

CITY OF BOULDER
Planning and Development Services

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CITY OF BOULDER
STAFF REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **November 20, 2011**
CASE MANAGER: **Chandler Van Schaack**
PROJECT NAME: **The Plaza**
LOCATION: **4403 BROADWAY**
COORDINATES: **N08W07**
REVIEW TYPE: **Site and Use Review**
REVIEW NUMBER: **LUR2011-00071**
APPLICANT: **George Watt**

DESCRIPTION: **SITE AND USE REVIEW: Mixed use development on a split-zoned property consisting of 6 residential duplex buildings, 12 units total, on RM-1 portion of site and 3 mixed use buildings including 13 residential units as well as retail, restaurant and office space on MU-2 portion of site. Total proposed commercial floor area to be 13,270 s.f. and proposed residential floor area to be 47,766 s.f. (30,551 s.f. in RM-1 zone and 17,215 s.f. in MU-2 zone).**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

- 1) Section 9-9-6, "Parking Standards":
 - Applicant is requesting an 18% parking reduction for the MU-2 portion of the site to allow for 54 spaces when 66 are required (staff's analysis indicates that the requested reduction is actually 36% to allow for 42 spaces where 66 are required. Please see 'Parking' comments below for further information).
- 2) Section 9-7-1, "Form and Bulk Standards" – Maximum Number of Stories:
 - Applicant is requesting a variation to the 2-story maximum in the MU-2 zone district to allow for third stories on mixed use buildings 'A' and 'B'.
- 3) Section 9-7-1, "Form and Bulk Standards" – Setbacks:
 - Applicant is requesting a variation to the minimum front yard setbacks for third stories and above (staff's analysis indicates that additional variations to the setback standards may be required. Please see 'Zoning' comments below for further information).
- 4) Section 9-7-1, "Form and Bulk Standards" – Maximum Building Height:
 - Applicant is requesting a variation to the 35 foot height limit in the MU-2 zone to allow for two buildings to reach up to 42 feet 6 inches in height.

I. REVIEW FINDINGS

Overall, staff is in support of this project and considers it an exciting addition to the burgeoning North Boulder Subcommunity. Staff would like to acknowledge the applicant for their efforts in identifying and mitigating potential issues early in the process. While many of the issues identified by staff have been addressed, additional detail is needed on certain aspects of the project to resolve issues that have been identified related to site planning, flood and engineering.

Prior to a recommendation of approval, revisions to the application are required and additional documentation must be provided to show compliance with Site Review criteria. Staff's comments below are meant to help clarify conformance with the land use regulations and site review criteria as well as the design and construction standards. Therefore, please revise the project plans as noted herein and submit five sets of revised plans, along with a disk of revised plans in pdf form to a project specialist at the front counter of P&DS. The submittal must be made prior to the start of a three week review track, by 10:00 a.m. **Please note that December 5 is the final resubmittal period for the year.**

Staff is happy to meet with the applicant's team to discuss staff's comments at your convenience.

II. CITY REQUIREMENTS

Access/Circulation Scott Kuhna, 303-441-4071
Parking/Peds

1. The plans contain the note "Vacate Ex. 25' Access Esmt. And Drainage Esmt.". The existing Drainage Easement runs the entire length of the site (west to east), but the Access Easement only covers the westernmost 50 feet of this area. Revise the notation accordingly. It should be noted that Access Easement vacations require City Council approval and must be reviewed through a separate Land Use Review application.
JVA modified the plans to incorporate this comment. Proposed and existing easements to be vacated have been labeled on the Preliminary Utility Plan and Preliminary Horizontal Control Plan.
2. The plans show Parking Garage 1 encroaching into the "Right-of-Entry" easement at the northwest corner of the property. Additional information regarding the easement is required.
JVA modified the plans to incorporate this comment. The "Right-of-Entry" easement was a temporary easement covering the sanitary service line for the property to the north and is to be vacated. A 10' utility easement is proposed for the sanitary service connection for the property to the north in place of the right-of-entry easement. Proposed and existing easements to be vacated have been labeled on the Preliminary Utility Plan Preliminary Horizontal Control Plan.
3. Curb ramps are required at the intersection of North Broadway and Violet Avenue and at 10th Street and Violet Avenue in accordance with standard Drawing No. 2.07 in the City of Boulder *Design and Construction Standards (DCS)* and per detail M-608-1 of the Colorado Department of Transportation (CDOT) Standard Drawings.
JVA modified the plans to incorporate this comment. Curb ramps have been added at the Broadway/Violet intersections.
4. A 10' x 60' concrete bus stop pad will be required to be installed in North Broadway directly east of the 8' x 30' transit stop boarding area shown on the plans. Revise accordingly.
JVA modified the plans to incorporate his comment. A 10'x60' concrete bus stop bap and 8'x30' transit stop have been added.
5. The full width of North Broadway needs to be shown on one of the engineering drawings to ensure that 80 feet of right-of-way is provided. A 1-foot dedication of right-of-way from this project and the development across the street (Violet Crossing) is necessary to obtain the full 82-foot right-of-way width.
JVA modified the plans to incorporate this comment. A 1-foot dedication of right-of-way has been provided to provide an 82 foot wide right-of-way at Broadway.
6. A horizontal control plan including parking space dimensions, backing distances, accessible spaces per section 9-9-6(b) of the *Boulder Revised Code*, etc. is required at this time. Per section 4.6.2 of the ADA Accessibility Guidelines, accessible spaces must be dispersed and located closest to the accessible entrances.
JVA modified the plans to incorporate this comment. A Preliminary Horizontal Control Plan has been provided.
7. The southernmost on-street parking space shown along the west side of North Broadway is too close to the intersection and needs to be shifted a minimum distance of 30 feet from street intersections to the north. The minimum parking space dimension for parallel stalls is 8' x 23'.
JVA modified the plans to incorporate this comment. The parking stalls have been shifted north to provide at least 30 feet between the southernmost parking stall and the Violet/Broadway intersection. Parallel parking stalls are 8'x23'.
8. Further information is needed regarding the existing 10' easements along Violet Avenue and 10th Street since access easements are required for the proposed public sidewalks. The sidewalks along North Broadway, Violet Avenue, and 10th Street must be located with public access easements that start at the right-of-way line and extend to 1-foot beyond the back of sidewalk.
JVA modified the plans to incorporate this comment. Public access easements have been added 1-foot behind back of walks and labeled on the Preliminary Utility Plan and Preliminary Horizontal Control Plan.
9. Emergency access lanes shall be provided in accordance with Section 2.10 of the *DCS*. All access lanes must be shown to accommodate an SU-30 vehicle.
Emergency access lanes have been designed in accordance with Section 2.10 of the *DCS*. Autoturn simulations have been provided illustrating the fire truck turning movements through the site.
10. Planter box dimensions need to be included on the plans. All planter boxes shall be located a minimum of 18-inches from back of sidewalk or back of required walkway width.
JVA modified the plans to incorporate this comment. The planter boxes have been located at least 18-inches from the back of the required walkway width.
11. The proposed driveway ramp on North Broadway needs to be shifted to the east to line up with existing curb line of

the street. See standard Drawing No. 2.22 in *DCS*.

JVA modified the plans to incorporate this comment. The proposed driveway ramp on North Broadway has been shifted to align with the existing curb line.

12. It appears that two (2) parking spaces are being proposed in between Parking Garage 1 and Parking Garage 2. Clarification on the plans is necessary.
JVA modified the site plan to incorporate this comment. The site plan has been revised.
13. The proposed public sidewalks along 10th Street and along North Broadway are required to transition to the existing conditions north of the site. Revise the plans to show these sidewalk transitions.
JVA modified the plans to incorporate this comment. The proposed sidewalks along 10th Street and North Broadway transition to match existing sidewalks to the north.
14. Turnarounds are required for dead-end parking bays of eight stalls or more. Turnarounds must be identified with a sign or surface graphic and marked “no parking”. The space shall be a minimum of 9 feet wide with a depth equal to the adjacent parking stall. See Figure 9-5 of the *Boulder Revised Code, 1981 (Code)*.
JVA modified the plans to incorporate this comment. Turn around areas have been provided in the north parking lots.
15. A 5'x8' accessible loading area shall be provided within the proposed “Bus Stop Pad, Bike Racks, and Bench” on North Broadway and needs to be shown on the plans. All improvements must be in accordance with the RTD Bus Transit Facility Design Guidelines and Criteria.
 - The standard RTD bench is the Victor Stanley Steelsites Series Model# RB-28 in black with back.
<http://www.victorstanley.com/products/?mode=prodDetail&id=1&catId=1>
 - Below is a link to the URL for all RTD Design Guidelines:
<http://www3.rtd-denver.com/elbert/Criteria/index.cfm>**JVA modified the plans to incorporate this comment. A 5'x8' accessible loading area has been provided within the bus stop area.**

Traffic Impact Analysis

16. A trip generation, trip distribution, and trip assignment analysis is required per Sections 2.03(J) and 2.03(K) of the *DCS*. A traffic impact study will be required for any residential development that is expected to generate 20 vehicle trips or greater during any single hour and/or for any nonresidential development that is expected to generate 100 vehicle trips or greater during any single hour. If a traffic impact study is warranted by the trip generation, the transportation consultant or engineer preparing the study should contact Scott Kuhna (303-441-4071) to discuss the study parameters prior to initiating the study.
Fox Tuttle Hernandez has performed a Traffic Impact Analysis, and this report has been included with the resubmittal.

Traffic Demand Management (TDM) Plan

17. A Transportation Demand Management (TDM) plan consistent with section 2.03(l) of the City of Boulder *Design and Construction Standards* and section 9-2-14(h)(2)(D)(iv) and (v) of the *Boulder Revised Code* is required at this time to outline strategies to mitigate traffic impacts created by the proposed development and measures for promoting alternate modes of travel. The applicant should contact Chris Hagelin (303-441-1832), Senior Transportation Planner with GO Boulder, to discuss viable TDM options specific to this project. The TDM plan must be submitted as a separate document with Site Review submittal.
The TDM proposal has been included.

Addressing Chandler Van Schaack, 303-441-3137

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. If new addresses are being proposed for the site, a Final Address Plat and list of all proposed addresses should be prepared and submitted in hardcopy and digital (pdf) format to P&DS staff for routing and comment. This is considered part of the Technical Document Review process for a project of this size and scope and is in addition to the Site Review approval.

Noted, and will be included in Technical Document Submission.

Affordable Housing Michelle Allen, 303-441-4076

Each new residential unit developed on the property is subject to 9-13 B.R.C., 1981, “Inclusionary Housing.” The general Inclusionary Housing requirement is that all residential developments must dedicate 20% of the total dwelling units as permanently affordable housing. For for-sale housing this requirement should include at least half of the required affordable units on-site. The other half of the requirement may be met by the provision of comparable existing or newly built off-site permanently affordable units, the dedication of land appropriate for affordable housing or by payment of a cash-in-lieu contribution.

The development contains twenty-five attached residential units resulting in an Inclusionary Housing requirement of five (5) affordable units. A minimum of three of the affordable units should be provided on-site; one duplex and two stacked flats.

The 2011-2012 cash-in-lieu amount is calculated as the lesser of \$126,142 per required attached affordable unit or \$105 multiplied by 20% of the total floor area of all dwelling units (to encourage smaller units, the required cash-in-lieu contribution declines when the average floor area of market rate units is under 1,200 square feet). A 50% additional premium is applied to any affordable units required but not provided on-site. Cash-in-lieu amounts are adjusted annually on the first of July and the amount in place when the payment is made will apply.

Per 9-13 B.R.C., 1981, and associated regulations, permanently affordable dwelling units must be proportionate in type (such as detached, attached or stacked units) and number of bedrooms to the market rate units. Attached permanently affordable units must have a floor area equal to at least 80% of the market-rate units. Permanently affordable dwelling units must be functionally equivalent to market rate units and must meet the "Livability Guidelines and Standards for Permanently Affordable Housing."

A Determination of Inclusionary Housing Compliance form and a deed restricting Covenant to secure the permanent affordability of the units must be signed and recorded prior to application for any residential building permit and any applicable cash-in-lieu contribution must be made prior to receipt of a residential building permit. Permanently affordable units must be marketed and constructed concurrent with market-rate units. Additional requirements may be found on-line at www.boulderadffordablehomes.com click on "Are You a Developer".

Building and Housing Codes Kirk Moors, 303-441-3172

1. The third floor of building A must have access to two exits as per IBC table 1015.1.
Studio notes this comment is from a previous code version, 2012IBC table 1021.2(1) Stories with one exit or access to one exit for R-2 occupancies. Allows for 1 stair up to the 3rd story with 4 units.
2. The exit access stairs for buildings A, B and C must be placed a distance apart equal to 1/3rd of the length of the maximum overall diagonal dimension of the area served.

NA

Building Design Chandler Van Schaack, 303-441-3137

1. Staff finds the scale and architectural character of the buildings consistent with the North Boulder Subcommunity Plan as well as the Site Review criteria and appreciates the contemporary designs. The proposed mixed use buildings help frame a pleasant streetscape and present a quality retail frontage along Broadway while effectively transitioning in mass to the properties to the south. While the compositions rely on several high quality materials, the applicant may consider limiting the palate. While stucco is used as an accent on the buildings that front Broadway, the applicant may consider reducing the use of stucco on the primary facades of the duplex units. Also, it is indicated in the "Architectural Character" section of the Applicant's written statement that the designs depicted for the proposed townhouses are a "starting point," and that the form, materials and color of the proposed townhouses may be varied during the Technical Document process. Please note that Site Review approval includes only those building designs depicted on the approved plan set, and that any changes to the approved site plan, building plans, or landscaping plans will require, at a minimum, review and approval of a Minor Modification to the Approved Site Plan pursuant to section 9-2-14(k), B.R.C. 1981.

Studio has incorporated more masonry on the primary facades of the duplex units and also limited the amount of stucco being used by incorporating a wood siding. Plans and building elevations for all buildings have been included in this submittal with material call outs.

If the Applicant wishes to receive approval of multiple townhouse designs through the Site Review process, it will be necessary to include floor plans and elevations for each of the proposed designs and to provide separate zoning information (i.e. floor area, open space, building coverage, etc.) for each proposed design.

Studio is proposing townhouse design to be more uniform to bring a consistency to the project. Studio has included plans and elevations for each different design of the townhouses.

2. Staff has some questions related the placement of the detached elevator proposed on the west side of Building C. In conjunction with the two planters on either side, the elevator in its current location occupies a significant portion of the western courtyard and may detract from the overall usability of the space as a public/private realm. If possible, staff recommends exploring design options that would integrate the elevator into the main building and open up the western portion of the courtyard.

The detached elevator has been moved to the interior of building C.

Drainage Scott Kuhna, 303-441-4071

1. Vacation of the existing 25-foot wide Drainage Easement through the site is required to allow for construction of several of the buildings. Because the proposed on-site storm sewer system will convey runoff from adjacent properties (in a similar fashion as historic), it will also need to be public and be located within a new 25-foot wide Drainage Easement. Revisions to the plans and reports are required.
JVA modified the plans to incorporate this comment. A drainage easement has been added where offsite runoff is conveyed through the site. The easement has been labeled on the Preliminary Utility Plan and Preliminary Horizontal Control Plan.
2. Page 3 of the *Preliminary Drainage Report – 4403 Broadway (Report)* discusses off-site Basin OS1 which is approximately 7 acres in size and is comprised of mobile homes, gravel parking, and some grassy areas. Basin OS1 is not shown on the *Preliminary Developed Drainage Plan (Figure 2)* and no calculations for the runoff from OS1 are included in Appendix B of the *Report*. Conveyance of off-site runoff through the subject site is a critical component in the design and layout of the development for both the minor and major storm events. The “public” storm sewer system will need to be designed to adequately convey the minor storm event through the site, and there must also be a design to safely convey the major storm event through the site without damage to persons or property. Detailed information and calculations for the off-site basins discharging onto and through the subject site are required at this time.
JVA modified the report to incorporate this comment. An offsite drainage map illustrating offsite drainage basins OS1 and OS2 has been added. Offsite drainage calculations for offsite basins OS1 and OS2 have been provided in the appendix. The public storm sewer system will be designed to convey the minor storm event through the site. During major storm events water will be conveyed overland through the site’s access drive and will pass into the right-of-way without damage to persons or property. Detailed calculations will be provided with the Final Stormwater Report which include pipe, inlet, and street capacities.
3. The *Report* and the plans show a proposed permeable pavers system for the walks, outdoor seating, and plaza areas around the commercial mixed use buildings. No details, however, are included on the plans or in the *Report* for the design, outfall, etc. of the underground system. While the permeable pavers system may be able to provide some water quality treatment to the walkways and plaza areas, all of the parking lot runoff will be conveyed off-site with no detention or treatment of any kind. It is also unclear that the structural engineer designing the foundations for the commercial mixed use buildings will be comfortable with permeable pavers surrounding all sides of the buildings. Clarification on the plans and in the *Report* is required.
JVA modified the plans and report to incorporate this comment. The permeable paver system will not be installed in areas directly adjacent to buildings or in areas which will be adversely impacted by the paver system. The paver system will be located within the parking areas to the east of the site. The permeable pavers will provide water quality treatment for the parking areas and portions of the access drives to the east of the site. An underdrain will be located beneath the paver system in order to help drain the area beneath the pavers.
4. Page 1 of the *Report* states “the proposed grading will provide positive drainage away from proposed structures...”. See comment above regarding permeable pavers surrounding the proposed commercial mixed use buildings.
JVA modified the plans and report to incorporate this comment. The location of the permeable pavers have been adjusted.
5. The plans show a trash enclosure east of Building 5 on top of the proposed storm sewer line running through the site. The line must also be located in a 25-foot wide Drainage Easement (see above) therefore the structure will need to be relocated. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement or across any utility.
JVA modified the plans to incorporate this comment. The storm system conveying offsite runoff has been rerouted through the site. Buildings and structures do not encroach into public right-of-way or drainage or utility easements.
6. The existing and proposed storm water basins shown on Figure 1 and Figure 2 of the *Report* do not appear to follow the existing or proposed drainage patterns on-site. Each discharge point (i.e. inlet or outfall point) should have its own drainage basin. These individual basins will then be used to determine the amount of runoff to each inlet or design point, and to show how much of the storm water runoff will discharge from the property untreated and/or undetained.
JVA modified the plans to incorporate this comment. The existing and proposed drainage basins have been revised to follow drainage patterns.
7. All detention ponds shall include an overflow release feature to spill during storm events larger than the major design storm or when release outlets fail. They shall be designed to release overflows in a direction and manner that will not adversely affect properties downstream of the ponds. Revise the plans accordingly.
JVA modified the plans to incorporate this comment. An emergency overflow has been added at the southeast corner

of the detention/water quality pond. Detailed calculations for the emergency overflow release feature will be provided with the Final Stormwater Report.

8. It is not clear what is proposed for the curb-line near the southwest corner of Building A. It appears that an inlet or chase drain is necessary at the collection point in the landscape peninsula.
JVA modified the plans to incorporate this comment. The grading at the southwest corner of Building A has been revised.
9. The plans show a bend in the proposed storm sewer line southeast of Building 4. Manholes are required at each connection with another line and at all changes in grade, slope, alignment, and pipe size.
JVA modified the plans to incorporate this comment. The bend at the southeast corner of Building 4 has been removed. Structures have been provided at connections to other lines, changes in grade, slope, alignment, and pipe size/material.

Flood Control Katie Knapp, 303-441-3273

1. The property is impacted by the 100-year floodplain of Four Mile Canyon Creek per the Letter of Map Revision (LOMR number 06-08-B289P) effective March 28, 2007. The drainage report states that the property is outside of the 100-year floodplain. Revise the drainage report accordingly.
JVA modified the report to incorporate this comment.
2. The site plan (sheet A1.0) shows a LOMA delineation line that does not match the above referenced LOMR. Please clarify what this line indicates. Another line (that is not labeled on the site plan) appears to match the 100-year floodplain limits per the above referenced LOMR. The residential units 5, 6, 7, and 8, all cross over this line and encroach into the 100-year floodplain. In accordance with Section 9-3-3 (a)(17), B.R.C., all new residential structures within the 100 year floodplain must be elevated so that the lowest level is above the flood protection elevation, therefore, the basements must be removed from these units. Please note that in accordance with Section 9-3-2(c)(2), B.R.C, if any portion of a structure lies partially within the flood fringe area, all of the standards and requirements of the floodplain regulations shall apply to the entire structure.

Buildings 1,2,3,4, have been adjusted so that no portion cross the 100 year flood protection elevation, and have basements. Building 5 and 6 will not have basements and have been elevated so the lowest level is above the flood protection elevation. Buildings A,B,C have had the lowest level adjusted to be above the 100 year flood protection level. Please refer to SR-C1.00 preliminary grading & drainage. All buildings in the 100 year flood plain

3. Please indicate if the proposed mixed-use structures will be elevated or floodproofed to the flood protection elevation.
The finished floor elevations of the proposed mixed use structures will be elevated at least 1-foot above the flood protection elevation. Please refer to the Preliminary Grading & Drainage Plan for 100-year water surface elevations and minimum flood protection elevations at buildings.
4. Indicate what survey datum the site and proposed finished floor elevations are based on and show the flood protection elevations for each structure.
JVA modified the plans to incorporate the comment. The site is on the City of Boulder datum. The project datum has been noted in the Preliminary Stormwater Report and will also be noted in the Legend and Notes sheet in the Technical Documents. The 100-year water surface elevations and maximum flood protection elevations have been added to the Preliminary Grading & Drainage Plan.
5. The applicant is showing below grade basement construction for some of the residential structures that are located within a small "island" of 500-year floodplain. These proposed structures are immediately adjacent to and completely surrounded by the 100-year floodplain. In order to protect the future home owners from basement flooding, it is strongly recommended that the proposed structures located within the "island" of 500-year floodplain be constructed in accordance with the 100-year floodplain regulations and that the residential structures be elevated to the flood protection elevation. The location of the proposed stormwater detention pond immediately adjacent to these structures increases the risk of basement flooding.
Noted, please reference Preliminary Grading & Drainage Plan for first floor finish elevation above flood protection elevations.

Fees

Please note that 2010 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Fire Protection David Lowrey, 303.441.4356

1. There appears to be a few buildings where fire access is questionable. Accurate access design could not be determined but the applicant is strongly encouraged to make an appointment with fire to review intended access.
Noted. A meeting with the fire department was held on August 29, 2014 to review fire access. In addition, Autoturn simulations have been provided illustrating the fire truck turning movements through the site.
2. Hydrant placement for buildings to the west is incorrect. The hydrant should not be at the end of the buildings, this will block the use to that hydrant for the building located on the south side. This comment has been made before about this project.
JVA modified the plans to incorporate this comment. The fire hydrant has been relocated to the center of the access drive.

Land Uses Chandler Van Schaack, 303-441-3137

1. Pursuant to section 9-6-1, "Use Standards," B.R.C. 1981, restaurants and taverns over 1,000 square feet in floor area, or which close after 11:00 p.m., or with an outdoor seating area of 300 square feet or more are allowed in the RM-2 zone district only if approved through a Use Review. Approval of a Use Review is also required for retail sales uses with a floor area of 5,000 square feet or less in the MU-2 zone. The application addresses the Use Review criteria with regards to one of the proposed restaurants; however, pursuant to section 9-2-15, B.R.C. 1981, each use requiring Use Review approval to operate must demonstrate compliance with the Use Review criteria. Therefore, it is necessary to provide additional documentation demonstrating how each of the three proposed retail uses as well as both of the proposed restaurant uses meet the Use Review criteria as set forth in section 9-2-15(e), B.R.C. 1981.

While staff understands that it is unlikely that tenants have already been secured for the proposed spaces and that detailed Management Plans may thus be impossible to provide, it is important in addressing the Use Review criteria for each of the proposed uses to include as much detail as possible on the proposed operating characteristics, including but not limited to general character, hours of operation, location and schedule of both deliveries and trash removal, etc. The operating characteristics for each proposed use will be included in the Disposition of Approval as conditions of approval.

As stated above tenants have not been secured as of yet. It is anticipated that the first floor tenants will be retail in nature and have typical hours of operation from 8:00 am to 10:00pm. The two restaurants will have hours of operation from 8:00 am. and be open after 11:00 pm. All commercial uses will use the trash enclosure directly to the west of Building B. It is anticipated that trash pick will be scheduled bi-weekly at times to not conflict with resident traffic.

Landscaping Elizabeth Lokocz, 303-441-3138

In general, the proposed project has many opportunities for high quality landscape design. Please address the following comments for the next submittal. Several request key information to determine if the proposal meets all relevant Site Review Criteria and other Land Use code requirements. Contact staff with any questions.

1. The overall right of way/sidewalk layout and dimensions are consistent with previous discussions. A few minor changes would improve the overall functionality. Please be sure to coordinate these comments with all transportation related comments.
 - a. Some of the curb lines have been lost on the northern end of Broadway. Please add them to all plans and verify that planter dimensions are to the back of curb (actual planting space) and not to the face of the curb.
Acknowledge – see revised landscape plan
 - b. The 13'-6" sidewalk dimension appears to include the planting "strip". Clarify the dimension of the actual walkable surface area of the sidewalk. A pedestrian strip adjacent to the curb should be added a minimum of 12", and as much as 18", to facility pedestrian traffic.
Acknowledge – see revised plans
 - c. Increase the right of way planters to at least six feet in width; the raised planters on private property should be decreased to accommodate the larger trees in the right of way if necessary as well as the secondary sidewalk. The primary focus should remain on the public sidewalk and right of way treatment. The raised planters should enhance space without blocking the visual connection of the building façade and glazing from the street.
Acknowledge – see revised plans
2. Several landscape modifications are illustrated, but not called out, on the plans including property line screening and interior parking lot screening. Recalculate the interior parking lot screening based on the minimum dimensional standards (eight ft. in any dimension and 150 sq. ft.) and revise the requirements table accordingly. Although staff can support modifications, the proposed narrow planting beds throughout the parking lot are not sufficient to support

large maturing trees and will significantly increase irrigation needs. Adjustments across the site to accommodate wider beds should be evaluated at this stage of design; include setbacks, walkway widths and building separation in this analysis.

Acknowledge – see parking lot & interior lot landscape diagram on detail sheet.

3. The written statement references living walls. Please clarify the extent and treatment of the proposed walls. Are they only on Building C as labeled on Sheet L1.0? Illustrate the system, label the proposed plants and supply sufficient information to verify the associated soil volume.

Living Walls have been removed from the project.

4. Please provide additional detail on the materials and future use of the courtyard. Any information on the color and material selection would support the overall quality of the project.

Acknowledge – see revised courtyard plan

5. Include cross-section(s) of the proposed combined detention pond and pocket park to communicate the side slopes and access into the area. Demonstrate that it can clearly function as both high quality useable open space and the needed detention.

Acknowledge – see revised landscape detail sheet for section.

6. There are multiple utility conflicts that appear on the plans at this stage. Adding a utility line legend to the Landscape Plans would be very helpful. Resolve the following conflicts prior to the next submittal:

- a. Fire hydrant locations on Violet, interior to the site and at the Broadway site access (note that not all are consistently shown on the Landscape and Utility plans.
- b. Water meter locations on Broadway do not meet minimum separation.
- c. The sanitary sewer service to Building C does not meet the minimum separation.

Acknowledge – see revised tree locations.

7. The trash enclosures do not currently show doors. They will need to be fully screened from rights of way and adjacent properties. Clarify the treatment which will accomplish full screening.

See Architectural elevations on sheet SR-A4.01

8. At a minimum the proposed tree species shall be called out on the planting plan and total quantities for all trees included in the Plant List. Labels for all proposed shrubs are not needed, but a total must be included in the requirements table. Ideally, all shrubs would be labeled for the final Site Review plans. Minor changes and adjustments may be made at Technical Document review if the quality of the overall plan remains consistent with the Site Review approval. *Acknowledge – see revised landscape plan*
9. The bicycle parking located on the northern property line and adjacent to the Violet Avenue entrance both have adjacent narrow landscape strips that are likely to be maintenance issues. Extending the parking pad would eliminate these awkward areas. *Acknowledge – see revised bike parking locations on the revised site plans.*
10. Please illustrate how the two small landscape islands which both contain water meters will be treated adjacent to the eastern duplexes (9/10 and 11/12). Are these landscape islands or something else? *Acknowledge – see revised plan that removes the islands*
11. It appears that six small maturing trees are proposed for grates west of the mixed use buildings on Broadway. Please clarify the grate size and type if known, the surrounding treatment and any soil enhancements that will be made to support long lived trees. Staff supports alternative methods of urban tree planting that result in larger soil volume. This might be an excellent site to test some of these methods such as paver grates. *Acknowledge – see revised landscape plan that has enlarged planting areas.*
12. Autumn Blaze Maple has had limited success in North Boulder in similar planting situations. Staff recommends using it sparingly if at all in parking lot and streetscape applications. Any of the other trees listed on the plan would be an improved selection. In addition, consider Common Hackberry. *Acknowledge – see revised landscape plans*

Legal Documents Julia Chase, City Attorney's Office, 303-441-3020

1. Pursuant to subsection 9-2-19(b), "Establishing a Vested Property Right," B.R.C., 1981, a public hearing before Planning Board is required to establish vested rights. The Applicant shall state clearly those elements of the site plan for which the applicant seeks to create vested rights, including, without limitation, density, building height, building footprint location and architecture. The Applicant should submit a new vested rights form to more clearly state the elements for which the Applicant is seeking vested rights.

Noted

2. Prior to signing the Development Agreement, if approved, the Applicant shall provide the following:
 - a) an updated title commitment current within 30 days of signing the agreement; and
 - b) proof of authorization to sign on behalf of the owner (such as operating agreement or statement of authority).

Noted

Lighting Chandler Van Schaack, 303-441-3137

Pursuant to section 9-2-14(h)(2)(F)(ix), B.R.C. 1981, A lighting plan must be provided “which augments security, energy conservation, safety, and aesthetics.” Several other Site Review criteria refer to a lighting plan as well. Currently there is no lighting plan for the proposed project. Please include an outdoor lighting plan with the revised plan set.

During the technical document phase a full photometric plan, and light fixture selections will be provided.

Miscellaneous Scott Kuhna, 303-441-4071

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

Noted

Neighborhood Comments Chandler Van Schaack, 303-441-3137

Staff has received several comments from neighbors who feel that the proposed modifications to the building height and setback standards are not in conformance with the NBSP, and an additional comment from a neighbor who feels that the height modification should not be allowed due to the perception that the proposed buildings would block views. Additional requests for project information have also been received.

Noted

Open Space Chandler Van Schaack, 303-441-3137

1. Staff recognizes the Applicant's efforts to provide high quality open space features on both portions of the site and is generally in support of both the pocket park and mixed use courtyard. Staff is also in support of providing a rich and functional buffer/ landscaped promenade along Broadway; however, staff finds that additional passive recreational amenities, particularly benches, to certain high-use areas such as the pocket park and upper walkway along Broadway could serve to improve the usability of the spaces and promote a more welcoming pedestrian environment. Please see 'Landscaping' comments above for additional area-specific recommendations.

Noted, applicant will continue to evaluate recommendations as the project moves forward.

2. Additional information is needed for the open space calculations included on Sheet L2.0. Please include a full-size open space plan using color labeling and drawn to a common scale and that clearly corresponds to the open space data provided in the table. Additionally, please revise the table to include the required open space for each zone district as well as open space calculations (in square feet and percentages) for each type of open space being provided (i.e., private decks and balconies, landscaped areas, plazas/courtyards, landscaped right-of-way, etc.) as referenced in section 9-9-11, B.R.C. 1981. In revising the open space plan, please take the following comments into consideration:

3. *Acknowledge – see revised plans*

a. RM-1 Zone:

- i. The “Drives and Parking” calculations and the “Buildings and Garages” calculations do not appear to correspond to Sheet A1.0. Staff's preliminary calculations indicate that the areas of the above-referenced categories are significantly larger than shown on the open space table.
- ii. In addressing the Site Review criteria the Applicant has indicated that the path extending from the pocket park west to 10th St. and east to the shared drive behind the eastern duplex units is meant to provide a pedestrian connection from 10th St. to the mixed use buildings; however, the path does not connect directly through the park but rather leads to the sidewalk along Violet Ave. to the south. Staff recommends exploring additional design options for a connector path from 10th St. to the MU-2 portion of the site that would allow for a more direct connection through the open space provided on the RM-1 portion of the site.

As discussed with staff this pathway has been removed from the project

- iii. Pursuant to section 9-9-11(e)(4), B.R.C. 1981, useable open space includes “landscaped areas, plazas and patios, used as open space, and located adjacent to a street, alley, driveway or parking lot, and protected from vehicular encroachment by a vehicular barrier which may include, without

limitation, a bollard, wall, fence or curb.” The landscaped area to the west of the proposed “Parking Garage 1” is included in the open space calculations shown on Sheet L2.0; however, the landscape plan does not show how the space will be treated and there does not appear to be any sort of vehicular barrier protecting the space from vehicular encroachment. If the space is to be counted as usable open space it must be demonstrated that it meets the above-referenced standard.

iv. **Acknowledge – see revised plans**

b. MU-2 Zone:

- i. Pursuant to section 9-8-1, B.R.C. 1981, a minimum of 60 square feet of private open space is required per dwelling unit for residential uses. While the majority of the units meet this standard, the middle unit on the second floor of Building A (Unit A202) as well as the middle units on both the second and third floors of Building B (Units B202 and B302) do not meet this standard, as they do not have access to private open space (the balconies opposite these units are accessible by all residents of the buildings). Please revise the floor plans so that the three units mentioned above all have access to at least 60 square feet of private open space.

All dwelling units have a minimum of 60sf outdoor space. Please refer to building plans.

- ii. Pursuant to section 9-9-11(i)(2), B.R.C. 1981, a recessed window or doorway of less than twenty-four square feet in ground area and less than three feet in any horizontal dimension may not be counted as usable open space. Currently there are several recessed windows shown on the mixed use buildings that are less than three feet deep and less than twenty four square feet in area which appear to be counted as usable open space in the open space diagram. Please either remove these areas from the open space calculations or adjust the spaces to meet the minimum dimension requirements.

Parking Chandler Van Schaack

1. Pursuant to section 9-9-6(d)(2), B.R.C. 1981, the dimensions for standard parking spaces (90 degree parking angle) are 9 feet width by 19 feet length, and the dimensions for small car parking spaces are 7.75 feet width by 15 feet length. Accessible parking spaces require 8 feet width by 19 feet length with an additional 5 foot wide striped aisle adjacent to the passenger side. Currently all of the parking spaces shown on the MU-2 portion of the property, including both accessible spaces, have a length of 17 feet. Pursuant to section 9-9-6(d)(2)(B), B.R.C. 1981, the maximum allowable small car stalls may not exceed 50 percent of the total number of parking spaces required for the zone district. Please revise the plans so that the number of small car parking spaces does not exceed 50 percent of the required number of spaces and clearly delineate the locations of each proposed space (depict proposed striping). **JVA modified the plans to incorporate this comment. Standard parking stalls are 9 feet wide by 19 feet long and compact parking stalls are 7.75 feet wide by 15 feet long. Standard and compact parking stalls have been noted and dimensioned on the Preliminary Horizontal Control Plan.**
2. The Parking Tables on Sheet A1.0 appear to be incorrect. The tables list the number of spaces provided on the MU-2 portion of the property as 54 (an 18% reduction) and the number of spaces provided on the RM-1 portion as 24 (78 spaces total); however, the site plan shows 42 parking spaces on the MU-2 portion of the property (a 38% reduction) and 34 spaces on the RM-1 portion (76 spaces total). Please revise Sheet A1.0 accordingly. Staff would like to note that it is possible to request a parking reduction of up to 50% through the current process, and that only a reduction of over 50% requires approval by Planning Board through a public hearing.
See revised parking calculations
3. Additional information is required for the areas labeled on Sheet A1.0 as “Parking Garage 1” and “Parking Garage 2.” If the subject areas are intended to be car ports or some other parking structure it will be necessary to provide additional detail on the site plan as well as detailed elevations of the proposed structures to demonstrate conformance with applicable form and bulk standards for accessory structures as set forth in section 9-7-1, B.R.C. 1981.
Refer to sheets SR-A4.01 for elevations and plans of proposed garages.
4. The two parking spaces shown on the far west end of the access drive from Broadway do not meet parking standards for stall size or drive aisle width. Staff is also concerned about the functionality of the two spaces, as they would be hidden from view by the proposed car ports. Staff recommends considering removing the two spaces or relocating them to a more usable and visible location.
The site plan has been modified to incorporate this comment.

Plan Documents Chandler Van Schaack

1. There are several unlabeled lines shown on Sheet A1.0 that appear to depict the locations of the existing buildings on

the site. Please remove these lines.

Plans have been adjusted

2. The Applicant's written statement does not address section 9-2-14(h)(2)(K), "Additional Criteria for Parking Reductions," of the Site Review criteria. Please revise the written statement to address each of the criteria contained in this code section.

Review Process Chandler Van Schaack

It is indicated on Sheet A1.0 that the Applicant intends to vacate the existing 25' Access and Drainage Easement located along the northern edge of the RM-1 portion of the site. Please note that pursuant to [section 8-6-9](#), "Vacation of Public Rights of Way and Public Access Easements," B.R.C. 1981, a public access easement may only be vacated through an ordinance by city council. Because this process can take longer than expected, following Site Review approval, if approved, staff recommends submitting an application for vacation of the access easement early on the in Tech Doc process to avoid holding up the building permit.

Noted

Utilities Scott Kuhna, 303-441-4071

1. The plans show Building A projecting 10 feet into an existing 15.5-foot wide Utility Easement. Relocation of the building or relocation of the utilities and easement is required.
JVA modified the plans to incorporate this comment. The existing 15.5-foot utility easement is to be vacated. Proposed and existing easements to be vacated have been labeled on the Preliminary Utility Plan and Preliminary Horizontal Control Plan.
2. The plans show Parking Garage 1 projecting 10 feet into an existing 15.5-foot wide Utility Easement. Relocation of the building or relocation of the utilities and easement is required.
JVA modified the plans to incorporate this comment. The existing 15.5-foot utility easement is to be vacated. Proposed and existing easements to be vacated have been labeled on the Preliminary Utility Plan and Preliminary Horizontal Control Plan.
3. The plans show a trash enclosure west of Building A on top of existing utilities and within a 15.5-foot wide Utility Easement. Relocation of the trash enclosure or relocation of the utilities and easement is required.
JVA modified the plans to incorporate this comment. The existing 15.5-foot utility easement is to be vacated. The existing utilities located under the trash enclosure are to be relocated to the access drive. A proposed utility easement will be provided around the relocated utilities.
4. The plans show Parking Garage 2 encroaching into the utility easement north of Building 5 and on top of a storm sewer line in the easement. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement or across any utility. Revise accordingly.
The site plan has been revised to incorporate this comment. Parking Garage 2 has been removed. Structures and easements have been adjusted so that no structure encroaches into any public right-of-way or easement.
5. All of the water meters for Buildings 1 through 6 and Building B are shown to be located outside of public utility easements. In addition the service line for Building 2 does not meet the service alignment requirements of Section 5.09(A)(4) of the City of Boulder *Design and Construction Standards (DCS)*. Revisions to the water meter and water service line locations are required.
JVA modified the plans to incorporate this comment. All water meters are located in landscaping islands either within the public right-of-way or within a utility easement.
6. Direct access by maintenance vehicles shall be provided to each manhole. The access drive shall be an all-weather surface (asphalt, concrete, gravel base, or turf block) and shall be capable of supporting maintenance vehicles weighing up to 14 tons. Access to the proposed wastewater manhole northeast of Building 1 needs to be accommodated.
JVA modified the plans to incorporate this comment. The manhole can be reached from the access drive to the south.
7. Fire hydrants shall be placed no farther than 5 feet behind the curb, outside of any fenced area, and have a 10-foot radius of clearance to adjacent obstacles (fences, walls, shrubs, trees, etc.). The proposed locations for the hydrant and tree southeast of Building 6 need to be revised.
JVA modified the plans to incorporate this comment. All hydrants are located between 2-feet and 5-feet behind the back of curb and have a 10-foot radius of clearance around them.
8. "Sanitary service cleanouts" are shown at the connection to the wastewater main for all of the proposed wastewater

service lines. Clarification is necessary. Please see standard Drawing No. 6.06 in the DCS.

JVA modified the plans to incorporate this comment. Cleanouts have been removed. Cleanouts will be provided at the point the cleanouts connect to the building and will be detailed by the plumbing engineer.

9. Public Utility Easements shall provide a minimum parallel separation of 6 feet between the edge of any utility line and the easement boundary. Changes to the wastewater service main north of Buildings 3 and 5 and east of Buildings 1 and 2 are required.
JVA modified the plans to incorporate this comment.
10. Water service lines shall be installed perpendicular to the distribution main, up to and including the meter and pit. Changes to the proposed irrigation service from Broadway are necessary.
JVA modified the plans to incorporate this comment. The irrigation service line alignment has been revised.
11. The plans show some type of structure encroaching into the utility easement north of Building 5 and on top of a private storm sewer line south of Building 4. No portion of any structure, including footings and eaves, may encroach into any public right-of-way or easement or across any utility. Revise accordingly.
JVA modified the plans to incorporate this comment.
12. Per city standards, trees need to be located at least 10 feet away from existing or future utilities. The following utility lines (or trees) were identified as not meeting separation requirements. The applicant should recheck all separations prior to the next submittal.
 - Proposed tree southeast of Building 3 – Proposed water service line.
 - Proposed trees (4) south of Building 5 – Proposed storm sewer line.
 - Proposed tree northeast of Building 6 – Proposed storm sewer line.
 - Proposed trees (3) south of Building B – Proposed storm sewer line.
 - Proposed tree northeast of Building B – Proposed fire hydrant.JVA and Outside LA have revised the plans to incorporate this comment.

Zoning Chandler Van Schaack, 303-441-3137

1. Please provide clarification on the Building Summary chart shown on Sheet A1.0. Staff is assuming that the "CIRC." Column is meant to represent circulation, but it is unclear, as the areas labeled "Area counted toward FAR for egress on balcony" do not correspond with the "CIRC." numbers shown on the chart. If the 'CIRC.' Calculations are meant to represent stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress, please indicate that both on the chart as well as the floor plans, and clearly call out the floor area of said areas on the floor plans. In revising the chart, please take into consideration that per section 9-16-1, B.R.C. 1981, "Floor area" is defined as "the total square footage of all levels measured to the outside surface of the exterior framing, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress by [chapter 10-5](#), "Building Code," B.R.C. 1981, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space."

See revised area and FAR calculations

2. The setbacks labeled on Sheet A1.0 are incorrect. While front yard setbacks apply to the frontages on 10th St. and Broadway Ave. pursuant to section 9-7-2(d)(7), B.R.C. 1981, pursuant to the definition of "Yard, front, rear, and side" found in section 9-16-1, the southern property line is considered a side yard adjacent to a street and not a front yard as labeled on the plan set. In addition, the northern property line is considered an interior side yard and not a rear yard as labeled. Finally, the western property line of the northern portion of the site that abuts the neighboring property to the west is subject to RM-1 rear yard setback requirements. Please note that while it is possible to alter the setback standards through the Site Review process, following the above reinterpretation of the yard classifications for this site any modifications to the setback standards set forth in section 9-7-1, B.R.C. 1981 will require formal documentation of the additional requested variations to the land use regulations, both in the application materials as well as the plan set. Additional information on form and bulk standards can be found on-line at: http://www.colocode.com/boulder2/chapter9-7_table7-1.htm. Staff is happy to meet with the Applicant to discuss the above interpretations if there is any question as to how the interpretations were agreed upon.

See revised drawing.

III. INFORMATIONAL COMMENTS

Access/Circulation Scott Kuhna, 303-441-4071

1. All inlet grates located in street, alley, parking lot travel lane, bike path, or sidewalk must utilize a safety grate approved for bicycle traffic.
Noted
2. All existing curb cuts and drives must be closed and removed to City Standards. A contractor who is licensed and bonded to work in the public Right-of-Way (ROW) must perform the work and will be required to apply for and receive a ROW permit for this construction.
Noted
3. Final engineering plans will be required for street and sidewalk construction at the time of Technical Document submittal. The engineering plans must include, but are not limited to street plan and profile drawings, cross-sectional drawings, detail drawings, a geotechnical soils report, and a pavement design report in accordance with section 1.03 of the City of Boulder *Design and Construction Standards*.
Noted

Area Characteristics and Zoning History Chandler Van Schaack, 303-441-3137

The project site is located within the boundaries of the [North Boulder Subcommunity Plan](#) which sets forth the official vision for the future of the North Boulder Subcommunity and is the basis for decisions regarding the long-term preservation and development of North Boulder. The NBSP provides specific actions to be carried out by the City, other public agencies, and the private sector related to future development. The NBSP was also the basis for re-zoning of a portion of North Boulder in 1997 and establishes a street and pedestrian/ bicycle network. The Plan was adopted by Planning Board and City Council in 1995. It was amended in 1996 and 1997 in relation to the Village Center boundaries and Crestview East and West annexation conditions.

Within the NBSP, the western portion of the site is designated as residential and the eastern portion along Broadway is designated as "Mixed Use Transition to Adjacent Residential." Page 17 of the NBSP defines "Mixed Use Transition to Adjacent Residential" as a transition area (between Business Main Street uses and adjacent Residential areas) "with residential and office uses, neighborhood serving restaurants, and personal service uses in a pedestrian-oriented pattern with buildings located close to the street and parking in the rear."

Overall, staff finds that the proposed project is in keeping with many of the goals and objectives of the NBSP. In particular, the project meets the following key concepts related to the project site (please refer to pg. 15 of the NBSP):

- Establishing a mixed use transition from the Village Center to neighborhoods in the surrounding areas, including residential and office uses, neighborhood serving restaurants, and personal service uses;
- Providing pedestrian-oriented, appropriately-scaled neighborhood centers that provide goods and services for neighborhood needs;
- Promoting a pedestrian-oriented development pattern with buildings located close to the street and parking in the rear.

Other general goals of the NBSP that the proposed project currently addresses include:

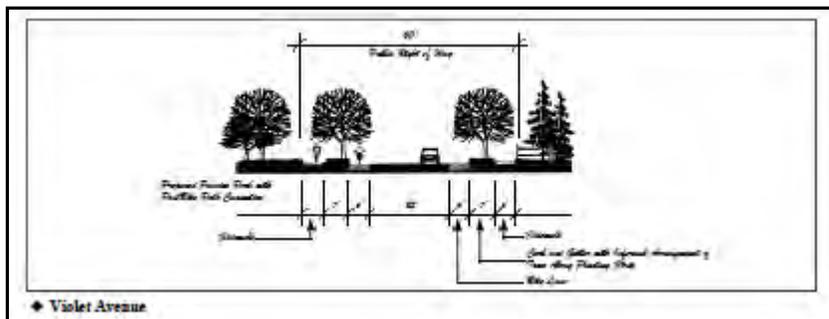
- Except in areas recommended for low density rural-type character, position buildings close to the street to create a more pedestrian friendly atmosphere (Ch. 5, *Neighborhoods*);
- Provide high quality building design with attention to detail. Avoid monotonous building designs: include human scale features such as porches, varied building elevations, and varied sizes and styles (Ch. 5, *Neighborhoods*);
- Provide a complementary, pedestrian oriented mix of public and private facilities to meet the needs of the subcommunity, in order to increase convenience and reduce auto trips (Ch. 6, *Employment & Retail Centers*);
- Design neighborhood-scale and subcommunity-level centers to foster a sense of community by creating vibrant areas for people to gather. This includes: ease of access, safety, and appropriate scale (Ch. 6, *Employment & Retail Centers*);
- Encourage walking, biking, and transit use by providing safe, comfortable and convenient pedestrian and bicycle path connections (Ch. 8, *Transportation*);

While staff's initial review indicates compliance with the above-referenced goals and objectives, there are several important areas of the NBSP for which additional detail would help prepare both staff and the applicant for addressing concerns of North Boulder residents during the review process and public hearing before Planning Board.

Areas for Improvement:

Streetscapes:

While the proposed streetscape along Violet Ave. is generally compliant with the approved streetscape designs contained on Pg. 24 of the NBSP in that it provides detached sidewalks separated from the street by planting strips, the NBSP calls for 7' planting strips along Violet Ave. where the current proposal depicts 6' planting strips (please see below for approved streetscape diagram). While staff understands that there is an underground irrigation lateral that precludes street trees from being planted in the planting strip, the Applicant should make every effort to ensure that the proposed streetscape is as compliant with the approved NBSP streetscape design as possible.



Compatibility with the Surrounding Context:

While the applicant's written statement addresses many of the NBSP goals and Site Review criteria, due to the modifications being requested to the maximum allowable building height and the third story setbacks special attention should be paid to demonstrating the project's compliance with the NBSP goals and objectives relating to compatibility with the surrounding context and preservation of neighborhood character (please refer to Chapters 5 and 6 of the NBSP). Additional detail on how the project meets the Site Review criteria found under section 9-2-14(h)(2)(F), "Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area" would also be helpful in addressing these issues. Any additional graphic representations of the project that provide a visual comparison to other existing or approved developments in the surrounding area (i.e., Violet Crossing) would be very helpful. Staff also recommends exploring the possibility of creating a graphic representation of the project including the neighboring site to the north following redevelopment (i.e., with 35' buildings at 0' setback, etc.) to further support conformance with the "transition area" standards found in the NBSP.

Additional Recommendations:

While overall staff finds this project to be in conformance with the applicable goals and objectives of the NBSP, due to the prominence of the site, the sensitive surrounding context and the concern over the project already expressed by neighbors, **staff recommends holding a neighborhood meeting with members of the North Boulder Subcommunity to receive feedback and discuss potential ways to enhance the project's conformance with the NBSP.**

Building and Housing Codes Kirk Moors, 303-441-3172

Office space of more than 1500 square feet must meet the separate gender bathroom requirements of IBC sec. 2902.2. Lavatories are not permitted within five feet of a water closet sidewall for bathrooms serving a commercial space (ANSI sec. 604.3.2. Kirk Moors 303-441-3172

Noted

Drainage Scott Kuhna, 303-441-4071

1. A Final Storm Water Report and Plan will be required as part of the Technical Document Review process. All plans and reports shall be prepared in accordance with the City of Boulder *Design and Construction Standards*.

Noted

2. At time of Technical Document Review, the applicant shall submit information (geotechnical report, soil borings, etc.) regarding the groundwater conditions on the property, and all discharge points for perimeter drainage systems must

be shown on the plan. The applicant is notified that any proposed groundwater discharge to the city's storm sewer system will require both a state permit and a city agreement.

Noted

Flood Control Katie Knapp, 303-441-3273

1. All development within the 100-year floodplain is subject to the city's floodplain regulations and requires the approval of a floodplain development permit. The application must be submitted prior to or concurrently with the building permit submittal and must demonstrate that all requirements set forth in section 9-3-2 through 9-3-6 of the B.R.C. will be met. A draft of the floodplain development permit application should be submitted with the Technical Document submittal.

Noted

2. The floodplain development permit shall contain certified drawings demonstrating that:

a. The proposed residential buildings will be elevated to the flood protection elevation.

Noted

b. The proposed mixed-use buildings will be elevated or floodproofed to the flood protection elevation, have structural components capable of resisting projected hydrostatic and hydrodynamic loads and the effects of buoyancy, be constructed with materials resistant to flood damage and have all residential units elevated at or above the flood protection elevation.

Noted

c. Dry floodproofed structures will remain substantially impermeable to water. Slight seepage may be allowed if the applicant can demonstrate that the resulting damages would be negligible, the seepage could be easily removed, and seepage rates would not exceed an amount which would result in an accumulation of more than four inches of water depth during a 24-hour period.

Noted

d. Enclosures, such as crawl spaces, below elevated structures shall meet the requirements B.R.C. 9-3-3 (a)(18 and 19) and FEMA Technical Bulletin 1.

Noted

e. Any proposed structures or obstructions in the floodplain, including trash enclosures and raised planters, will be properly anchored to prevent flotation, collapse, or lateral movement and be capable of resisting hydrostatic and hydrodynamic loads.

Noted

f. The buildings will be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and located (by elevating or floodproofing) so as to prevent water from entering or accumulating within the components during conditions of flooding.

Noted

g. Any proposed surface parking is not projected to flood to a depth greater than 18 inches in the event of a one-hundred year flood.

Noted

Miscellaneous Scott Kuhna, 303-441-4071

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

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

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

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

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

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

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

Noted

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

Noted

Open Space Chandler Van Schaack, 303-441-3137

Please note that pursuant to section 9-9-11(f)(6), B.R.C. 1981, in the BMS, MU, IMS and BR-2 zoning districts, individual balconies, decks, porches and patio areas that will not be enclosed count one hundred percent toward the private open space requirement, provided that such balcony, deck, porch or patio is not less than seventy-two inches in any dimension nor less than sixty square feet in total area.

Noted

Utilities Scott Kuhna, 303-441-4071

1. Final Utility Construction Plans will be required as part of the Technical Document Review process. All plans shall be in accordance with the City of Boulder *Design and Construction Standards*.

Noted

2. All water mains shall be PVC Class 200 AWWA C900 DR14, unless analysis is provided to demonstrate that Class 52 Ductile Iron will not be affected by corrosive soils. Revise the plan as necessary.

Noted

3. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the *Boulder Revised Code 1981*, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.

Noted

4. Maintenance of sand/oil interceptors and all private wastewater and storm sewer lines and structures shall remain the responsibility of the owner.

Noted

5. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the *Boulder Revised Code 1981*, the City of Boulder *Design and Construction Standards*, and any private/franchise utility specifications.

Noted

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.

Noted

7. The applicant is advised that at the time of building permit application the following requirements will apply:

- a. The applicant will be required to provide accurate proposed plumbing fixture counts to determine if the proposed meters and services are adequate for the proposed use.

Noted

- b. Water and wastewater Plant Investment Fees and service line sizing will be evaluated.

Noted

- c. If the existing water and/or wastewater services are required to be abandoned and upsized, all new service taps to existing mains shall be made by city crews at the developer's expense. The water service must be excavated and turned off at the corporation stop, per city standards. The sewer service must be excavated and capped at the property line, per city standards.

Noted

- d. Since the buildings will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line connection permit application.

Noted

- 8. All water meters are to be placed in city R.O.W. or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.

Noted

- 9. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.

Noted

IV. NEXT STEPS

Please revise the project plans as noted herein and submit five sets of revised plans, along with a disk of revised plans in pdf form to a project specialist at the front counter of P&DS. The submittal must be made prior to the start of a three week review track, by 10:00 a.m. on the first or third Monday of the month.

V. CITY CODE CRITERIA CHECKLIST

Case #: LUR2011-00071

Project Name: The Plaza

Date: November 25, 2011

CRITERIA FOR REVIEW

(A "?" indicates that additional information is required)

No site review application shall be approved unless the approving agency finds that:

(1) Boulder Valley Comprehensive Plan:

x (A) The proposed site plan is consistent with the purposes and policies of the Boulder Valley Comprehensive Plan.

The site is located within Boulder in the area governed by the North Boulder Subcommunity Plan which is intended to, "set forth the official vision for the future of the North Boulder Subcommunity" and which provides guidance to implement the goals and policies within the BVCP. In addition, there are a number of BVCP policies that the proposed project is consistent with including:

- **1.21 Jobs: Housing Balance;**

"Boulder is a major employment center, with more jobs than housing for people who work here. This has resulted in both positive and negative impacts including economic prosperity, significant incommuting, and high demand on existing housing. The city will continue to be a major employment center and will seek opportunities to improve the balance of jobs and housing while maintaining a healthy economy. This will be accomplished by encouraging new mixed use neighborhoods in areas close to where people work, encouraging transit-oriented development in appropriate locations, preserving service commercial uses, converting industrial uses to residential uses in appropriate locations, and mitigating the impacts of traffic congestion."

As noted in this policy, the city currently has an imbalance in the number of jobs to the number of residential units which results in impacts such as significant in-commuting for jobs. Consistent with this policy, the proposed project will provide 25 new residential units as well as a mix of non-residential uses such as retail, restaurants, office and other services, as well as the provision of a new bus stop on this major transit route.

- **2.13 Support for Residential Neighborhoods;**

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

The proposed project is in keeping with this policy in that it provides 25 new residential units, draws from the architectural character of the surrounding area, provides new public facilities such as a new bus stop, sidewalks and open space areas, and provides a mix of uses to enhance and serve the surrounding neighborhood.

- Policy 2.31 Commitment to a Walkable City;

The proposed development includes adding new detached sidewalks along both Broadway and Violet Ave. as well as pedestrian paths circulating through the residential portion of the project. Overall, the project will improve the walkability of that portion of Broadway and will provide linkages to public transit as well as off-site pedestrian/ bicycle facilities. Also, its proximity to the Uptown Broadway development will further encourage residents to walk to nearby services.

- Policy 2.32 Trail Corridor/Linkages;

This project will provide a new sidewalk along Broadway that will link to the existing Four Mile Creek multi-use path to the north. The project will also provide a new bus stop, which will facilitate multi-modal travel and enhance connectivity to existing nearby trails and linkages.

- Policy 2.39 Sensitive Infill and Redevelopment;

The proposed project is a re-development of an existing under-utilized industrial service parcel, and furthermore is consistent with the desired future land use of the area as set forth in the NBSP. The project will take what is currently somewhat of an eyesore and redevelop it to complement and enhance the surrounding area, including the Violet Crossing development to the east as well as Uptown Broadway development to the north.

- Policy 6.13 Neighborhood Street Connectivity;

As mentioned in the response to Policy 2.32 above, the project will add new detached sidewalks along Broadway and Violet Ave., and will provide a pedestrian linkage through the site from 10th St. to Broadway. The net effect of the project will be to substantially increase connectivity in the area to the northwest of the intersection of Broadway and Violet Ave.

- Policy 7.06 Mixture of Housing Types;

The proposal includes adding twelve new duplex units as well as thirteen new apartment and loft-style units over commercial uses. These new residential units will add diversity to the existing housing stock in the surrounding area, which includes mainly single-family detached dwellings as well as mobile homes and multi-family attached units. In conjunction with the commercial uses, the new units will help achieve the goal for the area set forth in the NBSP to provide "a mixed use transition from the Village Center to neighborhoods in the surrounding areas."

North Boulder Subcommunity Plan (NBSP): The project site is located within the boundaries of the NBSP Plan which sets forth the official vision for the future of the North Boulder Subcommunity and is the basis for decisions regarding the long-term preservation and development of North Boulder. The NBSP provides specific actions to be carried out by the City, other public agencies, and the private sector related to future development. The NBSP was also the basis for re-zoning of a portion of North Boulder in 1997 and establishes a street and pedestrian/ bicycle network. The Plan was adopted by Planning Board and City Council in 1995. It was amended in 1996 and 1997 in relation to the Village Center boundaries and Crestview East and West annexation conditions.

Within the NBSP the western portion of the site is designated as residential and the eastern portion along Broadway is designated as "Mixed Use Transition to Adjacent Residential." Page 17 of the NBSP defines "Mixed Use Transition to Adjacent Residential" as a transition area (between Business Main Street uses and adjacent Residential areas) "with residential and office uses, neighborhood serving restaurants, and personal service uses in a pedestrian-oriented pattern with buildings located close to the street and parking in the rear."

Key concepts on pg. 15 of the NBSP related to the project site include establishing:

- a mixed use transition from the Village Center to neighborhoods in the surrounding areas that incorporates residential and office uses, neighborhood serving restaurants, and personal service uses;
- pedestrian-oriented, appropriately-scaled neighborhood centers that provide goods and services for neighborhood needs;
- a small amount of non-service office by use review in neighborhood commercial centers in order to encourage mixed uses and reduce vehicle trips; and
- a pedestrian-oriented pattern with buildings located close to the street and parking in the rear.

x (B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation. Additionally, if the density of existing residential development within a three hundred-foot area surrounding the site is at or exceeds the density permitted in the Boulder Valley Comprehensive Plan, then the maximum density permitted on the site shall not exceed the lesser of:

The BVCP Land Use designation for the eastern portion of the site zoned RM-1 is medium density residential, with a permitted density of six to fourteen units per acre. The twelve units proposed for the 1.32-acre RM-1 portion of the site result in a net density of 9 dwelling units per acre, which is within the permitted range.

The proposal for the RM-1 portion of the site is also compliant with the intensity standards for the RM-1 zoning district as set forth in Section 9-8-1, "Intensity Standards," B.R.C. 1981, which requires a minimum of 3,000 square feet of open space for each dwelling unit.

For the Mixed Use Business portion of the site, the Comprehensive Plan defers to zoning for density and states,

"Mixed Use Business development may be deemed appropriate and will be encouraged in some business areas. Business character will predominate although housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses."

The proposal for the MU-2 portion of the site is mostly compliant with Section 9-8-1, B.R.C. 1981, which sets forth a maximum floor area ratio (FAR) for the RM-1 zone district of 0.6 and requires a minimum of 15% open space on lots, however the project currently does not meet the requirement to include 60 square feet of private open space per dwelling unit (*please see 'Open Space' comments above*).

There are 3 mixed-use buildings proposed for the 1.17-acre MU-2 portion of the site, which are comprised of 17,215 square feet of residential floor area split between thirteen new residential units as well as 13,270 square feet of commercial floor area that includes retail, restaurant and office uses, resulting in a total floor area of 30,485 square feet and a 0.6 FAR.

There is also 17,187 square feet of open space proposed for the mixed-use portion of the project, equal to 33.8% of the area of the MU-2 portion of the site.

n/a (i) The density permitted in the Boulder Valley Comprehensive Plan, or,

n/a (ii) The maximum number of units that could be placed on the site without waiving or varying any of the requirements of Chapter 9-8, "Intensity Standards," B.R.C. 1981.

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

The applicant is acknowledged by staff for their providing a project that is consistent with the site review criteria during challenging economic times. Given the site constraints related to flooding and drainage as well as the split-zoning, it is understood that provision of streetscape elements, pedestrian connections, public/private open space amenities and other development components consistent with the North Boulder Subcommunity Plan is laudable given the challenging economic climate.

(2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, and its physical setting. Projects should utilize site

design techniques which enhance the quality of the project. In determining whether this Subsection is met, the approving agency will consider the following factors:

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

There are a variety of open space areas within the proposed project including:

- **A large pocket park on the RM-1 portion of the site, approximately 7,150 square feet in area and enclosed by a pedestrian path providing access from the surrounding Duplex units as well as Violet Ave.;**
- **A landscaped courtyard area between the two southern mixed-use buildings that will provide seating and other amenities and will be easily accessible from Broadway;**
- **Landscaped sidewalk areas along Broadway and Violet Ave. as well as landscaped pedestrian pathways within the development.**

 ? (i) Useable open space is arranged to be accessible and functional;

The proposed project includes 53,440 square feet (49.3 percent of the net site area) as open space.

The RM-1 portion of the site includes 36,253 square feet of open space (63.1 percent of the net area of the RM-1 portion). As noted by the applicant, the primary open space feature in the RM-1 project area is “a courtyard pocket park which, along with detention provisions, will serve as a multiuse open space for gathering, socializing, gardening, etc.” The pocket park can be accessed from Violet Ave., and a pedestrian path provides access to the park from 10th St. as well as the Mixed Use buildings along Broadway Ave.

The MU-2 portion of the site includes 17,187 square feet of open space (33.8 percent of the net area of the MU-2 portion), the focal point of which is a courtyard space proposed between Buildings B and C. Per the applicant’s written statement, this courtyard will include “many plantings (including living walls) and a fountain to soften the traffic noise of Broadway.” The courtyard will also provide “outdoor seating for the restaurants, a gathering space for the businesses nearby, and a place of rest for pedestrians. Access to the elevator and stairs to the lofts above is also gained through this courtyard, contributing to an active environment.”

Certain issues require clarification before this project can be found to be fully compliant with this requirement. Please see ‘Open Space’ comments above for staff recommendations regarding improvement of open space functionality and connectivity.

 n/a (ii) Private open space is provided for each detached residential unit;

All of the proposed residential units are attached units; however, each of the townhouse units has one porch with direct access from the street and a second one that either fronts the park, side street or side yards. Gardens areas will be also provided surrounding the foundations of the duplexes with the intent for the homeowner to add to the plants provided.

 x (iii) The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas, and species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (*Cynomys ludovicianus*) which is a species of local concern, and their habitat;

Currently there are many weed trees and older cottonwoods on the site, none of which are planned to be preserved at this time. There are no significant plant communities, threatened and endangered species and habitat or existing ground and surface water, wetlands riparian area or drainage areas on this site to be preserved.

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

Within the development, landscaped pathways, a residential pocket park, and a mixed-use outdoor courtyard would provide appropriate relief to the density. Additional relief to the project's density can be found in landscaped parking lot islands as well as a 25' drainage easement along the northern portion of the residential half of the site that will be landscaped with native grasses, trees and a 6' privacy fence to buffer these units from the adjacent property.

As noted above, approximately 63 percent of the RM-1 portion of the site is made up of open space. The proposed pocket park is visible and accessible from Violet Ave., and is also served by a pedestrian path connecting the park to 10th St. as well as the Mixed Use buildings along Broadway Ave. Additionally, the detached 6' sidewalk along Violet will extend pedestrian access into the neighborhood and provide access to the Waldorf School across 10th Street, and the landscaped setback along the southern edge of the duplexes would exceed code requirements, providing relief from the density to surrounding development.

The proposed courtyard space on the eastern half of the site will provide a relief to the urban feel of the mixed use buildings along Broadway and Violet, and will contribute to a human scale and pleasing pattern and rhythm on the street as anticipated in the North Boulder Sub Community Plan. In addition, the planters integrated into the streetscape and buildings along Broadway will soften the street edge and provide for a unique sidewalk while making the development welcoming to pedestrians.

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

The proposed pocket park is over 7,000 square feet in size, which is ample space for limited active recreation. The park is surrounded by eight duplex units, and is easily accessible from the other units via a landscaped pathway.

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

While there are no sensitive environmental features or natural areas of note on this site, the pocket park is also serving as the project's Water Quality pond. On the north side of the townhomes is a 25' drainage easement that will be landscaped with native grasses, trees and a 6' privacy fence to buffer these units from the adjacent property.

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

The proposal includes a two tiered walkway along Broadway with a planting strip along the street, a 10' public multi-use path, raised planters and a second 5'-7' walk along the storefronts. This will provide a new connection between the existing Broadway sidewalk to the south of the property and the existing Four Mile Creek multi-use trail that runs parallel with the northern edge of the property.

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

 ? (i) The open space provides for a balance of private and shared areas for the residential uses and common open space that is available for use by both the residential and non-residential uses that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property; and

Most residential units have private open space for their use, however, there are three units that currently do not meet the open space standards set forth in section 9-9-11, B.R.C. 1981. Please see 'Open Space' comments above for further information.

In addition, the pocket park and outdoor courtyard provide ample open space for use of the residents and the greater neighborhood. This results in an appropriate balance for residents and visitors to the property.

 x (ii) The open space provides active areas and passive areas that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property and are compatible with the surrounding area or an adopted plan for the area.

The central courtyard will provide an active, animated environment during outdoor dining times and a quiet gathering place during less busy times. The pocket park is meant to provide flexible open space with a large area of turf in the center of the park with boulders and planting on the bermed areas next to the walks.

As mentioned above, the sidewalk along Broadway will improve connectivity to the Four Mile Creek multi-use path, which is consistent with the NBSCP goal to provide connections to existing and future pedestrian and bike path systems.

The pocket park will also serve to address several of the groundwater quality goals of the NBSP, including minimizing surface pavement in areas of high groundwater recharge, particularly in high hazard flood zones and floodplains.

9.2(C) Landscaping

Please note that several issues have been raised in the 'Landscaping' comments above. The comments below are thus preliminary in nature and will likely change following resubmittal.

9.2(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;

According to the applicant, the specific landscape materials chosen for the development will emphasize a variety of colors, textures and forms to provide year-round interest. Because the site is largely developed with minimal existing landscaping, the use or protection of the existing materials will be prohibitive.

Among the major landscape objectives described by the Applicant are the following:

- Provide an attractive urban streetscape along Broadway and Violet Ave and a more residential neighborhood style on the western portion of Violet and on 10th Street;
- Visually enhance the architectural features on the corners and entries into the project;
- Provide pedestrian areas in the courtyard, additional walkway along the storefronts, pocket park and pedestrian connection from Broadway thru to 10th Street;
- Screen, and break up the parking with landscape areas, trees to provide shade; and
- Provide enclosed areas for trash and recycling.

Currently, the project does not meet all applicable landscaping and screening standards, and additional information has been requested on the proposed planting and hardscape materials. Please see the 'Landscaping' comments above.

9.2(ii) Landscape design attempts to avoid, minimize, or mitigate impacts to important native species, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;

There are no important native species, plant communities of special concern, threatened and endangered species and habitat on this site. The proposal includes a landscape palette of xeri and adaptive plants that work well in the North Boulder micro-climate.

9.2(iii) The project provides significant amounts of plant material sized in excess of the landscaping requirements of Section 9-9-10, "Landscaping and Screening Standards" and Section 9-9-11, "Streetscape Design Standards," B.R.C. 1981; and

The plan will provide the plant material as sized by code however, the applicant plans to exceed the amount required by providing additional trees and landscaping in the parking lot and on the western side of the mixed use buildings. Additional trees and landscaping are also proposed in the raised planters along the back of the public walk along Broadway.

Please see 'Landscaping' comments above for suggestions regarding tree size and type in relation to the proposed right-of-way along Broadway.

In the Residential portion of the project, the applicant is proposing to continue the shrub plantings within the planting strip. There is an underground irrigation lateral that precludes street trees, so they are proposed for behind the walk where they will help buffer the residential units from the street.

Large trees will be installed along the edges of the pocket park to provide shade to the open areas and smaller ornamental trees are shown along the pedestrian walkway.

 ?(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.

In general, the proposed streetscapes are well designed and compliant with this standard; however, there have been several issues identified relating to the proposed right-of-way dimensions as well as the setback standards that apply to each property line that may require revisions to the current streetscape proposals.

In general, the proposed streetscapes are consistent with the North Boulder Subcommunity Plan. In addition, the grade change on the eastern edge of the site has allowed an opportunity to create a two tiered walkway along Broadway with a planting strip along the street, a public multi-use path, raised planters and a second 5'-7' walk along the storefronts. The public courtyard will have vertical gardens, water features, seating and small trees and shrub beds.

Please see 'Landscaping' comments above for additional information requested regarding proposed right-of-way dimensions.

Along Violet Ave. the project plans illustrate a 6' planting strip along the street and street trees along the back of walk, creating a rhythmic streetscape for pedestrians and providing shading, screening and buffering for the residents. In addition, the residential duplex units will have a garden landscape installed with the opportunity for homeowners to individualize their gardens and enhance the diversity of the streetscape. Finally, the pocket park and pedestrian connection from 10th to Broadway will be landscaped with a mix of large and smaller, ornamental trees to further enhance the streetscape and provide a welcoming environment for pedestrians.

Please also see 'Zoning' comments above for information on setbacks and yard classifications.

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

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

There is currently an existing 20' access lane providing access to the industrial site to the northwest which will be maintained; however, other than that there are no new through streets proposed for the site, so traffic speeds should be minimal. In addition, the tree lawn and sidewalks in the RM-1 zone and the wide, multi use sidewalk and adjacent walkway in front of the mixed use buildings in the MU-2 zone provide a safe physical separation from automobile traffic.

 (ii) Potential conflicts with vehicles are minimized;

The buildings and parking areas have been laid out to assure slow speeds, thereby minimizing pedestrian/vehicular conflicts and lessening the effect of automobile noise. By providing detached sidewalks as described in the response to Criterion (C)(iv) above and providing additional trees and other landscaping materials along the western edge of the mixed use buildings, potential conflicts between pedestrians and vehicles traveling both on and off-site will be minimized.

 ?(iii) Safe and convenient connections accessible to the public within the project and between the project and existing and proposed transportation systems are provided, including, without limitation, streets, bikeways,

pedestrian ways and trails;

Pedestrian and bicycle connections have been included in the proposed project site to encourage alternate mode use. The new detached sidewalks along Broadway will connect to the existing Four Mile Creek multi-use path to the north. In addition, a new bus stop with bike racks and seating is proposed in front of Building B, which will provide residents of the development and surrounding area with access to the SKIP and 204 bus routes along Broadway.

Within the project, there is an opportunity for improved connectivity, as the proposed pedestrian path running through the duplex units and pocket park from 10th St. to the mixed use buildings does not connect directly through the park but rather leads around the park to the sidewalk along Violet Ave. to the south. Please see 'RM-1' comments under 'Open Space' comments above.

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

The project's proximity to multiple major bus lines as well as its location within the burgeoning North Broadway corridor in North Boulder both promote alternatives to single occupancy vehicle travel. The new bus stop proposed along Broadway will make travel to and from the mixed use buildings by bus safe and convenient, and the detached sidewalks along Broadway will connect to the existing sidewalk and multi-use path to the north, making walking or biking to nearby shops, restaurants, employment centers, open space, etc. easy and safe.

The paving, shade trees, planters, benches and bike racks all will reinforce the pedestrian-friendly character beginning to develop in this streetscape and will enhance the area around the bus stop. Bike racks and benches will be conveniently located throughout the site and will encourage bicycle use.

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

The Transportation Demand Management Plan submitted by the Applicant is insufficient for reviewing the proposed travel demand management techniques. The applicant will be required to be involved in the City of Boulder and RTD's ECO Pass Program. Please see "Access/Circulation" comments above.

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

A bus stop is proposed on the south side of the main entrance off Broadway. There are also multiple pedestrian access points into the site from the perimeter streets. A pedestrian path has been provided that will provide access from the duplex units to 10th Street and the Mixed use buildings. The site is highly connected being along a major bus route and is close to a primary multi-use path. Bike racks are conveniently located at several points along the perimeter of the project as well as at key points within the project to encourage usage.

Residents should be informed of the recreational and commercial amenities proximate to the site and the walkable routes to these locations

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

The amount of land dedicated to the street system is minimal due to careful and efficient placement of buildings and parking areas. No internal streets are being dedicated as part of this project.

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

The site location was utilized to provide separate entrances on two separate streets; thus reducing the traffic impacts and accessibility needs to one particular public City street. Garages have been incorporated into the rears of the duplex buildings. Traffic entering and leaving the townhomes in the RM-1 zone do so using an alley between the townhomes and a shared drive that also serves the MU-2 zone buildings.

?(E) Parking

Note: The parking for the MU-2 portion of the site as currently shown does not meet the parking standards as set forth in section 9-9-6, B.R.C. 1981. All of the proposed spaces are below the minimum required stall size. Significant reconfiguration of the parking layout will likely be required in order to meet parking and landscaping standards. Please see "Parking" comments above for further information.

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

Landscape islands have been provided, but currently they do not meet interior parking lot screening standards. Please see comment #2 under "Landscaping" above.

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

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

It is unclear at this point the extent to which the parking lot will be lighted. Please see "Lighting" comments above.

? (iv) Parking areas utilize landscaping materials to provide shade in excess of the requirements in Subsection 9-9-6(d), "Parking Area Design Standards," and Section 9-9-12, "Parking Lot Landscaping Standards," B.R.C. 1981.

See response to (i) above.

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

x (i) The building height, mass, scale, orientation, and configuration are compatible with the existing character of the area or the character established by an adopted plan for the area;

The area encompassed in the NBSP has changed over the past number of decades from a largely rural area with a mix of residential and service or industrial uses to nodes of more urban mixed use neighborhoods, guided by the North Boulder Subcommunity Plan (NBSP) and the zoning put in place to implement the plan.

Reflecting these changes, the character of the area surrounding the project site is eclectic. The Waldorf School surrounds the site on the south and west, and beyond that to the south and southeast of the site are established residential neighborhoods with predominately "traditional" single family building scale and style. To the north is a mobile home park and industrial service shopping center, and further north and across Broadway is the Uptown Broadway development that has larger buildings with a more contemporary style. Directly across the street is the site of the recently approved Violet Crossing development, which will incorporate a north-south transition from three to two-story buildings, creating an urban edge and street face that is compatible with the mixed use buildings at Uptown Broadway while utilizing materials that are compatible with the adjacent single family neighborhood.

The proposed mixed use buildings along Broadway will complement the north-south "transition" characterizing Violet Crossing by incorporating two three-story buildings on the north side of the site and stepping down to a two-story building holding the corner at Broadway and Violet. Set opposite Violet Crossing, the mixed use buildings along Broadway will complete the transitional gateway from the

residential neighborhoods to the south into the more urban character of Uptown Broadway. The duplex buildings to the west, ranging from 31' to 33' in height, will further support the horizontal transition from higher intensity uses along Broadway to the more traditional single family residential character of the adjacent neighborhoods.

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

While the height of the mixed use buildings is greater than the approved plans for Violet Crossing, which include two 35' three-story buildings on the north side of the site fronting Broadway and two two-story buildings on the south side, staff finds that the project maintains general proportionality to Violet Crossing. Similarly to Violet Crossing, the scaling down of the Broadway buildings from 3-stories to 2-stories from north to south provides a transition from the high density mixed-use Uptown Broadway neighborhood to the north to the single family character south of Violet Avenue.

The property immediately to the north of the subject site is zoned also zoned MU-2, although the property currently contains a mix of industrial service uses with relatively low building heights. Upon redevelopment of this property it is likely that the building height will be increased to 35' and that buildings will be brought forward to a 0' setback from Broadway.

The area further to the north across Four Mile Creek is zoned BMS. The BMS zone allows for 3-story buildings with a 38' maximum building height, so it is likely that redevelopment of the site to the north will include higher intensity uses similar to those found in Uptown Broadway. Upon redevelopment of the area to the north the transition function intended for the subject site will be enhanced even further.

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

The buildings have been oriented to minimize shadows on and blocking views of adjacent properties; however, a height modification has been requested to allow for the two northern mixed use buildings to exceed the 35' maximum height limit, therefore, the shadows cast by these buildings will be slightly greater than would be cast by the 25' solar fence.

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

Additional information on the proposed landscaping and lighting has been requested. Please see 'Landscaping' and 'Lighting' comments above.

As stated above, the character of the area surrounding the project site is eclectic. Taking this into consideration, the project incorporates high quality building materials and landscaping, and minimizes the use of unnecessary color or lighting.

As stated by the Applicant, the character of the townhomes reflects the residential character of the North Boulder area by portraying a contemporary character utilizing smaller scale massing than the mixed use buildings and residential materials such as cementitious siding, stucco, and stone.

 x (v) Buildings present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, and provide for the safety and convenience of pedestrians;

According to the applicant, the character of the three Mixed Use buildings fronting Broadway and Violet is "derived from the North Boulder context based on an urban typology using substantial materials such as brick, masonry, and storefront along the street and transitioning to stucco and rain screen siding on the upper stories. The bay pattern, massing, and play of transparent and opaque materials along the street provide for a pleasing rhythm at the pedestrian level. This is reinforced by the transition in material and form from the ground floor to the second floor which provides for a human scale to the buildings; a streetscape anticipated in the North Boulder Sub Community Plan."

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

The project will provide a new bus stop on Broadway Ave., and will also provide a public courtyard between the southern mixed use buildings. Additional new public amenities include sidewalks along Broadway and Violet as well as a small pocket park in the RM-1 portion of the site.

x **(vii)** For residential projects, the project assists the community in producing a variety of housing types, such as multi-family, townhouses, and detached single-family units as well as mixed lot sizes, number of bedrooms, and sizes of units;

The residential component of the project provides twelve townhouse units, and the mixed-use portion of the project provides 13 apartment and loft-style units. Overall, the project adds a variety of housing types not currently found in the immediate area which will conform to the zoning for each portion of the property as well as the intent of the land use designations found in the NBSP.

x **(viii)** For residential projects, noise is minimized between units, between buildings, and from either on-site or off-site external sources through spacing, landscaping, and building materials;

The Residential portion of the project utilizes adequate spacing, landscaping and building materials to minimize noise both on and off-site.

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

A lighting plan is required. Please see 'Lighting' comments above.

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

Please see response to Criterion (C)(vi) above.

x **(xi)** Cut and fill are minimized on the site, the design of buildings conforms to the natural contours of the land, and the site design minimizes erosion, slope instability, landslide, mudflow or subsidence, and minimizes the potential threat to property caused by geological hazards.

The proposal incorporates the natural grade change on the site into the design of the buildings and open space amenities. The existing grade change on the site presents several constraints that the applicant has addressed through creative use of landscaping and site design. While certain modifications may be necessary to address drainage issues, overall the proposal is a good example of utilizing creative design solutions to avoid excessive cutting and filling.

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

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

All buildings along Violet Ave. will have access to both active and passive solar system integration, and the mixed use buildings along Broadway are designed to allow for active solar system integration.

x **(ii) Lot Layout and Building Siting:** Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building.

Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical, buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading.

By orienting the townhomes on an east-west axis and providing flat roofs on the mixed-use buildings the potential for active solar systems to be incorporated into the buildings by future tenants is maintained. The irregular shape of the lot make sit so that siting buildings close to the northern property lines is impractical.

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

The RM-1 portion of the site is located in Solar Access Area II, which sets a shadow limit equal to or less than 25 foot solar fence, and the MU-2 portion of the site is located in Solar Access Area III, which does not incorporate a solar fence. Both portions of the site are compliant with the respective solar access regulations.

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

None of the proposed landscaping appears to present any significant shading impacts to adjacent properties.

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

Not Applicable. No poles above the permitted height are being proposed.

 n/a (i) The light pole is required for nighttime recreation activities, which are compatible with the surrounding neighborhood, or the light or traffic signal pole is required for safety, or the electrical utility pole is required to serve the needs of the city; and

 n/a (ii) The pole is at the minimum height appropriate to accomplish the purposes for which the pole was erected and is designed and constructed so as to minimize light and electromagnetic pollution.

 n/a (I) ***Land Use Intensity Modifications***

Not Applicable. No modifications to the land use intensity standards are being proposed.

 n/a (i) *Potential Land Use Intensity Modifications*:

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

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

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

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

n/a (ii) *Additional Criteria for Land Use Intensity Modifications*: A land use intensity increase will be permitted up to the maximum amount set forth below if the approving agency finds that the criteria in Subsection (h)

“Criteria for Review” of this Section and following criteria have been met:

(a) *Open Space Needs Met*: The needs of the project's occupants and visitors for high quality and functional useable open space can be met adequately;

(b) *Character of Project and Area*: The open space reduction does not adversely affect the character of the development nor the character of the surrounding area; and

(c) *Open Space and Lot Area Reductions*: The specific percentage reduction in open space or lot area requested by the applicant is justified by any one or combination of the following site design features not to exceed the maximum reduction set forth above:

(i) Close proximity to a public mall or park for which the development is specially assessed or to which the project contributes funding of capital improvements beyond that required by the parks and recreation component of the development excise tax set forth in Chapter 3-8, "Development Excise Tax," B.R.C. 1981: maximum one hundred percent reduction in all Downtown (DT) districts and ten percent in the BR-1 district;

(ii) Architectural treatment that results in reducing the apparent bulk and mass of the structure or structures and site planning which increases the openness of the site: maximum five percent reduction;

(iii) A common park, recreation, or playground area functionally useable and accessible by the development's occupants for active recreational purposes and sized for the number of inhabitants of the development, maximum five percent reduction; or developed facilities within the project designed to meet the active recreational needs of the occupants: maximum five percent reduction;

(iv) Permanent dedication of the development to use by a unique residential population whose needs for conventional open space are reduced: maximum five percent reduction;

(v) The reduction in open space is part of a development with a mix of residential and non-residential uses within an BR-2 zoning district that, due to the ratio of residential to non-residential uses and because of the size, type, and mix of dwelling units, the need for open space is reduced: maximum reduction fifteen percent; and

(vi) The reduction in open space is part of a development with a mix of residential and non-residential uses within an BR-2 zoning district that provides high quality urban design elements that will meet the needs of anticipated residents, occupants, tenants, and visitors of the property or will accommodate public gatherings, important activities, or events in the life of the community and its people, that may include, without limitation, recreational or cultural amenities, intimate spaces that foster social interaction, street furniture, landscaping, and hard surface treatments for the open space: maximum reduction 25 percent.

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

Not Applicable, as the site is located in the RM-1 and MU-2 zone districts.

n/a (i) *Process*: For buildings in the BR-1 district, the floor area ratio ("FAR") permitted under [Section 9-7-1](#), "Schedule of Form and Bulk Standards,"

B.R.C. 1981, may be increased by the city manager under the criteria set forth in this Subsection.

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

n/a (iii) *Criteria for the BR-1 District*: The FAR may be increased in the BR-1 district to the extent allowed in paragraph (ii) of this Subsection if the approving agency finds that the following criteria are met:

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

(b) Site and building design provide private outdoor space for each office unit equal to at least ten percent of the lot area for buildings 25 feet and under and at least 20 percent of the lot area for buildings above 25 feet: an increase in FAR not to exceed 0.25:1.

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

(d) For a building containing residential and non-residential uses in which neither use comprises less than 25 percent of the total square footage: an increase in FAR not to exceed 1:1.

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

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

?_(K) *Additional Criteria for Parking Reductions*: The off-street parking requirements of [Section 9-7-1](#), "Schedule of Form and Bulk Standards," B.R.C. 1981, may be modified as follows:

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

The applicant is requesting an 18 percent parking reduction, although staff's analysis (included in responses to 'parking' criteria above) indicate that the requested reduction is in fact approximately 36%.

?_(ii) *Criteria*: Upon submission of documentation by the applicant of how the project meets the following criteria, the approving agency may approve proposed modifications to the parking requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, if it finds that:

Additional documentation is required to demonstrate compliance with the following criteria. Please see 'Traffic Impact Analysis' and 'Travel Demand Management' comments above under "Access/ Circulation" comments above.

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

(b) The parking needs of any non-residential uses will be adequately accommodated through on-street parking or off-street parking;

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

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

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

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

9-6(i) The lots are held in common ownership;

9-6(ii) The separate lot is in the same zoning district and located within three hundred feet of the lot that it serves; and

9-6(iii) The property used for off-site parking under this Subsection continues under common ownership or control.

VI. Conditions On Case

Draft conditions of approval will be provided prior to issuance of a Disposition of Approval.