



CITY OF BOULDER
Community Planning & Sustainability

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CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF APPLICANT RESPONSE TO STAFF COMMENTS: December 21, 2012

DATE OF COMMENTS: **November 23, 2012**
CASE MANAGER: **Karl Guiler**
PROJECT NAME: **BOULDER CREEK COMMONS**
LOCATION: **5399 KEWANEE DRIVE & 5697 SOUTH BOULDER ROAD**
COORDINATES: **S2W1**
REVIEW TYPE: **Annexation and Initial Zoning, Site Review and Preliminary Plat**
REVIEW NUMBER: **LUR2006-00099 & LUR2012-00048**
APPLICANT: **MICHAEL BOYERS**

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

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

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

REQUESTED MODIFICATION FROM THE LAND USE REGULATIONS:

- Aggregation of open space across the site as permitted in RL-2 zoning through Site Review.
- Parking reduction to permit two required parking spaces on each duplex site where four are required.
- Section 9-7-1, B.R.C. 1981, Minimum front yard setback: 12.5 and 16.5 feet where 20 feet is required. Lot 1 has a setback of 7 feet due to the curvature of the street.
- ~~Section 9-7-1, B.R.C. 1981, Section 9-7-1, B.R.C. 1981, Minimum landscape setback modifications to permit three parking spaces that slightly encroach into the 20 foot landscape setback on Lot 69.~~
Applicant Comment – this modification is not needed.
- Section 9-7-1, B.R.C. 1981, Minimum side yard setback: 5 feet where one foot for every two feet of height is required.
- Section 9-7-1, B.R.C. 1981, Minimum rear yard setback: 15 feet where 20 feet is required.
- Section 9-9-11(f)(4)- Request to include landscape areas within the public right-of-way to count for no more than 10% of the required open space.
- *Section 9-7-1 B.R.C. Minimum side yard setback: Zero lot line allowed for 3 attached Duplex buildings placed on fee simple lots.*
- *Section 9-12-12 B,C,E and G, Standards for Lots:*
B. Minimum lot width on public street: Attached Duplex lot width 28' wide
C. Lot width: Attached Duplex lot width 28' wide
E. Avoid Double Frontage Lots: Attached Duplex Lots, "L" shape lot will have double frontage
G. Corner Lot Size/Setback: Corner Attached Duplex Lot will be smaller than neighboring duplex and single family lots but will still maintain larger side yard set back to street.

I. REVIEW FINDINGS

Following review of the revisions, staff finds that the applicant has responded well to the Development Review Committee (DRC) comments dated July 13, 2012 and has appropriately revised the plans to be code compliant and to enhance the design quality of the development. There remain some items that require modifications and points of clarification, as listed within this document, but overall staff finds that the project can meet the Site Review criteria as well as the Boulder Valley Comprehensive Plan (BVCP) policies on community benefit etc.

Planning Board review of the project is tentatively scheduled for **Feb. 6 & 7, 2013**. Staff is exploring the possibility that the public hearing may occur at one meeting and the Planning Board deliberations at a separate meeting as it is expected that there would be significant public comments on the project. Staff will follow up with you on this approach, but in the meantime staff will begin work on the annexation agreement, conditions of approval and will look into a fourth party engineering consultant to review all engineering documentation from all sources in advance of the Planning Board hearing.

Staff will also begin preparation of a memorandum to Planning Board. Prior to the hearing the applicant is required to revise the plans to address the comments within this document and submit seven (7) copies of corrected review sets directly to the Case Manager. The corrected sets will not require a new review track and can be reviewed upon submittal. To allow for sufficient review time before the board staff suggests submitting the corrected sets no later than Dec. 21, 2012.

II. CITY REQUIREMENTS

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

1. The Traffic Impact Analysis must be revised to include the numerical adjustment that was made to the peak-hour volumes to account for higher activity at the East Boulder Community Park and for the late school start at the Manhattan Middle School.
Response - An appendix figure was added to the Traffic Impact Analysis that shows the raw traffic volume counts, the added traffic volume, and the adjusted traffic volume used in the analysis.
2. On page 30 of the Traffic Impact Analysis revise the first sentence of bullet #9 to read "Kewanee Drive is a residential collector street with a design traffic volume of between 1,000 and 2,500 vehicles per day per the City's Design and Construction Standards (DCS)."
Response - The statement was revised as requested
3. On page 30 of the Traffic Impact Analysis revise the last sentence of bullet #9 to read: "For reference, a residential street has a design traffic volume of between 500 and 1,000 vehicles per day per the City's DCS."
Response - The statement was revised as requested.
4. The width of the two multi-use path connections through Outlots "L" and "G" must match the width detailed in the Traffic Impact Study and Travel Demand Management Plan which is 12-feet. Revise the site plans to show a 12' wide multi-use path connecting the subdivision sidewalks to the subdivision's north property line.
Response - The Traffic Impact Study, Travel Demand Management Plan and the project plans were updated and to show a single multi-use path connection through Outlot L. As discussed with the City Staff, the path connection through the pocket park (Outlot G) can remain a 5' wide pedestrian connection as previously shown on the project plans
5. A public access easement must be dedicated to the City for the sidewalk located in the northwest area of the Congregate Care Senior Housing site in order to provide public access from the Kewanee Drive sidewalks to the East Boulder Community Park multi-use trails through Outlot "G". Revise the site review plans accordingly.
Response - The public access easement has been added as requested.
6. The Lot and Outlot Usages Table shown on the first sheet of the preliminary plat must be revised to show pedestrian access usage for Outlot "E", Outlot "F", Outlot "G", Outlot "H", Outlot "I", and Outlot "L". Revise the Lot and Outlot Usages Table accordingly.
Response - The Preliminary Plat was revised as requested.
7. On page 9 of the Transportation Demand Management (TDM) Plan, the NECO Pass Program Participation for the Congregate Care Facility must include the specifics for the financial guarantee for the Alternative Transportation Subsidy Fund. Revise the NECO Pass Program Participation included in Table 2 of the TDM Plan to show a three

year costs of \$18,000 to fund the Alternative Transportation Subsidy Fund. The \$18,000 cost assumes a cost of \$2 per ride that will provide each unit with just over 1 ride per week for three years.

Response – The Transportation Demand Management Plan was revised as requested.

Affordable Housing Michelle Allen 303-441-4076

Prior to Building permit submittal the developer must sign an Agreement with the city to provide the affordable units, provide adequate financial guarantee in a form acceptable to the city to ensure the units are built in a timely manner, and execute the affordable covenants for the eight homes (2 single family and 6 duplexes) proposed to be priced to be affordable for middle income households.

Response - The applicant has been in on-going contact with HHS staff and this is one of a number of points in which there is continuing dialogue. Resolution is anticipated prior to the Planning Board hearing.

Floor plans/amenities- The applicant has corrected the design of duplex #2. *Comment Acknowledged.* No floor plans were included for the two affordable single family homes on 45’ wide lots, as requested in the July 13th comments. *Response – On pages 3 and 4 of the applicant’s November 5 response to the Staff’s July 13 comments it was stated that the builder of the single family homes had decided to build the two (2) affordable single family homes on 50’ wide lots and will offer the same homes that will be offered as market rate homes that fit on these lots. The 45’ wide lots had been eliminated at that time and as such, no floor plans were prepared for the eliminated lots. Please see Model A and B on sheets A16 and A17 to see the floor plans of the homes that will be used for the affordable single family homes. As mentioned, these are the very same homes that will be sold at market rate.* No dimensions were provided for the congregate care units, please provide both in the next submittal. *Response- these dimensions are now provided.*

The interior building and unit design and amenities for the senior apartment building meet the high quality anticipated for community benefit provided through an annexation. *Comment Acknowledged.*

The applicant has agreed to provide the services and amenities as presented in the table below, however please consider adding a pet care room or replacing one of the proposed amenity spaces with a facility that will accommodate pet washing and grooming. *Comment Acknowledged. At other properties developed and managed by the applicant, pets are allowed and are a wonderful addition to the community, as well as loyal companions to residents. In regard to the request for a pet care room, such a room could be considered; however, because pets must be less than 25 pounds and, based on extensive experience with similar facilities, only 10% of residents in these properties will own a pet, the applicant would prefer to provide common areas as planned as these will be used by a higher percentage of residents.*

Staff will tour The Aurora with the developer in the next few weeks which is being proposed as a similar development in design and quality. After the tour fixture specifications and finish materials such as flooring and counter tops will be agreed upon. *Response – Tours with HHS and Planning Staff were conducted on December 11 and 13, 2012.*

The following table includes the project details as agreed upon by the city and the developer. *Comment Acknowledged.*

Boulder Creek Commons Project Details

<p>Amenities and Services Free</p>	<ul style="list-style-type: none"> • Lobby/hearth room w/ open seating • Exercise room • Media room • Computer room • Mail room • Game craft room • Library • Private dining area • meeting room • conservatory • café and dining area • NO direct transportation services - on-site manager will assist with coordinate • Eco-passes per TDM • Easy access to trash and recycling facilities 	<ul style="list-style-type: none"> • 50’ X 68’ • 12’ X 24’ • 13’ X 18’ • 7’ X 9’ • Mail room noted on plan • 12’ X 19’ • 15’ X 24’ • 12’ X 14’ • 11’ X 12’ • 21’ X 24’ • 24’ X 35’
<p>Services</p>	<ul style="list-style-type: none"> • Beauty salon 	<ul style="list-style-type: none"> • 12’ X 17’

at extra cost	<ul style="list-style-type: none"> • laundry and linen • housecleaning • meal services 	
Accessibility & safety	<ul style="list-style-type: none"> • Emergency call systems • 3'-0" wide doors & maneuvering space • Cabinets, appliances, door and fixture hardware designed to accommodate seniors • Grab bars for unit tubs / showers • Handrails & wide corridors throughout • Sidewalks and benches in the landscape areas; wide sidewalks • all entrances restricted-access at all times 	
Design features	<ul style="list-style-type: none"> • Washers and dryers in units • Large walk-in closets, pantries, and linen closets • Individual patios or decks • Full size kitchen appliances • Double bowl kitchen sinks with a garbage disposal • Individually controlled heating and cooling systems 	

Tax Credits - Tax credits are a form of subsidy and can be in limited supply, however 4% credits are readily available and use on this annexation will not negatively affect the ability of other local non-profits to use them in the future. The city supports the use of 4% tax credits. Nine percent tax credits can be in limited supply, are highly competitive and use on this annexation, where the developer has an obligation to provide affordable housing without subsidy, would negatively affect the ability of other local non-profits to get them allocated to projects. The city opposes the use of 9% tax credit to meet this annexation requirement. *Response - The applicant is in discussions with the HHS staff regarding this topic and anticipates resolution prior to Planning Board hearing.*

Financial Guarantee – To ensure the senior apartment building is constructed within a reasonable time period the developer shall provide security in the form of a financial guarantee that will entitle the city to the building lot, land use entitlements, building plans and documents and funds sufficient to complete the senior apartment building. At the time of annexation funds sufficient to finish the project with 4% tax credits will be provided to the city through a letter of credit or escrow account with terms acceptable to the city per the schedule below. The developer may propose an amount, however the city will verify that the proposed amount is adequate. **Please provide a detailed pro-forma, showing all forms of equity etc. to verify the construction funding gap.** The amount should be adjusted to reflect what will be needed in 2 years to adequately complete the development. *Comment Acknowledged*

A quarter of the agreed upon financial guarantee will be provided every 6 months over a 2 year period following annexation approval until the full amount is received. The first installment will be due as a condition of Annexation approval. As the security is provided, ¼ of the market units may pull a building permit. At the end of the 2 year period, the developer will have an additional 2 years to secure financing. For every 6 months after that point, until the senior apartments are issued a building permit additional security will be provided to account for cost increases. If, after four years the developer has not received a building permit to construct the senior apartment building the city may, at its discretion use the financial security to complete the project. *Comment Acknowledged*

Concurrency - The eight non senior affordable homes will be constructed one for one with the first eight market homes constructed. *Response - The applicant is in dialogue with the HHS staff regarding this topic and anticipates resolution prior to the Planning Board hearing.*

Affordability - Fifty senior apartments will be priced to be affordable at the following rates:
6% - 60% AMI
44% - 50% AMI
44% - 40% AMI
6% - 30% AMI

Eight homes (2 single family and 6 duplexes) are proposed to be priced to be affordable for middle income households at HUD plus 25% and affordable to households earning HUD plus 35%. An affordable Covenant must be signed prior to issuance of a building permit for any affordable unit. The covenant must have priority over other encumbrances prior to acceptance of the affordable units by the city. *Comment Acknowledged.*

Inspections – As part of the Off-site Annexation Agreement, the developer will be required to pay for a construction inspector to ensure acceptable construction quality for the senior apartment building. *Comment Acknowledged.*

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

1. Windows were added to the southwest and south elevations on the color drawing, but not on the black and white elevations. Please add the windows to correspond.
Response – elevations have been corrected to show the windows.
2. The materials (siding and stone) shall be added to the black and white elevations.
Response- The materials have been added to the black and white elevations
3. Please provide more information (pictures, samples etc.) on the proposed wood treatments to the congregate care building.
Response – Please see attached photo exhibit of examples of how the proposed wood timber elements will be treated.
4. Staff appreciates the attention to create a new entry to the congregate care building from 55th Street. To ensure that the entry is not converted to an emergency egress only, a condition of approval will be applied to require that the doors remain open during daytime hours for use of residents and visitors.
Response – As discussed with Staff, Resident security is one of the most important elements to a Congregate Care facility and is a high priority for these residents. In all Congregate Care facilities developed and managed by the applicant, ALL doors to the building are locked at all times, including the door that faces 55th street and the door that faces the parking lot. Residents will use either a keypad or swipe card to gain access to any door at any time. Visitors must announce themselves via intercom and be “buzzed in” by a person on the inside of the building. All doors will include hardware that will allow egress without any special knowledge or action.
5. Staff acknowledges the increased garage setbacks and expanded porch areas in the front of the homes and finds the designs consistent with the Site Review criteria. However, staff continues to find the placement of the recycling/trash enclosure within the front setback as an awkward and distracting design feature. Please consider pushing the enclosures back out of the 20 foot setback and having the doors open into the garage. This also may be a safer option keeping garage out of reach of bears in close proximity to open space. Staff will consider a condition of approval requiring this modification in order to meet the Site Review criteria. *The builder believes that the recycling and trash enclosure is an appropriate and good solution to this function. The applicant and its architect respectfully disagree that it is an “awkward and distracting design feature”. As a senior friendly community, it is important to make elements such as this to be user friendly for an older population. This solution effectively screens the bins from view and fits the character of the architecture. As demonstrated in the November 5 response, this technique has been used in Boulder before, and is an attractive method for not only screening the bins but also “grounding” the design of the homes with a stone wall feature that flanks the garage side of the buildings. (See attached exhibit from the 11-5-12 resubmittal). In order to maximize non-garage space, space on the ground floor for the homeowner, the garage space is kept to a minimum. In order to provide space in the garage for the bin as Staff has recommended, the livable area within the home would need to be reduced. Additionally, it is likely that a resident would need to back their vehicle out of the garage each time the bins are taken in and out of the garage. This is inconvenient and not a senior friendly approach to this issue. It is the applicant’s opinion that the proposed solution is an optimal one for this activity and would like to be able to make its case to the Planning Board even if Staff continues to object. To the best of the applicant’s knowledge, this area has not been an area prone to bear problems.*

Flood Control Katie Knapp, 303-441-3273

In accordance with section 9-12-6(a)(14), include the floodplain designations, estimated flow rate and base flood elevations on the preliminary plat. Also include the source of the floodplain information and a statement that this information is subject to change.

Response – Preliminary Plat Note 6 was expanded to further clarify the source of the floodplain information previously provided on the Preliminary Plat. Please note that this information was provided as a map inset on the Sheet 1 of 3 of the Preliminary Plat (Sheet V2).

Fees

Address: 5399 KEWANEE DR

Site Review

Please note that 2012 development review fees include a \$131 hourly rate for reviewer services following the initial city response (these written comments). Please see the P&DS Questions and Answers brochure for more information about the hourly billing system. *Comment Acknowledged*

Annexation

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

Fire Protection David Lowrey, 303.441.4356

Applicant acknowledged and correct previous comments. Applicant stated that parking will be restricted to one side however; areas for parking appear to be on both sides of the street. I have no issues with parking on both sides as long as I have 20' clear width. If needed, no parking signs will be required.

Response- On street parking locations have been indicated on the site plan and is restricted to one side of the street. No parking signs will be provided at Technical Document Review for review and coordination with Fire Protection and other City Staff.

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

Annexation Impact Report: Fix the spelling of requirements in the title of section 3.0.

Response – The Annexation Impact Report was revised as requested.

1.

Landscaping Elizabeth Lokocz, 303-441-3138

A few minor corrections are needed for the final approval set. Please note the informational comments that need to be addressed at Technical Document Review.

1. It's unclear where the decomposed granite is used on the plans. Please check if the hatch layer was turned on and/or update it with a more identifiable hatch.
Response- Hatch layer has been fixed.
2. Street trees adjacent to lots 24 and 19 don't appear to meet the ten foot minimum utility separation. Room to adjust them exists.
Response – Lot 24 has been adjusted, but Lot 19 did not appear to be in conflict so did not require adjustment.
3. On Sheet L3, in the congregate care parking lot, adjust the narrow parking lot island in the center to meet the minimum eight foot dimension. Also consider removing the small patches of turf in the center island which don't appear to be functional. Consider native seed or groundcover instead.
Response – Recommended adjustments made
4. On Sheet L5, update the Plant list with minimum plant sizes to coordinate w/ Note #3. Delete the statements in Note #5 regarding "recommended species" and "subject to change" which is not appropriate for a Site Review approved project. Minor adjustments may be made at the Technical Document Review and even during installation with prior city approval, but the latitude provided by this note is not approvable.
Response – Adjustments made

Legal Documents

1. Prior to signing the Development Agreement, if approved, the Applicant shall provide the following:
 - a. an updated title commitment current within 30 days; and
 - b. proof of authorization to sign on behalf of the owner.*Comments Acknowledged*

Parking David Thompson, 303-441-4417

1. The number of bike parking spaces to be provided at the Congregate Care Senior Housing must represent a minimum of 10% of the off-street parking requirement which is 57 parking spaces. Revise to site plans to show a minimum of five bike parking spaces for the Congregate Care Senior Housing.

Response- Bike parking has been increased to six parking spaces.

2. The parking stalls adjacent to the five foot sidewalks on the Congregate Care Senior Housing site must include a wheel or bumper guard to prevent vehicular overhang per Section 9-9-6(d)(5)(F) of the Boulder Revise Code, 1981. Revise the site review plans to show a wheel or bumper guard for the parking stalls adjacent to the sidewalk.

Response- Based on dialogue with staff, the sidewalks adjacent parking stalls have been increased to 6' in width and the spaces reduced in depth to 18'. This combination will allow cars to utilize the curb as a curb stop eliminating the need for separate curb stops. For purposes of Site Review, the 22 spaces affected will be considered compact car spaces, but will in reality function as full 19' deep spaces due to the one foot overhang to the walk.

Parks and Recreation Jeff Haley, (303) 413.7233

1. The city will not be responsible for providing sidewalk/path connections from the existing park sidewalks into the proposed development. All costs associated with the design and development of the proposed sidewalk connections will be the responsibility of the applicant. Additionally, the applicant will be responsible for coordinating with the City Parks and Recreation Planning staff in to ensure the sidewalks are designed and constructed according to the standards and guidelines of the department. *Response – Comment acknowledged. The applicant will coordinate final design and construction of the sidewalk connections with the City Parks and Recreation Department*

2. At time of platting, the applicant will be required to reimburse the City Parks and Recreation Department \$267,758.00 for the previous construction of 55th Street across the parcel per the agreement dated October 20th, 1993.

Comment Acknowledged.

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

Site Development Plans

1. Fix the spelling of “counting” on the Sheet A7.

Response – the word “counting” has been changed to “calculating”

2. Darken the trail/sidewalk connections to the congregate care building on Sheet P1

Response – comment acknowledged – trails and walks have been clarified.

Preliminary Plat

Staff understands the logic of the statement in note #10 but finds it unnecessary on the plat. Please remove.

Response – The note was removed as requested.

2. The plat indicates that there is a blank utility easement for Union Rural Electric. This easement must be vacated prior to recording of the final plat.

Response – Comment acknowledged.

3. The proposal to subdivide the duplex lots is a new condition and triggers a number of setback modifications and subdivision waivers. For instance it would require a 0-lot line condition, a modification to section 9-7-1, and per the subdivision regulations would not meet the required 30-feet of frontage, would create lots that are not larger on the corners to accommodate setbacks and would result in new through lots, which are intended to be avoided. As before, staff requests that the applicant respond as to how this configuration would be an “improved design” per section 9-12-12(b), B.R.C. 1981. Also note that there would be fire separation requirements that would be required due to the revised design.

Response – Setback modifications and subdivision waivers have been discussed with staff and are identified in this memo. It is important for the duplex units to be on individual lots rather than in a condominium arrangement to give the buyers of these affordable units more options for financing. There are significantly fewer financing options available to condominium sales, and it is the applicant’s opinion that this would be a disadvantage to the buyers of these affordable units, which could be an issue for the affordability program. The proposal provides an improved design by making the duplexes appear to be similar in appearance and character to a single family home. This will provide a higher level of compatibility between the single family homes and the duplexes. Additionally, the front doors for the units are on different street frontages and the garage doors are consolidated in one location. This combination of elements creates a very appropriate corner architecture condition. The fact that a few subdivision modifications

may be required is a procedural matter, as the design and appearance would remain the same regardless of the ownership model.

4. Simplify Sheet 2 of the plat as there is a lot of information and it is difficult to see the proposed boundaries of lots and outlots. One suggestion is to remove the information regarding City of Boulder ROW to be vacated from this sheet, but do show it on Sheet 3 of 3. By the time this preliminary plat is approved, the Reception Number for Ordinance of Vacation will need to be added. Also, could the contour information be removed from the Sheet 2 of 3 since it is shown on Sheet 3 of 3.

Response – The Preliminary Plat graphics were further refined as requested.

5. Sheet 1 of 3: Outlot Table: Revise the table to include ownership and maintenance information. Revise Note #6 so that it is single spaced.

Response – The Outlot Table was expanded to include ownership and maintenance information as requested. Note #6 spacing was revised as requested.

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

1. The site plan on Sheet P1 continues to show garages setback greater than the 20 feet proposed. Please revise the plan to correctly portray the proposed setback of garages along the 60 foot right-of-way or at least cross-hatch the range of where garages may be located on the lots.

Response – As discussed with Staff, the single family homes will be the same regardless if they front on a 60' wide ROW street or the 33' wide ROW streets. The only difference is the physical distance the garage faces will be from the ROW. To ensure that garages do not grow closer to the street in the future, the single family homes fronting on 60'ROW the driveways will be a minimum of 25' with a typical condition of 27', please see the Typical Lot Diagram on sheet P2.

2. The plans show trail connections to the adjacent parks property. Please coordinate with Park and Recreation (Jeff Haley, 303-413-7233) regarding the connections. Further, with Parks and Recreation approval the city will likely require the connections be constructed by the applicant during construction as opposed to Parks and Recreation making the connections in the future. This will likely be a condition of approval.

Response – The applicant will coordinate final design and construction of the sidewalk connections with the City Parks and Recreation Department. A 12' wide multipurpose trail has been added to Outlot L as requested.

Utilities Scott Kuhna, 303-441-4071

Annexation

1. Prior to 1st Reading of the Annexation Ordinance at City Council, a petition to join the Northern Colorado Water Conservation District (NCWCD) and the Municipal Sub-district must be filed with the NCWCD for the subject property and a copy of the application submitted to the city. Please contact Marilyn Conley with the NCWCD at 970-622-2216 regarding NCWCD Sub-district applications and fees. Upon completion, the NCWCD will supply the applicant with a signed court order. A copy of this signed court order must be submitted to the city prior to final engineering approval to confirm NCWCD Sub-district inclusion.

Response – Comment acknowledged. The applicant has contacted Marilyn Conley to discuss the NCWCD petitions required for this property and has received the petition applications that must be filed for inclusion in the NCWCD and Municipal Sub-districts

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

Response- Comment Acknowledged. There are no known septic systems on the subject property. Boulder County online septic permit records for both property addresses were reviewed. No records were found.

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

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

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

- (1) Public Hearing Required: For those site specific development plan approvals not requiring a public hearing before the planning board, the applicant shall request, in writing, that its application be referred to the planning board for hearing under the city manager's discretionary power pursuant to paragraph [9-2-7\(b\)\(1\)](#), B.R.C. 1981. The city

manager will refer any such requested application to the planning board for public hearing pursuant to subsection [9-4-4\(d\)](#), B.R.C. 1981.

- (2) Elements of Plans to Be Vested: The applicant shall state clearly in its application those specific elements of the plan in which the applicant seeks to create vested rights, including, without limitation, type of use, density, building height, building footprint location, and architecture.
- (3) Notice of Approval: If a site specific development plan is approved by the planning board, the applicant shall cause a notice advising the general public of the site specific development plan approval and the creation of a vested property right to be published in a newspaper of general circulation no later than fourteen days following final approval. Further, the applicant shall provide the city manager with the newspaper's official notice of said publication no later than ten days following the date of publication.
- (4) Compliance With Conditions of Approval: The applicant shall meet and maintain all conditions of final approval for the site specific development plan.

Wetlands Katie Knapp, 303-441-3273

1. The Wetland Mitigation Plan states that the hydrology to support the wetlands on the west parcel will come from the seepage from the Bodam lateral and general high groundwater table. Irrigation ditch seepage is not considered a reliable water source in the long-term because the ditch company could pipe or line the ditch and eliminate the seepage. There are also concerns that the development will result in a lowering of the groundwater table. The applicant should carefully consider the impacts that the development will have on the groundwater table in the design of the wetland mitigation/restoration areas and continue to monitor the groundwater levels after construction to ensure that the wetland areas have the required hydrology.
Response – The statement noted (Section 5.1.1 West Parcel Wetland Mitigation – Hydrology) has been amended. The Applicant acknowledges that development activities such a piping Dry Creek Ditch No. 2 and/or piping the private lateral may lower the groundwater table to the point that water augmentation may be necessary to support the wetland mitigation area. Should augmentation become necessary, a portion of the water rights of the property will be dedicated to the West Mitigation Site for use in wetland mitigation and / creation. The comment regarding wetland monitoring is acknowledged
2. The applicant will need to dedicate conservation easements for all of the wetland mitigation/restoration areas. Please show the easements on the preliminary plat.
Response – Conservation easements have been added to the Preliminary Plat as requested. Please note that Outlots J and K are noted as having blanket conservation easements across the entire outlet.

Xcel Energy Donna George, (303) 571-3306

Public Service Company of Colorado (PSCo) has reviewed the plans for Boulder Creek Commons. Please be advised that PSCo owns and operates existing electric facilities within the proposed project area. Public Service Company has no objection to this proposed rezone, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion. PSCo is requesting that the City of Boulder send us notification after approval of the proposed annexation has been finalized. This notification should be sent to Mr. Bill Lucatuorto, Mapping Department, Xcel Energy, 1123 West 3rd Avenue, Denver, Colorado 80223 or via electronic mail to bill.lucatuorto@xcelenergy.com. This will allow our mapping department to make the necessary updates to our mapping system.

To ensure that adequate utility easements are available within this development and per state statute §31-23-214 (3), PSCo requests that the following language or plat note be placed on the preliminary and final plats for the subdivision:

Six-foot (6') wide dry utility easements are hereby dedicated on private property adjacent to the front lot lines and eight-foot (8') on the rear lot lines of each lot in the subdivision or platted area identified as single-family and multi-family lots. In addition, ten-foot (10') wide utility easements are hereby granted around the perimeter of platted areas including tracts, parcels and/or open space areas. These easements are dedicated to the City of Boulder for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.

Public Service Company also requests that all utility easements be depicted graphically on the preliminary and final plats. While these easements may accommodate certain utilities to be installed in the subdivision, some additional easements may be required as planning and building progresses.

In addition, 31-23-214 (3), C.R.S., requires the subdivider, at the time of subdivision platting, to provide for major utility facilities such as electric substation sites, gas or electric transmission line easements and gas regulator/meter station sites as deemed necessary by PSCo. While this provision will not be required on every plat, when necessary, PSCo will work with the subdivider to identify appropriate locations. This statute also requires the subdivider to submit a letter of agreement to the municipal/county commission that adequate provision of electrical and/or gas service has been provided to the subdivisions.

The property owner/developer/contractor must contact the Builder's Call Line at 1-800-628-2121 and complete the application process for any new gas or electric service, or modification to existing facilities. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center at 1-800-922-1987 to have all utilities located prior to any construction.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Sincerely,

Donna George
Contract Right of Way Referral Processor
Public Service Company of Colorado

Response – The Applicant has discussed the project requirements with XCEL energy. Ms. George has issued a revised comment letter to the City. As requested in the revised letter, the Applicant will continue working with XCEL on the design details.

XCEL Energy Revised Comments (as excerpted from 12/06/12 Letter from Ms. George):

*“Public Service Company of Colorado (PSCo) has reviewed the plans for **Boulder Creek Commons**. Please be advised that PSCo owns and operates existing electric facilities within the proposed project area. The property owner/developer/contractor must continue working with **Bob Voegely (Designer, 303-245-2395)** for approval of design details. Additional easements will need to be acquired by separate document for new facilities.*

Public Service Company has no objection to this proposed rezone, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion.”

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

Site size

The land survey indicates a total site size of 22.17 acres, including the main parcel west of 55th and the open space parcel east of 55th. This figure also includes a land area of 55th Street not currently used for right-of-way that needs to be vacated. Staff has reviewed a land use review application to vacate this right-of-way and will recommend approval of the vacation to the City Council. City Council will consider this simultaneous to the Annexation and Initial Zoning and the Site Review applications.

Comment Acknowledged

Density

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

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

On sheet P1, also include the density of the project with the 1:1 ratio (i.e, 5.45 du/ac)

Response – Density analysis has been included on Sheet P1

Initial Zoning

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

Congregate Care

Staff appreciates the response that clarifies the proposed operating characteristics of the congregate care. Please add the narrative as a separate document that would be an addendum to the written statement. Please again be mindful of the proposed changes to the congregate care regulations and definition as they may be adopted in coming months and could be applied to the project through the annexation agreement. A statement relative to the compliance of the project with the proposed standards would be helpful in the requested document. A Declaration of Use will be required to be recorded against the property against the property prior to building permit to ensure future use as a Congregate Care facility.

Response - The narrative has been included in the site review package on sheet A-9 as requested.

Building Setbacks

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

- Section 9-7-1, B.R.C. 1981, Minimum front yard setback: 12.5 and 16.5 feet where 20 feet is required.
- Section 9-7-1, B.R.C. 1981, Minimum side yard setback: 5 feet where one foot for every two feet of height is required and 0-feet on the duplex lots.
- Section 9-7-1, B.R.C. 1981, Minimum rear yard setback: 15 feet where 20 feet is required.
- Section 9-9-11(f)(4)- Request to include landscape areas within the public right-of-way to count for no more than 10% of the required open space.
- **Section 9-7-1 B.R.C. Minimum side yard setback: Zero lot line allowed for 3 attached Duplex buildings placed on fee simple lots**
- **Section 9-12-12 B,C,E and G, Standards for Lots:**
 - B. Minimum lot width on public street: Attached Duplex lot width 28' wide**
 - C. Lot width: Attached Duplex lot width 28' wide**
 - E. Avoid Double Frontage Lots: Attached Duplex Lots, "L" shape lot will have double frontage**
 - G. Corner Lot Size/Setback: Corner Attached Duplex Lot will be smaller than neighboring duplex and single family lots but will still maintain larger side yard set back to street.**

Please confirm that these are indeed accurate. Staff is generally supportive of the proposed setbacks to achieve a more traditional and less suburban streetscape.

Response – setback modifications confirmed.

2. The proposed 20 foot setback of the *congregate care building and parking from Kewanee Drive appears to be incorrectly applied to Sheet P1. Please revise.*

Response - The parking lot meets the required 20' setback. The line work in question indicates a drainage easement across the property. This has been noted properly on the plan..

3. Revise Note #1 on Sheet P1 to read, "*Building Designs and Placement is illustrative only and some building designs and configurations may change, but shall otherwise be consistent with the design intent of the project and the form and bulk standards listed on this sheet.*"

Response – Note added

4. Are rear setbacks greater than 20 feet proposed for lots 59 through 68 adjacent to the community park or has that rear area been incorporated into the lots from Outlot F? Please clarify on sheets P1 and P2.

Response – The area in question has been added into the lots.

5. Please note that any patios if greater than 30 inches would have to meet the building setbacks.

Comment Acknowledged – Applicant understands the reference to “greater than 30 inches” refers to height above adjacent grade.

Building Heights

In the RL-2 zoning district, building heights would be limited to 35 feet using the definition of ‘building height’ in the Land Use Code and City Charter whereby the measurement is made from the lowest point within 25 horizontal feet of each building’s tallest side. This measurement would be from existing natural grade (prior to the fill being brought to the site) and not the resultant grade for the building sites. Staff finds that the table in the grading plans is not entirely clear with respect to the potential heights of buildings and would like to meet with the applicant to discuss further. At a minimum, the plan set should include height information on the congregate care building elevation relative to the applicable low and high points as well as some sample diagrams for the single-family homes to show that they are designed to comply with the height limit.

Response – Based on meeting with staff, a new sheet (P-4) has been added to the set that clarifies the allowed building heights for all structures proposed. As indicated in the drawing and table, all structures as designed comply with the definition of building height.

Building Massing/Floor Area

1. Staff agrees with the revised calculations for the residences. *Comment Acknowledged*
2. When adding the first and second floors of the congregate care facility together a sum of 52,637 square feet is calculated. The total on the sheet indicates a total of 52,262 square feet. Please clarify and also be advised that stairwells on the second floor do not count into the floor area calculation.

Response – Floor area calculations have been modified.

Development Standards

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

Parking

1. As the duplex parking spaces on the driveway cannot count as required parking cannot be located in a landscape setback pursuant to section 9-9-6(d)(1)(A), B.R.C. 1981. Therefore, this must be revised as a parking reduction pursuant to section 9-9-6(f), B.R.C. 1981. The extent of the reduction would be minimal, but must be justified with written responses to the criteria within the section referenced above.

Response – As discussed with staff, each affordable duplex unit will have a single car garage (six total locations). Since the parking spaces in the driveway cannot be counted as required parking spaces, a parking reduction is requested. This would be required in only the six locations and is justified based on the nearby availability of on street parking and the minimal impact on the overall neighborhood.

2. Staff is concerned that three handicapped spaces may be inadequate for the congregate care use. Considering the 50 dwelling units that are proposed on the congregate care site, the handicapped parking requirement would be at least six spaces pursuant to Table 9-1 of section 9-9-6, “Parking Standards,” B.R.C. 1981. Staff finds that this would be a more appropriate number and should be accommodated on the site.

Response – The parking lot has been modified to include six handicapped parking spaces.

3. Similar to the sentiments above, staff also believes that the congregate care use could benefit by providing more bike parking (as also requested in the ‘parking’ section above). Consider at least six bike parking spaces as that would be 10% of the provided vehicular spaces and would also meet the requirements for short-term parking spaces of at least one space for every ten dwelling units. It is also not uncommon for Planning Board to require more bike parking than required as part of the Site Review application.

Response – Six bicycle parking spaces are now included.

Open Space

1. Staff concurs with the calculation that over four acres of open space would total from the single-family and duplex lots. To account for ease in review at the building permit stage, provide a table on Sheet P3 that includes the lots sizes of each lot, the minimum amount of open space required on each lot and the difference that indicates expansion potential in the future.
- 2.

Staff has estimated roughly 2.5 acres of open space proposed on the congregate care site. The plans indicate that the amount of non-open space on the site could increase by 12,600 square feet. Please clarify how this figure

factors into the open space on that site. It does not specify that this would reduce the amount of open space to the minimum amount of 1.28 acres. Also would this figure account for increases non-building coverage elements that do not count as open space? Lastly, the note #2 should indicate that the coverage or other modifications would be subject to either a minor modification or Site Review amendment as applicable.

Response – As discussed with Staff, an update to sheet P-3 has been included that identifies specifically which lots may be expanded and by how much based on which model of home is initially built on the site and the resultant site area available for expansion. The applicant commits to the minimum amount of open space that will be preserved in the unlikely event that all lots maximize the respective expansion area. This minimum amount of open space will still exceed the minimum code required open space by 1.23 acres or 9.2% more than the minimum required. Additionally, it is highly unlikely that the Congregate Care facility will expand in the first 40 years of its life due to CHFA financing restrictions. It should also be noted that if the Congregate Care building were built in a different zoning district, the usable open space requirement would be 10%. This lot will contain 39% open space with the project as designed. If the building ever expands to the maximum amount allowed under this proposal, the open space on that lot would be approximately 30%.

Outdoor Lighting

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

Signs

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

Solar Access

The property, as low density residential development, would become part of Solar Area II and would have to comply with the 25-foot solar fence limitation per section 9-9-17 of the Land Use Regulations. Staff has reviewed the Shadow Analysis Diagram and it appears that the homes would comply with the solar fence requirement. Please note that more detailed solar analysis will be required at the time of Technical Documents and Building Permit for each building. *Comment Acknowledged*

Occupancy of Dwelling Units

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

III. INFORMATIONAL COMMENTS

Response – all informational comments acknowledged.

Area Characteristics and Planning/Zoning History

Karl Guiler, Case Manager, 303-441-4236

An Annexation and Initial Zoning application was submitted in 2006 (#LUR2006-00099) and continues to be an active application. Several Concept Plan applications have been submitted since that time. Since 2000, three requests have been made by the South East Boulder Neighborhood Association to change the BVCP Planning Area from Area IIA to Area III-Rural Preservation; the most recent of which was made during the Year 2010 Major Update of the BVCP. As part of the Year 2000 major update to the BVCP, the city and county reviewed a land use suitability study of undeveloped Area II properties to determine their suitability for urban development as part of the consideration to change the Planning Area to Area III-Rural Preservation for the Hogan-Pancost site. *Applicant comments: To the best of the applicant's knowledge there have been three (3) concept plans submitted for this site. The applicant recommends that the specific number of applications be used rather than the word "several" to be more accurate and less confusing.*

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

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

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

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

In late 2011, a new Concept Plan was submitted and analyzed by city staff and neighbors. Planning Board reviewed the plan on Jan. 19, 2012. In summary, the board ranged on agreement on the appropriateness of development on the site due to the information provided by the Concept Plan and public information provided. The board was unanimous that more scientific information will be needed at the Site Review due to the conflicting information with independent studies prepared by the public. The chair recommended that information from the public be provided in advance so it can be analyzed by staff and the applicant in a timely manner, especially before the next hearing. This would allow both sides to analyze each other's reports and allow staff to provide an overview in the memo. The following other points were discussed:

Land Use Appropriate - RL2 zoning

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

Community Benefit

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

General Design

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

Kewanee Drive

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

Drainage Scott Kuhna, 303-441-4071

1. A Final Storm Water Report and Plan will be required as part of the Technical Document Review process. All plans and reports shall be prepared in accordance with the City of Boulder *Design and Construction Standards*.
2. All inlet grates in proposed streets, alleys, parking lot travel lanes, bike paths, or sidewalks shall utilize a safety grate approved for bicycle traffic. _

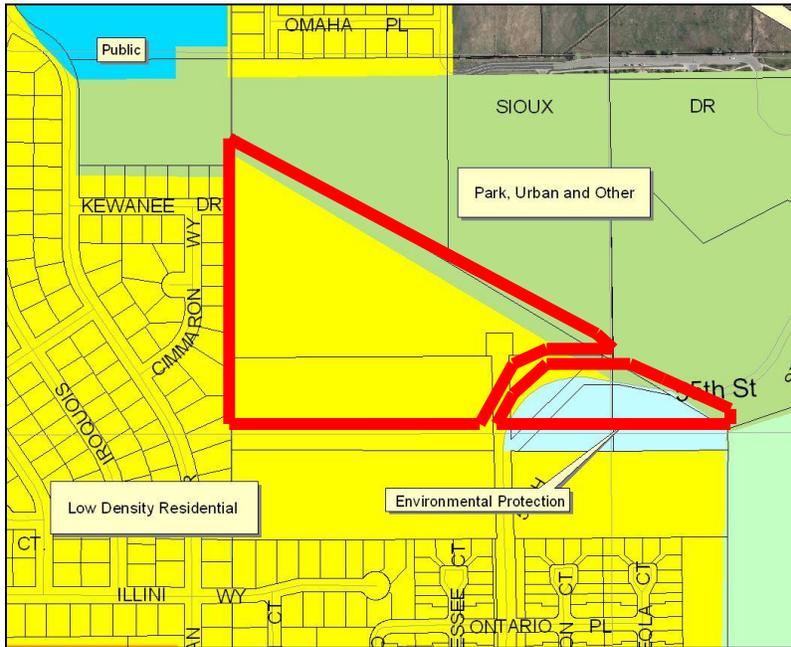
3. A construction stormwater discharge permit is required from the State of Colorado for projects disturbing greater than 1-acre. The applicant is advised to contact the Colorado Department of Public Health and Environment. _

Flood Control Katie Knapp, 303-441-3273

1. The property is impacted by the 100-year floodplain. Any development within the 100-year floodplain is subject to the city's floodplain regulations and will require a floodplain development permit. _
2. The floodplain development permits can be submitted prior to or concurrently with the building permit applications and shall contain certified drawings demonstrating that:
 - a. The proposed residential buildings will be elevated to the flood protection elevation, have structural components capable of resisting projected hydrostatic and hydrodynamic loads, and be constructed with materials resistant to flood damage. _
 - b. Any proposed structures or obstructions in the floodplain, including trash enclosures and raised planters, will be properly anchored to prevent flotation, collapse, or lateral movement and be capable of resisting hydrostatic and hydrodynamic loads.
 - c. Proposed enclosures below the flood protection elevation will have the required openings intended to counteract hydrostatic pressures on the walls in accordance with section 9-3-3(a)(18)(B) B.R.C. The landscape design shall not prohibit flood waters entering and exiting the openings during flood events. _
 - d. The buildings will be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding._
- a. 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.
- b. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems._
- c. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters._

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

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



BVCP land use of the site and surrounding properties.

BVCP Policies

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

1.20 Growth Requirements.

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

1.27 Annexation.

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

- a) Annexation will be required before adequate facilities and services are furnished.
- b) The city will actively pursue annexation of county enclaves, Area II properties along the western boundary, and other fully developed Area II properties. County enclave means an unincorporated area of land entirely contained within the outer boundary of the city. Terms of annexation will be based on the amount of development potential as described in (c), (d), and (e) of this policy. Applications made to the county for development of enclaves and Area II lands in lieu of annexation will be referred to the city for review and comment. The county will attach great weight to the city’s response and may require that the landowner conform to one or more of the city’s development standards so that any future annexation into the city will be consistent and compatible with the city’s requirements.
- c) Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that respect existing lifestyles and densities. The city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area or of the city. The city, in developing annexation plans of reasonable cost, may phase new facilities and services. The county, which now has jurisdiction over these areas, will be a supportive partner with the city in annexation efforts to the extent the county supports the terms and conditions being proposed.
- d) In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city. For annexation considerations, emphasis will be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special opportunity or benefit: receiving sites for transferable development rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city’s land use regulations, environmental preservation, or other amenities determined by the city to be a special opportunity or benefit. Parcels that are proposed for annexation that are already developed and which are seeking no greater density or building size would not be required to assume and provide that same level of community benefit as vacant parcels unless and until such time as an application for greater development is submitted.

- e) Annexation of substantially developed properties that allows for some additional residential units or commercial square footage will be required to demonstrate community benefit commensurate with their impacts. Further, annexations that

resolve an issue of public health without creating additional development impacts should be encouraged.

f) There will be no annexation of areas outside the boundaries of the Boulder Valley Planning Area, with the possible exception of annexation of acquired open space.

g) Publicly owned property located in Area III and intended to remain in Area III may be annexed to the city if the property requires less than a full range of urban services or requires inclusion under city jurisdiction for health, welfare and safety reasons.

h) The Gunbarrel Subcommunity is unique because the majority of residents live in the unincorporated area and because of the shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel Public Improvement District and other special districts. Although interest in voluntary annexation has been limited, the city and county continue to support the eventual annexation of Gunbarrel. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.

2.06 Design of Community Edges.

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

2.13 Support for Residential Neighborhoods.

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

2.19 Compatibility of Adjacent Land Uses.

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

2.31 Commitment to a Walkable City.

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

2.32 Trail Corridors/Linkages.

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

2.39 Sensitive Infill and Redevelopment.

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

2.40 Physical Design for People.

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

2.42 Enhanced Design for the Built Environment.

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

a) The context.

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

b) The public realm.

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

- c) Human scale.

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

- d) Permeability.

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

- e) On-site open spaces.

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

- f) Buildings.

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

3.25 Support for Community Facilities.

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

4.09 Wetland Protection.

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

4.21 Flood Management.

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

4.32 Groundwater.

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

4.40 Energy-Efficient Land Use.

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

6.09 Transportation Impact.

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

6.12 Neighborhood Integration.

The city and county will strive to protect and improve the quality of life within neighborhoods while at the same time facilitating the movement of vehicular, bike and pedestrian traffic. Improving access and safety within neighborhoods by controlling vehicle speeds

will be given priority over vehicle mobility. Transportation actions will not be implemented solely to shift a problem or impact from one location to another. Neighborhood needs and goals will be balanced against the community benefit of a transportation improvement.

6.13 Neighborhood Streets Connectivity.

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

7.01 Local Solutions to Affordable Housing.

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

7.04 Populations with Special Needs.

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

7.06 Mixture of Housing Types.

The city and county, through their land use regulations and incentive programs, will encourage the private sector to provide and maintain a mixture of housing types with varied price ranges and densities, which attempt to meet the affordability needs of a broad range of the Boulder Valley population. This includes families, essential workers, older adults, persons with disabilities, at-risk children and adults and vulnerable, very low income residents. (See Policy 2.18 Mixture of Complementary Land Uses and Policy 2.42 Enhanced Design for the Built Environment.)

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

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

Landscaping Elizabeth Lokocz, 303-441-3138

The following comments need to be addressed at Technical Document Review.

1. Additional information on mulch types will be required. Note the limitations of section 9-9-12(d)(10) B.R.C. 1981.
2. An irrigation plan is required meeting the requirements of section 9-9-12(d)(16) B.R.C. 1981.
3. Additional comments on species selection may be made.

Miscellaneous Scott Kuhna, 303-441-4071

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

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

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

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

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

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

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

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

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

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

Utilities Scott Kuhna, 303-441-4071

1. The applicant is advised that any proposed street trees along the property frontage may conflict with existing utilities, including without limitation: gas, electric, and telecommunications, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the Boulder Revised Code 1981, the City of Boulder Design and Construction Standards, and any private/franchise utility specifications.
2. Final utility construction drawings will be required as part of the Technical Document Review process (which must be completed prior to building permit application).
3. Further detail of the ground water barriers used to prevent ground water migration or diversion along the water, wastewater, and storm sewer mains will be required at time of Technical Document Review.
4. The applicant may want to install 1-inch water service taps (with 3/4-inch meters) in the event that upsizing of domestic services is necessary in the future.
5. Maintenance of sand/oil interceptors and all private wastewater and storm sewer lines and structures shall remain the responsibility of the owner.
6. The landscape irrigation system requires a separate water service and meter. A separate water Plant Investment Fee must be paid at time of building permit. Service, meter and tap sizes will be required at time of building permit submittal.
7. The applicant is advised that at the time of building permit application the following requirements will apply:
 - a. The applicant will be required to provide accurate proposed plumbing fixture count forms to determine if the proposed meters and services are adequate for the proposed use.
 - b. Water and wastewater Plant Investment Fees and service line sizing will be evaluated.
 - c. If the buildings will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line connection permit application.
8. All water meters are to be placed in city R.O.W. or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.
9. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.

Wetlands Katie Knapp, 303-441-3273

The proposed wetland mitigation, as shown, will result in new wetland buffer areas on adjacent properties, resulting in new development constraints for the impacted property owners.

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

Currently, the subject property is not a part of the City of Boulder and remains under the jurisdiction of Boulder County. Although not part of the city at this time, the Boulder Valley Comprehensive Plan (BVCP) applies to the site. Development of the property, as proposed, would require Annexation to the City of Boulder. The current BVCP land use designation is Low Density Residential and Environmental Protection and is within Area IIA of the Boulder Valley Planning Area.

Address: 5399 KEWANEE DR

Properties in Area IIA that have 1/6 of their boundaries contiguous to the city are eligible for annexation. The Low Density Residential designation in the BVCP Land Use Map allows residential densities of 2 to 6 dwelling units per acre.

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

IV. NEXT STEPS

1. Review and address the comments within this document and submit seven (7) revised review sets and responses directly to the case manager no later than Dec. 21, 2012.
2. Tour of congregate care facility in Aurora set for Nov. 29, 2012.
3. Prepare for Planning Board hearing tentatively set for Feb. 6 & 7, 2013.

V. CITY CODE CRITERIA CHECKLIST

PRELIMINARY PLAT

Yes The proposed name of the subdivision.

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

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

Yes The date of preparation, scale and north sign (designated at true north).

Yes A vicinity map showing at least three blocks on all sides of the proposed subdivision, which may be of a different scale than the plat.

Yes The location of structures and trees of five-inch caliper or more on the property and approximate location of structures off the property within 10 feet of the property line.

Yes The name, address and telephone number of the licensed surveyor, licensed engineer or designer of the plat.

Yes The name, address and telephone number of owner and verification of ownership of the property and current title information by either a preliminary title report or an attorney memorandum based upon an abstract of title, current as of the date of the submittal.

Yes The total acreage.

Yes The location and dimensions of all existing public improvements (as specified in Section 9-5-9, B.R.C. 1981), easements, drainage areas, irrigation ditches and laterals and other significant features within or adjacent to the proposed subdivision.

Yes The location and dimensions of all proposed public improvements, public easements, lot lines, parks and other areas to be reserved or dedicated for public use, a dedication thereof to the public use, and identification of areas reserved for future public acquisition.

— **Geological stability information upon request of the city manager if the manager determines or the subdivider has any reason to believe that building or other problems may arise from construction in the area proposed for development.**

Yes Zoning on and adjacent to the proposed subdivision.

Yes A designation of areas subject to the 100-year flood and the estimated flow rate used in determining that designation, and base flood elevation data and the source used in determining that elevation.

- Yes** The number of lots and each lot size.
- Yes** Proposed uses of each lot.
- Yes** Proposed ownership and use of outlots.
- Yes** The location and size of existing utilities within or adjacent to the proposed including without limitation, water, sewer, storm sewers and drainage facilities, fire hydrants within three hundred fifty feet of the property, electricity, and gas, which shall be placed on separate engineering drawings.
- Yes** A master utility plan showing proposed plans for private and public utility systems including water, sewer, electric, gas, drainage, telephone, telecommunications and any other services that will supply the property.
- Yes** The names and addresses of all tenants of the property and all owners of property abutting the proposed subdivision.

SITE REVIEW CRITERIA

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

Y (1) Boulder Valley Comprehensive Plan:

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

The proposal has been found consistent with the BVCP as enumerated below:

General Land Use, Annexation and Community benefit

The BVCP designates the site as Low Density Residential on the parcel west of 55th Street and Environmental Protection on the parcel east of 55th Street. Low Density Residential land use permits two to six dwelling units per acre. With 121 dwelling units, the gross density would be 5.45 dwelling units per acre (3.9 du/ac when congregate care bonus applied), which conforms to the land use designation. The eastern parcel will remain as an enhanced protected wetland under a conservation easement. This conforms to the Environmental Protection land use designation. This is also consistent with BVCP Policies 2.04, Open Space Preservation and 3.06, Wetland and Riparian Protection.

BVCP Policy 1.24, Annexation, requires that any parcel proposed to be annexed into the city where there is significant development potential must include significant benefit to the community. In this case, the applicant is proposing 48 percent of the units as deed restricted permanently affordable units. Over 40 percent of the units would be affordable rental units for seniors, which would be managed by a non-profit housing entity. As stated above, the proposal also entails the preservation of the 2.73 acre eastern parcel where there would be wetland mitigation.

BVCP Policy 1.18, Growth Requirements, also touches on the “community benefit” requirement, by stating: *“the overall effect of urban growth must add significant value to the community, improving quality of life. The city will require development and redevelopment as a whole to provide significant community benefits and to maintain or improve environmental quality as a precondition for further housing and community growth.”* Policy 1.24 (subsection d) further specifies that permanently affordable housing and environmental preservation are key considerations in determining community benefit.

Staff finds that the combination of 48% of the units as permanently affordable, inclusion of housing conducive to seniors (including the congregate care facility and floor plans within **single family** homes that are designed with seniors in mind), and environmental protection of the eastern parcel would be significant community benefit for the site consistent with BVCP Policies 1.18 and 1.24 above; especially considering the site’s close proximity to the East Boulder Recreation and Senior Center, East Boulder Community Park and city-owned open space to the east along the South Boulder Creek corridor. Provision of affordable congregate care senior housing, a growing need in the community and throughout the country, and eight other deed restricted units, in a compact form would also be consistent with the following BVCP policies:

-Policy 2.03, Compact Development Pattern

- Policy 4.04, Energy Efficient Land Use
- Policy 7.01, Local Solutions to Affordable Housing
- Policy, Housing for a Full Range of Households
- Policy 8.10, Support for Community Facilities

Community Design and Neighborhood Compatibility

The BVCP also has an extensive section related to community design to ensure that development is high quality, compact, efficient and compatible with the surrounding context. Holistically, development of the property is logical considering that it abuts city land for over 60% of its perimeter. Further, 55th Street creates a logical boundary of city developed lands and protected lands (Planning Area III) to the east where development is not expected to occur. This is consistent with Policy 2.05, Design of Community Edges and Entryways, which states that “natural features are most effective as edges.” The basic layout of the development with the congregate care structure fronting on 55th also contributes to this sense of an edge and also is intuitively placed to give seniors convenient access to the East Boulder Recreation Center and open space. This is also consistent with Policy 2.32, Physical Design for People, which states, “development should be designed in a manner that is sensitive to social, health and psychological needs.”

The proposed plan would establish new pedestrian connections from within to East Boulder Community Park consistent with Policies 2.21, Commitment to a Walkable and Accessible City, and 2.23, Trail Corridor/Linkages. While a controversial aspect of this project, the connection of Kewanee Drive through the site, is considered consistent with Policy 6.2 Neighborhood Streets Connectivity which states, “neighborhood streets will be developed in a well connected and fine grained pattern to facilitate public access, to effectively disperse and distribute vehicle traffic and promote bike and pedestrian travel.” Based on this, staff supports the extension of Kewanee Drive through the development to 55th Street. As to avoid any disproportionate traffic impacts on one neighborhood, it is preferable that traffic be dispersed in two directions.

With respect to neighborhood compatibility, the following BVCP policies apply:

- Policy 2.10, Preservation and Support for Residential Neighborhoods
- Policy 2.14, Mix of Complementary Land Uses

In general, the character of the proposed development borrows from surrounding context with lots that are similarly sized to Greenbelt Meadows with front-loaded residences and attached sidewalks like Keewayden Meadows. Policy 2.10 states, “the city will seek appropriate building scale and compatible character of new development.” While the development would be more compact in appearance than Keewayden Meadows, its apparent density and massing would be similar to Greenbelt Meadows in appearance based on similar lot sizes. To create a greater level of compatibility, the applicant proposes a 60-foot buffer along the west lot line of the property with Keewayden Meadows. Staff finds that this would be an appropriate interface.

BVCP Policy 2.14, Mix of Complementary Land Uses, strongly encourages a mix of uses where appropriate. Traditionally, single-family residential neighborhoods seldom have a mix of uses. In the case of the proposed project, the project would be entirely residential, but with a special use as a congregate care facility, a use not typically permitted in low density residential zoning districts (allowance of this use is discussed further under Key Issue No. 6). With respect to mixing uses, BVCP Policy 2.14 states, “wherever land uses are mixed, careful design will be required to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.” Staff finds that this will be achieved in the development where the facility is placed on the east side of the west parcel away from existing residential uses and closest to the recreation center, a building of comparable scale and a similar footprint.

Similar to the Site Review criteria within the Land Use Code (discussed in more detail in Key Issues No. 7 and 8 below), BVCP Policy 2.37 Enhanced Design for Private Sector Projects, broadly sets up the level of expected quality in development projects ranging from blending into the existing context to building design. Staff has

provided responses to each point within the policy with more detail found in the Site Review discussion later in the memorandum.

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

The project will be built with a modified street grid design that connects to the neighborhoods around it and contains front loaded single-family homes similar to neighborhoods that exist around it. The congregate care facility will be insulated from existing development with its situation on the east side of the west parcel and a buffer along the west lot line will also buffer the development from existing developed areas. The project will develop a site that is designated for low density residential development and will form a defined boundary between the existing developed lands and open space lands to the east. Based on this analysis, the project will become a coherent part of the neighborhood.

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

All homes within the development will front directly on public streets and will have emphasized front facades and porches vis-à-vis the garages that will be further set back. The congregate care facility, too, will have a front face and entry oriented to 55th Street and will also relate to the adjacent park with ample fenestration and attractive building facades. Parking is concealed by the building placement and by landscaping.

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

The project will provide a new vehicle connection between Keewaydin Meadows and 55th Street extending Kewanee Drive, which was originally built to the property line with intent for future extension. Bicycle and pedestrian links would also be established between these areas and the park and recreation lands to the north and east.

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

As stated above, buildings on the site will relate well to the public realm and will be at a scale that is harmonious to surrounding development with no buildings proposed over the 35-foot height limit.

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

The site will have generous opportunities for permeability with detached sidewalks along all streets and pedestrian pathways between properties within linear open spaces providing for a rich pedestrian experience through landscaping and connecting different portions of the development.

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

The site has open space throughout with most residences backing to some form of open space. There will be a pocket park with an attractive seating area as well linear open space designed as “fingers” through the development that will include quality landscaping encouraging pedestrian use.

g) Buildings. Buildings should be designed with a cohesive design that is comfortable to the pedestrian, with inviting entries that are visible from public rights of way. Design innovation and the use of high quality building materials are encouraged.

As stated above, buildings will front directly on streets with attractive glazing, inviting front porches and high quality materials in the form of stone on many of the homes. The buildings within the development will appear cohesive through the use of stone and clapboard siding with an earth-toned color palette applying throughout the site.

Y (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:

Y (i) The density permitted in the Boulder Valley Comprehensive Plan, or

As stated above, the BVCP designates the site as Low Density Residential on the parcel west of 55th Street and Environmental Protection on the parcel east of 55th Street. Low Density Residential land use permits two to six dwelling units per acre. With 121 dwelling units, the gross density would be 5.45 dwelling units per acre (3.9 du/ac when congregate care bonus applied), which conforms to the land use designation.

NA (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.

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

The development would not be rendered infeasible in meeting the BVCP policies or the Site Review criteria.

Y (2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design techniques which are consistent with the purpose of site review in subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

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

Y (i) Useable open space is arranged to be accessible and functional and incorporates quality landscaping, a mixture of sun and shade and places to gather;

The site includes a variety of open spaces ranging from a 0.29 acre pocket park between the congregate care facility and the other residential uses to nearly 5 acres of open space weaved throughout the development designed for stormwater detention and interesting pedestrian pathways to private yards- most of which back up to the common open space. Restored and natural wetlands also compose nearly 3 acres of the site. All the areas are immediately accessible to residents and the central pocket park includes a gathering area serving residents. The site also benefits from immediate access to East Boulder Community Park, the East Boulder Recreation Center and city open space along South Boulder Creek. **Conservation easements?**

Y (ii) Private open space is provided for each detached residential unit;

Every single-family and duplex site includes private open space in the form of rear yard patios and open spaces around each unit.

Y (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;

The project will include the preservation of a wetland property over two acres in size on the east side of 55th Street (Outlot K) and restoration of 0.5 acres of wetlands on the west lot (Outlot E). Outlot J just east of the congregate care facility and the location of the **Howard Ditch** would also be preserved in its natural state. The site is generally open ranching land and includes few trees for preservation. The highest concentration of trees on the site would be on Outlot K and along the Bodem Ditch along the south property line and would be preserved. **Extensive studies have been done about endangered species on the property and have concluded**

that there are no significant species of special concern, nor is the site suitable habitat for listed species.
Attached letter?

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

The site will include over 12 acres of open space, which is nearly 55% of the site. To provide relief from surrounding development a 60-foot open space buffer is provided along the west side of the site adjacent to the Keewaydin Meadows neighborhood. Substantial open space in protected wetlands is also on the east side of the site. Within the development, 40 and 50-foot wide open space “fingers” extend throughout the development serving as water quality areas as well as pedestrian pathways. Almost all single-family homes within the development back to these open spaces and those that do not back to the East Boulder Community Park or adjacent lands with low density development.

Y (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;

With immediately proximity of the project to the East Boulder Community Park, which is over 20 acres, the need for active recreational spaces is not as great as other projects. Nevertheless, a 0.2 acre pocket park is proposed and would include a flat greenspace designed for active recreational purposes and in a location that links the congregate care site to the rest of the development with a gathering node for residents of the project. Another open green space conducive to active recreational use is provided on the west side of the development adjacent to Lots 26 and 45 and provides an attractive opening to the pathway that continues into the water quality areas.

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

The site contains existing wetlands and areas where wetlands will be restored. In addition the site has ditches along most of its periphery. All of these sensitive natural areas and environmental features will be appropriately buffered by open space areas.

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

At least three on-site pedestrian pathways will link to immediately adjacent parks and sidewalks provide easy access to the East Boulder Recreation Center and city-owned open space.

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

Not applicable to an entirely residential project.

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

NA (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.

Y (C) Landscaping:

Y (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;

The plan includes a variety of plants appropriate to the context and environment. Landscaped areas along pedestrian pathways and around buildings have a variety of colors and contrasts to complement building architecture. Open space and naturalized areas include attractive native plants providing for aesthetic enhancement.

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

No plant communities of special concern exist on the site. Proposed landscaping is appropriate to the sites native conditions which include prairie grasses and shrubs. More formal plant arrangements are proposed in areas developed with building on the site.

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

The site contains a significant amount of well landscaped open space. Plant material exceeds the landscape requirements consistent with this criterion.

Y (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.

The plan will provide for an attractive experience traveling through the development on public rights-of-way sidewalks and private pedestrian path connections. Rights-of-way will have detached tree lawns and pedestrian pathways will have a variety of trees and groundcover for visual interest to encourage use.

Y (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:

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

The streets are designed to the minimum width allowable per code and include bulbed out areas where there are pedestrian crossings. No long straight-aways are proposed as all streets curve at intervals. The street curvatures and narrowed down areas along the streets will effectively discourage high speeds within the development.

Y (ii) Potential conflicts with vehicles are minimized;

The project follows a traditional grid pattern that is modified to fit within the triangular shape of the site. Most intersections within the development are at 90 degree angles and will be appropriately signed with stop signs to avoid vehicular conflicts.

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

The site will appropriately connect to its surroundings with new vehicular and pedestrian connections consistent with city policy and this criterion, as discussed below:

Vehicular connection: The connection of Kewanee Drive in the Keewaydin neighborhood to the 55th Street has been a controversial topic over the years. Despite this, Kewanee Drive was clearly set up for eventual extension as it terminates at the property boundary. Connection of the street is preferable and more efficient in that it allows travel alternatives to either 55th Street or Manhattan Drive as opposed to disproportionately impacting one neighborhood over another by requiring the development to take access from just one street. At the same time, it is not appropriate to create a connection that will have a significant impact on one street over another. Providing the connection as proposed in a less direct manner provides the necessary connection but in a manner that will discourage an increase in trips due to a faster alternative. This is similar to how 55th Street was approved in a circuitous manner as to discourage a quick trip alternative from South Boulder Road.

Pedestrian connection: In addition to sidewalk connections along public rights-of-way, new pedestrian pathways would connect to the adjacent East Boulder Community Park and a park within Keewaydin Meadows. New pedestrian connections within the project would also provide connections through and between properties.

Y (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;

As stated above, there are a notable number of new pedestrian pathways that would be provided within the development. In addition, bike parking in excess to that required would be provided by the congregate care facility. Further, detached sidewalks would be provided on all streets within the development. All of these site design features will combine to support alternatives to the automobile.

Y (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 applicant has submitted a Transportation Demand Management (TDM) plan, which is intended to shift travel behaviors away from vehicular dependence. For example, the TDM plan includes provision of NECO bus passes to residents for a period of three years.

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

All streets, sidewalks and pathways link to the streets and sidewalks adjacent to the development providing linkages to the city bus systems and walking trails.

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

The amount of land devoted to the street system is minimized to the extent that the development contains the minimum necessary of narrow roadways on a gridded network providing for appropriate connections and lot frontages.

Y (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.

As enumerated above, streets, detached sidewalks, and pathways are provided throughout the development providing for alternative modes. Pathways and homes are appropriately spaced to minimize impact from noise, exhaust or creation of undue hazards.

Y (E) Parking:

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

Most parking within the project is on driveways and garages serving the single-family and duplex portions of the development. The only sizable parking area is that serving the congregate care facility. Sidewalks are found around the perimeter of the parking area and are easily accessible to those who have parked and will provide for adequate separation between pedestrian and vehicular movements.

Y (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;

The parking lot contains parking appropriate to the use and has minimal amount of pavement circulation to access the spaces.

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

Lighting would be required to meet the Outdoor Lighting code and will be assessed at the Technical Document review stage.

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

The parking area by the congregate care facility will include plantings along its perimeter and adjacent to the building that will appropriately screen the parking from adjacent rights-of-way, will result in a more attractive parking area and will otherwise exceed the requirements of the above referenced code sections.

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

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

The site is not subject to any adopted design guidelines or specific plans. The character of the area is a mix of generally single-family residential uses and open spaces, including the community park, recreation center, and protected open spaces. Larger buildings such as the East Boulder Recreation Center, the hotel at Manhattan and South Boulder Road and the multi-family and commercial buildings along South Boulder Road also define a portion of the character of the area.

Overall, building heights within the development will conform to the 35-foot height limit per code, which matches the character of the area, where there are few examples of buildings over the height limit. The configuration and orientation of buildings on the site follow a modified grid street network, which in turn is consistent with the lotting and street network patterns seen within adjacent residential neighborhoods. The configuration of the congregate care building appropriately fronts on 55th Street and is angled to respond to property boundaries including the frontage on 55th and the interface with the community park property.

The massing and scale of buildings on the site will be harmonious with the surroundings with the single-family homes appearing more akin to the homes within the Greenbelt Meadows neighborhood that was developed under the same RL-2 (Low Density Residential) zoning that permits an aggregation of open space and generally smaller lots than seen in RL-1 (Low Density Residential) zoning districts. While homes will have a denser appearance by virtue of their more compact lot sizes and positioning close to front lot lines, they will be appropriately buffered by open space from surrounding development as discussed in the Site Design criteria above.

The congregate care building would be limited to 35-feet in height and would have a Y-shaped footprint that mirrors the East Boulder Recreation Center. Its location on the east side of the site also buffers it from existing development. The building also serves as a hard edge along 55th Street as a boundary between areas of the city expected for development and open space lands to the east.

The architecture of all the buildings on the site, discussed in more detail below, will include high quality materials and generally earth tones that will blend well with the surrounding context.

Y (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;

All buildings will conform to the 35-foot height limit and will be consistent with the heights of surrounding buildings. Buildings, including the two-story congregate care facility, generally be two-story in keeping with the heights of surrounding homes.

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

No shadowing of adjacent properties would occur based on the buffering between the proposed developments and existing development. Most development to the east is city-owned open space or parkland and therefore, no view blockage would occur to any privately inhabited lots. Views of the mountains would be maintained through parts of the site where open spaces are situated.

Y (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;

The character of the area is somewhat eclectic in the sense that there are different eras of development ranging from the 1950 and 1960s when Kewayden Meadows was constructed to the 1980s when Greenbelt Meadows was constructed. Most building materials of the area include brick and clapboard siding in light and/or earth tones. The proposed project will introduce a more contemporary style to the area, but a style that will be harmonious through the use of high quality stone and earth-toned clapboard siding on single-family and duplex homes as well as the congregate care building.

Y (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;

The project is designed to create a rich pedestrian experience throughout with homes positioned close to the front lot lines with front porches and windows facing the street. Garages would be set back from the street a

minimum of 20 feet, consistent with code, and would have windows to make their appearance more aesthetically pleasing. With garages set back, the front entries to the homes are emphasized with defined building faces and attractive stone work. Entrances are linked directly to the sidewalk with a pathway. All homes would front on the street in this manner.

In regard to the congregate care facility, the building will have a presence along 55th Street and as viewed from East Boulder Community Park. Its orientation conceals parking from the project face on 55th Street and the entry point to the development. While the primary entrance orients to the interior parking within the property, an entry would face 55th Street providing a defined and convenient accessible point of entry for residents and visitors traveling to the recreation center, adjacent park and/or open space. The building has a high level of transparency with windows located on all sides of the building. Visual interest facing the public realm is provided on all buildings in the development consistent with this criterion.

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

There are no planned public facilities within the project and the project will benefit from a concentration of public facilities in the area including the recreation center, community park and city-owned open space. Consistent with city policies, one parcel of the site on the east side will be protected wetlands and wetland areas within the western portion of the site will be restored and protected.

With demographic information indicating a significant increase of the city's senior population in coming years, the development is designed with seniors in mind, with the congregate care facility providing special services to the single-family and duplex floor plans designed to be conducive to seniors. Given the proximity to the city's senior center, and other nearby public amenities discussed above, the site is an appropriate location to accommodate seniors and families who wish to remain in Boulder.

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

The project will include detached and attached housing units in a variety of configurations and sizes that will be attractive to a wide range of interests in the community with special emphasis on seniors.

Y (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;

Building and units are appropriately spaced and designed to minimize noise impacts.

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

The project will be required to comply with the Outdoor Lighting regulations. This will be assessed at the Technical Documents review stage.

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

Portions of the project will be protected wetlands. The remaining portions of the site are generally open grassland that has been used for grazing purposes. These areas will be contoured to accommodate the project but in a manner that will not mar the wetland areas.

Y (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.

At the building permit stage, buildings will be required comply with the city Green Points requirements. In addition, the applicant has committed to making all of the homes meet or exceed Energy Star version 3.0 standards. **Condition?**

Y (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;

Stone is incorporated into all of the building designs in addition to clapboard siding. As designed, the buildings within the project will present a sense of permanence.

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

The site is generally level and will not require significant cut and fill, but cut and fill is necessary in order to make the drainage work. **As to not negatively impact groundwater conditions in the area basements will not be permitted within the development.**

Y (xiv) In the urbanizing areas along the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the building and site design provide for a well-defined urban edge; and

The site is currently within Area II and once annexed will become Area I. The site is designated in the Boulder Valley Comprehensive Plan as Low Density Residential land use and its eastern parcel designated for Environmental Protection. The project complies with these designations and will present a well-defined urban edge with 55th Street serving as an appropriate boundary between developed areas of the city and protected open space lands on the east side of 55th. This matches the pattern of development in the area where 55th Street defines this urban edge, excepting Greenbelt Meadows south of the site which has development on the eastern side. From a design perspective, the congregate care building further defines this urban edge with its frontage along 55th Street.

NA (xv) In the urbanizing areas located on the major streets shown on the map in Appendix A of this title near the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the buildings and site design establish a sense of entry and arrival to the City by creating a defined urban edge and a transition between rural and urban areas.

The project site is not located on a major street.

Y (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:

Y (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.

The placement of open space and streets are appropriately placed to minimize shadow impacts. Essentially, rows of homes oriented north-south will have breaks provided in streets and open space "fingers" that will allow optimal sunlight access.

Y (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.

Similar to above, The lot layout and building siting, which includes an alternating pattern of streets and open spaces supports access to sunlight.

Y (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 buildings have gable roof and hip roof forms conducive for solar panels and have been designed as to conform to the city's solar access requirements.

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

There is no evidence that any proposed landscaping will pose a negative impact to adjacent buildings.

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

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

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

__ (l) Land Use Intensity Modifications:

__ (i) Potential Land Use Intensity Modifications:

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

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

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

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

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

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

b. Character of Project and Area: The open space reduction does not adversely affect the character of the development or the character of the surrounding area; and

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

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

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

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

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

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

6. The reduction in open space is part of a development with a mix of residential and nonresidential uses within a BR-2 zoning district that provides high quality urban design elements that will meet the needs of anticipated residents, occupants, tenants, and visitors of the property or will accommodate public gatherings, important activities, or events in the life

of the community and its people, that may include, without limitation, recreational or cultural amenities, intimate spaces that foster social interaction, street furniture, landscaping, and hard surface treatments for the open space: maximum twenty-five percent reduction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

___ (i) The lots are held in common ownership;

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

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

VI. Conditions On Case

Staff will prepare draft conditions of approval and will send to the applicant once completed.

Additional E-mails/Comments Received

Susan,

Please also see the following comment relative to street names below. I should also note that we are expecting some comments from Parks and Recreation and Open Space in addition. Once I receive them I will pass them along. Thanks.

Karl

Addressing: The naming of Lakota Ct, Choctaw Ct, and Sauk Pl all meet our addressing policies. It is appropriate that Kewanee Dr continues through this development. However, Sauk Place will need to continue east-west as a connection to 55th Street (i.e., Kewanee will end at Sauk Place). Let me know if you need any further clarification. *Comment Acknowledged- Change has been made*

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