



CITY OF BOULDER
Community Planning & Sustainability

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CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **January 23, 2015**
CASE MANAGER: **Chandler Van Schaack**
PROJECT NAME: **THE PLAZA**
LOCATION: **4403 N BROADWAY**
COORDINATES: **N08W07**
REVIEW TYPE: **Site and Use Review**
REVIEW NUMBER: **LUR2011-00071**
APPLICANT: **Jeff Dawson**
DESCRIPTION: **SITE AND USE REVIEW: Revisions to Site & Use Review proposal to construct a mixed-use development including 6 residential duplexes (12 units total), and 3 mixed-use buildings with 16 attached residential units above 9,359 sq. ft. of office and restaurant space.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

- **Section 9-9-6, “Parking Standards”** – 11% parking reduction to allow for 56 parking spaces where 62 are required per the MU-2 zone district standards,
- **Section 9-7-1, “Form and Bulk Standards”** – Modification of maximum number of stories from 2 to 3 for buildings in MU-2 zone, and
- **Section 9-7-1, “Form and Bulk Standards”** – Height modification to allow mixed-use building to reach up to 45’ in height and residential duplexes to reach up to 39’6” in height where 35’ is the maximum height permitted by the zoning.

I. REVIEW FINDINGS

Overall, staff finds the current proposal to be an improvement over the initial submittal, particularly in terms of architecture. While some of the issues previously identified by staff have been addressed, there are still significant issues with the proposal, particularly in terms of site access, right-of-way treatment and drainage, which will require a revision-level resubmittal. Therefore, once the comments below have been addressed, please submit **seven (7) hard copies of the revised plan set along with digital copies of the plans in pdf form** at the front desk of the P&DS Service Center prior to the start of a three-week review track.

As some of the issues identified herein may result in significant changes to the site and building layout, staff recommends meeting prior to resubmittal to discuss possible design options. Please contact the Case Manager, Chandler Van Schaack, at vanschaack@bouldercolorado.gov or 303-441-3137 with any questions or to set up a meeting.

II. CITY REQUIREMENTS

Access/Circulation David Thompson, 303-441-4417

1. Pursuant to section 9-9-8 of the Boulder Revised Code, 1981, the North Boulder Sub-Community Plan and section 2.11 of the City of Boulder Design and Construction Standards (DCS), the applicant is responsible for constructing a 5-foot bike lane (exclusive of the curb pan) on the north side of Violet Avenue between Broadway and 10th Street. Staff can support constructing a 10-foot detached multi-use path on the north side of Violet Ave in-lieu of a bike lane given the existing student pedestrian/bike traffic associated with the Shining Mountain Waldorf School.
Response: The plans have been modified to incorporate this comment. A 10-ft detached multi-use path will be constructed on the north side of Violet. See revised civil plans.
2. Pursuant to section 9-9-5(c)(1) of the Boulder Revised Code, 1981, staff does not support two curb cuts on Violet Ave to serve the site because the additional curb cut creates additional conflict points between vehicles and pedestrians / bicyclists that include students traveling to Shining Mountain Waldorf School. Please revise the site plan to eliminate

a curb cut on Violet Avenue and centrally locate the other curb cut on Violet Ave to provide better traffic circulation.

Response: The plans have been modified to incorporate this comment. Access to the site has been limited to one centrally located curb cut along Violet and one in Broadway as requested by City staff.

3. Staff does not concur with the proposed Transportation Demand Management (TDM) Plan for the project and its effectiveness to shift individuals away from single-occupancy vehicles to other alternate modes of transportation or in support of the requested 11% parking reduction. Please contact David Thompson to schedule a meeting regarding the project's TDM Plan.

Response: See revised TDM plan.

4. Please revise the layout of the bike racks for the transit stop from end-to-end to side-by-side in order to provide space for the bench and boarding area.

RESPONSE: See revised plans - bike racks have been revised to end to end to provide space for a bench and bus access.

5. Consistent with the low-stress network bike lane network discussed in the adopted TMP and consistent with staff's review comments on other development projects in North Boulder, please revise the site plan to show a 5-foot bike lane (exclusive of the curb pan) with a 2-foot buffer for a grand total of a 7-foot bike lane facility on Broadway between the southbound through lane and the on-street parking / curb-and-gutter.

RESPONSE: Response: The 7-foot bike lane has been accommodated and shown in the cross-section on sheet C3.2.

6. Please revise the parking charts on Sheet SR-A1.01 to include a table showing the required and proposed number of long-term and short-term bicycle spaces. Note that the current bicycle parking standards are found in [Table 9-8](#), section 9-9-6(g), B.R.C. 1981

RESPONSE: See revised sheet SR-A1.01 – parking & bike rack charts have been revised per new parking & bike standards

7. In support of the project's TDM Plan, the applicant is encouraged to provided additional long-term and short-term bicycle parking.

RESPONSE: See revised plans – additional bike parking proposed.

8. Please revise the site plan to include a cross-section of Broadway in order to ensure the required right-of-way is being provided along Broadway and adjacent to the site.

Response: The plans have been modified to incorporate this comment. A cross-section of Broadway has been included in the civil plans.

9. Consistent with the Guide to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) Manual, an assessable space must be provided in the parking area behind Building "C".

Response: The plans have been modified to incorporate this comment. An ADA parking stall has been included at the northwest corner of Building C.

10. Please revise the site plans to show the dedication of a public access easement for the shared access drive. A public access easement must also be dedicated for the drive isle between the garages and parking stalls in order to provide future access to the property to the north in the future.

Response: The plans have been modified to incorporate this comment. A blanket access easement will be provided on all internal drives as noted on the preliminary easement plan.

11. Pursuant to Section 9-9-9 of the Boulder Revised Code, 1981 please revise the site plan to show the off-street loading spaces for the proposed restaurants.

Response: The plans have been modified to incorporate this comment. An off-street loading area has been added to the west of Building C.

12. The eight-foot sidewalk on Broadway must be extended to the north property line and include an adjacent triangular sidewalk connection to connect the new eight foot wide sidewalk to the existing sidewalk.

Response: The plans have been modified to incorporate this comment. The sidewalk on Broadway has been extended and connected to the existing sidewalk as requested.

13. Per Table 9-8, section 9-9-6, B.R.C. 1981, the bicycle parking requirement for restaurants is 1 space per 750 square feet of floor area, with a minimum of 4 spaces, comprised of 25% long-term and 75% short-term spaces. Based on staff's initial calculation, the three proposed restaurant spaces would each be required to provide the minimum of four biking spaces.

RESPONSE: See revised notes for updated parking and bike parking charts per new code.

14. The location of the required short-term bicycle parking shall be logically dispersed between buildings A, B and C and in accordance with section 9-9-6(g)(3) of the Boulder Revised Code, 1981. Long term bicycle parking shall be located pursuant to section 9-9-6(g)(4) of the BRC, 1981. Please note bicycle parking provided within the City right-of-way does not count towards site's bike parking requirements.

RESPONSE: 15 short term bicycle parking spaces are required. 16 short term bicycle parking spaces are provided, of which 8 are located by the entrance to Building A that meet the requirements of BRC 9-9-6(g)(3), and 8 are located in the public courtyard between Buildings B and C that meet the requirements of BRC 9-9-6(g)(3). 12 additional short-term spaces are proposed outside of the ROW. 5 long-term bicycle parking spaces are required, and 10 long-term bicycle parking spaces are proposed on the West side of the public courtyard between Buildings B and C that meet the requirements of BRC 9-9-6(g)(4)

15. There are eight (8) parking stalls which do not have the required twenty-four feet of required backing distance. Please revise the site accordingly.

Response: The plans have been modified to incorporate this comment. parking stalls and drives have been revised to ensure 24-ft of backing distance.

16. In support of the site review criteria, please revise the site plan to provide an east / west pedestrian sidewalk which connects the residential units to the commercial / restaurants fronting Broadway.

RESPONSE: A 10' multi-use path has been added along Violet Avenue that provides a safe and convenient connection between the residential units to the commercial/restaurants that front Broadway. Per the revised Traffic Analysis, an east/west connection north of the townhomes that passes behind the garages is not advised because of safety concerns.

17. Please correct the discrepancy between the numerical total of garages being shown as provided and the number of garages that are being shown. As shown, it appears one residential unit will not have a garage which will require that both long-term and short-term bicycle parking be provided.

RESPONSE: 16 garages are now shown to accommodate the 16 residential units in the MU-2 zone.

18. Please revise the horizontal control plan to:

- Show the existing curb ramps at the intersection of Violet Ave and 10th Street in order to verify the proposed curb ramps aligned with the existing curb ramps.
- Remove the concrete section between the transition wings of the curb ramp and the landscape buffer at the Violet Ave and 10th Street intersection.
- Show the width of the landscape buffer on 10th Street
- Label the corner Violet Ave and 10th Street radii in order to evaluate the radius to City standards.
- Show the location of the existing traffic signal pole and associated pull boxes in order to evaluate the location of the proposed curb ramps and corner radii.
- Label the corner Broadway and Violet Ave radii in order to evaluate the radius to City standards and impacts to the existing traffic signal. Show and label the 7-foot buffered bike lane on Broadway

Response: The plans have been modified to incorporate this comment.

19. Please have the traffic consultant contact David Thompson to discuss review comments associated with the project's Traffic Study.

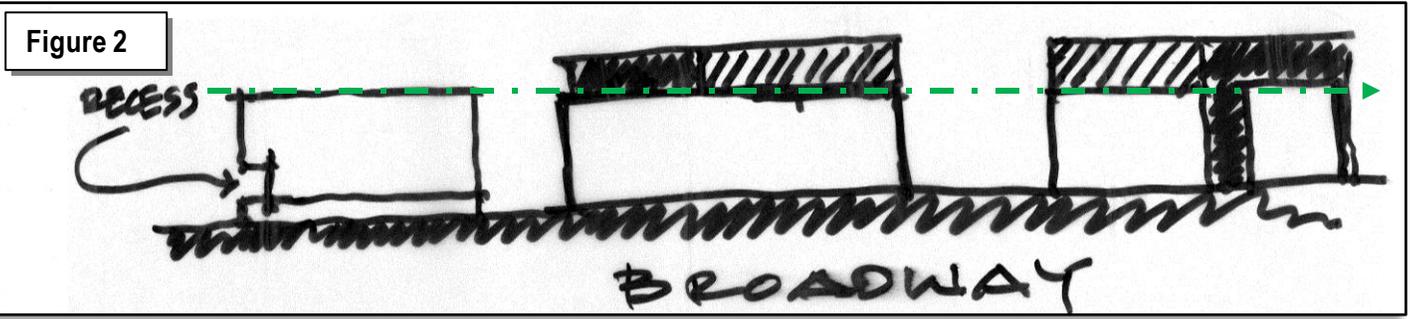
RESPONSE: Noted

Building Design

Overall, staff finds the architecture to be greatly improved over the previous submittal; however, there are still some aspects of the proposal that should be modified to better meet the intent of the Site Review criteria. Given the site's prominence, special attention should be paid to the building frontages along Broadway and Violet, both in terms of materials as well as the visual relationship between the buildings. Please see the comments below for additional details.

1. Currently, there are certain aspects of the building frontages along Broadway that serve to disrupt the visual patterning. Specifically, the white stucco portion of Building C as well as the second-story stucco portion of the north side of building B (shown in red in **Figure 1** below), visually disrupt the datum created by the brick (shown in green), and add confusion to an otherwise elegant design (an elegance exemplified by building A). In order to enhance the proposed buildings' compatibility with each other and improve the project's sense of human scale and visual interest for both pedestrians as well as people travelling past the site along Broadway, staff recommends simplifying the eastern elevations of buildings B and C by continuing the brick across the entire first two floors of each building. Staff finds that creating a continuous datum of brick across the three buildings and simplifying the third floor materials would help to create a more complete and continuous visual pattern along the Broadway frontage. **Figure 2** shows a general sketch representing an example of the desired "visual patterning" discussed above (brick shown in white, wood in black, and stucco in stripes).

RESPONSE: The white stucco portion of Building C and the second story stucco portion of the north side of Building B have been replaced with brick, therefore continuing the visual datum across the first two floors of the entire project.

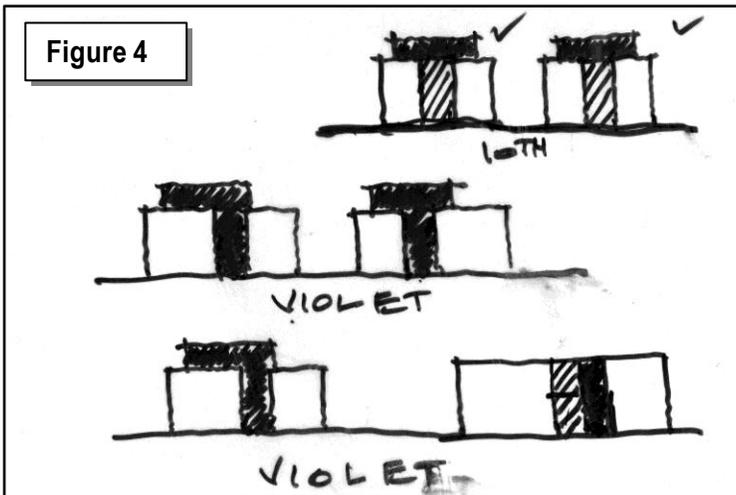


2. Regarding the Violet Ave. frontage, there are similar issues with the visual patterning as those discussed above. Staff also finds that the stucco treatment of the garage areas does not meet section 9-2-14(h)(2)(F)(xii), which requires buildings to “present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing.” Staff recommends replacing the stucco with brick, and adding

visual interest to the Violet elevations by incorporating brick courses similar to those found on the mixed-use buildings to the east. The south elevation of building C should also be simplified and made more symmetrical in terms of material treatment. The western elevations of duplexes 1 and 2 provide examples of the visual patterning and general symmetry that should be enhanced along the Violet frontage. Please see **Figures 3 & 4** below for highlighted areas of concern and a general sketch representing an example of the desired “visual patterning” discussed above (brick shown in white, wood in black, and stucco in stripes).

RESPONSE: All of the duplex units along Violet Ave have been removed, and replaced with Townhome units that present a sense of permanence by using a majority of brick, masonry, metal, and wood. The Townhome units are designed with a simplicity that creates a strong visual pattern along Violet Avenue. The South elevation of Building C has been simplified by changing stucco areas to brick, therefore creating a continuous datum across the project.





3. Note that this area is outside of the “area of growth” described by the North Boulder Subcommunity Plan. The North Boulder Subcommunity Plan describes this area as a “transition” area that should “provide a transition between the main street and the adjacent residential uses.” While the mixed-use buildings along Broadway generally accomplish this feeling of transition, the scale of the proposed duplexes to the west is not in keeping with this pattern. While the properties immediately adjacent to the site to the south and west are not residential in character per se, homes within the nearest residential developments to the project site are generally at or below 35 feet. The applicant should explore ways to reduce the height of the proposed duplexes to be within the 35 foot height limit for the RM-1 zone district unless there are technical grade issues that require relief from the minimum height.

RESPONSE: The duplexes under concern have been removed from the project. Most of the townhomes that have been added to the RM-1 zone are in the 100-year floodplain, and therefore not allowed to have a basement. The area that is not allowed below-grade has been added to the third floor. The Townhomes have been designed to mitigate the scale of the third floor by creating a very strong datum at the top of the second story, keeping the perceived scale of the townhomes under the 35' height limit, and in harmony with the surrounding residential developments. The proposed third floor has been minimized in area and set back away from the front edge of the townhomes, reducing the visual impact of the third floor. If the property to the south redevelops using the RL-2 zone, the townhomes proposed along Violet Avenue will be compatible with the redevelopment.

Drainage Scott Kuhna, 303-441-4071

1. The proposed detention pond needs to be located within a City of Boulder drainage easement. This creates an issue with the proposed underground electric line and Xcel easement that is shown running through the middle of the pond. Revisions are required.

Response: The site plan has been modified to incorporate this comment. The location of the pond and dry utilities have been adjusted.

2. It is not clear from the plans or from the Preliminary Drainage Report for 4403 Broadway (Report) how the sunken area between Building 5 and Building 6 interacts with the detention pond. Based on the contours and the elevation of the spillway for the pond it appears that storm water could back up into Buildings 5 or 6 if the downstream storm sewer is clogged. Clarification on the plans and in the report is necessary.

Response: The site plan has been revised. Townhome configuration has significantly changed.

3. The Report discusses underdrains for the porous paver design; however, nothing is shown on the plans. Revise accordingly.

Response: The plans have been modified to incorporate this comment. Underdrain pipes and cleanout will be installed as part of the porous paver section. A preliminary layout is shown in the plans. Final design will be provided at Tec Docs.

4. A discussion of existing and future groundwater conditions is required to be included in the Report.

Response: The report has been modified to incorporate this comment.

5. Page 6 of the Report states that “drainage from the mixed-use building’s roof will be discharged directly into the public storm system... without water quality treatment”. These three (3) buildings have quite large roof areas to go untreated. Revisions to include some form of water quality treatment for these areas are necessary.

Response: The plans and report have been modified to incorporate this comment. Roof runoff from the mixed-use buildings will be discharged into a landscape buffer that will run north to south along Broadway. An underdran pipe will be installed under the landscape buffer which will connect to the public storm sewer system.

6. *The Report states that Flowmaster© was used to design the storm sewer system, however, no data, calculations, etc. are included in the Report.*

Response: The report has been modified to incorporate this comment.

7. *Page 7 of the Report discusses a “drainage channel... east of the parking garage located at the northwest corner of the site”. Clarification is necessary.*

Response: The report has been modified to incorporate this comment.

8. *The Storm Water Management Plan section of the Report states that “the proposed plans include a water quality basin and rain gardens”. Clarification is required.*

Response: The report has been modified to incorporate this comment. No raingardens are proposed with this development.

9. *Only Sheet 1 of 4 for the Design Procedure Form: Extended Detention Basin (EDB) is included in the Report.*

Response: Sheets 2-4 of the Design Procedure form have been excluded from the preliminary drainage analysis at this point in time as this level of detail has yet to be designed. Additional information will be provided with the project’s technical documents.

10. *The plans show an inlet and storm sewer line between Building B and Building C which stops at the right-of-way line. Revise accordingly.*

Response: The plans have been modified to incorporate this comment. The storm sewer system has been adjusted.

11. *The plans need to be revised to clearly label what will be public storm sewer and what will be private storm sewer.*

Response: The plans have been modified to incorporate this comment.

12. *The existing irrigation/storm sewer piping across 10th Street and across Violet Avenue needs to be shown on the Utility Plan.*

Response: The plans have been modified to incorporate this comment. The existing irrigation line has been shown and labeled in the utility plan.

Engineering Scott Kuhna, 303-441-4071

Please see the site design comments regarding the proposed retaining walls in the public right-of-way near the southeast corner of the site. These retaining walls cannot be permitted in the public right-of-way.

RESPONSE: Noted. See responses to site design comments and applicable updated sheets.

Flood Control Jessica Stevens, 303-441-3121

1. The property is impacted by the 100-year floodplain of Fourmile Canyon Creek. Development will be subject to the requirements of Section 9-3-3 of the *Boulder Revised Code, 1981 (BRC)*.

RESPONSE: Noted

2. The duplex floor plans propose unfinished basement areas. Section 9-3-3(a)(17)(A) of the BRC requires that new residential structures shall elevate the lowest floor, including basement to or above the flood protection elevation. The flood protection elevation is defined as two feet above the 100-year flood elevation. The proposed basement areas cannot be permitted within the 100-year floodplain.

RESPONSE: The duplex units have been deleted and Townhomes have been added. No basements are proposed for the Townhomes that are located within the 100 year floodplain.

3. The Site Plan, Sheet SR-A1.01 and the Preliminary Grading & Drainage Plan, Sheet SR-C1.00 show an area which has been determined by the *Federal Emergency Management Agency (FEMA)* to be located outside of the 100-year floodplain, based on additional elevation data provided through a Letter of Map Amendment. The grading plan proposes modifications to grade in this area which may impact this determination. The applicant must demonstrate that the proposed grading will not impact the 100-year floodplain boundary.

Response: City of Boulder code allows for grading within the 100-year floodplain. Building finished floor elevations have been set 2-ft above the flood protection elevation. Pipes and channels have been sized for the major, 100-year storm where offsite flows pass through the site.

4. Duplex units 1, 2, 3 and 4 have been proposed to be located within the area which was removed from the 100-year floodplain. As previously indicated, 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.
RESPONSE: Noted
5. The applicant is required to provide verification of compliance with the floodplain development regulations for the duplexes prior to Site Review approval. Please include the base flood elevation and the flood protection elevation on the elevation drawings to determine any potential impacts that the elevation requirements will have on the overall height of the structures.
RESPONSE: The base flood elevation and the flood protection elevations have been shown on all elevation drawings.
6. All flood proofing measures, including flood vents for garages and crawl spaces should be shown on the elevation drawings for architectural review purposes.
RESPONSE: Flood vents have been added to all garages that are located in the 100-year floodplain, and have been shown on all applicable elevation sheets. All other buildings in the 100-year floodplain have been raised above the flood protection elevation and do not require flood venting.
7. For floodplain development purposes a mixed use structure is defined as a structure with both residential and non-residential uses where no less than twenty-five percent of the finished floor area contains non-residential uses. Please indicate whether the proposed mixed use structures will be elevated or flood proofed. If the applicant would like to propose flood proofing of the mixed use structures, verification of compliance with the above definition must be provided prior to Site Review approval.
Response: The finished floor elevation for the mixed-use buildings have been set 2-feet above the calculated 100-year water surface elevation.
8. The applicant is advised that the Federal Emergency Management Agency has provided updated guidance for flood proofing certification for flood insurance purposes. The flood proofing certification requirements are as follows;
- Written verification that the building envelope is watertight
 - Written certification that the Engineer of Record's design and construction are in accordance with American Society of Civil Engineers ASCE 24-05 requirements to meet FEMA criteria
 - A comprehensive Maintenance Plan for the entire structure including the materials used for floodproofing, shields, gates, etc.
 - An Emergency Action Plan for the installation of flood shields and other measures
 - Written certification that all components and systems when installed meet the requirements of ASCE 24-05
 - Documentation or certification from the Authority Having Jurisdiction (permitting official) that they have reviewed and inspected the structure with all floodproofing measures in place and provide evidence of approved final inspection and certificate of occupancy.
- Response: A floodplain development permit will be provided with the project's technical document submittal.**
9. The Preliminary Grading & Drainage Plan calls out a flood protection elevation which is one foot above the 100-year water surface elevation. The City of Boulder flood protection elevation requirement is two feet above the 100-year water surface elevation. The top of foundation elevations which have been provided do not meet the floodplain development regulations. Please revise the design accordingly.
Response: The plans have been modified to incorporate this comment. The finished floor elevation for the mixed-use buildings and townhomes have been set 2-feet above the calculated 100-year water surface elevation.
10. The elevations shown on the Preliminary Grading & Drainage Plan, Sheet SR-C1.00 are not consistent with the base flood elevations provided by FEMA. Please indicate which survey datum the site and proposed finished floor elevations are based. It is staff's preference that the North American Vertical Datum of 1988 is used for review purposes. If the applicant wishes to use another vertical datum, a datum conversion must be provided for this location for review purposes.
Response: The plans have been modified to incorporate this comment. The site datum has been updated to NAVD88.

Fees

Please note that 2015 development review fees include a \$131 hourly rate for reviewer services following the initial city Address: 4403 Broadway

response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Inclusionary Housing Beth Roberts 303-441-1828

1. Each new residential unit developed on the property is subject to 9-13 B.R.C., 1981, "Inclusionary Housing." The general Inclusionary Housing (IH) requirement is that residential developments must dedicate 20 percent of the total dwelling units as permanently affordable housing. For for-sale housing this requirement may be met through the provision of at least half of the required affordable units on-site. The other half of the requirement may be met by providing comparable existing or newly built permanently affordable units off-site, the dedication of land appropriate for affordable housing or by payment of a cash-in-lieu (CIL) contribution. Rental projects do not have an on-site requirement and may meet the entire requirement by providing comparable existing or newly built permanently affordable units off-site, dedicating land appropriate for affordable housing or with a cash-in-lieu (CIL) contribution. The applicant is proposing to build 12 for-sale attached duplex units and 16 attached rental units.

RESPONSE: Noted

2. The resulting IH requirement is 5.6 affordable units: 2.4 affordable attached duplex units and 3.2 affordable attached rental units. For this development one duplex unit is required to be provided on site (half of the 2.4 for-sale units = 1.2 units rounded to one unit).

RESPONSE: A cash contribution to the affordable housing fund will be made for all 5.6 required units

3. The applicant has indicated that a cash contribution to the affordable housing fund will be made for all 5.6 required affordable units. Please be aware that a premium of 50% additional CIL is required for the one for-sale affordable duplex unit required but not provided on-site.

RESPONSE: Noted

4. The 2014-2015 cash-in-lieu amount for attached housing is calculated as \$130,880 per required affordable unit when the average floor area of all units is 1,200 sf. or greater. To encourage smaller units, the required contribution declines when the average floor area is below 1,200 square feet. Cash-in-lieu amounts are adjusted annually on the first of July and the amount in place when the payment is made will apply. The cash-in-lieu contribution must be made prior to issuance of a residential building permit.

RESPONSE: Noted

5. In order to determine the exact amount of CIL due, please provide unit information consistent with your submittal by filling out and sending the Affordable Housing Unit Data Spread Sheet.

RESPONSE: See the updated Affordable Housing Unit Data Spread Sheet.

6. The Affordable Housing Unit Data Spread Sheet, 2014-2015 Cash-in-lieu chart, and additional information about the Inclusionary Housing program may be found on-line at www.boulderaffordablehomes.com. Click on Inclusionary Housing and on the right side bar, Inclusionary Housing Program Details.

RESPONSE: Noted. Thank you.

7. Developments with rental units that meet more than half of the IH requirement with a cash contribution are required to execute an "Agreement for Costs Due on Sale: Affordable Housing Restrictive Covenant and Deed Restriction" (aka Conversion Agreement) and may be required to provide the associated Deed of Trust and Promissory Note which are used for notification purposes only. The Inclusionary Housing ordinance requires that for-sale developments pay an additional 50 percent CIL premium in the event that they do not provide affordable units on-site. Accordingly, if you choose to convert the rental units to for-sale units within five years you will be required to pay the difference between the rental and for-sale CIL amounts. The Conversion Agreement and associated Deed of Trust and \$10 Promissory Note are required prior to calling for final inspections pursuant to the issuance of a temporary of final Certificate of Occupancy and will be sent to you for signature once the cash-in-lieu has been paid.

RESPONSE: Noted.

8. A Determination of Inclusionary Housing Compliance form which documents these requirements will be provided for your signature once the exact amount of CIL due has been determined. The form must be executed prior to application for any residential building permit.

RESPONSE: Noted

Landscaping Elizabeth Lokocz, 303-441-3138

Please respond to the following comments at the next submittal. Contact staff with any questions or concerns.

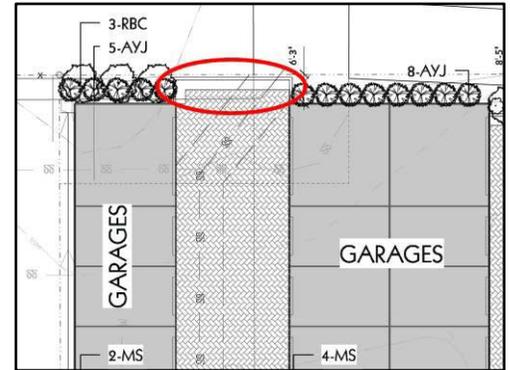
1. Recalculate the interior parking lot screening based on the minimum dimensional standards (eight ft. in any dimension and 150 sq. ft.) and revise the requirements table accordingly. The graphic on sheet L.1.03 and the requirements table on sheet L1.01 have different total square footages for interior landscaping as well. Update the diagram

illustrating the interior landscape as well.

RESPONSE: Acknowledge, see revise diagram and chart to show which islands meet current standards & their square footages.

2. The north end of the western garage drive aisle (see the image to the right) continues to show that a modification to property line screening is required. If a fence or alternative method can be used to functionally screen the parking lot, please do so. Please call this modification out in the Requirements Table.

RESPONSE: Please see revised plan and Schematic Architectural Sketches Sheet showing the addition of new fence at end of drive aisle.



3. The cumulative impacts of the existing utilities are a significant barrier to designing a high quality streetscape. Analysis is needed to understand if alternatives are feasible. Neither the streetscape on Violet nor Broadway can meet minimum street tree standards due to existing utility locations. It is also highly questionable if they can meet site review criterion (C)(iv) regarding attractive streetscapes.

- a. Overhead electric on Broadway – the proposed street trees are directly under the existing overhead lines. Only small maturing trees are permitted. Due to the adjacent parallel parking, width of the planting beds and width of the sidewalk, low branching trees are highly likely to have ongoing conflicts and are not supported by staff. Nor do they meet the city's goals regarding the importance of street trees and streetscapes, urban canopy or heat island mitigation. A cost benefits analysis is needed to understand the potential of undergrounding the existing overhead lines.

RESPONSE: Streetscape compliance with code: Broadway – the existing overhead electric line is being removed and replaced with underground service – this should alleviate any concerns staff has with a walkable streetscape. All staff requests in past communications with this project have been met (12" conc. strip along back of curb, larger openings vs. tree grates).

- b. Storm on Violet – verify the location and dimension the separation between the proposed trees and existing storm sewer on Violet. Evaluate the feasibility of a wider planting strip, Design and Construction Standards (DCS) variance request, or utility relocation to allow for large maturing street trees to be planted for all the reasons listed above and to provide separation from the adjacent travel lane. An eight foot landscape strip is the requirement if any of these solutions is determined to be feasible.

RESPONSE: Streetscape compliance with code: Violet – the existing storm drain shown on earlier plans was incorrectly labeled. It is a piped irrigation lateral. We have placed the trees 10' from the closest point (west end). Additional, earlier staff agreed to the 6' planting strip with a 10' walk.

4. Please clarify the response to the previous comment #11 (below). The trees appear to have been deleted, although some good locations exist for planters (preferably without grates). Consider fewer, but larger, planters and trees than the previous six proposed.

RESPONSE: Trees in grates were shown @ one time. Since then buildings have shifted towards the west and between the car overhangs and HC ramps, we have limited areas to plant. See revised plants for the 2 additional planters per each building.

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.**

5. Coordinate the planting plan with the site design comments regarding the walls in the right of way on Violet. At grade landscape should be substituted. This may require some significant redesign to the building given the grade different between the first floor elevation and adjacent right of way.

RESPONSE: See revised plans and enlargement area for planting in this area. In general, landscape if along back of public walk then terrace walls up to upper plaza level.

6. With the identification of emerald ash borer (EAB) in Sept. 2013 the city has increased concerns regarding tree species diversification for public and private tree selections. Please incorporate the following recommended revisions into the plan if a solution allowing larger trees is reached. Other alternatives may be proposed; please contact staff to discuss options if needed.

RESPONSE: Street tree species:

- a. **Acknowledge, see revised plans for tree species for Broadway**
- b. **Acknowledge, see revised plans for tree species along Violet.**

- a. Honeylocust is heavily planted as a public street tree and in parking lots. Instead, consider using both Kentucky coffeetree and English oak for the trees in the Broadway and Violet planting strips in a 3-5-3 pattern. If only small trees can be planted on Broadway, they too should be mixed.
- b. Staff is concerned the crimson king Norway maple will be very susceptible to sun scald with the full southern exposure. Consider Turkish filbert (*Corylus colurna*) and sweetgum (*Liquidambar styraciflua*) as alternatives. Sweetgum has rarely been planted locally, but with the warming trends it appears to be a viable option in the right location. With its generally upright form and striking fall color, consider it a worthwhile trial.

7. Please add the total number of parking lot trees to the requirements table and verify that at least 75% are medium or large maturing trees per the requirements of section 9-9-14(d)(6) B.R.C. 1981. See the additional species comments below.

RESPONSE: Parking lot trees: 75% of the trees are now medium sized with the enlarged planting island.

8. The parking lot trees do not appear to meet minimum size requirements (see comment above). The islands would support larger trees in staff's opinion. The low branching columnar forms proposed may also have visibility and snow storage implications. Substitute the serviceberry and crimson spire oak with medium or large varieties. Reducing the overall number to accommodate the size change is acceptable. Species to consider include hackberry, bigtooth maple (*A. grandidentatum* - single stem form) or others previously suggested.

RESPONSE: See response to comment 7 above.

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

1. Please see previous Legal Documents comment regarding submitting a new vested rights form to more clearly state the elements for which the Applicant is seeking vested rights. This should be provided at the time of resubmittal.

RESPONSE: An updated Vested Rights Option Form has been provided with this submittal

2. Prior to signing the Development Agreement, if approved, the Applicant shall provide the following (upon request of the case manager):

An updated title commitment current within 30 days of signing the agreement; and Proof of authorization to sign on behalf of the owner (such as a statement of authority).

RESPONSE: Noted. An updated title commitment has been submitted with this submittal.

Neighborhood Comments Chandler Van Schaack, Case Manager

Staff has received comments from several neighbors in opposition to the proposed development. Several people have expressed concerns over the proposed modifications to building height and number of stories, and are worried that the proposed buildings will be out of character with existing buildings on the west side of Broadway and will negatively impact existing views to the west. There have also been concerns raised over the proposed parking reduction based on the feeling that lack of parking is already an issue in the area, as well as concerns that the project will exacerbate existing traffic issues at the intersection of Broadway and Violet. Written public comments are included as

Attachment A.

Staff has also fielded questions from several community members who are not opposed to the proposed development.

Open Space Chandler Van Schaack, Case Manager

1. Per section 9-9-11(f)(1), individual decks may only be counted as open space "if the minimum size of such individual balcony, deck or patio is not less than thirty-six square feet and not less than forty-eight inches in any dimension" Currently, the decks shown on Duplex C do not meet this minimum size requirement. Therefore, please remove them from the Open Space calculations on Sheet SR-A1.02. In addition, please note that individual balconies, decks and patio areas may count for no more than 25% of the required usable open space. Please revise the open space table so that such areas are counted for no more than 9,000 sq. ft. (25% of the required open space for the proposed duplex units). Decks and patios counted as open space should be clearly labeled on the open space diagram.

RESPONSE: All individual balconies, decks and patios are calculated and dimensioned in the appropriate architectural plans, and are calculated as part of the Open Space on Sheet SR-A1.02. Although the total amount of private open space for the townhomes in the RM-1 zone exceeds 9,000 sf (25% of the required open space), only 9,000 sf was used in the Open Space calculations

2. Please note that per section 9-9-11(f)(3), landscaped areas of the public right-of-way may count for up to ten percent of the required usable open space. However, the proposed sidewalk along Violet may not be counted as usable open space, as it cannot meet the standards for exterior paved surfaces as set forth in section 9-9-11(e)(5). Please revise open space calculations and diagram accordingly.

RESPONSE: See the revised open space diagram

Plan Documents Chandler Van Schaack, Case Manager

1. Please provide a revised written statement for the project which addresses the Site Review criteria as well as the Use Review criteria. While all applicable criteria should be clearly addressed, special consideration should also be given to providing detailed descriptions of how the project meets the following criteria:

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

RESPONSE: See updated written statement

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

RESPONSE: See updated written statement

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

RESPONSE: See updated written statement

(xi) Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality.

RESPONSE: See updated written statement

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

RESPONSE: See updated written statement

2. The applicant should also provide the following application materials, as required by section 9-2-14(e), "Additional Application Requirements for Height Modification," B.R.C. 1981:

(4) A shadow analysis, as described in the solar analysis instructions provided by the city manager, that shows the shadow cast by a thirty-five-foot building located at the required setback and the shadow cast by the proposed building;

RESPONSE: See updated shadow analysis that shows the shadow cast by a thirty-five foot building located at the required setback and the shadow cast by the proposed buildings

(5) A list of the height of each principal building located or known to be proposed or approved within one hundred feet of the proposed project;

RESPONSE: See updated vicinity map for the height of each principal building located within one hundred feet of the proposed project.

(6) A written statement and drawings which describe the way in which the proposal accommodates pedestrians, including, without limitation, uses proposed for the ground level, percent of transparent material at the ground level, and signage and graphics; and

RESPONSE: See updated written statement

(7) A detailed plan showing the useable open space and a written statement of how it serves the public interest.

RESPONSE: See revised open space plan and written statement.

3. At the next submittal, please include a cover sheet listing all 24x36" plans and attach those plans in an orderly format by discipline (i.e. all architecture, landscape, civil, etc.) preferably bound. Do not duplicate sheets.

Response: A cover sheet has been added that lists all resubmitted items

4. Please note that for the purposes of calculating the non-residential parking requirement for the MU-2 buildings (1:400 if residential uses comprise less than 50 percent of the floor area; otherwise 1:500), all residential floor area, including lobbies, stairways, and elevators should be included in the total floor area. Please revise the MU-2 Zone Calculations Table to include all floor area within the buildings (the percentages listed at the bottom should equal 100%)

RESPONSE: Residential uses comprise of 50% of the floor area, so a 1:500 ratio is used to calculate the non-residential parking requirement for the MU-2 buildings. See site plan for calculations

5. Please note that the scale on Sheet SR-A1.01 is incorrect (it currently reads 1:60 when the scale is 1:20). Please revise.

RESPONSE: Noted – see revised scale

Site Design Chandler Van Schaack, Case Manager

1. Staff is concerned that the proposed elevation difference between the Violet and Broadway corner and first floor of building C creates a significant disconnect to the adjacent sidewalk, which is inconsistent with criterion 9-2-14(h)(2)(C)(iv): *the setbacks, yards and useable open space along public rights of way are landscaped to provide attractive streetscapes, to enhance architectural features and to contribute to the development of an attractive site plan.*

Retaining walls in the right of way are also considered encroachments and are not likely to meet the standards for a possible revocable lease per section 8-6-6 B.R.C. 1981 due to the existing utilities and inability to remove the structures. Redesign the site plan such that retaining walls over 18 inches in height are not located in the right of way. The applicant should consider pulling the retaining walls back to the property line and recessing the south side of the first floor of Building C slightly to allow for pedestrian movement along that frontage without having to reduce the overall building size too much and while maintaining a strong corner presence with the second story.

RESPONSE: The site plan has been redesigned such that no retaining walls over 18 inches in height are located within the right of way. Also, the southeast corner of the first floor of Building C has been recessed to allow for pedestrian movement along the Broadway frontage.

2. As previously mentioned, staff is generally in support of both the pocket park and mixed use courtyard, but 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. In addition, staff recommends adding an east / west pedestrian sidewalk through the connecting the residential units to the commercial / restaurants fronting Broadway.

RESPONSE: See revised plans showing benches along Broadway. Since the western portion of the site has been redesigned per staff's comments about drives and access, duplex's have been changed to townhomes and they all now front on the street. Per the revised Traffic Analysis, an east/west connection behind the townhomes is not advised due to safety concerns. A 10' multi-use path has been added along Violet Avenue to provide a safe and convenient connection from the residential units to the mixed use buildings along Broadway. Retaining walls within the right-of-way will be no taller than 18" in height.

Utilities Scott Kuhna, 303-441-4071

1. The plans show what appear to be proposed Xcel Easements for gas mains running down the middle of proposed city easements (separating the city water and wastewater mains). Relocation of the proposed gas mains and services and easements are required.

Response: The plans have been modified to incorporate this comment. The site plan configuration and location of the dry utilities lines have been adjusted.

2. The Utility Plan (Sheet SR-C2.00) shows the private wastewater service line for Building 6 running parallel to and in the same easement as the proposed water main. The line that is parallel to the main shall be a wastewater main terminating at a manhole with the service line to Building 6 crossing perpendicular to the water main.

Response: The site plan has been revised. Building 6 has been removed.

3. The water service lines for Building 1, 2, and 4 are shown beyond the fire hydrant on the dead-end main. All terminal mains shall have a fire hydrant at the terminus with no water services beyond the hydrant. Revise accordingly.

Response: The site plan has been revised. Buildings 1, 2, and 4 have been removed.

4. The relocated water service and fire service lines for the existing building at 4439 Broadway are shown on the end of dead-end water main with no fire hydrant. See comment above regarding terminal water mains

Response: The site plan has been revised. Townhome configuration has been revised.

5. Vacation of the "Right-of-Entry Film 1673, Rec. No. 01104034" easement along the north edge of the property is required. There appears to be conflict between the relocated easement for the relocated wastewater service line serving the property to the north and the proposed garages. No portion of any structure, including footings and eaves, may encroach into any right-of-way or easement. Clarification is required.

Response: The plans have been modified to incorporate this comment. The proposed easement alignment has been adjusted.

6. 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
Address: 4403 Broadway

prior to the next submittal.

- Proposed street trees(2) at southeast corner of site – Proposed storm sewer line
- Proposed street trees(3) at south of Building 6 – Proposed storm sewer line

RESPONSE: Acknowledge – street trees have been relocated or removed is less than 10' from a wet utility.

7. A separate drawing clearly showing all of the easements is necessary to determine if there are encroachments or conflicts between public and private easements. No portion of any structure, including footings and eaves, may encroach into any right-of-way or easement.

Response: The plans have been modified to incorporate this comment. A preliminary easement drawing has been added to the package.

III. INFORMATIONAL COMMENTS

Access/Circulation

At time of technical document review the concrete pan adjacent to the new curb ramps at the Violet Ave and 10th Street Intersection will need to be replaced as they were poured monolithically with the curb ramps.

Response: 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*.

Response: 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.

Response: Noted.

Flood Control Jessica Stevens, 303-441-3121

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.

Response: 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.
 - 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.
 - c. Dry floodproofed structures will meet the updated flood proofing requirements provided by *FEMA* in Flood Control comment #8.
 - d. Enclosures, such as crawl spaces, below elevated structures shall meet the requirements of Section 9-3-3 (a)(18 and 19) of the *BRC* and *FEMA* Technical Bulletin 1.

- 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.
- 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.
- 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.

Response: 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.

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

Review Process Chandler Van Schaack, Case Manager

On Jan. 20, 2015, City Council approved first reading of an ordinance that would limit height in certain areas of the city. This site is outside of the exempted area; however, since there is an active Site Review application in process, the application will be allowed to proceed through the process with the proposed height modification. A copy of the staff memo and the ordinance has been included as **Attachment B**.

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*.

Response: 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.

Response: 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.

Response: Noted.

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

responsibility of the owner.

Response: 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.

Response: 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.

Response: 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.
- b. Water and wastewater Plant Investment Fees and service line sizing will be evaluated.
- 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.
- d. Since the buildings will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line connection permit application.

Response: 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.

Response: Noted.

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

Response: Noted.

IV. NEXT STEPS

Once the comments have been addressed, please submit **seven (7) hard copies of the revised plan set along with digital copies of the plans in pdf form** at the front desk of the P&DS Service Center prior to the start of a three-week review track.

As some of the issues identified herein may result in significant changes to the site and building layout, staff recommends meeting prior to resubmittal to discuss possible design options. Please contact the Case Manager, Chandler Van Schaack, at vanschaack@bouldercolorado.gov or 303-441-3137 with any questions or to set up a meeting.

V. CITY CODE CRITERIA CHECKLIST

A completed checklist will be provided following review of the revised plans.