are found in Section 9-2-14(h), B.R.C. 1981 and the procedures and criteria for Preliminary Plats are found in Section 9-12-7, B.R.C. 1981. A Planning Board and City Council public hearings will be required for this project.

**Utilities** Scott Kuhna, 303-441-4071

1. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the Boulder Revised Code 1981, the City of Boulder Design and Construction Standards, and any private/franchise utility specifications.
2. Final utility construction drawings will be required as part of the Technical Document Review process (which must be completed prior to building permit application).
3. Further detail of the ground water barriers used to prevent ground water migration or diversion along the water, wastewater, and storm sewer mains will be required at time of Technical Document Review.
4. The applicant may want to install 1-inch water service taps (with 3/4-inch meters) in the event that upsizing of domestic services is necessary in the future.
5. Maintenance of sand/oil interceptors and all private wastewater and storm sewer lines and structures shall remain the responsibility of the owner.

6. The landscape irrigation system requires a separate water service and meter. A separate water Plant Investment Fee must be paid at time of building permit. Service, meter and tap sizes will be required at time of building permit submittal.
7. The applicant is advised that at the time of building permit application the following requirements will apply:
  - a. The applicant will be required to provide accurate proposed plumbing fixture count forms to determine if the proposed meters and services are adequate for the proposed use.
  - b. Water and wastewater Plant Investment Fees and service line sizing will be evaluated.
  - c. If the buildings will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line connection permit application.
8. All water meters are to be placed in city R.O.W. or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.
9. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.

**Wetlands** Katie Knapp, 303-441-3273

The proposed wetland mitigation, as shown, will result in new wetland buffer areas on adjacent properties, resulting in new development constraints for the impacted property owners. **Unless the design changes to shift the wetland buffer areas off of the adjacent properties, the impacted property owners will be notified of the wetland buffer area restrictions and they may be opposed to this part of the project design.**

**Zoning** Karl Guiler, Case Manager, 303-441-4236

Currently, the subject property is not a part of the City of Boulder and remains under the jurisdiction of Boulder County. Although not part of the city at this time, the Boulder Valley Comprehensive Plan (BVCP) applies to the site. Development of the property, as proposed, would require Annexation to the City of Boulder. The current BVCP land use designation is Low Density Residential and Environmental Protection and is within Area IIA of the Boulder Valley Planning Area. Properties in Area IIA that have 1/6 of their boundaries contiguous to the city are eligible for annexation. The Low Density Residential designation in the BVCP Land Use Map allows residential densities of 2 to 6 dwelling units per acre.

The applicant intends to apply for an initial zoning of Residential Low -2 (RL-2) pursuant to section 9-5-2(c)(1)(B), B.R.C. 1981. This zoning allows for residential development primarily used for small-lot residential development, including without limitation, duplexes, triplexes, or townhomes, where each unit generally has access at ground level.

**IV. NEXT STEPS**

1. Consider a meeting to discuss comments.
2. Review and address the comments within this document and submit 10 revised review sets and responses to the comments to the Project Specialists within 60 days.

**V. CITY CODE CRITERIA CHECKLIST**

**PRELIMINARY PLAT**

**Yes** The proposed name of the subdivision.

\_\_\_ The location and boundaries of the subdivision, **names of all abutting subdivisions** with lines indicating abutting lots, or if the abutting land is unplatted, a notation to that effect, and names of all abutting streets.

**Yes** Contours at two-foot intervals if the slope is less than 10 percent and five feet where the slope is greater than 10 percent.

\_\_\_ The date of preparation, scale and north sign (designated at **true north**).

- Yes** A vicinity map showing at least three blocks on all sides of the proposed subdivision, which may be of a different scale than the plat.
- Yes** The location of structures and trees of five-inch caliper or more on the property and approximate location of structures off the property within 10 feet of the property line.
- Yes** The name, address and telephone number of the licensed surveyor, licensed engineer or designer of the plat.
- Yes** The name, address and telephone number of owner and verification of ownership of the property and current title information by either a preliminary title report or an attorney memorandum based upon an abstract of title, current as of the date of the submittal.
- Yes** The total acreage.
- The location and dimensions of all existing public improvements (as specified in Section 9-5-9, B.R.C. 1981), easements, drainage areas, **irrigation ditches and laterals and other significant features** within or adjacent to the proposed subdivision.
- Yes** The location and dimensions of all proposed public improvements, public easements, lot lines, parks and other areas to be reserved or dedicated for public use, a dedication thereof to the public use, and identification of areas reserved for future public acquisition.
- Geological stability information upon request of the city manager if the manager determines or the subdivider has any reason to believe that building or other problems may arise from construction in the area proposed for development.**
- Yes** Zoning on and adjacent to the proposed subdivision.
- Yes** A designation of areas subject to the 100-year flood and the estimated flow rate used in determining that designation, and base flood elevation data and the source used in determining that elevation.
- Yes** The number of lots and each lot size.
- Yes** Proposed uses of each lot.
- Yes** Proposed ownership and use of outlots.
- Yes** The location and size of existing utilities within or adjacent to the proposed including without limitation, water, sewer, storm sewers and drainage facilities, fire hydrants within three hundred fifty feet of the property, electricity, and gas, which shall be placed on separate engineering drawings.
- Yes** A master utility plan showing proposed plans for private and public utility systems including water, sewer, electric, gas, drainage, telephone, telecommunications and any other services that will supply the property.
- Yes** The names and addresses of all tenants of the property and all owners of property abutting the proposed subdivision.

**SITE REVIEW CRITERIA**

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

**(1) Boulder Valley Comprehensive Plan:**

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

**(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
- \_\_\_ (ii) The maximum number of units that could be placed on the site without waiving or varying any of the requirements of [chapter 9-8](#), "Intensity Standards," B.R.C. 1981.

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

\_\_\_ (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;
- \_\_\_ (ii) Private open space is provided for each detached residential 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 ludovicianus*), which is a species of local concern, and their habitat;
- \_\_\_ (iv) The open space provides a relief to the density, both within the project and from surrounding 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;
- \_\_\_ (vi) The open space provides a buffer to protect sensitive environmental features and natural areas; and
- \_\_\_ (vii) If possible, open space is linked to an area- or city-wide system.

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

- \_\_\_ (i) The open space provides for a balance of private and shared areas for the residential uses and common open space that is available for use by both the residential and nonresidential uses that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property; and
- \_\_\_ (ii) The open space provides active areas and passive areas that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property and are compatible with the surrounding area or an adopted plan for the area.

\_\_\_ (C) Landscaping:

- \_\_\_ (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;
- \_\_\_ (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;
- \_\_\_ (iii) The project provides significant amounts of plant material sized in excess of the landscaping requirements of [sections 9-9-12](#), "Landscaping and Screening Standards," and [9-9-13](#), "Streetscape Design Standards," B.R.C. 1981; and

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

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

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

\_\_\_ (ii) Potential conflicts with vehicles are minimized;

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

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

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

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

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

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

\_\_\_ (E) Parking:

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

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

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

\_\_\_ (iv) Parking areas utilize landscaping materials to provide shade in excess of the requirements in subsection [9-9-6\(d\)](#), and section [9-9-14](#), "Parking Lot Landscaping Standards," B.R.C. 1981.

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

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

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

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

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

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

- \_\_\_ (vi) To the extent practical, the project provides public amenities and planned public facilities;
- \_\_\_ (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;
- \_\_\_ (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;
- \_\_\_ (ix) A lighting plan is provided which augments security, energy conservation, safety, and aesthetics;
- \_\_\_ (x) The project incorporates the natural environment into the design and avoids, minimizes, or mitigates impacts to natural systems;
- \_\_\_ (xi) Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality.
- \_\_\_ (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;
- \_\_\_ (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;
- \_\_\_ (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
- \_\_\_ (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.
- \_\_\_ (ii) **Lot Layout and Building Siting:** Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building. Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical, buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading.
- \_\_\_ (iii) **Building Form:** The shapes of buildings are designed to maximize utilization of solar energy. Buildings shall meet the solar access protection and solar siting requirements of [section 9-9-17](#), "Solar Access," B.R.C. 1981.
- \_\_\_ (iv) **Landscaping:** The shading effects of proposed landscaping on adjacent buildings are minimized.

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

- \_\_\_ (i) The light pole is required for nighttime recreation activities which are compatible with the surrounding neighborhood, light or traffic signal pole is required for safety, or the electrical utility pole is required to serve the needs of the City; and
- \_\_\_ (ii) The pole is at the minimum height appropriate to accomplish the purposes for which the pole was erected and is designed and constructed so as to minimize light and electromagnetic pollution.

**(I) Land Use Intensity Modifications:**

**(i) Potential Land Use Intensity Modifications:**

- 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 twenty-five percent in the BR-1 district through a reduction of the lot area requirement.

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

- a. **Open Space Needs Met:** The needs of the project's occupants and visitors for high quality and functional useable open space can be met adequately;
- b. **Character of Project and Area:** The open space reduction does not adversely affect the character of the development or the character of the surrounding area; and
- c. **Open Space and Lot Area Reductions:** The specific percentage reduction in open space or lot area requested by the applicant is justified by any one or combination of the following site design features not to exceed the maximum reduction set forth above:
  1. Close proximity to a public mall or park for which the development is specially assessed or to which the project contributes funding of capital improvements beyond that required by the parks and recreation component of the development excise tax set forth in [chapter 3-8](#), "Development Excise Tax," B.R.C. 1981: maximum one hundred percent reduction in all Downtown (DT) districts and ten percent in the BR-1 district;
  2. Architectural treatment that results in reducing the apparent bulk and mass of the structure or structures and site planning which increases the openness of the site: maximum five percent reduction;
  3. A common park, recreation, or playground area functionally useable and accessible by the development's occupants for active recreational purposes and sized for the number of inhabitants of the development, maximum five percent reduction; or developed facilities within the project designed to meet the active recreational needs of the occupants: maximum five percent reduction;
  4. Permanent dedication of the development to use by a unique residential population whose needs for conventional open space are reduced: maximum five percent reduction;
  5. The reduction in open space is part of a development with a mix of residential and nonresidential uses within a BR-2 zoning district that, due to the ratio of residential to nonresidential uses and because of the size, type, and mix of dwelling units, the need for open space is reduced: maximum fifteen percent reduction; and
  6. The reduction in open space is part of a development with a mix of residential and nonresidential uses within a BR-2 zoning district that provides high quality urban design elements that will meet the needs of anticipated residents, occupants, tenants, and visitors of the property or will accommodate public gatherings, important activities, or events in the life of the community and its people, that may include, without limitation, recreational or cultural amenities, intimate spaces that foster social interaction, street furniture, landscaping, and hard surface treatments for the open space: maximum twenty-five percent reduction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_ (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:

\_\_\_ (i) The lots are held in common ownership;

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

**\_\_ (iii) The property used for off-site parking under this subparagraph continues under common ownership or control.**

## **VI. Conditions On Case**

To be prepared at time of staff recommendation.