CITY OF BOULDER
DIVISION OF HOUSING

Item X: Off-site Affordable Housing Design Review

EFFECTIVE DATE: 8/2/2013
DEVELOPMENT & APPROVAL ROUTE: Internal, staff level
LAST REVISED: 8/2/2013

Jeff Yegian
(Authority) Acting Manager, Division of Housing

POLICY
This document contains the requirements and timelines for the Affordable Housing Design Review of newly constructed off-site affordable units proposed to meet the Inclusionary Housing (IH) requirements. It implements section 9-13-9, Inclusionary Housing of the Boulder Revised Code, 1981 and the associated Inclusionary Housing Administrative Regulation 8.11.

RATIONALE
The IH program includes an option that allows projects to meet their IH requirement by providing PAs off-site that are of equal or better quality to what would have been provided on-site. Potential off-site affordable developments need to be evaluated to see if they meet this standard.

By requiring applicants to use the planning review process to submit their request for off-site affordable housing review the Housing Division and the Community Planning & Sustainability department can jointly evaluate the development, thereby providing the applicant with consistent land use direction.

Housing Review Procedures

A. Purpose:
The purpose of the Off-site Affordable Housing Design Review is to ensure that when affordable units are proposed to be constructed at a separate location from the one that generated the IH requirement (the "Sending Site") the new location (the "Receiving Site") meets the following criteria:

1. Ensure compliance with the Inclusionary Housing requirement that off-site affordable housing developments be of equal or better quality than the site that generated the need for the affordable units (sending site); and
2. Ensure that affordable units are indistinguishable from surrounding market housing in quality, design, and general appearance.

B. Scope of the Housing Review:
All proposed development sites for newly constructed affordable units where the total number of affordable units exceeds the inclusionary housing standard of 20% or more and where any portion of the affordable units are proposed to meet an Inclusionary Housing requirement elsewhere, thus making the development a Receiving Site, are required to submit an application to Community Planning and Sustainability for the Off-site Affordable Housing Design Review. The review must be completed and approved prior to issuance of a building permit on both the Sending and Receiving Sites. For developments subject to other land use review applications, the housing design review may be conducted concurrently with the land use review.

C. Process:
Applications for the Off-site Affordable Housing Design Review are accepted by the Planning and Development Services Center daily. Weekly deadlines are at 10 a.m. on the first and third Monday of each month. Applications are assigned a "track" based on the availability of staff resources to conduct the review. The track assigned determines the review schedule and helps the applicant to gauge the time needed to complete the review process. Once a review track has been assigned, the city commits to this time schedule assuming the applicant meets appropriate deadlines. A case manager is assigned to each application and manages the review process for the project. The case manager also serves as the primary contact for the project. The initial review of the application will take approximately three weeks from the start of the review track. After the initial review, revisions are allowed at additional cost.

D. Decisions:
The Off-site Affordable Housing Design Review is an administrative level review approved by the city manager. The review will result in approved final architectural, site, and landscaping plans. The approval shall be valid for three years. If the development has not been issued a building permit within the three year period, the approval expires.

City Manager Review and Recommendation:

a. The city manager shall, after acceptance of the application, review the application for compliance with the review criteria. The city manager shall provide the applicant with a written evaluation of the application and whether it meets or does not meet applicable criteria.
b. The city manager shall approve the application in whole or in part, deny the application, or request revisions.
c. The manager will e-mail a written disposition of approval, denial (including reasons for denial or conditions of approval) or required conditions for building permit submittal to the applicant, appeal body, and to any person that requested notification.

E. Application Requirements:
No application will be accepted until it is determined to be complete. This determination will be made within five business days of the submission of the application. The application shall include the information required and address all criteria identified in this code section. If, in the city

manager's judgment, the application does not contain sufficient information to permit an appropriate review, the manager may request additional information from the applicant.

A person having a demonstrable property interest in land to be included in a development review may file an application for approval on a form provided by the city manager that shall include the following:

a. One (1) copy of the subject property's legal description, printed clearly on an 81/2 x11 sheet of paper for all of the land included in the project;
b. Written consent of the owners of all property to be included in the development;
c. Three (3) copies of an improvement survey or improvement location certificate by a registered surveyor, of the subject property;
d. A written statement addressing the criteria for approval that shall include the following:
    1. A statement of the current and proposed final ownership; any proposed affordable rental units must be owned all or in part by a Housing Authority or Similar Agency.
    2. A statement of specifically how the proposal meets the two criteria listed in I. "Criteria for Review" of this document, including without limitation building descriptions, sketches, or elevations that may be required;
    3. A development schedule indicating the approximate date when construction of the project or phases of the project can be expected to begin and be completed;
    4. Copies of any special agreements, conveyances, restrictions, or covenants that will govern the use, maintenance, and continued protection of the goals of the project and any related parks, recreation areas, playgrounds, outlots or open space.
e. Six (6) prints (18"x24" or 24"x36") folded to 9"x12"plus an electronic version of a complete site plan, prepared at a standard engineering scale sufficient to clearly show the details of the drawing (such as 1"=50'); including without limitation:

    1. A north arrow and scale of drawing clearly indicated on each sheet.
    2. The existing topographic character of the land, showing contours at two-foot intervals;
    3. The site and location of proposed uses with dimensions indicating the distance from lot lines;
    4. The location and size of all existing and proposed buildings, structures, and improvements, and the general location of adjacent streets, structures, and properties;
    5. The maximum height of all buildings and building elevations showing exterior colors and materials;
    6. The density and type of uses;
    7. The internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way;
    8. The location, height, and size of proposed signs, lighting, and advertising devices;
    9. The areas that are to be conveyed, dedicated, or reserved as parks, recreation areas, playgrounds, outlots, or open space and as sites for schools and other public buildings;

10. The areas that are to be conveyed, dedicated, or reserved for streets, alley and utility easements;
11. The areas subject to the one hundred-year flood as defined in chapter 9-16, "Definitions," B.R.C. 1981, and any area of the site that is within a designated space conveyance zone or high hazard zone;
12. A landscaping plan showing the spacing, sizes, specific types of landscaping materials, quantities of all plants and whether the plant is coniferous or deciduous. All trees with a diameter of six (6) inches and over measured fifty-four (54) inches above the ground on the ground, on the property or in the landscape setback of any property adjacent to the development shall be shown on the landscaping plan.
13. Plans for preservation of natural features existing on the site or plans for mitigation of adverse impacts to natural features existing on the site from the proposed development and anticipated uses. Natural features include, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas, and habitat for species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (Cynomys ludiovicianus) which is a species of local concern.
14. A tree inventory that includes the location, size, species and general health of all trees with a diameter of six inches and over measured fifty-four inches above the ground on the property or in the landscape setback of any property adjacent to the development. The inventory shall indicate which trees will be adversely affected and what if any steps will be taken to mitigate the impact on the trees. The tree inventory shall be prepared by a certified arborist that has a valid "Tree Contractor License," B.R.C.

f. Six (6) prints (18"x24" or 24"x36") folded to 9"x12" plus an electronic version of architectural floor plans and elevations of the existing structure(s) and any proposed additions or renovations, including the maximum height of all buildings measured per the requirements of Section 9-7-5, B.R.C. 1981, and building elevations showing exterior colors and materials and any anticipated roof top appurtenances. Floor plans must include the following:
    1. Proposed cabinetry and appliances.
    2. Each residential unit labeled with the unit number or address and total Floor Area determined per the requirements of Section 9-16-1, B.R.C. 1981, "Floor Area for Attached Dwelling Units" or "Floor Area for Detached Single-family Dwelling Units" as applicable.
    3. For each residential unit, storage as required by the *"Livability Guidelines and Standards for Permanently Affordable Housing"* labeled per type of storage. Storage not located in a unit must be labeled with the unit number the storage is associated with and the floor area of the storage.
    4. A table that includes for each residential unit:
        i. Address and unit number
        ii. Floor area
        iii. Number of bedrooms
        iv. Number of bathrooms
        v. Number of parking spaces per unit and location
        vi. Unfinished floor area, if any

vii. If a unit is accessible and what type of accessibility
viii. Total floor area of all units in the project

g. Six (6) prints (18"x24" or 24"x36") folded to 9"x12" plus an electronic version of a utility plan or utility connection plan, depending on whether public improvements are required. *See City of Boulder Design and Construction Standards for specific requirements.*
h. Six (6) prints (18"x24" or 24"x36") folded to 9"x12" plus an electronic version of conceptual storm water and preliminary storm water plans, and two (2) copies of reports for each, depending on whether public improvements are required. *See City of Boulder Design and Construction Standards for specific requirements.*
i. Three (3) copies of the travel demand management (TDM) plan which outlines strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternate modes of travel, in accordance with section 9-2-14(D), B.R.C., 1981 and section 2.03(l) of the *City of Boulder Design and Construction Standards*
j. A shadow analysis depicting shadows on December 21st for each structure in project, and depicting shadows calculated pursuant to Section 9-9-1, "Solar Access Protection," B.R.C. 1981, for those buildings that affect adjacent properties.
k. A completed vested property rights option form.
l. Six (6) copies of the completed Project Fact Sheet.
m. Two (2) copies of a current title insurance commitment or attorney memorandum based on an abstract of title.
n. One (1) copy of notification sent to each mineral owner. See sections 9-4-3 or 9-4-3(e) for requirements for written certification that the applicant performed a Mineral Estate search and found no owners.
o. Any other information that the applicant wishes to submit; and
p. The fee prescribed by section 4-20-43 (d), "Development Application Fees," B.R.C. 1981, for the type of review requested.

F. Combined Reviews:
If a development proposal, by its nature, meets the development review threshholds under section 9-2-14, "Site Review," that review is required and may be conducted concurrent to the Off-site Affordable Housing Design Review. The following will apply in addition to other requirements of this chapter:

a. All applicable Site Review fees will be collected as prescribed in section 4-20-43, "Development Application Fees," B.R.C. 1981.
b. In addition to the Site Review Criteria, the approving agency will apply the Off-site Affordable Housing Design Review criteria.
c. Any Off-site Affordable Housing Design Review fees as prescribed in section 4-20-43, "Development Application Fees," B.R.C. 1981.will be waived.

G. Inactive Applications:
If, at any point in a development review process, the city manager has notified the applicant that additional or corrected materials are required, and the applicant has not submitted those materials within sixty days after the date of such notification, the application will be considered withdrawn.

The city manager may extend the sixty-day period if requested by the applicant prior to its expiration and upon the applicant's demonstrating good cause for the additional delay.

Any re-submittal of the application after the sixty day deadline will be treated as a new application for purposes of review, scheduling, public notice, and payment of application fees.

H. Final Approved Plans: The applicant shall file a paper or electronic copy containing the approved site plan, architectural plans and any conditions approved by the City Manager. The paper or electronic copy shall be filed with the city manager, who will endorse and date the approved site plan. The location of the approved development will be included on an official map showing development in the City. The paper or electronic copy will remain on file in the planning department.

I. Criteria for Review: Applications shall be approved by the City Manager based on an analysis of the following criteria:

1. Ensures compliance with the Inclusionary Housing requirement that off-site affordable housing developments be of equal or better quality than the site that generated the need for the affordable units (sending site); and
2. Ensures that the affordable units are indistinguishable from surrounding market housing in quality, design, and general appearance.

Factors considered include:

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 ludiovicianus*), 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 meets 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, pedestrian-ways 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

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) Noise is minimized between units, between buildings, and from either on-site or off-site external sources through spacing, landscaping, and building materials;
(xiii) A lighting plan is provided which augments security, energy conservation, safety, and aesthetics;
(ix) The project incorporates the natural environment into the design and avoids, minimizes, or mitigates impacts to natural systems;
(x) 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.
(xi) 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;
(xii) 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;

(xiii) 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

(xiv) 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.