

**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM
MEETING DATE: September 1, 2016**

AGENDA TITLE:

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

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

REQUESTING DEPARTMENT:

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

OBJECTIVE:

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

SUMMARY:

Proposal: Concept Plan review and comment on a proposal to develop an existing 1.4 acre property with a residential permanently affordable housing multifamily development consisting of 19 total multi family units and a central community open space.

Project Name: Habitat for Humanity Multifamily Residential Townhomes

Location: Corner of Violet Avenue & 22nd Street

Size of Tract: 1.4 acres

Zoning: RM-2 (Residential Medium - 2)

Comprehensive Plan: Medium Density Residential

Key Issues for Discussion:

Staff is recommending the three key issues for the Planning Board's discussion and analysis:

1. Is the proposal consistent with Boulder Valley Comprehensive Plan (BVCP) and North Boulder (NBSP) Subcommunity Plan?
2. Is the proposed site and building design consistent with intent of BVCP Policy 2.37 Enhanced Design for Private Sector Projects?

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

I. INTRODUCTION AND BACKGROUND

PROCESS

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

BACKGROUND

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



Figure 1- Site Location and Surrounding Context

BVCP Land Use Designation, Zoning & Annexation History

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

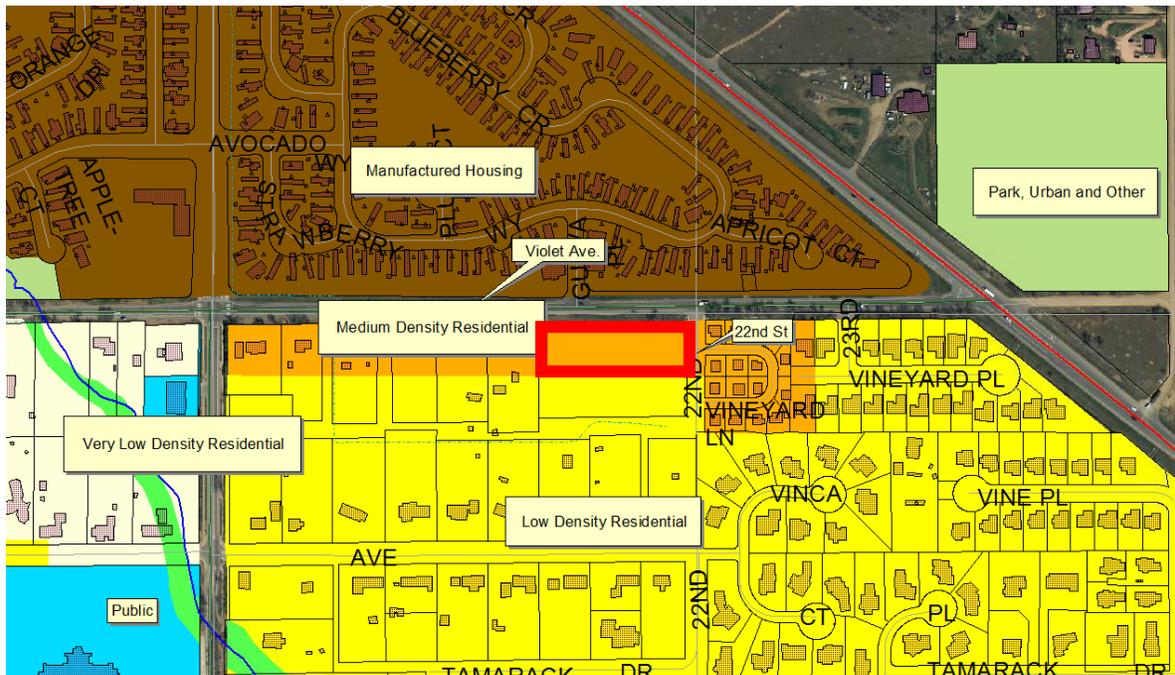


Figure 2- BVCP Land Use Map Designations

Zoning

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

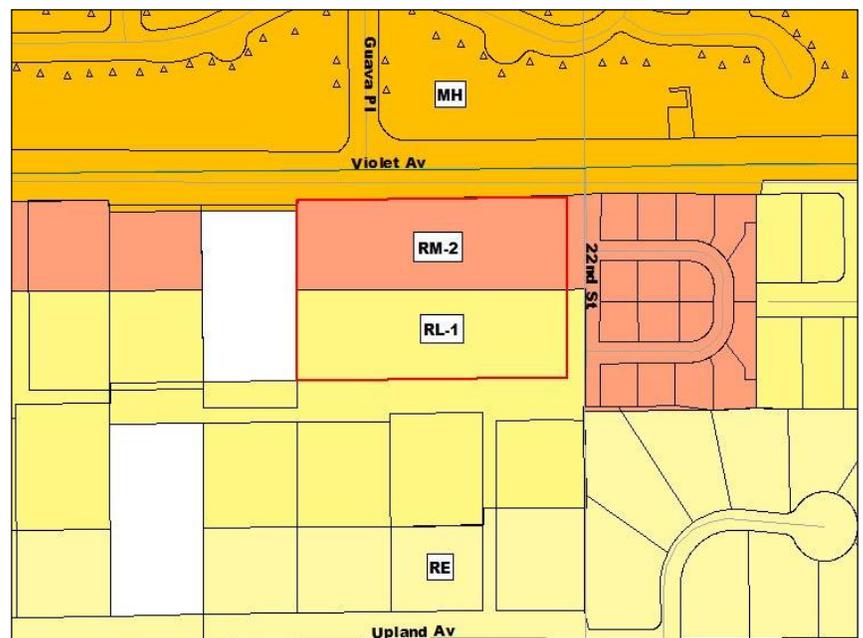


Figure 3- Zoning on and around the site (site is the zoned RM-2 portion)

development with the small lot single-family development.

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

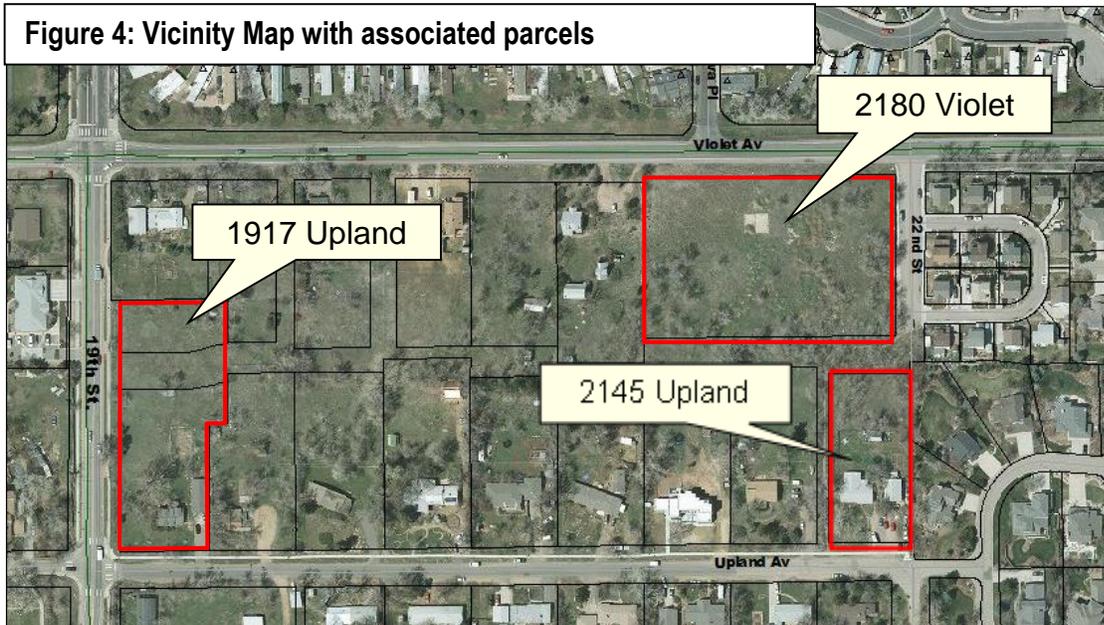
Annexation History

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

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

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

Figure 4: Vicinity Map with associated parcels



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

Property	Applicable Affordability Requirements	Total # of Affordable Units
2100 (now known as 2180 Violet)	<ul style="list-style-type: none"> At time of development, 8 units, permanently affordable to households earning b/t 60% and 120% of AMI (average 90% AMI) If rental, affordable to households earning < 90% AMI 1 unit in RL-1 area shall be size-restricted and <u>initially</u> affordable to households earning 110% of AMI 4 units in RM-2 portion shall be size-restricted and <u>initially</u> affordable to households earning b/t 80% and 120% AMI (average 110% AMI) 	13 units (5 units as size restricted & not permanently affordable over time)
2145 Upland	<ul style="list-style-type: none"> If RL-1 portion developed with 3 units, 1 unit shall be permanently affordable to household earning 90% of AMI. If RL-1 portion developed with 2 units, 1 unit shall be size-restricted and <u>initially</u> affordable to households earning up to 110% AMI 	1 unit (1 unit possible as size restricted & not permanently affordable over time)
1917 Upland	<ul style="list-style-type: none"> At time of development, 2 units shall be permanently affordable to households earning b/t 60% and 120% of AMI (average 90% AMI). 1 unit in RL-1 portion shall be size restricted and <u>initially</u> affordable to households earning 110% of AMI. 	3 units (1 unit as size restricted & not permanently affordable over time)
Total affordable units under current agreements		17 units
Total permanently affordable units		10 units
Total units that are not considered permanent		Up to 7 units

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

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

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

II. PROJECT DESCRIPTION SUMMARY

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

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



Figure 5- Site Plan

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



Figure 6- Sample Elevations

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

2180 Violet Avenue Annexation Agreement Proposed Changes

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

1917 Upland Avenue Annexation Agreement Proposed Changes

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

Habitat for Humanity owns

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

2145 Upland Avenue Annexation Agreement Proposed Changes

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

III. ANALYSIS

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

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

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

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

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

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

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

- Provide high quality building design with attention to detail. Avoid monotonous building designs: include human scale features such as porches, varied building elevations, and varied sizes and styles
- Use alleys wherever possible to provide a “service” side to properties. Reduce curb cuts and sidewalk interruptions on the “public” side of lots

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

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

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

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

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

2.37 Enhanced Design for Private Sector Projects

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

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

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

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

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

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

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

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

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

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

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

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

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

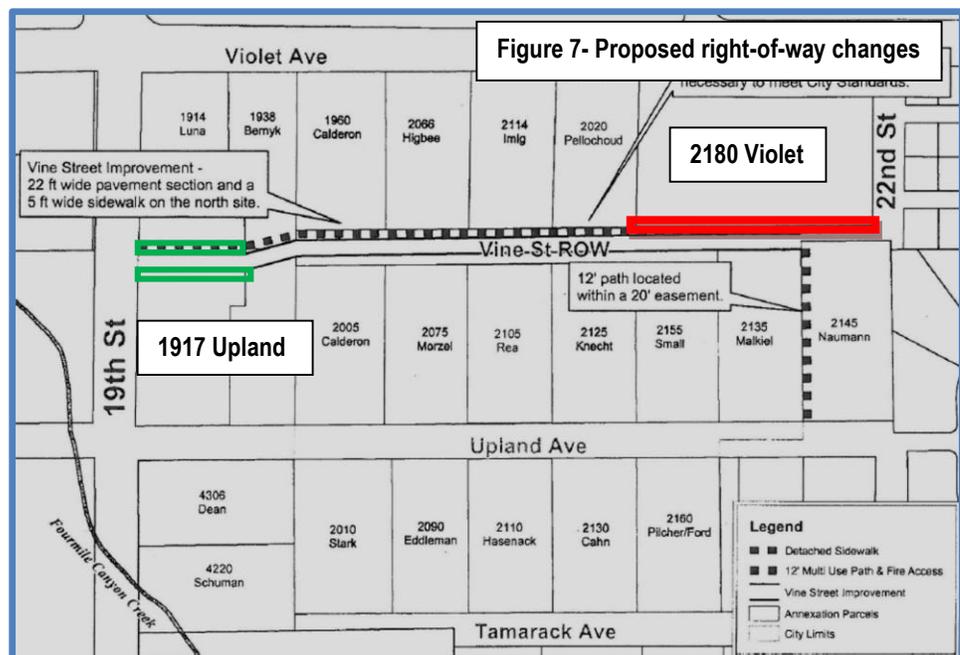
Attachment A and the page 7 of this memorandum list the applicant's request for preliminary feedback from the Planning Board on proposed changes to the annexation agreements associated with three properties: 1917 Upland, 2145 Upland and the subject site, 2180 Violet. Staff's assessment of the proposed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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

5) Opportunities and constraints in relation to the transportation system, including, without limitation, access, linkage, signalization, signage, and circulation, existing transportation system capacity problems serving the requirements of the transportation master plan, possible trail links, and the possible need for a traffic or transportation study;

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

6) Environmental opportunities and constraints including, without limitation, the identification of wetlands, important view corridors, floodplains and other natural hazards, wildlife corridors, endangered and protected species and habitats, the need for further biological inventories of the site and at what point in the process the information will be necessary;

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

7) Appropriate ranges of land uses; and

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

8) The appropriateness of or necessity for housing.

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

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

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

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

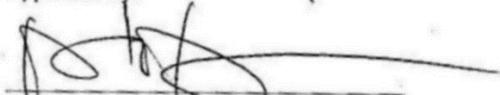
V. PUBLIC COMMENT AND PROCESS

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

VI. STAFF RECOMMENDATION

No action is required on behalf of the Planning Board. Public comment, staff, and Planning Board comments will be documented for the applicant's use. Concept Plan Review and comment is intended to give the applicant feedback on the proposed development plan and provide the applicant direction on submittal of the site review plans.

Approved By:



David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

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



2180 Violet Avenue

LOCATION

Corner of Violet Avenue and 22nd Street
North Boulder

CONCEPT PLAN REVIEW: WRITTEN STATEMENT

Project Background

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

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

(1) Proposed land uses and if it is a development that includes residential housing type, mix, sizes, and anticipated sale prices, the percentage of affordable units to be included; special design characteristics that may be needed to assure affordability.

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

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



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

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

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

(3) Techniques and strategies for practical and economically feasible travel demand management techniques, including, without limitation, site design, land use, covenants, transit passes, parking restrictions, information or education materials or programs that may reduce single-occupant vehicle trip generation to and from the site.

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



July 13, 2016

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

Dear Charles,

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

2100 Violet Ave Rec #1755860

Covenants

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

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

1917 Upland Ave Rec #1755859

Covenants

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

- Paragraph 3, Items B, C, E
 - Change language to transfer all affordable and restricted housing requirements to the MR-E portion

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

2145 Upland Ave Rec #1755861

Covenants

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

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

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

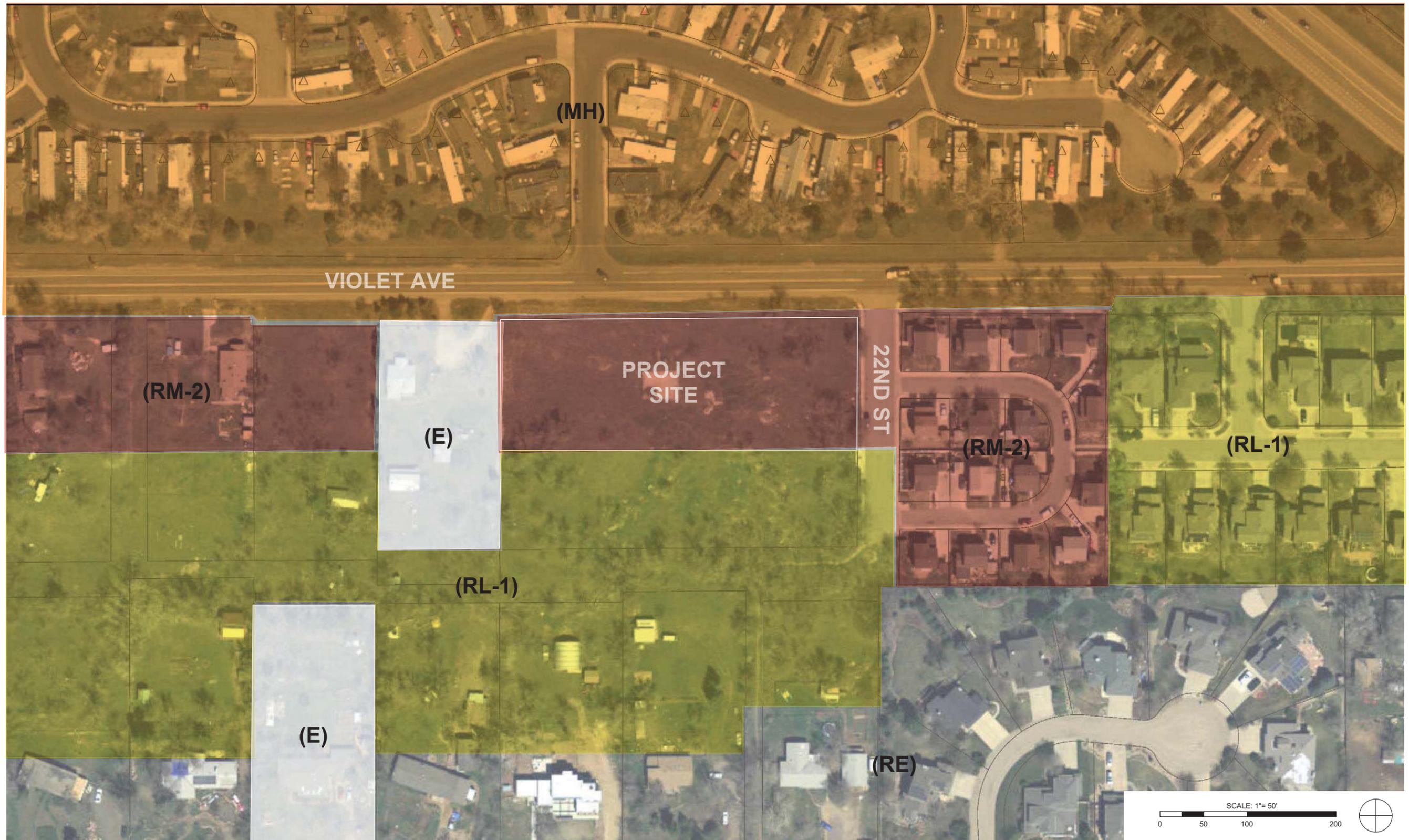
We typically build permanently affordable 1,100 square foot homes that include three bedrooms, and one and one half bathrooms. Over the years, Flatirons Habitat has partnered with professional architects to make sure the overall design of our homes coincides with the overall look of the adjacent neighborhoods. Our homes have met or exceeded all building standards. Our community of volunteers provides the vast majority of our construction labor. On average it takes about nine months to complete a home. We have made a commitment to be a leader in building sustainable and energy-efficient affordable homes for hard-working families. We take advantage of Boulder's solar grants to ensure our homes have renewables. As an affiliate, we are interested in programs that will recognize our commitment to quality construction and design. We partner with programs and certifications, such as LEED for Homes, ENERGYSTAR, and Indoor airPLUS.

Our program is "a hand-up, NOT a hand-out." Families, at the time of closing on their home, commit to paying a monthly 0% interest mortgage payment, property taxes, home insurance, and Home Owners Association (HOA) fees. The HOA maintains the standard for the outside appearance of the home. We provide general education to our homeowners about ALL aspects of home ownership, including maintaining a home.

Many thanks

Susan A. Lythgoe
Executive Director


Robert Naumann
2145 Upland LLC





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SITE DEVELOPMENT CONCEPT
22ND AND VIOLET



07/18/2016
2180 VIOLET
Boulder, CO

Agenda Item 5D Page 21 of 65

GABLE ROOF OPTION ← → SHED ROOF OPTION

4 UNIT TOWNHOMES



- ASPHALT SHINGLES
- CEMENTITIOUS SHINGLE SIDING
- VINYL WINDOWS
- METAL ROOFING
- CEMENTITIOUS HORIZONTAL SIDING
- WOOD POSTS
- WOOD RAILING

3 UNIT TOWNHOMES



2 UNIT TOWNHOMES
♿



SCALE: 1"= 10'
0 10 20 40



VIOLET AVENUE ELEVATION
NOT TO SCALE

EXISTING GRADE LINE



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ARCHITECTURAL CHARACTER SKETCHES

22ND AND VIOLET



07/18/2016
2180 VIOLET
Boulder, CO

Agenda Item 5D Page 32 of 65



CITY OF BOULDER
Planning and Development Services

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
 phone 303-441-1880 • fax 303-441-3241 • email plandevelop@bouldercolorado.gov
www.boulderplandevelop.net

CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **August 12, 2016**
 CASE MANAGER: **Karl Guiler**
 PROJECT NAME: **Habitat for Humanity Townhomes**
 LOCATION: **2180 VIOLET AVENUE (including 1917 and 2145 Upland)**
 COORDINATES: **N08W05**
 REVIEW TYPE: **Concept Plan Review & Comment**
 REVIEW NUMBER: **LUR2016-00059**
 APPLICANT: **JEFF DAWSON**
 DESCRIPTION: **CONCEPT PLAN REVIEW AND COMMENT: Request for citizen, Planning Board, and city comment on a proposal to develop an existing 1.4 acre property with a residential multifamily development consisting of 19 total permanently affordable multi family units and a central community open space. Concept plans are not approved or denied, but rather are an opportunity for the city and residents to comment on the general aspects of the proposal before a more detailed application is submitted.**

IDENTIFIED MODIFICATIONS FROM THE LAND USE REGULATIONS:

- Special request to permit 19 dwelling units where the RM-1 zoning would permit only 14 dwelling units. The modifications below may be considered through the Site Review process:
- Section 9-7-1, Minimum Front Yard Landscape Setback – Request to permit 9 feet where 25 feet is the code standard;
- Section 9-7-1, Minimum Side Yard Landscape Setback from a Street – Request to permit 9 feet where 12.5 feet is the code standard;
- Section 9-7-1- Minimum Side Yard Setback from an Interior Lot line – Request for 4 feet where 5 feet is the code standard;
- Section 9-7-1- Minimum Total for Both Side Yard Setbacks – Request for 13 feet where 15 feet is the code standard, and
- Section 9-7-1- Minimum Rear Yard Setback – Request for 20 feet where 25 feet is the code standard.

I. REVIEW FINDINGS

Overall, staff finds that the proposal is consistent with Boulder Valley Comprehensive Plan (BVCP) policies and the North Boulder Subcommunity Plan (NoBo Plan). Detailed staff analysis of the project against the relevant policies and goals in the NoBo Plan are provided within Section IV and V of this document. A preliminary zoning analysis is also provided.

Following Planning Board review of this Concept Plan application, an Annexation application to amend the previous agreements would be required in addition to a Site Review application. The additional density requested would have to be handled as part of the amended annexation agreements and annexation ordinance.

The applicant has posed the following amendments to the annexation agreement for preliminary Planning Board consideration. Staff recommendations on the responses are also provided throughout the document. Please feel free to contact staff with questions.

2100 (2180) Violet Avenue Rec #1755860

- *Change 30-foot right-of-way to 20 feet for Vine Street along south property line*
- *Change language to transfer all affordable and restricted housing requirements to the subject RM-2 parcel*

- Staff response: The affordable and restricted requirements are not technically being “transferred” however, the applicant would be allowed to meet the affordable requirements for the other two parcels by providing the affordable units through this development proposal on this property only. The affordable and restricted requirements will be considered to be satisfied once the affordable units on this property receive final Certificate of Occupancy.
- *Add language that at the time of Site Review and permit application, there will be no further fees or in-lieu payments for the RL-1 portions of the parcel*
 - Staff response: Staff does not support this annexation amendment. At this time, the affordability requirements in the annexation agreement replace any inclusionary requirements. This language would preclude council from modifying this in the future.
- *Change number of allowable units on the RM-2 zoned portion to 19 units*

1917 Upland Avenue Rec #1755859

- *Change 60-foot right-of-way to 40 feet vacating 10 feet on the north and south portions*
- *Change language to transfer all affordable and restricted housing requirements to the RM-2 portion that Habitat for Humanity owns*
 - Staff response: The affordable and restricted requirements are not technically being “transferred” however, the applicant would be allowed to meet the affordable requirements for this parcel on 2100 (2180) Violet. The affordable and restricted requirements will be considered to be satisfied once the affordable units on 2100 (2180) Violet receive final Certificate of Occupancy.
- *Add language that at the time of Site Review and permit application there will be no further fees or in-lieu payments for the RL-1 portion*
 - Staff response: Staff does not support this annexation amendment. At this time, the affordability requirements in the annexation agreement replace any inclusionary requirements. This language would preclude council from modifying this in the future.

2145 Upland Avenue Rec #1755861

- *Change language to transfer all affordable and restricted housing requirements to the RM-2 portion*
 - Staff response: The affordable and restricted requirements are not technically being “transferred” however, the applicant would be allowed to meet the affordable requirements for this parcel on 2100 (2180) Violet. The affordable and restricted requirements will be considered to be satisfied once the affordable units on 2100 (2180) Violet receive final Certificate of Occupancy.
- *Add language that at the time of Site Review and permit application there will be no further fees or in-lieu payments for the RL-1 portion.*
 - Staff response: Staff does not support this annexation amendment. At this time, the affordability requirements in the annexation agreement replace any inclusionary requirements. This language would preclude council from modifying this in the future.

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

The subject site would only permit 14 units per the RM-2 zoning. When Ordinance No. 8065 was processed, the city indicated that the additional density could be considered as part of the evaluation of community benefit and overall quality of the site/building design. At this time, the applicant is requested preliminary consideration of 19 units, a 5-unit increase. Given the community benefits associated with the permanently affordable units discussed above, staff is open to the additional density. At time of Site Review, it would be important to demonstrate that the site design aptly meets the Site Review criteria for on-site open space for the residents. Further, a revision to the BVCP land use map may be necessary in the location of the alley to change the Low Density Residential land use in the alley area to Medium Density Residential

as to keep the project consistent with the six to 14 units per acre for medium density land use.

Planning Board review is tentatively scheduled for September 1, 2016. Please make the changes requested in 'Plan Documents' below for the plan sets that would be for Planning Board review. Take the suggestions of these comments into account, but otherwise, no additional changes to the plans need be made before the board hearing.

II. CITY REQUIREMENTS

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

1. Staff supports the right-of-way vacation being requested for the east / west alley which will accommodate a sixteen-foot wide residential alley consistent with the City's cross-section for a residential alley.
2. Staff can support a right-of-way vacation for Vine Street consistent with the Crestview East Annexations but will need additional design information for Vine Street in order to ensure an acceptable street alignment can be obtained in conjunction with the requested right-of-way vacation.
3. Pursuant to section 9-9-8 of the Boulder Revised Code, 1981, and the North Boulder Sub-Community Plan, the project will be responsible for constructing the following public improvements:
 - One half of the Violet Avenue roadway cross-section to consist of a 11' wide travel lane; 5' wide bike lane; 10' wide curb-and-gutter and landscape strip and a six-foot wide detached sidewalk.
 - The removal of the existing monolithically constructed curb-&-gutter and attached sidewalk along 22nd Street and replacing it with a new standard six-inch curb-and-gutter, an eight-foot wide landscape strip and a five-foot wide detached consistent with a residential street cross-section. Please be aware constructing this portion of the 22nd Street cross-section will require the dedication of an approximately five-foot wide public access easement to accommodate the landscape strip.
 - The residential alley cross-section for the east-west alley consistent with technical drawing 2.68 of the City's Design and Construction Standards.
 - A six-foot wide north-south concrete path at the west end of the site within the existing public access easement that was dedicated as part of annexation into the City.
4. Per Section 9-9-5 of the B.R.C, 1981 regarding site access, staff does not support multiple access points for the property from the alley without understanding why the additional access point is required, how the additional access point will impact pedestrian activity and how a single access point would impact the site design and site circulation.
5. At the time of Site Review:
 - A Transportation Demand Management (TDM) plan consistent with section 2.03(I) of the DCS and section 9-2-14(h)(2)(D)(iv) and (v) of the B.R.C. is required to be submitted which outlines strategies to mitigate traffic impacts created by the proposed residential development and implementable measures for promoting alternative modes of travel:
 - Show and label the public improvements to be constructed along with the public easements to be dedicated in conjunction with the site's development.
 - Please show the location of the short-term and long-term bicycle parking to be provided on the site following the requirements found in section 9-9-6(g), of the B.R.C.
 - Pursuant to the Guide to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) Manual, please provide a minimum of two accessible spaces with one of the two spaces being van accessible and locate the accessible spaces as close as practical to the proposed accessible units.
 - Per Section 2.04(M)(1) of the DCS, please revise the plans to provide a separation of twenty-feet between the right-of-way and the first off-street parking space or parking lot aisle.
 - Describe in the written statement for the site review application and show on the site plans how emergency access will be provided for the three-unit townhome building located in the southwest quadrant of the site.

The applicant can contact Dave Lowery to identify the site and public infrastructure that must be present to support emergency access.

Drainage Scott Kuhna, 303-441-4071

Detention ponding shall be provided for all new development to ensure that storm water runoff can be conveyed to the major drainage system without adverse impact on upstream, surrounding, or downstream properties and facilities. Also, all proposed projects and developments over 1 acre in size shall provide Water Quality Capture Volume and a Water Quality Outlet in accordance with the *UDFCD Drainage Criteria Manual*. It is unclear where these features will be located based on the submitted site plan.

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

The Boulder Valley Comprehensive Plan (BVCP) land use designation for the property is 'Medium Density Residential' which permits six to 14 dwelling units per acre. The site is also subject to the North Boulder Subcommunity Plan (NoBo Plan). Relevant BVCP policies are listed below and an analysis of the project's compliance with the NoBo Plan can be found in Section V below.

Landscaping: Jessica Andersen, 303-441-4416

Consider the following comments and Site Review criteria (shown "*italicized*") as design development begins.

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

As the project plans become more refined, a detailed landscape plan is required that is consistent with, and exceeds, city code requirements. See Sections 9-9-11, 9-9-12, 9-9-13 and 9-9-14, B.R.C. 1981 for all applicable requirements. Please consider the Water Conservation and Xeriscape Landscape Standards - Section 9-9-12-(d)(14) & (15) as plant materials are selected. Consider developing a plant palette that responds to the various microclimates on site including the shady north side of units, moist drainage areas, hot and dry parking lot islands, etc. Please note that rock mulch is not an approved landscape surface treatment and is restricted in planting areas. Rock mulch or cobble may be used within a drainage swale. Larger boulders or decorative stones may be used as accents within landscaped areas. Consider landscape strategies to give identify to individual units as well as common open space areas.

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

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

While no existing public street trees are identified in the City's tree inventory, please note that removal of any public street tree requires permission of the City Forester and may include mitigation fees.

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

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

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

Street and alley trees will be required along all street frontages. One large deciduous tree is required for every 40 linear feet of street or alley frontage per Section 9-9-12 B.R.C. 1981. Please coordinate the street tree requirements with any existing or proposed utilities with the initial Site Review submittal so that all requirements

are satisfied. Please show the trees on the utility plan and utilities on the planting plan for coordination purposes.

A planting strip will be required on Violet and 22nd per Access/Circulation requirements. Please coordinate the planting strip, sidewalk, landscaping, and street trees with any required site drainage. If a drainage swale is required in the right-of-way it should be thoughtfully designed with consideration for landscaping requirements. Street trees may not be planted within the flowline of a drainage swale. Rock mulch may be used within the bottom of a drainage swale only, not around trees or as a surface material on the site. Refer to Access/Circulation comments for additional sidewalk and right-of-way requirements.

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

While the site plan depicts a high level of pedestrian connection between the parking lot, individual units and public right-of-way. more information is needed to fully evaluate the parking lot layout. The applicant should coordinate the carports, landscaping, and pedestrian movement in a manner that enhances the site entrance experience from the alley for all modes of travel.

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

Carefully consider the locations of required trees in relation to the installation of PV at the carports to achieve parking lot shading and screening requirements and Alley tree requirements. The islands depicted between the Carports may not be practical for tree and understory planting. The applicant should consider alternative layouts of the carports that allow for larger planting areas. Please demonstrate at Site Review how the carports and alley trees can co-exist on site to the greatest extent possible.

7. Modifications – Please be aware that per the Site Review criteria, this project should exceed the by-right landscaping standards of section 9-9-12, "*Landscaping & Screening*" and section 9-9-13, "*Streetscape Design*," B.R.C. 1981, in quantity and size. Any requested modifications should be called out and an explanation of how the project continues to meet the Site Review criteria included.

Plan Documents Karl Guiler, Case Manager, 303-441-4236

It appears that the context map may be incorrect. City mapping indicates that the RM-2 zoning only goes along the east property line to the corner where the proposed alley begins and does not encompass the land for the alley. Prior to Planning Board staff recommends that this be corrected on the context map for clarify.

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

Per Section 9-2-14, B.R.C. 1981, the project is eligible for Concept Plan Review because the site allows for more than 5 units. In this case, the applicant has elected to undergo the Concept Plan Review process. The Concept Plan process is an opportunity for the applicant to receive comments from the community, city staff and the Planning Board about the proposed plan. Feedback received in the Concept Plan process is meant to inform subsequent phases of the development process. Concept Plan Review requires staff review and a public hearing before the Planning Board. The Planning Department and Planning Board will review the applicant's Concept Review & Comment plans against the guidelines found in Section 9-2-13(f), B.R.C. 1981.

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

The project site is zoned Residential Medium Two (RM-2) and is defined in in Section 9-5-2(c), B.R.C. 1981 as "*Medium density residential areas primarily used for small-lot residential development, including without limitation, duplexes, triplexes, or townhouses, where each unit generally has direct access at ground level.*"

III. INFORMATIONAL COMMENTS

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

1. Staff has reviewed the trip generation report and a traffic study is not required since the trips generated by this development during the peak hour is less than the threshold requirement of 20 vehicles for residential application per Section 2.02(B) of the DCS.

Addressing, Caeli Hill, 303-441-4161

The City is required to notify utility companies, the County Assessor's office, emergency services and the US Post Office

of proposed addressing for development projects. Please submit a Final Address Plat and list of all proposed addresses as part of the Technical Document Review process.

Area Characteristics and Zoning History

Karl Guiler, Case Manager, 303-441-4236

The subject property is located at 2180 Violet Ave. at the southwest corner of 22nd Street and Violet Avenue (refer to **Figure 2** below). The property was annexed into the city in 1997 and is subject to the requirements of the attached annexation agreement. As part of annexation, the northern portion of the property was assigned a zoning designation of Residential - Medium 2 (RM-2) (previously referred to as Medium Density Residential – Established (MR-E)) and the southern portion of the property was zoned Residential - Low 1 (RL-1) (previously Low Density Residential – Established (LR-E)). Refer to **Figure 3**. The zoning districts that were assigned to the area in the mid 1990's are consistent with planned land uses in the North Boulder Subcommunity Plan.

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



Figure 2: Vicinity Map

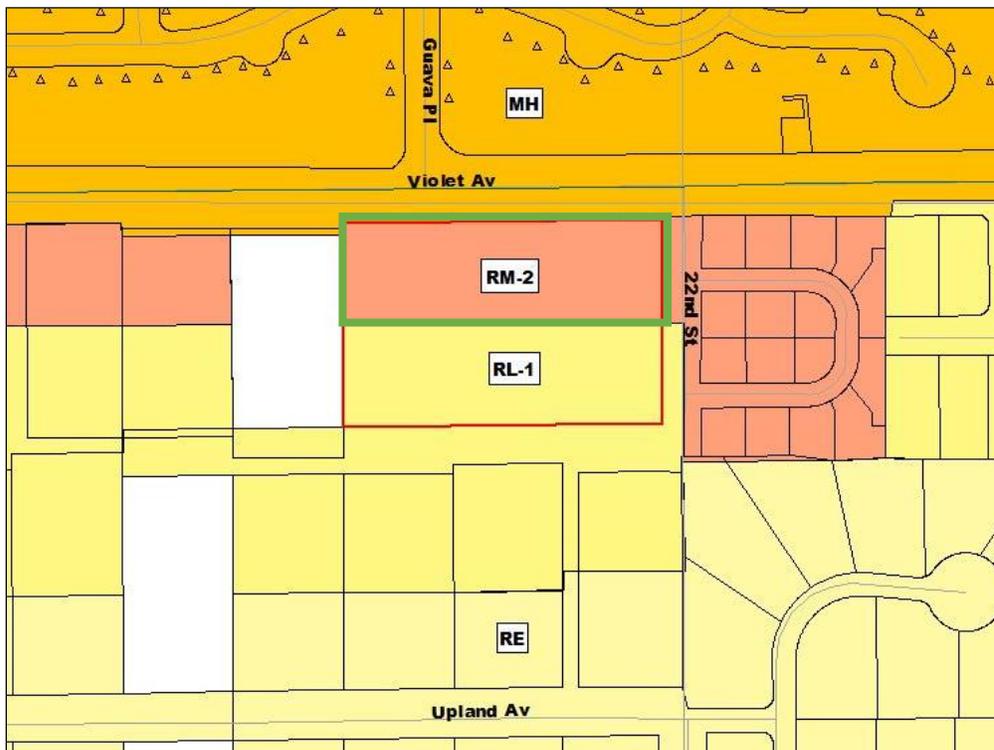


Figure 3: City Zoning Districts

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

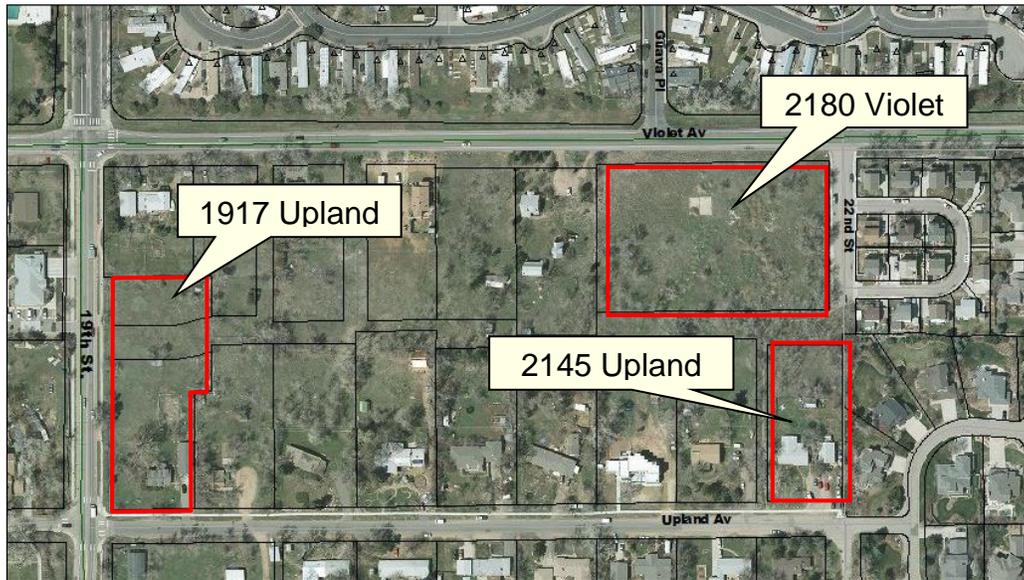


Figure 4: Vicinity Map

Community Benefit Beth Roberts 303-441-1828

The owner annexed the subject properties 2180 Violet, 2145 Upland Ave., and 1917 Upland Ave. in 1997. Each of which has an annexation agreement that includes a requirement to provide permanent and restricted affordable units on site.

The applicant proposes to meet the affordable requirement on subject property. Staff has made the determination the proposal as stated will meet the annexation requirements and in addition exceed the affordable housing requirement as defined in the original annexation agreements.

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

The Applicant has submitted a funding request seeking funds to support the development of the permanently affordable homeownership units. The funding request will be reviewed by staff and the Affordable Housing Technical Review Group with a funding recommendation to the City Manager for approval. Funding amounts will support the additional community benefit beyond the requirements of the annexation agreements which is comprised of two additional affordable units and lower affordable pricing than required by the annexations.

Staff suggests the applicant review the Livability Standards for Permanently Affordable Housing which can be found at www.boulderadffordablehomes.com, as the livability standards will apply to the proposed affordable units and will be reviewed as part of the site review.

Drainage Scott Kuhna, 303-441-4071

1. Storm water quality enhancement and detention ponding are issues that must be addressed during the Site Review Process. A Preliminary Storm Water Report and Plan in accordance with the City of Boulder *Design and Construction Standards (DCS)* must be provided by the applicant at time of Site Review application. The applicant should note that additional storm water quality requirements have been recently added to the *DCS*. The required report and plan must also address the following issues:

- Water quality for surface runoff using "Best Management Practices"
 - Minimize Directly Connected Impervious Areas (MDCIA)
 - Detention ponding facilities
 - Water Quality Capture Volume (WQCV)
 - Storm sewer construction
 - Groundwater discharge
 - Erosion control during construction activities
2. Discharge of groundwater to the public storm sewer system is anticipated to accommodate construction and operation of the proposed developments. City and/or State permits will be required for this discharge. The applicant is advised to contact the City of Boulder Storm Water Quality Office at 303-413-7350 regarding permit requirements. All applicable permits must be in place prior to building permit application. Additionally, special design considerations for the properties to handle groundwater discharge as part of the development may be necessary.
 3. The applicant is notified that detention and water quality ponds intended to detain and treat stormwater runoff for the entire property (not each individual lot) shall be located in "Outlots", with maintenance responsibilities detailed in the subdivision agreement.
 4. A construction storm water discharge permit is required from the State of Colorado for projects disturbing one (1) acre of land or more. The applicant is advised to contact the Colorado Department of Public Health and Environment.

Groundwater Scott Kuhna, 303-441-4071

While the proposed development site is not known to have high groundwater levels, groundwater is a concern in many areas of the city of Boulder. Please be advised that if it is encountered at this site, an underdrain/dewatering system may be required to reduce groundwater infiltration, and information pertaining to the quality of the groundwater encountered on the site will be required to determine if treatment is necessary prior to discharge from the site. City and/or State permits are required for the discharge of any groundwater to the public storm sewer system.

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

BVCP Policies

Below are most applicable identified BVCP policies to the proposed project. A discussion on preliminary compliance with these policies is within Section V below:

2.03 Compact Development Pattern

The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community.

2.09 Neighborhoods as Building Blocks

The city and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction, and plan for urban design and amenities. All neighborhoods, whether residential areas, business districts, or mixed land use areas, should offer unique physical elements of neighborhood character and identity, such as distinctive development patterns or architecture; historic or cultural resources; amenities such as views, open space, creeks, irrigation ditches, and varied topography; and distinctive community facilities and business areas.

2.30 Sensitive Infill and Redevelopment

With little vacant land remaining in the city, most new development will occur through redevelopment. The city will gear subcommunity and area planning and other efforts toward defining the acceptable amount of infill and redevelopment and standards and performance measures for design quality to avoid or adequately mitigate negative impacts and enhance the benefits of infill and redevelopment to the community and individual neighborhoods. The city will also develop tools, such as neighborhood design guidelines, to promote sensitive infill and redevelopment.

2.37 Enhanced Design for Private Sector Projects

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

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

- b) Relationship to the public realm. Projects should relate positively to public streets, plazas, sidewalks, paths, ditches and natural features. Buildings and landscaped areas—not parking lots—should present a well-designed face to the public realm, should not block access to sunlight, and should be sensitive to important public view corridors. Future strip commercial development will be discouraged.
- c) Transportation connections. Projects should provide a complete network of vehicular, bicycle and pedestrian connections both internal to the project and connecting to adjacent properties, streets and paths, including dedication of public rights-of-way and easements where required.
- d) Human scale. Projects should provide pedestrian interest along streets, paths and public spaces.
- e) Permeability. Projects should provide multiple opportunities to walk from the street into projects, thus presenting a street face that is permeable. Where appropriate, they should provide opportunities for visual permeability into a site to create pedestrian interest.
- f) On-site open spaces. Projects should incorporate well-designed functional open spaces with quality landscaping, access to sunlight and places to sit comfortably. Where public parks or open spaces are not within close proximity, shared open spaces for a variety of activities should also be provided within developments.

4.05 Energy-Efficient Building Design

The city and county will pursue efforts to improve the energy and resource efficiency of new and existing buildings. The city and county will improve regulations ensuring energy and resource efficiency in new construction, remodels and renovation projects and will establish energy efficiency requirements for existing buildings. Energy conservation programs will be sensitive to the unique situations that involve historic preservation and low-income homeowners and renters and will ensure that programs assisting these groups are continued.

7.01 Local Solutions to Affordable Housing

The city and county will employ local regulations, policies, and programs to meet the housing needs of their low and moderate income households and workforce. Appropriate federal, state and local programs and resources will be used locally and in collaboration with other jurisdictions. The city recognizes that affordable housing provides a significant community benefit and will continually monitor and evaluate its policies, programs and regulations to further the city’s affordable housing goals.

7.02 Permanently Affordable Housing

The city will increase the proportion of permanently affordable housing units to an overall goal of at least ten percent of the total existing housing stock through regulations, financial subsidies and other means. City resources will also be directed toward maintaining existing permanently affordable housing units and securing replacements for lost low and very low income units.

7.03 Strengthening Community Housing Partnerships

The city will create and preserve partnerships dedicated to the community’s housing needs by supporting private and nonprofit agencies that create and maintain permanently affordable housing in the community, and fostering nonprofit and private sector partnerships. The city recognizes the role of the university in the housing market and will encourage the University of Colorado and other post-secondary institutions in their efforts to increase the amount of on campus housing.

7.13 Integration of Permanently Affordable Housing

Permanently affordable housing, whether publicly, privately or jointly financed will be designed as to be compatible, dispersed, and integrated with housing throughout the community.

Neighborhood Comments Karl Guiler, Case Manager, 303-441-4236

At the time of these comments, staff was contacted by one member of the public who was interested in reviewing the plans. Staff forwarded the application materials to them.

Residential Growth Management System, Caeli Hill, 303-441-4161

Growth management allocations are required to construct each dwelling unit prior to building permit submittal. Please be advised that an agreement for meeting city affordable housing requirements must be in place before a Growth Management Allocation can be issued.

Site and Building Design Karl Guiler, Case Manager, 303-441-4236

The most relevant BVCP policy to site design is *2.37 Enhanced Design for Private Sector Projects*. Staff has provided commentary below regarding how the projects relates to this policy.

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

The context of the area is eclectic with a range of low and medium density residential buildings, the latter being built closer to the street and on smaller lots. The proposed project would be consistent with other medium density developments in North Boulder, but will be somewhat of a change in character considering its immediate vicinity. Nevertheless, the attractive, human-scaled buildings will be move towards a more improved character for the area. The applicant will be required at the Site Review stage to demonstrate that the buildings will fit into the character of the area and include durable materials as required by the Site Review criteria.

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

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

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

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

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

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

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

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

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

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

Additional comment on the alley: Staff recommends that the applicant consider consolidating the two trash enclosures and orient the enclosure to the alley so that impact of trash/recycle trucks on parked vehicles would be minimized.

Utilities Scott Kuhna, 303-441-4071

1. On-site and off-site water main and wastewater main construction per the City of Boulder *Design and Construction Standards* (DCS) as necessary to serve the development, as well as perpetuate the overall system, will be required. All proposed public utilities for this project shall be designed in accordance with the DCS. A Utility Report per Sections 5.02 and 6.02 of the DCS will be required at time of Site Review or Preliminary Plat application to establish the impacts of this project on the City of Boulder utility systems.
2. All proposed public utilities for this project shall be designed in accordance with the City of Boulder *Design and Construction Standards* (DCS). A Utility Report per Sections 5.02 and 6.02 of the DCS will be required at time of Site Review application to establish the impacts of this project on the City of Boulder utility systems.

3. Fire hydrants will need to be installed to meet the coverage requirements outlined in Section 5.10 of the City of Boulder *Design and Construction Standards*. Per the standards, no portion of any building shall be over 175 feet of fire access distance from the nearest hydrant. Fire access distance is measured along public or private (fire accessible) roadways or fire lanes, as would be traveled by motorized fire equipment. All fire hydrants and public water lines will need to be located within public utility easements.
4. The applicant is notified that, though the city allows Xcel and Qwest to install their utilities in the public right-of-way, they generally require them to be located in easements on private property.
5. The applicant is advised that any proposed street trees along the property frontage may conflict with existing or proposed utilities, including without limitation: water, wastewater, storm drainage, flood control, gas, electric, telecommunications, drainageways, and irrigation ditches, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the Boulder Revised Code 1981, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.
6. The landscape irrigation system requires a separate water service and meter. A separate water Plant Investment Fee must be paid at time of building permit. Service, meter and tap sizes will be required at time of building permit submittal.

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

Site size

The application materials indicate the site size is 60,668 square feet. At time of Site Review, a site survey will be required to confirm this site size.

Subdivision

While the property was conveyed via ordinance to Habitat for Humanity, a subdivision of the property, including preliminary and final plat, would be required. Please confirm whether the single-family units that would be developed on the site to the south will be designed to access the alley as well.

Density

Based on the site size indicated above and considering the required dedication of the alley and the limits of the RM-2 zoning district discussed in 'Plan Documents' comment no. 1 above, the maximum number of units on the property would be 14 dwelling units. This matches the Habitat for Humanity's written statement for the ordinance permitting the subdivision that created the lot in 2015. The proposal for 19 dwelling units would not conform to the zoning and would either require a rezoning or a special ordinance. The current written statement dated July 13, 2016 appears to acknowledge this with a request to change the annexation agreement to permit the 19 units. Prior to Planning Board, it would be helpful to understand the rationale of the request for additional density.

Building Heights

The maximum permitted height in the RM-2 zoning district is 35 feet. The measurement is from the lowest point within 25 horizontal feet of the tallest side of each structure. This will need to be confirmed with more detailed documentation at time of Site Review. Further, the proposed solar carports would be considered accessory structures and would be limited to 20 feet.

Building Massing

Building massing is determined by a combination of the underlying setbacks, height limits and conformity with the Site Review criteria of Section 9-2-14(h), B.R.C. 1981. At this time, it appears the massing of the buildings would be appropriate to the surrounding context.

Building Setbacks

Per the land use code, the shortest frontage along a street is considered the front setback. Therefore, 22nd Street would be considered the front and the frontage along Violet Avenue would be a side yard adjacent to street. While this is the technical requirement in the code, staff understands that the development is designed with buildings addressing Violet as if it were the front of the development and considering the location of the alley that is more appropriate as a rear setback area. Nevertheless, the following setback modifications would be required at time of Site Review:

- Section 9-7-1, Minimum Front Yard Landscape Setback – Request to permit 9 feet where 25 feet is the code standard;
- Section 9-7-1, Minimum Side Yard Landscape Setback from a Street – Request to permit 9 feet where 12.5 feet is the code standard;
- Section 9-7-1- Minimum Side Yard Setback from an Interior Lot line – Request for 4 feet where 5 feet is the code

- standard;
- Section 9-7-1- Minimum Total for Both Side Yard Setbacks – Request for 13 feet where 15 feet is the code standard, and
- Section 9-7-1- Minimum Rear Yard Setback – Request for 20 feet where 25 feet is the code standard.

Development Standards

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

Parking

The parking standards are found in section 9-9-6, B.R.C. 1981. The parking requirements in the RM-2 zone for attached dwelling units are as follows: 1 space per one-bedroom; 1.5 spaces per two-bedroom; 2 spaces per three-bedroom, and 3 spaces per four or more bedrooms. Per the written description, the units would be designed as three-bedroom units which would require two spaces per unit. Based on this and the parking shown on the conceptual site plan, it appears that parking would be adequately accommodated on the site.

Open Space

Open space would be subject to the requirements of 9-9-11, “Useable Open Space,” B.R.C. 1981 and the open space criteria within the Site Review criteria (9-2-14(h)(2), B.R.C. 1981). The RM-2 zone does not require open space per unit or a minimum for any use. Nevertheless, open space would be required on the site and would be evaluated based on compliance with the Site Review criteria.

Outdoor Lighting

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

Solar Access

Per section 9-9-17, “Solar Access,” B.R.C. 1981, the site is within Solar Access Area II. Section 9-9-17(c)(3), B.R.C. 1981 states, “Solar Access Area is designed to protect solar access principally for rooftops in areas where, because of planned density, topography or lot configuration or orientation, the preponderance of lots therein currently enjoy such access and where solar access of this nature would not unduly restrict permissible development.”

Occupancy of Dwelling Units

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

IV. NEXT STEPS

Planning Board review is tentatively scheduled for September 1, 2016. Please make the changes requested in ‘Plan Documents’ above for the plan sets that would be for Planning Board review. Take the suggestions of these comments into account, but otherwise, no additional changes to the plans need be made before the board hearing.

V. CITY CODE CRITERIA CHECKLIST

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

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

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

The site is part of the Crestview East neighborhood and includes a variety of single-family homes in a more rural setting than other parts of Boulder. Lot sizes vary considerably in the area with Rural Estate lots ranging from 14,000 square feet to 40,000 square feet, RL-1 (Residential Low – 1) lots of roughly 8,000 square feet in size

and the medium density lots across the street from the site with lots less than 4,000 square feet in size. Medium density land use and zoning exists along Violet. The lot across 22nd Avenue to the east is another Habitat for Humanity development with the small lot single-family development. There's prevalence of developments built with cul-de-sacs and the existence of Boulder County enclaves in the immediate vicinity. An extensive mobile home park exists on the north side of Violet across from the site.

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

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

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

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

Additional information would be required at time of Site Review to demonstrate that the development is appropriately designed to minimize impact to existing neighborhood to be consistent with 2.30 Sensitive Infill and Redevelopment. Further, staff has recommended that the on site open space be relocated more internal to the development to enhance its usability. This change would be make the development more consistent with 2.37 Enhanced Design for Private Sector Projects.

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

- Position houses so that their front doors and front yards face the street
- Except in areas recommended for low density rural-type character, position buildings close to the street to create a more pedestrian friendly atmosphere. Rather than conventional "setback", create a "build-to" line
- Provide high quality building design with attention to detail. Avoid monotonous building designs: include human scale features such as porches, varied building elevations, and varied sizes and styles
- Use alleys wherever possible to provide a "service" side to properties. Reduce curb cuts and sidewalk interruptions on the "public" side of lots

Further, the proposal for 100 percent permanently affordable uses on the site and the proposal to allow such uses from other single-family lots is consistent with the principal NoBo Plan Crestview East goals, which are:

- Create permanently affordable and diverse housing
- Develop minimum densities in the MR and LR zones

- Create new development in a pattern that supports walkability and good community design
- Consider transfers of development (TDR) from other, less centrally located areas

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

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

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

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

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

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

(5) *Opportunities and constraints in relation to the transportation system, including without limitation, access, linkage, signalization, signage and circulation, existing transportation system capacity problems serving the requirements of the transportation master plan, possible trail links, and the possible need for a traffic or transportation study;*

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

(6) *Environmental opportunities and constraints, including without limitation, the identification of wetlands, important view corridors, floodplains, and other natural hazards, wildlife corridors, endangered and protected species and habitats, the need for further biological inventories of the site, and at what point in the process the information will be necessary;*

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

(7) *Appropriate ranges of land uses; and*

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

(8) *The appropriateness of or necessity for housing.*

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

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

The subject site would only permit 14 units per the RM-2 zoning. When Ordinance No. 8065 was processed, the city indicated that the additional density could be considered as part of the evaluation of community benefit and overall quality of the site/building design. At this time, the applicant is requested preliminary consideration of 19

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

VI. Conditions On Case

Not applicable to Concept Plans.



ANNEXATION AGREEMENT

THIS AGREEMENT, made this November 8, 1997, by and between the CITY OF BOULDER, a Colorado home rule city, hereinafter referred to as "City;" and Robert C. Naumann, hereinafter referred to as "Applicant":

WITNESSETH:

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as 2100 Violet Avenue and more particularly described in Exhibit A, included by reference and hereby made a part of this agreement, which real property shall hereinafter be referred to as the "Subject Property"; and,

WHEREAS, the Applicant is interested in obtaining approval from the City of the annexation of the Subject Property in order to provide adequate urban services to said area, particularly city water and sewer; and

WHEREAS, the parties anticipate that annexation, with an initial zoning designation of Medium Density Residential - Established (MR-E) and Low Density Residential - Established (LR-E) will be consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

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COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein received for, the parties agree as follow:

1. Prior to the first reading of the annexation ordinance, the Applicant shall:
 - (a) File an application, and pay the applicable fees, for inclusion in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;
 - (b) Pay the applicable water line assessment for the 8" main in Violet Ave of \$1,200.00;
 - (c) Pay the applicable water line assessment for the 12" main in Violet Ave of \$1,837.01;
 - (d) Dedicate to the City of Boulder, in fee and at no cost, the following property for street purposes:
 - (1) a 30' wide right-of-way for Vine St along the southern line of the Subject Property;
 - (2) a 20' wide right-of-way for Vine alley thru the approximate center of the Subject Property running east to west;
 - (3) a 24' wide right-of-way for N. 22nd St. along the eastern line of the Subject Property; and
 - (4) a 7.5' wide public access easement for a pedestrian and bicycle path;

all in the locations depicted on the Infrastructure Plan for Crestview East, attached hereto as Exhibit B and incorporated herein by reference;
 - (e) Provide proof of payment of property taxes for the current year for the property dedicated in (d) above;
 - (f) Sell, or execute a "First Right of Refusal" agreement, in a form acceptable to the City Manager, for any water rights associated with, or appurtenant to the subject properties;



- 2. The Applicant shall pay their pro-rata share of future improvements to Violet Ave, N. 22nd Street, Vine alley and Vine St. and/or to participate in and to not dissent therefrom or oppose or remonstrate against the establishment of a Local Improvement District (LID).

If the Applicant develops prior to the formation of the LID, the applicant will be responsible for constructing on and off site drainage and street improvements in accordance with the approved Infrastructure Plan for the Crestview East Neighborhood, as required by the City to serve the annexing property at time of redevelopment. If a LID is formed after the construction of street improvements by a property owner, said owner may be eligible for a credit in accordance with Section 8-1-14 of the Boulder Revised Code, 1981 (BRC).

Further, if the City does not acquire the entire Vine St. ROW adjacent to the Subject Property within one year of the date of this annexation or when the Applicant is permitted to obtain building permits for the units on the southwest corner of the Subject Property, whichever occurs later, the City will allow the Applicant to obtain access to his lots fronting on Vine St. by means of an access lane, until such time as Vine St. is built in its ultimate configuration.

- 3. No development review application, nor building permit which exceeds 25% of the Boulder County Assessor's Actual Value of the existing structure, nor building permit for a new dwelling unit, shall be approved or issued for any individual parcel unless the Applicant for that parcel has agreed to meet the following requirements:
 - (a) At time of redevelopment, the Subject Property shall be developed at a density consistent with the zoning; additionally, subdivision of the Subject Property may not reduce the density below that allowed by the parcel's square footage;
 - (b) Eight (8) of the units permitted at time of development shall be permanently affordable and sold to households earning between 60% and 120% of the Area Median Income (AMI) and shall be distributed such that the average is affordable to households earning 90% of AMI;

If these units are rental units they must be affordable to households earning less than 90% of AMI. Applicant shall co-operate with the City Housing Division in establishing the appropriate rental rates for the units, but in no



event will the rental rates be less than an amount equal to the PITI paid by the Applicant for the units;

- (c) One (1) of the units in the area zoned LR-E (Low Density Residential - Established) which are permitted at time of development shall be size restricted (a "restricted unit" as that term is defined in Chapter 9-6, B.R.C.) and be initially affordable to households earning 110% of AMI;
 - (d) In the event that an increase in the development excise tax is adopted by the electorate in the November 1997 election, the allowable purchase price of the Restricted or permanently affordable units described or an increase in development fees currently charged in the August 1997 review of the B.R.C., 1981 is adopted by City Council after August 15, 1995, other than the normal annual increases resulting from increases in the AMI or CPI above will be increased by the increase in the tax or fees, as applicable;
 - (e) Four (4) of the units in the area zoned MR-E (Medium Density Residential - Established) which are permitted at time of development shall be size restricted (a "restricted unit" as that term is defined in Chapter 9-6, B.R.C.) and initially affordable to households earning between 80% and 120% of the Area Median Income (AMI) and shall be distributed such that the average is affordable to households earning 110% of AMI;
 - (f) At time of redevelopment, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable and size and price restricted units, which shall include the initial sales price, the rental rate, and the index by which rates may increase, or which permanently restricts the size of the units, so as to guarantee the perpetual affordability of the units and which shall be recorded against the Subject Property; and
 - (g) The Applicant acknowledges that no building permits for improvements which are less than twenty-five percent (25%) of the Boulder County Assessor's actual value, will be issued which precludes the ability of an Applicant to redevelop the Subject Property consistent with the conditions noted above.
4. The City agrees that upon passage of the annexation ordinance at second reading, the City staff will continue to process the subdivision applicant for the Subject Property,

previously filed. It is anticipated by the parties that a final decision on the subdivision can be completed within 120 days thereafter.

- 5. The Applicant shall convey drainage from the site in a manner that does not adversely affect abutting property owners.
- 6. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction.
- 7. Applicant shall maintain the Silver Lake Ditch as it abuts the property until such time as the lateral is abandoned by the Silver Lake Ditch Co.
- 8. The Applicant shall demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment which shall include but is not limited to the following continuing limitations on the Subject Property:
 - (a) Street trees shall be selected from the "large maturing" varieties from the list of trees approved by the City Forester and planted as required by the City Forester at time of redevelopment;
 - (b) Fences and landscaping berms are permitted in required front yards and side yard abutting a public street (up to the front facade of the principal building and the side yard building envelope) so long as either or the combination of both does not exceed forty-eight inches (48") in height. In no event may a berm exceed thirty-six inches (36") in height;

Up to 7 foot fences are permitted in interior sideyard or rearyard setbacks so long as they are located at or behind the front facade of the principal building and at or behind the sideyard building envelope;
 - (c) At least one "Entry" element including but not limited to, covered and uncovered porches and front doors, shall be provided on facades abutting a public street;
 - (d) Attached and detached garages shall be setback at least ten feet (10') from the front facade of the principal building; or if side-loaded, may not project beyond the front facade of the building;
 - (e) No direct driveway access to Violet Ave. shall be permitted;



- (f) Service access and parking shall be located off of the Vine alley only;
- (g) Two story maximum above grade not including basements;
- (h) No floor area ratio is imposed on the units to be built on the Subject Property; and
- (i) Setbacks shall be measured from the boundaries of the pedestrian and bicycle easement.

9. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Subject Property is not annexed to the City.

The Agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, his heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Subject Property, or any part thereof. If it shall be determined that this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 364 days.

In the event the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligation to connect to the water and/or sewer system of the City. In the event the Applicant fails to pay any monies due under this agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he or she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.



CITY OF BOULDER, COLORADO

BY: Paul A. Kloden
City Manager

ATTEST:

Alisa D. Lewis for
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

Janet N. Greenfield
City Attorney

Unofficial Copy



EXHIBIT A

2100 Violet

DESCRIPTION:

THAT PORTION OF THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE
SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 18,
TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., LYING EASTERLY OF
THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE NORTH LINE
OF SAID THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST
ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, 890.68 FEET EAST OF THE
NORTHWEST CORNER THEREOF; THENCE S.00°03'40"W., 330.00 FEET, MORE OR
LESS, TO THE SOUTH LINE OF THE SAID NORTH ONE-HALF OF THE NORTH
ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER,
EXCEPT THE NORTH 30.00 FEET THEREOF; COUNTY OF BOULDER, STATE OF
COLORADO.

CERTIFICATION:

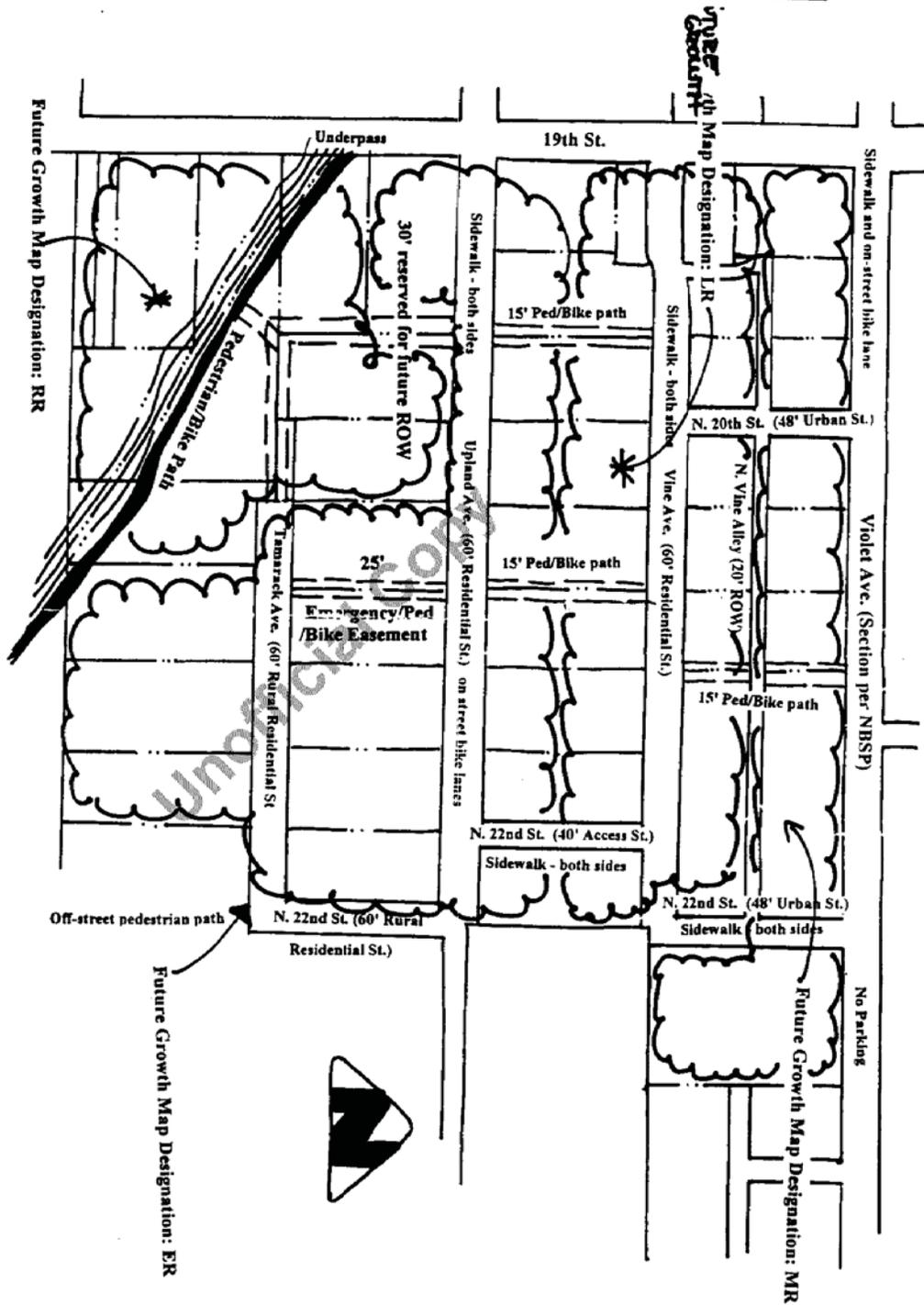
I, WILLIAM J. STENGEL, DO HEREBY CERTIFY THAT THE ACCOMPANYING MAP
REPRESENTS THE RESULTS OF A SURVEY MADE BY ME AND IS TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE.

William J. Stengel

WILLIAM J. STENGEL
REGISTERED PROFESSIONAL LAND SURVEYOR
COLORADO LICENSE NO. 4846

Recorder's Note: 12-16-97
Portion of recorded document
may not reproduce legibly.

City Council and Planning Board Zoning and Infrastructure Plan



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 Page: 19 of 19
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ANNEXATION AGREEMENT

THIS AGREEMENT, made this NOVEMBER 8, 1997, by and between the CITY OF BOULDER, a Colorado home rule city, hereinafter referred to as "City;" and Robert C. Naumann, hereinafter referred to as "Applicant":

WITNESSETH:

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as 2145 Upland Avenue and more particularly described in Exhibit A, included by reference and hereby made a part of this agreement, which real property shall hereinafter be referred to as the "Subject Property"; and

WHEREAS, the Applicant is interested in obtaining approval from the City of the annexation of the Subject Property in order to provide adequate urban services to said area, particularly city water and sewer; and

WHEREAS, the parties anticipate that annexation, with an initial zoning designation of Low Density Residential - Established (LR-E) and Estate Residential - Established (ER-E) will be consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

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COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein received for, the parties agree as follow:

1. Prior to the first reading of the annexation ordinance, the Applicant shall:
 - (a) File an application, and pay the applicable fees, for inclusion in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;
 - (b) Pay the applicable Flood Control Plant Investment Fee of \$1843.06;
 - (c) Pay the applicable Park Land Acquisition and Capital Improvement Fee of \$1,709.00;
 - (d) Dedicate to the City of Boulder, in fee and at no cost, the following land for street purposes:
 - (1) a 30' wide right-of-way for Vine St along the north side of the Subject Property; and
 - (2) a 20' wide right-of-way for N. 22nd St along the west side of the Subject Property;
 - (e) Provide proof of payment of property taxes for the current year on the property dedicated in (d) above; and
 - (f) Sell the one (1) share of the Silver Lake Ditch appurtenant to the Subject Property.

2. The Applicant shall pay their pro-rata share of future improvements to Upland Avenue, N. 22nd St, and Vine St. and to participate in and to not dissent therefrom or oppose or remonstrate against the establishment of a Local Improvement District (LID).

If the Applicant develops or redevelops prior to the formation of a LID, the Applicant will be responsible for constructing on and off site drainage and street improvements in accordance with the approved infrastructure plan for the Crestview

East Neighborhood, as required by the City's Subdivision Regulations in Chapter 9-5, B.R.S., to serve the annexing property at time of development. If a local improvement district is formed after the construction of street improvements by a property owner, said owner may be eligible for a credit in accordance with Section 8-1-14 of the Boulder Revised Code, 1981 (B.R.C.).

3. No development review application, nor building permit which exceeds 25% of the Boulder County Assessor's Actual Value of the existing structure, nor building permit for a new dwelling unit, shall be approved or issued for any individual parcel unless the Applicant for that parcel has agreed to meet the following requirements:

- (a) At time of redevelopment, the Subject Property shall be developed at a density consistent with the zoning; additionally, subdivision of the Subject Property may not reduce the density below that allowed by the parcel's square footage;
- (b) If the LR-E portion of the property is developed with three units, then one (1) of the units provided at time of development of the Subject Property shall be permanently affordable for a household earning ninety percent (90%) of AMI. If the LR-E portion of the property is developed with only two units, then one (1) of the units shall be size restricted and initially affordable to households earning up to 110% of AMI; and
- (c) At time of development, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable or restricted unit, which shall include the initial sales price, the rental rate, if applicable, and the index by which rates may increase, and, as applicable, covenants to guarantee the size, owner occupancy, and perpetual affordability of the unit, and which shall be recorded against the Subject Property; and
- (d) In the event that an increase in the development excise tax is adopted by the electorate in the November 1997 election, the allowable purchase price of the Restricted or permanently affordable units described or an increase in development fees currently charged in the August 1997 review of the B.R.C., 1981 is adopted by City Council after August 15, 1995, other than the normal annual increases resulting from increases in the AMI or CPI above will be increased by the increase in the tax or fees, as applicable.



(e) The Applicant acknowledges that no building permits for improvements which are less than twenty-five (25%) of the Boulder County Assessor's actual value, will be issued which precludes the ability of an Applicant to redevelop the Subject Property consistent with the conditions noted above.

4. The Applicant shall convey drainage from the site in a manner that does not adversely affect abutting property owners.

5. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction.

6. Applicant shall maintain the Silver Lake Ditch as it abuts the property until such time as the lateral is abandoned by the Silver Lake Ditch Co.

7. The Applicant shall demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment which shall include but is not limited to the following continuing limitations on the Subject Property:

(a) Street trees shall be selected from the "large maturing" varieties from the list of trees approved by the City Forester and planted as required by the City Forester at time of redevelopment;

(b) Fences and landscaping berms are permitted in required front yards and side yard abutting a public street (up to the front facade of the principal building and the side yard building envelope) so long as either or the combination of both does not exceed forty-eight inches (48") in height. In no event may a berm exceed thirty-six inches (36") in height;

Up to 7 foot fences are permitted in interior sideyard or rearyard setbacks so long as they are located at or behind the front facade of the principal building and at or behind the sideyard building envelope;

(c) At least one "Entry" element including but not limited to, covered and uncovered porches and front doors, shall be provided on facades abutting a public street;

(d) Attached and detached garages shall be setback at least ten feet (10') from the front facade of the principal building; or if side-loaded, may not project beyond the front facade of the building;

- (e) Two story maximum above grade not including basements; and
 - (f) No floor area ratio is imposed on the units to be built on the Subject Property.
8. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Subject Property is not annexed to the City.

The Agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, his heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Subject Property, or any part thereof. If it shall be determined that this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 364 days.

In the event the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligation to connect to the water and/or sewer system of the City. In the event the Applicant fails to pay any monies due under this agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he or she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.



CITY OF BOULDER, COLORADO

BY: David P. Rhodes
City Manager

ATTEST:

Alisa D. Lewis for
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

John A. Greenfield
City Attorney

Unofficial Copy



2145 Upland

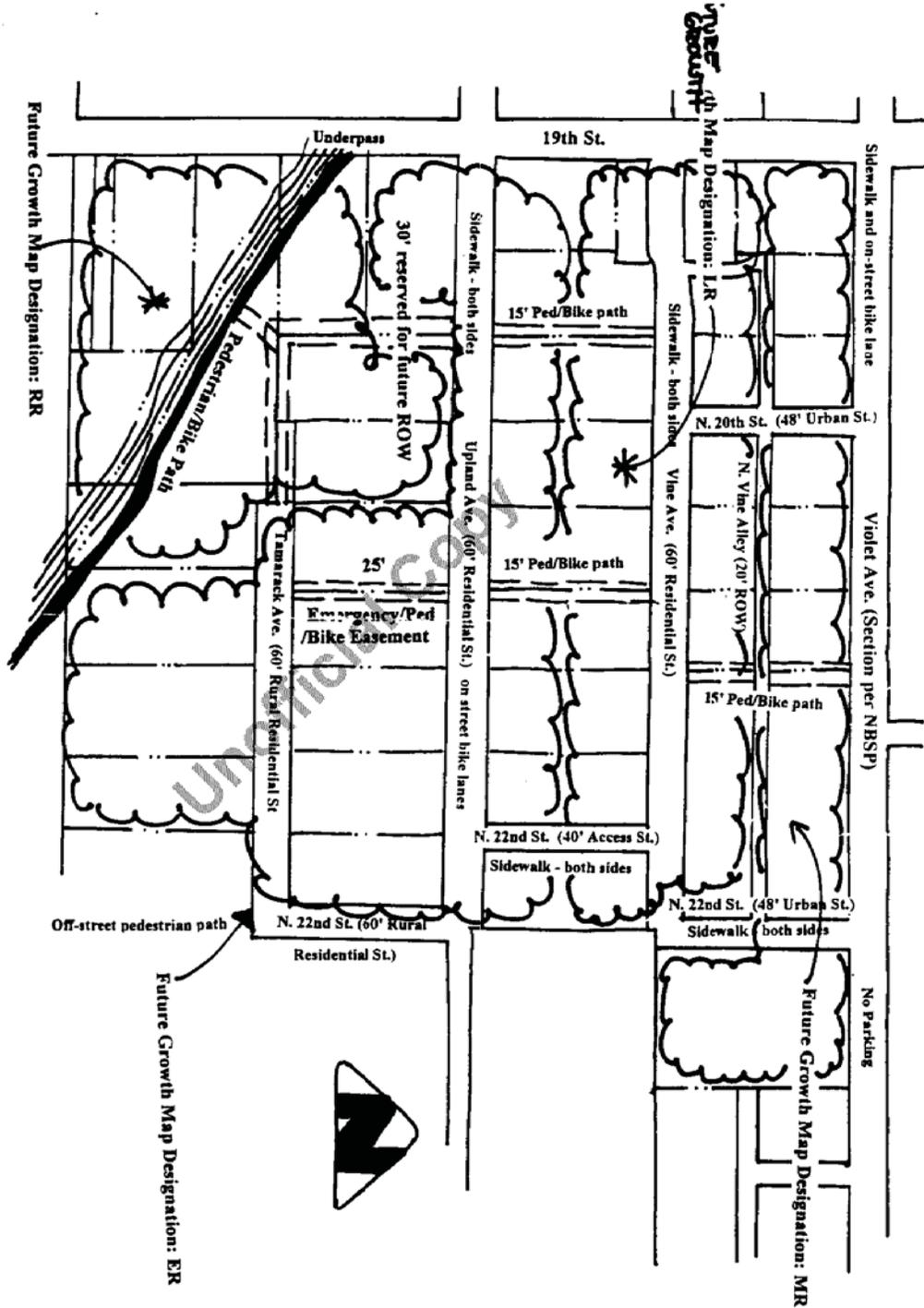
EXHIBIT "A"

LEGAL DESCRIPTION

A tract of land situated in the Northeast One Quarter of Section 18, Township 1 North, Range 70 West of the 6th P.M., described as follows:
Beginning at the South One Quarter corner of said Section 18; thence North 0°05'30" East along the North-South centerline of said Section 18, a distance of 3,328.4 feet; thence North 89°50' East, 1,171.06 feet to the TRUE POINT OF BEGINNING; thence North 0°03'40" East, 332.25 feet; thence North 89°51'44" East, 152.51 feet; thence South 0°02'23" East, 332.18 feet; thence South 89°50' West, 153.09 feet to the True Point of Beginning,
EXCEPT the South 30 feet thereof;
County of Boulder, State of Colorado.

Unofficial Copy

City Council and Planning Board Zoning and Infrastructure Plan



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 Page: 9 of 9
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ANNEXATION AGREEMENT

THIS AGREEMENT, made this November 8, 1997, by and between the CITY OF BOULDER, a Colorado home rule city, hereinafter referred to as "City;" and Robert C. Naumann, hereinafter referred to as "Applicant":

WITNESSETH:

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as 1917 Upland Avenue and more particularly described in Exhibit A, included by reference and hereby made a part of this agreement, which real property shall hereinafter be referred to as the "Subject Property"; and,

WHEREAS, the Applicant is interested in obtaining approval from the City of the annexation of the Subject Property in order to provide adequate urban services to said area, particularly city water and sewer; and

WHEREAS, the parties anticipate that annexation, with an initial zoning designation of Low Density Residential - Established (LR-E) and Estate Residential - Established (ER-E), will be consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

RECORDER'S NOTE: This document lacks a notary signature and/or seal 12-16-97

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COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree as follow:

1. Prior to the first reading of the annexation ordinance, the Applicant shall:
 - (a) File an application, and pay the applicable fees, for inclusion in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;
 - (b) Pay the applicable Flood Control Plant Investment Fee of \$1,314.28;
 - (c) Pay the applicable Park Land Acquisition and Capital Improvement Fee of \$1,709.00;
 - (d) Pay the outstanding water assessment for the main in 19th St of \$9,918.45;
 - (e) Pay the outstanding water assessment for the main in Upland Ave of \$44.93;
 - (f) Pay the outstanding sewer main assessment of \$1,884.65;
 - (g) Dedicate to the City of Boulder, in fee and at no cost, the following property for street purposes:
 - (1) a 10.5' wide right-of-way to enlarge 19th St to 40.5 feet in width from the centerline;
 - (2) a 60' wide right-of-way for Vine St. in a location as depicted in the approved Infrastructure Plan for the Crestview East area, attached hereto as Exhibit B and incorporated herein by reference; and
 - (h) Provide proof of payment of property taxes for the current year for the property dedicated in (g) above.
2. The Applicant shall pay their pro-rata share of future improvements to 19th St, N. 22nd St, and Vine St. and/or to participate in and to not dissent therefrom or oppose or remonstrate against the establishment of a Local Improvement District (LID).



If the Applicant redevelops prior to the formation of the LID, the Applicant will be responsible for constructing on and off site drainage and street improvements in accordance with the approved Infrastructure Plan for the Crestview East Area, as required by the City to serve the annexing property at time of development. If a LID is formed after the construction of street improvements by a property owner, said owner may be eligible for a credit in accordance with Section 8-1-14 of the Boulder Revised Code, 1981 (BRC).

3. No development review application, nor building permit which exceeds 25% of the Boulder County Assessor's Actual Value of the existing structure, nor building permit for a new dwelling unit, shall be approved or issued for any individual parcel unless the Applicant for that parcel has agreed to meet the following requirements:
 - (a) At time of redevelopment, the Subject Property shall be developed at a density consistent with the zoning; additionally, subdivision of the Subject Property may not reduce the density below that allowed by the parcel's square footage;
 - (b) Two (2) of the units provided at time of development shall be permanently affordable for households earning between 60% and 120% of the Area Median Income (AMI) and shall be distributed such that the average is affordable to households earning 90% of AMI;
 - (c) One (1) of the units in the area zoned LR-E (Low Density Residential - Established) which are permitted at time of redevelopment shall be size restricted and initially affordable to households earning 110% of AMI;
 - (d) In the event that an increase in the development excise tax is adopted by the electorate in the November 1997 election, the allowable purchase price of the Restricted or permanently affordable units described or an increase in development fees currently charged in the August 1997 review of the B.R.C., 1981 is adopted by City Council after August 15, 1995, other than the normal annual increases resulting from increases in the AMI or CPI above will be increased by the increase in the tax or fees, as applicable;
 - (e) At time of redevelopment, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable and size and price restricted units, which shall include the initial sales price, the rental rate, and the index by which rates may increase, or which permanently restricts the size of the units, so as to



guarantee the perpetual affordability of the units and which shall be recorded against the Subject Property; and

- (f) The Applicant acknowledges that no building permits for improvements which are less than 25% of the Boulder County Assessor's actual value, will be issued which precludes the ability of an Applicant to redevelop the Subject Property consistent with the conditions noted above.
- 4. The Applicant shall convey drainage from the site in a manner that does not adversely affect abutting property owners.
- 5. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction.
- 6. The Applicant shall demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment which shall include but is not limited to the following continuing limitations on the Subject Property:
 - (a) Street trees shall be selected from the "large maturing" varieties from the list of trees approved by the City Forester and planted as required by the City Forester at time of redevelopment;
 - (b) Fences and landscaping berms are permitted in required front yards and side yard abutting a public street (up to the front facade of the principal building and the side yard building envelope) so long as either or the combination of both does not exceed forty-eight inches (48") in height. However, in no event may a berm exceed thirty-six inches (36") in height;

For properties abutting 19th Street, a fence which shall not exceed thirty-six inches (36") in height may be located on the top of the thirty-six inches (36") berm;

Up to 7 foot fences permitted on interior sideyard or rearyard lot lines equal to or behind the front facade of the principal building;
 - (c) At least one "Entry" element including but not limited to, covered and uncovered porches and front doors shall be provided on facades abutting a public street;



- (d) Attached and detached garages shall be setback at least 10' from the front facade of the principal building; or if side-loaded, may not project beyond the front facade of the building;
 - (e) Two story maximum above grade not including basements; and
 - (f) No floor area ratio is imposed on the units to be built on the Subject Property.
7. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Subject Property is not annexed to the City.

The Agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, his heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Subject Property, or any part thereof. If it shall be determined that this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 364 days.

In the event the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligation to connect to the water and/or sewer system of the City. In the event the Applicant fails to pay any monies due under this agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he or she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.



CITY OF BOULDER, COLORADO

BY: David R. Ploder

City Manager

ATTEST:

Alisa D. Lewis
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

Janet Greenfield
City Attorney

Unofficial Copy



EXHIBIT A

1917 Upland

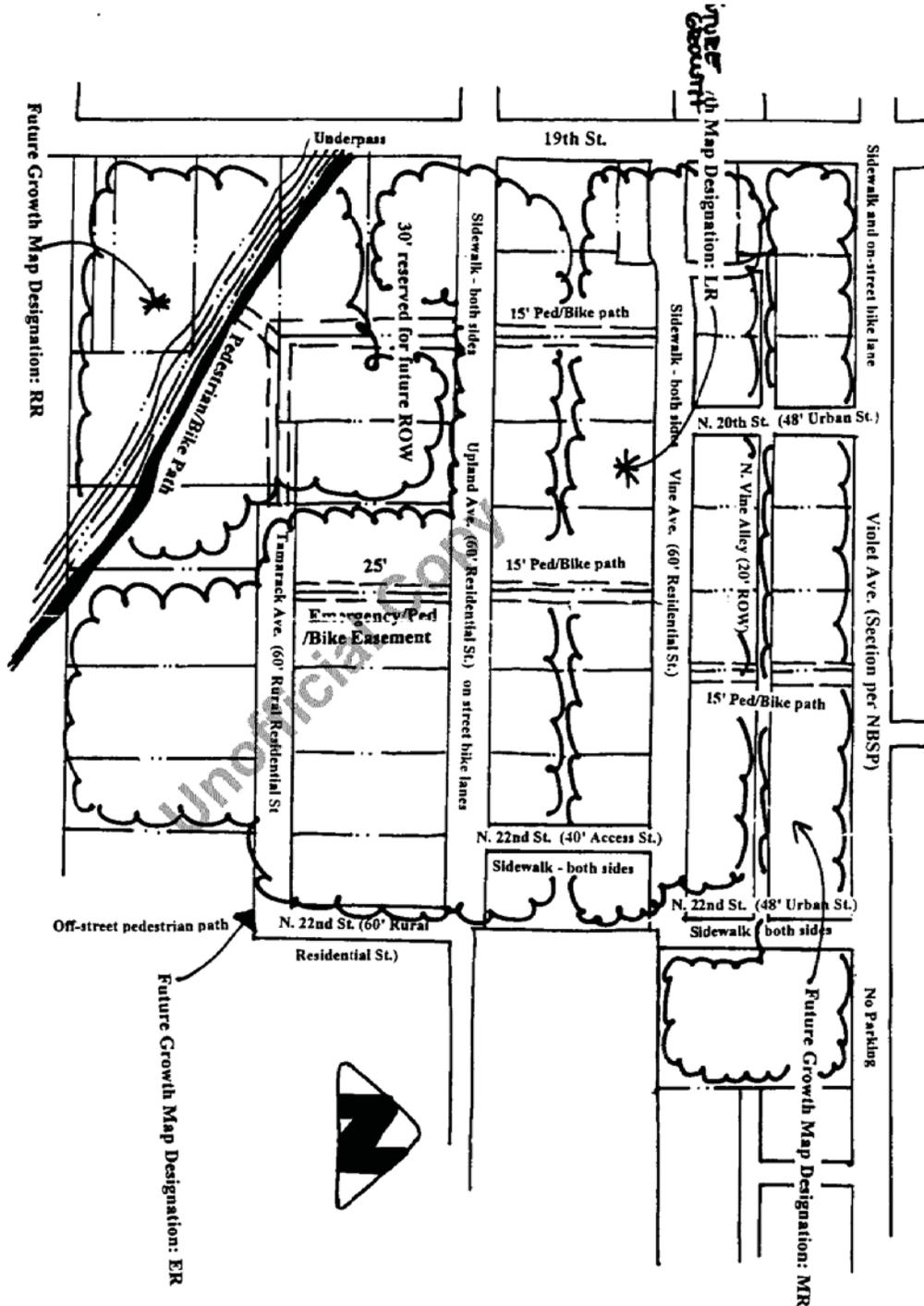
PARCEL I:

A tract of land in the Southwest Quarter of the Northeast Quarter of Section 18, Township 1 North, Range 70 West of the 6th P.M., described as follows: Commencing at the Southwest corner of Section 18; thence North 0°08'30" West 3978.54 feet along the West line of said Section 18; thence North 89°33' East 2626.56 feet to the Northwest corner of that tract of land conveyed to Charles J. Becker as described in Deed recorded on Film 580, Reception No. 826040 of the Boulder County Records, thence North 89°57' East 187.27 feet along the North line of that tract of land described on Film 580, Reception No. 826040, to the Northwest corner of that tract of land conveyed to Bruce W. Lacock and Ruth M. Lacock by deed recorded April 16, 1971, Film 728, Reception No. 973035; thence South 0°05'30" West along the most Westerly line of the said land conveyed to Lacock a distance of 232.61 feet to the TRUE POINT OF BEGINNING; thence North 89°57' East 30.13 feet to the Westerly line of the said land conveyed to the said Lacock; thence South 0°05'30" West along the Westerly line of the said Lacock land and the Westerly line of the land conveyed to Floyd Keith Kinchalo, et al, by deed recorded January 4, 1967, Film 591, Reception No. 836383, a distance of 200.35 feet; thence South 89°57' West 217.40 feet to the West line of that tract of land described on said Film 580, Reception No. 826040, thence North 0°05'30" East 200.35 feet along the West line of that tract of land described on said Film 580, Reception No. 826040 to a point from which the TRUE POINT OF BEGINNING bears North 89°57' East; thence North 89°57' East 187.27 feet to the TRUE POINT OF BEGINNING, EXCEPT the West 30 feet thereof for road purposes.

PARCEL II:

A tract of land in the Southwest Quarter of the Northeast Quarter of Section 18, Township 1 North, Range 70 West of the 6th P.M., described as follows: Commencing at the Southwest corner of Section 18; thence North 0°08'30" West 3978.54 feet along the West line of said Section 18; thence North 89°33' East 2626.56 feet to the Northwest corner of that tract of land conveyed to Charles J. Becker as described in Deed recorded on Film 580, Reception No. 826040 of the Boulder County Records; thence North 89°57' East 187.27 feet along the North line of that tract of land described on said Film 580, Reception No. 826040, to the Northwest corner of that tract of land conveyed to Bruce W. Lacock and Ruth M. Lacock by Deed recorded April 16, 1971, Film 728, Reception No. 973035, thence South 0°05'30" West along the most Westerly line of the said land conveyed to Lacock a distance of 232.61 feet; thence North 89°57' East 30.13 feet to the Westerly line of the said land conveyed to the said Lacock, thence South 0°05'30" West along the Westerly line of said Lacock land and the Westerly line of the land conveyed to Floyd Keith Kinchalo, et al, by Deed recorded January 4, 1967, Film 591, Reception No. 836383, a distance of 200.35 feet; thence South 89°57' West 30.13 feet to the TRUE POINT OF BEGINNING; thence South 0°05'30" West along the most Westerly line of the said Kinchalo land, a distance of 232.50 feet to the Southwest corner thereof and to the South line of that tract of land described on said Film 580, Reception No. 826040; thence South 89°53' West 187.27 feet along the South line of that tract of land described on said Film 580, Reception No. 826040 to the Southwest corner thereof; thence North 0°05'30" East 232.72 feet along the West line of that tract of land described on said Film 580, Reception No. 826040 to a point from which the TRUE POINT OF BEGINNING bears North 89°57' East; thence North 89°57' East 187.27 feet to the TRUE POINT OF BEGINNING, EXCEPT the South 30 feet thereof and the West 30 feet thereof for road purposes. All in the County of Boulder, State of Colorado.

Recorder's Note: 12-16-97
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