



**CITY OF BOULDER  
PLANNING BOARD MEETING AGENDA**

**DATE:** December 6<sup>th</sup>, 2022

**TIME:** 6 p.m.

**PLACE:** Virtual Meeting

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**1. CALL TO ORDER**

**2. APPROVAL OF MINUTES**

- A. Minutes from November 1<sup>st</sup>, 2022 Planning Board meeting are set for approval.

**3. PUBLIC PARTICIPATION**

**4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS**

- A. **CALL UP ITEM:** Floodplain Development Permit (FLD2022-00072). Wonderland Creek at BNSF Railroad, No-Rise Application for Bridge Replacement
- B. **CALL UP ITEM:** Floodplain Development Permit Variance (FLD2022-00080). 2880 Kalmia Ave, Variance Application for Multi-Unit Residential Structure
- C. **CALL UP ITEM:** Floodplain Development Permit (FLD2022-00074). 445 Christmas Tree Drive. Renovation and Remodel of Residential Structure

**5. PUBLIC HEARING ITEMS**

- A. **AGENDA TITLE:** Concept Plan Review and Comment for proposed redevelopment at 2801 Jay Rd. to include 84 for-sale dwelling units ranging from 1,050 SF to 1,800 SF, consisting of townhome, duplex, and triplex housing types. The plan proposes 40% (34) middle income affordable units. The percent of affordable housing community benefit will be finalized through annexation. Reviewed under case no. LUR2022-00038.
- B. **AGENDA TITLE:** Concept Plan Review and Comment for a redevelopment proposal of 2747 Glenwood Court. The proposal includes demolition of the existing apartment complex and redevelopment of the site with attached multi-family and town house dwelling units constructed atop a new underground vehicle parking structure. The new development is proposed to include a multi-family building comprised of 102 efficiency living units (ELUs), 15 two-bedroom units, and six three-bedroom units, two separate townhouse buildings containing seven units each, and a leasing building. Reviewed under case no. LUR2022-00037.

**6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

## CITY OF BOULDER PLANNING BOARD VIRTUAL MEETING GUIDELINES

### CALL TO ORDER

The Board must have a quorum (four members present) before the meeting can be called to order.

### AGENDA

The Board may rearrange the order of the agenda or delete items for good cause. The Board may not add items requiring public notice.

### PUBLIC PARTICIPATION

The public is welcome to address the Board (3 minutes\* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. **Any exhibits introduced into the record must be provided to the Board Secretary for distribution to the Board and admission into the record via email 24 hours prior to the scheduled meeting time.**

### DISCUSSION AND STUDY SESSION ITEMS

Discussion and study session items do not require motions of approval or recommendation.

### PUBLIC HEARING ITEMS

A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

#### 1. Presentations

- Staff presentation (10 minutes maximum\*).
- Applicant presentation (15-minute maximum\*). Any exhibits introduced into the record at this time must be provided to the Board Secretary for distribution to the Board and admission into the record.
- Planning Board questioning of staff or applicant for information only.

#### 2. Public Hearing

Each speaker will be allowed an oral presentation (3 minutes maximum\*). The pooling of time will not be allowed.

- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- The board requests that, prior to offering testimony, the speaker disclose any financial or business relationship with the applicant, the project, or neighbors. This includes any paid compensation. It would also be helpful if the speaker disclosed any membership or affiliation that would affect their testimony.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents and summarize comments wherever possible. Long documents may be submitted via email 24 hours prior to the scheduled meeting time and will become a part of the official record.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the Board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be emailed to the Secretary for distribution to the Board and admission into the record **24 hours prior to the meeting**.
- Citizens can email correspondence to the Planning Board and staff at [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov), up to **24 hours prior to the Planning Board meeting**, to be included as a part of the record.
- Applicants under Title 9, B.R.C. 1981, will be provided the opportunity to speak for up to 3 minutes prior to the close of the public hearing. The board chair may allow additional time.

#### 3. Board Action

- Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- Board discussion. This is undertaken entirely by members of the Board. The applicant, members of the public or city staff participate only if called upon by the Chair.
- Board action (the vote). An affirmative vote of at least four members of the Board is required to pass a motion approving any action. If the vote taken results in either a tie, a vote of three to two, or a vote of three to one in favor of approval, the applicant shall be automatically allowed a rehearing upon requesting the same in writing within seven days.

### MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY

Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

### ADJOURNMENT

The Board's goal is that regular meetings adjourn by 10:30 p.m. and that study sessions adjourn by 10:00 p.m. Agenda items will not be commenced after 10:00 p.m. except by majority vote of Board members present.

### VIRTUAL MEETINGS

For Virtual Meeting Guidelines, refer to <https://bouldercolorado.gov/government/board-commission/planning-board> page for the approved Planning Board's Rules for Virtual Meetings.

\*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**November 1, 2022**  
**Virtual Meeting**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

Jorge Boone  
John Gerstle, Chair  
Laura Kaplan  
Mark McIntyre  
ml Robles (late)

**PLANNING BOARD MEMBERS ABSENT:**

Lisa Smith  
Sarah Silver

**STAFF PRESENT:**

Brad Mueller, Planning & Development Services Director  
Charles Ferro, Planning Senior Manager  
Hella Pannewig, Assistant City Attorney  
Amanda Cusworth, Planning & Zoning Supervisor  
Vivian Castro-Wooldridge, Community Engagement Specialist  
Devin Saunders, Board Specialist  
Sarah Cawrse, City Principal Planner  
Shabnam Bista, City Senior Planner  
Kathleen King, City Principal Planner  
Christin Shepherd, Civil Engineering Senior Project Manager  
Kristofer Johnson, Planning Senior Manager  
Chris Ranglos, City Senior Planner  
Michelle Allen, Housing Principal Planner

**1. CALL TO ORDER**

Chair, **J. Gerstle**, declared a quorum at 6:00pm and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **L. Kaplan** and seconded by **M. McIntyre**, the Planning Board voted 4-0 (**S. Silver** and **L. Smith** were absent at the November 1<sup>st</sup>, 2022 meeting. **ml Robles** was absent for this motion) to approve the August 2, 2022 and August 23, 2022 minutes as amended.

### 3. PUBLIC PARTICIPATION

- a. Macon Cowles
- b. David Adamson

### 4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

There were no items called up

### 5. PUBLIC HEARING ITEMS

- A. **AGENDA TITLE:** Public Hearing and Concept Plan Review and Comment for the redevelopment of a 2.33-acre area including the properties generally known as 2504, 2506, 2536, and 2546 Spruce St., 2055 26th St., and 2537 Pearl St., with 101 residential units and 160 Parking spaces and amenities for residents. The proposal includes 88 market rate and 13 affordable on-site condominiums. Reviewed under case no. LUR2022-00033.

#### **Staff Presentation:**

C. Ferro introduced the item.

S. Bista presented the item to the board.

#### **Board Questions:**

S. Bista and C. Ferro answered questions from the board.

#### **Applicant Presentation:**

Ari Gidfar and Chris Shears presented the item to the board.

#### **Board Questions:**

Ari Gidfar and Chris Shears answered questions from the board.

#### **Public Hearing:**

- 1) Kurt Nordback
- 2) Janet Heimer
- 3) Macon Cowles
- 4) Lynn Segal
- 5) David Adamson

Although absent, S. Silver submitted written comments regarding Item 5A. The board deemed it important to capture and consider S. Silver's thoughts and therefore read into record S. Silver's comments verbatim.

Quoting S. Silver's comments, L. Kaplan states "Rezoning requires meeting at least one of the 6 criteria in 9-2-19 (e). I do not really believe that any of the six criteria are met. Perhaps one *could* argue the request to rezone meets (5) "the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area" or (6) "proposed rezoning is necessary to provide land for a community need not anticipated at the time of the adoption of BVCP".....but actually neither of those is factually true. The surrounding environs haven't actually changed much (has been housing to the N and W and business to the East and South) nor was the need for housing "not anticipated at the time of the most recent adoption" of the BVCP. But, assuming, that everyone is in agreement that additional housing is a



community need (even though this need is already clearly stated in the BVCP and therefore doesn't actually meet criteria 9-2-19(e)(6), than let's make sure that the design/mass/scale/height is appropriate to the area and existing frameworks."

Quoting **S. Silver's** comments, **J. Gerstle** quotes "I am NOT OK with a proposal for a 55-foot-tall building in MU-3 given the zone's 38-40 foot limit. I would be more comfortable if the design of the building limits height to 38-40 feet on Spruce (at least on the western half – from the entrance to Folsom) and on Folsom in order to protect viewsheds for dwellings on North side of Spruce and to meet 9-2-14(h)(2)(F)(iii). This development is on the edge of the BVRC area and a 38-40 foot height on Spruce and Folsom would be a better match for the 35 foot height of the new developments going up along Folsom). Transportation connections: Suggest widening bike path on east side of Folsom to make it more usable for what could be a higher concentration of cyclists from this building using that very narrow path. I might suggest consideration of a wide bike path located on Spruce Street. I can't tell from the drawings but it might require elimination of on-street parking spaces BUT it would connect with an existing marked/flashing yellow light bike crossing at Folsom and Spruce. A reminder to my colleagues: generally, a developer has no requirement to build permanently affordable on site and can decide at last minute to offer CIL. Would be helpful to ask staff to clarify if applicant guarantees on site permanently affordable units, this isn't actually a "selling point" for this project but rather a requirement the developer will have to meet to build in Boulder. I am pleased that this proposal offers for sale units. I am curious whether applicant must guarantee these will be for sale or whether, like the onsite/CIL permanently affordable units, it is something that can change as the project moves forward. I share staff's concern that this building fails to meet building design guidelines 5.1.A, B, and C recommending that a building be designed to break down the massing to transition to adjacent buildings. This building is gigantic and far out of proportion to anything else in the area. It is important that we balance the opportunity for housing with the need for attractive building design that fits well with the area. When applicant returns to site review, I will be looking for a design with far better transitions, especially to the north and west."

**Key Issue #1:** Should additional residential density for the site be supported through Rezoning process?

**L. Kaplan** is an enthusiastic yes on this, believes this is in line with BVCP and references popular resident support for this project.

**M. McIntyre** appreciates the board's willingness to submit S. Silver's comments into record. M. McIntyre references 9-2-19 (e)-5 zoning code and believes the board is fulfilling that requirement.

**J. Boone** is generally supportive of these rezoning changes, but wants to note that we are losing homegrown businesses in Boulder because of the circumstances we are in related to affordable housing. He believes there is a good amount of public good that will come of this project but expresses concern regarding key issue 4.

**ml Robles** is generally in agreement with rezoning as a means to increase density and agrees with Jorge's observation that the 55ft height and other items that have been added to the project and may not support a reason to rezone.

**J. Gerstle** believes Sarah's comments are correct. Seconds many of the thoughts echoed by previous board speakers.

**L. Kaplan** believes the staff is looking at a change in underlying land use, rather than a particular zoning change. Further discussion on land use designation criteria held.

**Key Issue #2:** Is the proposed concept plan consistent with the goals, objectives, and recommendations of the Boulder Valley Comprehensive Plan (BVCP) and the Land Use Map Designation of the BVCP?

**L. Kaplan** believes that it is consistent with the BVCP and the Land use map designation if applicant can get CC support to make the whole parcel mixed use residential.

**M. McIntyre** concurs with L. Kaplan and calls out BVCP 2.16, 2.17 & 2.18 as factors which fulfils the promises and goals set in BVCP.

**J. Boone** concurs with Mark and Laura regarding the land use designation map but believes there are serious concerns regarding key issue number 4 in order to comply with BVCP.

**M. Robles** cannot find a fault with meetings these objectives and goals under key issue 2. Under 2.16, the city should encourage mixed use and higher density which incorporate affordable housing. Notes that this updated plan includes 6 additional affordable housing units, but remainders are market rate which are generally not affordable.

**J. Gerstle** says **J. Boone** captured his thoughts very well.

**Key Issue #3:** Does Planning Board have feedback on the preservation of the Mecha Building as the proposal stands today?

**J. Boone** thinks this is landmark's preview to look at this, but does appreciate the developer's initiative to use the specialized beams in the lobby.

**M. Robles** also believes this is under the jurisdiction of the Landmark's Board. Notes the importance for projects in Boulder to have something to do with Boulder itself as a sense to build community.

**L. Kaplan** outlines Landmark's purview and believes we should leave this between Landmark Board and the developers

**M. McIntyre** questions the lobby design and how the building can be incorporated as an ode to the Boulder of the past, possibly incorporating a bike use.

**J. Gerstle** outlines how he loves this building but understands the purpose of this project and use.

**Key Issue #4:** Is the height, mass, and scale of the proposed buildings compatible with the character of the area?

**L. Kaplan** has no problem with the height, mass or scale of this building. Also believes that the developer has done everything possible which Charles has suggested. Potential concern regarding height and mass along Spruce St., but notes how the developer has alleviated some challenges by adhering to city recommendations.

**m. Robles** raises concerns regarding shading/shadows and the overall pedestrian experience that is impacted by a large building such as this. She also encourages rethinking to a carbon-reducing strategy, does not believe steel and concrete are the only ways to build this. Repurpose excess parking.

**J. Boone** does not agree with going with the MU-3 zoning regarding height on Folsom. Possible to move some excess height to the back half of the building to remove some of the concerns regarding shadows. Notes how this is a massive single building with little setback. Notes an opportunity to widen setbacks and paths to give better sense of pedestrian feel. Believes this current parking plan for 1.5 spaces per unit are counter to what the city has been talking about for years. Discusses how repurposing parking can lead to better outcomes for developer. Also notes the potential for live/work units on ground level. Encourages staff to give board guidance on what some concessions may be.

**L. Kaplan** reminded colleagues that if we stay in confines of MU-3 and not make concessions, then we would get fewer affordable housing units and cash-in-lieu.

**J. Gerstle** believes the additional parking is not a good use and the developer should reconsider how that space is used. Unenthusiastic about the loss of the bike paths through the area at the cost of additional parking. The possibility of an additional setback along Spruce should be considered carefully.

**M. McIntyre** concurs with **L. Kaplans** statements and is in favor of a very active pedestrian street and creating ways to make it unique with DAB.

**Key Issue #5:** Does the Concept Plan preliminarily meet the Boulder Valley Regional Center (BVRC) Design Guidelines and Connections Plan?

**M. McIntyre** notes that this question is the reason CC referred this project to TAB.

**L. Kaplan** believes this does meet the Boulder Valley regional center design guidelines and has no concern regarding connection plan.

**M. McIntyre** mentions how the current design reduces curb cuts and the previous plan has 2 additional curb cuts that have now been eliminated.

**J. Gerstle** states how this project has zero permeability to the public and that is a major concern.

**J. Boone** believes there is an opportunity for a better streetscape on Spruce St and should develop now while building under construction.

**M. Robles** encourages applicant to read though the staff review.

#### **Board Comments:**

Motion made by **J. Boone** and seconded by **L. Kaplan** to postpone item 6A tentatively for 11.15.2022, and to extend tonight's meeting for discussion on agenda item 6B. Board votes 5-0 to approve motion.

#### **6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**

**A. INFORMATION ITEM:** Comprehensive Planning group to give an update to Planning Board on the preliminary scoping for Boulder Junction Phase 2.

Motion made by **J. Boone** and seconded by **L. Kaplan** to postpone item 6A tentatively for 11.15.2022, and to extend tonight's meeting for discussion on agenda item 6B. Board votes 5-0 to approve motion.

**B. INFORMATION ITEM:** Proposed Updates to Chapter 10-10, "Plumbing Code"

#### **Staff Presentation:**

**Meghan Wilson** presented the item to the board.

**Board Questions:**

**Meghan Wilson** answered questions from the board.

**Matters from the Board:**

Discussion from the board on structure and processes, including possible trainings. P&DS to organize trainings in coming months.

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 10:37 pm.

APPROVED BY

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
DATE

## MEMORANDUM

**TO:** Planning Board

**FROM:** Christin Shepherd, Civil Engineering Senior Project Manager

**DATE:** November 23, 2022

**CALL UP ITEM:** Floodplain Development Permit (FLD2022-00072)  
Wonderland Creek at BNSF Railroad  
No-Rise Application for Bridge Replacement

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### Key Dates

Floodplain development permit approved by staff:	11/23/22
The decision may be called up by Planning Board on or before:	12/7/22
There is one Planning Board meeting within the 14 day call up period on:	12/6/22

### Project Description

The proposed project is located at the BNSF railroad crossing over Wonderland Creek near Foothills Parkway (**see Attachment A**) and is impacted by the 100-year floodplain and Conveyance Zone of Wonderland Creek. The proposed project consists of removing an existing wooden railroad bridge (**see Attachment B**) and replacing with four steel culverts (**see Attachment C**).

In 2019, the Wonderland Creek floodplain improvement project was completed. The project applied for a FEMA Letter of Map Revision (LOMR) in accordance with applicable floodplain regulations and requirements. As of the date of this memorandum, the LOMR is in its final rounds of revision and review with an anticipated FEMA approval in August 2023.

This floodplain development permit application is for a no-rise analysis required for the proposed bridge. The no-rise analysis was completed utilizing the LOMR submittal as the pre-project conditions. A no-rise analysis confirms that the proposed project will not increase water surface elevations in compliance with FEMA, NFIP and city floodplain regulations.

### Project Compliance

Staff has reviewed the no-rise application and associated hydraulic modeling and finds that the applicant has demonstrated compliance with all FEMA and City floodplain regulations, including Conveyance Zone restrictions. The project will not adversely impact nearby properties. A copy of the floodplain development permit and application materials is attached (**see Attachment D**).

**Associated Wetland Permits**

This project does not impact regulatory wetlands or wetland buffer zones and does not require a separate wetland permit.

**Additional Information**

Over 70 pages of hydraulic calculations, hydraulic modeling output tables and hydraulic model delineation maps have been removed from the no-rise report to condense the material for Planning Board review. These pages are available upon request.

Questions regarding this project should be directed to Christin Shepherd in Planning and Development Services at 303-441-3425 or [ShepherdC2@bouldercolorado.gov](mailto:ShepherdC2@bouldercolorado.gov).

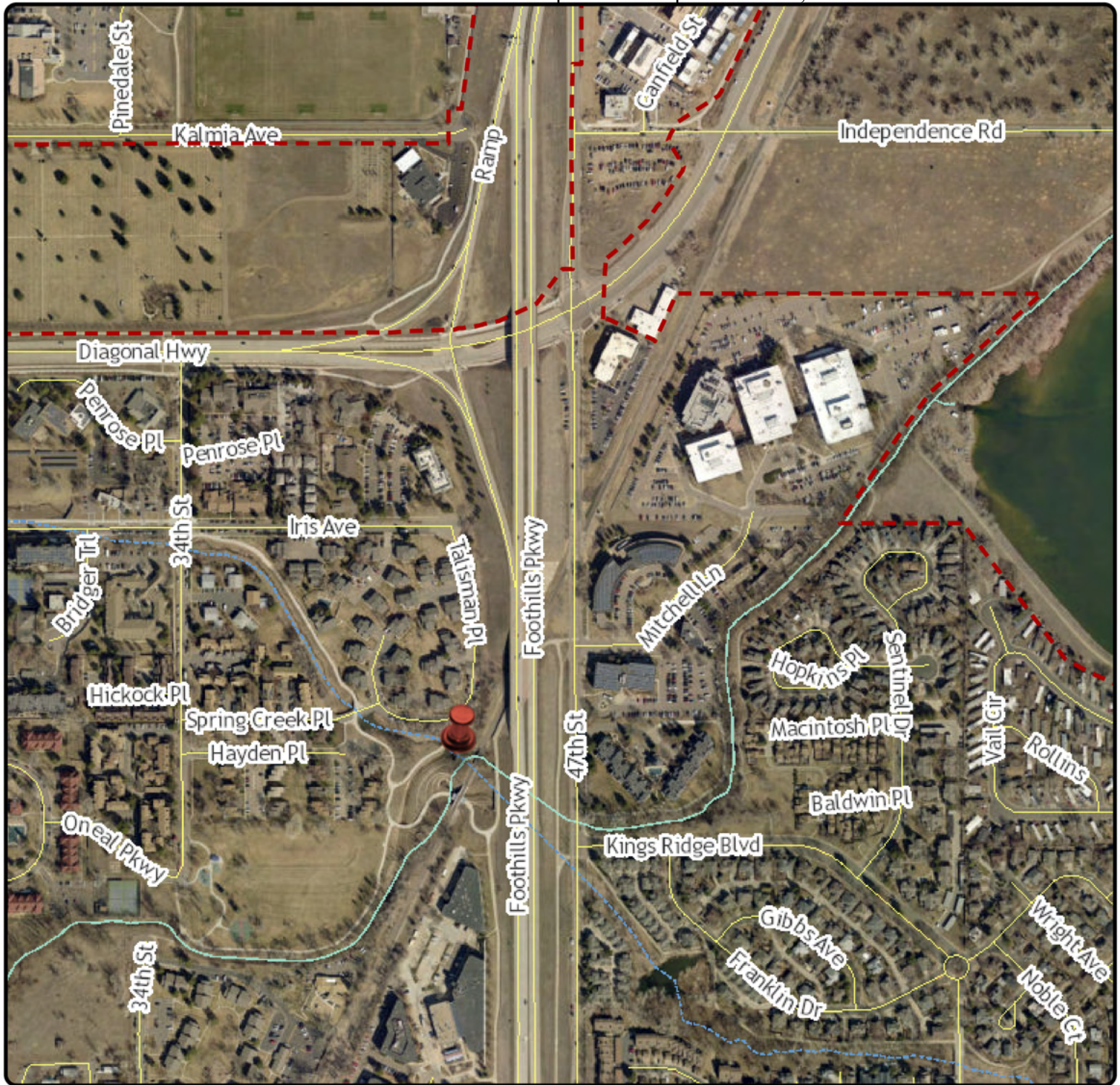
Attachments:

- A. Vicinity Map
- B. Existing Bridge Photos
- C. Proposed Bridge Drawing
- D. Floodplain Development Technical Memorandum, Permit Application and Engineer's No-Rise Certification



# Attachment A

## Item 4A - Floodplain Development Permit, Wonderland Railroad



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ft

-  Override 1
-  City Limits
-  Street Labels
-  Creeks and Ditches
-  Creek
-  Creek Intermittent
-  Creek Ephemeral
-  Ditch







Downstream Face Looking West



Downstream Face Looking West





Upstream Face Looking East



North Abutment Looking East





North Abutment Looking West



South Abutment Looking West





South Abutment Looking East



Typical Abutment Bent

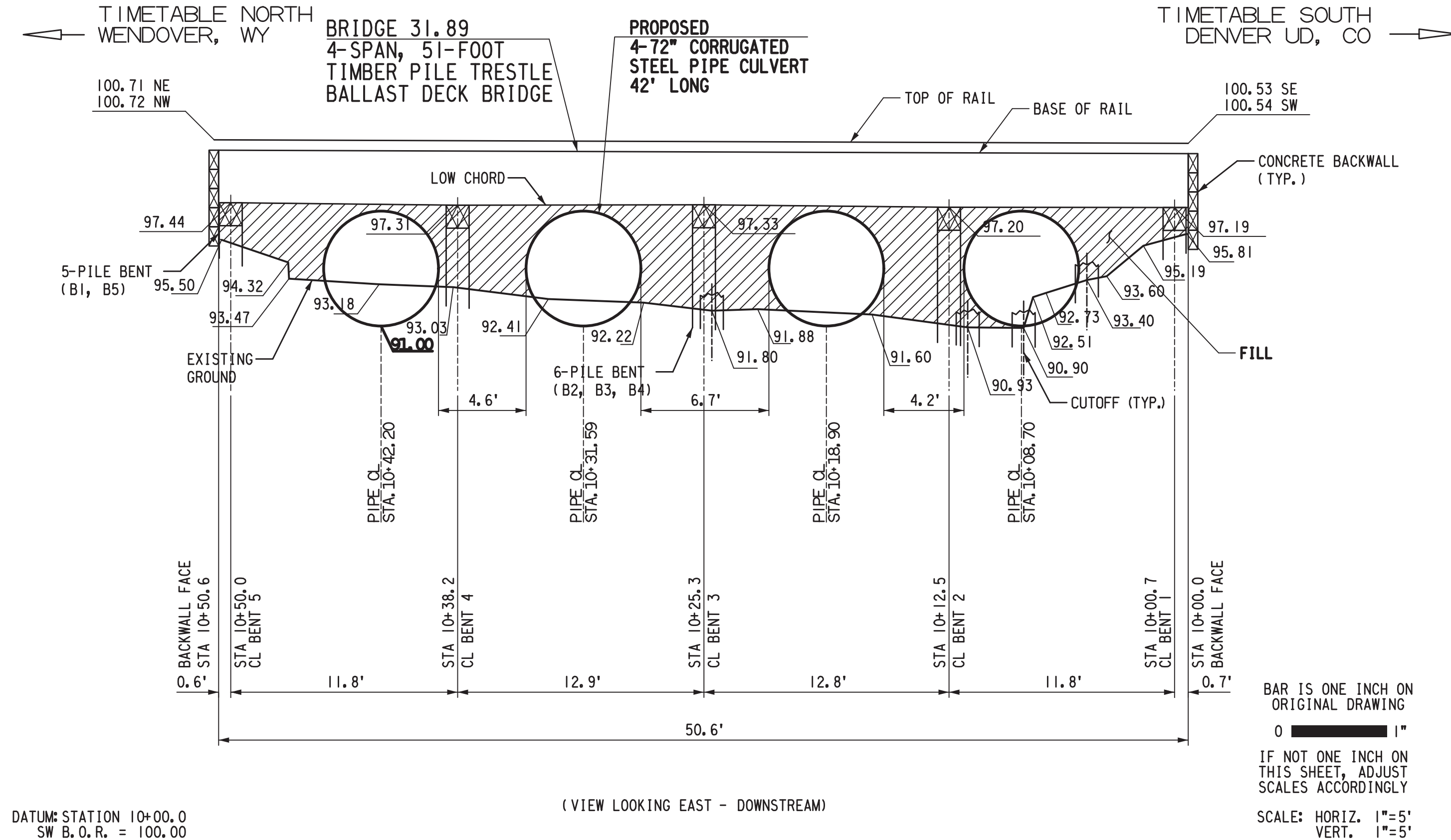




Typical Bent



Typical Stringers







# TECHNICAL MEMORANDUM

<b>TO:</b>	<b>Christin Shepherd, CFM, PE</b>
<b>CC:</b>	Branden Strahm, PE, CFM; Brian Marple, PE
<b>FROM:</b>	Erika Bowman
<b>RE:</b>	<b>BNSF Bridge 0476-31.89 – Bridge Replacement Boulder White Rock Ditch</b>
<b>DATE:</b>	01 September 2022
<b>PROJECT #:</b>	020-27630

This technical memorandum (TM) has been prepared to provide supporting documentation for the floodplain development permit application regarding the replacement of BNSF Bridge at Line Segment 0476, Mile Post (MP) 31.89, located within the City of Boulder, Colorado. More specifically, this TM provides documentation that the proposed project meets the conditions of the City of Boulder Floodplain Management No-Rise Regulations.

## Project Location

The bridge is located in the City of Boulder, Colorado at latitude 40.03434° N and longitude 105.24539° W. The existing bridge serves BNSF's mainline track running generally in a northeast-southwest direction. The existing bridge was built to serve both Wonderland Creek and Boulder White Rock irrigation ditch flows; however, the Wonderland Creek Greenways Improvement Project has redirected Wonderland Creek to a drop structure south of the existing bridge to BNSF Bridge 31.85. Therefore, Bridge 31.89 currently serves Boulder White Rock irrigation ditch only. Boulder White Rock irrigation ditch diverts from Wonderland Creek through a turnout structure and is located within a FEMA-designated Zone AE.

## Project Description

Presently, Bridge 31.89 consists of a 4-span, 51-ft long, timber pile trestle ballast deck bridge. A double-cell, 8-ft-wide by 5.5-ft-high (44 sq. ft) box culvert under Foothills Parkway is located about 60 feet downstream of the track. A turnout structure consisting of a double-cell 5-ft-wide by 4-ft-high concrete box culvert equipped with slide gates is located about 60 feet upstream of the track. The turnout structure regulates flow in the Boulder White Rock ditch from Wonderland Creek. The proposed bridge replacement structure consists of a 4-72-inch diameter Corrugated Metal Pipe (CMP) Culverts. A hydraulic evaluation was performed by Bridge & Stream Engineering, Inc. (BSE) on the existing and proposed structure using the CLOMR analysis for Wonderland Creek (Report attached).

Bridge 31.89 is located within a FEMA designated 100-year floodplain with floodway, as shown on Flood Insurance Rate Map number 08013C0411K, effective date December 7, 2017. A Conditional Letter of Map Revision (CLOMR) was submitted to the City of Boulder and Urban Drainage and Flood Control District on May 15, 2015, by Muller Engineering Company as part of the drainage improvement projects on Wonderland Creek flows under Foothills Parkway. The CLOMR was approved and indicates Bridge 31.89 is located within the Zone AE 100-year floodplain but not in a floodway, since Wonderland Creek flows are now conveyed by BNSF Bridge 31.85. In the new CLOMR modeling, Bridge 31.89 is modeled in an ineffective flow area.



## **Hydrology**

The proposed structure size was determined using the maximum decreed ditch flow of 135 cfs due to the updated existing condition of Wonderland Creek.

**Table 1: Peak flow comparison between the regulatory and existing flows at Bridge 31.89.**

Frequency	FIS Flows*	Boulder White Rock Ditch
50-year	1,498	--
100-year	2,189	--
Typical Operating Flow	--	95
Max Decreed Flow	--	135

*\*The effective regulatory model no longer reflects the existing hydrology. FIS flows for Wonderland Creek have been routed to Bridge 31.85.*

## **Hydraulics**

Due to the Wonderland Creek Greenways Improvement Project, Wonderland Creek flows are now being routed to Bridge 31.85. A Letter of Map Revision (LOMR) submitted by Muller Engineering Company (April 17, 2020), for Wonderland Creek (Case No.: 20-02-0772P), has BNSF Bridge 31.85 modeled as conveying flow from Wonderland Creek with Boulder White Rock ditch and BNSF Bridge 31.89 in an ineffective flow area.

The BSE model for Bridge 31.89 focuses on the ditch hydraulics as an independent model from the LOMR submitted to the city for the Wonderland Creek project. The existing and proposed hydraulic analyses assumes the upstream turnout structure to be fully opened during the 50- and 100-year Wonderland Creek flood events.

Olsson received the latest LOMR submittal (November 09, 2021) from the City of Boulder on July 22, 2022. The LOMR geometry file named "WLCK\_LOMR\_PPM" was modified using HEC-RAS Version 6.2 to include the 4-barrel culvert structure BSE proposed to replace Bridge 31.89. Input parameters for the post-project model, such as manning's n values, tie in's and boundary conditions were identical to the Pre-Project model. Below is a summary of the applicable models and plan files considered for No-Rise Comparison:

- The LOMR was considered to be the "Pre-Project" Condition
- The LOMR model with the following modifications was considered as the Post-Project model:
  - Minor channel grading at River Stations 4571 & 4600 (See Grading Plan Figure)
  - 4-barrel, 72-inch pipe inserted at BNSF Bridge 31.89 (River Station 4586)



**Responses to the 15 criteria for projects in the conveyance or high hazard zones:**

1. There will be no effect upon the efficiency, capacity or delineation of the conveyance zone and high hazard zone since the LOMR model for Wonderland Creek identifies the Boulder White Rock irrigation ditch and Bridge 31.89 to be in an ineffective flow area. The proposed structure does not change the ineffective flow areas; therefore, the capacity of the conveyance zone and high hazard zone will not be impacted.
2. There will be no effect upon the lands upstream, downstream, and in the immediate vicinity of the project as the proposed structure meets the City of Boulder's No-Rise Criteria.
3. The effects of upon the 100-year flood profile are within the City of Boulder's No-Rise Criteria.
4. There will be no effects upon any existing tributaries to the mainstream, drainage ditches, and any other drainage facilities or systems.
5. No additional public expenditures for flood protection or prevention will be required.
6. The proposed use of the bridge replacement is not for human occupancy.
7. The temporary potential dangers during the construction of the new culvert structure will be contained to the BNSF right-of-way and clearly marked.
8. This project will not change the watercourse from existing conditions.
9. Not applicable.
10. The culvert replacement structure is built to prevent flood damage from overtopping during the 100-yr flood event, per BNSF standard hydraulic criteria.
11. The proposed BNSF 31.89 structure replacement is compatible with the Wonderland Creek Greenways Improvement Project included in the Boulder Valley Comprehensive Plan. This project incorporates the current flow changes in Wonderland Creek and maintains the Wonderland Creek Greenways Improvement Project's goal to transport the 100-year flood event.
12. Not applicable.
13. Not applicable.
14. The proposed project meets the City of Boulder's No-Rise Criteria; therefore, flood heights will not be affected.
15. The proposed project will not adversely affect the development of surrounding property as the proposed project is within an ineffective flow area of the Wonderland Creek floodplain. While velocity of flood water increases, it will not have an adverse effect on surrounding properties.

The following information is provided for your review and concurrence.

1. City of Boulder Floodplain Development Permit Application
2. Project Grading Plan Figure
3. Post-Project HEC-RAS Output Figures
4. FEMA Flood Insurance Rate Map (FIRM)
5. "No-Rise" Certificate Form
6. LOMR Annotated FIRM Panel
7. Correspondence
8. Bridge & Stream Engineering, Inc. BNSF Bridge 0476-31.89 Proposed Replacement Structure Technical Summary
9. LOMR Submittal
10. Check in the amount of \$3,600 for the floodplain development permit fee. (Mailed directly to recipient.)

In summary, the proposed bridge replacement meets the conditions of the City of Boulder's Floodplain Management Regulations. If you have any questions concerning this project or need additional information, please contact me at (720) 948-5094 or [ebowman@olsson](mailto:ebowman@olsson). Please refer your future correspondence to **BNSF Bridge 0476-31.89**

Sincerely,



Erika Bowman

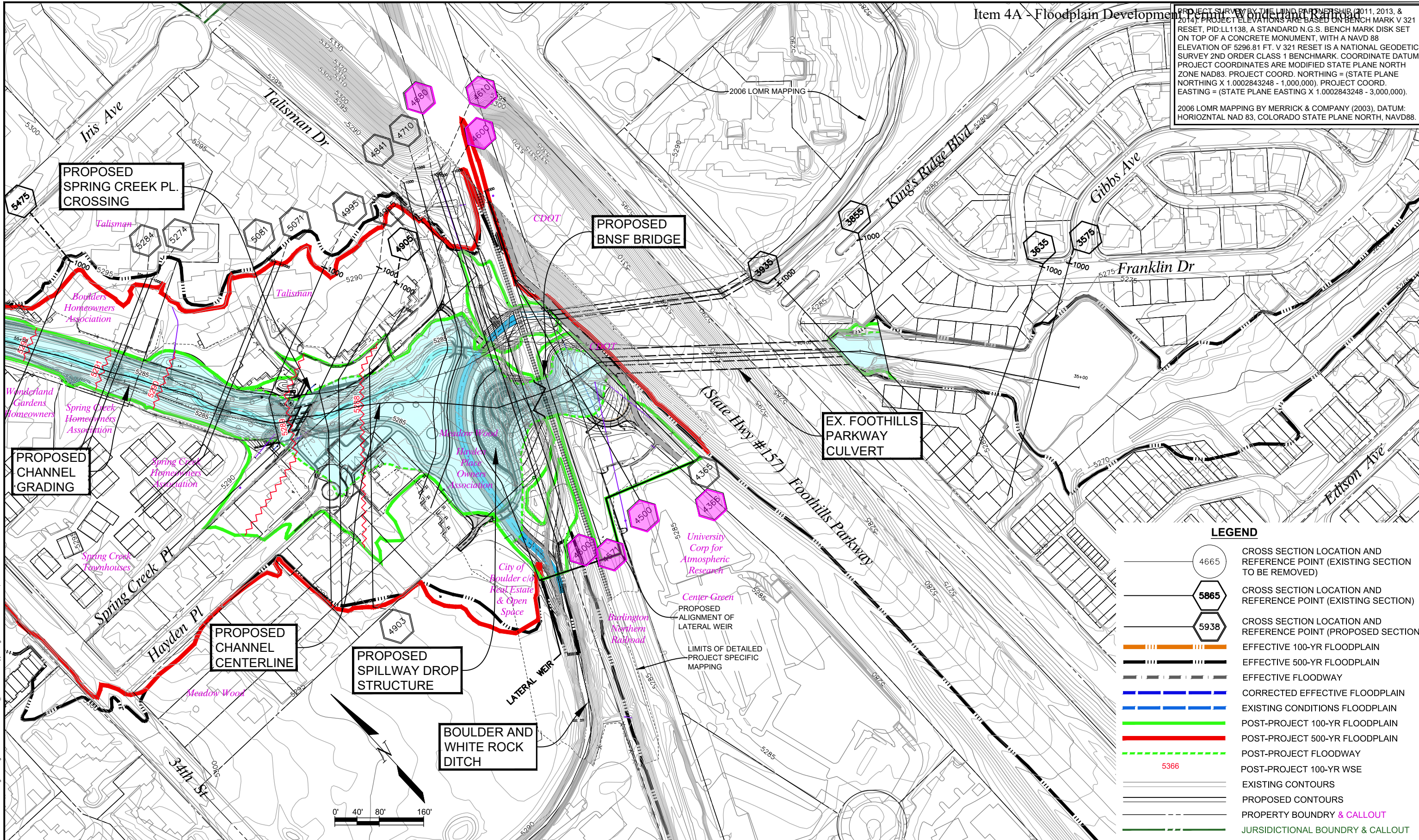
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PROJECT SURVEY BY THE LINN PARTNERSHIP 2011, 2013, & 2014. PROJECT ELEVATIONS ARE BASED ON BENCH MARK V 321 RESET, PID:LL1138, A STANDARD N.G.S. BENCH MARK DISK SET ON TOP OF A CONCRETE MONUMENT, WITH A NAVD 88 ELEVATION OF 5296.81 FT. V 321 RESET IS A NATIONAL GEODETIC SURVEY 2ND ORDER CLASS 1 BENCHMARK. COORDINATE DATUM PROJECT COORDINATES ARE MODIFIED STATE PLANE NORTH ZONE NAD83. PROJECT COORD. NORTHING = (STATE PLANE NORTHING X 1.0002843248 - 1,000,000). PROJECT COORD. EASTING = (STATE PLANE EASTING X 1.0002843248 - 3,000,000).

2006 LOMR MAPPING BY MERRICK & COMPANY (2003), DATUM: HORIZONTAL NAD 83, COLORADO STATE PLANE NORTH, NAVD88.



NAME: P111-0309.03 Wonderland Creek Lower Reach - Final Design/Drainage/LOMR/CAD/11039.03\_FloodplainExhibit.dgn DATE: MAY 15, 2015 TIME: 2:08 PM

Computer File Information			LOMR SUBMITTAL	<div><div></div><div></div><div></div><div></div><div></div></div>	Sheet Revisions			 	WONDERLAND CREEK - GREENWAYS IMPROVEMENT PROJECT <b>FIGURE 4A</b> <b>PROPOSED CONDITIONS</b> <b>FLOODPLAIN EXHIBIT</b>			Project No./Code	
Creation Date:	Initials:				Date:	Comments	Init.					STA 04-XX	
Last Modification Date:	Initials:											1xxx8	
Full Path:									Designer: MKN			Structure Numbers	
Drawing File Name:									Detailer:				
23 of 248 Scale: AS SHOWN		MEC PROJECT NO. 11039.18						Sheet Subset:		Subset Sheets:		15 of 21 Sheet Number: 4A	





## Floodplain Development Permit Application

The Guidance Document (<https://bouldercolorado.gov/media/1171/download?inline>) for this application defines all terms and provides detailed instructions on how to complete each section. ***It is strongly recommended that you use the Guidance Document to complete this application.***

- ***Floodplain Development Permits are required for all projects located within designated floodplains*** to protect public health, safety and welfare from flood risk.
- ***Incomplete applications will NOT be accepted.***

### ► REQUIRED MATERIALS FOR ALL APPLICATIONS:

- ☒ Completed application for each structure on the property
- ☒ Site Plan with all flood zones depicted
- ☐ Elevation verification documentation
- ☒ Applicable construction drawings

### ► REQUIRED MATERIALS FOR PROJECTS WITHIN THE CONVEYANCE OR HIGH HAZARD ZONES:

- ☒ Written response to review criteria (*see page 4*)
- ☒ Additional engineering analysis may be required
- ☒ A one-page executive summary of proposed work

### ► TO SUBMIT YOUR PERMIT APPLICATION:

- ☒ Provide one hard copy
- ☒ Provide one electronic copy ~~on a USB~~ **Sharefile Link**
- ☐ Submit completed application materials in person to a project specialist at:  
Planning & Development Services Center  
1739 Broadway, 3rd Floor  
Boulder, CO 80306
- ☒ Floodplain Development Permits require a submittal fee that may vary from \$35 to \$3,600 depending on the type of flood permit. See Guidance Document for more information.

*Continued on next page*

► **PROJECT INFORMATION**Project Address: BNSF Line Segment 0476, Mile Post 31.89, at latitude/longitude 40.03434, -105.24539

Project Description (e.g. first floor 750 square foot addition, construction of new bike path, 3rd floor remodel in existing office building):

BNSF Bridge 31.89 serving the Boulder White Rock irrigation ditch, within the Wonderland Creek floodplain, is to be replaced with a 4-barrel, 72-in culvert structure.

► **CONTACT INFORMATION**

## Applicant Contact Information

Name	Erika Bowman	Phone #	720-948-5094	Email Address	ebowman@olsson.com	
Address	2111 S. 67th Street, Ste. 200		City	Omaha	State	NE Zip 68106

## Property Owner Contact Information

☐ Same as Applicant

Name	Josh Sommerfeld, BNSF Railway	Phone #	(817) 374-9109	Email Address	josh.sommerfeld@BNSF.com	
Address	4515 Kansas Ave		City	Kansas City	State	KS Zip 66106

► The owner of the property is aware of and consenting to the improvements being made in this permitting process.

Signature of Owner:

Josh Sommerfeld

Date:

9/8/2022*This application will not be accepted without the owner's signature.*

Continued on next page



## Item 4A - Floodplain Development Permit, Wonderland Railroad

The [Guidance Document](#) for this application defines all terms and provides detailed instructions on how to complete each section. ***It is strongly recommended that you use the Guidance Document to complete this application.***

### ADDITIONAL REQUIRED INFORMATION

#### ► PROJECT DETAILS *Check all that apply*

<b>Project Type</b>	<input checked="" type="checkbox"/> New Structure <input type="checkbox"/> Addition <input type="checkbox"/> Alteration	<input type="checkbox"/> Mech/Elect/Plumb Improvement <input type="checkbox"/> Remodel/Renovation	<input type="checkbox"/> Fence <input checked="" type="checkbox"/> Other: <u>Bridge replacement</u>
<b>Building Type</b>	<input type="checkbox"/> Principal		<input type="checkbox"/> Accessory
<b>Existing Use</b>	<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Non-Residential	<input type="checkbox"/> Mixed-Use <input type="checkbox"/> Vacant Land
<b>Proposed Use</b>	<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Non-Residential	<input type="checkbox"/> Mixed-Use <input type="checkbox"/> Vacant Land

Is the structure a critical or lodging facility? ☐ Yes ☒ No

#### ► FLOODZONES

Creek Name (e.g. South Boulder Creek): Wonderland Creek

Flood Zone: *Check all that apply*

- |  |                              |  |   |
|--|------------------------------|--|---|
| <input checked="" type="checkbox"/> AE | <input type="checkbox"/> AO  | <input type="checkbox"/> AO3                   | <input checked="" type="checkbox"/> High Hazard |
| <input type="checkbox"/> A             | <input type="checkbox"/> AO1 | <input type="checkbox"/> X                     |   |
| <input type="checkbox"/> AH            | <input type="checkbox"/> AO2 | <input checked="" type="checkbox"/> Conveyance |   |

***Projects affecting the Conveyance and High Hazard Zones require additional time for public process and often require an engineer.*** See Guidance Document for more information.

#### ► ELEVATION VERIFICATION DOCUMENTS

Source Document (check one and attach to application): ☐ Elevation Certificate ☒ FIS Profile ☐ City Flood Map

Provide the following elevations:

- Finished Floor Elevation (FFE): e.g. 5660'                      ft.
- Base Flood Elevation (BFE): 5289 ft.
- Flood Protection Elevation (FPE):                      ft.
- Highest Adjacent Grade (HAG):                      ft.

Provide proposed construction drawings demonstrating:

- ☒ The FFE, BFE and FPE on elevation sheets
- ☒ All mechanical/electrical/HVAC equipment is elevated above the BFE
- ☒ Sanitary sewer connections are elevated above the BFE or protected by a backflow prevention valve
- ☒ Flood damage resistant materials are used to or above the FPE

***Continued on next page***

## Item 4A - Floodplain Development Permit, Wonderland Railroad

The [Guidance Document](#) for this application defines all terms and provides detailed instructions on how to complete each section. ***It is strongly recommended that you use the Guidance Document to complete this application.***

### ► SUBSTANTIAL IMPROVEMENT FOR WORK TO AN EXISTING STRUCTURE

If project cost exceeds 50% of the assessed structure value, the entire structure must be brought into compliance with current local, state and federal flood regulations.

1. Total Cost of Project: \$ NA
2. Assessed Structure Value: \$ NA
3. Total Cost (1.) divided by Assessed Structure Value (2.): NA %

### ► FOR PROJECTS IN THE CONVEYANCE OR HIGH HAZARD ZONES

A written statement addressing the following 15 criteria must be provided.

1. The effects upon the efficiency or capacity of the conveyance zone and high hazard zone;
2. The effects upon lands upstream, downstream, and in the immediate vicinity;
3. The effects upon the one hundred-year flood profile;
4. The effects upon any tributaries to the main stream, drainage ditches, and any other drainage facilities or systems;
5. Whether additional public expenditures for flood protection or prevention will be required;
6. Whether the proposed use is for human occupancy;
7. The potential danger to persons upstream, downstream, and in the immediate vicinity;
8. Whether any proposed changes in a watercourse will have an adverse environmental effect on the watercourse, including, without limitation, stream banks and streamside trees and vegetation;
9. Whether any proposed water supply and sanitation systems and other utility systems can prevent disease, contamination, and unsanitary or hazardous conditions during a flood;
10. Whether any proposed facility and its contents will be susceptible to flood damage and the effect of such damage;
11. The relationship of the proposed development to the Boulder Valley Comprehensive Plan and any applicable floodplain management programs;
12. Whether safe access is available to the property in times of flood for ordinary and emergency vehicles;
13. Whether the applicant will provide flood warning systems to notify floodplain occupants of impending floods;
14. Whether the cumulative effect of the proposed development with other existing and anticipated uses will increase flood heights; and
15. Whether the expected heights, velocities, duration, rate of rise, and sediment transport of the floodwaters expected at the site will adversely affect the development or surrounding property.

# SIGN POSTING REQUIREMENTS

## APPLICANT'S ACKNOWLEDGMENT FORM

Required for Certain Land Use Review, Administrative Review, Technical Document Review, and Board of Zoning Adjustment Applications

### CITY CODE REQUIREMENT FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS -

**Excerpt of Section 9-4-3(c), B.R.C. 1981:** Public Notice of Application: The city manager will provide the following public notice of a development review application:

(1) Posting: After receiving such application, the manager will cause the property for which the application is filed to be posted with a notice indicating that a development review application has been made, the type of review requested, and that interested persons may obtain more detailed information from the planning department. The notice shall meet the following standards:

- (A) The notice shall be place on weatherproof signs that have been provided by the City and placed on the property that is the subject of the application.
- (B) All such notice shall be posted no later than ten days after the date the application is filed to ensure that notice is posted early in the development review process.
- (C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.
- (D) The signs shall remain in place during the period leading up to a decision by the approving authority, but not less than ten days.
- (E) On or before the date that the approving authority is scheduled to make a decision on the application the city manager will require the applicant to certify in writing that required notice was posted according to the requirements of this section.

I, Erika Bowman, am filing a Land Use Review, Administrative Review, Technical  
(PRINT NAME OF APPLICANT OR CONTACT PERSON)  
Document Review, or BOZA application [on behalf of] BNSF Railway Company for the property  
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)  
located at BNSF Bridge 0476-31.89 (40.03434,-105.24539). I have read the city's sign posting requirements above and acknowledge  
(PRINT PROPERTY ADDRESS OR LOCATION)

and agree to the following:

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.
2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.
3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).
4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

Erika Bowman  
NAME OF APPLICANT OR CONTACT PERSON

8/31/2022  
DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.



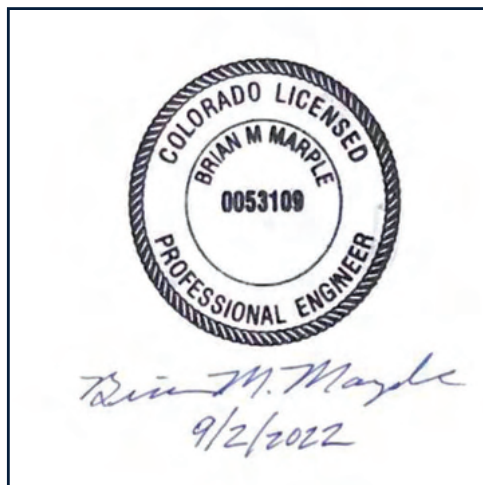
# City of Boulder Planning & Development Services

## No-Rise Certification

This is to certify that I am a duly qualified registered professional engineer licensed to practice in the state of Colorado.

I certify that the attached technical data shows that the proposed BNSF Bridge 0476-31.89 – Bridge Replacement Boulder White Rock Ditch will not impact the 100-year flood elevation, floodway elevations or floodway widths on Wonderland Creek (Boulder White Rock Ditch) at published or unpublished cross section H in the LOMR Case No. 20-08-0772P for the City of Boulder, dated November 09, 2021, in the vicinity of the proposed project/development.

The following document support my conclusions: LOMR model updated with proposed project conditions.



Signed and sealed by a Registered Colorado P.E.

Name: Brian Marple

Signature: Enclosed

Colorado Registered PE, No. 0053109

Date: 9/2/2022

Company Name: Olsson

Email: bmarple@olsson.com

Phone Number: (402) 938-2416

## MEMORANDUM

**TO:** Planning Board

**FROM:** Christin Shepherd, Civil Engineering Senior Project Manager

**DATE:** November 23, 2022

**CALL UP ITEM:** Floodplain Development Permit Variance (FLD2022-00080)  
2880 Kalmia Ave  
Variance Application for Multi-Unit Residential Structure

---

### Key Dates

Floodplain development permit approved by staff:	11/23/22
The decision may be called up by Planning Board on or before:	12/7/22
There is one Planning Board meeting within the 14 day call up period on:	12/6/22

### Project Description

This variance application is for the redevelopment of a 24-unit apartment building located at 2880 Kalmia Ave (**see Attachment A for vicinity map**). In spring of 2022, the structure sustained substantial damage due to a fire caused by a tenant. The upper floor burned, and the sprinkler system and fire emergency response caused water damage throughout the building so that it is no longer habitable.

The structure is in the regulatory 100-year floodplain of Wonderland Creek. “Regulatory 100-year floodplain” refers to the floodplain boundary delineations that are currently shown on FEMA’s Flood Insurance Rate Maps (FIRMS).

Floodplain Development Permit applications are required for structures within the regulatory 100-year floodplain. Per FEMA, NFIP and city regulation, when the cost of construction exceeds 50% of the structure value (not including the land) for structures in the 100-year floodplain, the entire structure must be brought into compliance with current floodplain regulations. For residential structures, this means that the finished floor must be elevated two feet above the base flood elevation. The planned restoration costs of this structure will exceed 50% of the structure’s value.

This application is seeking a variance to the substantial improvement requirement for elevating the entire structure two feet above base flood elevation based upon Letter of Map Revision (LOMR) application that is pending FEMA approval. The LOMR will revise the floodplain boundary to exclude the structure from the floodplain (**see Attachment B**) and was approved by city staff in 2021. The LOMR application is in the final stages of FEMA approval with an anticipated effective date of August 2023 (**see Attachment C for LOMR application timeline**).

**Land Use Code 9-3-7 Criteria for Floodplain Permit Variance**

- No Expansion or Enlargement of Structure: Repairs are proposed to be constructed on the existing structure foundations. Restoration and upgrades are proposed interior to the structure. The external footprint will remain the same.
- Minimum Necessary to Afford Relief: The Wonderland Creek floodplain improvement project alters the floodplain boundary so that this structure will no longer be within the 100-year floodplain. A variance approval prevents undue expenditures for elevating the structure to two feet above base flood elevation.
- Project does not result in:
  - Additional threats to public safety: the Wonderland Creek floodplain improvement project alters the floodplain boundary so that this structure will no longer be within the 100-year floodplain. Granting this variance will not increase flood heights or create threats to public safety because the structure will be outside the floodplain once the LOMR is issued.
  - Extraordinary public expense: this structure is private property. There is no public expense.
  - Nuisance: the structure is a 24-unit residential structure in a residential neighborhood and is proposed to be replaced in kind. Apart from typical construction noise, there is no additional nuisance to the community.
  - Fraud: this project is not fraudulent.
  - Victimization of the public: the project will not victimize the public.
  - Rises in the 100-year Water Surface Elevation: the Wonderland Creek floodplain improvement project alters the floodplain boundary so that this structure will no longer be within the 100-year floodplain. The LOMR for the Wonderland Creek project is currently in FEMA review and is expected to be approved and issued in 2023 (see **Attachment C** for timeline)
- Exceptional Hardship to the Applicant: The hardship that would result from failure to grant a requested variance must be exceptional, unusual, and specific to the property involved, *not the personal circumstances of the applicant* (FEMA P-993 Bulletin). The purpose of this variance is to expedite the repairs so that the structure can be functional again. The requirement to raise the finished floor to two feet above the base flood elevation would increase repair costs significantly. The increase in repair costs to meet NFIP requirements will not be necessary once the LOMR is issued and the building is outside floodplain boundaries.
- Danger to Life and Property due to Flooding or Erosion Damage: The requested variance and related reconstruction would not pose a danger of flooding or erosion.

- **Likelihood that Proposed Development Increases Flood Hazards:** The Wonderland Creek floodplain improvement project construction is complete and alters the floodplain boundary so that this structure is no longer within the 100-year floodplain.
- **Relationship to the Boulder Valley Comprehensive Plan (BVCP) and Floodplain Management Programs:** Section 2.11 of the BVCP states a goal of preservation of the relative affordability of housing stock. The Magwood Apartments provide 24-units of housing stock with access to public transportation and bike paths.
- **The Cost and Ability of Providing Essential Services:** this is not a critical or essential services facility.

### **Code of Federal Regulations (CFR) Criteria for Variances and Exceptions**

44 CFR 60.6 Variances and Exceptions lists requirements for floodplain variances in addition to the criteria in Boulder's Land Use Code. FEMA bulletin P-993 / July 2014 Variances and the National Flood Insurance Program (NFIP) provides additional guidance for these regulations and assists floodplain managers.

- **Technical Justification for Lots Over one-half Acre in Size:** The purpose of this justification is to explain why the building cannot use the additional lot space to elevate structures or provide more drainage features. The LOMR application was approved by city staff in 2021 and is in the final stages of completion for submittal to FEMA with an anticipated effective date of August 2023 (see **Attachment C** for LOMR application timeline).
- **Preserve Historic Designation:** this structure is not classified as or eligible to be classified as a historic structure.
- **Notification to Applicant of Potential Flood Insurance Premium Increase:** a notification letter will be sent to the applicant if this variance is approved by Planning Board.
- **Record of Variance Action:** this memorandum, all attachments and planning board's decision will serve as a record of variance action and will be reported in the city's verification with the Federal Insurance Administrator.

### **Associated Wetland Permits**

This project does not impact regulatory wetlands or wetland buffer zones and does not require a separate wetland permit.

Questions regarding this project should be directed to Christin Shepherd in Planning and Development Services at 303-441-3425 or [ShepherdC2@bouldercolorado.gov](mailto:ShepherdC2@bouldercolorado.gov).



Attachments:

- A. Vicinity Map
- B. Map of 100-year Floodplain Boundary Changes
- C. LOMR Application Timeline
- D. Floodplain Development Permit and Written Statement

References:

- Land Use Code, 9-3-7 Variances
- 44 CFR § 60.6 Variances and exceptions
- Floodplain Management Bulletin, Variances and the National Flood Insurance Program FEMA P-993 / July 2014









# Attachment A

## Item 4B - 2880 Kalmia Ave Floodplain Development Permit Variance



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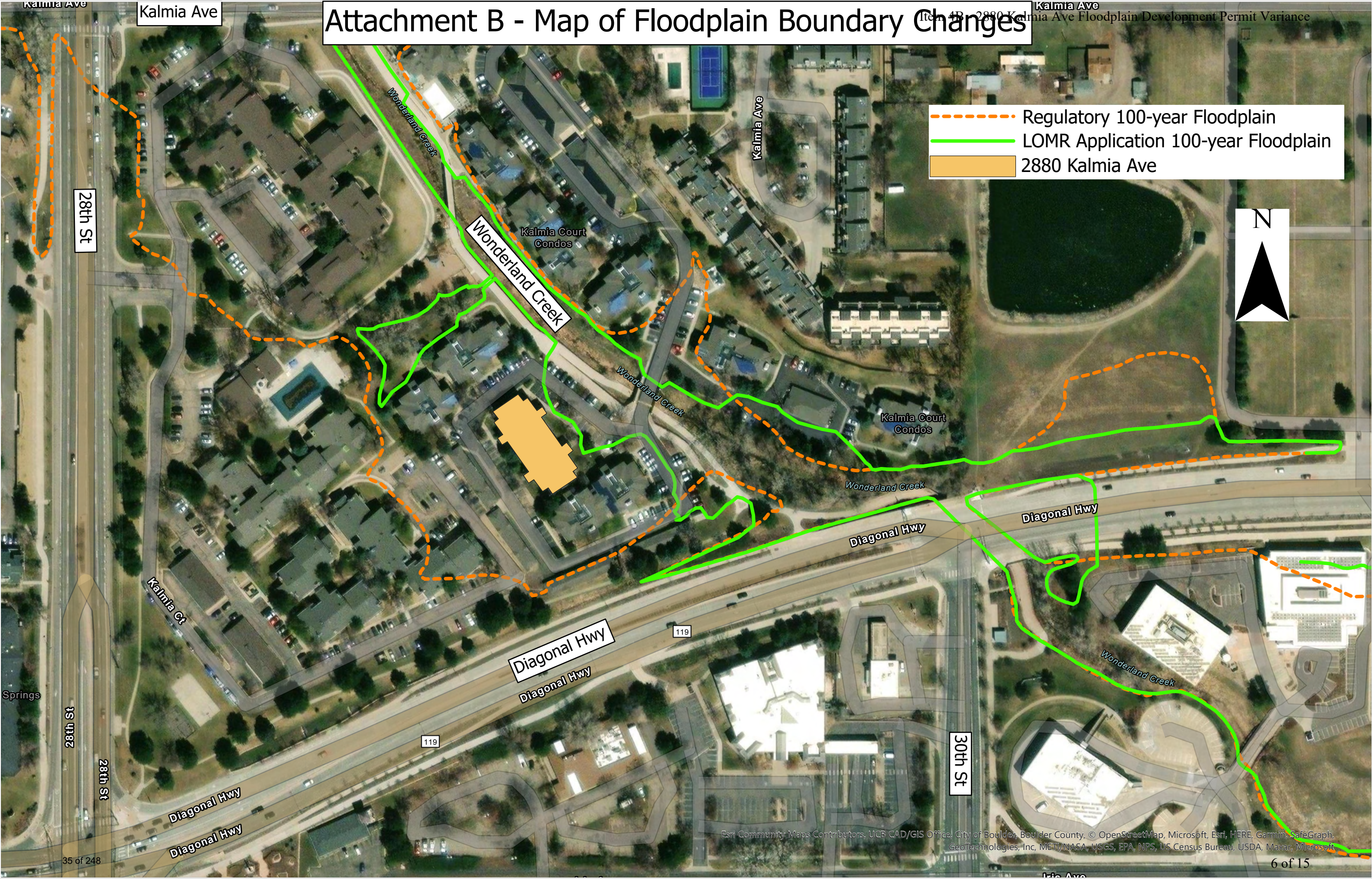
-  Override 1
-  City Limits
-  Street Labels
-  Creeks and Ditches
-  Creek
-  Creek Intermittent
-  Creek Ephemeral
-  Ditch





# Attachment B - Map of Floodplain Boundary Changes

- Regulatory 100-year Floodplain
- LOMR Application 100-year Floodplain
- 2880 Kalmia Ave





### **Attachment C - LOMR Application Timeline**

- 2012-2015 Wonderland Creek flood improvement project designed with intended goal to remove multiple structures, including the subject property, from the 100-year floodplain and protect life and property from flood hazards.
- May 2015 Conditional Letter of Map Revision (CLOMR) for Wonderland Creek flood improvement project is approved by FEMA. A CLOMR is FEMA's comment on a proposed project within the 100-year floodplain on whether the proposed project meets floodplain management regulations and criteria.
- Dec 2019 Wonderland Creek flood improvement project construction substantially complete.
- Feb 2020 Letter of Map Revision (LOMR) application submitted to City for review and approval. A LOMR application is an official request to FEMA to revise the current flood map (FIRM) and base flood elevations based upon post construction conditions.
- June 2020 LOMR approved by City staff.
- Aug 2021 LOMR submitted to FEMA for first review. FEMA requested corrections.
- Nov 2021 LOMR submitted to FEMA for second review. FEMA requested corrections.
- Dec 2021 FEMA suspends LOMR case while applicant team attempts to address comments in the model without additional construction. Minor construction (the lengthening of a weir under Foothills Parkway) is required. Informal meeting with FEMA results in expectation that the minor construction improvements will result in LOMR approval. These minor construction updates will not alter the LOMR application floodplain boundary at the Kalmia property shown in Attachment B.
- Dec 2022 Permitting and mobilization for minor construction begins.
- Jan 2023 Anticipated completion of minor construction and anticipated final submittal of LOMR to FEMA.
- April 2023 Anticipated FEMA approval of LOMR.
- July 2023 Anticipated end of LOMR's 90-day technical appeal period. A technical appeal period is the timeframe that a LOMR can be appealed by any party. The appeal must be technical in nature and show that the LOMR analysis was completed incorrectly. Technical appeals are rarely made and rarely granted.
- Aug 2023 Anticipated FEMA issuance of LOMR. Issuance results in redrawn floodplain boundaries and new flood maps (FIRMs).



## Floodplain Development Permit Application

The Guidance Document (<https://bouldercolorado.gov/media/1171/download?inline>) for this application defines all terms and provides detailed instructions on how to complete each section. ***It is strongly recommended that you use the Guidance Document to complete this application.***

- ***Floodplain Development Permits are required for all projects located within designated floodplains*** to protect public health, safety and welfare from flood risk.
- ***Incomplete applications will NOT be accepted.***

### ► REQUIRED MATERIALS FOR ALL APPLICATIONS:

- ☒ Completed application for each structure on the property
- ☒ Site Plan with all flood zones depicted
- ☒ Elevation verification documentation
- ☐ Applicable construction drawings Not required for a variance application.

### ► REQUIRED MATERIALS FOR PROJECTS WITHIN THE CONVEYANCE OR HIGH HAZARD ZONES:

- ☐ Written response to review criteria (*see page 4*)
- ☐ Additional engineering analysis may be required
- ☐ A one-page executive summary of proposed work

### ► TO SUBMIT YOUR PERMIT APPLICATION:

- ☐ Provide one hard copy
- ☐ Provide one electronic copy on a USB
- ☐ Submit completed application materials in person to a project specialist at:  
 Planning & Development Services Center  
 1739 Broadway, 3rd Floor  
 Boulder, CO 80306
- ☐ Floodplain Development Permits require a submittal fee that may vary from \$35 to \$3,600 depending on the type of flood permit. See Guidance Document for more information.

*Continued on next page*

## Item 4B - 2880 Kalmia Ave Floodplain Development Permit Variance

► **PROJECT INFORMATION**

Project Address: 2850 Kalmia Ave, Boulder, CO 80301

Project Description (e.g. first floor 750 square foot addition, construction of new bike path, 3rd floor remodel in existing office building):

This application is for a variance under the Boulder Revised Code 9-3-7 from City floodplain regulations. A narrative detailing the request for a variance from the substantial improvement threshold is attached. The damaged building will be removed from the floodplain upon issuance of the LOMR which has been delayed.

► **CONTACT INFORMATION**

## Applicant Contact Information

Name	Kimberly Lord	Phone #	303.447.0450	Email Address	Kim@PackardDierking.com
Address	2595 Canyon Blvd, Suite 200	City	Boulder	State	CO Zip 80302

Property Owner Contact Information ☐ Same as Applicant

Name	Melanie Varrato	Phone #	312.425.0791	Email Address	melanie.varrato@heitman.com
Address	191 North Wacker Drive, Suite 2500	City	Chicago	State	IL Zip 60606

► The owner of the property is aware of and consenting to the improvements being made in this permitting process.

Signature of Owner:

DocuSigned by:  
  
 FB07C335670B479...

Date: 10/20/2022 | 3:56 PM PDT

This application will not be accepted without the owner's signature.

Continued on next page



Item 4B - 2880 Kalmia Ave Floodplain Development Permit Variance

The [Guidance Document](#) for this application defines all terms and provides detailed instructions on how to complete each section. ***It is strongly recommended that you use the Guidance Document to complete this application.***

ADDITIONAL REQUIRED INFORMATION

► PROJECT DETAILS      Check all that apply

Project Type	<input type="checkbox"/> New Structure	<input type="checkbox"/> Mech/Elect/Plumb Improvement	<input type="checkbox"/> Fence
	<input type="checkbox"/> Addition	<input type="checkbox"/> Remodel/Renovation	<input checked="" type="checkbox"/> Other: <u>Rebuild after fire damage.</u>
	<input type="checkbox"/> Alteration		
Building Type	<input checked="" type="checkbox"/> Principal	<input type="checkbox"/> Accessory	
Existing Use	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Non-Residential	<input type="checkbox"/> Mixed-Use <input type="checkbox"/> Vacant Land
Proposed Use	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Non-Residential	<input type="checkbox"/> Mixed-Use <input type="checkbox"/> Vacant Land

Is the structure a critical or lodging facility?    ☐ Yes    ☒ No

► FLOODZONES

Creek Name (e.g. South Boulder Creek): Wonderland Creek

Flood Zone:      Check all that apply

<input checked="" type="checkbox"/> AE	<input type="checkbox"/> AO	<input type="checkbox"/> AO3	<input type="checkbox"/> High Hazard
<input type="checkbox"/> A	<input type="checkbox"/> AO1	<input type="checkbox"/> X	
<input type="checkbox"/> AH	<input type="checkbox"/> AO2	<input type="checkbox"/> Conveyance	

***Projects affecting the Conveyance and High Hazard Zones require additional time for public process and often require an engineer.*** See Guidance Document for more information.

► ELEVATION VERIFICATION DOCUMENTS

Source Document (check one and attach to application):    ☐ Elevation Certificate    ☐ FIS Profile    ☐ City Flood Map

Provide the following elevations:

- Finished Floor Elevation (FFE): e.g. 5660'      5323.4      ft.
- Base Flood Elevation (BFE):      5325.0      ft.
- Flood Protection Elevation (FPE):      5327.0      ft.
- Highest Adjacent Grade (HAG):      5326.1      ft.

Provide proposed construction drawings demonstrating:

- ☐ The FFE, BFE and FPE on elevation sheets
- ☐ All mechanical/electrical/HVAC equipment is elevated above the BFE
- ☐ Sanitary sewer connections are elevated above the BFE or protected by a backflow prevention valve
- ☐ Flood damage resistant materials are used to or above the FPE

Continued on next page

## Item 4B - 2880 Kalmia Ave Floodplain Development Permit Variance

The [Guidance Document](#) for this application defines all terms and provides detailed instructions on how to complete each section. ***It is strongly recommended that you use the Guidance Document to complete this application.***

► **SUBSTANTIAL IMPROVEMENT FOR WORK TO AN EXISTING STRUCTURE**

If project cost exceeds 50% of the assessed structure value, the entire structure must be brought into compliance with current local, state and federal flood regulations.

1. Total Cost of Project: \$ 4,783,222
2. Assessed Structure Value: \$ 7,443,354
3. Total Cost (1.) divided by Assessed Structure Value (2.): 64.26 %

► **FOR PROJECTS IN THE CONVEYANCE OR HIGH HAZARD ZONES**

A written statement addressing the following 15 criteria must be provided.

1. The effects upon the efficiency or capacity of the conveyance zone and high hazard zone;
2. The effects upon lands upstream, downstream, and in the immediate vicinity;
3. The effects upon the one hundred-year flood profile;
4. The effects upon any tributaries to the main stream, drainage ditches, and any other drainage facilities or systems;
5. Whether additional public expenditures for flood protection or prevention will be required;
6. Whether the proposed use is for human occupancy;
7. The potential danger to persons upstream, downstream, and in the immediate vicinity;
8. Whether any proposed changes in a watercourse will have an adverse environmental effect on the watercourse, including, without limitation, stream banks and streamside trees and vegetation;
9. Whether any proposed water supply and sanitation systems and other utility systems can prevent disease, contamination, and unsanitary or hazardous conditions during a flood;
10. Whether any proposed facility and its contents will be susceptible to flood damage and the effect of such damage;
11. The relationship of the proposed development to the Boulder Valley Comprehensive Plan and any applicable floodplain management programs;
12. Whether safe access is available to the property in times of flood for ordinary and emergency vehicles;
13. Whether the applicant will provide flood warning systems to notify floodplain occupants of impending floods;
14. Whether the cumulative effect of the proposed development with other existing and anticipated uses will increase flood heights; and
15. Whether the expected heights, velocities, duration, rate of rise, and sediment transport of the floodwaters expected at the site will adversely affect the development or surrounding property.

## SIGN POSTING REQUIREMENTS APPLICANT'S ACKNOWLEDGMENT FORM

Required for Certain Land Use Review, Administrative Review, Technical Document Review, and Board of Zoning Adjustment Applications

### CITY CODE REQUIREMENT FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS -

**Excerpt of Section 9-4-3(c), B.R.C. 1981:** Public Notice of Application: The city manager will provide the following public notice of a development review application:

(1) Posting: After receiving such application, the manager will cause the property for which the application is filed to be posted with a notice indicating that a development review application has been made, the type of review requested, and that interested persons may obtain more detailed information from the planning department. The notice shall meet the following standards:

(A) The notice shall be placed on weatherproof signs that have been provided by the City and placed on the property that is the subject of the application.

(B) All such notice shall be posted no later than ten days after the date the application is filed to ensure that notice is posted early in the development review process.

(C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.

(D) The signs shall remain in place during the period leading up to a decision by the approving authority, but not less than ten days.

(E) On or before the date that the approving authority is scheduled to make a decision on the application the city manager will require the applicant to certify in writing that required notice was posted according to the requirements of this section.

I, Kimberly LORD, am filing a Land Use Review, Administrative Review, Technical Document Review, or BOZA application [on behalf of] Boulder Apts Co. Inc for the property located at 2850 Kalmia. I have read the city's sign posting requirements above and acknowledge

(PRINT NAME OF APPLICANT OR CONTACT PERSON)  
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)  
(PRINT PROPERTY ADDRESS OR LOCATION)

and agree to the following:

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.
2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.
3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).
4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

Kimberly LORD  
NAME OF APPLICANT OR CONTACT PERSON

Oct. 20, 2022  
DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.

## **Floodplain Development Permit**

### **Project Description - Request for Variance**

**Property Description:** a 24-unit apartment building at 2880 Kalmia (the “Property”) and located within the Magwood Apartments complex. The apartments provided much needed moderately priced housing in Boulder for the local workforce as well as some students. Boulder Apts. Co. Inc., an entity formed on behalf of a state pension fund, is the owner.

The building with the 24 apartment units sustained substantial damage in Spring 2022 due to a fire caused by a tenant’s cigarette. The upper floor burned, and the sprinkler system and fire fighting caused water damage throughout the building. All 24 units had to be vacated and the tenants were assisted with relocation. The Property owner is working diligently to restore the damaged building.

The building is located within the effective 100-year floodplain but will be outside the floodplain once the final LOMR for the Wonderland Creek Flood Improvements is issued. A CLOMR has already been approved and it is our understanding that the LOMR has been substantially approved pending one final requirement that the City of Boulder modify a downstream culvert as required by FEMA.

The planned restoration will exceed the Substantial Improvement threshold (50%) for the 100- year floodplain requiring compliance with extensive floodproofing standards, standards that will no longer apply once the LOMR is issued. The owner is in a difficult situation where it would like to restore the Property as soon as possible but will have to plan for floodproofing that will no longer be required upon issuance of a LOMR removing the property from the floodplain. The floodproofing would require elevating the lowest floor which would necessitate destroying the existing foundation, a foundation which otherwise could still be used, and completely rebuilding which is not feasible with the LOMR pending. A variance would allow the 24 units to be restored and without the variance no restoration of any of the lost units is feasible at this juncture.

With a variance, the lower floor configurations will not change and can be restored without the requirement of new foundations.

**Wonderland Creek Flood Improvements.** The Winding Trail to Foothills Parkway improvements consisted of an approximately \$30M project to provide channel improvements to contain flows associated with the 1% annual chance of flood (aka 100-year floodplain). The improvements were designed to reduce the flood risk to numerous properties in the 100-year floodplain. These improvements were the basis for a Letter of Map Revision (LOMR) submitted by the City to FEMA. The improvements result in a significantly narrowed floodplain which removes the building from the 100-year floodplain.

The property owner has worked with both Christin Shepherd (City Floodplain & Wetland Administrator) and Joe Taddeucci (City Director of Public Works) to better understand the status of the LOMR and alternatives for restoration. Issuance of the LOMR is currently waiting on modifications to downstream culverts at Foothills Parkway. City engineers indicated that the remaining culvert work has no impact on the Property and all the work necessary to remove the Property from the floodplain has already occurred. Between coordinating with the CDOT on the culverts and final FEMA approval of the LOMR

the project could be pushed out up to a year or longer. The culvert modification alone is relatively minor, but the administrative process is lengthy.

The timeliest path for the property owner to begin construction is to pursue a variance.

**Purpose of Application:** Approval of a variance from the Substantial Improvement thresholds for the 100-year flood plain contained in Boulder Revised Code 9-3-3. BRC 9-3-7 allows for the city manager to grant a variance from the requirements of BRC 9-3-3. This Property meets the criteria for a variance because the LOMR removing the Property from the 100-year flood plain is in process and all of the work necessary for this revision has occurred.

Per Code, the property owner is required to start reconstruction within a year of the casualty and complete the work within two years. While we understand that this time frame may be extended, it is important to bring the lost 24 apartment units back to occupancy as soon as possible. The delay in the LOMR is through no fault of the property owner and is a technicality that would result in substantial and unnecessary hardship as further detailed below.

**Substantial Improvement (SI) Threshold.** Detailed cost analysis has been conducted by the engineering and construction management team at Vertex in Denver on behalf of the property owner. The cost analysis concludes that restoration of the Property will exceed the 50% SI threshold. Exceeding this threshold requires reconstruction in accordance with the 100-year floodplain standards. Once the LOMR issues these requirements will no longer apply.

#### **Code Variance-9-3-7, Boulder Revised Code**

This project satisfies the Code standards in 9-3-7 for a variance from the 100-year floodplain requirements. The Wonderland Creek Flood Improvements are effectively complete and will remove the property from the floodplain once the LOMR is issued. The property owner would be subjected to substantial hardship if required to floodproof a project that will likely be out of the regulatory floodplain by the time the project is completed. The delayed LOMR for downstream work is negatively impacting the restoration of the apartments. The requirements for the 100-year floodplain would include the use of special materials and most notably elevating the structure. This would require tearing out a foundation and redesigning the entire building. All of these standards will be moot upon issuance of the LOMR and all of the work to remove the Property from the 100-year floodplain has already occurred.

Compliance with the requirements of 9-3-7 are detailed below:

#### **The City manager's required criteria for a variance are met:**

Considering the flood hazard, the variance is the minimum necessary to afford relief. The flood hazard has already been mitigated by the Wonderland Creek Flood Improvements. The Property will be removed from the floodplain upon issuance of the LOMR. The LOMR has been delayed due minor downstream work that does not impact the Property. The only way to allow the property owner to move forward with restoration at this juncture is to grant a variance from compliance with the 100-year floodplain for the Property prior to issuance of the LOMR.

A Variance would not threaten public safety. The flood threat has already been addressed through the Wonderland Creek Flood Improvements. The Property will not be included in the regulatory floodplain once the LOMR is issued.

Failure to Grant the Variance would result in substantial hardship to the applicant. Requiring the property owner to design for the 100-year floodplain because of a regulatory delay constitutes substantial hardship. At a practical level, the restoration will be significantly impacted and will require substantially more time and expense that will ultimately be of no value when the Property is removed from the floodplain. The Wonder Creek Flood Improvements are complete with the exception of a FEMA requirement that the City conduct downstream culvert work. Requiring the property owner meet the SI thresholds as a result of a delayed LOMR would result in substantial hardship.

**Per Code, the City manager will also examine the following factors:**

Danger to life and property due to flooding or erosion damage. The Wonderland Creek Flood Improvements have already reduced the danger of flooding at the Property. The proposed variance and related reconstruction will not pose a danger of flooding or erosion.

Likelihood that the proposed development, in conjunction with existing and anticipated development, may increase flood hazards. The proposed restoration will not result in any increased flood hazard. The existing foundation will remain, and the ground floor will retain the same layout that currently exists. The existing foundation will be used.

The relationship of the proposed development to the Boulder Valley Comprehensive Plan and any applicable floodplain management program. The proposed work is restoration of an existing 24 unit building within the Magwood Apartments in North Boulder. The loss of 24 units of moderately priced housing in Boulder is detrimental to the community and the property owner. Without a variance, the restoration work on the 24 units cannot start. The Boulder Valley Comprehensive Plan (BVCP) recognizes the need for a diverse housing stock and the Magwood provides very nice apartments focused on moderate income tenants with excellent access to public transportation and bike paths. Preservation of the relative affordability of housing stock is a stated goal in the BVCP (2.11). Reconstruction is consistent with the City floodplain management for this area since the Wonderland Creek Flood Improvements were specifically designed to remove multiple structures, including the damaged building at issue, from the 100-year floodplain in an effort to protect from flood hazards.

Cost and ability of providing essential services, such as maintaining and protecting public utility systems, roads, and bridges, and of restoring normal operations for the community during and after floods.

The reconstruction on the Property will not have any impact on essential services or any of the other categories listed above.

**Conclusion**

A variance from the Substantial Improvement threshold is appropriate per Code to allow the proposed restoration to proceed. The damaged building will be removed from the floodplain upon issuance of the LOMR which has unfortunately been delayed.



## MEMORANDUM

**TO:** Planning Board

**FROM:** Christin Shepherd, Civil Engineering Senior Project Manager

**DATE:** November 23, 2022

**CALL UP ITEM:** Floodplain Development Permit (FLD2022-00074)  
445 Christmas Tree Drive  
Renovation and Remodel of Residential Structure

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### Key Dates

Floodplain development permit approved by staff:	11/23/22
The decision may be called up by Planning Board on or before:	12/7/22
There is one Planning Board meeting within the 14 day call up period on:	12/6/22

### Project Description

The proposed project includes renovation and remodel of an existing residential structure located in the 100-year floodplain, Conveyance and High Hazard Zones of Gregory Canyon Creek (**Attachment A**).

Per city and federal floodplain regulations, when the cost of construction exceeds 50% of the structure value (not including the land) for structures in the 100-year floodplain, the entire structure must be brought into compliance with current floodplain regulations.

The proposed renovation will exceed the 50% threshold and must be brought into compliance with all FEMA, NFIP and city floodplain regulations.

For this structure to come into compliance, the following must occur:

- No portion of the structure may be in the High Hazard Zone,
- The finished floor elevation must be two feet above base flood elevation, and
- The attached garage must have the required number of flood vents installed.

### Project Compliance

The applicant has demonstrated compliance with the City's floodplain regulations, including 100-year floodplain, Conveyance and High Hazard Zone restrictions by completing the following:

- Portions of the structure located in the High Hazard Zone will be deconstructed thereby removing the structure from the High Hazard Zone (**see the last page of Attachment B**),

- The finished floor elevation will be raised so that it is two feet above base flood elevation (**see Attachment C**), and
- Flood vents will be installed in the attached garage (**see Attachment C**).

The proposed project will not adversely impact nearby properties. A copy of the floodplain development permit (**Attachment D**) and application materials (**Attachment B**) is attached.

#### **Associated Wetland Permits**

This project does not impact regulatory wetlands or wetland buffer zones and does not require a separate wetland permit.

#### **Additional Information**

Approximately ten pages of flood maps, flood elevation analysis and floor plan architectural sheets have been removed from the application report to condense the material for Planning Board review. These pages are available upon request.

Questions regarding this project should be directed to Christin Shepherd in Planning and Development Services at 303-441-3425 or [ShepherdC2@bouldercolorado.gov](mailto:ShepherdC2@bouldercolorado.gov).

#### Attachments:

- A. Vicinity Map
- B. Floodplain Development Application Report
- C. Architectural Elevation Sheets
- D. Floodplain Development Permit Application





© 2022 City of Boulder, Colorado | For additional info, please visit  
<https://boulderplandevlop.net> | Date: 11/7/2022

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ft





September 15, 2022

Christin Shepherd, P.E., CFM  
Planning and Development Services  
City of Boulder  
1739 Broadway, Third Floor  
Boulder, CO 80306

Reference: Floodplain Development Permit  
445 Christmas Tree Drive – Boulder, Colorado  
SiteWorks Project No. 20451B

Dear Christin:

SiteWorks has reviewed the floodplain development permit requirements for the existing single-family residential remodel/renovation project located at 445 Christmas Tree Drive, in Boulder, Colorado. This letter has been prepared based on the architectural plans prepared by HMH dated September 16, 2022, and our previous floodplain development work at the site.

## INTRODUCTION

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This report is submitted in support of the Floodplain Development Permit Application for the proposed single-family residential remodel/renovation project located at 445 Christmas Tree Drive, in the City of Boulder, Boulder, Colorado. The site is located in the SE ¼ Section 36, T1N, R71W of the 6th P.M., in Boulder County, State of Colorado. The area of the project site is approximately 0.31 acres. The project includes the remodel/renovation of the existing single-family residential structure.

The purpose of this study was to calculate the Flood Protection Elevation (FPE) needed for the existing building and to meet the City of Boulder Floodplain Development Regulations.

All elevations listed in this report are referenced to the North American Vertical Datum of 1988 (NAVD 88).

## RELEVANT DOCUMENTS

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The following reports, files and drawings form the basis of this report: 1) Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) - Map Number 08013C0393 K dated December 7, 2017; 2) The "Request for Letter of Map Revision – Gregory Canyon Creek" prepared by Belt Collins West dated January 2010 Revised June 2010 (As approved by FEMA); 3) FEMA P-758 – "Substantial Improvement/Substantial Damage Desk Reference" dated May 2010; 4) FEMA Technical Bulletin 2, "Flood Damage Resistant Materials Requirements; and; 5) FEMA P-348 Edition 2 – "Protecting Building Utility Systems From Flood Damage" dated February 2017.

## EXISTING FLOODPLAIN CONSIDERATIONS

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Based on the FEMA Flood Insurance Rate Map (FIRM) – Map Number 08013C0393 K dated December 7, 2017, portions of the site are located within Zone AE “Areas Inundated by the 100-year Flood”. Furthermore, the City of Boulder’s High Hazard and Conveyance Zone Mapping show that portions of the site are located inside of the High Hazard and Conveyance Zones. A copy of the relevant FEMA FIRM and City of Boulder mapping has been attached to this letter.

## PROPOSED IMPROVEMENTS

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The project includes the remodel and renovation of an existing single-family residential structure. Portions of the existing structure are located within the Conveyance and High Hazard Zones. The proposed renovation will exceed the 50% substantial improvement/substantial damage (SI/SD) threshold. Since the project exceeds the SI/SD threshold, a portion of the existing building will be removed from the High Hazard Zone. The existing structure will then be modified to meet the current floodplain development regulations in accordance with the SI/SD requirements.

## FLOODPLAIN DEVELOPMENT CONSIDERATIONS

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Calculations and interpolations were made in order to determine the 100-year water surface elevation at the most upstream corner of the structure. The results of this interpolation show that the 100-year Base Flood Elevation (BFE) at the upstream corner of the structure is at elevation 5,619.6' (NAVD88). Based upon the City of Boulder Floodplain Development Regulations, the Flood Protection Elevation (FPE) is two (2) feet above the BFE, or elevation 5,621.6' (NAVD88). The finished floor of the proposed renovated building will be constructed to the elevation of 5,621.7' (NAVD88) and is above the FPE. The proposed building addition will be a slab on grade construction and will not include a crawl space.

The attached garage is located below the finish floor and is used solely for the parking of vehicles and storage. Therefore, the garage will be designed and constructed with special openings located at grade that will allow for entry and exit of floodwaters. A minimum of one (1) square inch (SI) of opening for every square foot (SF) of enclosed floor area will be provided per the City of Boulder Floodplain Development Regulations. The openings will be provided on both the upstream and downstream sides of the garage. Therefore, the proposed garage has 841 SF of enclosed floor area and will require 841 SI of openings. The garage will be fitted with five (5) Smart Vents, Model No. 1540-524. Each vent has been ICC-ES evaluated and FEMA approved to protect 200 SF of floor area. This configuration will accommodate 1,000 SF of floor area, or greater than the area required.

## FLOOD RESISTANT MATERIALS

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The City of Boulder requires that all construction materials located below the Flood Protection Elevation (FPE) be flood resistant in accordance with FEMA Technical Bulletin 2, "Flood Damage Resistant Materials Requirements." The proposed building will be a slab on grade construction and will not include a crawl space. Therefore, the project will not need to comply with TB-2.

In the garage, the existing concrete stem walls extend above the BFE. The existing drywall and interior finishes would remain as-is.

## PROTECTION OF UTILITIES

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All internal and external electrical and mechanical equipment will be installed above the base flood elevation. All utilities will be installed in conformance with FEMA P-348 "Protecting Building Utilities from Flood Damage."

## SUBSTANTIAL IMPROVEMENT/SUBSTANTIAL MODIFICATION

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Per the City of Boulder Land Use Code, Chapter 9-3: Overlay Districts, 9-3-3: Regulations Governing the Floodplain, any person making a substantial improvement to an existing residential structure shall elevate the lowest floor, including the basement, of the substantially modified or improved portion to or above the flood protection elevation. Reference Boulder Revised Code Chapter 9-3-3 paragraph (a)(16)(A).

A "Substantial Improvement" is defined in the City of Boulder Land Use Code as any repair, reconstruction, rehabilitation, addition, or improvement of a structure the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement.

A "Substantial Modification" means any expansion or enlargement of a structure which equals or exceeds fifty percent of the floor area of the structure intended for human occupancy, considered cumulatively, commencing July 12, 1978.

The proposed work will exceed the 50% of the assessed value of the structure. Therefore, this project meets the requirements for Substantial Improvements. The existing building will be required to be modified to conform to the current floodplain development regulations.



Christin Shepherd, P.E., CFM  
City of Boulder  
September 15, 2022  
Page 4 of 4

## CONVEYANCE ZONE DEVELOPMENT CONSIDERATIONS

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Portions of the site are located inside of the High Hazard and Conveyance Zones. As noted, the proposed renovation will exceed the 50% substantial improvement/substantial damage (SI/SD) threshold. Since the project exceeds the SI/SD threshold, a portion of the existing building will be removed from the High Hazard Zone. The existing structure will then be modified to meet the current floodplain development regulations in accordance with the SI/SD requirements.

The portion of existing building to be removed is also located within the Conveyance Zone. A small portion of the existing building will remain in the Conveyance Zone. But the partial demolition of this portion of the building will increase conveyance in the floodway.

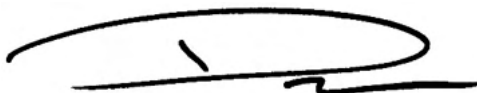
## CONCLUSIONS

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In summary, it is our conclusion that the proposed improvements will not create any negative impacts to the Gregory Canyon Creek Floodplain, Conveyance or High Hazard Zones. The proposed improvements will have no significant impact on water surface elevations or properties upstream, downstream or in the immediate vicinity of the project and will meet City requirements for floodplain development.

Should you have any questions or comments concerning this letter, kindly give us a call.

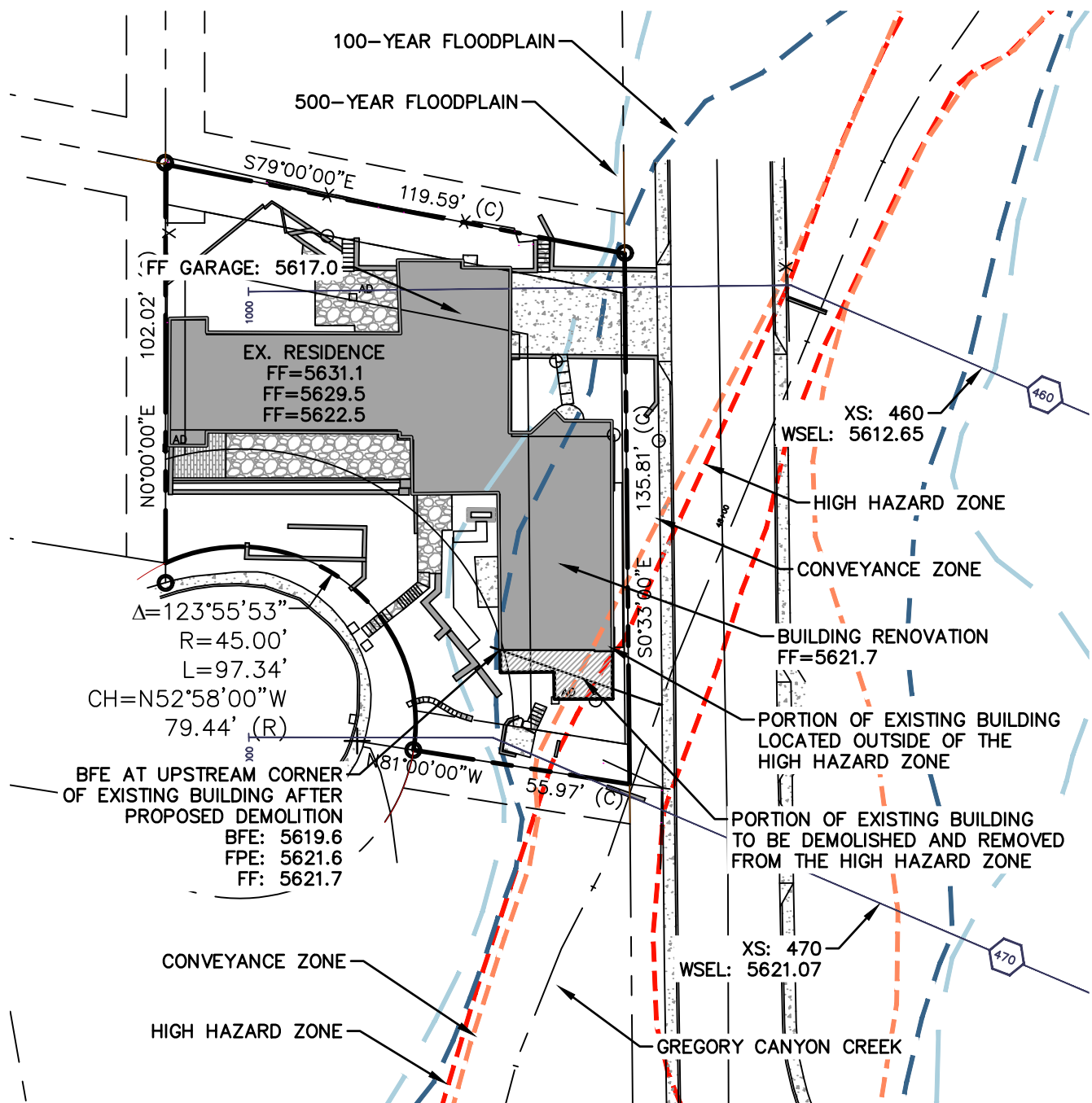
Sincerely,



Donald P. Ash, P.E.  
Principal – SiteWorks

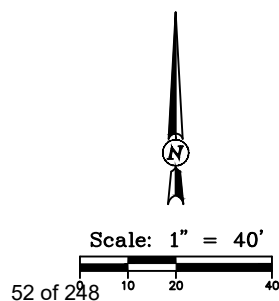


Enclosures: Floodplain Development Application Form  
Location Map  
Site Plan  
FEMA Elevation Certificate  
FEMA FIRM Map Number 08013C0393 K dated December 7, 2017  
City of Boulder GIS Flood Mapping  
Response to the City's 15 Floodplain Impact Factors



# SITE PLAN

SCALE: 1" = 40'



445 CHRISTMAS TREE DRIVE  
BOULDER, COLORADO

## SITEWORKS

civil engineering • planning • land entitlements  
5649 Pennsylvania Avenue • Boulder, Colorado 80303  
(303) 918 - 7859

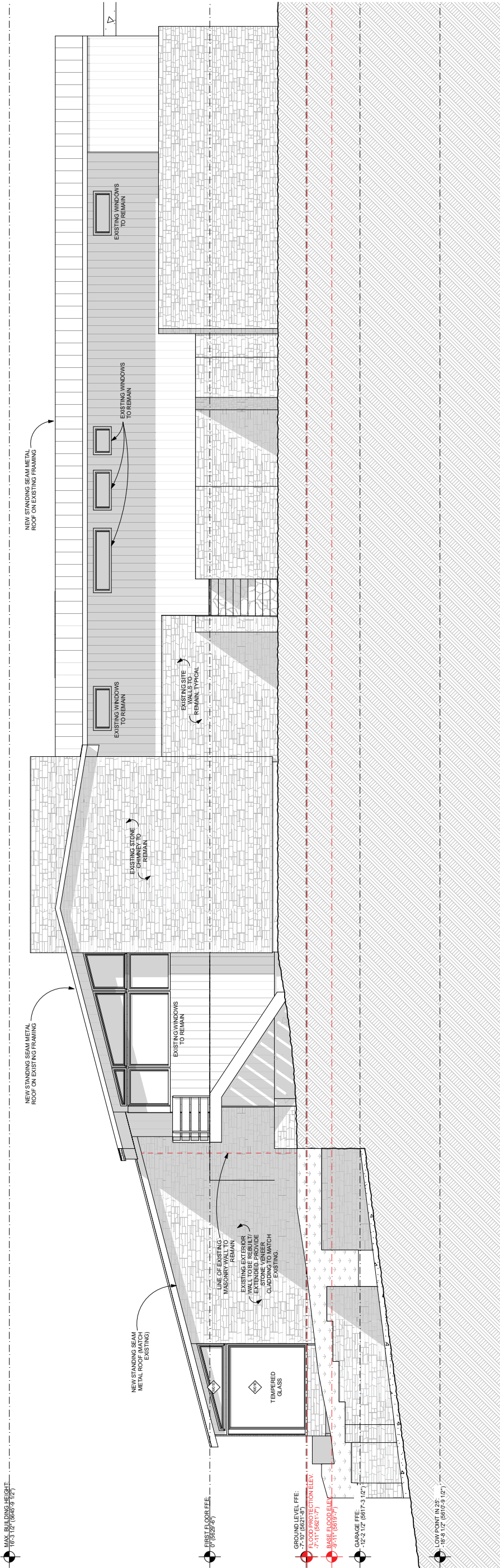
DATE: 9/16/22

DRAWN BY: KN  
CHECKED BY: HMH  
PROJECT #

NORTH & SOUTH  
ELEVATION

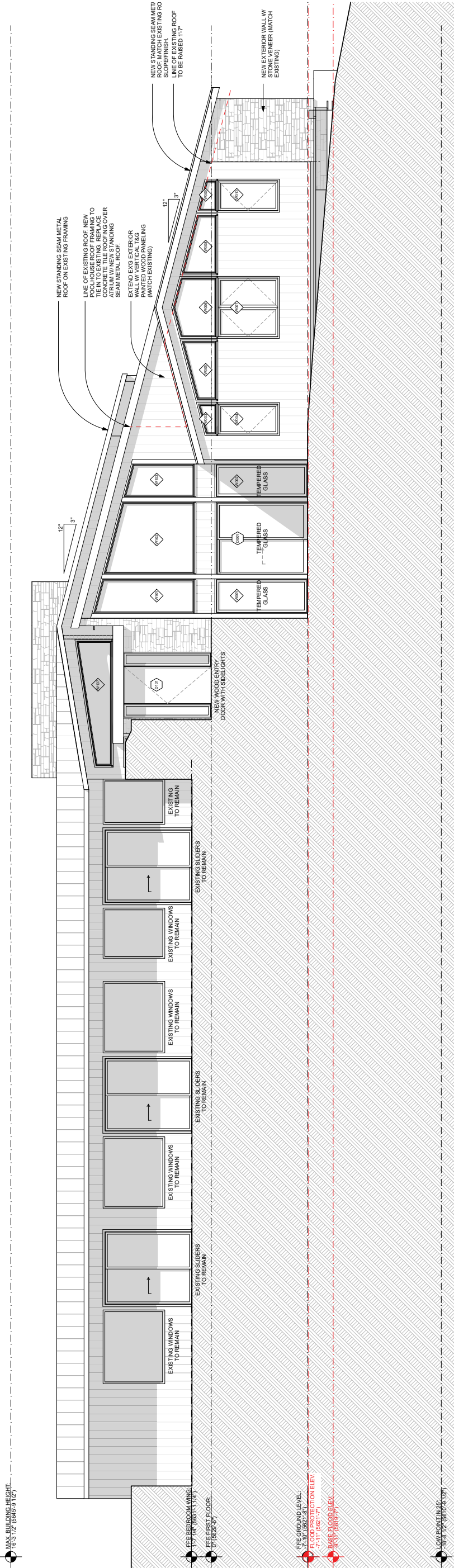


A3.1



1 NORTH ELEVATION

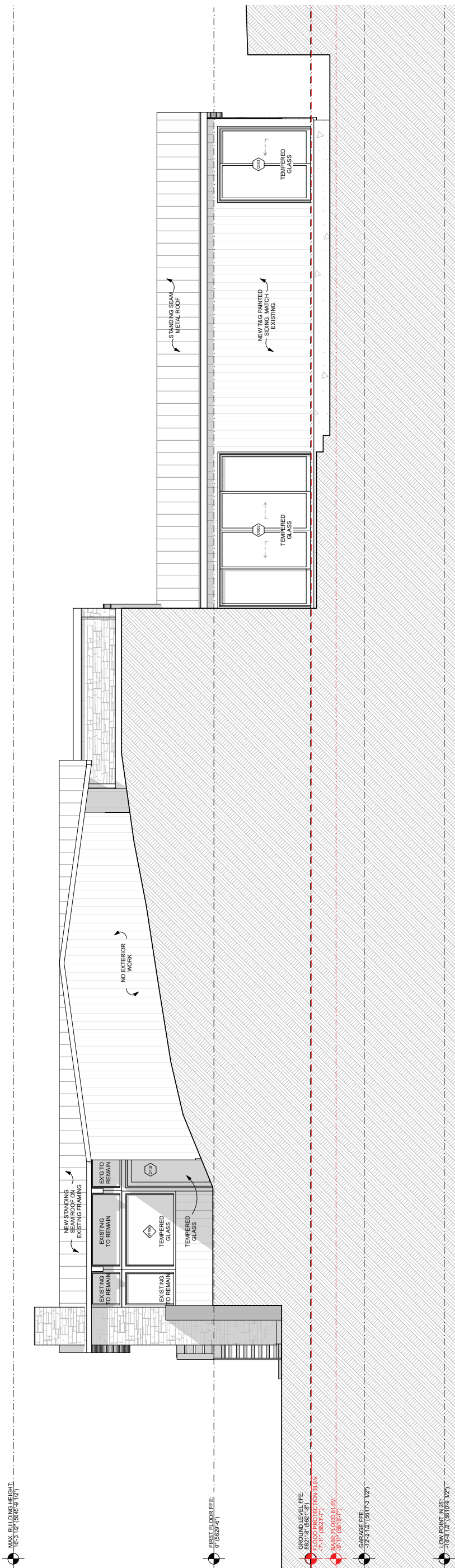
SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION

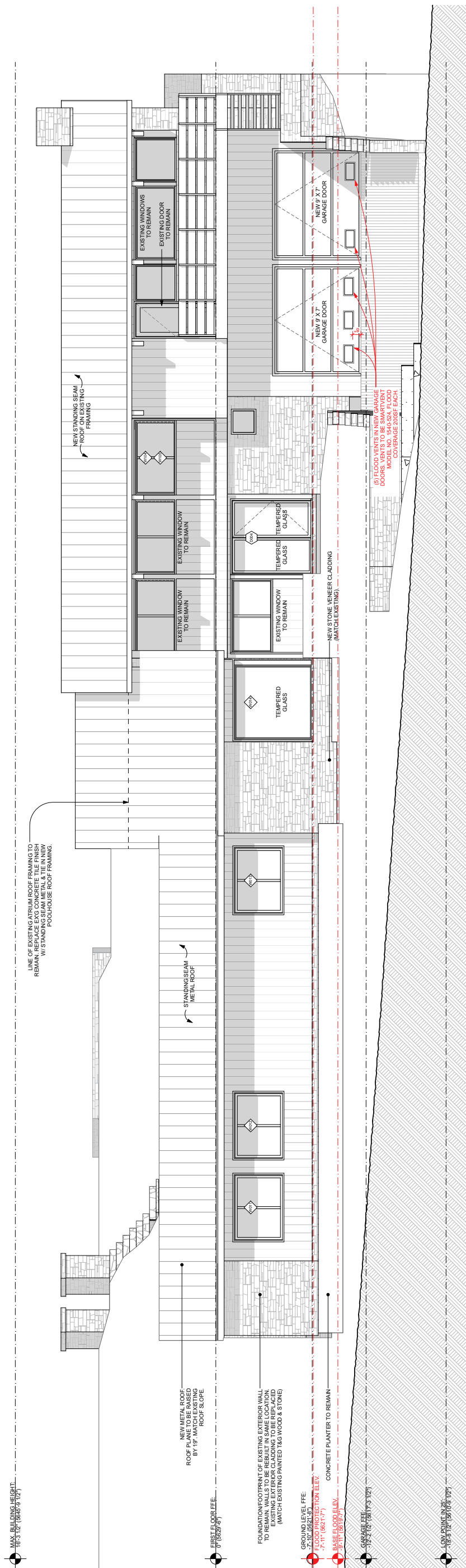
SCALE: 1/4" = 1'-0"





## WEST ELEVATION

SCALE: 1/4" = 1'-0"



EAST ELEVATION

SCALE: 1/4" = 1'-0"







## Floodplain Development Permit Application

The Guidance Document (<https://bouldercolorado.gov/media/1171/download?inline>) for this application defines all terms and provides detailed instructions on how to complete each section. ***It is strongly recommended that you use the Guidance Document to complete this application.***

- ***Floodplain Development Permits are required for all projects located within designated floodplains*** to protect public health, safety and welfare from flood risk.
- ***Incomplete applications will NOT be accepted.***

### ► REQUIRED MATERIALS FOR ALL APPLICATIONS:

- ☒ Completed application for each structure on the property
- ☒ Site Plan with all flood zones depicted
- ☒ Elevation verification documentation
- ☒ Applicable construction drawings

### ► REQUIRED MATERIALS FOR PROJECTS WITHIN THE CONVEYANCE OR HIGH HAZARD ZONES:

- ☒ Written response to review criteria (*see page 4*)
- ☐ Additional engineering analysis may be required
- ☒ A one-page executive summary of proposed work

### ► TO SUBMIT YOUR PERMIT APPLICATION:

- ☐ Provide one hard copy
- ☒ Provide one electronic copy on a USB
- ☐ Submit completed application materials in person to a project specialist at:  
Planning & Development Services Center  
1739 Broadway, 3rd Floor  
Boulder, CO 80306
- ☒ Floodplain Development Permits require a submittal fee that may vary from \$35 to \$3,600 depending on the type of flood permit. See Guidance Document for more information.

*Continued on next page*

► **PROJECT INFORMATION**

Project Address: 445 Christmas Tree Drive, Boulder, CO 80302

Project Description (e.g. first floor 750 square foot addition, construction of new bike path, 3rd floor remodel in existing office building):

The project includes the renovation and remodel of an existing single-family residential structure. Portions of the existing structure are located within the Conveyance and High Hazard Zones. The proposed renovation will exceed the 50% substantial improvement/substantial damage (SI/SD) threshold. Since the project exceeds the SI/SD threshold, a portion of the existing building will be removed from the High Hazard Zone. The existing structure will then be modified to meet the current floodplain development regulations in accordance with the SI/SD requirements.

► **CONTACT INFORMATION**

## Applicant Contact Information

Name	Donald P. Ash, P.E.	Phone #	303.918.7859	Email Address	Dash@SiteWorksStudio.com
Address	SiteWorks, 5649 Pennsylvania Avenue	City	Boulder	State	CO Zip 80303

## Property Owner Contact Information

☐ Same as Applicant

Name	Michelle Pluzynski	Phone #	917.861.4344	Email Address	michelle@pluzynski.com
Address	445 Christmas Tree Drive	City	Boulder	State	CO Zip 80302

► The owner of the property is aware of and consenting to the improvements being made in this permitting process.

Signature of Owner:

Digitally signed by Michelle Pluzynski  
Date: 2022.09.15 15:46:26 -06'00'

Date:

9 - 15-22

*This application will not be accepted without the owner's signature.*

Continued on next page

## Item 4C - 445 Christmas Tree Drive Floodplain Development Permit

The [Guidance Document](#) for this application defines all terms and provides detailed instructions on how to complete each section. ***It is strongly recommended that you use the Guidance Document to complete this application.***

### ADDITIONAL REQUIRED INFORMATION

#### ► PROJECT DETAILS *Check all that apply*

<b>Project Type</b>	<input type="checkbox"/> New Structure	<input type="checkbox"/> Mech/Elect/Plumb Improvement	<input type="checkbox"/> Fence
	<input type="checkbox"/> Addition	<input checked="" type="checkbox"/> Remodel/Renovation	<input type="checkbox"/> Other: _____
	<input type="checkbox"/> Alteration		
<b>Building Type</b>	<input checked="" type="checkbox"/> Principal	<input type="checkbox"/> Accessory	
<b>Existing Use</b>	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Non-Residential	<input type="checkbox"/> Mixed-Use <input type="checkbox"/> Vacant Land
<b>Proposed Use</b>	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Non-Residential	<input type="checkbox"/> Mixed-Use <input type="checkbox"/> Vacant Land

Is the structure a critical or lodging facility? ☐ Yes ☒ No

#### ► FLOODZONES

Creek Name (e.g. South Boulder Creek): Gregory Canyon Creek

Flood Zone: *Check all that apply*

- |  |                              |                                     |                                      |
|--|------------------------------|-------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> AE | <input type="checkbox"/> AO  | <input type="checkbox"/> AO3        | <input type="checkbox"/> High Hazard |
| <input type="checkbox"/> A             | <input type="checkbox"/> AO1 | <input type="checkbox"/> X          |                                      |
| <input type="checkbox"/> AH            | <input type="checkbox"/> AO2 | <input type="checkbox"/> Conveyance |                                      |

***Projects affecting the Conveyance and High Hazard Zones require additional time for public process and often require an engineer.*** See Guidance Document for more information.

#### ► ELEVATION VERIFICATION DOCUMENTS

Source Document (check one and attach to application): ☒ Elevation Certificate ☐ FIS Profile ☐ City Flood Map

Provide the following elevations:

- Finished Floor Elevation (FFE): e.g. 5660' 5621.7 ft.
- Base Flood Elevation (BFE): 5619.6 ft.
- Flood Protection Elevation (FPE): 5621.6 ft.
- Highest Adjacent Grade (HAG): 5631.2 ft.

Provide proposed construction drawings demonstrating:

- ☒ The FFE, BFE and FPE on elevation sheets
- ☒ All mechanical/electrical/HVAC equipment is elevated above the BFE
- ☒ Sanitary sewer connections are elevated above the BFE or protected by a backflow prevention valve
- ☒ Flood damage resistant materials are used to or above the FPE

*Continued on next page*



The [Guidance Document](#) for this application defines all terms and provides detailed instructions on how to complete each section. ***It is strongly recommended that you use the Guidance Document to complete this application.***

### ► SUBSTANTIAL IMPROVEMENT FOR WORK TO AN EXISTING STRUCTURE

If project cost exceeds 50% of the assessed structure value, the entire structure must be brought into compliance with current local, state and federal flood regulations.

1. Total Cost of Project: \$ 1,200,000
2. Assessed Structure Value: \$ 913,600
3. Total Cost (1.) divided by Assessed Structure Value (2.): 131 %

### ► FOR PROJECTS IN THE CONVEYANCE OR HIGH HAZARD ZONES

A written statement addressing the following 15 criteria must be provided.

1. The effects upon the efficiency or capacity of the conveyance zone and high hazard zone;
2. The effects upon lands upstream, downstream, and in the immediate vicinity;
3. The effects upon the one hundred-year flood profile;
4. The effects upon any tributaries to the main stream, drainage ditches, and any other drainage facilities or systems;
5. Whether additional public expenditures for flood protection or prevention will be required;
6. Whether the proposed use is for human occupancy;
7. The potential danger to persons upstream, downstream, and in the immediate vicinity;
8. Whether any proposed changes in a watercourse will have an adverse environmental effect on the watercourse, including, without limitation, stream banks and streamside trees and vegetation;
9. Whether any proposed water supply and sanitation systems and other utility systems can prevent disease, contamination, and unsanitary or hazardous conditions during a flood;
10. Whether any proposed facility and its contents will be susceptible to flood damage and the effect of such damage;
11. The relationship of the proposed development to the Boulder Valley Comprehensive Plan and any applicable floodplain management programs;
12. Whether safe access is available to the property in times of flood for ordinary and emergency vehicles;
13. Whether the applicant will provide flood warning systems to notify floodplain occupants of impending floods;
14. Whether the cumulative effect of the proposed development with other existing and anticipated uses will increase flood heights; and
15. Whether the expected heights, velocities, duration, rate of rise, and sediment transport of the floodwaters expected at the site will adversely affect the development or surrounding property.

## Response to Floodplain Impact Factors 1 - 15

**City of Boulder Revised Code  
Title 9 Land Use Regulations  
Chapter 9  
Section 9-3-6(d)**

The following is a line-item response to the City's fifteen (15) Flood Impact Factors outlined in the B.R.C. Section 9-3-6(d). The factors are listed below with responses in italics.

1. The effects upon the efficiency or capacity of the conveyance zone and high hazard zone;  
  
*The efficiency or capacity of the conveyance zone and the high hazard zone will not be reduced by the proposed improvements.*
2. The effects upon lands upstream, downstream, and in the immediate vicinity;  
  
*The lands upstream, downstream, and in the immediate vicinity will not be affected because the 100-year water surface elevations will not increase.*
3. The effects upon the one hundred year flood profile;  
  
*The 100-year water surface elevations in the vicinity will not change.*
4. The effects upon any tributaries to the main stream, drainage ditches, and any other drainage facilities or systems;  
  
*There will be no significant effects on any tributaries, drainage ditches, or any other drainage facilities or systems.*
5. Whether additional public expenditures for flood protection or prevention will be required;  
  
*No additional public expenditures for flood protection or prevention will be required.*
6. Whether the proposed use is for human occupancy;  
  
*The proposed structures are for human occupancy.*

7. The potential danger to persons upstream, downstream, and in the immediate vicinity;

*The proposed improvements will not increase the likelihood of materials being swept downstream. The potential danger to persons in the project vicinity will not increase.*

8. Whether any proposed changes in a watercourse will have an adverse environmental effect on the watercourse, including, without limitation, stream banks and streamside trees and vegetation;

*The project will not create any changes in the watercourse and therefore will have no environmental impact on the watercourse. The stream banks, and streamside trees and vegetation will not be affected by the proposed improvements.*

9. Whether any proposed water supply and sanitation systems and other utility systems can prevent disease, contamination, and unsanitary or hazardous conditions during a flood;

*The water supply, sanitation systems, and other utility systems will be designed to prevent disease, contamination, and unsanitary or hazardous conditions during a flood.*

10. Whether any proposed facility and its contents will be susceptible to flood damage and the effect of such damage;

*The proposed residential structure will be elevated above the flood protection elevation and should not be damaged during a flood. The existing attached garage and associated storage areas will be below the flood protection elevation.*

11. The relationship of the proposed development to the Boulder Valley Comprehensive Plan and any applicable floodplain management programs;

*The proposed project does not conflict with the Boulder Valley Comprehensive Plan.*

12. Whether safe access is available to the property in times of flood for ordinary and emergency vehicles;

*The safety of access to the property in times of flooding will be unaffected by the proposed improvements.*

13. Whether the applicant will provide flood warning systems to notify floodplain occupants of impending floods;

*The applicant has no plans to install a flood warning system.*

14. Whether the cumulative effect of the proposed development with other existing and anticipated uses will increase flood heights; and

*The 100-year flood heights will not be raised.*

15. Whether the expected heights, velocities, duration, rate of rise, and sediment transport of the floodwaters expected at the site will adversely affect the development or surrounding property.

*The surrounding property will be unaffected by the proposed improvements because the proposed improvements will not measurably effect flood heights.*





**CITY OF BOULDER  
PLANNING BOARD**

**MEETING DATE: December 6, 2022**

**AGENDA TITLE:** Concept Plan Review and Comment for proposed redevelopment at 2801 Jay Rd. to include 84 for-sale dwelling units ranging from 1,050 SF to 1,800 SF, consisting of townhome, duplex, and triplex housing types. The plan proposes 40% (34) middle income affordable units. The percent of affordable housing community benefit will be finalized through annexation. Reviewed under case no. LUR2022-00038.

Applicant: Margaret Freund, Fulton Hill Properties  
Owner: MJF 2801 Jay Road Development LLC

**REQUESTING DEPARTMENT / PRESENTERS**

Brad Mueller, Director Planning & Development Services  
Charles Ferro, Development Review Manager  
Shannon Moeller, Planning Manager

**OBJECTIVE**

1. Planning Board hears staff and applicant presentations
2. Hold Public Hearing
3. Planning Board to ask questions of applicant, the public, and staff
4. Planning Board Discussion and comment on Concept Plan.

**SUMMARY**

Project Name: 2801 Jay Road  
Location: 2801 Jay Road  
Size of Property 4.58 acres  
Zoning: Existing – County Zoning of RR – Rural Residential  
Proposed – Residential - Mixed 2 (RMX-2)  
Comprehensive Plan: Existing – Public  
Proposed – Mixed Density Residential

**KEY ISSUES FOR CONCEPT PLAN DISCUSSION**

Staff has identified the following key issues to help guide the board's discussion:

1. Is the proposed annexation, land use designation of MXR (Mixed Density Residential), and initial zoning of RMX-2 (Residential Mixed Use – 2) consistent with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP)?
2. Is the proposed conceptual plan compatible with the character of the surrounding area?

### EXECUTIVE SUMMARY

The purpose of this item is for Planning Board to review and comment on the Concept Plan for the above reference project. Per [Section 9-2-14, B.R.C. 1981](#), the project requires a Concept Plan review because the project exceeds two acres in size or 20 dwelling units per Table 2-2 of Section 9-2-14, B.R.C. 1981.

### PUBLIC FEEDBACK

Consistent with [Section 9-4-3, Public Notice Requirements, B.R.C. 1981](#), staff provided notification to all property owners within 600 feet of the subject location of the application, and signs have been posted by the applicant indicating the review requested. Staff received multiple inquiries and comments about the project expressing concerns about the proposal, including:

- Traffic and Access: Jay Road is heavily trafficked and congested. The intersection of Jay Rd. and 28th St./U.S. 36 is dangerous and accident-prone. The proposal would exacerbate traffic and safety issues.
- Prairie Dogs: Proposal would affect the prairie dogs currently living on the site.
- Density: The proposal includes too many units and should be reduced to fewer units due to traffic concerns and for compatibility with its surroundings.
- Affordability: The market rate units will not be affordable. However, the permanently affordable housing units would help Boulder meet its housing needs.

Copies of written comments received are found in **Attachment G**.

On Nov. 9, 2022, the applicant held a virtual neighborhood meeting. The meeting was facilitated via Zoom. Comments and questions provided in the Q&A feature were verbally shared by the facilitator and responded to by the applicant team. Approximately 20 community members attended. Site-specific concerns and feedback shared during the neighborhood meeting included:

- Traffic and Access: Concerns regarding traffic congestion on Jay Road and increased traffic accidents in the area; vehicular turning movements and ingress and egress into the site; design and use of Violet Ave. access; impact of the proposal on service levels/traffic backups at the intersection of Jay Rd. and 28th St./U.S. 36; requirements for improvements to adjacent roadways.
- Density: Concerns regarding the impact of additional vehicles on the area, compatibility of the proposal with adjacent neighborhoods, and impact on surrounding home values.
- Safety: Concerns regarding impact of the proposal on traffic safety and wildfire evacuation routes.
- Utilities: Questions regarding water and wastewater service extension to the site.
- Affordable Housing: Questions regarding the amount and type of permanently affordable housing to be provided and some general support for the proposed affordable housing.

- Review Process: Questions regarding prior reviews on the project site and the required review processes.
- Construction: Questions regarding review and construction timelines.
- Groundwater: Concern regarding disruption to wells in the area.
- Energy Efficiency: Questions regarding design of the units to support rooftop solar and electric vehicle charging.
- Parking: Questions regarding the required and proposed parking.

A summary of the meeting and attendees list is found in **Attachment H**.

## BACKGROUND

**Existing Conditions:** As shown in **Figure 1**, the subject property is located at 2801 Jay Rd. in unincorporated Boulder County near the intersection of 28th Street and Jay Road. The approximately 199,452 square foot (4.58 acre) property is located immediately east of city limits.



*Figure 1- Existing site and its surroundings*





*Figure 2- Existing site*

As shown in **Figure 2**, the property contains a church building and a parking lot. City Church Boulder currently operates on the property, and the property was previously used by the Boulder First Church of the Nazarene for many years.

The property contains an active prairie dog colony, and during prior reviews neighbors have commented that other wildlife can be seen on the property. The property is essentially flat with a gentle slope from the northwest corner to the southwest corner. The site contains limited mature landscaping and trees, some of which appear worthy of preservation. The site has obstructed views of the foothills to the west impacted by existing structures and trees to the west and power lines along 28<sup>th</sup> Street.

The surrounding area is characterized by primarily low-density single-family residential development. Nearby, the Lubavitch Synagogue building is located immediately to the south across Jay Road (2810 Jay Road) and the Peace Lutheran Church is located on the southwest corner of the intersection of Jay Road and 28th Street.

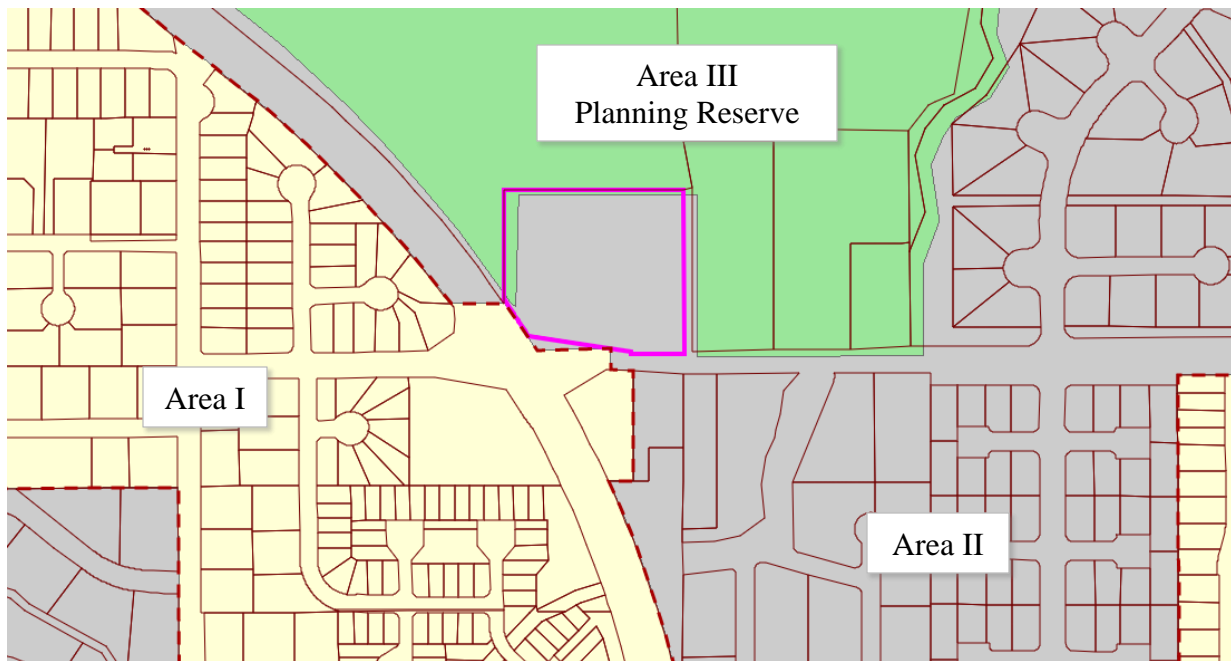
A detailed summary of surrounding areas and neighborhoods is found at the beginning of this memo under “Guidelines for Review and Comment.”

**BVCP Planning Areas:** The subject property is located in Area II in the BVCP, which is the “area now under county jurisdiction where annexation to the city can be considered consistent with Policies 1.08 Adapting to Limits on Physical Expansion, 1.10 Growth Requirements and 1.17 Annexation. New urban development may only occur coincident with the availability of adequate facilities and services. Master plans project the provision of services to this area within the planning period.”



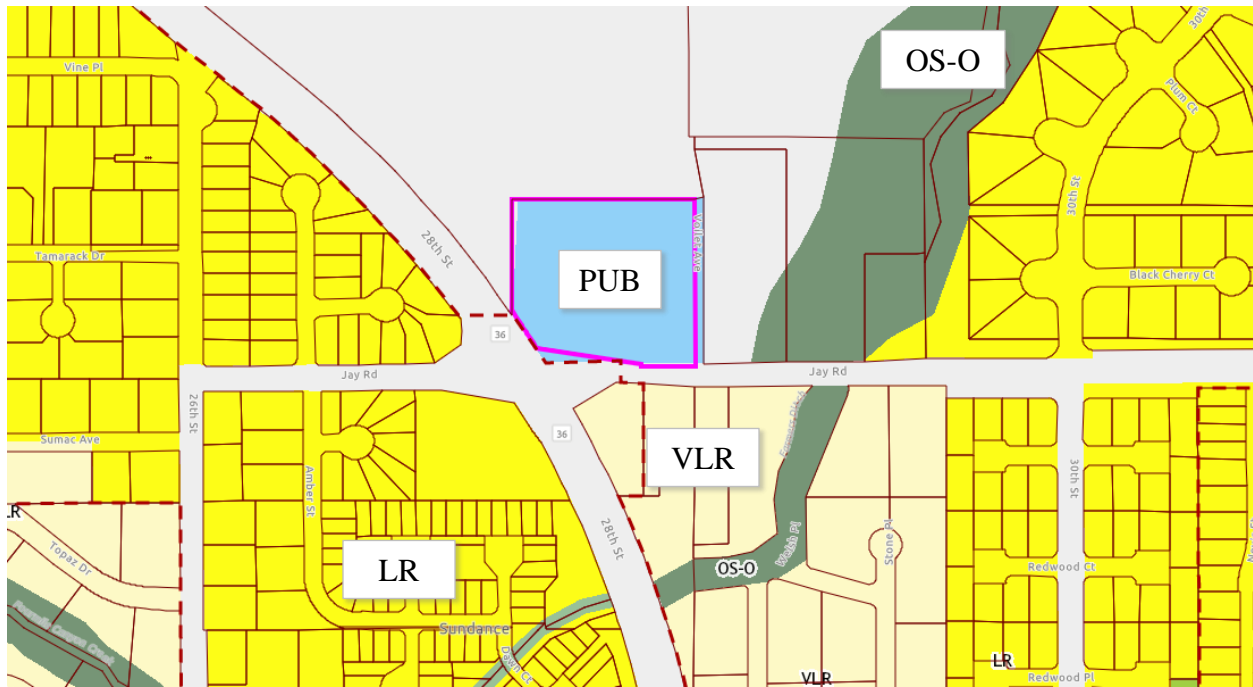
The north and east boundaries of the subject property are adjacent to the Area III Planning Reserve (refer to **Figure 3**). The Area III Planning Reserve is rural land uses where the city intends to maintain the option of limited service area expansion. As part of the Major Update to the 2015 BVCP, City Council directed staff not to move forward with a Service Area Expansion Assessment into this area.

Since then, City Council has prioritized the initiation of the Baseline Urban Services Study in 2023. This work is a preliminary step to help the community and decision makers understand the scope and extent of providing city services to this area and weigh the potential costs and benefits of expanding services here for future generations. Staff anticipates the completion of the Baseline Urban Services Study in 2024 ahead of the Major Update to the BVCP in 2025.



*Figure 3- BVCP Planning Areas*

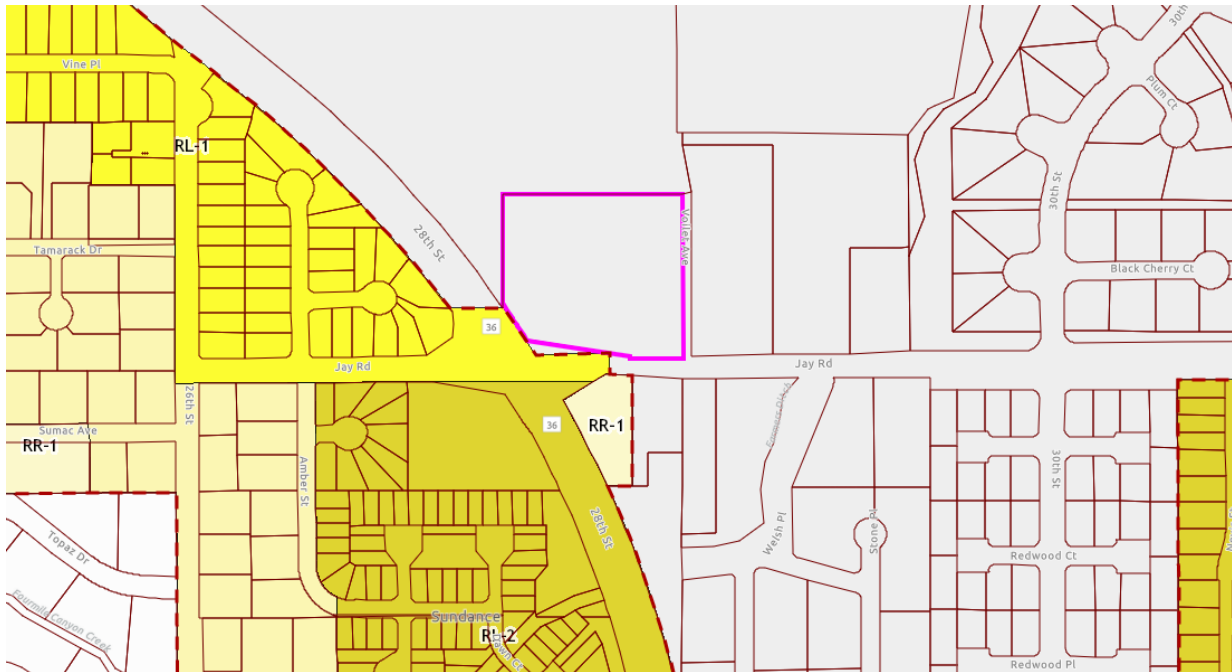
**Existing BVCP Land Use Designation:** As shown in **Figure 4**, the underlying Boulder Valley Comprehensive Plan (BVCP) land use designation is Public (P), which reflects the current religious assembly use. Public land use designations encompass a wide range of public and private nonprofit uses that provide a community service.



*Figure 4- BVCP Land Use Designations*

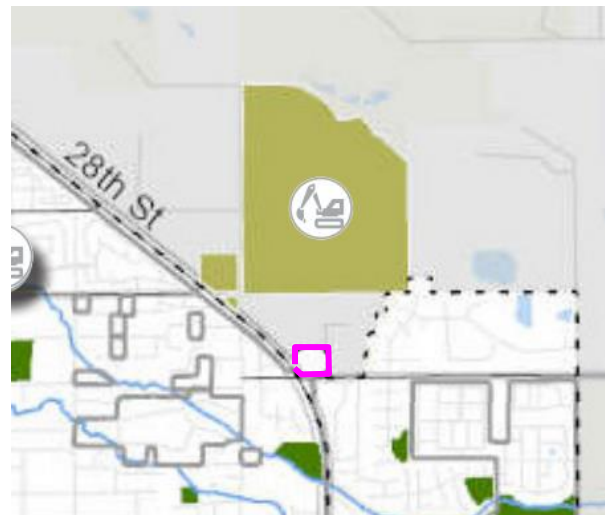
**Existing Zoning:** The property is located in unincorporated Boulder County with a county zoning of RR – Rural Residential, which is defined as “Residential areas developed at a density and character compatible with agricultural uses (Article 4 103, Boulder County Land Use Code). Nearby properties under Boulder County zoning are primarily also zoned RR – Rural Residential, with the exception of the Palo Park 2 Subdivision to the south, which is SR – Suburban Residential.

Surrounding city zoning districts are shown in **Figure 5**. Annexation of the subject property provides an opportunity to consider the appropriate zoning and land use designation for the proposed use and surrounding area. The applicant’s specific proposal for annexation, land use change, and initial zoning is discussed later in the memo.



*Figure 5- Surrounding City Zoning Districts*

**Parks Master Plan:** As shown in **Figure 6**, a large property to the north within the Area III Planning Reserve area is owned by the city and included in the [2022 Boulder Parks and Recreation Master Plan Update](#), which is shown on the map to the left. The 187 acres are planned for long-term future needs. At this time there are no development plans for this park space. The planning for the park space within the planning reserve will be done in close coordination with city's Comprehensive Planning division and the Baseline Urban Services Study.



*Figure 6- Future Park to the North*

**Prior Review History:** On [October 1, 2015](#), the Planning Board considered a Concept Plan Review (LUR2015-00074) for a residential proposal on the same site, consisting of 94 permanently affordable dwelling units (30 two-bedroom row houses in four buildings, 21 three-bedroom row houses in three buildings and 38 two-bedroom and 5 one-bedroom apartments in one building). A copy of the meeting minutes and documents/plans can be found on the Planning Board archive website at the link above.

In general, the Planning Board agreed with the staff analysis at the time which was to support a lower density residential development than the 94 units proposed at the time. The Board discussed including the property as part of larger Comprehensive Plan strategies and possibly converting the area from Area II to Area III.



In 2016, following the Concept Plan Review, an Annexation (LUR2016-00077) and Site Review (LUR2016-00078) were reviewed by staff, but the items were subsequently withdrawn by the applicant; therefore no decision for approval or denial was made. The proposal at the time included an initial zoning of RMX-2 and a site plan with 66 residential units (approximately 14 dwelling units per acre), a neighborhood daycare and a café. Refer to **Attachment E** for a copy of the staff initial review comments at the time.

In 2016, as part of the 2015 BVCP Update, the city reviewed a request to amend the Comprehensive Plan Land Use Designation on the site. The proposal requested MXR land use, and city staff recommended MR, Medium Density Residential land use (6-14 dwelling units/acre). The proposed land use designation request was subsequently withdrawn; the site remains designated P – Public. Refer to **Attachment F** for a copy of the 2015 BVCP Update Request Staff Recommendation.

## PROCESS

The proposal is required to complete a Concept Plan because the site exceeds the two-acre or 20 dwelling unit threshold for the proposed RMX-2 zoning district by which a mandatory Concept Plan and Site Review is required per [Land Use Code section 9-2-14\(B\)\(1\)\(c\), B.R.C. 1981](#). The purpose of Concept Plan is to review a general development plan for the site, evaluate general architectural characteristics, land uses, and transportation considerations. The application allows for initial feedback on the proposal prior to submitting the next application(s).

Following this Concept Plan Review and Comment, the proposal would require the following processes:

- **Annexation and Initial Zoning:** The property would require annexation to be brought into the city limits. The property falls within BVCP Planning Area II, making the property eligible for annexation. In order for the property to be annexed to the city, the Planning Board and City Council must find that annexation requirements under state law and BVCP criteria for annexation (found under Policy 1.17 in the BVCP), as well as other BVCP policies, are met.
- **Change to Land Use Map:** A change to the land use map in the BVCP is required to accommodate the proposed development. The change must be found to be consistent with the policies and overall intent of the comprehensive plan (BVCP Amendment Procedures are located in “Exhibit B” of the BVCP, in particular, those for land use map changes).
- **Site Review:** The proposed project would be evaluated through the Site Review process pursuant to 9-2-14 “Site Review”, B.R.C. 1981 for conformance with the criteria in section 9-2-14(h), B.R.C. 1981. Relevant areas of evaluation include conformance with the land use designation in the BVCP; relevant policies of the BVCP; zoning regulations; the criteria of Section 9-9-11 of the land use code for usable open space; the City of Boulder Design and Construction Standards (DCS).

The proposal would also require review of a Preliminary and Final Plat, Technical Documents, and Building Permits.

## PROJECT DESCRIPTION

The applicant is proposing to redevelop the site as 84 for-sale dwelling units ranging from 1,050 SF to 1,800 SF, consisting of townhome, duplex, and triplex housing types, including 40% (34) middle income affordable units.

**Site Plan:** As shown in **Figure 7**, the proposal consists of dwelling units located on individual fee-simple lots. The lots primarily face onto the proposed private streets, while some homes face onto existing roadways to the east, south, and southwest. The dwellings have a compact form with minimal setbacks from internal private streets and include a mix of front- and alley-loaded configurations.

The proposed 38 for-sale middle-income affordable units are proposed to be located toward the eastern and southeastern areas of the site, near the proposed internal open spaces.



Figure 7- Proposed Site Plan and Key

**Vehicular Access:** The subject property is located at the intersection of 28th St./U.S. 36, which is classified as a highway, and Jay Rd., classified as a minor arterial. As shown in **Figure 7**

above, the site would connect to the existing access road east of the property known as Violet Ave. The proposal would eliminate the existing curb-cut from Jay Road in favor of a coordinated access.

The proposal includes a request to modify the city's standards to allow the use of private streets rather than public streets, the provision of one-way internal streets, and streets that include attached sidewalks rather than detached and lack tree lawns. Some units are also proposed with a double frontage (lots that both front and back onto a street); per the city's subdivision standards, lots with double frontage are to be avoided. A "stub" to the property to the north is depicted at the northwest area of the property.

**Transit:** Public transit opportunities are limited. The site is served by the local 205 bus route, which runs between Gunbarrel and the downtown Boulder Transit Center at 30- or 60-minute intervals depending on day of the week and time. A bus stop is located on the south end of site, adjacent to westbound Jay Rd. As part of redevelopment, the applicant would be required to make improvements to the existing transit stop.

**Connections:** Jay Rd. contains an on-street bike lane and is a designated bike route, and 28<sup>th</sup> Street includes a mix of bikeable shoulders and on-street bike lanes. Neither Jay Rd. nor 28th St. contains sidewalk for pedestrians.

The City's Transportation Master Plan includes a planned multi-use path across the subject property, as shown in green in **Figure 8**, to provide access to the previously mentioned planned future city park in the area to the north of the site. The proposal depicts a multi-use path in an area consistent with the master plan map, however, staff

recommends relocating the path to a location that would better support the overall design of the site and the needs of future users of the path. The proposal locates the multi-use path at the front of dwelling units with little to no separation from on-street parking spaces and building entries which creates potential conflict points between fast moving cyclists and other users of the area. The locations where the path crosses streets should also be carefully designed for visibility and reduction in pedestrian/cyclist and vehicle conflicts.

**Land Uses and Density:** The applicant has proposed RMX-2 zoning and residential uses. The



*Figure 8- Existing and Planned Connections*



RMX-2 zone district is described as “medium density residential areas which have a mix of densities from low density to high density and where complementary uses may be permitted” per section 9-5-2(c), B.R.C. 1981.

Residential uses in the RMX-2 zone district are allowed subject to specific use standards in section 9-6-3(b)(2), “Household Living Uses in the RMX-2 Zoning District,” B.R.C. 1981, which states that parcels between one and five acres in size must provide at least two housing types; and that the maximum percentage of any one housing type is fifty percent. Housing type is defined in Chapter 16 as the particular form which an attached or detached dwelling unit takes, including, without limitation, the following: single family detached houses and mobile homes; single family attached dwellings such as townhouses and row houses; duplexes, triplexes, and apartments. The proposal includes duplex, triplex, and townhouse housing types, of which no housing type exceeds fifty percent.

Additionally, per section 9-8-4, “Housing Types and Density Bonuses within an RMX-2 Zoning District,” properties in the RMX-2 zoning district are eligible for density bonuses ranging from five to ten units per acre depending on the percentage of permanently affordable units provided, to allow up to 20 dwelling units per acre. A Site Review is required. The approving authority may prohibit or limit the increase in density if the proposal does not satisfy the criteria in 9-2-14, Site Review, B.R.C. 1981.

The proposal includes a request for 84 dwelling units, of which 34 (40%) are proposed as middle-income permanently affordable residential units, resulting in a proposed density of 18.6 dwelling units per acre.

The proposal to accommodate 18.6 dwelling units per acre would coincide with the density ranges of the MXR, Mixed Density Residential BVCP Land Use Designation (6-20 units per acre), which the applicant has requested. As discussed later in the memo, staff has recommended a Land Use Designation of MR, Medium Density Residential (6-14 dwelling units per acre) for the site.

**Architecture and Massing:** As shown in **Figure 8**, the proposed site plan intends to place different unit designs in different areas of the site to address the various land uses and adjacencies. Units are a mix of 1.5, 2, 2.5, and 3-story units. 2-story duplexes and triplexes are located at the north and west edges and 1.5- and 2-story townhomes are located at the eastern edge. 3-story townhomes and 2.5-story duplexes are located the southwest and south edges and internal to the site.

As shown in **Figure 9**, the proposal includes designs with gable-form shingle roofs and dormers with lap and board and batten siding. Unit color and material application is intended to be varied by unit to read as multiple side-by-side units.



*Figure 9- Conceptual View from Southwest*

**Open Space:** Under the proposed RMX-2 zoning, the proposal would be required to provide useable open space of at least 15% of the development site and a minimum of 60 square-feet of private open space per unit. The provided open space must meet the requirements of [Section 9-9-11, “Useable Open Space,” B.R.C. 1981](#). At time of Site Review, the amount and design of the open space would have to be confirmed to meet the requirements referenced above.

For a site in which individual lots will be developed, open space can be both aggregated across the site in common useable areas, such as for passive and active recreation, and provided within individual lots. An acceptable expansion plan for each lot would be created at the time of site review to guide development beyond the initial build out. Open space on lots would be calculated based on their maximum expansion/buildout and not by initial buildout; remaining open space requirements must be fulfilled elsewhere on the site.

Several areas of the site are described as both “detention” and open space. Generally, the use of drainage/detention areas as open space is not considered high quality useable open space and would need to be carefully designed in order to contribute to open space requirements. The location of useable open spaces intended for use by residents at the edges of the site/near major thoroughfares would also be discouraged.

Relocating open space internal to the site could be one alternative to provide a higher-quality centralized common open space available to all residents. Given the location of the site at the edge of the city, there is a lack of nearby easily accessible park areas that would serve the property. Coordination in the design and location of the multi-use path and open space areas should be part of a comprehensive design of the site.

The programming and design of passive and active open spaces on the site should serve the needs of anticipated future residents. Given the design of the units, family-oriented open spaces including play structures or active recreation areas for children would likely be appropriate, as well as the proposed inclusion of shared garden plots.

**Parking:** The proposal provides a mix of parking for the residences, including alley-loaded garages, front-loaded garages and carports, “on-street” parking along the proposed private streets and Violet Ave., and a small parking area at the southwestern area of the site.

Under the proposed RMX-2 zoning district, pursuant to [Section 9-9-6, “Parking Standards,” B.R.C. 1981](#), the proposed attached dwelling units including duplexes, triplexes, and townhomes are required to provide off-street parking spaces at a rate of 1 space for 1- or 2-bedroom DU; 1.5 spaces for 3-bedroom DU; and 2 spaces for a 4 or more bedroom DU.

The total unit and bedroom count (72 three-bedroom units and 12 two-bedroom units) results in a total requirement of 120 required parking spaces. The proposal provides 122 spaces within garages and carports, and another 54 parking spaces on-street and in a surface parking area.

The applicant has counted the on-street parking spaces, which are predominantly located on proposed private streets, as part of the total parking provided. However, staff recommends that the proposed streets be public streets consistent with the city’s typical street standards; on-street parking spaces in a public right-of-way are not counted toward meeting parking requirements.

#### **CONCEPT PLAN REVIEW CRITERIA, SECTION 9-2-13(g), B.R.C. 1981**

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

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

**Existing Conditions:** The subject property is located in unincorporated Boulder County near the intersection of 28th Street and Jay Road. 28th Street/U.S. 36 serves as the general city limits for the City of Boulder in this area, although incorporated portions of the city can be found further east. The approximately 199,452 square foot (4.58 acre) property is located immediately east of city limits.

The property contains a church building and a parking lot. City Church Boulder currently operates on the property, and the property was previously used by the Boulder First Church of the Nazarene for many years. In 2021, the property was sold by the Colorado District of the Church of the Nazarene to the current owner. The property is served by city water per an out of city utility agreement and revocable permit signed in 1987. The property contains a 42 foot tall monopole for telecommunications equipment, which would not be permissible per city zoning standards.

The property contains an active prairie dog colony, and during prior reviews neighbors have commented that other wildlife can be seen on the property. The property is essentially flat with a



gentle slope from the northwest corner to the southwest corner. The site contains limited mature landscaping and trees, some of which appear worthy of preservation. The site has obstructed views of the foothills to the west impacted by existing structures and trees to the west and power lines along 28<sup>th</sup> Street.

**Surrounding Area:** The surrounding area is characterized by primarily low-density single-family residential development. However, a variety of uses exists in the immediate area. A building permit has been issued for the single-story worship building (Lubavitch Synagogue) immediately to the south across Jay Road (2810 Jay Road). The Peace Lutheran Church is located catty-corner to the site on the southwest corner of the intersection of Jay Road and 28<sup>th</sup> Street.

The lots immediately to the east and south are large with homes built between 1900 and 1992. This area is semi-rural in character, due to the Farmer's Ditch, a significant number of mature deciduous trees along the ditch and throughout the neighborhood, the age and style of homes, the unpaved roads, and the large lots. The lots and layout of homes are in a relatively organic pattern.



*Figure 10 - Adjacent Rural Property and Shared Access to the East*

Further to the east along Jay Rd. are the Orange Orchard, Palo Park and Four Mile Creek neighborhoods (refer to **Figure 11**, Surrounding Residential Neighborhoods). Orange Orchard is located in the county and is characterized by approximately half-acre lots in a suburban style pattern. The Palo Park neighborhood, also located in the county, is characterized by modest homes on smaller approximately quarter acre lots (refer to **Figure 12**). Most homes in these developments were built in the late 1970s. The Four Mile Creek development to the east is zoned Residential – Low 2 (RL-2) and is annexed to the city. This neighborhood is characterized by approximately quarter acre lots with homes built in the late 1990s and 2000s. The Four Mile Creek neighborhood is primarily single-family but does contain some duplexes.

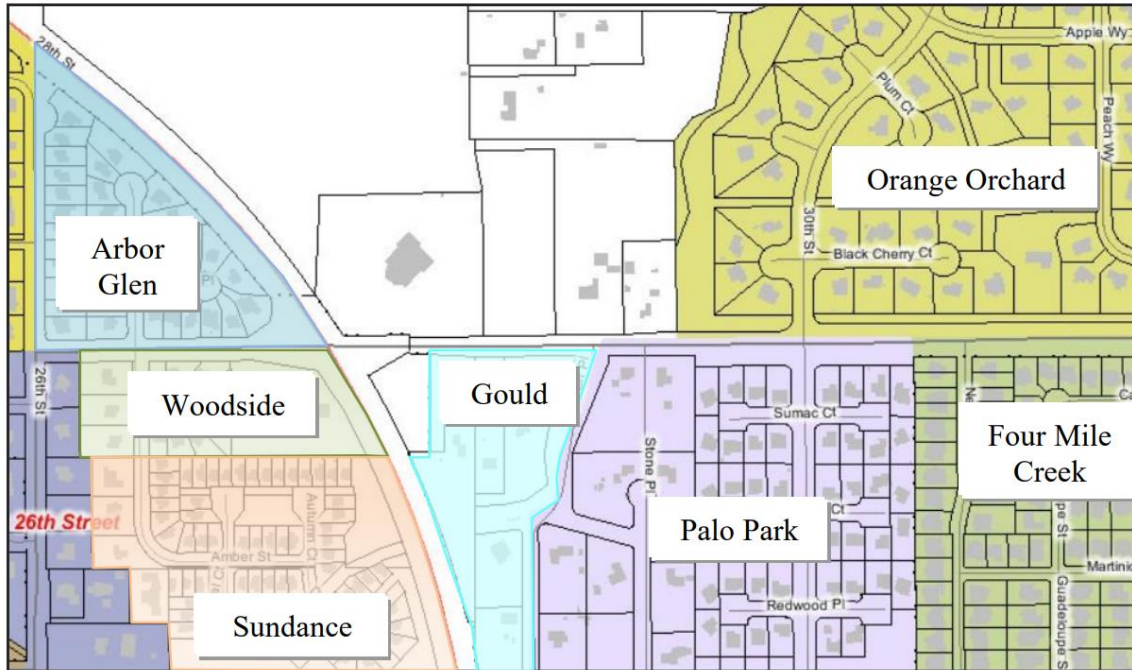


Figure 11- Surrounding Residential Neighborhoods



Figure 12- Palo Park Neighborhood



Figure 13- Sundance Neighborhood

To the west of the site, across 28th St. (U.S. 36), is land currently zoned RL-2 with low-density residential land use. These areas were annexed to the city in 1983 and 1984 and are comprised of several subdivisions. The Arbor Glen and Woodside developments are comprised of lots between 0.15 and 0.25 acres and are characterized by suburban style homes with attached garages built primarily in the late 1980's. The Sundance neighborhood to the southwest is characterized by small lots (0.10 acre or less) and modest homes (**Figure 13**).

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

**Review Processes:**

- **Annexation and Initial Zoning:** The property would require annexation to be brought into the city limits. The property falls within BVCP Planning Area II, making the property eligible for annexation. In order for the property to be annexed to the city, the Planning Board and City Council must find that state law requirements for annexation and BVCP criteria for Annexation (found under Policy 1.17 in the BVCP), as well as other BVCP policies, are met.
- **Change to Land Use Map:** A change to the land use map in the BVCP is required to accommodate the proposed development. The change must be found to be consistent with the policies and overall intent of the comprehensive plan (BVCP Amendment Procedures are located in “Exhibit B” of the BVCP).
- **Site Review:** The proposed project would be evaluated through the Site Review process pursuant to 9-2-14 “Site Review”, B.R.C. 1981 for conformance with the criteria in section 9-2-14(h), B.R.C. 1981. Relevant areas of evaluation include conformance with the land use designation in the BVCP; relevant policies of the BVCP; zoning regulations; the criteria of Section 9-9-11 of the land use code for usable open space; the City of Boulder Design and Construction Standards (DCS).
- The proposal would also require review of a Preliminary and Final Plat, Technical Documents, and Building Permits.

**BVCP Policies:**

Projects are preliminarily assessed for compliance with the BVCP policies as part of Concept Plan and then are required to demonstrate compliance at time of subsequent applications. A preliminary analysis with BVCP policies is provided under “Key Issue Discussion.” The property is located outside of boundaries for the North Boulder Subcommunity Plan.

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

**Annexation and Initial Zoning:** As stated above, the property would require annexation to be brought into the city limits and provided with city services. City water is currently located in Jay Rd. However, the applicant would need to extend city sewer to the site at their expense. Annexations are typically reviewed with Site Review applications in order for the City to understand how the property will be developed. Properties slated for annexation must also demonstrate community benefit associated with the proposed annexation. Refer to the key issues discussion below for more information on the BVCP policies most applicable to the proposal.

The applicant is proposing an initial zoning of Residential - Mixed 2 (RMX-2), which could accommodate the project if the proposal were to meet the provisions of section 9-8-4(a), B.R.C. 1981, the standards for a density bonus up to 20 dwelling units per acre in RMX-2.

**Change to Land Use Map:** Since the proposed redevelopment would not meet the intent of the existing Public land use designation, the project would require a land use designation change. The requested change to the land use designation is subject to city approval with county referral.



The change must be found to be consistent with the policies and overall intent of the comprehensive plan (BVCP Amendment Procedures are located in “Exhibit B” of the BVCP).

As noted above, the land use code defines the RMX-2 zone district as “medium density residential areas which have a mix of densities from low density to high density and where complementary uses may be permitted” (section 9-5-2(c)(1)(E), B.R.C. 1981).

The BVCP Mixed Density Residential (MXR) land use designation is applied in areas planned for new development where the goal is to provide a substantial amount of affordable housing in mixed density neighborhoods that have a variety of housing types and densities. The proposal to accommodate 18.6 dwelling units per acre would coincide with the density ranges of the MXR designation, 6-20 units per acre, which the applicant has requested.

The subject property at 2801 Jay Road previously submitted for a Land Use Change Request as part of the 2015 Major Update to the Boulder Valley Comprehensive Plan (BVCP). The recommendation from the 2015 BVCP Major Update request is included as **Attachment F** as staff believes the assessment and recommendation still apply to the currently proposed Concept Plan, and to provide historical context.

As part of the proposed Concept Plan at 2801 Jay Road, staff recommends a Land Use Change to Medium Density Residential (MR) rather than the currently proposed Mixed Density Residential (MXR). The MXR designation would allow up to 20 units per acre (91 units) which the city’s planning board has previously indicated was not appropriate for the site (refer to [Oct. 1, 2015 Planning Board minutes](#)).

Consistent with the prior recommendation at the time of the 2015 BVCP Update (**Attachment F**), the staff recommended Medium Density Residential (MR) designation would allow 6-14 dwelling units per acre (27-64 units total). This density could be compatible with surrounding developments.

Please refer to **Key Issue #1** for additional information.

**Site Review:** Site Review is required due to the number of units proposed and the size of the site. Decision on the application would be based on the Site Review criteria of Section 9-2-14(h), B.R.C. 1981.

At the time of Site Review, the following items will also be required to evaluate the consistency with the standards:

- a. Transportation Demand Management (TDM) Plan, which outlines strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternate modes of travel.
- b. Traffic Impact Study is required since the project’s trip generation is shown to exceed the residential development threshold of 20 vehicles trips or greater during any single hour in the peak period.
- c. Preliminary Storm Water Report and Plan to address storm water runoff, water quality treatment issues, and detention ponding.

- d. A water system distribution analysis (Utility Report) in order to assess the impacts and service demands of the proposed development and to demonstrate conformance with the Treated Water Master Plan, October 2011.
- e. A wastewater collection system analysis (Utility Report) to determine any system impacts based on the proposed demands of the development and to demonstrate conformance with the city's Wastewater Collection System Master Plan, July 2016.
- f. Approvals for any relocations or modifications to irrigation ditches or laterals from the impacted ditch company. This includes the release of stormwater runoff into any ditch or lateral.
- g. Landscape plan that is consistent with, and exceeds, city code requirements.
- h. A detailed tree inventory including the species, size and condition of all existing trees on the site. Special attention should be given to incorporating any healthy mature tree into the overall layout and circulation plan.

Modifications to the development standards as listed in Section 9-2-14(c), B.R.C. 1981 may be proposed and would be reviewed as part of the Site Review application.

At the time of Site Review, the proposed project will be evaluated for conformance with the following:

- The land use designation in the BVCP;
- All relevant policies of the BVCP;
- The Site Review criteria of the Land Use Code, Section 9-2-14(h), B.R.C. 1981;
- Zoning regulations, unless modified through Site Review;
- The criteria of Section 9-9-11 of the Land Use Code for usable open space;
- The City of Boulder Design and Construction Standards (DCS);
- Conformance with the annexation agreement.

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

**Land Use Map Change.** A land use map change from Public to a residential land use designation would be required.

**Annexation and Initial Zoning.** Prior to development within the City, the property must be annexed (with an approved and signed Annexation Agreement) and an initial zoning district assigned.

**Demolition Review.** County records show that the existing building was constructed in 1953. As a non-designated building over 50 years old, any proposal for demolition will need to be reviewed through the Historic Preservation program and/or the Landmarks Board in order to formally assess whether it may have historic or architectural significance per section 9-11-23, B.R.C. 1981.

**Prairie Dog Lethal Control Permit.** There is an active prairie dog colony on the subject site. In 2005, the City of Boulder passed a Wildlife Protection Ordinance limiting lethal means of control for prairie dogs (refer to section 6-1-11, B.R.C. 1981). The ordinance requires

landowners to obtain a permit from the city before using any form of lethal control on prairie dogs.

**Technical Documents and Plats.** Following Site Review, technical documents would be submitted and final architecture, landscaping, drainage, lighting etc. evaluated. A Preliminary and Final Plat would also be reviewed to subdivide the property into lots. Engineering staff has indicated that groundwater may be an issue and that if it is encountered at this site, an underdrain/dewatering system may be required to reduce groundwater infiltration. Discharge of groundwater to the public storm sewer system may be necessary to accommodate construction and operation of the proposed development. City and/or State permits will be required for this discharge. In addition, off-site wastewater main construction is required, as necessary to serve the development per the City of Boulder Design and Construction Standards (DCS). On-site and off-site water main construction is required, as necessary to serve the development per the DCS.

**Affordable Housing.** Concurrent with site review, the affordable units will be reviewed for compliance with city Livability Guidelines for affordable housing and location, size, type and other details typically included in the annexation agreement. All required documents including the Determination of Inclusionary Housing Compliance form, a Covenant to secure the permanent affordability of the units, and an Agreement must be signed and if necessary, recorded prior to application for any residential building permit.

**Building Permit.** Once site conditions were found to be compliant with all applicable codes, a building permit for the new structure could be reviewed. The applicant is responsible for extending city sewer to the site at their expense. The applicant may be able to coordinate with the property owner at 2810 Jay Rd. to extend sewer services to serve both developments.

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

**Vehicular Access, Transit, and Connections (Bicycle and Pedestrian):** Refer to the “Project Description” earlier in the memo for summary of these items.

**Circulation:** At the time of site review, staff will require a circulation plan and clarify the intended hierarchy of streets and anticipated vehicular, pedestrian, and bike access through the site and connections to adjacent properties.

**Traffic Study:** The trip generation report submitted by the applicant estimates that 8 vehicles would enter and 26 vehicles would exit the site during the morning peak-hour and 27 vehicles would enter and about 16 vehicles would exit the site during the afternoon peak-hour (refer to **Attachment C**). The Applicant will be required to submit a Traffic Impact Study and Parking Study/Transportation Demand Management (TDM) Plan at the Site Review stage.

**Internal Streets – Right-of-Way:** If the site is to be subdivided into lots, staff will require the neighborhood streets to be public streets dedicated in public right-of-way (in-fee) to the city.



This is consistent with the city's subdivision standards and staff's desire not to create future financial obligations to the residents of the neighborhood for the repair and maintenance of private streets.

**Internal Streets – Streetscape:** Primary internal streets should be designed to the City's Design and Construction Standards of a residential collector street because this street design provides the minimum street width to accommodate on-street parking while also allowing for vehicle circulation. The internal streets must also provide convenient pedestrian / bicycle circulation within and through the site. Staff will require the width of the residential sidewalks to be six-feet wide.

**Improvements to Adjacent Roadways:** At time of annexation, the city will consider the annexation of the adjacent portion of Jay Rd. If the roadway is annexed, the applicant will be required to make improvements and dedicate right-of-way, in-fee, consistent with the city's design standards for an arterial roadway. These improvements include:

1. Construction of a new left-turn lane / center median on Jay Rd;
2. Construction of a raised pedestrian / bike crossing across the channelized right-turn lane on westbound Jay Rd at the intersection;
3. Construction of a westbound buffered bike lane on Jay Rd; and
4. Improving the existing transit stop on westbound Jay Rd to include the construction of a concrete bus stop pad on Jay Rd, constructing a standard RTD boarding area and constructing a concrete shelter pad behind the detached sidewalk to accommodate the existing bench.

**Jay Road Streetscape:** The Jay Rd. streetscape should consist of an eight-foot-wide detached sidewalk separated from the back of the street curb by an eight-foot-wide landscape area along the site's frontage with both Jay Road and 28th Street.

**Violet Ave. Streetscape:** The Violet Ave. streetscape on the west side of the road should consist of a detached six-foot wide sidewalk, tree planting area and curb and gutter. The limits of the asphalt paving for Violet Ave should be extended to the site's north property line. On-street parking will be restricted near the Violet Ave. / Jay Rd. intersection.

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

There are no wetlands or floodplain on the property. The site contains limited mature trees, some of which appear worthy of preservation. A tree inventory will be required at the time of Site Review to determine whether any of the existing trees should be preserved. The site has obstructed views of the foothills to the west, which are impacted by existing structures and trees to the west and power lines along 28<sup>th</sup> Street. View corridors including those along Jay Road should be evaluated. Environmental opportunities on the site may also include the preservation

wildlife habitat and corridors.

Prairie dogs are considered a species of local concern and protected under Section 6-1-11, B.R.C., 1981. The Site Review criteria found in section 9-2-14, B.R.C., 1981, states that the project provides for the preservation or mitigation of adverse impacts to endangered species or species of special concern and their habitat. The prairie dog habitat as well as any habitat for the federally listed species will be an issue of concern in determining the community benefit and suitability of the site for annexation. In addition, upon annexation, any removal of the prairie dogs from the site would require notice to the city of relocation or a city-issued lethal control permit.

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

A residential use of the property is appropriate given the surrounding context. However, it does not appear that the proposed density is appropriate for this property. The property is surrounded by areas designated as planning reserve, low density and very low density residential in the BVCP. Refer to “Key Issues” below for additional analysis.

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

Annexation of the property is an opportunity to gain more affordable housing in the city. The proposal would provide for-sale housing, both market and permanently affordable, at a time when very little for-sale housing is being developed. Many, if not all, of the affordable homes could be made available to middle income households thus helping the city meet its middle income housing goals. The proposed 3 and 2 bedroom units are appropriate for families at a time when much of the housing being proposed is small studio and 1 bedroom units.

As proposed the 40% for-sale affordable housing shown is consistent with what would be expected as annexation community benefit for for-sale family friendly units. The affordable units are aggregated to facilitate development by a third party. In this scenario the developer would contribute the land and utilities for the affordable homes and assist with any gap financing needed for a third party to construct the affordable homes. The city may consider additional gap financing only if the project meets our funding guidelines and the owner provides a significant portion of the cost to construct.

If the type of housing reverts to rental and/or the units are less family oriented, a higher percentage of affordable housing may be pursued as annexation community benefit. If a development agreement with a third party is not achieved, the affordable homes should be integrated and distributed throughout the development.

### **KEY ISSUE DISCUSSION**

**Key Issue #1: Is the proposed annexation, land use designation of MXR (Mixed Density Residential) and initial zoning of RMX-2 (Residential Mixed Use – 2) consistent with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP)?**

**Annexation:** The proposal is located in BVCP Area II, which is the area now under county jurisdiction where annexation to the city can be considered. The proposal would need to demonstrate consistency with BVCP policies 1.08 Adapting to Limits on Physical Expansion, 1.10 Growth Requirements and 1.17 Annexation at the time of annexation. The proposal includes 40% permanently affordable housing, consistent with the intent of policy 1.17(e) which requires land with significant redevelopment potential to provide a special opportunity or benefit to the city, with an emphasis on permanently affordable housing.

**Land Use Designation:** The property is surrounded by low-density residential uses and zoning districts. The site is also located on a busy highway/principal arterial (28th Street) and minor arterial road (Jay Road), as well as immediately adjacent to Area III – Planning Reserve. A well-scaled, contextual, medium density residential proposal that responds to surrounding uses and constraints could potentially be supportable.

The subject property at 2801 Jay Road previously submitted for a Land Use Change Request as part of the 2015 Major Update to the Boulder Valley Comprehensive Plan (BVCP). The recommendation from the 2015 BVCP Major Update request is included as **Attachment F** as staff believes the assessment and recommendation still apply to the currently proposed Concept Plan, and to provide historical context.

Staff recommends a Land Use Change to Medium Density Residential (MR) rather than the proposed Mixed Density Residential (MXR). The following reasons apply:

- Mixed Density Residential (MXR) is not recommended because the designation allows up to 20 units per acre (91 units) and constitutes a number of units that the city's planning board has previously indicated was not appropriate for the site.
- The recommended Medium Density Residential (MR) designation allows 6-14 dwelling units per acre (27-64 units total). This is consistent with the mix of densities in the surrounding area and could be compatible with the surrounding developments.
- The recommended Medium Density Residential (MR) designation furthers other key BVCP policies, including jobs:housing balance, compatibility of adjacent land uses, sensitive infill and redevelopment, and strengthening community housing partnerships.
- There is a scarcity of sites for housing in Boulder Valley. Allowing Medium Density Residential (MR) will allow a diversity of housing types and prices, and a significant portion of the units will be permanently affordable.
- The parcels are in Area II (the area designated for urban services) and have been intended for annexation into the city since 1985.
- Urban services (i.e., water, wastewater, stormwater, roads) are readily available near the site.
- Diversity of housing types and costs is a core value of the Comprehensive Plan, recognizing that the availability of housing affordable to both low and moderate income populations is "a growing concern"
- The location and characteristics of the site make it suitable for new development with urban services, based on the apparent lack of sensitive environmental areas, hazard areas, and significant agricultural lands.

**Zoning:** The proposed Residential - Mixed 2 (RMX-2) zoning could potentially be supported in coordination with an MR, Medium Density Residential land use designation (6-14 units per acre). A zoning of RMX-2 paired with a MR land use designation would require that the development not exceed 14 dwelling units per acre. This pairing exists in Northfield Village and the affordable housing development at 4525 Palo Parkway. The RMX-2 zoning district allows for a density bonus through the provision of affordable housing, and encourages a mix of housing types, consistent with several BVCP policies.

Overall, the current proposal appears consistent with the following BVCP goals and policies:

BVCP Policy	Excerpt from BVCP	How the Proposal is <u>Consistent</u> with BVCP Policies
1.17 Annexation	<i>1.17(e) "...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 consideration, emphasis will be given to the benefits achieved from the creation of permanently affordable housing..."</i>	The annexation request appears to meet applicable state annexation requirements. No new community investment in infrastructure is required to provide urban services, as the applicant would be required to construct all utility extensions to serve the property. The proposal is to provide 40% affordable housing. The project would serve an important aspect of housing needs in the Boulder community.
2.03 Compact Development Pattern	<i>"... ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area to prevent urban sprawl and create a compact community. "</i>	The proposal is consistent with this policy. The proposal is located in Area II, the area designated for urban services, and provides a compact design adjacent to existing city limits.
7.01 Local Solutions to Affordable Housing 7.02 Affordable Housing Goals	<i>7.01 "...The city and county recognize that affordable housing provides a significant community benefit..."</i> <i>7.02 "...The city will also increase the proportion of market-rate middle-income housing, as described in the Middle Income Housing Strategy."</i>	The creation of 34 permanently middle-income permanently affordable housing units is consistent with this BVCP policy.
7.03 Populations with Special Needs	<i>"The city and county will encourage development of housing for populations with special needs, including residences for people with disabilities..."</i>	The project provides handicap accessible units.
7.07 Mixture of Housing Types 7.10 Housing for Full Range of Households	<i>7.07 "...encourage the private sector to provide and maintain a mixture of housing types with varied prices, sizes and densities..."</i>	The project has mix of unit types including market-rate and affordable units, and 2- and 3- bedroom attached dwelling units in a variety of configurations. The proposal includes units that could be attractive to families



BVCP Policy	Excerpt from BVCP	How the Proposal is <u>Consistent</u> with BVCP Policies
	<i>7.09 "...encourage preservation and development of housing attractive to current and future households, persons at all stages of life and to a variety of household configurations"</i>	including multiple bedrooms and private outdoor spaces/yards.
7.12 Permanently Affordable Housing for Additional Intensity	<i>"...when additional intensity is provided through changes to zoning, a larger proportion of the additional development potential for the residential use will be permanently affordable..."</i>	The proposal seeks to use the density bonus possible through the RMX-2 zoning district.
7.15 Integration of Permanently Affordable Housing	<i>"...Where appropriate, the city will encourage new and affordable units provided on the site of and integrated into new housing developments."</i>	The proposal provides both market-rate and affordable housing on-site.

The current proposal appears inconsistent with the following BVCP goals and policies.

BVCP Policy	Excerpt	How the Proposal is <u>Inconsistent</u> with BVCP Policies
1.11 Jobs: Housing Balance	<i>"...encouraging new housing and mixed use neighborhoods in areas close to where people work..."</i>	The subject property is not in an area particularly close to where people work for the purposes of non-vehicular travel.
1.17 Annexation 2.10 Preservation and Support for Residential Neighborhoods	<i>1.17(d) "Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that respect existing lifestyles and densities." 2.10 "...protect and enhance neighborhood character and livability..."</i>	With an existing church, BVCP policies consider the subject property "substantially developed". Existing lifestyles and densities in the immediate area are low density residential and rural land uses, as outlined in this staff report so the proposed density appears inconsistent with this policy and parts of policy 2.10.
Sustainable Urban Form (Core Value)  6.01 All-Mode Transportation System & Safe and Complete Streets  6.20 Neighborhood Streets & Alleys Connectivity  2.24 Commitment to a Walkable & Accessible City  2.25 Improve Mobility Grid & Connections	<i>"Daily needs met within easy access from home, work, school, services or recreation without driving a car."  6.01 "For more suburban and rural parts of the Boulder Valley, the transportation system is focused on sustainable mobility through development of a safe, multimodal system, creating the complete trip and investing in key regional transportation corridors."  6.20 "The city recognizes neighborhood streets and alleys as part of the public realm and will plan a well-connected and fine-grained pattern to facilitate public access, promote safe and convenient travel for all, disperse and distribute vehicle traffic and maintain character and community cohesion."  2.24 "The city will promote the development of a walkable and accessible city by designing neighborhoods and mixed-use business areas to provide easy and safe access by foot, bike and transit to places such as neighborhood centers, community facilities, transit</i>	<p>The property is surrounded by the Planning Reserve to the north and east. Following the 2015 BVCP Update, the City Council has prioritized the initiation of the Baseline Urban Services Study in the coming years, in anticipation of the new BVCP update.</p> <p>This proposal provides an opportunity to establish what may be appropriate in terms of design form and streetscape in the area. The proposal includes a request to provide private rather than public streets which would not meet the city's typical street section. Internal streets should be provided as public right-of-way to avoid future financial obligations to the residents of the neighborhood for the repair and maintenance of private streets. The typical street section should include detached sidewalks and tree lawns to provide convenient pedestrian / bicycle circulation within and through the site.</p> <p>The subject property is served by the 205 bus route, which provides connectivity to employment centers (including downtown and Gunbarrel). While the subject property is on a transit corridor, it is important to note that transit does not meet the definition of a high frequency transit corridor (15-minute service or 4 buses an hour all day).</p> <p>The proposal is located at the edge of the city where neighborhood facilities and amenities are less likely to be located within a 15 minute walking distance. Given the site constraints of</p>

	<p><i>stops or centers and shared public spaces and amenities (i.e., 15-minute neighborhoods)."</i></p> <p><i>2.25 "... walkability, bikeability and transit access should be improved in parts of the city that need better connectivity and mobility..."</i></p>	<p>access and the surrounding context of low density residential, the inclusion non residential/community serving facilities or uses may or may not be appropriate for the site. At the time of site review, additional information regarding how the site can be designed to accommodate connections to nearby existing and future facilities and services, if no such uses are provided on the site itself.</p>
2.05 Design of Community Edges and Entryways	<p><i>"Well-defined edges and entryways for the city are important because they support an understanding and appreciation of the city's image, emphasize and preserve its natural setting, and create a clear sense of arrival and departure...As new areas are developed, the definition of a community edge will be a design priority. Major entryways into the Boulder Valley will be identified, protected and enhanced."</i></p>	<p>The subject property is considered a gateway site and the design of the site should be enhanced to meet this policy. The proposal includes a mix of unit orientations with some rear yards facing onto 28th, and some front yards facing onto the intersection of 28th and Jay. The proposal should clearly address how the building typology and setbacks/yard spaces along 28th and at the intersection support a well-defined edge and how the site provides quality usable open space for residents.</p>
2.15 Compatibility of Adjacent Land Uses	<p><i>"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."</i></p>	<p>The site is surrounded by a variety of different contexts and uses including low density residential, undeveloped land, public uses, and large thoroughfares. While the proposal includes a mix of housing unit designs intended to address the various adjacencies, additional consideration should be given to addressing the various edges of the site through the building design and form.</p>
2.26 Trail Corridors/Linkages	<p><i>"In the process of considering development proposals, the city and county will encourage the development of paths and trails where appropriate for recreation and transportation..."</i></p>	<p>The proposed multi use path is located consistent with the Boulder Valley Transportation Master Plan. However, the location of the path should be carefully designed to take into account anticipated pedestrian and cyclist use of the path, in particular with the future connection to the large future city park intended further north of this site, provide separation for adjacent uses as necessary to avoid to avoid conflict points between cyclists and other users of the area, and design street crossings for visibility and reduction in pedestrian/cyclist and vehicle conflicts.</p>
2.37 Environmentally Sensitive Urban Design	<p><i>"... strive to ensure that buildings, streets, utilities and other infrastructure are located and designed to protect natural systems, minimize energy use, reduce urban heat island effects and air and water</i></p>	<p>The proposal appears to provide excess internal circulation and pavement that may be better utilized for open space and to support efforts to address the environmental impacts associated with increased paving and urban heat island effects.</p>

	<i>pollution and support clean energy generation."</i>	
2.41 Enhanced Design for All Projects	<p><i>"Projects should become a coherent part of the neighborhood in which they are placed"</i></p> <p><i>"Projects should relate positively to public streets, plazas, sidewalks, paths and natural features."</i></p> <p><i>"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..."</i></p> <p><i>"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."</i></p> <p><i>"Buildings should demonstrate approachability and a relationship to the street, with inviting entries that are visible from public rights of way."</i></p>	<p>Refer to comments above under policy 2.10 Preservation and Support for Residential Neighborhoods; 6.01 All-Mode Transportation System &amp; Safe and Complete Streets; and 2.05 Design of Community Edges and Entryways.</p> <p>Given the location of the site at the edge of the city, there is a lack of nearby easily accessible park areas that would serve the property. The programming and design of passive and active open spaces on the site should serve the needs of anticipated future residents. Given the design of the units, family oriented open spaces including play structures or active recreation areas for children would likely be appropriate, as well as the proposed inclusion of shared garden plots. Generally, the use of drainage/detention areas as open space is not considered high quality useable open space and would need to be carefully designed in order to contribute to open space requirements. The location of useable open spaces intended for use by residents at the edges of the site/near major thoroughfares would also be discouraged.</p>

**Key Issue #2: Is the proposed conceptual plan compatible with the character of the surrounding area?**

As described above, several BVCP policies were created to protect residential neighborhoods from overly intense or incompatible development, which could destabilize the established neighborhood character. Additionally, the Site Review criteria state, *"the building height, mass, scale, orientation, architecture and configuration are compatible with the existing character of the area"* (section 9-2-14(h)(2)(F)(i), B.R.C. 1981). Per the vision and recommendations in the BVCP, redevelopment projects should become a coherent part of the neighborhood in which they are placed (see policy 2.41 Enhanced Design for Private Sector Projects).

The character of the surrounding area is primarily low-density single-family development. The proposal has been evaluated for compatibility with the general character of the neighborhood.



**Density:** The proposed density is higher than that of the neighborhoods immediately around it (refer to **Table 1** below). Since the site is located along two arterial roadways, medium density development may be supportable.

**Table 1**

	<b>Subdivision</b>	<b>Estimated Density (Dwelling Units Per Acre)</b>
<i><b>Proposal</b></i>		19.7
<b>Northeast</b>	Orange Orchard	2.1
<b>South</b>	Gould	1.1
<b>Southeast</b>	Palo Park	5.9
<b>Southeast</b>	Four Mile Creek	5.6
<b>West</b>	Arbor Glen	5.6
<b>West</b>	Sundance	9.2
<b>Average Density of Select Subdivisions</b>		4.9

Notes: Residential density is reflected in dwelling units per acre. Calculations reflect select sum of select subdivision's area that includes lots with housing units. Common area/shared ownership lots without housing units and rights of way were excluded from the calculations, with the exception of the Palo Park townhomes (south side of Subdivision #4 above) which have individual lots for townhome units and shared open space. Subdivision boundaries based on city's GIS database.

**Building Height, Mass, and Scale:** The proposed residences, which consist of individually owned homes in duplex, triplex, and townhome configurations at 1.5-3 stories with sloped roofs is generally a compatible scale with surrounding developed areas, which is primarily low density single family development.

The proposal should be further refined in keeping with the density and open space comments provided earlier in the memo. While the proposal includes a mix of housing unit designs intended to address the various adjacencies, additional refinement to the building design and form should be done to address the various edges of the site. The site could support a more defined building presence along 28<sup>th</sup> / Jay Road frontages, in support of Policy 2.05 Design of Community Edges and Entryways. The provision of lower building heights and the use of open spaces and setbacks to reduce the perceived density of the site should be carefully considered where the proposal is adjacent to existing lower-density residential uses.

**Architecture:** The proposal includes designs with gable-form shingle roofs and dormers with lap and board and batten siding. Unit color and material application is intended to be varied by unit to read as multiple side-by-side units. Staff recommends that the form and bulk of the 2.5/3 story units in particular should be refined to provide a human scale along adjacent sidewalks.

If the proposed development advances to the Site Review phase, consideration should be given to utilizing a palate of simple, high quality building materials across all units. The site review criteria state "exteriors of 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." Incorporating elements of the architectural design of surrounding neighborhoods into the building design could assist in integrating the development visually into the neighborhood.

## **CONCLUSION**

No action is required by Planning Board. Planning Board, Public and staff comments will be documented for use by the applicant. Concept Plan review and comment is intended to give the applicant preliminary feedback on the development concepts, and direction for site review applications.

By:

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Brad Mueller, Secretary to the Planning Board

## **Attachments:**

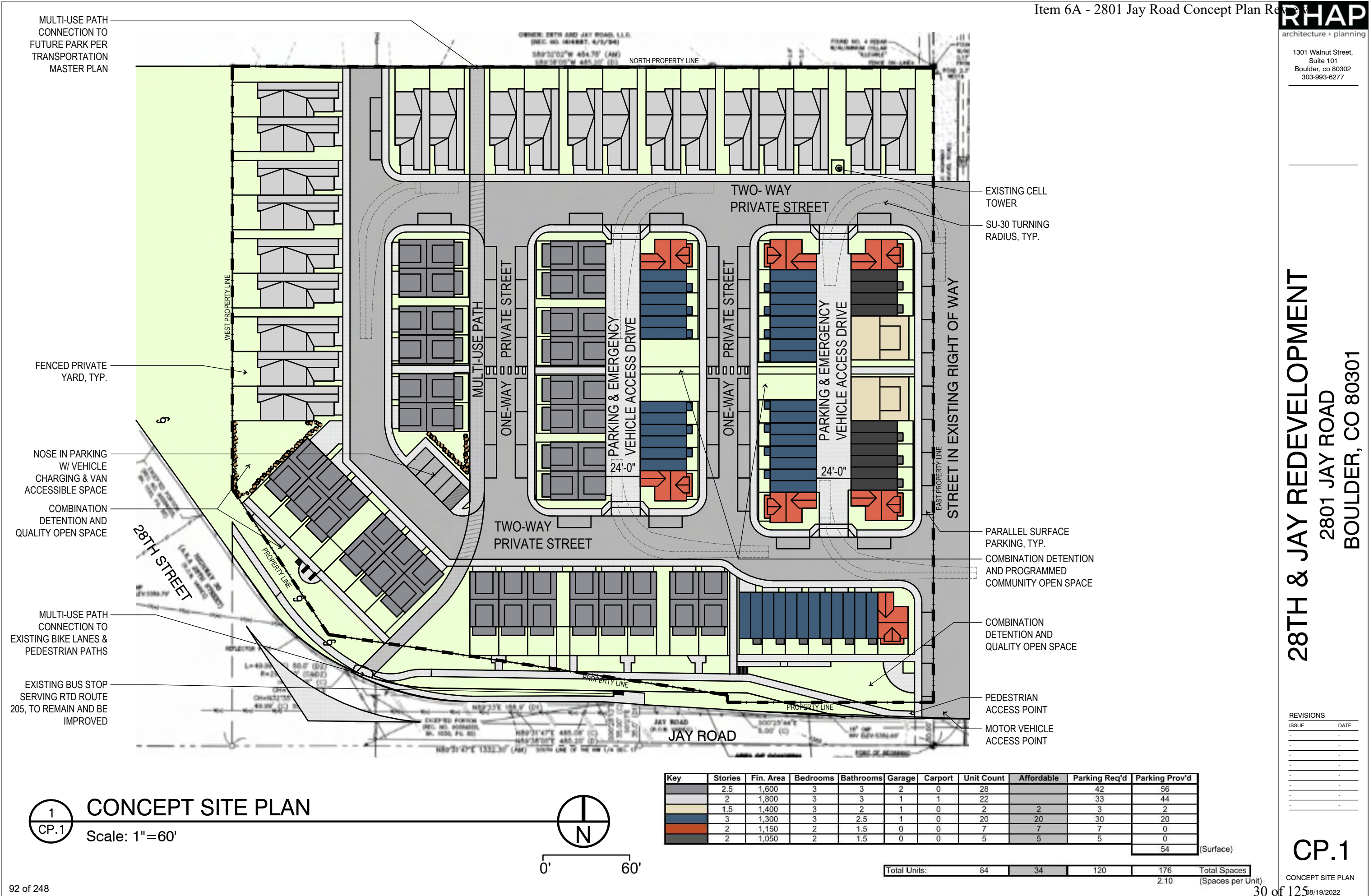
- A. Proposed Conceptual Site Plan and Renderings
- B. Written Statement
- C. Trip Generation and Assignment Report
- D. Initial Review Comments LUR2022-00038
- E. Prior Annexation LUR2016-00077 and Prior Site Review LUR2016-00078 Initial Review Comments
- F. 2015 BVCP Update Request Staff Recommendation
- G. Written Neighborhood Comments
- H. Neighborhood Meeting Summary and Attendees

**28TH & JAY REDEVELOPMENT**  
2801 JAY ROAD  
BOULDER, CO 80301

REVISIONS	
ISSUE	DATE

**CP.1**

CONCEPT SITE PLAN







**28TH & JAY REDEVELOPMENT**  
2801 JAY ROAD  
BOULDER, CO 80301

1  
CP.2

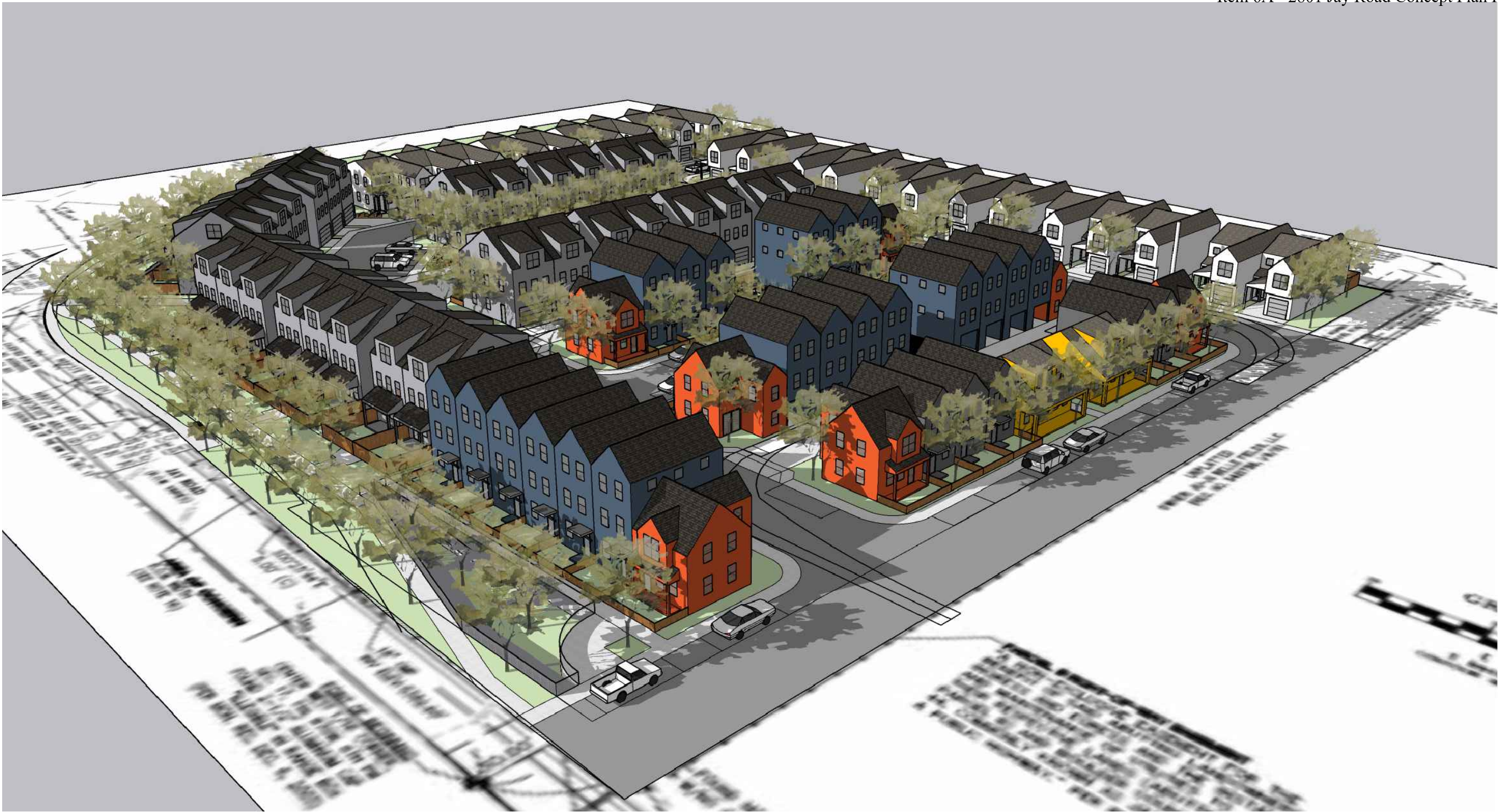
**CONCEPT VIEW FROM SOUTHWEST**

No Scale

REVISIONS	
ISSUE	DATE

**CP.2**  
ARCHITECTURAL  
CHARACTER  
08/19/2022





**28TH & JAY REDEVELOPMENT**  
2801 JAY ROAD  
BOULDER, CO 80301



**CONCEPT VIEW FROM SOUTHEAST**

No Scale

REVISIONS	
ISSUE	DATE

**CP.3**  
ARCHITECTURAL  
CHARACTER





**28TH & JAY REDEVELOPMENT**  
2801 JAY ROAD

1  
CP.4

**CONCEPT VIEW FROM NORTHEAST**

No Scale

REVISIONS	
ISSUE	

**CP.4**  
ARCHITECTURAL  
CHARACTER





**28TH & JAY REDEVELOPMENT**  
2801 JAY ROAD  
BOULDER, CO 80301

1  
CP.5

**CONCEPT VIEW FROM NORTHWEST**

No Scale

REVISIONS	
ISSUE	DATE

**CP.5**  
ARCHITECTURAL  
CHARACTER





**28TH & JAY REDEVELOPMENT**  
2801 JAY ROAD  
BOULDER, CO 80301

REVISIONS	
ISSUE	DATE



**CONCEPT VIEW - COMMUNITY OPEN SPACE**

No Scale

**CP.6**  
ARCHITECTURAL  
CHARACTER



## 2801 Jay Road Concept Plan Review and Comment August 2022

## Applicant's Written Statement

### I. Site Background

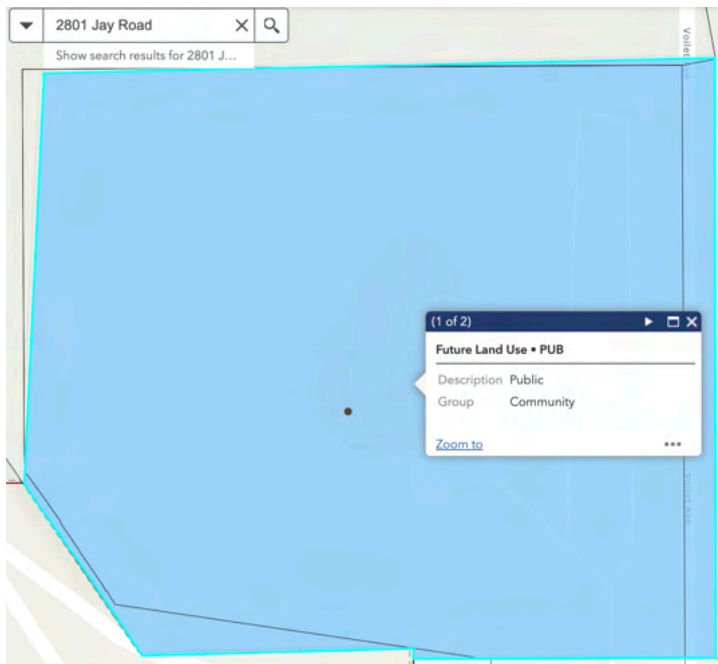
- This Concept Plan application is for the 4.6 acre property addressed 2801 Jay Road, located at the northeast corner of Jay Road and 28<sup>th</sup> Street.
- The project site is in Boulder County jurisdiction, was previously owned by and is currently occupied by a church.
- In 2016, an application was filed for annexation, initial zoning, and site review (LUR2016-00077 and LUR2016-00078) and was subsequently withdrawn.
  - The previous application was for 66 units of rental housing and the staff comments recommended RMX-2 zoning (with a MXR land use).
- In March 2022, the applicant filed a pre-application for annexation and initial zoning (to RMX-2) for 85 for-sale new residential units, including 34 middle income affordable units (40% affordable). This concept plan responds to staff comments on the pre-application submittal, including lower height along the eastern boundary adjacent to more rural zoning, an integrated multi-use path to connect with the future planned park to the north, and approximately 3,000 s.f. of meaningful, quality community open space.

### II. History and Area Characteristics

#### a. Boulder Valley Comprehensive Plan

The property is designated in Area II (eligible for annexation) with Public land use on the Boulder Valley Comprehensive Plan (BVCP), as shown below.

Along with a future annexation application, the applicant intends apply for a BVCP Land Use Change to Mixed Density Residential, MXR land use.



Some of the relevant policies include:

**Policy 1.09 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 to provide significant community benefits, achieve sustainability goals for urban form and to maintain or improve environmental quality as a precondition for further housing and community growth.

**Policy 1.10 Jobs: Housing Balance:** Boulder is a major employment center, with more jobs than housing for people who work here. This has resulted in both positive and negative impacts, including economic prosperity, significant in-commuting and high demand on existing housing. The city will continue to be a major employment center and will seek opportunities to improve the balance of jobs and housing while maintaining a healthy economy. This will be accomplished by encouraging new housing and mixed-use neighborhoods in areas close to where people work, encouraging transit oriented development in appropriate locations, preserving service commercial uses, converting commercial and industrial uses to residential uses in appropriate locations, improving regional transportation alternatives and mitigating the impacts of traffic congestion.

**Policy 2.03 Compact Development Pattern:** Ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid . . . patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community.

**Policy 2.10 Preservation and Support for Residential Neighborhoods:** The city will work with neighborhoods to protect and enhance neighborhood character and livability and preserve the relative affordability of existing housing stock. The city will also work with neighborhoods to identify areas for additional housing, libraries, recreation centers, parks, open space or small retail uses that could be integrated into and supportive of neighborhoods. The city will seek appropriate building scale and compatible character in new development or redevelopment, appropriately sized and sensitively designed streets and desired public facilities and mixed commercial uses. The city will also encourage neighborhood schools and safe routes to school.

**Policy 2.21 Commitment to a Walkable and Accessible City:** The city and county will promote the development of a walkable and accessible 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...

The proposed residential uses in the Concept Plan support the BVCP policies above, in particular those related to:

- redevelopment to provide significant community benefits
- the city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community
- the city will seek appropriate building scale and compatible character in new development or redevelopment
- promote the development of a walkable and accessible 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

Discussions with Housing Division staff indicated recommendations for diversity of housing types and two and three bedroom affordable units compared to more prevalent

studios and one-bedroom units, and “smaller” market rate units than those found elsewhere in Boulder.

## **b. Site and Area Zoning and Uses**

### Zoning

With an annexation application, the applicant will request an initial zoning of RMX-2, Residential - Mixed 2. According to the definition in the zoning code, this zoning is for medium density residential areas which have a mix of densities from low density to high density and where complementary uses may be permitted. RMX-2 zoning allows:

- 10 units per acre and 20 units per acre with affordable housing density bonus
- For lots greater than one acre, but less than five acres, RMX-2 requires at least two housing types. Three housing types are proposed (duplex, triplex, and townhomes).
- For lots greater than one acre, no more than 50% of one housing type allowed. Approximately 45% duplex units, 15% triplex units, and 40% townhome units are proposed in the concept plan.

Surrounding zoning is as follows:

- East: County zoned RR
- North: County zoned RR
- South (across Jay Road): County zoned RR, City zoned RR-1
- West (across 28<sup>th</sup> Street): City zoned RL-1 and RL-2 (to southwest)

### Context Map and Surrounding Uses

The applicant proposes a concept plan with residential uses in response to the city's important goals to add housing units to the community. As shown on the enclosed context map, the site is bordered on the west by 28<sup>th</sup> Street and the city limits of Boulder. To the north is “Area III – Planning Reserve” which will be studied by the city in 2023-2025. To the east is rural residential units in County jurisdiction. Across Jay Rd. to the south is the new location of the Boulder County Center for Judaism, under construction.

## **c. Site Characteristics**

The project site occupies the northeast corner of the intersection of Jay Road and 28<sup>th</sup> Street located in unincorporated Boulder County.

- The existing parcel area is approximately 4.58 acres.
- An existing church structure built in 1990, associated accessory structures and parking lot occupy the western half of the site.
- A cellular wireless communication pole is located in the northeast corner of the property.
- The site slopes gently from northwest to southeast with approximately 10 feet of fall over the entire property.
- Utilities on the site are limited to service laterals for the church. Overhead power lines border the 28<sup>th</sup> Street frontage of the property.
- According to the City of Boulder flood maps, the site is not within the 100 year or 500 year floodplains.

### III. Project Summary

#### a. Concept Plan

The enclosed concept plan is presented for review and feedback by neighbors and interested public, City of Boulder staff, Planning Board, and if called up, City Council.



The concept plan illustrates the following:

- Site layout
  - 2-story duplex and triplexes are located on the western and north sides of the property.
  - 1.5-story and 2-story townhomes are located on the eastern side of the property, providing a sensitive buffer to the adjacent single family residential properties.
  - 3-story townhomes are provided along the south edge of the property, and at the interior portions of the inner blocks, but make use of 2-story “bookend” units to decrease the scale at intersections.
  - 2.5-story duplexes occur at the southwest corner and western interior blocks, where they are most insulated from the surrounding single-family residential homes.
- Architectural character
  - In order to address surrounding single-family residential character, unit designs will make use of gable-form shingle roofs, interspersed with dormers to break up continuous surfaces. Siding is intended to be various combinations of residential scale lap and board & batten, in multiple colors.



Colors and siding to vary unit by unit to read as multiple side-by-side units rather than monolithic blocks.

- Layout of private streets
  - Primary two-way private street provides continuous circulation around site, with parallel parking along one side in spots.
  - One-way private streets run north-south, with parallel parking on each side at interior blocks. To accommodate the double-loaded one-way parallel parking arrangement we are proposing to widen the standard dimensions with 8.5 foot wide parallel spaces and 13 foot drive aisle. This design is intended to slow traffic while providing street fronting, pedestrian friendly access to the units in place of parking lots.
  - Rear parking access alleys/lanes designed to accommodate fire/emergency & waste collection vehicles (SU-30 vehicle compliant turning radii, minimum 15 foot clear overhead and 24 foot drive width)
- Parking
  - Private carports and/or private garages provided for all (72) three-bedroom units: 122 spaces against 108 required.
  - 50 surface parallel spaces throughout the site provide parking for the remaining (12) two-bedroom units without private garages, as well as guests.
  - 4 head-in stalls w/ van accessible space and aisle also provide resident/guest parking adjacent to interior community spaces.
  - Combined total parking spaces = 176 spaces (120 are required).  
Note: RMX-2, which often includes a mixture of uses, has a lower parking requirement as compared to other residential zones
- Open space / other amenities
  - Central open space proposed to focus on community building through food. Options to encourage community interaction include possible kitchen garden plots/planters along with shade structures housing seating and food prep stations/barbeque grills. Dispersed water detention areas to function as quality open space, with landscaping, walkways, and seating areas.
- Other site features
  - Multi-use path connecting pedestrian and bicycle infrastructure at the intersection of Jay Road and 28<sup>th</sup> Street, through the site to a future park to the north (per BVCP) per City Transportation Master Plan. This planned park of approximately 187 acres is located in the Area III Planning Reserve and is planned as a community level park. (An update to the Parks and Recreation Master Plan is expected is to be approved in Quarter 3 of 2022. This community park will serve this proposed new neighborhood.)

**Proposed housing types and affordability are addressed under the criteria in Section c.(C) below.**

**b. Transportation****(A) Trip Generation/Distribution Analysis**

A trip generation and assignment report by Chris McGranahan of LSC transportation consultants is included in this application. The report shows the project is expected to generate about 566 one way vehicle trips on the average weekday, 34 morning peak hour trips and 43 afternoon peak hour trips. These trips are expected to be reduced about 20% based on alternative travel modes.

**c. As Required for a Concept Plan Application:  
Environmental, TDM, Land Uses, Affordability****(A) Techniques and strategies for environmental impact avoidance, minimization, or mitigation;**

This project creates a compact residential neighborhood composed of attached single family homes. The proposed design allows for individual identity for the dwelling units while minimizing the required land area and resulting irrigation needs. Locating smaller scale housing adjacent to the established urban context allows the benefits of this development to be extended to as many residents as possible given the impacts of the project. With redevelopment into a residential project, we will meet or exceed development standards for landscape and permeable surfaces, including retention ponds and water quality features to treat roof runoff. The applicant welcomes the input from city staff during the review process about other ways to mitigate environmental impacts.

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

We support efforts to reduce reliance on automobiles and the use of single-occupancy vehicles. This site is ideally located to naturally encourage residents to walk, bike or use public transport to reach nearby destinations to work, shop, and play. Some transit considerations that will be taken into account in our future Transportation Demand Management Plan are as follows:

- Bus stops for the RTD 205 route are located on Jay Road on the south frontage and across the street. This route runs at a 30 minute frequency. We hope that this neighborhood will drive increased ridership due convenience of access to the stops.
- On-street bike lane connections via Jay Road to the west provide access to downtown Boulder via 26<sup>th</sup> Street. 28<sup>th</sup> Street has a bikeable shoulder condition providing access to the NOBO arts district to the north. This location provides excellent access to recreational bike routes in all directions. Jay Road is one of the most heavily travelled bike routes in Boulder.
- Long-term bicycle parking will be provided per city standards. Short-term bicycle parking will be located at key locations along the throughout the development, and at central community space.

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

Unit types and sizes

- **Market-rate Duplex and Triplex Groupings:** (28) 2.5 -story three-bedroom 1,600 s.f. Ground level: private two-car garage, bedroom, 3/4 bath and storage. Second level: living/dining/kitchen, and powder bath. Third level: (2) beds, (2) baths. Private front yard.
- **Market-rate Duplex and Triplex Groupings:** (22) 2-story three-bedroom 1,800 s.f. Ground level: private carport and private one-car garage, living/dining/kitchen, flex room, and bath. Second level: (3) beds, (2) baths. Private rear yard.
- **Affordable Accessible Townhome:** (2) 1.5-story three-bedroom 1,400 s.f. Accessible ground level: including (1) bedroom, accessible bathroom, and van accessible one-car garage. Second level: (2) bedrooms, full bathroom. Private front porch and yard.
- **Affordable Townhome:** (20) 3-story three-bedroom 1,300 s.f. Ground level: private carport w/ associated storage, bedroom and ¾ bath. Second level: living/dining/kitchen & powder bath. Third level: (2) beds, (2) baths. Private front stoop and yard.
- **Affordable Townhome:** (7) 2-story two-bedroom 1,150 s.f. Ground level: living/dining/kitchen & powder bath. Second level: (2) beds, (2) baths. Private front porch and yard.
- **Affordable Townhome:** (5) 2-story two-bedroom 1,050 s.f. Ground level living/dining/kitchen & powder bath. Second level, (2) beds, (2) baths. Private stoop porch and yard.

Housing Affordability

- The applicant has met with City Housing staff many times over the past several years to discuss options for affordable units and unit types.
- With 40% affordable for-sale middle income units, the project earns a density bonus of 20 units per acre. While the overall density may at present be less than 20 per acre, it may reach that by the time land is dedicated for right-of-way and other public requirements.
- This concept plan responds to staff comments in the pre-app submittal. The market rate density is reduced and the on-site middle income units remain at 34 units to accommodate the quality community open space requested by planning staff, set in the middle of the site to encourage gathering and interaction across households.
- The middle income and the market rate units will be suitable for families and multi-generational living. The one and a half and two-story units have been relocated to the eastern edge to meet the rural Area III parcel to the east.



- During the pre-application review, city staff supported waiving lot line requirements to allow a homeowners' association (instead of a condo association) which will keep monthly fees for all residents including middle income homeowners low, and enhance the homeownership by allowing fee simple lots.
- The multi-use path planned to connect to a future park to the north has been integrated into the site.
- Utilities will be brought to the site to avoid conflicting with detention.
- Estimated unit pricing:
  - For market rate prices – current market pricing is between \$1,100,000 and \$1,300,000 for market rate.
  - For affordable prices – To be determined with the City of Boulder Housing Division, as the prices are regularly updated.

#### **IV. Neighborhood Outreach**

We will work with Planning staff to coordinate the best timing to schedule, notice and host a neighborhood meeting.

**1889 York Street  
Denver, CO 80206  
(303) 333-1105  
FAX (303) 333-1107  
E-mail: [lsc@lscdenver.com](mailto:lsc@lscdenver.com)**



August 17, 2022

Mr. Daniel Rotner  
RHAP Architecture + Planning  
1301 Walnut Street, Suite 101  
Boulder, CO 80302

Re: 28<sup>th</sup> & Jay Townhomes  
Boulder, CO  
LSC #220840

Dear Mr. Rotner:

In response to your request, LSC Transportation Consultants, Inc. has prepared this Trip Generation and Assignment Report to satisfy the Concept Review requirements for the proposed 28<sup>th</sup> & Jay Townhomes development in Boulder, Colorado.

## **IMPACT AREA**

Figure 1 shows the vicinity map.

### **Area Roadways**

The major roadways in the site's vicinity are shown on Figure 1 and are described below.

- **Jay Road** is an east-west, two-lane arterial roadway south of the site. The intersection with US 36 is signalized with auxiliary turn lanes. The posted speed limit in the vicinity of the site is 35 mph.
- **28<sup>th</sup> Street (US 36)** is a north-south, two-lane state highway west of the site. It is classified as NR-A (Non-Rural Principal Highway) by CDOT. The intersection with Jay Road is signalized with auxiliary turn lanes. The posted speed limit in the vicinity of the site is 45 mph.
- **Voilet Avenue** is a north-south, two-lane local gravel street east of the site that provides access to a few individual properties.

## **PROPOSED LAND USE AND ACCESS**

The site is proposed to include about 84 townhome dwelling units. Full movement access will be provided to Voilet Avenue on the east side of the site. The conceptual site plan is shown in Figure 2.

**ALTERNATIVE TRAVEL MODES**

An alternate travel mode share of 20 percent is expected and will be supported by an upcoming Travel Demand Management (TDM) Plan.

**TRIP GENERATION**

Table 1 shows the estimated typical weekday, morning peak-hour, and afternoon peak-hour trip generation for the site based on the rates from *Trip Generation, 11<sup>th</sup> Edition*, 2021, by the Institute of Transportation Engineers (ITE).

The site is projected to generate about 566 one-way vehicle-trips on the average weekday, with about half entering and half exiting the site during a 24-hour period. During the morning peak-hour, which generally occurs for one hour between 6:30 and 8:30 a.m., about 8 vehicles would enter and about 26 vehicles would exit the site. During the afternoon peak-hour, which generally occurs for one hour between 4:00 and 6:00 p.m., about 27 vehicles would enter and about 16 vehicles would exit the site. These volumes are expected to be reduced by about 20 percent due to alternative travel modes. This will be supported by a future Travel Demand Management (TDM) Plan.

**TRIP DISTRIBUTION**

Figure 3 shows the estimated distribution of site-generated traffic.

**TRIP ASSIGNMENT**

Figure 4 shows the assignment of site-generated traffic assuming no reduction for alternative travel modes to assure a conservative analysis.

\* \* \* \* \*

We trust this information will assist you in planning for the proposed 28<sup>th</sup> & Jay Townhomes development.

Respectfully submitted,

LSC Transportation Consultants, Inc.

By:

Christopher S. McGranahan, P.E., PTOE  
Principal

CSM/wc

Enclosure: Table 1  
Figures 1 - 4



**Table 1**  
**ESTIMATED TRAFFIC GENERATION**  
**28th & Jay Townhomes**  
**Boulder, CO**  
**LSC #220840; August, 2022**

Trip Generating Category	Quantity	Trip Generation Rates <sup>(1)</sup>					Vehicle - Trips Generated				
		Average Weekday	AM Peak-Hour		PM Peak-Hour		Average Weekday	AM Peak-Hour		PM Peak-Hour	
			In	Out	In	Out		In	Out	In	Out
Townhomes <sup>(2)</sup>	84 DU <sup>(3)</sup>	6.74	0.096	0.304	0.321	0.189	566	8	26	27	16
20% ATM Reduction <sup>(4)</sup> =							113	2	5	5	3
<b>Net Trips =</b>							<b>453</b>	<b>6</b>	<b>21</b>	<b>22</b>	<b>13</b>

**Notes:**(1) Source: *Trip Generation*, Institute of Transportation Engineers, 11th Edition, 2021

(2) ITE Land Use No. 220 - Multifamily Housing (Low-Rise)

(3) DU = Dwelling Unit

(4) The alternative travel mode reduction will be supported by a future Travel Demand Management (TDM) plan.





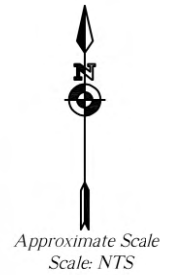
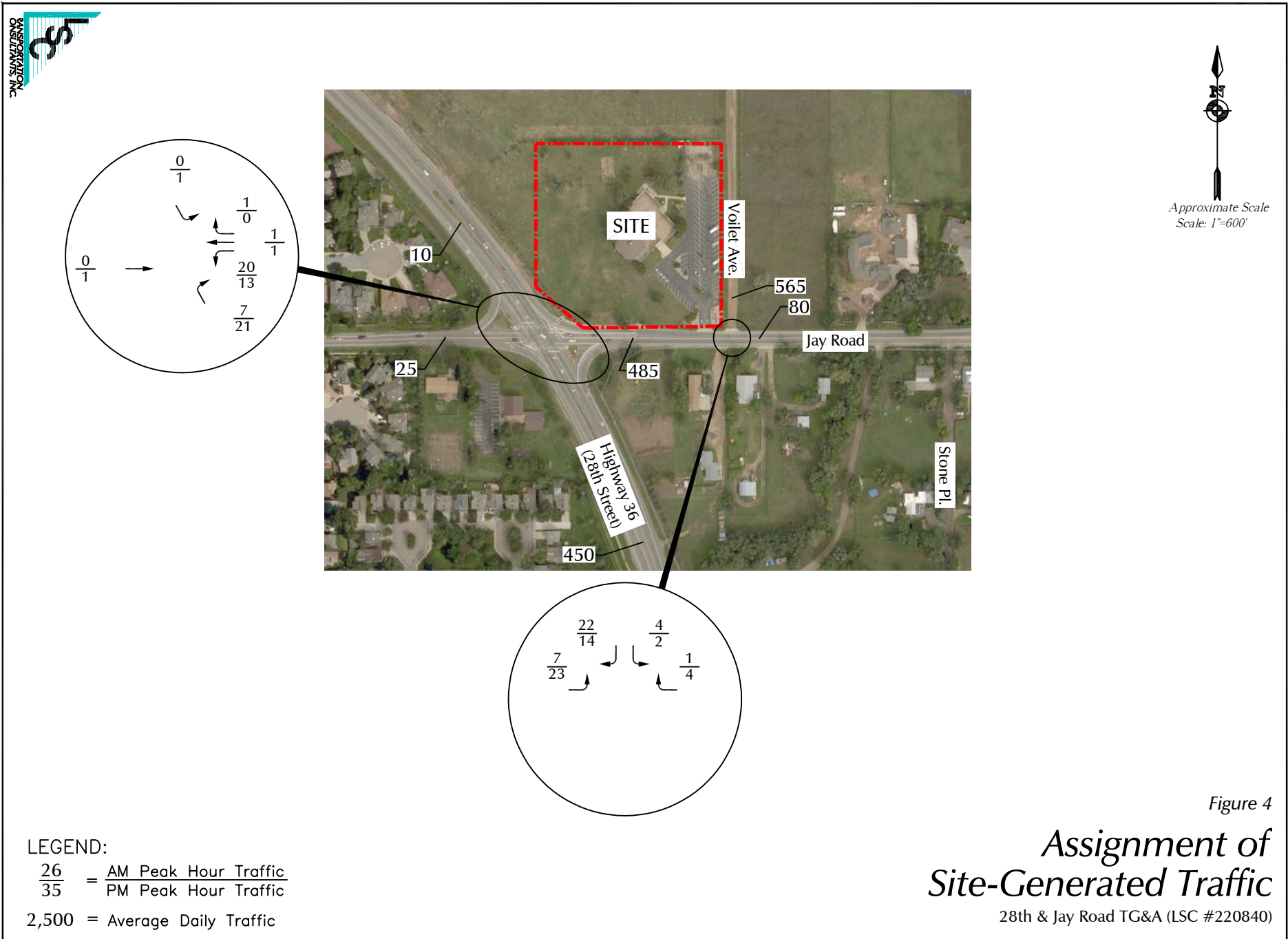


Figure 2  
**Site Plan**

28th & Jay Road TG&A (LSC #220840)









## City of Boulder Planning & Development Services

DATE OF COMMENTS: **October 27, 2022**  
CASE MANAGER: **Shannon Moeller**  
PROJECT NAME: **2801 JAY RD**  
LOCATION: **2801 JAY RD**  
REVIEW TYPE: **Concept Plan Review & Comment**  
REVIEW NUMBER: **LUR2022-00038**  
APPLICANT: **LIZ HANSON, HANSON BUSINESS STRATEGIES  
DANIEL ROTNER, RHAP ARCHITECTURE AND PLANNING  
MARGARET FREUND, FULTON HILL PROPERTIES  
KYLE PLANTICO, RHAP ARCHITECTURE**  
DESCRIPTION: **CONCEPT PLAN REVIEW AND COMMENT for proposed redevelopment to include 84 for-sale dwelling units ranging from 1,050 SF to 1,800 SF, consisting of townhome, duplex, and triplex housing types, including 40% (34) middle income affordable units.**

### I. REVIEW FINDINGS

A Concept Plan is neither approved or denied, but rather is an opportunity for the city staff, the Planning Board, and community members to comment on the general aspects of the proposal. Refer to review comments below for staff's initial review comments and information regarding the Planning Board hearing.

These comments and all neighborhood correspondence received will be forwarded to the Planning Board for review. The Planning Board hearing on this item is scheduled for **December 6, 2022**. While the applicant is welcome to submit a written response to all the comments found herein prior to that hearing, it should be noted that the Concept Plan process is not an iterative process and that alternative designs cannot be considered without an additional Concept Review application.

### II. INFORMATIONAL COMMENTS

#### 1. Addressing, Alison Blaine, Address Administrator, [blainea@bouldercolorado.gov](mailto:blainea@bouldercolorado.gov)

Each new building is required to be assigned a street address following the city's addressing policy. The city is required to notify utility companies, the County Assessor's office, emergency services and the U.S. Post Office of proposed addressing for development projects. Please submit an Address Plat and list of all proposed addresses as part of the Technical Document Review process.

#### 2. Affordable Housing, Michelle Allen [allenm@bouldercolorado.gov](mailto:allenm@bouldercolorado.gov)

The proposal would provide for-sale housing, both market and permanently affordable, at a time when the city is seeing very little for-sale housing being developed. Many, if not all, of the affordable homes could be made available to middle income households thus helping the city meet its middle income housing goals. Similarly, the housing is proposed as 3 and 2 bedroom units appropriate for families at a time when much of the housing being proposed is small studio and 1 bedroom units.

- a. As proposed the 40% for-sale affordable housing shown is consistent with what would be expected as annexation community benefit. The affordable units are aggregated to facilitate development by a third party, possibly Habitat for Humanity. In this scenario the developer would contribute the land and utilities for the affordable homes and assist with any gap financing needed for Habitat to construct the affordable homes. This configuration is supportable by staff if the outcome is as stated, 2 and 3 bedroom, family friendly, for-sale housing and an agreement with Habitat for development of the homes can be reached at or before site review.
- b. If the type of housing reverts to rental and/or the units are less family oriented a higher percentage of affordable housing may be pursued as annexation community benefit. Similarly, if a development agreement with Habitat for Humanity is not achieved, the affordable homes should be integrated and distributed throughout the development.

#### 3. Area Characteristics and Zoning History, Shannon Moeller, [moellers@bouldercolorado.gov](mailto:moellers@bouldercolorado.gov)

The subject property is located in Boulder County near the intersection of 28th Street and Jay Road. 28th



Street/U.S. 36, serves as the general city limits for the City of Boulder in this area, although incorporated portions of the city can be found further east. The approximately 199,452 square foot (4.58 acres) property is located immediately east of the city limits. The subject property contains a church constructed circa 1953 and a parking lot. City Church Boulder currently operates on the property, and the property was previously used by the Boulder First Church of the Nazarene for many years. In 2021, the property was sold by the Colorado District of the Church of the Nazarene to an LLC registered by the applicant, Margaret Freund, Fulton Hill Properties. The property is served by city water per an out-of-city utility agreement and revocable permit signed in 1987. The property contains a 42-foot tall monopole for telecommunications equipment, which would not be permissible per city zoning standards.

The surrounding area is characterized by primarily low-density single-family residential development. However, a variety of uses exists in the immediate area. A building permit has been issued for single-story worship building (the Lubavitch Synagogue) immediately to the south, across Jay Road (2810 Jay Road). The Peace Lutheran Church is located catty-corner to the site on the southwest corner of the intersection of Jay Road and 28th Street.

On October 1, 2015, the Planning Board considered a Concept Plan Review and Comment (LUR2015-00074) for a residential proposal on the same site, consisting of 94 permanently affordable dwelling units (30 two-bedroom row houses in four buildings, 21 three-bedroom row houses in three buildings and 38 two-bedroom and 5 one-bedroom apartments in one building).

Following the Concept Plan Review, the applicant applied for an Annexation (LUR2016-00077) and Site Review (LUR2016-00078). These were reviewed by staff, but the items were subsequently withdrawn by the applicant.

In 2016, as part of the 2015 BVCP Update, the city reviewed a request to amend the Comprehensive Plan Land Use Designation on the site. The proposal requested MXR land use, and city staff recommended MR, Medium Density Residential land use (6-14 dwelling units/acre). The proposed land use designation request was subsequently withdrawn; the site remains designated P – Public.

**4. Bicycle Parking, David Thompson, [thompsond@bouldercolorado.gov](mailto:thompsond@bouldercolorado.gov)**

Bicycle parking will need to be provided for the residential units that will not have garages. Table 9-8 “Off-Street Bicycle Parking Requirements” from the Boulder Revised Code, (B.R.C.) 1981 is to be used to determine the number of bicycle parking spaces to be provided on the site. The design standards for bicycle parking are contained in Section 9-9-6(g), B.R.C. 1981 and Section 2.11(G) of the City’s Design and Construction Standards.

**5. Building Design, Shannon Moeller, [moellers@bouldercolorado.gov](mailto:moellers@bouldercolorado.gov)**

The proposed residences, which consist of individually-owned homes in duplex, triplex, and townhome configurations at 1.5-3 stories with sloped roofs is generally a compatible scale with surrounding developed areas, which is primarily low-density single-family development. The mix of building typologies could be further enhanced with greater diversity of housing to address the 28th Street frontage and Jay/28th intersection with a more defined building presence and continue to provide a transition in density as the property nears adjacent low-density residential areas on other frontages.

The design of the proposed units includes a mix of garage/carport forward designs and alley-loaded designs. The side of the unit which contains vehicular access should ensure that the pedestrian experience along these frontages is positive, with appropriate tree lawns and separation of vehicular-pedestrian conflicts. The form and bulk of the 2.5/3-story units in particular should be refined to provide a human scale along adjacent sidewalks.

If the proposed development advances to the Site Review phase, consideration should be given to utilizing a palate of simple, high quality building materials across all units. The site review criteria state “exteriors of 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.”

**6. Comprehensive Planning, Chris Ranglos, [ranglosc@bouldercolorado.gov](mailto:ranglosc@bouldercolorado.gov)**

The subject property at 2801 Jay Road has previously submitted for a Land Use Change Request as part of the 2015 Major Update to the Boulder Valley Comprehensive Plan (BVCP). The recommendation from the 2015 BVCP Major Update request is attached as staff believes the assessment and recommendation still apply to the currently proposed Concept Plan, and to provide historical context (refer to attachments).

As part of the proposed Concept Plan at 2801 Jay Road, staff recommends a Land Use Change to Medium Density Residential (MR) rather than the currently proposed Mixed Density Residential (MXR). The following reasons apply:

- Mixed Density Residential (MXR) is not recommended because the designation allows up to 18 units per acre (85 units) and constitutes a number of units that the city's planning board has previously indicated was not appropriate for the site.
- The recommended Medium Density Residential (MR) designation allows 6-14 dwelling units per acre (28-66 units total). This is consistent with the mix of densities in the surrounding area and could be compatible with the surrounding developments.
- The recommended Medium Density Residential (MR) designation furthers other key BVCP policies, including jobs:housing balance, compatibility of adjacent land uses, sensitive infill and redevelopment, and strengthening community housing partnerships.
- There is a scarcity of sites for housing in Boulder Valley. Allowing Medium Density Residential (MR) will allow a diversity of housing types and prices, and a significant portion of the units will be permanently affordable.
- The parcels are in Area II (the area designated for urban services) and have been intended for annexation into the city since 1985.
- Urban services (i.e., water, wastewater, stormwater, roads) are readily available near the site.
- Diversity of housing types and costs is a core value of the Comprehensive Plan, recognizing that the availability of housing affordable to both low and moderate income populations is "a growing concern"
- The location and characteristics of the site make it suitable for new development with urban services, based on the apparent lack of sensitive environmental areas, hazard areas, and significant agricultural lands.

Please note: The north and east boundaries of the subject property are adjacent to the Area III-Planning Reserve. The Area III- Planning Reserve is rural land uses where the city intends to maintain the option of limited-service area expansion. As part of the Major Update to the 2015 BVCP, City Council directed staff not to move forward with a Service Area Expansion Assessment into this area.

Since then, City Council has prioritized the initiation of the Baseline Urban Services Study in 2023. This work is a preliminary step to help the community and decision-makers understand the scope and extent of providing city services to this area and weigh the potential costs and benefits of expanding services here for future generations. Staff anticipates the completion of the Baseline Urban Services Study in 2024 ahead of the Major Update to the BVCP in 2025.

Once complete, the city may then consider a Service Area Expansion into the Area III-Planning Reserve. The Service Area Expansion Plan is anticipated to be similar in scope to an Area Plan (as described in the BVCP) and will be developed by the city in coordination with the county. There is no timeframe as to when this plan would initiate as it is contingent on several factors and steps not yet realized. For additional information on the Area III-Planning Reserve and potential future expansion into this area, please reference Appendix B (page 162) the BVCP.

## 7. **Drainage, Erik Saunders, [saunderser@bouldercolorado.gov](mailto:saunderser@bouldercolorado.gov)**

### General Requirements:

1. Pursuant to Section 11-5-6, B.R.C. 1981, the applicant is required to provide "all reasonable necessary drainage facilities to ensure adequate drainage and management of storm waters and floods falling on, or flowing onto, the property" in accordance with an approved stormwater and flood management plan in addition to meeting the provisions of the City of Boulder Stormwater Master Plan.

2. It is not clear where detention and/or water quality pond(s) or other facilities will ultimately be located. Based on the proposed added impervious area to the site, a detention/water quality facilities will be required since runoff for the initial and major storm events cannot be conveyed directly to a major drainage way.

3. Storm water runoff and water quality treatment are issues that must be addressed during the Site Review Process. Regarding the city's new storm water regulations and the June 2019 adoption of the updated City of Boulder Design and Construction Standards (DCS), this development is considered an "applicable development". All requirements of Chapter 7 of the DCS apply including (but not limited to):

- Storm water detention
- LID Techniques
- Quality Design Standard Compliance
- Selection and Design of SCM's

- Preliminary Infiltration Feasibility Screening
- Treatment Approach Selection Criteria
- Soil and Infiltration Test
- Storm sewer construction
- Irrigation Ditches and Laterals
- Groundwater discharge
- Erosion control during and post construction activities.

A Preliminary Storm Water Report and Plan in accordance with the City of Boulder Design and Construction Standards (DCS) must be provided by the applicant at time of Site Review application.

4. The applicant is notified that detention and water quality facilities intended to detain and/or treat stormwater runoff for multiple lots shall be located in "Outlots", with maintenance responsibilities detailed in the subdivision agreement.

5. Discharge of groundwater to the public storm sewer system may be necessary to accommodate construction and operation of the proposed developments. City Agreements and/or State permits will be required for this discharge. The applicant is advised to contact the City of Boulder Storm Water Quality Office at 303-413-7350 regarding Agreement requirements. All applicable permits must be in place prior to building permit application. Additionally, special design considerations for the property to handle groundwater discharge as part of the development may be necessary.

6. A construction storm water discharge permit is required from the State of Colorado for projects disturbing one (1) acre of land or more. The applicant is advised to contact the Colorado Department of Public Health and Environment.

#### **8. Energy Conservation, Shannon Moeller, [moellers@bouldercolorado.gov](mailto:moellers@bouldercolorado.gov)**

On March 3, 2020, the City of Boulder adopted the 2020 City of Boulder Energy Conservation Code (COBECC) which prescribes minimum energy efficiency and conservation standards for new buildings and for additions and alterations to existing buildings. The city updates our energy code on a three-year cycle with the goal of attaining net-zero energy, outcome-verified code by 2031 to meet broader city-wide climate commitment goals. Although compliance with the COBECC is not required until time of building permit review, staff recommends starting energy modeling as part of site review since characteristics of the project like building materials, building orientation, etc. will impact the energy performance of the project. Preliminary energy modeling can also help demonstrate compliance with site review criterion (h)(2)(F)(xi), which states that "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."

#### **9. Fees – Utilities, Erik Saunders, [saunders@bouldercolorado.gov](mailto:saunders@bouldercolorado.gov)**

1. Based on the limited application data supplied and the 2022 Schedule of Fees, the following fees will be due prior to the first reading of the annexation ordinance: Plant Investment Fees (PIF's) for existing impervious area: Stormwater \$2.39/square foot of impervious area (~55,000 sq ft) -> \$131,450.

2. Per the 2022 Schedule of Fees, the following fees will be due prior to connection to city's water and wastewater systems: Plant Investment Fees (PIF's) for New Single-Family Residential: Water: \$11,402.00 Wastewater: \$4,448.00; Plant Investment Fees (PIF's) for New Multi-Family Residential: Water \$7,393.00 for 1 or 2 bedroom units, \$9,241.00 for 3 bedroom units, \$11,089.00 for 4 bedroom units, \$12,936.00 for 5 or more bedroom units; Wastewater \$2,883.00 for 1 or 2 bedroom units, \$3,297.00 for 3 bedroom units, \$4,326.00 for 4 bedroom units, \$5,046.00 for 5 or more bedroom units; Irrigation \$3.11/square foot of irrigation area (2,000 square foot minimum).

#### **10. Groundwater, Erik Saunders, [saunders@bouldercolorado.gov](mailto:saunders@bouldercolorado.gov)**

Groundwater is a concern in many areas of the City of Boulder. Discharge of groundwater to the public storm sewer system should be anticipated to accommodate construction and operation of the proposed development. Please be advised that if groundwater is encountered at this site an underdrain/ dewatering system may be required to reduce groundwater infiltration. Information pertaining to the quality of the groundwater encountered on the site will be required to determine if treatment is necessary prior to discharge from the site. City Agreements and/or State permits are required for the discharge of any groundwater to the public storm sewer system. The applicant is advised to contact the City of Boulder Storm Water Quality Office at 303-413-7350 regarding Agreement requirements. All applicable permits/agreements must be in place prior to building permit application. Additionally, special design



considerations for the properties to handle groundwater discharge as part of the development may be necessary.

**11. Jay Road Streetscape, David Thompson, [thompsond@bouldercolorado.gov](mailto:thompsond@bouldercolorado.gov)**

It is staff's preference the streetscape for Jay Road be consistent with the city's design standards for detached sidewalks and landscape areas. At time of site review show the Jay Road streetscape consisting of an eight-foot-wide detached sidewalk separated from the back of the street curb by an eight-foot-wide landscape area along the site's frontage with both Jay Road and 28th Street. If additional right-of-way is needed to accommodate the streetscape improvements, it should be dedicated as right-of-way (in-fee) to the city.

**12. Jay Road, David Thompson, [thompsond@bouldercolorado.gov](mailto:thompsond@bouldercolorado.gov)**

In support of annexing into the city, the project will be required to make improvements on Jay Rd and the dedication of right-of-way, in-fee, to the city to accommodate the street improvements. These improvements include the construction of a new left-turn lane / center median on Jay Rd; (2) the construction of a raised pedestrian / bike crossing across the channelized right-turn lane on westbound Jay Rd at the intersection; (3) the construction of a westbound buffered bike lane on Jay Rd and (4) improving the existing transit stop on westbound Jay Rd to include the construction of a concrete bus stop pad on Jay Rd, constructing a standard RTD boarding area and constructing a concrete shelter pad behind the detached sidewalk to accommodate the existing bench.

**13. Land Use Designation and Zoning, Shannon Moeller, [moellers@bouldercolorado.gov](mailto:moellers@bouldercolorado.gov)**

The property is located in unincorporated Boulder County with a county zoning of RR – Rural Residential, which is defined as “Residential areas developed at a density and character compatible with agricultural uses (Article 4-103, Boulder County Land Use Code). The underlying Boulder Valley Comprehensive Plan (BVCP) land use designation is Public (P), which reflects the current religious assembly use. Public land use designations encompass a wide range of public and private nonprofit uses that provide a community service.

The property is located in Area II in the BVCP, which is the “area now under county jurisdiction where annexation to the city can be considered consistent with Policies 1.08 Adapting to Limits on Physical Expansion, 1.10 Growth Requirements and 1.17 Annexation. New urban development may only occur coincident with the availability of adequate facilities and services. Master plans project the provision of services to this area within the planning period.” Per Annexation Policy 1.17(b), the city will actively pursue annexation of county enclaves, substantially developed properties along the western boundary below the Blue Line and other substantially developed Area II properties. Policy 1.17(e) states that 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 consideration, emphasis will be given to the benefits achieved from the creation of permanently affordable housing.

The subject property is surrounded to the north and east by the Area III-Planning Reserve. Policy 2.07 describes Area III-Planning Reserve Area as: “The Area III-Planning Reserve Area is that portion of Area III with rural land uses where the city intends to maintain the option of limited Service Area expansion. The location and characteristics of this land make it potentially suitable for new urban development based on the apparent lack of sensitive environmental areas, hazard areas, significant agricultural lands, the feasibility of efficient urban service extension and contiguity to the existing Service Area which maintains a compact community.”

Given the current BVCP Public land use designation, without the benefit of a land use designation change, the zone assigned to the property would generally be Public. The Public zone district is defined as “public areas in which public and semi-public facilities and uses are located, including without limitation, governmental and educational uses” (section 9-5-2(c)(5), B.R.C. 1981). Since the predominant proposed use is residential it is not considered a public land use. Annexation of the subject property provides an opportunity to make the zoning and land use designation more consistent with the proposed use and surrounding area. Since the proposed redevelopment would not meet the intent of the existing land use designation or associated zoning, the project would require a BVCP land use designation change and an appropriate initial and/or rezoning. The procedure and criteria for requested changes to the land use map can be found in Exhibit B: BVCP Amendment Procedures of the BVCP.

The applicant has proposed a zoning designation of Residential - Mixed 2 (RMX-2) as part of annexation. This zone district is described as “medium density residential areas which have a mix of densities from low density to high density and where complementary uses may be permitted” (section 9-5-2(c), B.R.C. 1981). However, note that the comprehensive plan defines medium density residential development as six to 14 dwelling units per acre. Thus, the proposal of 18.6 dwelling units per acre (84 units on 4.58 acres) would be considered high-density development (more than 14 units per acre).

The property is surrounded by low-density residential uses and zoning districts. The site is also located on a busy highway/principal arterial (28th Street) and minor arterial road (Jay Road), as well as immediately adjacent to Area III – Planning Reserve. A well-scaled, contextual, medium density residential proposal that responds to surrounding uses and constraints could potentially be supportable. However, the city would need to consider the redevelopment of the property within the context and character of the surrounding area. Please refer to “Comprehensive Planning” comments as well.

#### Proposed Uses:

For the purposes of this discussion, the project has been reviewed against P zoning (which is what the current BVCP Land Use map designation would support) and the proposed RMX-2 zoning.

Residential uses are permitted in the P zone district with use review approval, including a public hearing before Planning Board (section 9-6, “Use Standards,” B.R.C. 1981). However, as stated above, the residential use would need to meet the public intent of the public zone district.

	Duplexes	Triplexes and Townhouses
<b>P</b>	Use Review	Use Review
<b>RMX-2</b>	Allowed; Specific Use Standards Apply	Allowed; Specific Use Standards Apply

Residential uses in the RMX-2 zone district are allowed subject to specific use standards in section 9-6-3(b)(2), “Household Living Uses in the RMX-2 Zoning District,” B.R.C. 1981, which states that parcels between one and five acres in size must provide at least two housing types; and that the maximum percentage of any one housing type is fifty percent. Housing type is defined in Chapter 16 as the particular form which an attached or detached dwelling unit takes, including, without limitation, the following: single-family detached houses and mobile homes; single-family attached dwellings such as townhouses and row houses; duplexes, triplexes, and apartments.

Additionally, per section 9-8-4, “Housing Types and Density Bonuses within an RMX-2 Zoning District,” properties in the RMX-2 zoning district are eligible for density bonuses ranging from five to ten units per acre depending on the percentage of permanently affordable units provided. A Site Review is required. The approving authority may prohibit or limit the increase in density if the proposal does not satisfy the criteria in 9-2-14, Site Review, B.R.C. 1981.

#### 14. Landscaping, Chris Ricciardiello, ricciardiello@bouldercolorado.gov

**Forestry, Tree Preservation:** Consistent with section 9-2-14(h)(2)(C)(ii) Landscaping, B.R.C. and sections of the Boulder Valley Comprehensive Plan, such as protection of the Urban Forests, it is the expectation of the city that the applicant will “...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.” At the direction of the City Forester, a site visit was performed, and Planning and Forestry staff have noted several trees within the property that are worthy of preservation based on B.R.C. and Boulder Valley Comprehensive Plan objectives. Trees along north property boundary, the southwest boundary, and select species interior to the site have been found worthy of preservation. The listing of trees above is not meant to be exhaustive, but rather only to provide examples of trees that the City believes meet B.R.C. and Boulder Valley Comprehensive Plan requirements and objectives for preservation. The applicant will be required at the time of Site Review to submit a tree inventory in keeping with Land Use Code 9-2-14(d)(18), B.R.C. 1981 and provide strategies for preservation of existing trees.

**Landscape Requirements Chart:** At the time of Site Review submittal, provide a landscape requirements chart as defined in Land Use Code section 9-9-12(d)(1)(J), B.R.C. 1981 to determine the extent of required baseline landscape improvements. The chart must include the following information: total lot size (in square feet), total parking lot size, including all drives and driveways (in square feet), total number of parking stalls required and the total provided, total interior parking lot landscaped area required and the total provided, total perimeter parking lot landscaping required and total provided, total number of street trees required and the total provided, and total quantity of plant material required and the total provided. As required supplementary information, provide data regarding the total amount of proposed high water use landscape zones within the development property and the total amount of proposed high water use turf grass within the development property. In addition, with the Site Review submittal information, detail strategies for proposed landscape improvements consistent with the Landscape

Site Review Criteria (9-2-14(h)(2)(C), B.R.C. 1981.

**Open Space/Landscape Area:** The Intensity Standards in Chapter 8 of the Land Use Code (Table 8-1) requires residential uses to provide 15% of the development as useable open space as defined in Land Use Code Section 9-9-11, B.R.C. 1981. With a development area of 199,625 sq ft, the requirement for useable open space would be almost 30,000 sq ft. At the time of Site Review, site plan and design coherent, networked, and integrated useable open space with definitive programming serving the residents of the development consistent with Land Use Code 9-9-11(e), B.R.C. 1981.

**Street Trees:** The applicant is responsible for streetscape development in the submittal of landscape plans within the Site Review process, inclusive of proposed street tree plantings in accordance with Land Use Code 9-9-13(b), B.R.C. 1981 – Streetscape Design Standards. Street trees proposed for planting shall be deciduous species selected only from the current City of Boulder Approved Tree List. Examples of acceptable species for this use are State Street Maple, (Fall Fiesta, Caddo, Legacy) Sugar Maple, Western Catalpa, Common Hackberry, Turkish Filbert, Kentucky Coffeetree, White Oak, Swamp White Oak, Bur Oak, Japanese Pagodatree, (Accolade or David) Elm. If deviating from one of these species, coordinate selection with staff as the Approved Tree List on the City's website is not current.

**15. Multi-Use Path, David Thompson, thompsond@bouldercolorado.gov**

It is staff's preference to relocate the 12' wide multi-use path on the site to a new location that eliminates conflict points with motor vehicles. Please note, a 16' wide public access easement that is dedicated to the city will be required for the multi-use path.

**16. Neighborhood Comments, Shannon Moeller, moellers@bouldercolorado.gov**

Staff has received several responses regarding the proposed project (refer to attachments). The general themes of public comment included:

- Traffic and Access: Jay Road is heavily trafficked and congested. The intersection of Jay Rd. and 28th St./U.S. 36 is dangerous and accident-prone. The proposal would exacerbate traffic and safety issues.
- Prairie Dogs: Proposal would affect the prairie dogs currently living on the site.
- Density: The proposal includes too many units and should be reduced to fewer units in particular due to traffic concerns.
- Affordability: The market rate units will not be affordable. The permanently affordable housing units would help Boulder meet its housing needs.

**17. Neighborhood Streets, David Thompson, thompsond@bouldercolorado.gov**

If the site is to be subdivided into lots, then staff will require the neighborhood streets to be public streets dedicated in public right-of-way (in-fee) to the city. This is consistent with the city's subdivision standards and staff's desire not to create future financial obligations to the residents of the neighborhood for the repair and maintenance of private streets. It is staff's preference the primary internal streets be designed to the City's Design and Construction standards of a residential collector street because this street design provides the minimum street width to accommodate on-street parking while also allowing for vehicle circulation. The internal streets must also provide convenient pedestrian / bicycle circulation within and through the site. Staff will require the width of the residential sidewalks to be six-feet wide.

**18. Parks and Recreation, Doug Godfrey, godfreyd@bouldercolorado.gov**

The north and east boundaries of the subject property are adjacent to the Area III-Planning Reserve. Area within the planning reserve has been dedicated for park space. At this time there are no development plans for this park space. The planning for the park space within the planning reserve will be done in close coordination with city's Comprehensive Planning division and will start with a Baseline Urban Services Study. The Comprehensive Planning division anticipates this work occurring in 2023 and completing in 2024 in advance of a major update to the Boulder Valley Comprehensive Plan in 2025. For additional information on the Area III-Planning Reserve and potential future expansion into this area, please reference Appendix B (page 162) the BVCP. Please also reference the 2022 Parks and Recreation Master Plan Update for more information.

**19. Referral Comments, Shannon Moeller, moellers@bouldercolorado.gov**

Referral comments were received from Boulder Valley School District (refer to attachments).

**20. Review Process, Shannon Moeller, moellers@bouldercolorado.gov**

The project is required to complete Concept Plan and Site Review because the site meets the minimum thresholds



in both the P and RMX-2 zone districts. Projects that contain 100,000 square feet of floor area in the P zone district and projects over 2 acres or 20 dwelling units in the RMX-2 are required to complete a Concept Plan Review and Site Review. The applicant has submitted a Concept Plan Review prior to an application for Annexation in order to receive initial feedback on the proposal before submitting an annexation package. "Concept Plan Review and Comment" requires staff review and a public hearing before the Planning Board. Planning Board, staff and community member comments made at the public hearings are intended to be advisory comments for the applicant to consider prior to submitting any detailed "Site Review" plan documents. Note that Concept Plan review applications may be called up for consideration after Planning Board's review.

The Concept Plan is scheduled to go before the Planning Board on December 6, 2022. The plan will neither be approved nor denied, but rather is an opportunity for the city and community members to comment on the general aspects of the proposal. The Planning Department and Planning Board will review the applicant's Concept Review and Comment plans against the guidelines found in section 9-2-13(g), B.R.C. 1981.

Following this Concept Plan Review and Comment, the proposal would require the following processes:

**Annexation and Initial Zoning:** The property would require annexation to be brought into the City limits and provided with City services. The property falls within BVCP Planning Area II, making the property eligible for annexation. In order for the property to be annexed to the City, the Planning Board and City Council must find that the criteria for Annexation (found under Policy 1.17 in the BVCP), as well as other BVCP policies, are met.

**Change to Land Use Map:** A change to the land use map in the BVCP is required to accommodate the proposed development. The change must be found to be consistent with the policies and overall intent of the comprehensive plan (Exhibit B: BVCP Amendment Procedures of the BVCP).

**Site Review:** The proposed project would be evaluated through the Site Review process pursuant to 9-2-14 "Site Review", B.R.C. 1981 for conformance with the criteria in section 9-2-14(h), B.R.C. 1981. Relevant areas of evaluation include conformance with the land use designation in the BVCP; relevant policies of the BVCP; zoning regulations; the criteria of Section 9-9-11 of the land use code for usable open space; the City of Boulder Design and Construction Standards (DCS).

The proposal would also require review of a Preliminary and Final Plat, Technical Documents, and Building Permits.

## 21. **Site Design, Shannon Moeller, moellers@bouldercolorado.gov**

**Design of Community Edges and Entryways:** The subject property would be considered a gateway site and the design of the site must be enhanced to meet policy 2.05 Design of Community Edges and Entryways in the BVCP. This policy states that well-defined edges and entryways for the city are important because they support an understanding and appreciation of the city's image, emphasize and preserve its natural setting, and create a clear sense of arrival and departure. As new areas are developed, a defined community edge will be a design priority. Major entryways into the Boulder Valley will be identified, protected and enhanced. The proposal includes a mix of unit orientations with some rear yards facing onto 28th, and some front yards facing onto the intersection of 28th and Jay. The proposal should clearly address how the building typology and setbacks/yard spaces along 28th and at the intersection support a well defined-edge and how the site provides quality usable open space for residents. Shifting the units to relocate open space internal to the site could be one alternative to provide a higher-quality centralized common open space available to all residents. Another option could be to incorporate the multi-use path into a landscaped open space corridor at the western edge of the site for units to front onto. As the site slopes down from the higher 28th Street frontage, consider how the natural grade can be used to provide a sense of separation for units adjacent to the street.

**Circulation and Complete Streets:** The proposal includes a request to modify the subdivision lot standards to allow the use of private streets rather than public streets, the provision of one-way internal streets, and streets that include attached sidewalks rather than detached and lack tree lawns. The proposal appears to provide excess internal circulation and pavement that may be better utilized for open space and to support efforts to address the environmental impacts associated with increased paving and urban heat island effects. Some units are also proposed with a double frontage (lots that both front and back onto a street); per the city's subdivision standards, lots with double frontage are to be avoided. At the time of site review, provide a circulation plan and clarify the intended hierarchy of streets and anticipated vehicular, pedestrian, and bike access through the site and connections to adjacent properties. Additionally, the proposal should consider how connections to the adjacent Area III – Planning Reserve Area could be provided (refer to "Comprehensive Planning" comments).

**Open Space:** Residential uses in the RMX-2 zone district are required to provide 15% of the development as usable open space, which can be both aggregated across the site in common useable areas, such as for passive and active recreation, and provided within individual lots. If portions of individual lots would be used to contribute toward open space requirements, at the time of site review, an acceptable expansion plan for each lot should be created to guide development beyond the initial build out, including minimum open space requirements on each lot. Open space on lots will be calculated based on their maximum expansion/buildout and not by initial buildout; remaining open space requirements must be fulfilled elsewhere on the site. Note that uncovered parking areas (driveways and parking pads) for attached dwelling units do not count as useable open space.

Several areas of the site are described as both “detention” and open space. Generally, the use of drainage/detention areas as open space is not considered high quality useable open space and would need to be carefully designed in order to contribute to open space requirements. The location of useable open spaces intended for use by residents at the edges of the site/near major thoroughfares would also be discouraged.

As noted in earlier comments, relocating open space internal to the site could be one alternative to provide a higher-quality centralized common open space available to all residents. Given the location of the site at the edge of the city, there is a lack of nearby easily accessible park areas that would serve the property. Coordination in the design and location of the multi-use path and open space areas should be part of a comprehensive design of the site.

The programming and design of passive and active open spaces on the site should serve the needs of anticipated future residents. Given the design of the units, family-oriented open spaces including play structures or active recreation areas for children would likely be appropriate, as well as the proposed inclusion of shared garden plots.

**Multi-Use Path:** The proposed multi-use path is located consistent with the Boulder Valley Transportation Master Plan. However, the location of the path should be carefully designed to take into account anticipated pedestrian and cyclist use of the path, in particular with the future connection to the large future city park intended further north of this site. The proposal to locate the multi-use path at the front of dwelling units with little to no separation from on-street parking spaces and building entries appears to create potential conflict points between fast moving cyclists and other users of the area. The locations where the path crosses streets should also be carefully designed for visibility and reduction in pedestrian/cyclist and vehicle conflicts. Applicant should consider how the overall location, design, and any necessary separation of the path can best serve the site and future users. Please also refer to ‘Multi-Use Path’ transportation comments.

**Compatibility of Adjacent Land Uses:** The site is surrounded by a variety of different contexts and uses including low-density residential, undeveloped land, public uses, and large thoroughfares. The site design should strive to avoid or minimize noise and visual conflicts between adjacent land uses that vary widely in use, intensity or other characteristics. While the proposal includes a mix of housing unit designs intended to address the various adjacencies, additional consideration should be given to addressing the various edges of the site through the building design and form.

**Commitment to a Walkable & Accessible City:** BVCP Policy 2.24 encourages development of a walkable and accessible city by designing neighborhoods and mixed-use business areas to provide easy and safe access by foot, bike and transit to places such as neighborhood centers, community facilities, transit stops or centers and shared public spaces and amenities (i.e., 15-minute neighborhoods). The proposal is located at the edge of the city where neighborhood facilities and amenities are less likely to be located within a 15-minute walking distance. Given the site constraints of access and the surrounding context of low density residential, the inclusion non-residential/community-serving facilities or uses may or may not be appropriate for the site. At the time of site review, additional information regarding how the site can be designed to accommodate connections to nearby existing and future facilities and services, if no such uses are provided on the site itself.

**Compact Development Pattern:** As supported by BVCP Policy 2.03, the proposal provides for a compact development pattern contiguous to city limits.

## 22. Traffic Study, David Thompson, [thompsond@bouldercolorado.gov](mailto:thompsond@bouldercolorado.gov)

At time of site review application, a Traffic Study is required in accordance with Section 2.02 of the City of Boulder Design and Construction Standards (DCS) as the vehicle trips expected to be generated by the project during the AM or PM peak hours exceed 20 vehicles. The Traffic Study must be prepared consistent with Section 2.03 of the DCS. Once the project is heard by the Planning Board, please forward the parameters of the Traffic Study for staff's concurrence prior to starting the work.

**23. Transportation Demand Management (TDM), David Thompson, thompsond@bouldercolorado.gov**

At time of a site review application, a Transportation Demand Management (TDM) Plan consistent with the requirements contained in Section 2.03(l) of the City of Boulder Design and Construction Standards and Section 9-2-14(h)(2)(D)(iv) and (v) of the B.R.C. 1981 is required to be submitted which outlines strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternative modes of travel.

**24. Urban Wildlife, Valerie Matheson, mathesonv@bouldercolorado.gov**

There is an active prairie dog colony on the 2801 Jay Road site.

The City of Boulder has guidelines for managing conflicts between prairie dogs and human land uses. The City's Urban Wildlife Management Plan (UWMP) describes a "six-step" decision making process for managing prairie dogs when they are in conflict with human land uses. The "six-step" decision making process includes:

Step 1. Minimize conflicts with the wildlife through non-removal methods.

Step 2. Remove animals on a portion of the site where conflicts are occurring.

Step 3. Evaluate potential for relocation.

Step 4. Consider animal recovery programs (ferret or raptor).

Step 5. Evaluate trapping and individual euthanasia.

Step 6. If earlier steps not feasible and pesticides must be used:

- Pay into city habitat mitigation fund
- Notify the city
- Post notice on property of pesticide application

Evaluating the potential for relocation (Step 3) includes passive relocation (closing burrows where prairie dogs cannot remain) and active relocation (physically moving the prairie dogs to another site). Relocation activities are prohibited March 1- June 1 due to the prairie dog birthing season. Relocations occur between June 1 and October 15. Relocation efforts begun prior to Oct. 1, may be completed under appropriate conditions up to Nov. 1. Requests to relocate prairie dogs onto land managed by the City of Boulder must be made in writing by March 1, to the director of the Open Space and Mountain Parks Department.

Passive relocation requires a Special Use Permit from the city, and active relocation that move prairie dogs off site requires a permit from the State of Colorado. To apply for a Special Use Permit for passive relocation, complete the General Data in addition to numbers 1, 2 & 18 of the Prairie Dog Lethal Control Permit Application referenced below. There are no costs associated with applying for a Special Use Permit, and processing time is approximately two weeks.

If removal is required and there are no relocation sites available (Step 4), City ordinance requires landowners to obtain a permit from the city before using any form of lethal control on prairie dogs. In order to obtain a permit, the landowner must demonstrate the following:

- A reasonable effort has been made to relocate the prairie dogs to another site;
- The most humane method of lethal control possible will be used;
- One of the following three conditions exist:
  1. the land on which the prairie dogs are located will be developed within 15 months of the date of the application,
  2. a principal use of the land will be adversely impacted in a significant manner by the presence of prairie dogs on the site, or
  3. an established landscaping or open space feature will be adversely impacted by the prairie dogs; and
- the landowner has an adequate plan designed to prevent the reentry of prairie dogs onto the land after the prairie dogs are lawfully removed.

Prairie Dog Lethal Control Permit Application Form can be found on the city website or by following this link:  
<https://bouldercolorado.gov/sites/default/files/2021-02/312prairiedogpmtapp.pdf>.

The waiting period after the submission of an application is a minimum of three to five months. If the city determines that relocation alternatives exist during or after the initial three-to-five month period, it may delay issuing the permit for an additional 12 months in order to allow relocation to occur.

The basic administrative fee for a lethal control permit is \$1,500. An applicant for a prairie dog lethal control permit must also pay a fee of \$1,200 per acre of active prairie dogs habitat lost, pro-rated for any partial acres of lost habitat.



For additional information contact: Valerie Matheson, Urban Wildlife Conservation Coordinator, (303) 441-3004, mathesonv@bouldercolorado.gov.

## **25. Utilities – General Requirements, Erik Saunders, saunders@bouldercolorado.gov**

1. A water system distribution analysis (Utility Report) will be required at time of Site Review in order to assess the impacts and service demands of the proposed development. Conformance with the city's Treated Water Master Plan, October 2011 is necessary.
2. A wastewater collection system analysis (Utility Report) will be required at time of Site Review to determine any system impacts based on the proposed demands of the development. The analysis will need to show conformance with the city's Wastewater Collection System Master Plan, July 2016.
3. On-site and off-site water main and wastewater main construction per the City of Boulder Design and Construction Standards (DCS) as necessary to serve the development, as well as perpetuate the overall system, may be required. All proposed public utilities for this project shall be designed in accordance with the DCS.
4. Fire hydrants shall be installed as necessary to meet the coverage requirements outlined in Section 5.10 of the City of Boulder Design and Construction Standards. Per the standards, no portion of any building shall be over 175 feet of fire access distance from the nearest hydrant. Fire access distance is measured along public or private (fire accessible) roadways or fire lanes, as would be traveled by motorized fire equipment. All fire hydrants and public water lines will need to be located within public utility easements.
5. The applicant is notified that, though the city allows Xcel, CenturyLink and Comcast to install their utilities within public rights-of-way, the private and franchised utility providers generally require them to be located in easements on private property.
6. The applicant is advised that any proposed street trees along the property frontage, and/or along the north side promenade, may conflict with existing or proposed utilities, including without limitation: water, wastewater, storm drainage, flood control, gas, electric, telecommunications, drainageways, and irrigation ditches, within and adjacent to the development site. It is the applicant's responsibility to resolve such conflicts with appropriate methods conforming to the Boulder Revised Code 1981, the City of Boulder Design and Construction Standards, and any private/franchise utility specifications.
7. 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.

## **26. Utilities, Erik Saunders, saunders@bouldercolorado.gov**

1. This property does not currently front on a wastewater collection main for the required connection of the wastewater services for the proposed development. The nearest existing wastewater main is the dead-end main in Arbor Glen Place, west of the property. However, the public utility easement that may be utilized to provide a corridor for the main crosses a fully developed portion of private property that lies between the terminal manhole in Arbor Glen Pl. and the HWY 36 right-of-way preventing easy access to the public infrastructure. (Note: there may be opportunity to partner with the Lubavitch development across Jay Road to the south to both fulfill that development's requirement to extend sanitary sewer main across HWY 36 and to construct the necessary wastewater infrastructure for this development by further extending the main north through 2810 Jay to serve 2801 Jay). All wastewater mains, water mains, fire hydrants, water meters, etc. are required to be located within the city/county rights-of-way or public utility easements. Engineering construction drawings prepared by a State of Colorado registered professional engineer will be required to show how a wastewater collection main will be extended to this property.
2. As a condition of annexation, any existing structures requiring the use of a waste disposal system shall be connected to the city's wastewater system in accordance with Section 11-2-8, B.R.C. 1981 within 180 days of the second reading of the annexation ordinance or prior to any building permit application (whichever occurs first). Right-of-Way Permits must be applied for and received by a city licensed right-of-way contractor prior to construction.
3. 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.

## **27. Violet Avenue, David Thompson, thompsond@bouldercolorado.gov**

It is staff's preference the Violet Avenue streetscape on the west side of the road consistent of a detached six-foot

wide sidewalk, tree planting area and curb-and-gutter. The limits of the asphalt paving for Violet Ave should be extended to the site's north property line. Staff will also restrict on-street parking near the Violet Avenue / Jay Rd intersection.

### 32. Zoning, Shannon Moeller, moellers@bouldercolorado.gov

For the purposes of this discussion, the project has been reviewed against P and the proposed RMX-2 zoning.

#### Density

Under P zoning, 28 residential units would be possible with use review approval. The P zone permits up to 6.2 units per acre. The base density in the RMX-2 zone district is 10 dwelling units per acre, which would allow 45 residential units on the subject property. Up to 20 dwelling units per acre is allowed with density bonuses in the RMX-2 district through Site Review if the proposal meets the criteria in section 9-8-4(c), B.R.C. 1981 for the provision of affordable housing. The proposal includes a request for 84 dwelling units, of which 34 (40%) are proposed as middle-income permanently affordable residential units, resulting in a proposed density of 18.6 dwelling units per acre. The project would be eligible for a ten unit per acre bonus, for a total density of 20 dwelling units per acre, if approved through site review. For the proposal to move forward, a land use designation and initial zoning and annexation (approved by the City Council) would be required. The applicant has requested preliminary consideration of these possibilities.

#### Floor Area

There is no maximum Floor Area Ratio (FAR) under P or RMX-2 zoning.

#### Building Height

It does not appear that any building is proposed to exceed the permitted 35 feet.

#### Building Setbacks

The proposal would likely require setback modifications in the RMX-2 zoning district for rear setbacks and some fronts, interior sides, and sides adjacent to a street (setbacks not noted on plans). Any proposed setback modifications proposed through the Site Review process would be evaluated against the Site Review criteria.

#### Open Space

The allowable intensity of residential development in the P zone district is determined based on a minimum lot area per dwelling unit and a maximum number of dwelling units per acre. As noted in "density" comments above, the proposal exceeds these limitations. The allowable intensity in the RMX-2 zone district is determined based on both maximum dwelling units per acre and minimum open space. Residential uses in the RMX-2 zone district are required to provide 15% of the development as usable open space, meeting the requirements of section 9-9-11, B.R.C. 1981. The proposal would require approximately 29, 218 square-feet (0.68-acres) of usable open space. Refer to 'Site Design' comments for additional comments on the design of the open space.

#### Parking

Under the proposed RMX-2 zoning district, pursuant to section 9-9-6 "Parking Standards," B.R.C. 1981, the proposed attached dwelling units, district including duplexes, triplexes, and townhomes are required to provide off-street parking spaces at a rate of 1 space for 1- or 2-bedroom DU; 1.5 spaces for 3-bedroom DU; and 2 spaces for a 4 or more bedroom DU. Please note that per 9-9-11(f)(3), B.R.C. 1981, uncovered parking areas or drives may only count as useable open space for detached dwelling units, not attached dwelling units.

#### Solar Access

The property would be located in Solar Access Area II under RMX-2 zoning, where a twenty-five foot solar fence is hypothesized. Review section 9-9-17, Solar Access, of the Land Use Regulations before Site Review submittal to determine compliance with the requirements of that section.

### III. NEXT STEPS

A Concept Plan is neither approved or denied, but rather is an opportunity for the city and community members to comment on the general aspects of the proposal.

These comments and any neighborhood correspondence received will be forwarded to the Planning Board for review. The Planning Board hearing for the Concept Plan Review and Comment has been scheduled for the **December 6, 2022** Planning Board meeting which begins at 6 PM online.

While the applicant is welcome to submit a written response to the concept plan comments found herein prior to

that hearing, it should be noted that the Concept Plan process is not an iterative process and that alternative designs cannot be considered without an additional Concept Review application.

Staff will forward a final staff memorandum to the applicant upon completion.

#### IV. FEES

Because revisions or corrections are not required for this application, based on current development review fees, hourly billing will not be applicable unless another application is required or the applicant revises the current proposal.





6500 East Arapahoe, PO Box 9011  
Boulder, CO 80301

**Planning Office**  
720-561-5794  
Fax: 720-561-5118  
[www.bvsd.org](http://www.bvsd.org)

October 21, 2022

City of Boulder  
Planning and Development Services  
Attn: Shannon Moeller  
P.O. Box 791  
Boulder, CO 80306

RE: 2801 Jay Road Concept Plan

Dear Shannon:

Thank you for submitting the 2801 Jay Road Concept Plan redevelopment referral application for review by the Boulder Valley School District (BVSD). BVSD reviews development application in terms capacity impacts on neighborhood schools and impacts on school land or facilities. This new development application proposes to add 50 duplex/triplex and 34 townhome units with an expected maximum student impact of 11 additional students in the Crest View Elementary, Centennial Middle and Boulder High school feeder system. The current school capacity status including this project's impacts are as follows:

School	Current Capacity Status (Oct. '21)				Project Impact		
	Student Population*	Program Capacity '21	School Enrollment	Perc. Capacity	Student Impact	New Enrollment	New % Capacity
Elementary	733	630	448	71.1%	5	453	71.9%
Middle	785	753	593	78.8%	3	596	79.2%
High School	2440	1990	2123	106.7%	3	2126	106.8%
Total	3958		3164		11		

\*represents the number of BVSD students for the given grade level living within the attendance area.

BVSD can serve this development at all grade levels with existing capacity. Although Boulder High School is currently operating above their program capacity, the school has a sizeable open enrollment population that can be managed to accommodate additional neighborhood students.

If you have any other questions, concerns, or further clarifications, feel free to contact me at 303-245-5794 or via e-mail at [glen.segrue@bvsd.org](mailto:glen.segrue@bvsd.org).

Sincerely,

Glen Segrue, A.I.C.P.  
Senior Planner



## CITY OF BOULDER Planning and Development Services

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
phone 303-441-1880 • fax 303-441-3241 • email [plandevelop@bouldercolorado.gov](mailto:plandevelop@bouldercolorado.gov)  
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### CITY OF BOULDER LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **October 27, 2016**  
CASE MANAGER: **Sloane Walbert**  
PROJECT NAME: **2801 JAY RD REDEVELOPMENT**  
LOCATION: **2801 JAY RD**  
COORDINATES: **N08W04**  
REVIEW TYPE: **Annexation, Initial Zoning and Site Review**  
REVIEW NUMBER: **LUR2016-00077 and LUR2016-00078**  
APPLICANT: **FULTON HILL PROPERTIES**  
DESCRIPTION: **ANNEXATION AND SITE REVIEW: Annexation of a 4.6-acre property consistent with Colorado Revised Statutes with an initial zoning of Residential - Mixed 2 (RMX-2). The proposal includes demolishing the building formerly utilized by Boulder First Church of the Nazarene and constructing 66 residential units in 6 buildings and a neighborhood daycare center and café in 1 commercial building (total of 7 two-story buildings). Proposed residential units will consist of 8 one-bedroom, 46 two-bedroom and 12 three-bedroom apartment flats. Proposal states that at least 50 percent of the residential units will be permanently affordable. The site design includes 121 parking spaces located along a circular drive access with a central park space.**

#### REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

- Section 9-8-4, "*Housing Types and Density Bonuses Within an RMX-2 Zoning District*" to allow a density of 14 dwelling units per acre and a modification to the required maximum percentage of any one housing type to allow 100 percent of the units as multi-family attached dwellings (stacked flats).
- Section 9-6-1, "*Schedule of Permitted Land Uses*," to allow a restaurant, brewpub or tavern in the RMX-2 zone district through annexation.

#### I. REVIEW FINDINGS

The comments provided herein represent a review of the annexation request in regards to State law and city policies. The proposal for 50% permanently affordable housing is not consistent with recent practices for annexing properties to the City. Typically, projects of this size are expected to provide at least 60% affordable housing, and if less, are expected to provide additional community benefits to make up the difference. The project does not appear to present any additional community benefits to justify the lower percentage. Additional discussions will be necessary to determine the most appropriate community benefit options for the annexation of the property. Therefore, the review comments given regarding the Site Review request represent a high level of review since the proposal will likely change to meet city policies regarding community benefit.

A separate Land Use Review (LUR) application is required for the proposed change to the Land Use Designation on the Boulder Valley Comprehensive Plan (BVCP) map, including a written statement specifically addressing the applicable criteria in [Section II](#) of the BVCP. Refer to 'Comprehensive Planning' review comments below for additional information.

Revisions to the plan documents are required as indicated below. Please address the comments herein and resubmit **six (6) hard copies** (only one (1) copy of the revised drainage report and traffic study/TDM) and **one (1) digital copy** of the revised plans with a project specialist at the Planning and Development Services Center. The application deadline is 10:00 a.m. on the first and third Monday of each month to be included in the following review track. Staff is happy to meet with you to discuss these comments in detail at your convenience. The last submittal date for 2016 is **December 5<sup>th</sup>**.

## II. CITY REQUIREMENTS

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

1. Staff would support a second access point serving the site from the north/south access street, provided the access point resulted in a shorter circulation route for the emergency access vehicles, school bus and users of the daycare facility. Note, the location of the second access point should not result in vehicle queuing spilling out onto Jay Road.
2. Please revise either the project's written statement or the preliminary turning analysis sheet to include a statement from the design engineer on their findings of the preliminary turning analysis. Does it work? Is additional pavement width or wider access points required?
3. As a condition of annexation, and pursuant to section 9-9-8(d), B.R.C. 1981, please revise the site plans to show the following right of way dedications to the City:
  - A 14-foot wide public access easement dedication for the north/south 10' wide multi-use path shown on the site plans from the Jay Road detached sidewalk to the north property line.
  - A 20-foot wide public access easement dedication for the north/south access street at the east end of the site that provides access to the site from Jay Road.
  - The dedication of right-of-way (in fee) along the south and southwest property boundary of the site to accommodate the future roadway cross-section for westbound Jay Road, to include:
    - Twelve-foot wide left-turn lanes/center median
    - 11' wide westbound through lane
    - 5' wide westbound bike lane
    - 11' wide westbound right-turn auxiliary lane matching into the existing northbound acceleration lane on US-36/28<sup>th</sup> Street
    - 2' wide curb-and-gutter
    - 8' wide landscape strip
    - 8' foot wide detached sidewalk
    - 1' behind the detached sidewalk for sidewalk maintenance access.

Please revise the preliminary right-of-way dedication map to show roadway cross-section above and the right-of-way/public access easement dedications to accommodate the westbound Jay Road cross-section described above.

4. As a condition of annexation, and pursuant to section 9-9-8(g), B.R.C. 1981, the applicant will be required to construct the following public improvements at either subdivision or any redevelopment application for the site. Please revise the site plans to show the following public improvements:
  - Reconstruct the segment of Jay Road to be annexed into the City to include the following:
    - 2-inch mill of the roadway
    - Removal and replacement of failed sections of asphalt with an asphalt patch
    - 2-inch asphalt concrete overlay of the roadway.
  - Construction of the following improvements at the RTD transit stop on westbound Jay Road:
    - 10' x 40' concrete bus stop pad on westbound Jay Road
    - 8' x 30' concrete boarding area between the back of curb and the detached sidewalk
    - 7' x 20' concrete pad behind the detached sidewalk
    - One RTD standard transit shelter, bench and two inverted "u" bicycle racks.
  - Construction of the following public improvements on Jay Road:
    - 12' wide left-turn lane/center median on Jay Road
    - 5' wide westbound bike lane adjacent to the combined left-turn/thru lane on Jay Road
    - 8-foot wide landscape strip and 8' wide (minimum) detached sidewalk on the north side of Jay Road.
    - Reconstruction of the existing roadway cross-sectional elements in order to accommodate the public improvements previously stated.
  - Replacing the existing north/south dirt and gravel road with a twenty-foot wide paved (either with concrete or

asphalt) access street with curb-and-gutter on both sides of the street and with a driveway ramp curb-cut off Jay Road rather than the radii curb return as currently shown.

Please revise the preliminary right-of-way dedication map to show the construction of the public improvements described above. The right-of-way dedication map must show the widths of the roadway cross-sectional elements to be constructed along with the transition taper ratio for the turning lanes for staff's review and concurrence.

5. Staff supports the wider sidewalk being proposed along Jay Road but doesn't concur with separation being shown between the sidewalk and the existing transit stop and crosswalks along Jay Road. As proposed it will not be apparent to pedestrians and transit users that the detached sidewalk is part of the Jay Road cross-section rather than an internal site sidewalk. This will likely result in social trails being created along Jay Road, and more likely between the intersection and the transit stop, as users look for a more direct route between the stop and the intersection. Given the existing transit stop and its' close proximity to the signalized intersection, please revise the site plans to show an eight-foot landscape strip between the back of curb and the detached sidewalk along Jay Road.
6. Staff also supports the ten-foot wide multi-use path being shown along with the raised crosswalks where the path crosses the drive aisle of the parking lot. Staff does have concerns on the alignment of the multi-use path at the south end of the site and specifically where it intersects with the curb-ramp of the US-36/Jay Road intersection. Please revise the site plans to show how the multi-use path intersects with the curb-ramp of the intersection and mitigate sharp curves for the path with a paved shoulder consistent with the design elements contained in the City's Greenways Design Guidelines.
7. Staff will forward review comments to the applicant on the project's Traffic Study/TDM Plan by Monday, October 31, 2016.
8. Staff will forward Boulder County's review comments to the applicant once the review comments are forwarded by the Boulder County Transportation Department. At a minimum, the applicant should anticipate revising the site plans to show the public improvements required on Jay Road east of the access street to provide the required left-turn lane.

**Annexation**, Sloane Walbert, Case Manager, 303-441-4231 and David Thompson, 303-441-4417

1. Please revise Annexation Map No. 1 to include the annexation of Jay Road up to the property's east boundary line into the City.
2. The property is in Planning Area II, where annexation can be considered consistent with the following BVCP policies:
  - 1.16 Adapting to Limits on Physical Expansion
  - 1.18 Growth Requirements
  - 1.24 Annexation

Policies 1.18 and 1.24 emphasize the city's requirement for annexations to provide significant community benefits and achieve sustainability goals for urban form. Specifically, Policy 1.24(d) emphasizes the creation of permanently affordable housing as a "special opportunity or benefit to the city." Refer to 'Community Benefit' comments below.

Annexations must comply with both State law and city policies. Specifically, annexations must comply with Colorado Revised Statutes (C.R.S.) 31-12-101 et seq. Staff has reviewed the annexation petition for compliance with C.R.S. 31-12-104 and C.R.S. 31-12-105, and finds that the application is consistent with those sections, with the exception of the annexation petition. Refer to 'Legal Documents' review comments below for necessary revisions to the annexation petition.

3. The 42-foot tall monopole for telecommunications equipment on the site would not be permissible per city zoning standards. Please clearly document a request to include this pole as a non-conforming use or structure if it is proposed to remain.

Refer to 'Community Benefit' and 'Comprehensive Planning' review comments for additional feedback on the Annexation.

**Boulder County Land Use**

Refer to attached letter from Boulder County.

**Building Design**, Sloane Walbert, Case Manager, 303-441-4231 and Kalani Pahoa, Urban Designer, 303-441-4248

As discussed above, the review comments provided on the Site Review represent a broad review of the proposal. More detailed comments may be provided in later rounds as the proposal is refined.

1. Staff finds that the proposed site and building design do not adequately address the site review criteria and feedback given at Concept Plan Review. In particular, that the developer must consider the property within the larger context of the area and that the proposal must be compatible with the surrounding area. Refer to 'Site Design' comments below.



2. Pursuant to section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, the primary building entrance location must face the street. The buildings facing Jay Road and 28<sup>th</sup> Street do not meet this standard. The buildings facing Jay Road already have an interior layout that would support direct access to the path creating a front yard interface. Buildings should also address the north/south private access road.
3. Per the site review criterion 9-2-14(h)(2)(F)(v), projects should be 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 elevations facing the private access drive would benefit from some acknowledgement of the adjacent sidewalk and parking. Evaluate alternatives that would meet the programmatic goals of the project and the site review criteria.
4. The site review criteria state that "*exteriors of 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*" ([section 9-2-14\(h\)\(2\)\(F\)\(xii\)](#), B.R.C. 1981). Consideration should be given to utilizing more enduring materials that convey a sense of permanence. Architectural detailing, including awnings will enhance the building design as well as including the use masonry materials along the first story or in some cases two stories, especially on building corners to define building edges and provide a sense of permanence and quality. The materials, as currently proposed, do not appear to be consistent with the above referenced criterion.
5. Please address site review criterion (F)(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.*" A noise management plan may be appropriate considering the location of the site on 28<sup>th</sup> Street. Clarify if strategies like a comprehensive noise barrier system or buffer zone will be used.
6. Please address how storage is being accommodated for each unit, since garages are not being provided. Consideration should be given to reducing the visual impact of parking and providing attached or tuck-under parking for at least a portion of the units. Consideration should also be given to rear loaded units with garages in some locations.

**Community Benefit, Michelle Allen 303-441-4076**

Because this site review is concurrent to annexation, the affordable housing requirement for annexation will apply instead of Inclusionary Housing.

1. Proposed annexations with additional development potential need to demonstrate community benefit consistent with Boulder Valley Comprehensive Plan (BVCP) policies in order to offset the negative impacts of additional development in the Boulder Valley. For proposed residential development, emphasis is given to the provision of permanently affordable housing. The BVCP lists the following additional benefits that may be considered as part of an annexation request: Receiving sites for transferable development rights; Reduction of future employment projections; Land or facilities for public purposes over and above that required by the land use regulations; Environmental preservation; or other amenities determined by the city to be a special opportunity or benefit.
2. Applicant has proposed that 50% of the units be deed restricted as permanently affordable rental units. The policy and practice for the past several years has been that 40-60 percent of the new residential development be permanently affordable with the percentage depending on other community benefit provided. More recently city council has indicated that a higher percentage of affordable housing is appropriate for annexations. In particular they would like to see units provided through annexation that are for-sale and affordable to middle income households.
3. The applicant has been encouraged that as a condition of annexation they consider two approaches:  
A 100% affordable rental project:
  - a. Deed restrict 70% of the units as permanently affordable to meet the annexation community benefit requirement with the following income restrictions:
    - i. 50% of the units affordable to low/moderate income households (60% of the area median income)
    - ii. 10% of the units affordable to lower middle income households (80% of the area median income)
    - iii. 10% of the units affordable to middle income households (100% of the area median income)
  - b. Voluntarily deed restrict 30% of the units as permanently affordable to low income households (50% of the area median income). The city will consider a funding application to secure these units at this level of affordability.

Alternately, deed restrict 50% of the units affordable to low/moderate income households (60% of the area median income) and deed restrict a “to be determined” number of for-sale units affordable to middle income households (80% - 100% of the area median income).

4. The day care use could be considered additional community benefit if that or a similar community benefitting use such as space for a non-profit, is secured for a reasonably long time frame such as twenty years.
5. The affordable units must meet the Livability Standards for Permanently Affordable Housing. Unit plans and interior specifications must be approved by the city prior to building permit issuance. The applicant should review the most recent Livability Standards, revised September, 2016, which can be found at: <https://bouldercolorado.gov/housing/ih-program-details>.

Applicant is encouraged to meet with staff to discuss the livability standards and to review the floor plans prior to the next submittal. To meet the standards the following should be included in the next submittal:

- a. Consider providing universal design including accessible walk-in showers (no tub) in first floor units
  - b. Consider bi-fold or folding doors on all closet and storage spaces
  - c. Consider modifying some 2 bedroom units to include one bath as opposed to two and dedicating the space for a larger bedroom and living room.
  - d. Show washer/dryers
  - e. Show kitchen sink
  - f. Show upper cabinets
  - g. Many units do not meet the minimum living dining floor area requirement. Note that a 3' buffer from any kitchen cabinets, appliances and work spaces may not be included.
  - h. Show furniture layouts in bedrooms and living and dining spaces
  - i. All units must meet the storage requirements for closets and additional storage including 6' wide bedroom closets and entryway closets
6. Please be aware that additional details will be included in the annexation agreement including:
    - a. The city may choose to hire a construction inspector at the applicant's expense to ensure quality materials and construction.
    - b. Specific agreements about any HOA structure.
    - c. Specific marketing requirements for the affordable units.
    - d. Concurrency requirements to construct and market the affordable units concurrent to any market rate units in the development.

The applicant should meet with city staff to finalize the level of community benefit they will offer for this annexation

**Comprehensive Planning**, Caitlin Zacharias, 303-441-1886

Staff recommends a Boulder Valley Comprehensive Plan (BVCP) land use change to Medium Density Residential (MR) to accompany the applicant's proposed RMX-2 zoning designation. The BVCP and Land Use Map represents the future vision for the community; typically changes to the plan reflect the values of the community, demonstrated needs and/or changes in circumstance. In the 2015 BVCP Survey, the relative majority of respondents (42%) indicated that the community value in greatest need of increased attention was to provide a diversity of housing types and price ranges. Strong evidence indicates that there is a critical need for affordable and diverse housing in Boulder, as identified by 2013 Housing Market Analysis, 2014 Housing Choice Survey and Analysis, and the 2016 Middle Income Housing Study, among others. In addition, the prospective transition of ownership from a public to a private entity represents a change in circumstance that warrants consideration of a land use designation change.

The proposed project meets the criteria for a Land Use Map change per *BVCP Ch. II – Amendment Procedures Sec. 1.b.(1) a-f*. The project demonstrates consistency with the policies and overall intent of the Comprehensive Plan regarding a compact development pattern, affordable housing, mixture of housing types, housing for a full range of households and strengthening of community housing partnerships. Few planned locations for housing remain in the city's service area. Allowing medium density residential on this site is an efficient use of land and resources, and there will be significant community benefit, as a significant portion of the units must be permanently affordable per the city's annexation policies for community benefit (typically 40-60% of units). The additional housing units will also help balance available housing with area jobs (*BVCP Policy 1.19 Jobs: Housing Balance*). In addition, a Medium Density Residential designation at this site situated at the intersection of Jay Road and 28<sup>th</sup> Street is consistent with the characteristics of the Medium Density Residential designation as detailed in the Comprehensive Plan: “*Medium density areas are generally situated near community shopping areas or along some of the major arterials of the city.*”

The project meets the remaining BVCP criteria for a land use designation change (Chapter II – Amendment Procedures

(1.b.(1) b-f). Due to the size of the property, changing the land use designation to MR would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city. Changing the land use designation to MR would also not materially affect land use and growth projections, would not materially affect the adequacy or availability of urban facilities and services to the immediate area or overall service area of the City of Boulder, and would not materially affect the city's Capital Improvements Program.

The land use designation change would not affect the Area II/III boundary, however, the applicant is applying for annexation as well, which would have an effect on that boundary. The parcel is in Area II (the area designated for urban services) and has been intended for annexation into the city since 1985. Area II in the BVCP is the "area now under county jurisdiction, where annexation to the city can be considered consistent with policies 1.16 Adapting to Limits on Physical Expansion, 1.18 Growth Requirements and 1.24 Annexation. New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise." With regards to policy 1.18 on urban growth requirements, the redevelopment must "provide significant community benefits, achieve sustainability goals for urban form, and . . . maintain or improve environmental quality as a precondition for future housing and community growth."

#### Neighborhood Compatibility:

The proposed density of 66 units over 4.76 acres is consistent with the recommended BVCP Medium Density Residential (MR) designation, which allows 6-14 dwelling units per acre (28-66 units total for this property). This is generally consistent with the mix of densities in the surrounding area and could be compatible with the surrounding developments. While the RMX-2 zoning designation could allow up to 20 units, the BVCP land use MR designation would limit density to 14 units per acre per section 9-2-14 (h)(1)(B), B.R.C. 1981.

Mixed Density Residential (MXR) is another potential land use designation to consider with RMX-2 zoning, however this is not recommended because the BVCP designation allows up to 18 units per acre (85 units). This approaches the density of development that Planning Board indicated was not appropriate for the site at the hearing on the concept plan (for 96 units) for 2801 Jay Road on October 1, 2015.

	<b>Subdivision</b>	<b>Estimated Density (Dwelling Units Per Acre)</b>
<b>Northeast</b>	Orange Orchard	2.1
<b>South</b>	Gould	1.1
<b>Southeast</b>	Palo Park	5.9
<b>Southeast</b>	Four Mile Creek	5.6
<b>West</b>	Arbor Glen	5.6
<b>West</b>	Sundance	9.2
<b>Recommended (MR)</b>		6-14

Notes: Residential density is reflected in dwelling units per acre. Calculations reflect select sum of select subdivision's area that includes lots with housing units. Common area/shared ownership lots without housing units and rights of way were excluded from the calculations, with the exception of the Palo Park townhomes which have individual lots for townhome units and shared open space. Subdivision boundaries based on city's GIS database.

On balance, the proposed project supports the Core Values of the Boulder Valley Comprehensive Plan:

<b>CONSISTENCY WITH RELEVANT BVCP CORE VALUES</b>	<b>BVCP LAND USE OPTIONS</b>	
	<b>Public (current)</b>	<b>Medium Density Residential (recommended)</b>
A welcoming and inclusive community	=	+
Our unique community identity and sense of place	+	+
Compact, contiguous development and infill that supports evolution to a more sustainable urban form	--	+
Open space preservation	=	=
Great neighborhoods and public spaces	=	+

CONSISTENCY WITH RELEVANT BVCP CORE VALUES	BVCP LAND USE OPTIONS	
	Public (current)	Medium Density Residential (recommended)
Environmental stewardship and climate action	=	=
A vibrant economy based on Boulder's quality of life and economic strengths	=	+
A diversity of housing types and price ranges	--	+
An all-mode transportation system to make getting around without a car easy and accessible to everyone	=	=

**Drainage**, Scott Kuhna, 303-441-4071

1. As a condition of annexation, the applicant is required to convey drainage in an historic manner, which does not adversely affect neighboring properties.
2. The *Preliminary Drainage Report – 28<sup>th</sup> and Jay (Drainage Report)* states in several sections that a Rain Garden/Bioretenion Facility will be used for storm water quality treatment, but the drainage plan shows what appears to be an Extended Detention Basin. Rain gardens are typically small and installed in parking lot islands, medians, and planter boxes and require a stable watershed, appropriate soils, 18-inches of growing medium, etc. Clarification is necessary.
3. The plans show the proposed pond discharging to an existing storm sewer line (culvert?) on the north side of Jay Road. The Improvement Survey Plat for this property shows this pipe to be an 18" Corrugated Metal Pipe (CMP) and that the surveyor was "Unable to Find Other End". Clarification in the *Drainage Report* and on the plans is required.
4. Groundwater conditions contributing to site runoff need to be included in the *Drainage Report*. Information pertaining to construction dewatering, groundwater barriers, etc. must also be included in the *Drainage Report* and on the plans.
5. A separate map needs to be included in the *Drainage Report* for the Historic Drainage Basins described on page 1 of the *Drainage Report*.
6. Adequate conveyance of storm water from the parking area to the proposed pond in case of a major storm event or storm inlet clogging, etc. needs to be accommodated between Building A and Building F. Revise the grading as necessary.
7. There appears to be an additional contour 92 missing at the high point between Building D and Building E. Revise accordingly.
8. All the proposed storm sewer on-site must be labeled as "Private".

**Fees**, Scott Kuhna, 303-441-4071 and Sloane Walbert, Case Manager, 303-441-4231

1. Based on the application data supplied and the **2016** Schedule of Fees, the following fees will be due prior to the first reading of the annexation ordinance:

**Plant Investment Fees (PIF's) for New Multi-Family Residential**

Stormwater **\$2.19/square foot of impervious area**  
Existing Impervious Area: 53,143 square feet (Prel. Drainage Report)  
**\$116,383.17**

**Housing Excise Tax**

**\$0.51/square foot x 14,297 square feet (County Assessor)**  
**\$7,291.47**

**Total Due Prior to First Reading**

**\$123,674.64**

2. Please note that 2016 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.



3. Based on city records there are no outstanding utility main reimbursements (water and sewer) owed by this property at this time.

**Fire Protection**, David Lowrey, 303-441-4356

No issues with annexation or the site plan at this time.

**Irrigation Ditches**, Scott Kuhna, 303-441-4071

1. Prior to first reading of the annexation ordinance, the applicant shall sell and convey, or execute an agreement to sell and convey, to the City any interests in water or water rights associated with, or appurtenant to the Subject Property including any and all interests, be they contractual interests or otherwise.
2. The applicant is responsible for obtaining approvals for any relocations or modifications to irrigation ditches or laterals from the impacted ditch company. This includes the release of stormwater runoff into any ditch or lateral. The applicant is advised that revisions to any approved city plans necessary to address ditch company requirements may require reapplication for city review and approval at the applicant's expense.

**Land Uses**, Sloane Walbert, Case Manager, 303-441-4231

1. Residential uses are considered conditional uses in the RMX-2 zone district because residential development in this zone district must meet the standards in [section 9-8-4](#), "Housing Types and Density Bonuses within an RMX-2 Zoning District," B.R.C. 1981. For lots or parcels that are greater than one acre but less than five acres, at least two housing types must be provided. No more than fifty percent of any one housing type may be provided in the RMX-2 zoning district. Housing type means the particular form which an attached or detached dwelling unit takes, including, without limitation, the following: single-family detached houses and mobile homes; single-family attached dwellings such as townhouses and row houses; duplexes, triplexes, and apartments. It appears that 100 percent of the proposed housing would be multi-family attached dwellings (stacked flats). The applicant would need to ask for a modification to section 9-8-4, B.R.C. 1981, "Housing Types and Density Bonuses within an RMX-2 Zoning District," as part of site review to allow more than 50 percent of one housing type in the RMX-2 zone district. Staff is not in support of such modification.
2. Per Table 6-1, B.R.C. 1981, restaurants, brewpubs, and taverns are not an allowed use in the RMX-2 zone district. However, allowances can be made through the annexation process, if it is determined that the use is appropriate in the proposed location. Please submit a management plan specific to the café use, including hours of operation and indoor and outdoor seating. Refer to section 9-2-4(c)(1), B.R.C. 1981 for elements of a management plan.
3. Per Table 6-1, daycare centers require a Use Review to operate in the RMX-2 zone district. Please clarify the number of children or adults (excluding employees) intended to be served. Note the specific standards in section 9-6-6(a), B.R.C. 1981. Please clarify if the daycare use is intended to be a community benefit as part of annexation. If so, you may want to consider other uses like a nonprofit that could use the tenant space, in case the daycare use is not feasible. Refer to 'Site Design' review comments for additional comments on the daycare use.
4. Clarify the role of the church in the redevelopment. Are they a partner?

**Landscaping**, Elizabeth Lokocz, 303-441-3138

Please respond to the following comments at the next submittal. Additional substantive comments are anticipated with the next round of review based on the level of detail provided in the initial application. Contact staff with any questions or concerns.

1. Please label all trees at the next submittal. The numerous ornamental trees around crossings and in the interior parking area may create sight and clearance issues. Almost all the parking lot trees are ornamentals based on symbol. The total ratio of large and medium trees does not appear to be met.
2. Re-organize the plant list to move medium size maturing trees into the shade tree category and correctly call out their two-inch caliper size requirement. Refer to the Design and Construction Standards (DCS) for categorization or industry accepted sizes if a proposed tree is not on the list.
3. Clarify the access to the long-term bike storage at the easternmost building. Label the buildings for reference.
4. The access feels like a street; evaluate detaching the sidewalk providing a better pedestrian experience and more distance for tree canopies.
5. Provide additional detail on the water quality pond; adjust the trees off the slopes, specify if the pond is mown and the proposed grades to evaluate maintenance limitations, provide easy user access points. President images might be helpful to communicate intent.

### Annexation Requirements:

- c) **Circulator's Affidavit:** The blank line must be filled in with the name of the person who was the circulator, i.e.

4. Prior to 1<sup>st</sup> reading of the Annexation Ordinance, the Applicant shall be required to sign an annexation agreement. When staff requests, the Applicant shall provide an updated title commitment current within 30 days of signing the annexation agreement.
5. If the Annexation and Site Review are both approved, then the Applicant shall be required to sign a Development Agreement. When staff requests, the Applicant shall provide an updated title commitment current within 30 days of signing the development agreement.

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parking for families with children will be accommodated on the site, i.e. additional storage.

2. Staff concurs with the long-term bicycle parking being proposed for the daycare and café. That said, please revise the site plans to show where and label how the long-term bike parking will be accommodated for these uses.
3. In support of the project's written statement regarding the targeted users of the café, please revise the site plans to show additional short-term bike parking in support of the use.
4. Pursuant to section 9-9-6(g)(3) B.R.C. 1981, please revise the site plan to disperse the short-term bike parking among the various residential buildings. Per Table 9-8, B.R.C. 1981, a minimum of 33 short-term bike parking spaces must be provided for the residential dwelling units.

#### Vehicle Parking

5. Pursuant to Table 9-4 B.R.C. 1981 staff will require a parking study to be completed to identify the parking requirements for the proposed daycare facility. Given the different land uses being proposed on the site the parking study needs to discuss the opportunity for share/managed parking between the different land uses. Also, staff doesn't support the parallel parking being shown along the north/south access street unless it's warranted by the Parking Study.
6. Please revise the plans to provide an accessible space for buildings A, B & C and label which of the five accessible spaces will be a van accessible.
7. It does not appear that the current parking calculations include outdoor seating for the café. Please correct.
8. Refer to 'Site Design' review comments for additional comments on the design of the parking areas.

#### **Plan Documents**, Sloane Walbert, Case Manager, 303-441-4231

1. Upon resubmittal, please provide a formal letter that lists the specific elements of the plan in which you seek to create vested rights as part of the Site Review.
2. Provide a materials board and refined materials list for each building. This can be provided on one comprehensive board or separately for each building type. Note material choices, color selections, window and door selections on the plans.
3. As project plans progress, provide a detailed energy efficiency plan that articulates how the applicant will specifically meet the city's energy efficiency standards of the IECC 2012 +30%.
4. As project plans progress, provide window details, use of vinyl windows and window frames without a return or reveal are discouraged.
5. Provide a context analysis demonstrating compatibility with the existing character and/or other meaningful adjacencies and site characteristics.
6. Submit color perspective renderings:
  - Eye level from the street looking at the overall development proposal from Jay Road and 28<sup>th</sup> Street.
  - View of site traveling south on 28<sup>th</sup> Street and west on Jay Road to show how the site communicates as an entry point to the city.
  - Assorted perspective views from the interior of the site illustrating street character, open space quality and building massing.
7. Submit Site Sections/Elevations demonstrating topographical changes, building siting, and landscape features.
8. Include the location of all utility and mechanical equipment on the landscape plans.
9. Include the low point for each building on the architectural site plan for the purposes of calculating building height.
10. As project plans progress, submit detail sections indicating the construction of window and door assemblies in the typical wall or exterior cladding types. Include dimension(s) from the finish face of the exterior cladding to the window frame. This includes typical wall assemblies of stone, wood, or metal cladding, etc.
11. Revise the open space diagram to show all areas counted as landscaped areas, hard surface areas, courtyard, balconies/decks, indoor space, areas in the right-of-way, etc. Include all areas of open space that meet the standards of subsections 9-9-11(e) and (f), B.R.C. 1981, not just parking areas.
12. Provide additional detail regarding the trash enclosures on the property. Per [section 9-9-12\(d\)\(5\)](#), B.R.C. 1981, trash

collection and recycling areas must be screened on all sides so that no portion of such areas is visible from public streets and alleys and adjacent properties. In addition, the construction of trash storage and recycling areas for attached dwellings must follow the standards in [section 9-9-18](#), B.R.C. 1981.

13. Please provide a Land Use Summary Table on sheet SR-S1.01. A sample is provided below for your reference.

Land Use Summary Table			
Site Area			
	Required	Permitted	Proposed
Floor Area	N/A		
Lot Coverage	N/A		
Open Space		N/A	
Landscape Area		N/A	
Parking Area	N/A	N/A	

14. Clarify whether a subdivision will be necessary to accommodate ownership dwelling units and/or the commercial building in the future. Per section 9-12-6(a), B.R.C. 1981, the preliminary plat may be an application under Site Review if it meets the requirements of this section.

15. Submit revised density calculations for the lot area based on required right-of-way dedications.

16. Solar Analysis:

- The RMX-2 zone district is located in Solar Access Area II with a 25-foot hypothetical “solar fence”. However, please show the hypothetical shadows cast by both the 12-foot and 25-foot fences as a dashed line on the plans.
- Label the roof elements located above the solar fence on the proposed site plan. Determine the elevation of each proposed roof element using the USGS survey or ILC starting datum. Include the associated solar analysis worksheet on the plans.

**Review Process,** Sloane Walbert, Case Manager, 303-441-4231

Annexation:

The City’s requirements for annexation and initial zoning are found in [sections 9-2-16](#) and [9-2-17](#), B.R.C. 1981. City staff will review the application for compliance with these requirements, the Colorado state statutes of 31-12-101, et seq. C.R.S., and for consistency with the BVCP and other ordinances of the city. The property is eligible for annexation because it is contiguous (adjacent) to the city limits and is located in Area II of the BVCP. A recommendation on the proposed Annexation application to City Council will be made by the Planning Board at a public hearing. A final determination on a request for annexation will be made by City Council at a subsequent public hearing.

BVCP Land Use Designation Change:

Applications for land use designation changes that are made outside of a mid-term or five-year BVCP update must be related to an annexation or rezoning application and require payment of a fee. The applicant must submit a formal application for the land use change and is required to do so before the city can proceed with the annexation.

BVCP land use designation changes related to proposed annexations may be considered at any time and require approval by the city Planning Board and City Council. Approved changes will be presented to the four BVCP signatory bodies at the time of the next mid-term or five-year review. The following criteria and procedures apply:

The Comprehensive Plan map is not intended to be a zoning map. It is intended to provide policy direction and definition for future land uses in the Boulder Valley. Thus, a change to the land use designations may be considered at any time if it is related to a proposed change in zoning or proposed annexation and meets all of the following criteria:

- The proposed change is consistent with the policies and overall intent of the Comprehensive Plan.
- The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.
- The proposed change would not materially affect the land use and growth projections that were the basis of the Comprehensive Plan.
- The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the city of Boulder.



- e. The proposed change would not materially affect the adopted Capital Improvements Program of the city of Boulder.
- f. The proposed change would not affect the Area II/Area III boundaries in the Comprehensive Plan.

Procedures for changes that may be considered at any time:

- The city will make a referral with preliminary comments to the county Land Use Department for comment based on the criteria set forth above:
  - If, within 30 days after the county receives the city's referral, the county provides written notice to the city that the application does not meet the criteria, then the requested change shall be processed at the time of the next mid-term or five-year review.
- The request will be considered based on the applicable criteria at a public hearing of the city Planning Board:
  - Changes determined to meet the criteria in this section may still be deferred by the city Planning Board or City Council to the mid-term or five-year review upon a finding of good cause.

The process for amending the BVCP is located in [Section II](#) of the plan.

#### Site Review:

Annexations are typically reviewed with Site Review applications in order for the city to understand how the property will be developed.

Pursuant to [section 9-2-14](#) of the City's land use code, Concept Plan and Site Review are required for projects in the RMX-2 zone district that are over 2 acres or include 20 or more dwelling units. A decision on this application (an approval, denial, or approval with conditions) will be made by the Planning Board at a public hearing. It appears that the applicant is asking for a modification as part of Site Review to allow more than 50 percent of one housing type in the RMX-2 zone district. A decision on the Site Review application (an approval, denial, or approval with conditions) will be made by the Planning Board at a public hearing, subject to call-up by a majority vote of the City Council within 30 days.

#### Use Review:

Daycare centers require use review approval in the RMX-2 zone district. Please submit an application for a concurrent Use Review.

#### **Site Design,** Sloane Walbert, Case Manager, 303-441-4231 and Kalani Paho, Urban Designer, 303-441-4248

As discussed above, the review comments provided on the Site Review represent a broad review of the proposal. More detailed comments may be provided in later rounds as the proposal is refined.

1. As noted above, staff finds that the current proposal does not adequately respond to the context. At Concept Plan staff noted that "context sensitive medium density multi-family residential redevelopment of the site could potentially be supportable." The proposed design primarily "reads" like a high-density multi-family development, which does not respond to neighborhood compatibility. Multi-family units could be supportable if they were located on the west end of the site and designed in a manner that is context appropriate. Many positive aspects of the Concept Plan Review have been lost, including the provision of row houses and attached garages. The proposed development would function as a development largely independent from those surrounding areas, which is inconsistent with BVCP policies on sensitive infill. The site would appear significantly denser, as compared to the generous spacing and more estate style homes to the east. The site design and transition aspects from urban to rural and building adjacency to the existing surroundings needs to be particularly sensitive.
2. Consideration should be given to providing a more logical site plan with pedestrian friendly streetscapes and circulation. The basic layout of the development with the commercial structure on the corner of Jay Road and 28<sup>th</sup> Street contributes to a sense of an entry into the city but is not intuitively placed in terms of access and circulation for patrons of these businesses. Currently parents dropping off for the daycare will need to travel through the entire development. The daycare use could be relocated on the southeast corner of the site to provide more convenient access and dedicated parking. Consideration should be given to interfacing with any uses that are public facing with the improved bus stop. Refer to 'Access' review comments.
3. Consideration should be given to designing the site to provide a transition between the relatively higher density development to the west (more urban) and the low density single family development to the east (more rural). The property is surrounded by areas designated as planning reserve, open space, low density and very low density residential in the BVCP and should act as an appropriate interface.

Greater attention should be given to the building mass and relationship to functional open space. The bulk, mass and placement of these buildings is critical for approval of the multi-family unit type in this context. As was suggested by

## Item 6A - 2801 Jay Road Concept Plan Review

the board at the time of Concept Plan, consideration should be given to arranging the site based on an “agriburbia” or “village form” concept. Staff recommends exploring a portion of the site as a cluster or pocket neighborhood approach to the site design and housing types proposed, similar to the Poplar Community. The site could contain a series of circulation nodes where homes are gathered around some type of common area, like a garden or alley. The applicant needs to provide a greater variety of housing types to meet the site review criteria and intent of the RMX-2 zone district. The applicant should explore providing small lot single-family, duplexes, row-homes, etc. to provide a transition to the surrounding context. At a minimum, the mass of the long buildings should be broken up.



*Poplar Community*

4. Consideration should be given to making the open space within the project more naturalized, rather than a central formal park. Additionally, consideration should be given to how the areas between buildings can be utilized as semi-private open space and designed to encourage activity. These areas could provide additional, shared open space opportunities for the residents of the development rather than underutilized buffer space for the building massing. At a minimum buildings should front on a central park. Consideration should be given to breaking up and integrating the structural drainage on the southeast corner into the larger site and landscape design. Considering the interface of the parcel with the planning reserve area and context appropriate green infrastructure is recommended.
5. Consideration should be given to the design of the existing 42-foot tall monopole for telecommunications equipment, if it is proposed to remain. Screening or other facility upgrades may be desirable to integrate the pole into the development.



*Example of creative stealth screening of antennas.*

6. Consideration should be given to providing conduit for future photo voltaic systems from the panel of each building to the roof.
7. Consideration should be given to providing at least one electrical vehicle charging station.
8. Provide a detailed energy efficiency plan that articulates how the applicant will specifically meet the city's energy

efficiency standards of the IECC 2012 +30%.

9. Refer to 'Landscape' comments regarding the provision of detached sidewalks along the drive access to accommodate trees along the drive aisles. The buildings must present an attractive streetscape and provide for the safety and convenience of pedestrians, as required by Site Review.

**Utilities, Scott Kuhna, 303-441-4071**

1. As a condition of annexation, any existing structures requiring the use of a waste disposal system shall be connected to the city's wastewater system in accordance with section 11-2-8, B.R.C. 1981 within 180 days of the second reading of the annexation ordinance or the existing structures must be demolished.
2. As a condition of annexation, the applicant is required to abandon any existing septic system in accordance with Boulder County Health Department and State regulations.
3. Mapping on the Northern Colorado Water Conservancy District (NCWCD) website shows this property already being located within the NCWCD District and Sub-district.
4. Per Section 4.02 of the City of Boulder *Design and Construction Standards (DCS)*, the Utility Plan shall include the following project or development information:
  - (7) Existing and Proposed Utilities: Include the location, type and size of all existing and proposed utilities mains and service lines. Utilities to be identified include without limitation: water, wastewater, storm drainage, flood control, gas, electric, telecommunications, drainageways, and irrigation ditches within and adjacent to the project or development site. The locations of existing underground utility mains and service lines, and the invert and surface grade elevations of all manholes, inlets and culverts, shall be field verified to the Director's satisfaction (by "pothole" excavations, if necessary) and accurately delineated and dimensioned. Include and assign identification numbers to all existing and proposed manholes, inlets, fire hydrants, valves, pipe lengths, meter settings and pits, and provide "direction of flow" arrows on gravity pipelines. Proposed invert and surface grade elevations shall be provided for all proposed manholes, inlets and culverts.
  - (8) Easements and Rights-of-Way: Include the location, dimensions, and dedication type of all existing and proposed easements and rights-of-way for all utilities improvements. If available, reference existing easements to appropriate recorded film and reception numbers.
  - (9) Structures and Trees: Include the location and dimensions of all existing and proposed structures, including without limitation buildings and fences, trees 2-inch caliper or greater, and major landscape features.
5. It is not clear what is being proposed for the existing water service line from Jay Road to the property. Revise accordingly.
6. The title page of the *Conceptual Utility Report – 28<sup>th</sup> and Jay (Utility Report)* needs to be revised to remove the word "Conceptual".
7. Page 1 of the *Utility Report* refers to this "Preliminary Utility Report" and needs to be revised to remove the word "Preliminary".
8. Page 2 of the *Utility Report* proposes the "extension of the sanitary sewer main at the corner of 30<sup>th</sup> and Jay Road to the site" (Option 1), but the plans show two (2) options for Offsite Utility Plans. Clarification is necessary.
9. Per city standards, trees need to be located at least 10 feet away from existing or future utilities.

**III. INFORMATIONAL COMMENTS**

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

Staff's considers the north/south access road as a private road with a public access easement across it. As such, the applicant will be responsible for the maintenance of the road.

**Addressing, Caeli Hill, 303-441-4161**

The city is required to notify utility companies, the County Assessor's office, emergency services and the U.S. Post Office of proposed addressing for development projects. Please submit a Final Address Plat and list of all proposed addresses as part of the Technical Document Review process.

**Architectural Inspections, Sloane Walbert, Case Manager, 303-441-4231**

The city has started a new architectural inspection process as part of the Design Excellence Initiative's mission to help ensure high-quality outcomes in new buildings and landscaping. The "rough and final architecture" inspection for buildings

with discretionary approvals such as site and use reviews will require that building architecture, materials and window details are consistent with approvals.

**Area Characteristics and Zoning History**, Sloane Walbert, 303-441-4231

The subject property is located in Boulder County near the intersection of 28th St./U.S. 36 and Jay Rd. 28th St. serves as the general city limits in this area. The 4.76-acre site is located immediately east of the city limits. The subject property contains a church constructed circa 1953 and a parking lot. The Boulder First Church of the Nazarene operated on the property for many years and the property is currently owned by the Colorado District of the Church of the Nazarene. The property is served by city water per an out-of-city utility agreement and revocable permit signed in 1987. The property contains a 42-foot tall monopole for telecommunications equipment, which would not be permissible per city zoning standards. The site was approved in 1997 by Boulder County for a daycare center (which operates at night) for over-flow activity from the Boulder Shelter for the Homeless.

The surrounding area is characterized by primarily low-density single-family residential development. However, a variety of uses exists in the immediate area. A single-story worship building (the Lubavitch Synagogue) is currently under construction immediately to the south, across Jay Rd. (2810 Jay Rd.). The Peace Evangelical Lutheran Church is located catty-corner to the site on the southwest corner of the intersection of Jay Rd. and 28th St. The site is located just west of the Airport Influence Area.

Redevelopment of the site would include the demolition of an existing structure built in 1953. The majority of the subject property was undeveloped by the church use and contains an active prairie dog colony. The property is essentially flat with a gentle slope from the northwest corner to the southwest corner. The site contains limited mature landscaping and trees and has views of the foothills to the west.

A large property to the north is owned by the city and included in the Boulder Parks and Recreation Department Master Plan, which is shown as area #4 on the map to the left. The 187 acres of property are described in the Plan as "Area II Park Reserve" planned for long-term future needs. The Parks Plan states that a master plan will be conducted at some point in the future to develop the area as a city park. However, there are no immediate plans to construct the park.

**Building and Housing Codes**, Jim Gery 303-441-3129

The following Building Code comments are intended to be informational only. They are provided here in order to inform the applicant of areas of concern that may require additional documentation and/or changes in plans, methods, and/or materials at the time of building permit application. These comments are intended to aid the applicant by illuminating issues as early as possible with the intention of helping the applicant and applicants' agents avoid unnecessary permit denial related to the information given at this time. They are not intended to be considered as approval or denial of, nor as a comment on the materials provided for the purposes of this specific Land Use Review application. Comments regarding changes necessary for approval of this application, if any, will appear elsewhere.

Please be advised that building comments are general in nature and based on the limited information provided for the purposes of this Land Use Review, and in no way constitute a complete or exhaustive review for compliance with any Building, Mechanical, Fuel Gas, Plumbing, Electrical, or Energy Code, accessibility requirements, or the Green Building and Green Points Program; nor may they be construed as approval of any existing or proposed structure for the purposes of a building permit. Documents submitted at the time of building permit application for development or redevelopment will be required to demonstrate compliance with the aforementioned Codes and ordinances and/or any other applicable laws, Codes and Standards in force at the time of application.

While it is likely the final design of the café is not determined given the level of development of plans so far, it is possible that the occupant load of the café will be high enough to require a second restroom per 2012 IBC Sections 1004 and 2902.

Accessible routes, parking, and Type A and B units per 2012 IBC Chapter 11.

**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 (DCS).
2. Discharge of groundwater to the public storm sewer system may be necessary to accommodate construction and operation of the proposed development. City and/or State permits will be required for this discharge. The applicant is advised to contact the City of Boulder Storm Water Quality Office at 303-413-7350 regarding permit requirements. All applicable permits must be in place prior to building permit application. Additionally, special design considerations for the properties to handle groundwater discharge as part of the development may be necessary.



3. All inlet grates in proposed streets, alleys, parking lot travel lanes, bike paths, or sidewalks shall utilize a safety grate approved for bicycle traffic.

**Groundwater**, Scott Kuhna, 303-441-4071

Groundwater is a concern in many areas of the city of Boulder. Please be advised that if it is encountered at this site, an underdrain/dewatering system may be required to reduce groundwater infiltration, and information pertaining to the quality of the groundwater encountered on the site will be required to determine if treatment is necessary prior to discharge from the site. City and/or State permits are required for the discharge of any groundwater to the public storm sewer system.

**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.

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

The City of Boulder's Residential Growth Management System (RGMS) caps annual residential growth at 1% per year and is managed through an allocation process. The adopted code language, 9-14, Residential Growth Management System, B.R.C. 1981 includes exemptions from the growth management system. All projects that include residential units, including those that meet the exemption criteria, must be apply for and receive growth management allocations prior to building permit application. In order to apply for a growth management allocation, an agreement for meeting city affordable housing requirements must be in place.

**Utilities**, Scott Kuhna, 303-441-4071

1. On-site and off-site water main construction per the City of Boulder *Design and Construction Standards (DCS)* as necessary to serve the development will be required. All proposed public utilities for this project shall be designed in accordance with the *DCS*.
2. 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.
3. Maintenance of sand/oil interceptors and all private wastewater and storm sewer lines and structures shall remain the responsibility of the owner.
4. 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.
5. All water meters are to be placed in city right-of-way or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.

6. The applicant is notified that, though the city allows Xcel and Qwest to install their utilities in the public right-of-way, they generally require them to be located in easements on private property.
7. Floor drains internal to covered parking structures, that collect drainage from rain and ice drippings from parked cars or water used to wash-down internal floors, shall be connected to the wastewater service using appropriate grease and sediment traps.
8. Trees proposed to be planted shall be located at least 10 feet away from existing or future utility mains and services.
9. 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 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 existing water and/or wastewater services are required to be abandoned and upsized, all new service taps to existing mains shall be made by city crews at the developer's expense. The water service must be excavated and turned off at the corporation stop, per city standards. The sewer service must be excavated and capped at the property line, per city standards.
  - d. Since the buildings will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line connection permit application.

**Wildlife Management**, Valerie Matheson, 303-441-3004

There are prairie dogs on the property at 2801 Jay Road.

The Urban Wildlife Management Plan (UWMP) describes a “six-step” decision making process for managing prairie dogs when they are in conflict with human land uses. The “six-step” decision making process includes:

- |         |  |
|---------|--|
| Step 1. | Minimize conflicts with the wildlife through non-removal methods.      |
| Step 2. | Remove animals on a portion of the site where conflicts are occurring. |
| Step 3. | Evaluate potential for relocation.                                     |
| Step 4. | Consider animal recovery programs (ferret or raptor).                  |
| Step 5. | Evaluate trapping and individual euthanasia.                           |
| Step 6. | If earlier steps not feasible and pesticides must be used:             |
|         | – Pay into city habitat mitigation fund                                |
|         | – Notify the city  |
|         | – Post notice on property of pesticide application                     |

If removal is required and there are no relocation sites available (Step 4), City ordinance requires landowners to obtain a permit from the city before using any form of lethal control on prairie dogs. In order to obtain a permit, the landowner must demonstrate the following:

- A reasonable effort has been made to relocate the prairie dogs to another site;
- The most humane method of lethal control possible will be used;
- One of the following three conditions exist:
  1. the land on which the prairie dogs are located will be developed within 15 months of the date of the application,
  2. a principal use of the land will be adversely impacted in a significant manner by the presence of prairie dogs on the site, or
  3. an established landscaping or open space feature will be adversely impacted by the prairie dogs; and
- the landowner has an adequate plan designed to prevent the reentry of prairie dogs onto the land after the prairie dogs are lawfully removed.

Prairie Dog Lethal Control Permit Application Form can be found on the city website or by following this link: [https://www-static.bouldercolorado.gov/docs/PDS/forms/312\\_prairie\\_dog\\_pmt\\_app.pdf](https://www-static.bouldercolorado.gov/docs/PDS/forms/312_prairie_dog_pmt_app.pdf)

The waiting period after the submission of an application is a minimum of three to five months. If the city determines that relocation alternatives exist during or after the initial three-to-five month period, it may delay issuing the permit for an additional 12 months in order to allow relocation to occur.

The basic administrative fee for a lethal control permit is \$1,500. An applicant for a prairie dog lethal control permit must also pay a fee of \$1,200 per acre of active prairie dogs habitat lost, pro-rated for any partial acres of lost habitat.

#### IV. NEXT STEPS

1. Continue to engage with city staff to determine the most appropriate community benefit options for the annexation of the property. Do not submit revised plans until advised to do so by city staff.
2. Submit a separate LUR application for the proposed change to the Land Use Designation on the Boulder Valley Comprehensive Plan (BVCP) map, including a written statement specifically addressing the applicable criteria in [Section II](#) of the BVCP.
3. Submit a separate LUR application for a Use Review for the daycare center and provide a detailed description of all proposed uses on the property, including the café.
4. Please address the comments herein and resubmit **six (6) hard copies** (only one (1) copy of the revised drainage report and traffic study/TDM) **and one (1) digital copy** of the revised plan set to the front counter of the P&DS Service Center prior to the start of a three-week review track. A revised petition for annexation, as described in the review comments above, is required.

#### V. CITY CODE CRITERIA CHECKLIST

Refer to **Attachment C** for the Annexation and Initial Zoning checklist. A completed Site Review criteria checklist will be provided upon review of revised proposal.

#### VI. DRAFT CONDITIONS ON CASE

To be provided upon a review of revised proposal.

**Board Comments:**

**Key Issue #1:** Is the proposed annexation, initial zoning and concept plan compatible with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP). Would the project be compatible with the character of the surrounding area?

- **C. Gray** agreed with staff's comment that the proposed use would be inconsistent with the Comp Plan's goals and objectives (specifically policies 2.10, 2.05 and 6.12). It would be better to address development of this property as part of the Comp Plan update, similar to the comments under Agenda Item 5A for 3303 Broadway. The proposed concept plan is incompatible with the surrounding land uses. The higher density proposed is too much and would be incompatible.
- **L. May** agreed with **C. Gray**. He questioned staff as to the history of this parcel being located in Area II. In looking at this area and how it is defined by the roadway, he suggested that this should be moved to Area III based on the typography.
  - **S. Walbert** answered **L. May's** question and said that it has been located in Area II for a number of years, because the existing church was considered to be "urban development." The exact amount of years is not known at this time.
- **B. Bowen** stated it is difficult to define what the best development would be in the proposed area. If development were done at this corner, a mixed income affordable housing would be a good fit for that site. However, maybe not at the density proposed. In term of design, there are some good comparisons to the newer modern developments. Specifically, the Holiday housing area was a lot more fine-grained in nuance than this proposal. The big parking lot design is not the right solution for this project. He suggested moving the parking to the east side of the property, running all buildings on an east/west axis and possibly incorporating a passive solar access project. In addition, the developer should allow for more ground level apartments. The density proposed now is more that can be accommodated at this location. The applicant should consider an "agriburbia" type development.
- **A. Brockett** agreed with **B. Bowen**. Housing is the right use for the proposed parcel and mixed income would be a good way to go. He also liked **B. Bowen's** village concept which he mentioned. There are no services in the immediate vicinity of the location. Therefore, the proposed density should be reduced.
- **L. Payton** agreed with the staff analysis. She stated that she is not sure housing is the right use for the property. She would like to look at this property in the context of the Comp Plan update and use more of a community process to help determine what should be developed at the location. With regard to density, the proposal violates the urban to rural transect. This location is not near employment or transit; therefore, it is not a suitable site for affordable housing. People would be required to have a car to get around from this location. In regards to the materials proposed, she stated that they are not of good quality but appreciates the mixed housing types proposed. She stated that she did conduct a site visit and accessing the site in a car was "terrifying" with the traffic.
- **B. Bowen** commended the designer for the simple and elegant architecture.
- **J. Putnam** agreed with **B. Bowen**. He stressed that connectivity is a major issue and that the site is isolated by the current infrastructure, from a pedestrian and bicycle perspective. The 205 transit route is only a "thin lifeline" to the site. Even with an enhanced design concept, as described by **B. Bowen**, the applicant would need to put a lot of thought into the infrastructure and connectivity to the site. Fixing the Jay Rd. and 28<sup>th</sup> St. intersection would take a lot of thought and a lot of money. Given that annexation is a discretionary act on the part of the city, development of the property would be done as part of a larger plan. It would be better to determine through a plan whether this property is going to the edge of urban development or located in the middle of a larger development in the future. At this point, it is hard to plan for both possibilities.

**Summary of Concept Plan:**

In general, the Board agreed with staff's analysis in the memorandum. The Board agreed they would support a lower density development, including the property as part of larger Comp Plan strategies and possibly converting the location from Area II to an Area III.



**Attachment B:**  
**Summary of Staff Review Comments at Concept Plan**

- **Density.** Context sensitive medium density multi-family residential redevelopment of the site could potentially be supportable. However, the project would need to consider the property within the larger context of the area.
- **Compatibility.** Staff finds that the current proposal for Residential - Mixed 2 (RMX-2) zoning and high density residential is inconsistent with the goals, objectives and recommendations of the BVCP. The property is surrounded by low-density residential uses and zoning districts. However, the site is located on both a busy highway/principal arterial (28th St.) and minor arterial roadway (Jay Rd.). As a result, context sensitive medium density multi-family residential redevelopment of the site could potentially be supportable. However, the project would need to consider the property within the larger context of the area. However, as proposed, staff finds that the development is not compatible with the surrounding area and that density should be reduced to be more consistent with relevant policies found in the comprehensive plan.
- **Mass and Scale:** Building mass and scale does not appear to be appropriate with the established character of the neighborhood surrounding the site. Despite the provision of a variety of housing types, the proposed design primarily “reads” like a high-density multi-family development because the 3-story apartment building and surface parking are located closest to the street. Staff finds that the proposed site layout does not match the pattern of development in the immediate area. The proposed development would function as a development largely independent from those surrounding areas, which is inconsistent with policies on neighborhood connectivity and design. The buildings, particularly the apartment building, would appear significantly larger, as compared to the generous spacing and more ranch-type homes surrounding the property.
- **Design.** The subject property is considered a gateway site and the design of the site must be enhanced to meet BVCP policy 2.05 ‘Design of Community Edges and Entryways’. The development should be outward focused and aligned toward the street to create a clear sense of arrival and departure to the city.

The site plan shows very limited permeability along Jay Rd, and very limited integration with the Jay Rd. public realm. In general, the site plan is insular and not integrated with any surrounding public or private property. The surface parking is placed along Jay Rd., which does not promote a safe and vibrant pedestrian experience along the public street.

- **Land Use.** A residential use of the property is appropriate given the surrounding context. However, it does not appear that the proposed density and unit type mix are appropriate for this property. The property is surrounded by areas designated as planning reserve, low density and very low density residential in the BVCP. Staff has found that based on the criteria for Annexation and BVCP policies, the proposed high density land use would not be compatible with the pattern and density of development of property immediately around it.

**Attachment C: Review Criteria**  
**Consistency with State Annexation Law (31-12-101 et seq., C.R.S.) and**  
**City of Boulder Policy 1.24 for Annexations**

**Meets Criteria**      **Specific Criteria: State Annexation Law**

- |            |  |
|------------|--|
| <u>Yes</u> | (1) <b>Minimum Required Contiguity: At least one-sixth of the perimeter of the area to be annexed shall be contiguous to the city limits.</b><br><i>The property has 1/6<sup>th</sup> contiguity to the city limits.</i>   |
| <u>No</u>  | (2) <b>Annexation by Petition: A petition must be presented by more than half of the landowners owning more than fifty percent of the area to be annexed. For enclaves and municipally owned property, the City may take the initiative without petition.</b><br><i>A revised petition must be provided.</i> |
| <u>n/a</u> | (3) <b>Annexation by Election: Under certain conditions, an election may be held by the property owners and registered electors within the area to be annexed.</b><br><i>Not applicable.</i>   |
- 

**Meets Criteria**      **Specific Criteria: City of Boulder Policy 1.24 for Annexations**

- a) Annexation will be required before adequate facilities and services are furnished.**
- |            |  |
|------------|--|
| <u>Yes</u> | <i>The site will be required to pay appropriate fees and install utility line infrastructure commensurate with annexation.</i> |
|------------|--|
- 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.**
- |            |  |
|------------|--|
| <u>n/a</u> | <i>The parcel is not a county enclave, along the western boundary or a fully developed Area II property.</i> |
|------------|--|
- 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.**
- |            |  |
|------------|--|
| <u>TBD</u> |  |
|------------|--|

**Meets Criteria      Specific Criteria: City of Boulder Policy 1.24 for Annexations**

**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.**

No      *The applicant must still define the special community benefit that will be offered upon annexation.*

**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.**

No      *The applicant must still define the special community benefit that will be offered upon annexation.*

**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.**

Yes      *The property is within Area II of the Boulder Valley Planning Area.*

**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.**

TBD      *Clarify the role of the church in the redevelopment.*

**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.**

n/a      *Not applicable, property not located within Gunbarrel Subcommunity.*

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Meets Criteria      Specific Criteria: City of Boulder Land Use Code section 9-2-17 policy for zoning of annexed land

- (a) **Generally: Zoning of annexed land or land in the process of annexation shall be considered an initial zoning and shall be consistent with the goals and land use designations of the Boulder Valley Comprehensive Plan.**

*See 'Comprehensive Planning' review comments.*

TBD

- (b) **Public Notification:** When zoning of land is proposed in the process of annexation, the city manager will provide notice pursuant to [section 9-4-3](#), "Public Notice Requirements," B.R.C. 1981.

Yes

*A public notice was sent per section 9-4-3, B.R.C. 1981 indicating proposed zoning of the land.*

- (c) **Sequence of Events:** An ordinance proposing zoning of land to be annexed shall not be finally adopted by the city council before the date of final adoption of the annexation ordinance, but the annexation ordinance may include the zoning ordinance for the annexed property.

—

*Appropriate sequencing will occur at the time the ordinance is prepared.*

- (d) **Placement on Zoning Map:** Any land annexed shall be zoned and placed upon the zoning map within ninety days after the effective date of the annexation ordinance, notwithstanding any judicial appeal of the annexation. The city shall not issue any building or occupancy permit until the annexed property becomes a part of the zoning map.

n/a

*Relevant upon annexation.*

- (e) **Nonconformance:** A lot annexed and zoned that does not meet the minimum lot area or open space per dwelling unit requirements of [section 9-7-1](#), "Schedule of Form and Bulk Standards," B.R.C. 1981, may be used notwithstanding such requirements in accordance with this code or any ordinance of the city, if such lot was a buildable lot under Boulder County jurisdiction prior to annexation.

n/a

*The lot to be annexed will not be considered non-conforming for lot area or open space upon annexation and initial zoning.*

yes

- (f) **Slopes:** Notwithstanding the provisions of subsection (a) of this section, any land proposed for annexation that contains slopes at or exceeding fifteen percent shall not be zoned into a classification which would allow development inconsistent with policies 3.10, 3.15, and 3.16 of the Boulder Valley Comprehensive Plan.

*The slope does not exceed fifteen percent.*

### **3.10 Urban Environmental Quality**

*To the extent possible, the city and county will seek to protect the environmental quality of areas under significant human influence such as agricultural and urban lands and will balance human needs and public safety with environmental protection. The city will develop community wide programs and standards for new development and redevelopment so that negative environmental impacts will be mitigated and overall environmental quality of the urban environment will not worsen and may improve.*

### **3.15 Mineral Deposits**

*Deposits of sand, gravel, coal and similar finite resource areas will be delineated and managed according to state and federal laws. Mineral deposits and other non-renewable resources will be used with the greatest practical efficient and the least possible disturbance to existing natural and cultural resources.*

### **3.16 Hazardous Areas**



Item 6A - 2801 Jay Road Concept Plan Review

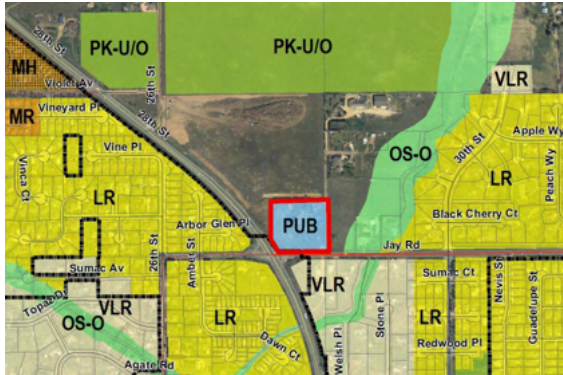
*Hazardous areas that present danger to life and property from flood, forest fire, steep slopes, erosion, unstable soil subsidence or similar geological development constraints will be delineated, and development in such areas will be carefully controlled or prohibited.*

## BVCP Update – Staff Recommendation for 2801 Jay Road

## Request #29

## 2801 Jay Road

## Existing BVCP Land Use Map



## Existing Planning Area Map



## Site Photos



## Request Summary

- Requester: Margaret Freund, in association with a Concept Plan application (LUR 2015-00074)
- Type of Request: Land use map change
- Brief Description of Request: Public (PUB) to **Mixed Density Residential (MXR)**
- Approval Required: Four body

## Existing Conditions

- BVCP Designation: Public (PUB)
- Zoning (county): Rural Residential (RR)
- Planning Area: II
- Lot Size: 207,274 sq. ft. (4.76 acres)
- Existing Buildings: Church building (14,000 sq. ft.)

## Jobs and Housing Assumptions

- Current Estimated Dwelling Units: 1 with RR
- Future Estimated Dwelling Units: 29-86 with MXR
- Future Estimated Jobs: n/a

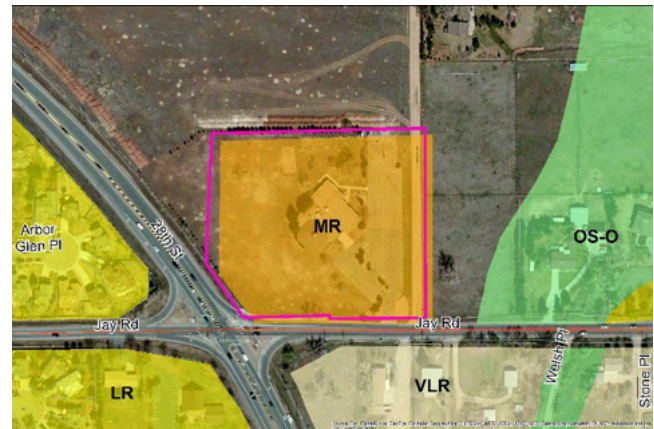


**BVCP Update – Staff Recommendation for 2801 Jay Road****STAFF RECOMMENDATION FOR REQUEST #29**

Staff recommends that the site's Land Use Designation be changed to **Medium Density Residential (MR)** for the following reasons:

- The parcels are in Area II (the area designated for urban services) and have been intended for annexation into the city since 1985.
- Urban services (i.e., water, wastewater, stormwater, roads) are readily available near the site.
- Diversity of housing types and costs is a core value of the Comprehensive Plan, recognizing that the availability of housing affordable to both low and moderate income populations is “a growing concern”.
- There is a scarcity of sites for housing in Boulder Valley. Allowing Medium Density Residential will allow a diversity of housing types and prices, and a significant portion of the units will be permanently affordable.
- The recommended Medium Density Residential designation furthers other key BVCP policies, including jobs:housing balance, compatibility of adjacent land uses, sensitive infill and redevelopment, and strengthening community housing partnerships.
- Mixed Density Residential (MXR) is not recommended because the designation allows up to 18 units per acre (85 units) and constitutes a number of units that the city's planning board indicated was not appropriate for the site (see Site History).
- The recommended MR designation allows 6-14 dwelling units per acre (28-66 units total). This is consistent with the mix of densities in the surrounding area and could be compatible with the surrounding developments.
- The location and characteristics of the site make it suitable for new development with urban services, based on the apparent lack of sensitive environmental areas, hazard areas, and significant agricultural lands.

**Recommended Land  
Use Designation**



**BVCP Update – Staff Recommendation for 2801 Jay Road****OVERVIEW**

In addition to the land use request change to Mixed Density Residential (Request #29), staff analyzed Medium Density Residential as an alternative.

**SITE DESCRIPTION**

The subject 4.76-acre property is located in Boulder County on the north east corner of the intersection of 28th Street/US 36, and Jay Road. 28th Street serves as the current city limits in this area.

**Site History**

The subject property contains a church constructed in 1979 (county Building Permit 79-1094) and a parking lot. The Boulder First Church of the Nazarene operated on the property for many years and the property is currently owned by the Colorado District of the Church of the Nazarene. The site was approved in 1997 by Boulder County for a daycare center (which operates at night) for over-flow activity from the Boulder Shelter for the Homeless.

The north and east boundaries of the subject property are adjacent to Area III-Planning Reserve, that portion of Area III with rural land uses where the city intends to maintain the option of limited Service Area expansion. As part of the 2015 Boulder Valley Comprehensive Plan update City Council directed staff not to move forward with a Service Area Expansion Assessment for the Planning Reserve during the current plan update. That means that the Planning Reserve area will continue as an option for future service area expansion until at least the next five-year update.

In 2015, the requestor submitted a Concept Plan for the site proposing a residential development with 94 permanently affordable units. The proposal includes 26 three-bedroom and 17 four-bedroom row houses, 8 four-bedroom town houses and 38 two-bedroom and 5 one-bedroom apartments. A portion of the units were proposed to satisfy inclusionary housing (IH) requirements generated for the proposed residential development at 3303 Broadway, and a portion to meet the site's annexation community benefit requirement. Planning Board held a hearing on October 1, 2015 and in general, the Board agreed with staff's analysis in the [memorandum](#). Staff raised concerns about the proposed density of the development for the location. In the end, the Board agreed they would support a lower density development, and supported including the property as part of the larger Comprehensive Plan Land Use Change request process.

**Land Use Designations**

2801 Jay Road is located in unincorporated Boulder County with a land use designation of Public. The Public land use designations encompass a wide range of public and private nonprofit uses that provide a community service. This category includes municipal and public utility services such as the municipal airport, educational facilities, government laboratories; and other nonprofit facilities such as churches, hospitals, retirement complexes, and may include other uses as allowed by zoning. The Public designation allows residential development through a special review. The designation as Public is due to presence of the church.

As part of the Concept Plan submittal to the city in 2015, the requestor proposed a zoning designation of Residential - Mixed 2 (RMX-2) as part of annexation. This zone district is described as residential areas with a mix from low to high density where complementary uses may be permitted" (Section 9-5-2(c), B.R.C. 1981). The RMX-2 zone allows 10 units per acre (up to 20 through a review process) and is the



## BVCP Update – Staff Recommendation for 2801 Jay Road

only zone which includes a density bonus for affordable housing. The bonus is on a sliding scale, up to an additional ten units per acre if at least forty percent of all units are permanently affordable. However, the BVCP defines medium density residential development as six to 14 dwelling units per acre. Thus, the proposal of 19.7 dwelling units per acre would be considered high-density development for purposes of the land use designation.

### COMMUNITY INPUT

An open house was held on Aug. 8 in north Boulder that provided an opportunity for the community to review and comment on the draft staff recommendations. Approximately 50 people attended. The majority in attendance at the open house were focused on Twin Lakes, but the majority that commented on Jay Road expressed opposition to the staff recommendation. A handful of attendees voiced support for the staff recommendation that would enable housing on the site. Emails received between the time the draft staff report was published and when this report was published follow a similar pattern. Public comments related to all land use change requests, in the form of emails received between July 1 and August 22, are available on the county's website at [www.bouldercounty.org/doc/landuse/bvcp150001comments5.pdf](http://www.bouldercounty.org/doc/landuse/bvcp150001comments5.pdf). Public comments from the Aug. 8 open house are provided in **Attachment B-2**.

Additionally, staff received public comments during the Concept Plan review and also during the BVCP Land Use Request Initial Screening process. Neighbors have expressed concern about the scale of the proposal and compatibility with the character of the area. The general themes of public comment received to date are summarized below.

- Traffic and Access – Jay Road is heavily trafficked and congested and future development would exacerbate these issues. The intersection of Jay Road and 28th Street/U.S. 36 is dangerous and very accident-prone (both automobile and bicycle). A large number of special events along Jay Road contribute to these issues.
- Compatibility – Future development needs to be compatible with existing character of the surrounding area. The scale of the buildings is not compatible with the area.
- Wildlife – Future development would affect the existing ecosystem, which includes prairie dogs, deer, fox and birds.
- Connectivity – There is not safe walking access to/from the site, especially along Jay Road. Future development needs to be integrated into a trail system.
- Parking – Need consideration of overflow parking from future residents.
- Increased noise and air pollution.
- Role within Broader Development Pattern: A larger planning effort needs to be undertaken if the property is to be redeveloped.

### ANALYSIS

The analysis includes three BVCP land use options: Public (current), Mixed Density Residential (Request #29), and Medium Density Residential.

#### Compatibility with Surrounding Land Uses

The site is located in the Area II Community Service Area of the BVCP and has been designated for urban development in the BVCP since 1985.

The location and characteristics of this land make it potentially suitable for new development with urban

**BVCP Update – Staff Recommendation for 2801 Jay Road**

services. This is based on the apparent lack of sensitive environmental areas, hazard areas, and significant agricultural lands, the feasibility of efficient urban service extension, and contiguity to the existing Service Area, to maintain a compact community.

The surrounding area is characterized by primarily low-density single-family residential development. However, a variety of uses exists in the immediate area. A single-story worship building (the Lubavitch Synagogue) is currently under construction immediately to the south, across Jay Road (2810 Jay Rd.). The Foothills Animal Clinic is located east of the synagogue (2810 Jay Rd.). In addition, the Peace Evangelical Lutheran Church is located catty-corner to the site on the southwest corner of the intersection of Jay Road and 28th Street.

The requested land use designation of Mixed Density Residential is not compatible with the density of development immediately around it (refer to Table below). Mixed Density Residential allows up to 18 dwelling units per acre. This is significantly higher than neighboring subdivisions that range from 1.1 to 9.2 dwelling units per acre. Although the Mixed Density Residential designation would allow density that exceeds that of surrounding subdivisions, a moderately higher level of density may be appropriate given this location along two arterial roadways.

	<b>Subdivision</b>	<b>Estimated Density (Dwelling Units Per Acre)</b>
<b><i>Requested (HD)</i></b>		More than 14
<b>Northeast</b>	Orange Orchard	2.1
<b>South</b>	Gould	1.1
<b>Southeast</b>	Palo Park	5.9
<b>Southeast</b>	Four Mile Creek	5.6
<b>West</b>	Arbor Glen	5.6
<b>West</b>	Sundance	9.2
<b><i>Recommended (MD)</i></b>		6-14

Notes: Residential density is reflected in dwelling units per acre. Calculations reflect select sum of select subdivision's area that includes lots with housing units. Common area/shared ownership lots without housing units and rights of way were excluded from the calculations, with the exception of the Palo Park townhomes (south side of Subdivision #4 above) which have individual lots for townhome units and shared open space. Subdivision boundaries based on city's GIS database.

The Site Review phase of development for the property would provide an opportunity for the community to determine a more defined future for the area and assign the zoning that is more consistent with the surrounding area.

## BVCP Update – Staff Recommendation for 2801 Jay Road

### Availability of Services

The site is in close proximity to existing development and infrastructure.

Transportation. The requestor submitted a trip generation report as part of the Concept Plan [application](#) in 2015 showing minimal traffic impacts on the system. The requestor would be required to submit a Traffic Impact Study and Parking Study/Transportation Demand Management (TDM) Plan at the Site Review phase. Transit is available adjacent to the site. The 205 bus provides connections to the Gunbarrel Town Center, 28th Street, and Downtown Boulder.

Although Jay Road contains an on-street bike lane, there are no other connections to the larger bike network. Both Jay Road and 28<sup>th</sup> Street lack sidewalks or a shoulder for pedestrians. Future bike and pedestrian connections would need to be addressed at the time of annexation. An on-street bike lane and multi-use path are proposed in the Transportation Master Plan adjacent to the site on 28<sup>th</sup> Street.



Existing Sewer Mains

Water, Stormwater, and Wastewater. The site is in close proximity to existing infrastructure and the city's water, stormwater, wastewater master plans anticipate providing services to the site (similar to all Area II lands). The map to the right shows the existing sewer system mains. Connecting to the system and any needed upgrades will be the responsibility of the requestor (similar for all infrastructure). See **Attachment A** for additional information.

### Environment

There are no natural communities, rare plants, riparian corridors, or critical wildlife habitat as defined by the BVCP, officially observed or mapped on the property. The requestor would be required to submit complete information regarding existing on-site environmental conditions with the annexation and initial zoning application.

Future annexation and site planning for the site would need to address wildlife habitat issues (e.g., Prairie Dogs observed by neighbors). The site contains a few mature trees. A tree inventory will be required at the time of Site Review to determine whether any of the existing trees should be preserved. The property has views of the foothills to the west. To the extent possible, view shed corridors should be preserved through careful site design and building orientation.

### Affordable Housing

In 1978, the Boulder Valley and Boulder County comprehensive plans identified the need to provide a diversity of housing types and costs. The 1986 BVCP was more explicit, adding policies recognizing that the availability of housing affordable to both low and moderate income populations was “a growing concern,” and that public/private programs, funding and incentives needed to be tapped and developed to augment the limited supply of such housing being provided through private development. A BVCP Core Value is now to provide a diversity of housing types and price ranges. These objectives were also identified in the 2015 BVCP Community Survey as the community value in greatest need of increased attention by 42 percent of the respondents. Allowing Medium Density Residential will create a diversity of housing types on the sites and a significant portion of the units will be permanently affordable (40-60 percent of the units deeded as permanently affordable is an annexation requirement).

**BVCP Update – Staff Recommendation for 2801 Jay Road****BVCP Policies**

Staff reviewed all the BVCP policies and the most relevant are discussed below. Staff also prepared a high level analysis of how the four land use designations are positive, negative, or neutral in relation to BVCP core values (see table below).

The property is located in Area II in the BVCP, which is the “area now under county jurisdiction, where annexation to the city can be considered consistent with policies 1.16 Adapting to Limits on Physical Expansion, 1.18 Growth Requirements and 1.24 Annexation. New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise.” The additional housing units will also help balance available housing with area jobs (Policy 1.19 Jobs: Housing Balance).

Few planned locations for housing remain in the city’s service area. Allowing medium density residential on these sites is an efficient use of land and resources and will further many BVCP policies. There will be significant community benefit by allowing a diversity of housing types to serve area households, with a significant portion of the units being permanently affordable.

The site is adjacent to Area III which raised concerns about the transition between Area II and III. Staff believes transition issues are better addressed through the Site Review phases of development. Additionally, there is concern in the community regarding sensitive infill and redevelopment on the site. The requestor would be required to conduct the studies necessary to proceed with an informed development plan that will reflect any constraints associated with the land, while remaining sensitive to the concerns of the neighbors, and working collaboratively to address their interests.

Below is a summary chart of the relevant BVCP Core Values related to the various land use options.

CONSISTENCY WITH RELEVANT BVCP CORE VALUES	BVCP LAND USE OPTIONS		
	Public (current)	Medium Density Residential (recommended)	Mixed Density Residential (#29)
A welcoming and inclusive community	=	+	+
Our unique community identity and sense of place	+	+	--
Compact, contiguous development and infill that supports evolution to a more sustainable urban form	--	+	+
Open space preservation	=	=	--
Great neighborhoods and public spaces	=	+	--
Environmental stewardship and climate action	=	=	=
A vibrant economy based on Boulder’s quality of life and economic strengths	=	+	+



**BVCP Update – Staff Recommendation for 2801 Jay Road**

A diversity of housing types and price ranges	--	+	+
An all-mode transportation system to make getting around without a car easy and accessible to everyone	=	=	=
+ positive, = neutral, -- negative			

**ATTACHMENTS**

- B-1 Availability of Services
- B-2 Jay Road Open House Comments

## **Water**

All properties within the city service area (Area 1 and 2), that surround 2801 Jay Rd., are connected to the city's water line. The church is served by city water (12 in. diameter water main) per an out-of-city utility agreement and revocable permit signed in 1987. The site is served by Water Pressure Zone 2, which generally serves areas that are between 5,270 and 5,450 feet.



Figure 1: Existing Water Mains

## **Stormwater**

The site is bordered by two sub-basins, Fourmile Canyon Creek and Lower Boulder Creek. A minor storm drain from the west extends into the south-west corner of the site and a detention pond is located directly west of the site. The county currently maintains storm drainage infrastructure associated with Jay Road, and, should annexation of the parcel occur, would work with the city to arrive at a maintenance arrangement that would ensure the needs generated by any new development would be sufficiently addressed.



Figure 2: Existing Storm Mains

## **Waste Water**

The property is not connected to the city's sewage lines, nor does it have any lines running adjacent to the site. City sewage lines are found in the surrounding neighborhoods of the site such as Palo Park, Orange Orchard, Crestview, and Sundance.



Figure 3: Existing Sewer Mains

## **LINKS:** City of Boulder Public Works Department Master Plans

- [Comprehensive Flood and Stormwater Plan, 2004](#)
- [Stormwater Master Plan, 2007](#) – update in progress
- [Water Utility Master Plan, 2011](#)
- [Wastewater Utility Master Plan, 2009](#)
  - [Wastewater Collection System Master Plan](#) – update in progress
  - [Wastewater Treatment Plant Master Plan](#)
  - [Water Quality Strategic Plan](#)

**From:** Lynn Lickteig <lickteiglynn10@gmail.com>  
**Sent:** Friday, October 14, 2022 3:01 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** 2801 Jay Road Concept Plan Review & Comment

To: Shannon Moellers,

I am a homeowner at 2830 Jay Road, Boulder, CO 80301. My property sits diagonally directly across Jay Road from the proposed redevelopment of 2801 Jay Road (to the southeast).

**I would like to receive information about the public hearing that will take place before the Planning Board.**

I would also like to state that the intersection of Jay Road and 28th Street (36 HWY) is an accident prone intersection with the current level of traffic.

The traffic on Jay Road is heavy enough that I must sometimes wait 5 minutes to be able to pull out of my driveway. Adding 84 dwelling units adjacent to this dangerous intersection and to busy Jay Road would mean adding even more traffic--assuming each unit could have up to 2 cars per dwelling.

**I urge the Planning Board to consider a reduction in the number of Dwellings to 40 dwellings, which is in keeping with the RMX-2 zone district accommodations.**

**Finally, I urge the planning board to consider a different access point for the main egress of traffic in and out of the 2801 parcel *other than Jay Road*, namely, having the main point of egress to the north of the parcel and feeding onto 28th Street, preferably with a traffic light.**

I welcome more middle income affordable units to Boulder County, and I am not against progress. *However, I hope the traffic congestion and traffic frequency on Jay Road, along with the number of accidents at 28th and Jay intersection, will be studied well before any final decisions are made regarding the redevelopment of this 2 acre parcel of land.*

Finally, what is the plan regarding the current, long-established prairie dog colony that is on this property?

Regards,

Lynn M. Lickteig  
2830 Jay Road  
Boulder, CO 80301  
303-600-8161

**From:** Jennifer McCaleb <jenmccaleb@outlook.com>  
**Sent:** Friday, October 14, 2022 6:12 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** 2801 Jay rd

Hello.

I just saw some information about possibly building condos on the land at 2801 Jay rd.

I would like my email added to the mailing list to get info as it comes out, as I live up the street, and am 100% against this.

All the big open spaces are being taken in our amazing town for MORE CONDOS. And they aren't affordable if they are going at market rate. So, you are taking up all open space for apartments that are costing renters over \$2000 a month!

Please stop. now.

I will fight this until those of us against this win. But to do this, I need to be kept up-to-date on what is going on with it.

Thank you.

Jen McCaleb

Sumac Ct,  
Boulder, Co.



**From:** WILBUR GARCIA <wilangie@comcast.net>  
**Sent:** Saturday, October 15, 2022 10:42 AM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** LUR2022-00038

This message is to express our concerns about the plan for 2801 Jay Road. Jay Road traffic has increased year after year with more people using it as the primary avenue to and from 28th St. to the Diagonal. This has already impacted residents' ability to enter/exit their neighborhoods. Additional housing would only exacerbate the problem. The proposed redevelopment being discussed for the 28th and Iris property will already increase traffic at this end of town, causing further congestion and road deterioration. We strongly reject this proposed development.

Angelina and Wilbur Garcia

4077 Welsh Pl

**From:** Robyn Kube <robkube@dietzedavis.com>  
**Sent:** Monday, October 17, 2022 1:38 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** 2801 Jay Road/LUR2022-00038

Shannon,

Thanks for returning my call this morning. As I mentioned, I am quite interested in this new concept review.

As we discussed, a number of years ago this property was proposed as the site for affordable housing for a companion development at Iris and Broadway.

I have a strong recollection that the earlier proposal for 2801 Jay included a conditional approval which required the reconstruction/reconfiguration of the Jay and 28<sup>th</sup> Street intersection. I am very interested in seeing the new concept plan, as well as the information, including the traffic studies, and any approvals that were developed as part of the review of the earlier project.

If you can provide the link for the current project and any historical information from the prior proposal that would really be helpful.

Thank you,

Robyn Kube



Robyn W. Kube, President  
Dietze and Davis, P.C.  
2060 Broadway, Suite 400  
Boulder, CO 80302  
(303) 447-1375

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From: Paulina Hewett <aniluap2@aol.com>  
Sent: Monday, October 17, 2022 3:10 PM  
To: Moeller, Shannon <moellers@bouldercolorado.gov>  
Subject: 2801 Jay Rd proposed development.

Hi Shannon,

I am writing to ask to be informed on any scheduled hearings with the planning board. I live close to this site and am not opposed to development there, but just the density. Jay Road now has a 35/hr speed limit, pedestrian crossings and wide bike path. I am concerned about entrance and exiting of a minimum of 84 cars during rush hour. It is a single lane road that splits into a right turn lane about 100ft from the corner. I would suggest taking into consideration having the developer build an access road to 26th street so that cars can exit onto 28th Street and not onto that dangerous corner. The traffic is already backed up down to 30th street in the morning, so I think you will get frustrated drivers trying to speed through yellow lights creating even more hazards than are present

I know that Boulder needs more affordable housing and this could help if the developer is held to the 40% threshold.

Please share these concerns with your team.

Thank you for your consideration,  
Paulina Hewett

Sent from my iPad

From: TR Findlay <trfindlay@yahoo.com>  
Sent: Wednesday, October 19, 2022 1:30 PM  
To: Moeller, Shannon <moellers@bouldercolorado.gov>  
Subject: 2801 Jay Rd

Hello Shannon,

I live in the Orange Orchard subdivision, close to this proposed development.

Would you please share any additional information on this application as it becomes available?

Also, I would like to be on record as against any change of zoning for this property. The site cannot safely absorb 84 homes and the potential for perhaps ~150 cars .

Further, I find it disturbing that any land owner could or would attempt to up-zone from 4 units to 84. Clearly that would unfairly enrich that owner at the expense of the surrounding community. Should I be able to up-zone my rural residential .40 acres to build 7 units? Probably not.

I look forward to public comments for this proposal.

Thanks

TR Findlay



**From:** yeomhome@gmail.com <yeomhome@gmail.com>  
**Sent:** Thursday, October 27, 2022 5:14 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** re: 2801 Jay Rd Concept Plan (LUR2022-00038)

Hello,

I recently learned of this planned development via a NextDoor post and took some time to review the details/maps that the city has made available online (thank you).

**That said, I do not support this concept plan at all and hope the city won't approve it.**

Why?

1. **I don't see how development like this squares with the city's proclaimed commitment to sustainable growth.** Boulder cannot support or sustain residential or commercial development in the current climate crisis we are facing, much less the future climate challenges. At that intersection, there is insufficient infrastructure for current modes and entry/exit patterns of traffic, much less additional volume that a development like this would add. There ought to be a temporary moratorium on growth until we figure out how to deal with the new realities of climate change and local travel/traffic patterns. Our HOA is currently considering ways to xeriscape and save water in our common areas, but our sacrifice will be pointless and worthless and wasted if the city just adds more water consumers to the list right across the street from us.
2. **I don't see how development like this squares with the city's proclaimed commitment to safety on our roads.** Currently, the intersection of US 36 and Jay Road is not safe for cars, bikes, or pedestrians! We travel daily north of and east on Jay Road by car and by bike every day. We have also attended the church currently located on that corner and walked back and forth from our house multiple times weekly for gatherings for several years. **For pedestrians**, there are no sidewalks or safe shoulders/buffers from traffic that is \*flying\* south at 60mph with a blind turn. **For cyclists**, it is dangerous when crossing the intersection, making left turns in any of the lanes, and traveling north of Jay Road on US 36 (especially in the northbound shoulder) because drivers are in a hurry to blast out of the city toward the hills from westbound Jay Road or northbound 28th St and many are distracted by phones or pets or kids or food and swerve into the shoulder so you have to be so vigilant as it is. **For drivers**, it is unsafe to make left turns westbound on Jay Road with the addition of the flashing yellow signal (truly a nightmare to try to hold in your periphery while you're trying to gauge speed of oncoming traffic, especially at night). And in the past 3 months, northbound traffic has been seriously backed up south almost to Palo Parkway between 4 and 6pm now, making a very long wait to turn left on Jay Road from 28th Street (many drivers including myself resort to side roads to try to avoid this parking lot).

Please, please, please preserve this open space and do **not** approve this concept plan!

Jennifer Yeomans  
Amber Street (south of Jay Road) / Sundance HOA

**From:** Paul Strupp <paul.strupp@gmail.com>  
**Sent:** Monday, October 31, 2022 9:47 AM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** 2801 Jay Road Proposed Development

Please add me to the information list for updates about the proposed development at 2801 Jay Road.

I live a block from the lot in question. I do not support the proposed development at this site. The request to cram 84 housing units into this space is unreasonable and smells of simple greed without any concern for the existing low density/rural neighborhood.

I would like to know how the proposed development is different from the last time this was attempted and rejected by the city and the neighborhood.

Also, please state what benefits the proposed development provides to the neighborhood. Some commercial mixed use (restaurants, etc.) might provide some benefit rather than just increasing traffic and creating street parking issues by adding more living units.

Paul Strupp  
4192 Amber Place  
Boulder, CO 80304  
720-369-0363

**From:** Alix Barasch <alix.barasch@gmail.com>  
**Sent:** Saturday, November 5, 2022 2:50 PM  
**To:** Moeller, Shannon <MoellerS@bouldercolorado.gov>  
**Cc:** Amit Bhattacharjee <amit.k.bhattacharjee@gmail.com>  
**Subject:** Re: distribution list

Thank you, Shannon. I am currently very concerned about how the development will affect traffic on Jay Rd., which is already backed up every day when we drive our daughter to daycare. We will be there for the meeting to comment on this as well.

Best,  
Alix

**From:** Peggy Bruehl <peggy.bruehl@gmail.com>  
**Sent:** Monday, October 31, 2022 12:11 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** 2801 Jay Road Proposed Development

Greetings,

Please include me on any updates about the proposed development at 2801 Jay Road.

My name is Dr. Margaret Bruehl. I live at 4192 Amber Place in the city of Boulder Colorado. I have been a resident of the city of Boulder for more than 32 years. I have lived in my current home in the neighborhood of the proposed 2801 Jay Road Residential Development Project for 30 years. I strongly object to this proposed development plan for the following reasons:

- 1) The location for the proposed development is zoned RR by Boulder County, which allows for four single-family dwellings. The proposed development goes far outside this zoning. The RR is an appropriate designation for the location, as it matches the character of the existing nearby homes and properties. I respect the decision of the county zoning board and their designation of this property. I do not agree that it should change.
- 2) The location for the proposed development is zoned P by the Boulder Valley Comprehensive Plan (BVCP), which allows for public areas. The proposed development is in no way in compliance with this zoning, and in fact goes directly against the BVCP intention for the property. I have great respect for the Boulder Valley Comprehensive Plan. I believe in its role as a guiding force for maintaining the integrity of beautiful Boulder Valley. I do not agree that this development project should go against the BVCP.
- 3) The proposed development represents a significant change to the character of the neighborhood. Our neighborhood reflects a well balanced mix of single family homes of varying sizes, along with homes on larger rural lots including horse properties. The proposed development represents excessive density, not in any way in keeping with the character of the neighborhood, nor is it reflective of our neighborhood appearance.
- 4) The proposed development will result in traffic complications at the intersection of Jay Rd and 28th Street. Included in the development is no proposal to change the access for the development, nor are there any proposals to make improvements to the turn lanes on and off of Jay Rd or 28th Street. The large number of people residing in this development would cause significant traffic problems for the residents of this neighborhood, as well as for those people passing through our neighborhood north/south on 28th Street and east/west on Jay Rd.
- 5) The proposed development will result in parking problems throughout the surrounding neighborhood. The proposed development includes limited parking spaces, which will certainly be too few for the proposed density of the development. And, there is no mention of what the cost of the available parking will be. As a result, we can expect that residents of this development will certainly park outside the development on the streets of the surrounding neighborhoods. We've seen this effect near many high density residential developments in Boulder. Again, this is not in keeping with the existing character of the neighborhood, nor is it reflective of our neighborhood appearance.



As a long time resident of the city of Boulder, I strongly object to this proposed development plan for the above reasons. I encourage the planning board and the city government to remain true to our comprehensive plan (BVCP) and reject this plan.

Thank you for your consideration

Dr Margaret Bruehl

4192 Amber Place

Boulder, CO 80304

[peggy.bruehl@gmail.com](mailto:peggy.bruehl@gmail.com)

[\(303\) 447-2954](tel:(303)447-2954)

**From:** Ernie & Sandy A. <e.anderson@juno.com>  
**Sent:** Wednesday, November 2, 2022 11:56 AM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** LUR2022-00038 - 2801 Jay Rd.

LUR2022-00038  
2801 Jay Rd.

Attn: **Shannon Moeller**, Case Manager, City of Boulder Planning & Development

Please keep us informed on this project.

We, and others in this area, did not receive the original notice. Not sure what the boundaries are for notice but this concerns all that use Jay Road for egress near the site, ie: Welsh Place and Stone Place.

=====

Here are some of our concerns:

This could be a real “can of worms”. A lot of things about this that would not be good for the area.

- Annexing on the north side of 28<sup>th</sup> goes against the Comp Plan and could be a foot in the door that would tip the whole area in a different direction.
- Jay Road is overused now being the only east/west corridor north of Boulder until Neva Road.
- The 28<sup>th</sup> and Jay intersection already has trouble during rush hour.
- More traffic (and I mean all traffic, bike, pedestrian and auto) would be a problem.
- This density is very out of place for the area around it...a very rural area.

=====

**Please keep us informed on this project #LUR2022-00038.**

Ernie and Sandy Anderson  
4080 Welsh Place  
Boulder, CO 80301  
[e.anderson@juno.com](mailto:e.anderson@juno.com)  
Ph. 303-444-2615

**From:** Greg Schwarzer <gregschwarzer@gmail.com>  
**Sent:** Thursday, November 3, 2022 12:39 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** 2801 Jay Road Plan comments

This is for review/public record on the proposed development of 2801 Jay Road.

To receive any positive support for this proposal, we would have to see plans for extensive redevelopment of the already dangerous and overcrowded intersection at Jay and 28th. Introducing a development to that already very busy intersection seems very ill advised.

Over the last 10 years the traffic on 28th/36 heading north and south has increased dramatically, as has east/west traffic on Jay road. Wait times for lights, especially east/west at the light on Jay/28th or transitioning from southbound to eastbound (28th to Jay) have continued to increase and have crossed into the realm of 'painful'.

Cycling around that intersection, which we do on a regular basis, is already extremely dangerous and harrowing. North/South traffic is travelling at high speed, making transition to from southbound to eastbound VERY dangerous, most of the time forcing us on bike to go west on Jay from 28th southbound, do a u-turn on the bike and travel straight through the intersection to the east...all to avoid being hit by southbound traffic as we try to transition to the turn lane. Similarly, just rounding the corner headed westbound on Jay to go northbound on 28th/36 has almost zero room for a bike and we've had many brushes on just that corner. And this would add more incoming traffic to that intersection? Disaster waiting to happen.

Given the constraints of the real estate available for intersection redevelopment to address those issues (that already exist WITHOUT the addition of more homes/traffic), it is hard to see how this development is a good idea and could be safely executed in the context of traffic flow and bicycle safety.

Greg Schwarzer & Lisi Kempton - 4434 Apple Way (30th and Jay).

--

Greg

**From:** Kerri Molczyk Wingert <kerriwingert@gmail.com>  
**Sent:** Thursday, November 3, 2022 3:57 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** Review of LUR2022-00038

Hi Shannon,

I live in the neighborhood nearby this proposed review project and I am very much in favor of it from a housing justice perspective. I would love to attend the meeting and support the project. We need lower cost housing, and I am sure many of my neighbors will be resistant, so I hope to add a reasonable homeowner voice to the mix.

I work and have kid care responsibilities during the Dec 6th and Nov 9th review meeting times but would be happy to engage and hope you will keep me posted as to other opportunities.

Thanks,

Kerri



**From:** chris horne <chris.thor.horne@gmail.com>  
**Sent:** Saturday, November 5, 2022 9:59 AM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Cc:** steph horne <steph.horne@comcast.net>  
**Subject:** 2801 Jay Rd plan

MOST IMPORTANT:: lower speed limit on 28th/36.

I think this should occur independent of proposal, and proposal makes this mandatory in my view.

If approved, I think this will be the first change in north-of-jay/just-east-of-36 in my 35years as resident: converting rural to urban. As such, i think this warrants significant work on long-range plan: ped/bike paths, parks, etc. A mistake now may not be correctable in the future.

Provide map link with layout and egress/ingress plan.

Thanks  
-Chris

**From:** Michelle Trudgeon <mtrudgeon@comcast.net>  
**Sent:** Tuesday, November 8, 2022 11:38 AM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** 2801 Jay Rd (LUR2022-00038)

Hi Shannon,

As a nearby neighbor to the 2801 Jay Rd site of proposed redevelopment, I wanted to express my concerns. I see the "**The current Boulder County zoning designation of RR would allow four single-family dwellings.**" Yet, they are hoping to add 84 dwelling units to this site.

The current proposed traffic pattern to allow access from Jay Rd is ludicrous. If you've ever traveled in this area, it's already a dangerous intersection with a lot of bicycle traffic, RTD buses that have to carefully navigate across a bike lane and traffic lanes and a lot of cars commuting during peak times. 84 additional dwelling units comes at a cost of potentially how many added vehicles? Bikes? Pedestrians? It doesn't seem that this has been thought through very well.

Please keep me posted of meetings/ decisions on this development.

Thank you,  
Michelle Trudgeon

**From:** Gwendolyn Appel <gwendolynappel@gmail.com>  
**Sent:** Tuesday, November 8, 2022 2:31 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** 2801 Jay Rd (LUR2022-00038)

Members of the Planning Board,

I am writing to express my concern about the proposed development of 84 units on the property that currently is zoned for four single-family dwellings. While the issue of adequate affordable housing continues to be an issue in Boulder and is a delicate balancing act, I urge you to deny the request to rezone and allow for such a substantial modification to the existing plan. The infrastructure at Jay and 28th simply does not allow for such a large increase in the number of individuals who would inevitably be driving in their cars into Boulder. Already there are frequent accidents at this intersection and very long delays on 28th both going in and out of Boulder on 36 during peak times. To think that individuals that are living in this community will not have cars or utilize more public transportation in lieu of cars is unrealistic, at best. Our neighborhood of Four Mile Creek frequently utilizes Jay Road and 28th as our access point to the neighborhoods, schools and businesses west of 28th. Both Jay and 28th street are single lane roads, and the impact of bringing in well over 100 more people and cars to this area of town would just increase accidents, pollution from idling cars and frustration. It is for these reasons that I ask the Members of the Planning Board to please deny this request.

Sincerely,

Gwendolyn Appel  
4605 Nassau Pl  
Boulder, CO 80301

From: Vinny V <vintrrc@hotmail.com>  
Sent: Wednesday, November 9, 2022 6:24 PM  
To: Moeller, Shannon <MoellerS@bouldercolorado.gov>  
Subject: Re: Neighborhood Meeting Link - 2801 Jay Rd Concept Plan Review and Comment (LUR2022-00038)

Good Evening:

Thank you for the link and I did attend. One question could not be answered I suppose in the time allowed. I understand that a proposal was made at this site in 2015/2016 similar. Was this denied? This project is one mile west on Jay Rd. where I live. This intersection is not user friendly sometimes, and accident fatalities have occurred here. Regardless of the traffic engineering studies, and/or computer stats my main concerns will be the increase in traffic for certain! I trust that the 34 permanently affordable units remain, upon approval of this project.

Regards,

Vincent Juliano



**From:** Julia Longnecker <[julsmontgomery@gmail.com](mailto:julsmontgomery@gmail.com)>  
**Sent:** Wednesday, November 9, 2022 10:56 AM  
**To:** Moeller, Shannon <[moellers@bouldercolorado.gov](mailto:moellers@bouldercolorado.gov)>  
**Subject:** 2801 Jay Rd Concept Plan- Comment

Hello,

I am a resident of Four Mile Creek and would like to have my comments below added to the file for 2801 Jay Rd. Concept Plan.

As a daily user of this section of Jay Road I have grave concerns about adding 84 units to this area. The land in question is currently zoned for four single-family dwellings and changing that to 84 without major infrastructure changes is unacceptable.

This section of Jay road already has issues with traffic congestion and speeding. It is a road that does not feel safe to let my children bike ride on and I often do not feel safe riding on it. Adding 100 plus cars to an already congested area is a major hazard.

I am highly supportive of low and middle income housing projects but this is not an acceptable project in it's current scope without supportive infrastructure changes.

Thank you for your time,  
Julia Longnecker  
Boulder Resident

**From:** bevbudwit56 <bevbudwit56@comcast.net>  
**Sent:** Thursday, November 10, 2022 4:17 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** Jay Road development

Hello,

I'm very concerned about the number of units now proposed for this property. 80 units multiplied by at least one, more likely two cars per unit quickly becomes 160 vehicles feeding into a relatively small intersection. The surrounding streets, Jay and 28th, are primarily 2 lanes roads and cannot handle this increase in traffic density.

The scope of this proposal is simply too large for the infrastructure.

And how is the city allowing a property once zoned for four single family homes to become 80 units?

The scope of this proposal is simply too large for the infrastructure.

Thank you for the opportunity to comment.

Beverly Bell  
80304

From: Sylvia Wyant <[sylvia@braintheatre.com](mailto:sylvia@braintheatre.com)>  
Sent: Friday, November 11, 2022 11:30 AM  
To: Moeller, Shannon <[MoellerS@bouldercolorado.gov](mailto:MoellerS@bouldercolorado.gov)>  
Subject: Project at Jay rd and 28th

Hello Shannon,

I just wanted to let you know that I live on Stone Place near the proposed annexation/building project at 28th and Jay. As someone who rents in Boulder County I support the project as it is proposed. PLEASE - we need more affordable living units in Boulder!!!!

Kind regards,

Sylvia Wyant  
[sylvia@braintheatre.com](mailto:sylvia@braintheatre.com)

**From:** Diana Karowe <dianazin@wispertel.net>  
**Sent:** Wednesday, November 16, 2022 5:17 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** Proposed development at 2801 Jay Rd.

Good Afternoon, Shannon,

I am the property owner at 2825 Jay Road, as well as of the parcel adjacent to the proposed development at 2801 Jay Road. I have some concerns following the zoom "neighborhood meeting" held Wednesday, November 9, 2022, the very first of which is the format of that meeting. It is my feeling that the nature of this topic should be addressed in person, with neighbors and all involved meeting face to face. The manner of submitting questions and concerns was inadequate. We did not feel as if questions submitted in type were, viewed, acknowledged or addressed, or frankly taken seriously in anyway. There was no way of knowing what other questions were being asked or by whom, all of which would happen in an in person open forum. One felt as if there was a question that the developer did not care to address, it was simply ignored. We feel as if we have no representation in this process, although we are the parties most immediately impacted. I have little faith that the planning board meeting on December 6, if held in a similar format, will be any different, and that should be unacceptable. It seems that there is an attempt to ram this proposal through, bypassing the legitimate concerns of neighboring properties. One of the slides presented, in addition to providing this email address for comments, also provides information for inquiring about middle income homes. This seems as if a decision is already a good way toward being made, if we are already fielding inquiries about how to obtain the housing that is being proposed.

I also have many concerns about access to the proposed development. I do not believe that a development of the proposed density (84 dwelling units, 176 spaces for above ground parking, as well as underground parking) can be safely accessed at this site. This is a very busy intersection. I believe that the developer's proposal that there be a mandatory "Right in, Right out" will be unsafe, impractical and unsustainable, in addition to being an unreasonable hardship, not only us as the current homeowners, (with decades free to turn anyway we like) but to any other proposed user. One would have to loop through other streets simply to access one's home. I am unaware of a similar situation anywhere else, but I believe that human nature being what it is, there will be less than perfect compliance with this edict, creating, potentially a very dangerous situation. The light at that corner is already the scene of numerous accidents at the current density. That said, I would also like to know who conducted the traffic study referenced in the meeting; the city of boulder? the developer?

The developer asserts that the proposed development is of similar character to the neighborhood on the northwest corner of Route 36/28th St and Jay Road. I would argue that a neighborhood consisting of single-family homes is in no way comparable to a development consisting of 84 dwelling units with 178 parking spots on a 4-acre lot. Moreover, that neighborhood is separated from the proposed development site by a large thoroughfare, the houses of that neighborhood hardly visible from the road. The proposed development would be the most prominent feature of the landscape, entirely changing the character of the site, where adjacent properties are zoned for agriculture. Their argument, that existing "comparable" developments should be a reason to allow their proposal to go through, should be of great concern. Should this development be approved, and a precedent set, future developers would feel emboldened to make a similar argument to rationalize their projects. Development of the route 36 corridor North of this property should proceed in a thoughtful manner in accordance with The Boulder valley comprehensive plan, which is as yet, incomplete. Unrestrained and unplanned growth is not in the best interest of the community and does not align with Boulder's values.

As far as the developer's assertion that a development of this density is in Boulder's best interests, because of the number of housing units it would provide, one should keep in mind, however altruistic



this "mission" may sound, the developer stands to profit a good deal more from selling 84 units of housing than from the sale of single-family homes.

We also feel as if our concerns are not being taken into account because the adjacent property that we own is in Boulder County and not Boulder proper. The fact that we have no representation or recourse in this matter seems unethical.

I do hope that my concerns will be part of a formal record compiled about this situation, and that they are given as much consideration as those expressed by citizens of Boulder and those of the developer.

Sincerely,

Diana Karowe

**From:** Stephen Coleman <stephen.coleman@gmail.com>  
**Sent:** Wednesday, November 16, 2022 6:26 PM  
**To:** Moeller, Shannon <MoellerS@bouldercolorado.gov>  
**Subject:** Re: Neighborhood Meeting Link - 2801 Jay Rd Concept Plan Review and Comment (LUR2022-00038)

Hi Shannon,  
Thanks for letting me know, I'd like to submit a slightly revised statement of support.

I'm in favor of this development, and I am in favor of dense infill development within the city and outlying areas. Affordable housing is desperately needed in this city. I know that typically the only people that submit comments to planning boards are generally against *things*, so I want to do my part to balance these out.

I am not concerned about traffic. The number of units involved here is similar to the number of houses in the Orange Orchard subdivision, and the impact of Orange Orchard traffic on Jay is minimal. Given that this is more than 1000 ft from the entrance to Orange Orchard on 30th street, I expect the impact on *everything* to be minimal.

I am definitely not concerned about an increase in crime coming from this development's future residents. I lived for many years across the street from the Iris Hollow affordable housing development and felt no impact whatsoever. I also find the Holiday neighborhood and its density to be a pleasant addition to the city. I sincerely hope those complaining about an 'increase in crime' aren't using that as a thinly-veiled reference to something else.

To summarize, I like my neighborhood, and I do not see a few condos a quarter a mile away changing anything.

Sincerely,  
-Stephen Coleman

**From:** Mark & Diane Hageman <lacasaazul42@comcast.net>  
**Sent:** Thursday, November 17, 2022 5:21 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** 2801 Jay Rd (LUR2022-00038)

Ms. Moeller: I would like to make a comment on the above referenced project. The intersection of 28<sup>th</sup> (US 36) and Jay Rd does not always function very well, especially W bound on Jay. The primary movements are either a left of right turn with lesser straight ahead movements. The left turn/thru lane can get backed up enough to interfere with the right turn lane. By adding even more traffic to this intersection with a non-conforming access would make the intersection total failure. Both of these streets are arterials and therefore any intersection or access needs to have proper spacing, which I believe is 250 feet. The current and only access to this proposed development does not meet that distance. Traffic both in and out of the development would be a true burden to the Jay/28<sup>th</sup> intersection much less farther east on Jay at 47<sup>th</sup> or the Diagonal (Hwy 119). I waited through 3 lights the other day at Jay and the Diagonal to go east. It is not unusual to wait through a light at 28<sup>th</sup> to go south (L). All it takes is one truck at any of the intersections and traffic frequently gets backed up almost to the next intersection from either direction on Jay. Jay Road has more truck traffic than is typical (or designed for) for this level of street capacity. The additional traffic of a multi-family development will only make these intersections even worse (unacceptably so) than they already are. This development should not be approved for many reasons, notably that it is all single family around it, but the traffic issue alone should be a deal breaker. Please pass these comments along to the review team and the Planning Board. Thank you!

Mark Hageman  
4221 Peach Way

**From:** Joan Sherman <joan.sherman60@gmail.com>  
**Sent:** Wednesday, November 23, 2022 5:46 PM  
**To:** Moeller, Shannon <moellers@bouldercolorado.gov>  
**Subject:** LUR2022-00038

Please send me information regarding the proposed redevelopment to include 84 for-sale dwelling units ranging from 1,050 SF to 1,800 SF, consisting of townhome, duplex, and triplex housing types, including 40% (34) middle income affordable units. I would like to be notified of the date of the public hearing and what is planned to make Hwy 36 better able to handle the additional 160+ vehicles that will come with the 84 homes. It is already a very busy road and will only get worse after this property is developed. I would also be interested to know why this proposal does not include any affordable units.

Thank you

Joan

Sent from my iPad



Neighborhood Meeting  
Nov. 9, 2022

On Nov. 9, 2022, the applicant held a virtual neighborhood meeting.

The meeting began at 5 p.m. and was facilitated via Zoom. The applicant team provided a presentation to share the proposal and then responded to questions. Comments and questions provided in the Q&A feature were verbally shared by the facilitator and responded to by the applicant team. Approximately 20 community members attended. A list of attendees is provided on the following page. The meeting ended at 6 p.m.

Site-specific concerns and feedback shared during the neighborhood meeting included:

- **Traffic and Access:** Concerns regarding traffic congestion on Jay Road and increased traffic accidents in the area; vehicular turning movements and ingress and egress into the site; design and use of Violet Ave. access; impact of the proposal on service levels/traffic backups at the intersection of Jay Rd. and 28th St./U.S. 36; requirements for improvements to adjacent roadways.
- **Density:** Concerns regarding the impact of additional vehicles on the area, compatibility of the proposal with adjacent neighborhoods, and impact on surrounding home values.
- **Safety:** Concerns regarding impact of the proposal on traffic safety and wildfire evacuation routes.
- **Utilities:** Questions regarding water and wastewater service extension to the site.
- **Affordable Housing:** Questions regarding the amount and type of permanently affordable housing to be provided and some general support for the proposed affordable housing.
- **Review Process:** Questions regarding prior reviews on the project site and the required review processes.
- **Construction:** Questions regarding review and construction timelines.
- **Groundwater:** Concern regarding disruption to wells in the area.
- **Energy Efficiency:** Questions regarding design of the units to support rooftop solar and electric vehicle charging.
- **Parking:** Questions regarding the required and proposed parking.

Attendees

Applicant Team:

Daniel Rotner, Architect, RHAP architecture + planning

Kyle Plantico, Architect, RHAP architecture + planning

Chris McGranahan, P.E., LSC Transportation

Liz Hanson

Margaret Freund

Facilitator:

Benita Duran

City Planning Staff:

Shannon Moeller

Community Members:

Ernie and Sandy Anderson

Dan Banjo

Amit Bhattacharjee

Heather Boelens

Thomas F

Deanna Franco

AJ Grant

Brad Huginin

Vinny J

Lisi Kempton

Robyn Kube

Jen McCaleb

Felice Owens

Susan Patton

Paul Strupp

James Robert Walker

A

Jeff

Lynn

Stephen

Steve and Tammy

1-970-390-4275



**CITY OF BOULDER  
PLANNING BOARD**

**MEETING DATE: December 6, 2022**

**AGENDA TITLE:** Concept Plan Review and Comment for a redevelopment proposal of 2747 Glenwood Court. The proposal includes demolition of the existing apartment complex and redevelopment of the site with attached multi-family and town house dwelling units constructed atop a new underground vehicle parking structure. The new development is proposed to include a multi-family building comprised of 102 efficiency living units (ELUs), 15 two-bedroom units, and six three-bedroom units, two separate townhouse buildings containing seven units each, and a leasing building. Reviewed under case no. LUR2022-00037.

Applicant: Joe Coughlin, Esa Architecture  
Owners: Glenwood II, LLC

**REQUESTING DEPARTMENT / PRESENTERS**

Brad Mueller, Director Planning & Development Services  
Charles Ferro, Development Review Manager  
Karl Guiler, Senior Policy Advisor

**OBJECTIVE**

1. Planning Board hears staff and applicant presentations
2. Hold Public Hearing
3. Planning Board to ask questions of applicant, the public, and staff
4. Planning Board Discussion and comment on Concept Plan.

**SUMMARY**

Project Name:	Glenwood Court
Location:	2747 Glenwood Place
Size of Property	3.14 acres (Lot 1 contains 2.868 acres and an outlot contains 0.274
acres) Zoning:	RH-5 (Residential – High 5)
Comprehensive Plan:	High Density Residential

## KEY ISSUES FOR CONCEPT PLAN DISCUSSION

Staff has identified the following key issues to help guide the board's discussion:

1. Is the site an appropriate location for higher density residential?
2. Does Planning Board have feedback to the applicant on the conceptual site plan and architecture?

## EXECUTIVE SUMMARY

The purpose of this item is for Planning Board to review and comment on the Concept Plan for the above reference project. Per [Section 9-2-14, B.R.C. 1981](#), the project requires Concept Plan review and comment prior to Site Review, because the project exceeds two acres in size and 20 dwelling units per Table 2-2 of Section 9-2-14, B.R.C. 1981.

## PUBLIC FEEDBACK

Consistent with [Section 9-4-3, Public Notice Requirements, B.R.C. 1981](#), staff provided notification to all property owners within 600 feet of the subject location of the application, and signs have been posted by the applicant indicating the review requested. Staff has received several inquiries about the project and two written comments expressing concerns about the project's impact to parking and traffic in the area. These are found in **Attachment B**. Staff is working with the applicant to set up an in-person neighborhood meeting prior to the Planning Board public hearing.

## BACKGROUND

As shown below in Figure 1, the largely rectangular site is located at 2747 Glenwood Court, which is a north-south street (former cul-de-sac) that connects to the Safeway parking lot to the north and is located west of 28th Street. The site is accessed off of Glenwood Drive to the south.



Figure 1- Existing site and its surroundings

The site is roughly 3.14 acres and is composed of a lot of 2.868 acres and an outlier of 0.274 acres. With the exception of the Elmer's Two-Mile creek, which runs through the outlier on the site's southwest corner, the site is relatively level. The site was developed in the early 1970s and contains four two-story rectangular apartment buildings. While much of the site includes surface parking lots, there are mature trees throughout the site.

As can be seen from Figure 1, the site is surrounded by a mix of high and medium density residential projects, many of which were built in the 1970's along with the subject site. City records indicate that property was annexed in 1965 and was developed with four apartment buildings totaling 48 dwelling units in 1972. No prior Planned Unit Developments or similar approvals apply to the property. Some low-density residential uses exist further west. To the north and east are largely strip mall commercial centers including the Safeway grocery store to the north and a variety of commercial buildings along the 28<sup>th</sup> Street corridor. Pictures of the site and immediate context are shown for context.



*Figure 2- Existing building at 2747 Glenwood*





*Figure 3- Elmer's Two Mile Creek and Path just west of the site*



*Figure 4- 1970s styled apartments on Glenwood Drive*





*Figure 5- Single family context further west*

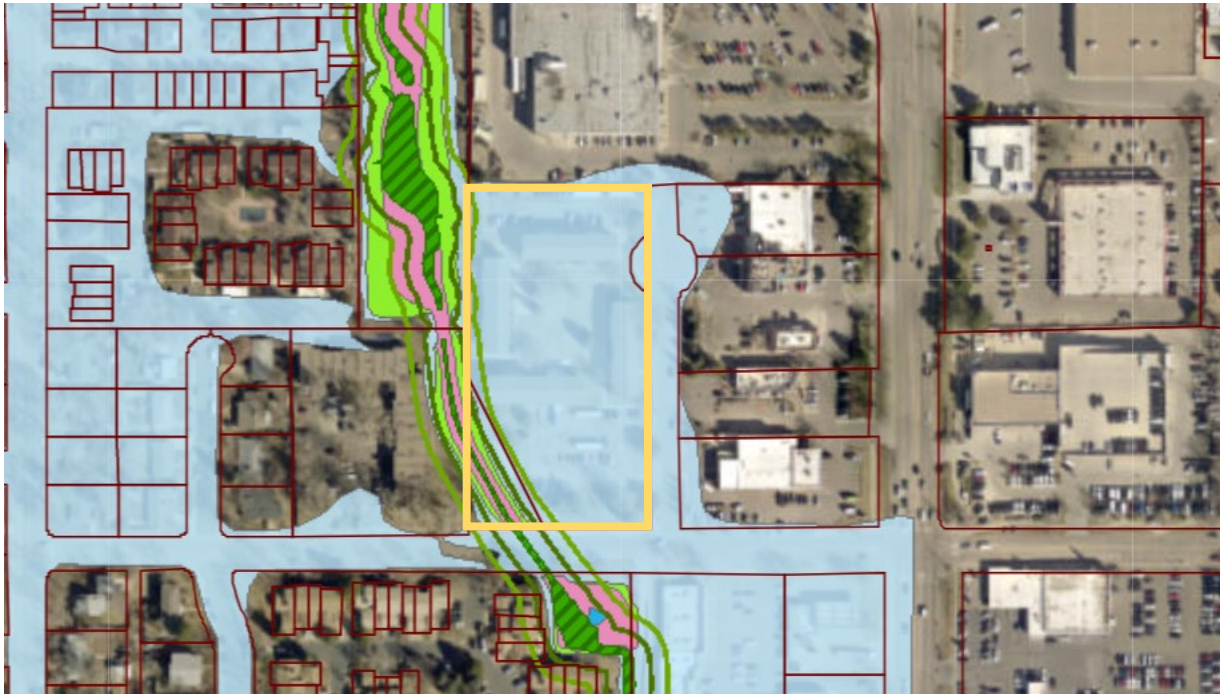


*Figure 6- Safeway grocery store immediately north of site*



*Figure 7- Commercial development along 28th Street just east of the site*

Due to the proximity to the creek (immediately west of the site), the southwestern portion of the site is impacted by the High Hazard and Conveyance zones, and the 100-year floodplain confined to the banks of Elmer's Two Mile and the outlet. The 500-year floodplain impacts the entire site as shown in light blue in Figure 8 below. The site is also impacted by regulatory wetland and wetland buffer zones.



*Figure 8- 500 year flood plain on site with High Hazard and Conveyance zones confined to southwest corner within outlet*

## PROCESS

Concept Plan is the initial step in the Site Review process, of which the property is eligible under thresholds established in the [Land Use Code section 9-2-14\(B\)\(1\)\(c\), B.R.C. 1981](#). The next step would be a required Site Review application. The mandatory Concept Plan and Site Review threshold is met by 3.14 acre size of the site, which exceeds the two-acre threshold for the RH-5 zoning district. The purpose of Concept Plan is to review a general development plan for the site, evaluate general architectural characteristics, land uses, and transportation considerations.



## PROJECT DESCRIPTION

The applicant is proposing to demolish the existing four apartment buildings on the site and redevelop the site with 137 attached multi-family and townhomes constructed atop a new underground vehicle parking structure. The new development is proposed to include a multifamily building comprised of 102 efficiency living units (ELUs), 15 two-bedroom units, and six three-bedroom units, two separate townhouse buildings containing seven units each, and a leasing office building. As shown in Figures 9 through 12 below, the site would be accessed off of Glenwood Court, would connect to the Elmer's Two-Mile multi-use path, and has convenient walkable access to the commercial uses and transit to the north and east of the site. The proposed plans are found in **Attachment A** and the written statement within **Attachment B**.



*Figure 9- Rendering of proposed project*



*Figure 10- Proposed site plan and proximate land uses and transit routes.*



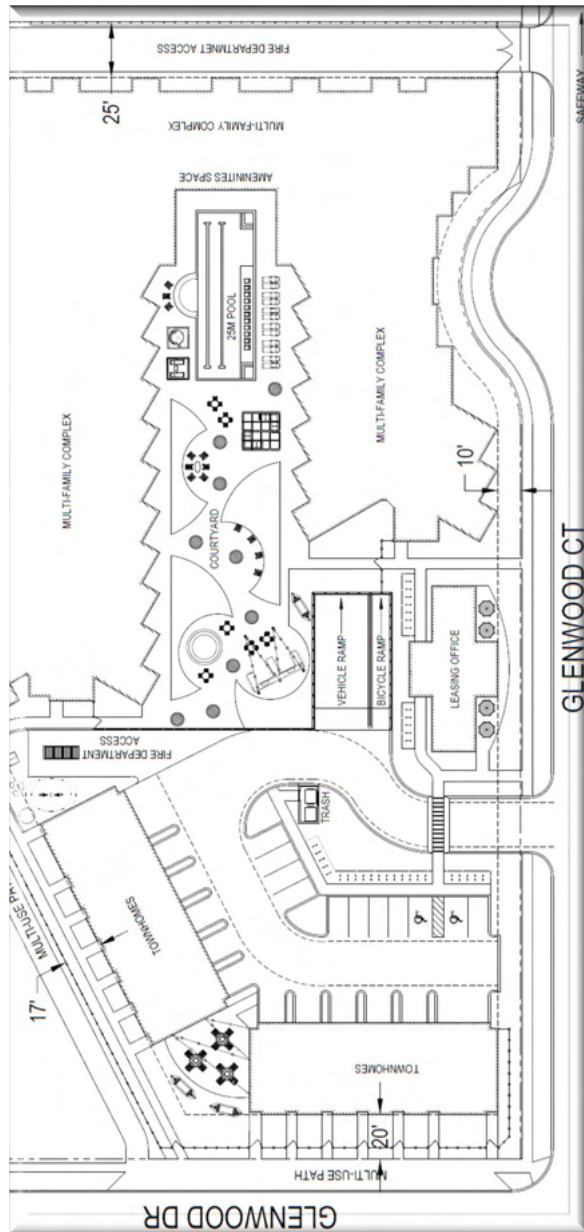


Figure 11- Proposed site plan

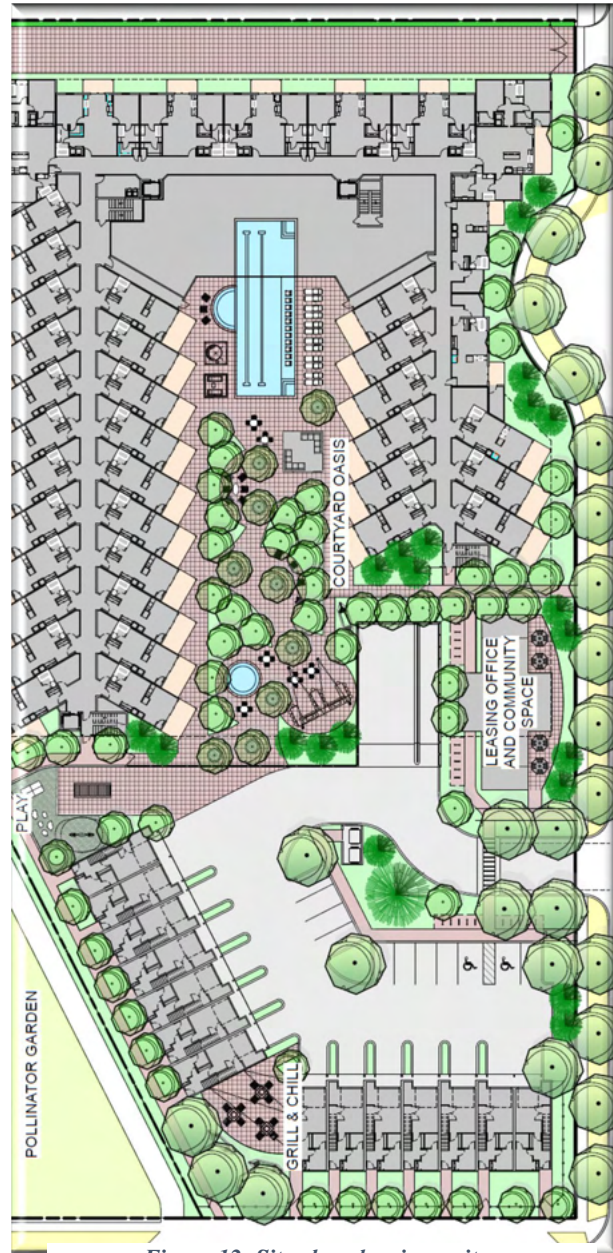


Figure 12- Site plan showing unit configuration and amenities

**Land Uses and Density-** Per the RH-5 zoning district, the allowable density of residential units on the site is one unit per every 1,600 square feet of lot area. Based on the total 3.14 acres of the site, a total of 85 dwelling units would be permitted on the site. Per the Land Use Code, every two ELUs count as one unit. Therefore, for the purposes of the density calculation, the proposed project totals 86 dwelling units. The applicant has been notified of the one unit exceeding the maximum which appears to be due to a miscalculation of the site in the materials.

**Architecture and Massing-** The architecture of the project is contemporary and little information is provided within the application relative to building materials or style. Most of the buildings are shown to front on public rights-of-way, including the Elmer's Two Mile Creek path, and enclose on-site amenity spaces.

The proposal is largely three-story flat roofed buildings that appear to be designed to meet the 35-foot height limit of the site. There is no floor area ratio (FAR) maximum within the RH-5 zoning district and rather, intensity standards for residential projects in this zone are based on a combination of the following: At least 1,600 square feet of lot area per dwelling unit (as noted above), the provision of open space of 600 square feet of useable open space per dwelling unit, and the application of height and setback standards. In addition, projects are required to meet the Site Review criteria relative to height and massing.

Per [Land Use Code section 9-7-6\(a\), B.R.C. 1981](#), a conditional height increase may be granted in high density residential zoning districts based on several conditions as outlined below. The applicant has been encouraged to explore pitched roofs within the development per the standard below:

*High Density Residential District Administrative Review Criteria: In the RH zones, principal building height may be increased to forty feet if:*

*(1)The building contains no more than three habitable floors;*

*(2)The finished floor elevation of the highest habitable floor above grade does not exceed twenty-one feet in height calculated by the method set forth in Chapter 9-16, "Definitions," B.R.C. 1981; and*

*(3)The slope of the roof is at least 1:2.*

**On-site Open Space-** Figure 12 best shows how the open space would be arranged on the site. Open space would be subject to the requirements of [Section 9-9-11, "Useable Open Space," B.R.C. 1981](#) and the open space criteria within the Site Review criteria (9-2-14(h)(2), B.R.C. 1981). The RH-5 zone requires 600 square feet of open space per dwelling unit. Roughly 85 units would require 51,000 square feet of open space (2 ELUs would require 600 sf of open space). The plans indicate that the site would include over 85,000 square feet of open space. At time of Site Review, this measurement would have to be confirmed to meet the requirements referenced above.

**Parking-** Most of the proposed parking would be within a subterranean garage accessed just to the west of the Leasing building. Some surface parking is also provided behind and just north and east of the townhome units.

The parking standards are found in [Section 9-9-6, B.R.C. 1981](#) and a summary of the proposal's requirements are also provided. Parking for the residential uses required is as follows:

- 1 for 1-bedroom DU or ELU
- 1.5 for 2-bedroom DU
- 2 for 3-bedroom DU
- 3 for a 4 or more bedroom DU

Staff has estimated that the project, as proposed, would require at least a 15% parking reduction.

Unit Type	Number of Units	Number of Bedrooms	Required Parking
Townhomes	14	3	2 X 14 = 28
Attached Dwelling Units	6	3	2 X 6 = 12
Attached Dwelling Units	15	2	1.5 X 15 = 22
ELUs	102	1	102
TOTAL			<b>164 spaces required</b>

## CONCEPT PLAN REVIEW CRITERIA, SECTION 9-2-13(e), B.R.C. 1981

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

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

The site is located at 2747 Glenwood Court, which is a north-south street (former cul-de-sac) that connects to the Safeway parking lot due west of 28th Street and north of Glenwood Drive. The site is roughly 3.14 acres and is composed of a lot of 2.868 acres and an outlot of 0.274 acres. With the exception of the Elmer's Two-Mile creek, which runs through the outlot on the site's southwest corner, the site is relatively level. The site was developed in the early 1970s and contains four two-story rectangular buildings. While much of the site includes surface parking lots, there are mature trees throughout the site.

Due to the proximity to the creek, the southwestern portion of the site is impacted by the High Hazard zone, and the 100-year confined to the banks of Elmer's Two Mile and the outlot. The 500-year flood plain impacts the entire site.

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

**BVCP Land Use Designation:** As shown in Figure 13 the BVCP land use designation is "High Density Residential" (HR), along with the definition of HR from page 111 of the [BVCP](#). The proposed project would be considered consistent with the Land Use Designation as attached residential units and apartments are the predominate use identified in the BVCP definition for HR Land Use and the proposed density exceeds 14 dwelling units per acre. To the north and east is GB, which is "General Business", MR is "Medium Density Residential" and LR is "Low Density Residential." CB is "Community Business", which is the Diagonal Plaza site and "PK – U/O is Park Urban and Other" as applied to the Elmer's Two-Mile Creek corridor.

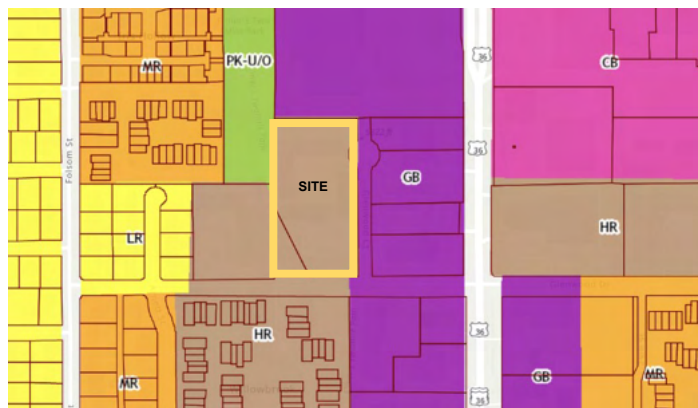


Figure 13- BVCP Land Use Designations on and around the site

The following BVCP policies have been found relevant to the proposal and can be reviewed at this link: [Boulder Valley Comprehensive Plan](#) or within the Development Review Committee comments found within **Attachment C**:

2.03	<i>Compact Development Pattern</i>
2.13	<i>Protection of Residential Neighborhoods Adjacent to Non-Residential Zones</i>
2.15	<i>Compatibility of Adjacent Land Uses</i>
2.18	<i>Boulder Valley Regional Center &amp; 28th Street</i>
2.23	<i>Boulder Creek, Tributaries &amp; Ditches as Important Urban Design Features</i>
2.26	<i>Trail Corridors/Linkages</i>
2.41	<i>Enhanced Design for All Projects</i>
3.21	<i>Preservation of Floodplains</i>
3.24	<i>Protection of High Hazard Areas</i>
4.07	<i>Energy-Efficient Land Use</i>
4.08	<i>Energy Efficient Building Design</i>
6.14	<i>Transportation Impacts Mitigated</i>
6.18	<i>Neighborhood Streets &amp; Alleys Connectivity</i>
7.07	<i>Mixture of Housing Types</i>
9.02	<i>Urban Gardening &amp; Food Production</i>

Projects are preliminarily assessed for compliance with the BVCP Land Use Designation and policies as part of Concept Plan and then are required to demonstrate compliance at time of Site Review. A discussion of the projects preliminary compliance can be found in the Key Issue Discussion that follows this section.

**Zoning.** As shown in Figure 14, the zoning on the site is, RH Residential – High 5 (RH-5), consistent with the Land Use and where attached residential is an allowed use. The defined intent for RH-5 per section 9-5-2, B.R.C. 1981 is as follows:

*“High density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment buildings, and where complementary uses may be allowed.”*

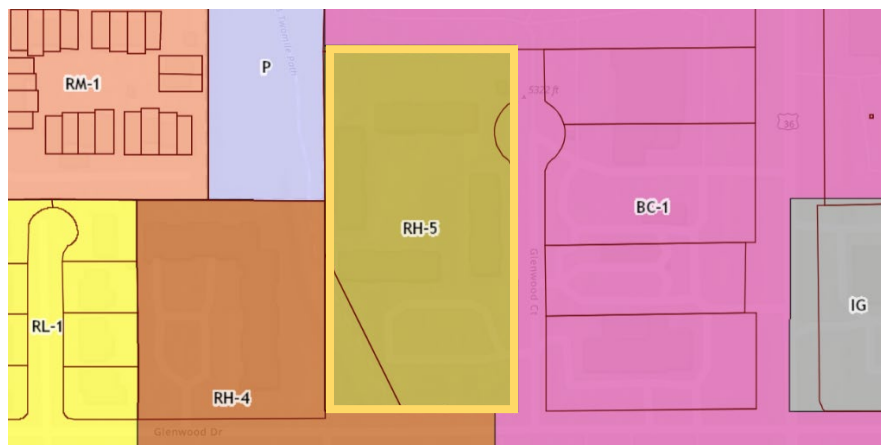


Figure 14- Zoning on and around site



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

If the applicant moves forward with the proposal, approval of a Site Review application would be required to build the project as proposed. Decision on the application would be based on the Site Review criteria of Section 9-2-14(h), B.R.C. 1981. Submittal requirements are based on those specified in the land use code, including but not limited, detailed site plans, landscape plans, floor plans and elevations, preliminary stormwater and utility plans etc. Site Review is required due to the number of units proposed and the size of the site. Modifications to the front setback and a parking reduction appear to be necessary and would be reviewed as part of the Site Review application. The proposal to have more than 40 percent efficiency living units (ELUs) on the site would also require a Use Review application which would be reviewed concurrently with the Site Review. Use Reviews may only be approved if the criteria set forth in Section 9-2-15(e), B.R.C. 1981 are met.

At the time of Site Review, the proposed project will be evaluated for conformance with the following:

- The land use designation in the BVCP;
- All relevant policies of the BVCP;
- The Site Review criteria of the Land Use Code, Section 9-2-14(h), B.R.C. 1981;
- The Use Review criteria of the Land Use Code, Section 9-2-15(e), B.R.C. 1981;
- Zoning regulations, unless modified through Site Review;
- The criteria of Section 9-9-11 of the Land Use Code for usable open space. A detailed open space diagram will be necessary at Site Review.
- The City of Boulder Design and Construction Standards (DCS).

At the time of Site Review, the following items will also be required to evaluate the consistency with the standards:

- a. Transportation Demand Management (TDM) Plan that outlines strategies to mitigate traffic impacts created by the proposed development with implementable measures for promoting alternate modes of travel.
- b. Traffic Impact Study is required since the project's trip generation is shown to exceed the residential development threshold of 20 vehicles trips or greater during any single hour in the peak period.
- c. Preliminary Storm Water Report and Plan to address storm water runoff, water quality treatment issues, and detention ponding. Existing detention ponds are present on the proposed site.
- d. Utility Report to establish the impacts of this project on the City of Boulder utility systems and outline water main and wastewater main construction necessary to serve the development and perpetuate the overall system.
- e. A water system distribution analysis in order to assess the impacts and service demands of the proposed development and to demonstrate conformance with the Treated Water Master Plan, October 2011.

- f. A collection system analysis to determine any system impacts based on the proposed demands of the development and to demonstrate conformance with the city's Wastewater Collection System Master Plan, July 2016.
- g. A landscape plan that is consistent with, and exceeds, city code requirements.
- h. A detailed tree inventory including the species, size and condition of all existing trees on the site.

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

Following Site Review, detailed Technical Documents of the redevelopment would be required and would include final site development plans, landscape plans, and construction drawings (stormwater, utility, transportation etc.). Because some buildings would be within the regulatory floodplain, Floodplain Development Permits for the buildings and parking garage would be required following Technical Document review. All buildings would require building permits.

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

The Elmer's Two-Mile multi-use path traverses the site's southwest corner within an outlot. The proposal shows one connection to the path.

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

The site is largely developed with existing two-story apartment buildings and contains some mature trees. Elmer's Two-Mile creek runs along the southwest side of the site.

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

The proposed land use for the site is consistent with the BVCP land use designation for the site (High Density Residential) and the underlying zoning (Residential – High 5) reflects the historic residential usage of the site since the 1970s.

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

As stated above, redevelopment of the site with a range of housing types at a greater density is consistent with the underlying zoning and land use intent for the area as expressed in BVCP Policy 2.18, Boulder Valley Regional Center (BVRC) and 28th Street. Residential uses would have convenient, walkable access to retail and transit along 28th Street and immediate access to the Elmer's Two Mile multi-use pathway.

## KEY ISSUE DISCUSSION

### Key Issue #1: Is the site considered an appropriate location for higher density residential?

There are a number of BVCP policies that address the need for residential in the city – particularly in the Boulder Valley Regional Center (BVRC), neighborhood centers, and along the North 29<sup>th</sup> Street Corridor. In evaluating if the site is an appropriate location, it is instructive to start at the broad perspective. The proposed project is considered an infill redevelopment given that the site has been developed for fifty years, it is within the Urban Service Area of the city, and the plan to reuse or repurpose the site can be considered a means of avoiding sprawl or noncontiguous development consistent with BVCP policy 2.03, Compact Development Pattern that states,

*“The city and county will, by implementing the comprehensive plan (as guided by the Land Use Designation Map and Planning Areas I, II, III Map), ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area to prevent urban sprawl and create a compact community.”*

The policy is derived from the city’s core values in the BVCP that expresses that compact form and infill supports an *“evolution to a more sustainable urban form.”*

As expressed in Policy 1.10, the city, *“will seek opportunities to improve the balance of jobs and housing(...)”* and *“this will be accomplished by encouraging new housing and mixed use neighborhoods in areas close to where people work, encouraging transit oriented development in appropriate locations(...)”* There is a density of jobs near the site along 28<sup>th</sup> Street.

Then, under BVCP Policy 2.16, it indicates parameters to establish where appropriate locations for residential may be including *“in proximity to multi-modal corridors and transit centers”* for both mixed use as well as higher-density development,

**2.16 Mixed Use & Higher-Density Development.** *The city will encourage well-designed mixed use and higher-density development that incorporates a substantial amount of affordable housing in appropriate locations, including in some commercial centers and industrial areas and in proximity to multimodal corridors and transit centers. The city will provide incentives and remove regulatory barriers to encourage mixed use development where and when appropriate. This could include public-private partnerships for planning, design or development, new zoning districts, and the review and revision of floor area ratio, open space and parking requirements*

BVCP Policy 2.18, Boulder Valley Regional Center (BVRC) and 28th Street (as follows), goes into more detail and guidance along the North 28th Street Corridor immediately adjacent to the subject site. Development of the site with a variety of housing types and amenities would be consistent with the goals of Policy 2.18 to encourage mixed use, respecting transition areas between the higher intensity along 28th Street and lower intensity uses to the west, and encouraging infill in appropriate places. The policy is directly relevant to this project and map of the North 28<sup>th</sup> Street corridor is provided as follows:

**2.18 Boulder Valley Regional Center & 28th Street.** The city will preserve and enhance the BVRC as a high-intensity regional commercial center while encouraging the addition of a variety of housing types. With its co-location of retail, daily amenities, transportation amenities and housing, the BVRC should provide the opportunity for exemplary walkable neighborhoods. Mixed-use development should exemplify the components of the sustainable urban form definition and include a mix of amenities and activities, including cultural and recreational. The city will pursue regulatory changes to increase housing capacity and reduce the current non-residential capacity in the BVRC while maintaining retail potential. This will be accomplished through analysis to balance the needs of redevelopment in certain areas with strategies that minimize business displacement and with ongoing community outreach. The guiding principles noted after Figure 3-4 will apply to development in the BVRC and along 28th Street north of BVRC (from Spruce Street to Iris Avenue) on properties with a Regional or General Business land use designation. The city will study adjacent areas during the Land Use Code update.

Redeveloping the site with higher density residential is consistent with the underlying zoning and policy intent to place increase housing capacity near multi model corridors where residents can take advantage of walkable access to retail uses and transit as expressed above.

The use and design of the buildings would be consistent with BVCP policies 4.07, Energy-Efficient Land Use and 4.08, Energy Efficient Building Design and the range of housing proposed from townhomes to ELUs to multi-family units would also be consistent with BVCP Policy 7.07, Diversity of Housing Types.

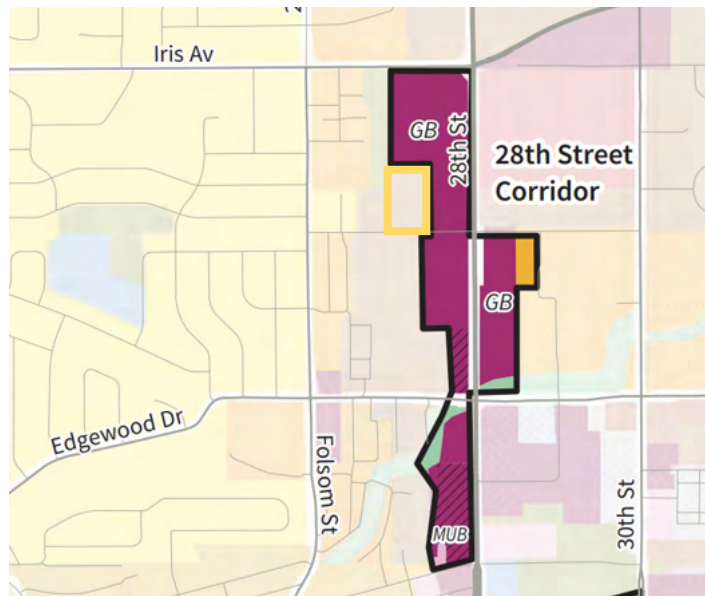


Figure 15- 28th Street Corridor with site shown for context

Based on the guidance from the BVCP, staff finds that the site would be an appropriate location for high density housing.

**Key Issue #2: Does Planning Board have feedback to the applicant on the conceptual site plan and architecture?**

Staff's assessment on the proposed site design and building design are provided below. Overall, staff finds the proposed site design and building design are well contemplated and on the right track to meeting the city's Site Review criteria. Suggestions for improvements are provided within the staff assessments for Planning Board consideration.

**Site Design**

Staff finds that the general layout of buildings and amenities is logical and appropriate for the site. Housing in the proposed location is also appropriate as the site connects to the city's multi-use path system and has transit and retail options within close walking distance of the site. Further, the building siting is appropriate as the buildings would address the public realm (streets and multi-use path) and parking is either provided below buildings or behind buildings. One area for improvement would be the parking along Glenwood Court just south of the proposed leasing building, which should be better screened from the Glenwood Court right-of-way.



The site appears to have a good mix of open space uses and amenities with plazas as gathering spaces framed by the buildings with southern sun exposure. There is also a pool and children's play area that are appropriately placed. To soften the impact of developing the site at the proposed intensity and help mitigate the urban heat island effect, staff finds that the provision of more options for open space, such as increased greenspace and lawn, should be considered to eventually allow for mature sized trees. Much of the leftover space of the site is largely remnant space that is not necessarily useable and many trees will likely not grow large since they are positioned over the subterranean garage. At time of Site Reviews, it will be important to provide more information on how the trees will be planted in vaults and how they will be successful. Staff has also requested that additional information on the pollinator garden in the outlot by the Elmer's Two Mile Path be provided at time of Site Review to demonstrate that the space will not turn out as an unattractive stormwater detention area.

### **Building Design**

Staff finds that the buildings are scaled appropriately to the area. The buildings would have good articulation and solar exposure. The sawtooth design provides relief to the plane and appropriate visual interest. The buildings should have high-quality, long-lasting materials applied in a simple manner to avoid buildings looking overly "busy".

Staff has made the following suggestions to improve the building design of the buildings:

- Consider a more pronounced public or semi-public entries to the buildings as the entrances are not evident. There should be more articulation on the south facing facades where the stairwells are proposed.
- Explore ways to add more roof articulation and pitched roofs to the buildings to avoid long flat roofed expanses and more diversity in building heights on the site. As stated earlier, there are code provisions that encourage pitched roofs in the RH zones and through height modifications that do not exceed three-stories.
- Consider a redesign to the ELU buildings southeast corner which appears to awkwardly transition from the sawtooth pattern to a wall plane parallel to the street. Extending the sawtooth pattern would read better and improve the building's appearance along the street.

### **CONCLUSION**

No action is required by Planning Board. Planning Board, Public and staff comments will be documented for use by the applicant. Concept Plan review and comment is intended to give the applicant preliminary feedback on the development concepts, and direction for site review applications.

By:

---

Brad Mueller, Secretary to the Planning Board

### **Attachments:**

- A: Proposed Plans
- B: Applicant's Written Statement
- C: DRC Comments on proposal
- D: Public Comments

# CONCEPT REVIEW SUBMITTAL SET FOR

## LEGAL DESCRIPTION:

LOT 1, AND OUTLOT 1 OF ASPINWALL-EDGAR ADDITION, WITHIN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P. M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

## ALSO KNOWN AS GLENWOOD COURT

### GENERAL PROJECT DATA

#### PROJECT DESCRIPTION:

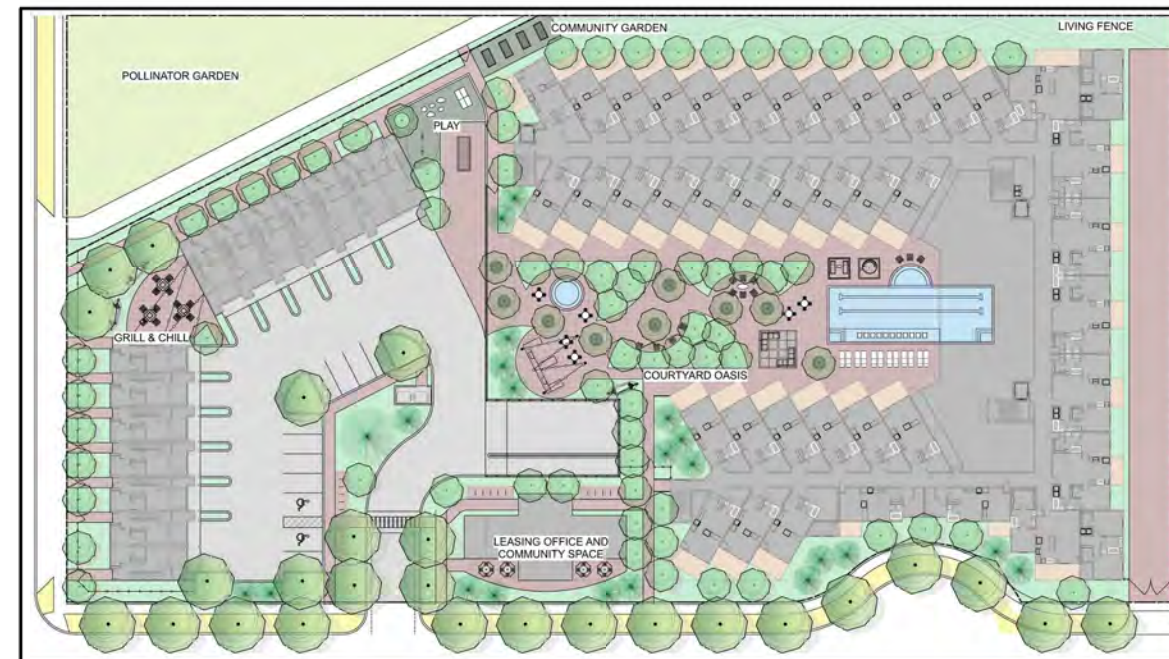
COMPLETE DEMOLITION AND REDEVELOPMENT OF (4) EXISTING BUILDINGS TOTALLING 48 UNITS ON A +/- 3 ACRE SITE TO CREATE MULTI-FAMILY BUILDING COMPLEXES INCLUDING (14) TOWNHOMES, (102) EFFICIENCY LIVING UNITS, (15) 2-BEDROOM UNITS, (6) 3-BEDROOM UNITS, AND A CONTROL/LEASING OFFICE BUILDING.

#### ZONING DISTRICT:

RH-5

#### APPLICABLE CODES:

2018 IBC	Boulder Revised Code (BRC), 1981
2017 IECC	Design and Construction Standard
2018 IMC	2020 City of Boulder Energy Conservation Code
2018 IPC	
2018 IFGC	
NEC 2020	ICC/ANSI A117.1 (2003)
	ADAAG 2010



### SHEET INDEX

AC-000	COVER SHEET
AC-001	PROJECT OVERVIEW
AC-002	VICINITY MAP
AC-003	CONTEXT MAP
AC-004	EXISTING CONDITIONS
AC-005	LAND USE / BVCP MAPS
AC-006	ZONING MAP
AC-007	FLOODPLAIN
AC-008	ARCHITECTURAL SITE PLAN
AC-009	MULTI-FAMILY COMPLEX
AC-010	GARAGE PLAN
AC-011	MULTI-FAMILY UNITS
AC-012	SITE ISOMETRICS
AC-013	OPEN SPACE CALCS
AC-014	LANDSCAPING PLAN

### PROJECT TEAM



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(303) 494-9138  
CAROL ADAMS  
CAROL@STUDIOTERRA.NET

### CITY APPROVALS & USE ONLY

GLENWOOD COURT  
BOULDER, COLORADO



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Job Number: 19021  
Date: 07.29.2022  
Drawn By: DH  
Checked By: JC

Project Phase  
CONCEPT SUBMITTAL

Sheet Title  
COVER SHEET

Sheet Number

AC-000

18 of 61



Introduction

The Concept Plan for Glenwood Court proposes the complete redevelopment of two large asphalt parking lots and an existing low-efficiency, low-density, (48) 2-bedroom unit, 1970s garden-style apartment complex located at 2749 Glenwood Court. The ~3-acre site, west of 28th Street, will be redeveloped with a high-efficiency attached 137-unit multi-family and town-house project constructed atop a new underground vehicle storage and parking facility. The proposal will provide the density and diversity of dwelling unit types anticipated by the site's RH-5 Zoning and the Boulder Valley Comprehensive Plan's High Density Residential classification.

In so doing, the proposed concept also directly addresses Boulder's critical need for new housing supply. Importantly, it does so while while preserving the health of the region's natural environment by providing new housing density in a location where planning efforts have long sought it and where location convenience can eliminate resident dependency on motor vehicles.

Free from the need to accommodate full surface parking, the proposed site plan will provide in excess of 60% more open space than required and cut the parcel's historic curb-cut count from two to only one in accordance with Boulder's Vision Zero initiative. Further, the highly-amenitized redevelopment has been designed from the ground-up to maximize the site's 100% Bike Score® and 88% Walk Score®. This includes the first-in-Boulder 100% eBike and 100% EV-ready parking structure designed to also accommodate popular Sprinter-type adventure vans. These features will eliminate unsightly off-street vehicle storage, reduce the urban heat island effect, and make it more convenient than ever for residents to migrate to alternative modes of transportation for everyday commuting and convenience trips.

Unlike the 1970s single unit type complex it is replacing, the proposed redevelopment will deliver a diversity of for-rent home types including family-friendly walk-up townhomes and one-, two-, and three-bedroom designs. The concept also includes a number of long sought-after Efficiency Living Units (ELUs) that are encouraged by Boulder Municipal Code's 2-for-1 ELU density bonus. Notably, the proposed development concept also includes dedicated on-site housing for employees engaged in leasing, operations, and maintenance activities.

All units are proposed with spacious decks and adjacent large, private storage units that vastly improve resident convenience and eliminate the need for offsite storage and the many associated extra vehicle trips. This convenience feature and the large decks are made possible by a highly novel architectural design that orients each unit to enjoy the best views, maximum solar efficiency, and an unequaled degree of privacy.

The proposed site amenities align with the lifestyle interests of future residents and include child play areas, community gardens, ample collaborative and individual high-tech workspaces, state-of-the-art fitness zones, a lap pool, and oasis-like garden areas configured for year-round indoor/outdoor activities and enjoyment.

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BOULDER, COLORADO



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Project Phase
CONCEPT SUBMITTAL

Sheet Title
PROJECT OVERVIEW

Sheet Number
AC-001





GLENWOOD COURT  
BOULDER, COLORADO



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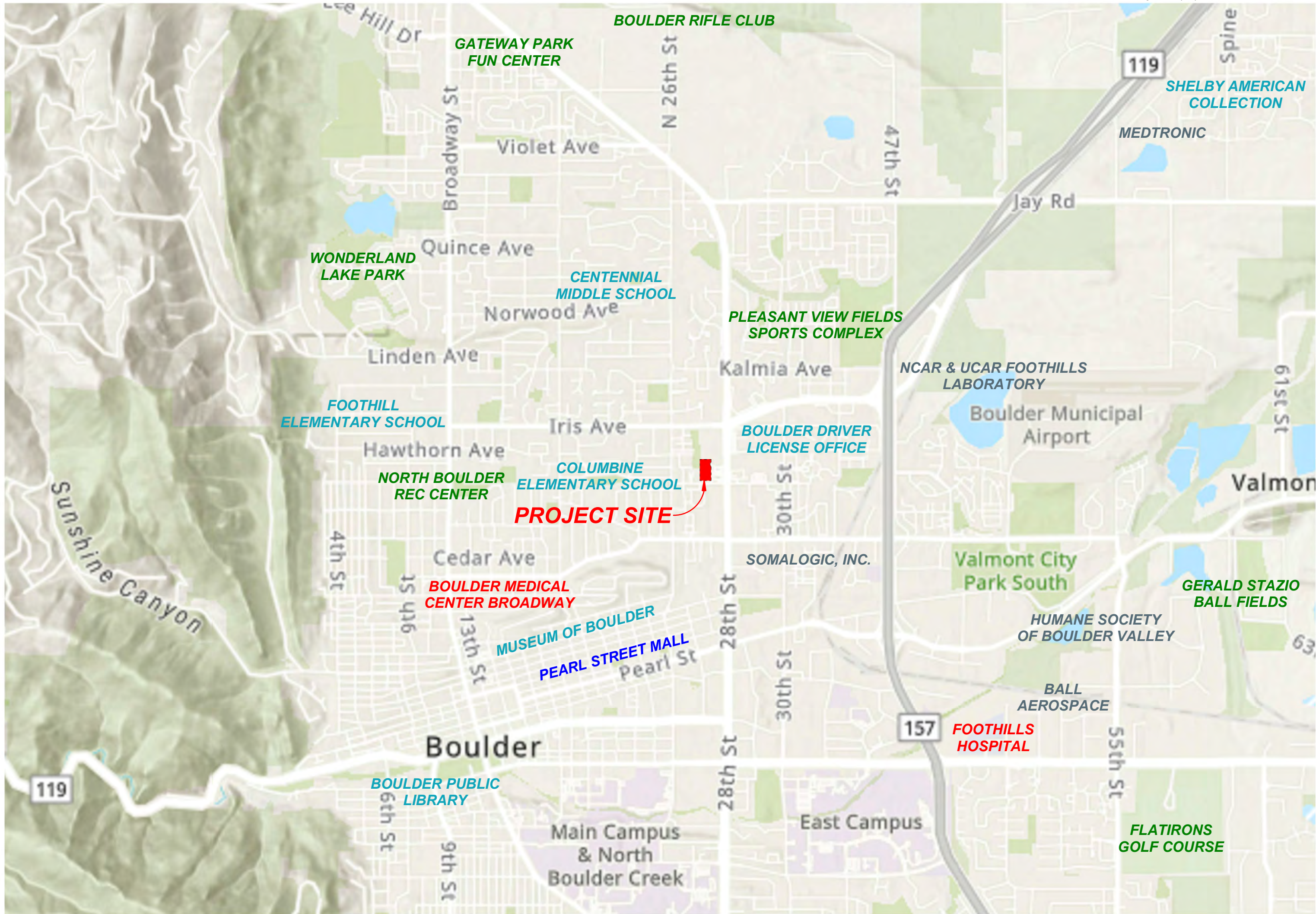
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Project Phase  
CONCEPT SUBMITTAL

Sheet Title  
VICINITY MAP

Sheet Number

AC-002





BIKE ROUTES

- BIKE LANE
- BIKE ROUTE (PAVED SHOULDER)
- MULTI-USE PATH (CONCRETE)

TRANSIT ROUTES

- REGIONAL ROUTES
- LOCAL ROUTES



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BOULDER, COLORADO



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Date:	07.29.2022
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Project Phase  
CONCEPT SUBMITTAL

Sheet Title  
CONTEXT MAP

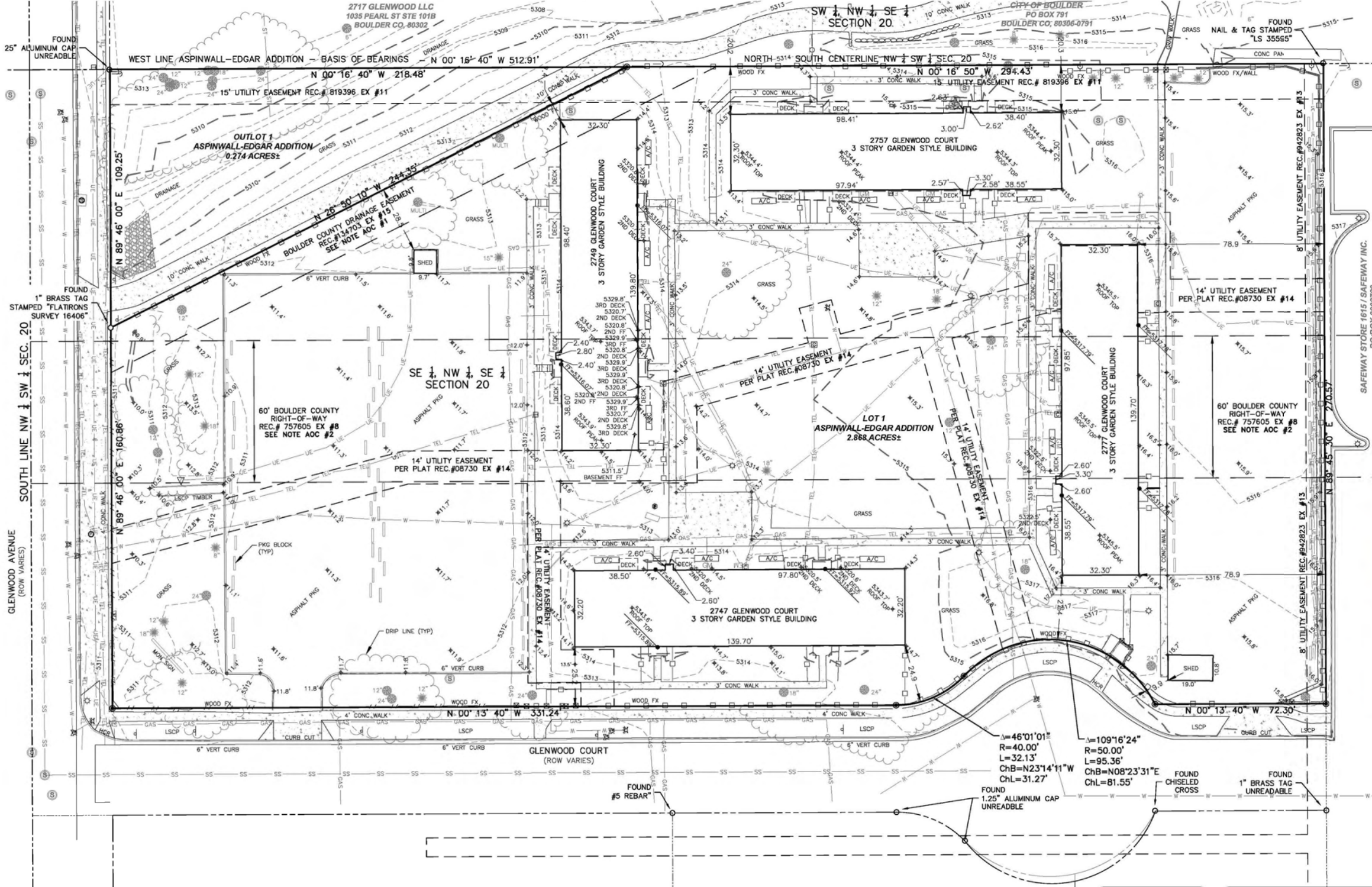
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ALTA / NSPS LAND TITLE SURVEY

LOT 1, AND OUTLOT 1 OF ASPINWALL-EDGAR ADDITION, WITHIN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO



Development History

The lot on which Glenwood Court Apartments stands today was annexed into the City of Boulder in 1965 as part of Ordinance 3030. Originally, the site spanned from 28th Street on the east to what is now the Elmers Twomile Creek Park on the west, north to Safeway and south to Glenwood Drive. The road that is now Glenwood Court was originally a dead-end, completely interior to the site.

In the early 1900's the site was sub-divided along the Glenwood Court boundary and the 48-unit Glenwood Court apartments were constructed in the early 1970s. The property remains materially as it was originally constructed and without upgrades or improvements. It is highly energy inefficient and has fully exceeded its useful life.

The development team has applied for and been granted demolition approval from the City Landmarks Department as the buildings are not considered historically significant.



GLENWOOD COURT  
BOULDER, COLORADO



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Drawn By: Author  
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Project Phase  
CONCEPT SUBMITTAL

Sheet Title  
EXISTING CONDITIONS

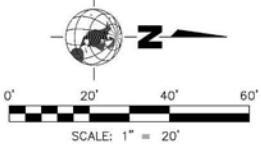
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18000 E PARKER SQ DR, SUITE 200 PARKER, CO 80134  
www.rmmeridian.com O: 303-481-8567 F: 303-481-8576

PROJ. NO: 20680 DRAWN BY: CJB

ALTA / NSPS LAND TITLE SURVEY  
LOT 1, AND OUTLOT 1,  
ASPINWALL-EDGAR ADDITION,  
NW 1/4 OF THE SW 1/4 SEC. 20,  
T1 N, R70 W OF THE SIXTH P.M.,  
CITY OF BOULDER, COUNTY OF BOULDER,  
STATE OF COLORADO  
SURVEY DATE / ACTION  
PG. 2 OF 2





*Subject Site* →

26th St

Iris Av

GB

28th St

28th Street Corridor

GB

Diagonal Hy

Val

Edgewood Dr

Folsom

St

LAND USE

RESIDENTIAL

- HIGH DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL

BUSINESS

- COMMUNITY BUSINESS
- GENERAL BUSINESS
- TRANSITIONAL BUSINESS
- REGIONAL BUSINESS

MIXED USE

- MIXED USE BUSINESS
- MIXED USE RESIDENTIAL

OPEN SPACE & MOUNTAIN PARKS

- OPEN SPACE, OTHER

OTHER

- PARK, URBAN & OTHER
- PUBLIC

BVCP AND LAND USE AND ZONING

THE PROPERTY HAS A HIGH-DENSITY RESIDENTIAL LAND USE DESIGNATION IN THE BOULDER VALLEY COMP PLAN (BVCP) AND IS ZONED RH-5. THE PROPOSED DEVELOPMENT IS IN DIRECT ALIGNMENT WITH THE LONG TERM DENSITY AND INTENSITY STANDARDS FOR THE SITE AND WOULD PROVIDE THE TYPE OF LAND USE ENVISIONED FOR THE AREA.

GLENWOOD COURT  
BOULDER, COLORADO



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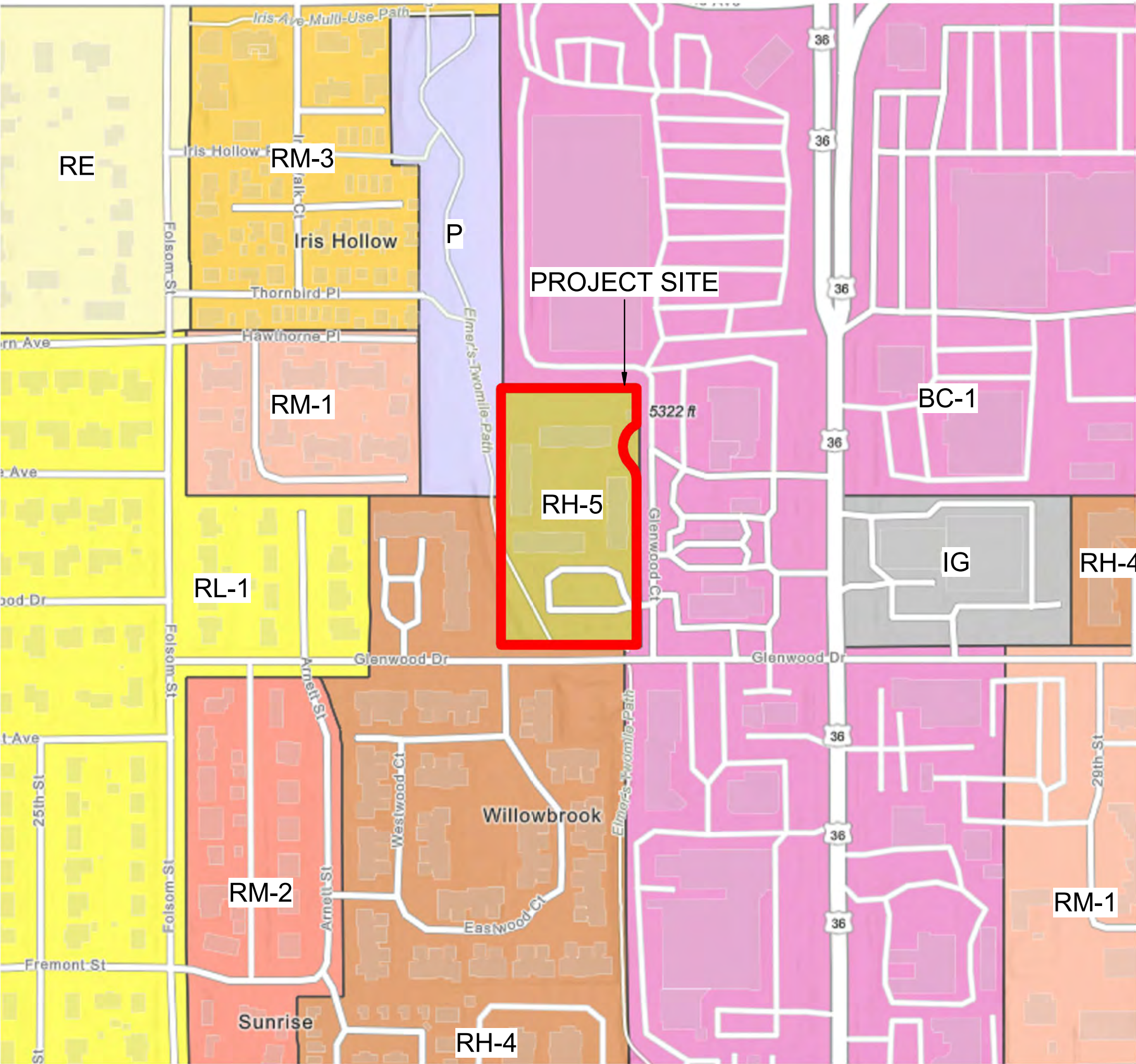
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Project Phase
CONCEPT SUBMITTAL

Sheet Title
LAND USE / BVCP MAPS

Sheet Number
AC-005



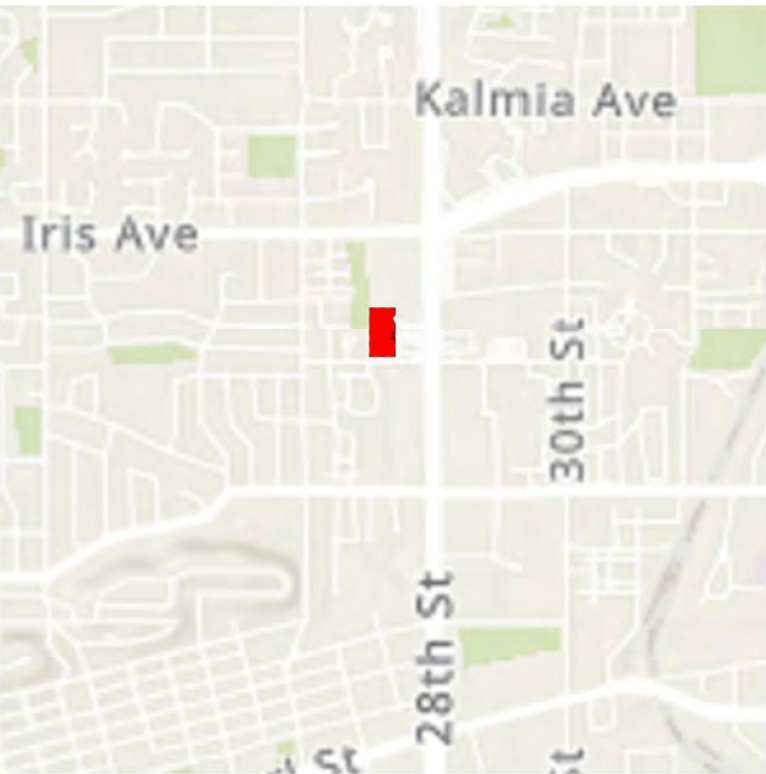


**ZONING DISTRICTS**

- BC-1 (BUSINESS COMMUNITY 1)
- IG (INDUSTRIAL GENERAL)
- P (PUBLIC)
- RE (RESIDENTIAL ESTATE)
- RL-1 (RESIDENTIAL LOW 1)
- RM-1 (RESIDENTIAL MEDIUM 1)
- RM-2 (RESIDENTIAL MEDIUM 2)
- RM-3 (RESIDENTIAL MEDIUM 3)
- RH-4 (RESIDENTIAL HIGH 4)
- RH-5 (RESIDENTIAL HIGH 5)

**RESIDENTIAL HIGH - 5**

HIGH DENSITY RESIDENTIAL AREAS PRIMARILY USED FOR A VARIETY OF UNITS, INCLUDING WITHOUT LIMITATION, APARTMENT BUILDINGS, AND WHERE COMPLEMENTARY USES MAY BE ALLOWED.



**GLENWOOD COURT**  
BOULDER, COLORADO

**ESR**  
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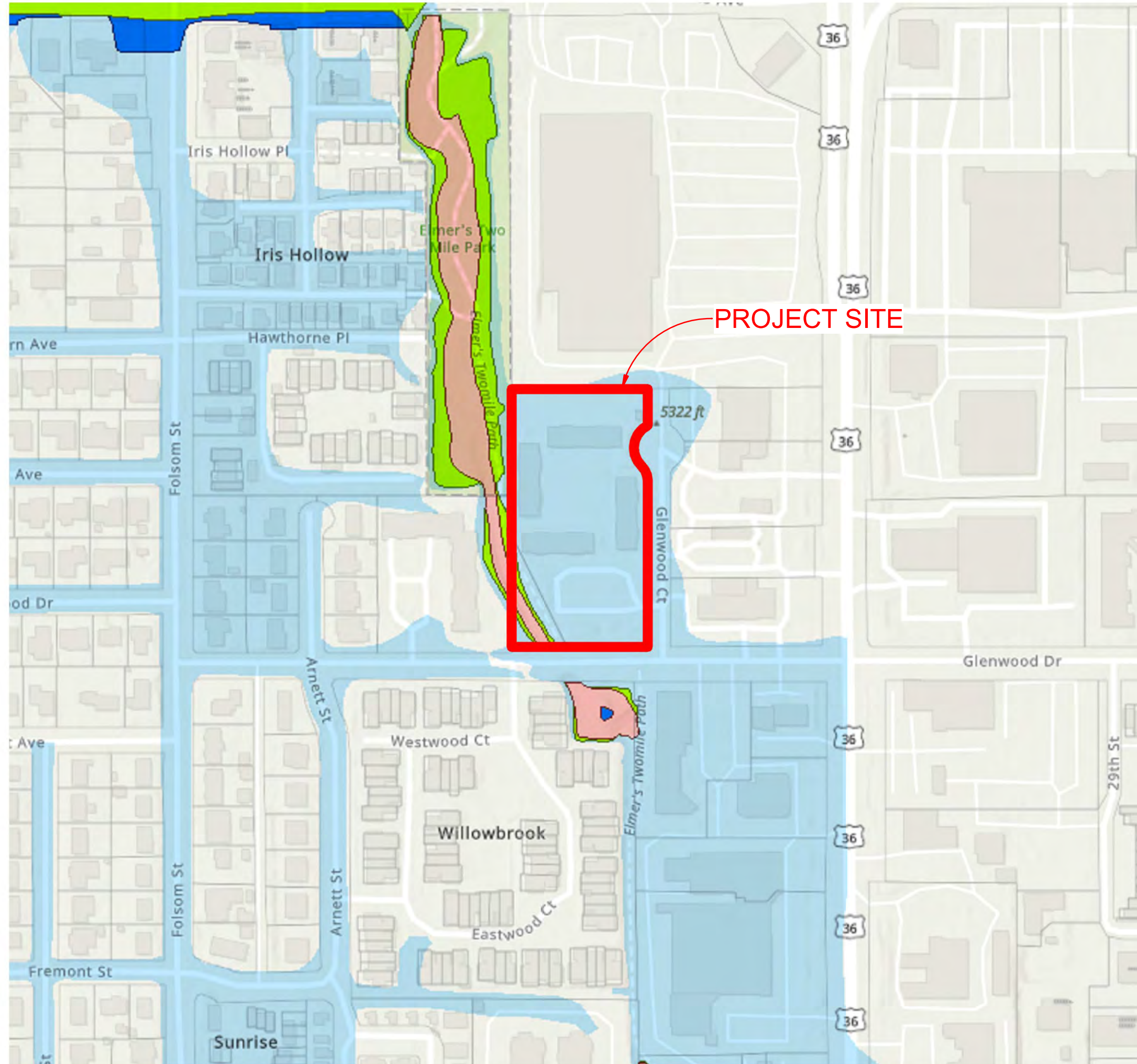
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**REVISIONS**

No.	Description	Date
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Job Number:	19021
Date:	07.29.2022
Drawn By:	DH
Checked By:	JC
Project Phase CONCEPT SUBMITTAL	
Sheet Title ZONING MAP	
Sheet Number <b>AC-006</b>	





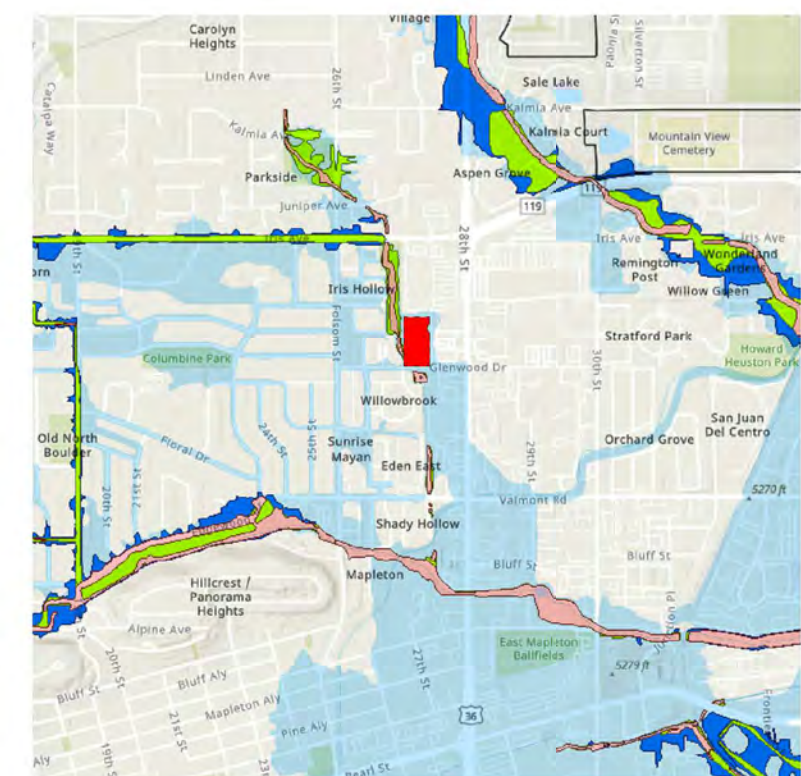
### FLOODPLAINS

- HIGH HAZARD ZONE
- CONVEYANCE ZONE
- 100-YEAR FLOODPLAIN
- 500-YEAR FLOODPLAIN

### FLOODPLAIN

THE PROPOSED DEVELOPMENT SITE LIES WITHIN THE 500-YEAR FLOODPLAIN AND IS THEREFORE NOT REQUIRED TO BE ELEVATED OR FLOODPROOFED. A SMALL PORTION IN THE SOUTHWEST CORNER OF THE SITE IS BISECTED BY THE ELMERS TWOMILE CREEK AND IS CONSTRAINED BY EASEMENTS TO ACCOMMODATE THE ASSOCIATED DRAINAGEWAY. THIS AREA IS PROPOSED TO BE OPEN SPACE AND NO DEVELOPMENT IS PROPOSED. (NOTE THIS AREA IS CALLED OUT AS "OUTLOT A" IN THE ALTA SURVEY).

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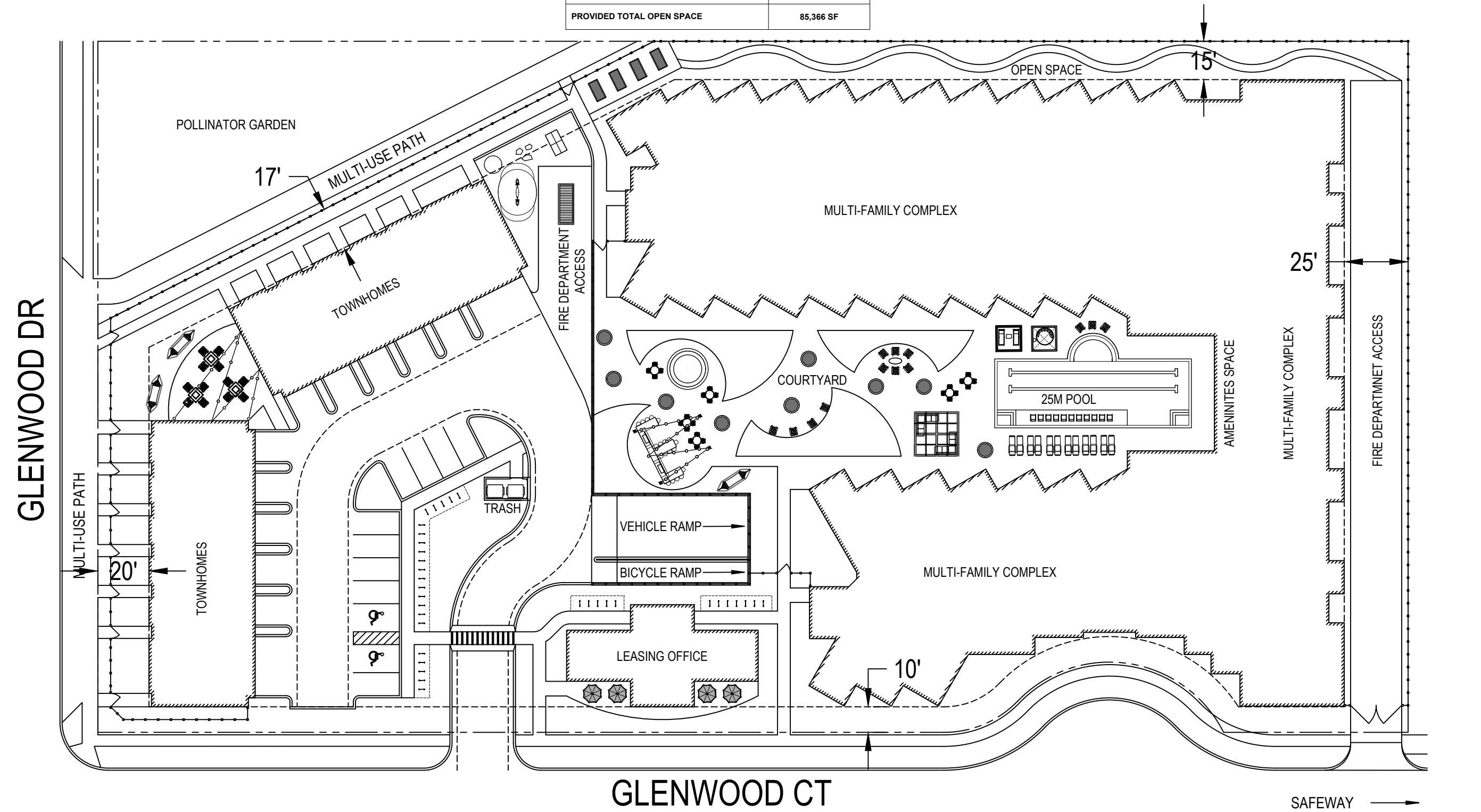
Project Phase  
CONCEPT SUBMITTAL

Sheet Title  
FLOODPLAIN

Sheet Number  
AC-007



ZONING CODE COMPLIANCE	
ZONING RH-5	
LOT SIZE	138,662 SF (3.18 ACRES)
REQ'D LOT AREA PER DWELLING UNIT	1,600 SF
ALLOWABLE DWELLING UNIT COUNT	86 DU
DESIGNED DWELLING UNIT COUNT	86 DU
REQ'D OPEN SPACE PER DWELLING UNIT	600 SF
REQ'D TOTAL OPEN SPACE	51,600 SF
PROVIDED TOTAL OPEN SPACE	85,366 SF



GLENWOOD COURT  
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S N S		
No.	Description	Date

b Number	1902
te	07.29.2022
r	PH
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CONCEPT SUBMITTAL

Sheet te  
SITE PLAN

Sheet Number

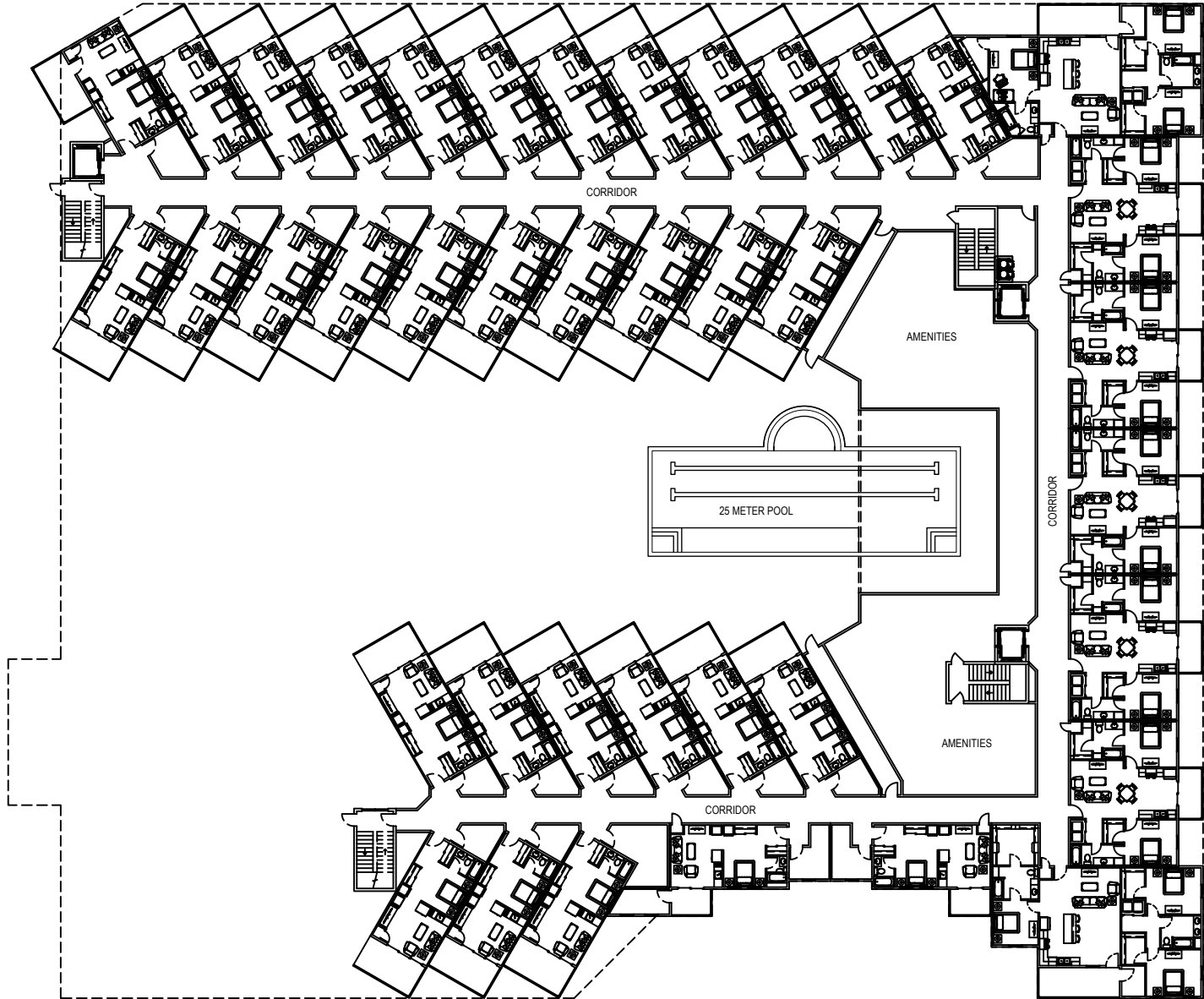
AC-008

1 SITE PLAN  
AC-008 1" = 20'-0"



UNIT COUNT	
ZONING RH-5	
3-STORY WALK-UP TOWNHOMES - 3BR	14
MULTI-FAMILY - 3BR	6
MULTI-FAMILY - 2BR	15
EFFICIENCY LIVING UNITS	102
TOTAL UNIT COUNT	137
TOTAL DWELLING UNIT COUNT	86

\*\*PER CODE - 2 EFFICIENCY LIVING UNITS = 1 DWELLING UNIT

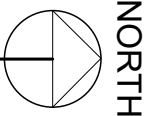


1

AC-009

MULTI-FAMILY LAYOUT

1" = 40'-0"



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No.	Description	Date

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te	07.29.2022
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CONCEPT SUBMITTAL

Sheet t e  
MULTI-FAMILY LAYOUT

Sheet Number  
AC-009

PARKING COUNT	
ZONING RH-5	
STRUCTURED PARKING STALLS	115
PRIVATE GARAGE AND DRIVEWAY STALLS	14
PUBLIC PARKING STALLS	11
TOTAL PARKING STALLS REQ'D PER CITY CODE	151 STALLS
TOTAL PARKING STALLS PROVIDED	140 STALLS
TOTAL PARKING REDUCTION	7.28%

\*\*TOTAL PARKING REDUCTION TO BE INCREASED WHEN STRUCTURAL COLUMNS ARE PLACED DURING DESIGN DEVELOPMENT

MISC PARKING DATA	
TOTAL ADA PARKING STALLS REQ'D	5 STALLS 1 VAN STALL MIN
TOTAL STANDARD STALLS PROVIDED	3 STALLS
TOTAL VAN STALLS PROVIDED	5 STALLS
TOTAL ADA PARKING STALLS PROVIDED	8 STALLS
TOTAL BICYCLE STALLS REQ'D	246 STALLS
TOTAL LONG TERM SECURED BICYCLE STALLS	296 STALLS
TOTAL BICYCLE STALLS AT GRADE	68 STALLS
TOTAL BICYCLE STALLS PROVIDED	364 STALLS
TOTAL EV CHARGING STATIONS REQ'D	3 STATIONS
TOTAL EV CHARGING STATIONS PROVIDED	6 STATIONS

\*\*ALL SPACES WILL BE PREWIRED FOR FUTURE EV CHARGING EXPANSION



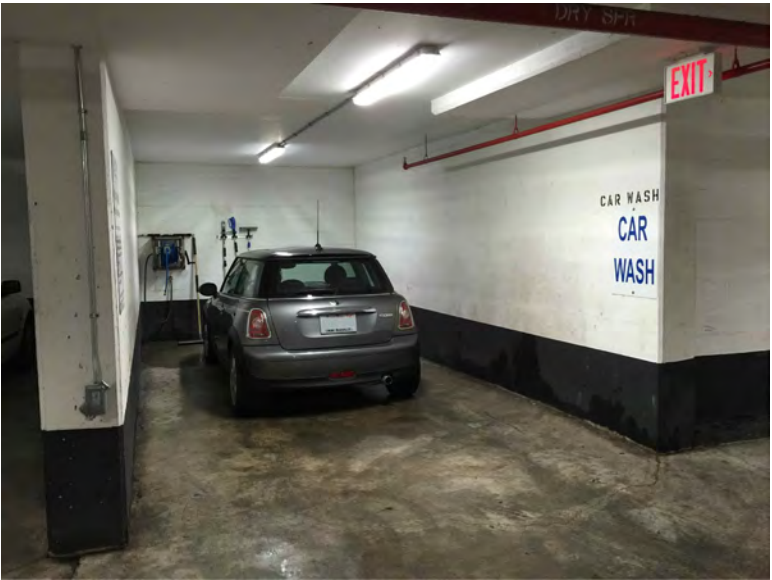
DOG WASH STATIONS



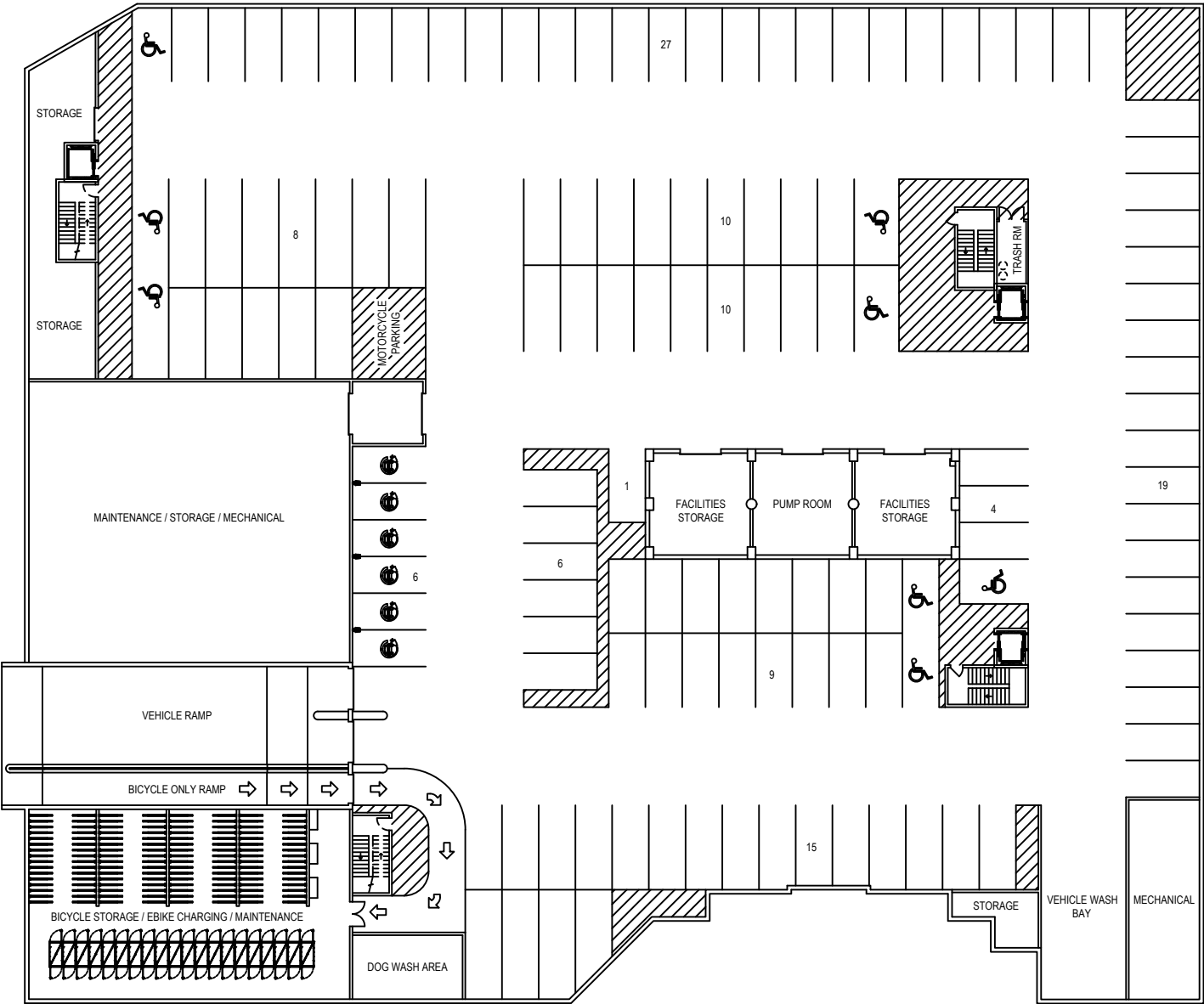
BICYCLE STORAGE



BICYCLE MAINTENANCE STATIONS



VEHICLE WASH BAY



1 GARAGE LAYOUT  
AC-010 1" = 40'-0"

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BOULDER, COLORADO



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S NS  
No. Description Date

b Number 1902  
te 07.29.2022  
r DH  
he e JC

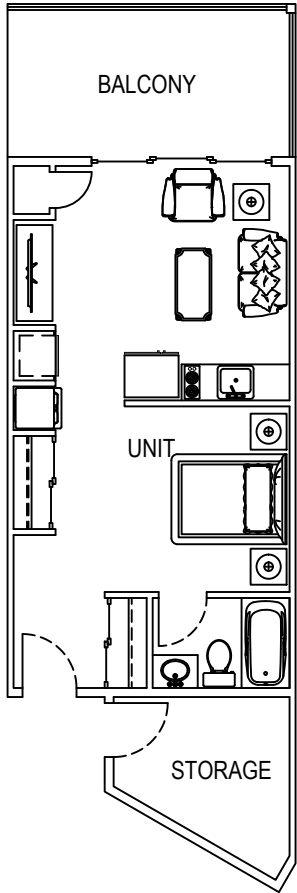
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CONCEPT SUBMITTAL

Sheet te  
GARAGE LAYOUT

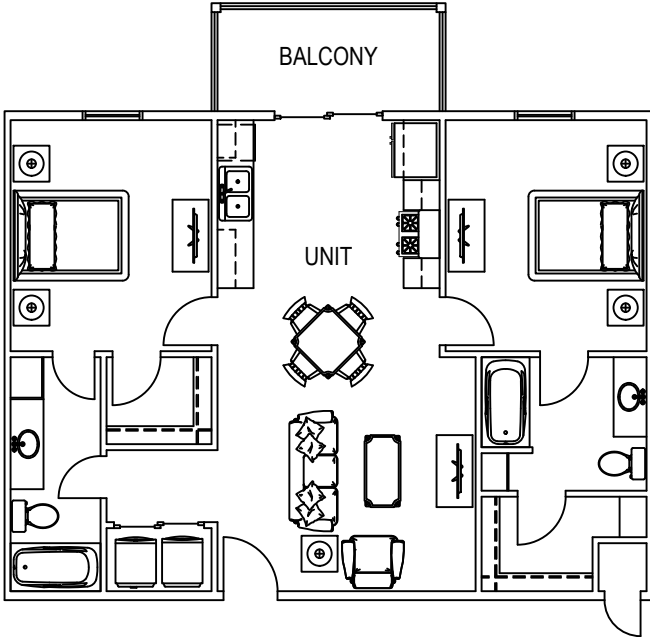
Sheet Number

AC-010

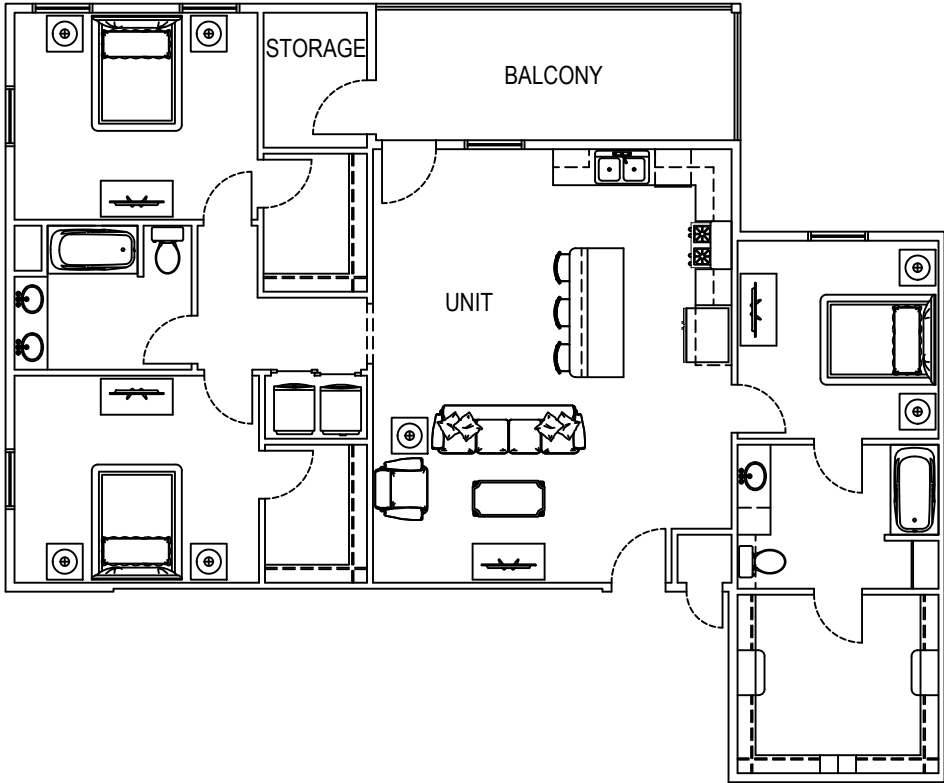




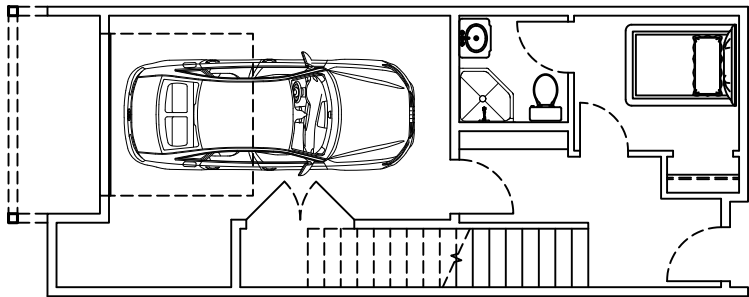
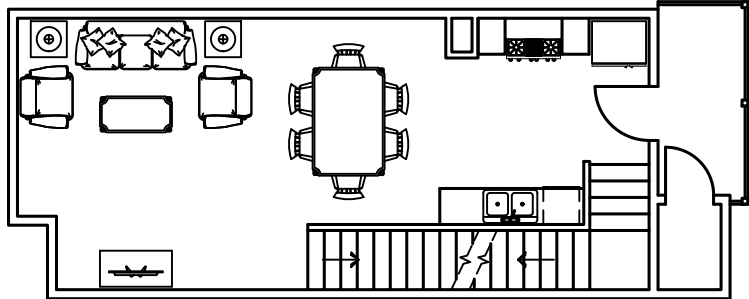
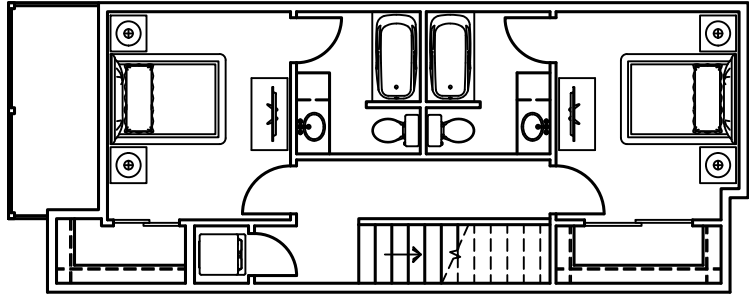
EFFICIENT  
LIVING  
UNIT



2-BEDROOM  
MULTI-FAMILY  
UNIT



3-BEDROOM  
MULTI-FAMILY  
UNIT



3-BEDROOM  
TOWNHOME  
UNIT

GLENWOOD COURT  
BOULDER, COLORADO



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S NS  
No. Description Date

b Number	1902
te	07.29.2022
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he e	JC

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CONCEPT SUBMITTAL

Sheet t e  
MULTI-FAMILY LIVING UNITS

Sheet Number

AC-011

GLENWOOD COURT  
BOULDER, COLORADO



TOWNHOMES

LEASING OFFICE

SOLAR ARRAY AT NORTH END ROOFTOP

1  
AC-012

SITE ISO NW - CONCEPT VIEW



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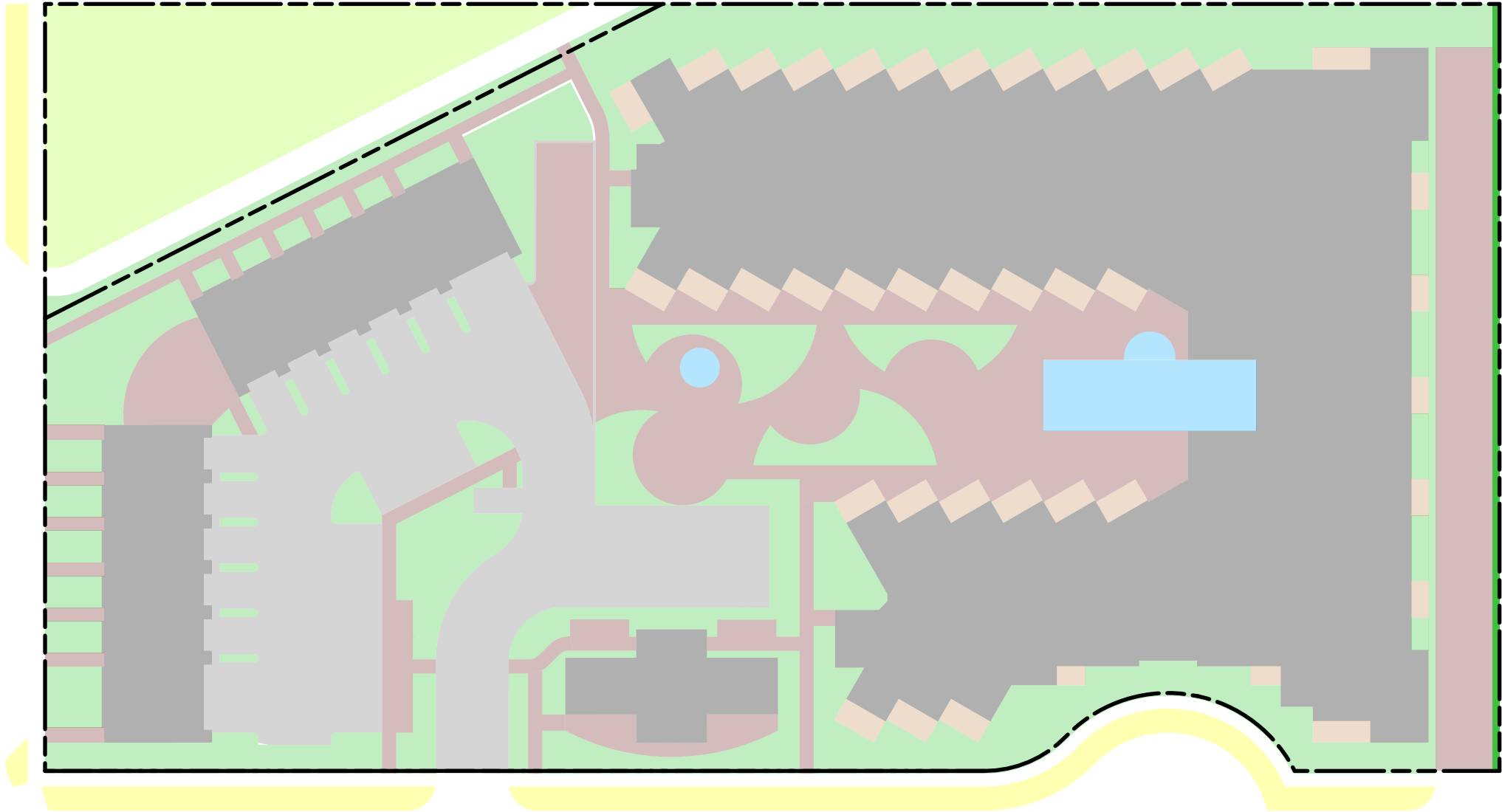
Project Phase  
CONCEPT SUBMITTAL

Sheet Title  
SITE ISOMETRICS

Sheet Number

AC-012

30 of 61



- OPEN SPACE LEGEND
- LANDSCAPE

ROW LANDSCAPE

ENHANCED PAVING

PRIVATE PATIO

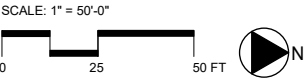
POOL OR SPA
- NOT INCLUDED IN OS CALC
- LANDSCAPE IN OUTLOT A

BUILDING

DRIVE/ PARKING

Glenwood Apartments  
Open Space Calculation  
7/27/22

RH5 ZONE CALCULATION	
RESIDENTIAL	
86 units	
600 sf /unit	
51,600 SF required	85,366 SF provided



Open Space	Actual	Can Count		
Landscape/Hardscape	52,729	52,729	SF	Does not include landscape in outlot A
ROW Landscape	4,876	4,876	SF	9%
Balconies 1st Floor	7,483		SF	
Balconies 2nd Floor	5,389		SF	
Balconies 3rd Floor	5,253		SF	
Total Balconies	18,125	12,900	SF	35%
Interior Parking Garage	3,664		SF	
Interior 1st Floor	5,585		SF	
Interior 2nd Floor	3,128		SF	
Interior 3rd Floor	3,422		SF	
Total Interior	15,799	12,900	SF	31%
Roof Deck	1,961	1,961	SF	4%
	93,490	85,366	SF	

Can count up to 10% of required

Can count up to 25% of required

Can count up to 25% of required

Can count up to 25% of required

GLENWOOD COURT

BOULDER, COLORADO



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Job Number:

Date: 07.29.2022

Drawn By:

Checked By:

Project Phase

CONCEPT SUBMITTAL

Sheet Title

OPEN SPACE PLAN

Sheet Number

AC-012

STUDIOTERRA  
758 CLUB CIRCLE  
LOUISVILLE, CO 80027  
303.494.9138  
CAROL@STUDIOTERRA.NET

LANDSCAPE ARCHITECTURE ■ LAND PLANNING ■ IRRIAN DESIGN

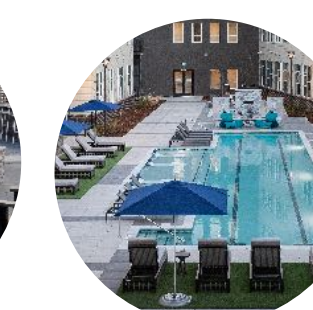




SCALE: 1" = 40'-0"

0 20 40 FT

N



**STUDIOTERRA**  
758 CLUB CIRCLE  
LOUISVILLE, CO 80027  
303.494.9138  
CAROL@STUDIOTERRA.NET

# GLENWOOD COURT

BOULDER, COLORADO



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Job Number:  
Date: 07.29.2022  
Drawn By:  
Checked By:

Project Phase  
CONCEPT SUBMITTAL

Sheet Title  
LANDSCAPE PLAN

Sheet Number  
AC-013



## Introduction

The Concept Plan for Glenwood Court proposes the complete redevelopment of two large asphalt parking lots and an existing low-efficiency, low-density, (48) 2-bedroom unit, 1970s garden-style apartment complex located at 2749 Glenwood Court. The ~3-acre site, west of 28<sup>th</sup> Street, will be redeveloped with a high-efficiency attached 137-unit multi-family and town-house project constructed atop a new underground vehicle storage and parking facility. The proposal will provide the density and diversity of dwelling unit types anticipated by the site's RH-5 Zoning and the Boulder Valley Comprehensive Plan's High Density Residential classification.

In so doing, the proposed concept also directly addresses Boulder's critical need for new housing supply. Importantly, it does so while preserving the health of the region's natural environment by providing new housing density in a location where planning efforts have long sought it and where location convenience can eliminate resident dependency on motor vehicles.

Free from the need to accommodate full surface parking, the proposed site plan will provide in excess of 60% more open space than required and cut the parcel's historic curb-cut count from two to only one in accordance with Boulder's Vision Zero initiative. Further, the highly-amenitized redevelopment has been designed from the ground-up to maximize the site's 100% Bike Score® and 88% Walk Score®. This includes the first-in-Boulder 100% eBike and 100% EV-ready parking structure designed to also accommodate popular Sprinter-type adventure vans. These features will eliminate unsightly off-street vehicle storage, reduce the urban heat island effect, and make it more convenient than ever for residents to migrate to alternative modes of transportation for everyday commuting and convenience trips.

Unlike the 1970s single unit type complex it is replacing, the proposed redevelopment will deliver a diversity of for-rent home types including family-friendly walk-up townhomes and one-, two-, and three-bedroom designs. The concept also includes a number of long sought-after Efficiency Living Units (ELUs) that are encouraged by Boulder Municipal Code's 2-for-1 ELU density bonus. Notably, the proposed development concept also includes dedicated on-site housing for employees engaged in leasing, operations, and maintenance activities.

All units are proposed with spacious decks and adjacent large, private storage units that vastly improve resident convenience and eliminate the need for offsite storage and the many associated extra vehicle trips. This convenience feature and the large decks are made possible by a highly novel architectural design that orients each unit to enjoy the best views, maximum solar efficiency, and an unequalled degree of privacy.

The proposed site amenities align with the lifestyle interests of future residents and include child play areas, community gardens, ample collaborative and individual high-tech workspaces, state-of-the-art fitness zones, a lap pool, and oasis-like garden areas configured for year-round indoor/outdoor activities and enjoyment.

## Existing Conditions

### Development History

The lot on which Glenwood Court Apartments stands today was annexed into the City of Boulder in 1965 as part of Ordinance 3030. Originally, the site spanned from 28th Street on the east to what is now the Elmers Twomile Creek Park on the west, north to Safeway and south to Glenwood Drive. The road that is now Glenwood Court was originally a dead-end, completely interior to the site.

The site was later sub-divided along the Glenwood Court boundary and the 48-unit Glenwood Court apartments were constructed in the early 1970s. The property remains materially as it was originally constructed and without upgrades or improvements. It is highly energy inefficient and has fully exceeded its useful life.

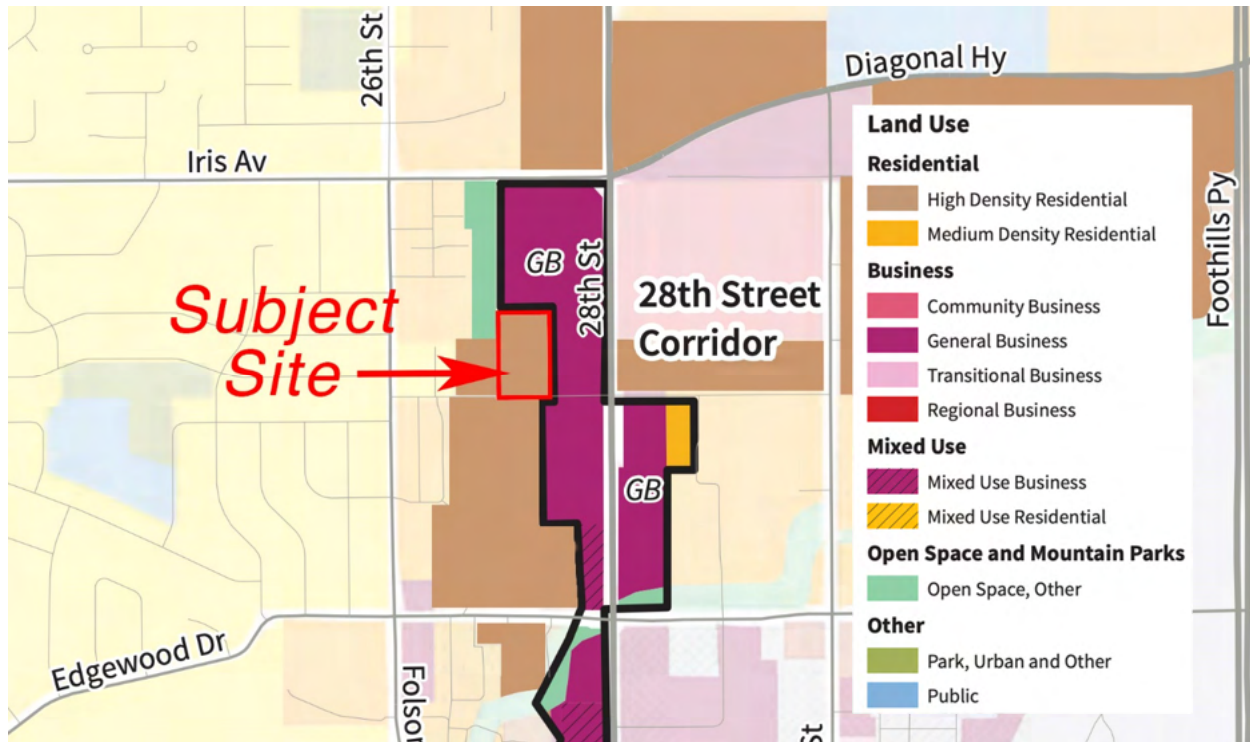
The development team has applied for and been granted demolition approval from the City Landmarks Department as the buildings are not considered historically significant.



*Existing conditions*

## BVCP and Land Use and Zoning

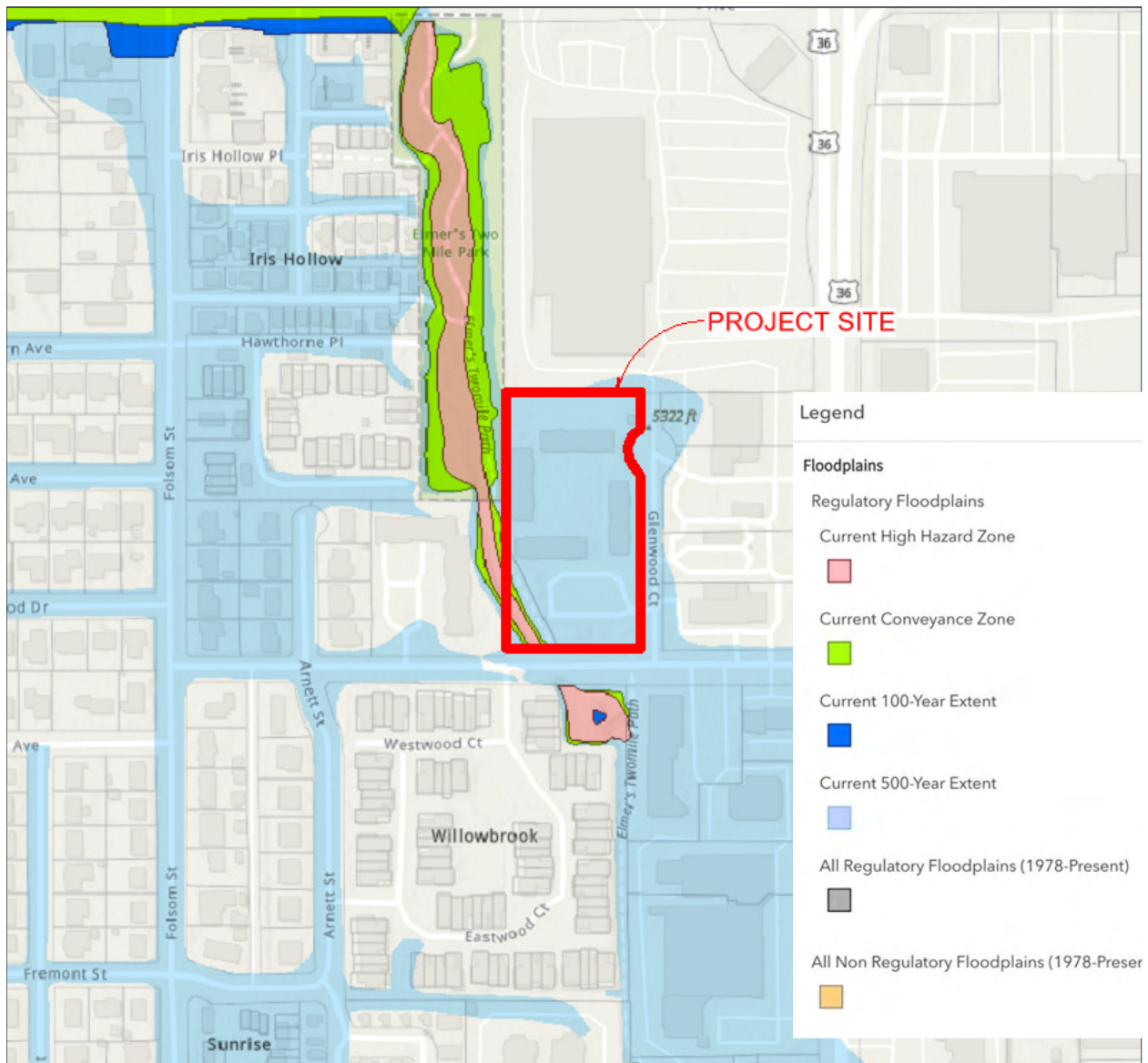
The property has a High-Density Residential land use designation in the Boulder Valley Comp Plan (BVCP) and is zoned RH-5. The proposed development is in direct alignment with the long term density and intensity standards for the site and would provide the type of land use envisioned for the area.





## Floodplain

The proposed development site lies within the 500-Year Floodplain and is therefore not required to be elevated or floodproofed. A small portion in the southwest corner of the site is bisected by the Elmers Twomile Creek and is constrained by easements to accommodate the associated drainageway. This area is proposed to be open space and no development is proposed. (Note: this area is called out as “Outlot A” in the ALTA survey)





## Proposed Concept

The proposed concept centers on redeveloping a half-century-old, low-efficiency, surface-parked, low-density apartment complex in the RH-5 Zone. In its place, the plan proposes a new attached 137-unit multifamily development with a diverse mix of high-efficiency units thoughtfully designed to directly address Boulder's acute need for quality housing across a range of size, configuration, and price points.

The ~3-acre development site is ideally located adjacent to grocery and other walking amenities and provides a direct cycling connection, via easement, to the community multi-use path. Combined with the site's close proximity to Boulder's largest and fastest growing primary employment centers, the proposed concept will fulfill the Zoning District's intent to provide a high density of housing in a non-vehicle-dependent location. The concept reduces vehicle traffic and the associated adverse environmental impacts while activating local streetscapes and concentrating economic activity in an area that is highly supportive of local merchants and service providers.

## Use(s)

The conceptual unit mix includes a combination of townhomes, and Studio/1, 2 and 3-bedroom for-rent units. Each residence type has been thoughtfully designed to maximize the healthful living experience and provide in-unit amenities that reflect emerging trends in remote employment and the desire for less-impactful and more efficient living spaces.

1-Bedroom or Studio ELUs – The proposed 102 1-bedroom / Studio units are sized to comply with the City's 475 interior square foot threshold to qualify as Efficiency Living Units. Doing so allows twice the number of individual units to be delivered while remaining fully compliant with the RH-5 requirements for buildable and open space areas. Each ELU is paired with an immediately adjacent, exceptionally large storage area that makes living in a smaller, highly efficient unit feasible as valuables and storage items can be conveniently accessed without the need for expensive off-site storage. The units are configured with large patios that extend the functional living space in seasonable weather and maximize solar efficiency and views. The off-axis pattern on which these units are oriented ensures every resident is afforded a very high degree of privacy.

2-Bedroom – The 15 proposed 2-bedroom / 2-bath units are designed for residents seeking more space and configuration options to fit their lifestyles and professional needs. Each unit enjoys a large outside patio area and full access to best-in-class amenities.

3-Bedroom – There are 6 proposed 3-bedroom / 2-bath units that are each ~1,500 square feet in size. These units are anticipated to be highly attractive to families, those seeking extra space to accommodate remote working, or those transitioning out of a detached single-family home. These units all feature large patio areas, ample storage, and bright, airy design details.

Townhomes – The concept includes 14 walk-up townhomes, each with 3-bedrooms / 2 1/2-baths, a private garage, ample storage, and sweeping views from the third-floor kitchen, dining, and living room design. Further, each unit will feature second and third-floor patio space on the north and south facing exteriors. The townhomes are configured to appeal

specifically to families with children, families with in-home elder care, or to those seeking a professional workspace vertically separated from the primary living areas.

The townhome garages are designed to be wide enough to conveniently accommodate secure bicycle storage and charging for multiple e-Bikes. Each townhome is accessible through the private garage or through a primary walk-up entrance fronting to Glenwood Drive. The walk-up entry will provide community-facing activation along Glenwood Drive and contribute to a very high-quality urban neighborhood feel along the adjacent community multi-use path-. The walk-up entrances will be accented with tree plantings and enhanced landscaping.

## **Community Amenities/Community Benefit**

The proposed concept is highly amenitized with features designed to encourage residents to recreate and entertain on-site and to provide ample community and collaborative work and meeting spaces to support modern business practices. Amenity areas permeate the entire site and center around a 3-story central pool and recreation facility and stand-alone leasing office with community meeting space, and include the following elements:

### **PROGRAMMED EXTERIOR LANDSCAPE AREAS**

*Child Play Area*– Located interior to the site, the concept is to create a family-centric play and game area proximate to the townhomes. Initial concepts include a splash-pad with water-pop play feature, nature-scape climbing and play features scaled for creative exploration, and some combination of additional child-appropriate features that are complimentary to the adjacent Elmer's Twomile Park and playground.

*Community Garden* – The concept includes a community garden area that maximizes the site's solar exposure and creates a soft boundary with the community path that transects the site's southwest corner. This feature will provide high-value opportunity for gardening enthusiasts to grow food for their family's consumption and to share with other community members. There is room to expand this feature if desired by the residents.

*Pollinator Garden* – The ~12,000 square foot southwest corner of the site is planned to be richly planted with flowering plant species that are especially attractive to pollinators. This large garden area will enrich the community and surrounding neighborhood garden productivity and provide critical urban habitat for pollinators that are fundamental to a healthy regional eco system. The plantings, designed to flower for extended periods, will provide passive recreation and contemplative space for residents and community path users alike.

*BBQ Centers* – Multiple outdoor BBQ stations are planned to encourage family gathering and healthful living. These stations will range in size and will be in areas equally convenient for residents of the main building and townhome units.

*Gourmet BBQ Kitchen* – There will be a large outdoor community gathering kitchen scaled to support group activities such as birthday parties and family/friend gatherings. Landscape

plantings and a creative lighting plan will simultaneously provide design cohesiveness and privacy for users.

*Firepit & Relaxation Zones* – Outdoor areas will be programmed with all-season “rooms” where residents can enjoy relaxing and socializing around a fire feature, water feature, and/or dense planting areas that create seasonal shade and natural cooling.

*Pool & Baja Deck* – The concept is for a central indoor/outdoor pool for the equal enjoyment of resident athletes and recreationist seeking a relaxing soak. The pool will feature lanes for lap swimming and a connected Baja deck for submersible lounge chairs. The 25-meter pool will span indoors to provide year around use and enjoyment.

*Spa* – The pool and outdoor amenity areas will feature multiple spas to accommodate family, individual, and small groups of users.

*4-Season Entertainment Nook* –A 4-season entertainment nook with large screen monitors group seating and gourmet demonstration-type cooking facility will seamlessly link the interior and exterior amenity spaces. The space will be available to all residents unless reserved for a private event by residents.

*Short Term Bicycle Parking* – To anticipate a high utilization rate of bicycles and maximize the connectivity of the site’s perfect 100 Bike Score®, short and long-term bike and eBike parking will be provided at a rate higher than required by Code.

## INTERIOR AMENITIES

*Pool* – The pool will provide indoor/outdoor access via the central amenity area.

*Fitness Room* – A very well-appointed weight and cardio-fitness facility will vertically span the three-story amenity space.

*Yoga / Stretching Room* – Quiet space will be provided with expansive Flatiron views and brilliant southern solar exposure. This will be a year-round treasure where people can practice individual or group fitness and meditative activities.

*Private Meeting Rooms* – The concept calls for multiple small spaces that are acoustically designed to accommodate virtual meetings, conference calls, and distance collaboration without disturbing others in the space or needing to fully isolate behind closed doors to conduct a meeting without interruption.

*Collaborative Workspaces* – Flex spaces will be incorporated that can host closed door individual and/or group working sessions. Such space can host homework tutoring sessions for students, team meetings for colleagues, co-working or collaboration.

Community Meeting Rooms – At least one larger space will be provided and available to host private community or group meetings. The facility is likely to be designed into the standalone leasing office building and is intended to accommodate non-resident use for meetings and/or events.

Rooftop Decks – Where possible, rooftop decks will be incorporated to provide social areas for individual or group use in seasonable weather. The areas will be programmed with cooking amenities and a variety of seating arrangements. The decks will also incorporate plantings and creative use of photo-voltaic panels for alternative energy generation and sun shading.

## UNDERGROUND AMENITIES

Vehicle Storage & Parking – The proposed development will be so conveniently located and pedestrian/bicycle-friendly, most residents will choose to store their vehicles for only occasional use rather than use the project's underground area for conventional high-frequency entry/exit parking behavior.

EV Charging – The proposed concept will exceed the require EV charging station quantity requirement at launch and will be constructed in a manner to support charging station count increases to match market demand up to 100%.

Bicycle Room – Cyclists will enjoy a safety-separated entry ramp to the dedicated underground bicycle room. The area will be highly secure and well-lit to encourage usage. It will be outfitted with a state-of-the-art bicycle cleaning and repair facility and a diversity of storage types to accommodate a range of bicycle types.

eBike Charging – Integrated into the Bicycle Room will be charging ports and electrical facilities to accommodate the diversity of eBike charging technologies necessary to deliver Boulder's first 100% eBike Charging Station.

Adventure Van Parking – The parking ramp and structure will be tall enough to accommodate Sprinter-type adventure vans in the City's first 100% off-street adventure van parking structure. Specialty stalls will be available to residents who wish to have secure parking out of the elements and off the street.

Car Wash – Residents will be able to wash off their vehicle in the dedicated wash bay in the parking structure. This will allow wintertime road grime and salt to be removed in the comfort and safety of the secure parking structure while reducing countless vehicle trips to inefficient area car washes.

Pet Wash Station – Active pups need a warm, comfortable place to wash off after a muddy trail run or session at the dog park. The proposed concept includes an underground pet spa complete with multiple wash & dry stations, pet-friendly access ramps, slip-proof sure footed wash tubs, and a treat bin.



Moped / Motorcycle Parking – Those who wish to maintain ready access to their efficient moped, motorcycle, scooter, and/or eMotorcycles will have dedicated parking in the secure storage and parking facility.

## **Sustainability**

The entire proposed concept is guided by a commitment to sustainability. Elemental to this commitment is first providing the maximum number of units in a walkable, bike-able location that fundamentally recasts resident dependency on fossil fuels and single-occupancy vehicle trips.

The proposed structures have been deliberately designed for high-efficiency construction and to simultaneously maximize dwelling unit density while also delivering nearly the required open space. Related, the units have all been envisioned to meet or exceed Boulder's energy regulation requirements and to optimize solar exposure and natural ventilation to minimize the dependence on supplemental heating and cooling systems.

Rooftop solar gardens are intended to feature prominently on all finished building designs and will be creatively integrated into shade structures where appropriate. The intent is to harness the available energy creation capacity of the site and to help raise resident awareness of the importance of renewable energy sources.

Further, the proposed concept will deliver more than the required number of EV Charging stations and the vehicle storage and parking facility will be built to fully support future market demand. Similarly, the dedicated underground bicycle storage and parking facility will provide eBike charging capacity for up to 100% of all bicycles. Short-term bicycle parking near the leasing center will also offer eBike charging capacity.

Across the site, the landscape plan will emphasize heat island reduction and water conservation using native plantings and state-of-the-art "smart" irrigation technology. Residents will be able to garden and grow their own produce in the community garden area that can be expanded in the future as interest grows.

And, to support the community garden productivity as well as regional invertebrate and ecosystem health, the site will plant one of the region's largest dedicated pollinator gardens. Such urban pollinator habitat is essential to the preservation of threatened migrating butterfly species as well as the wellbeing of Colorado's more than 900 unique species of pollinating bees and wasps.

## **Market Demand**

Boulder is highly housing constrained and experiencing rapid job growth in the high technology, biotechnology, and life science industries. Median home prices have climbed above \$1MM, pricing many out of the market and exerting extreme economic pressure on young families and elderly community members who wish to age in place.

Because local housing supply has failed to keep pace with demand, Boulder has a net in-migration of workers that nearly doubles the non-student population every single day. This flood of commuter vehicles clogs roadways, pollutes the environment, and robs workers of valuable time.

The tight housing market also makes it difficult for single-family homeowners to downsize as their housing needs evolve. This prevents inventory turn that is essential for a healthy market.

The proposed concept directly addresses the market imbalance by delivering a diverse array of housing options in a central location that has been zoned for high-density development for half a century. By providing high-quality, turn-key living options across a range of unit sizes, the proposed plan will provide housing inventory for community members who would like to age in place, new workers moving to the area, young families, young professionals, and others who would much rather live close to their jobs than be stuck in a wasteful and environmentally destructive commuting routine.

Moreover, the concept also proposes a new category of high-efficiency housing anticipated by Code, but not yet present in the market. Specifically, Boulder's Code offers a 2-for-1 dwelling unit density bonus for Efficiency Living Units (ELUs) that are no larger than 475 finished square feet. As designed and proposed, such units provide an immediate answer to the community's acute need for high-quality, convenient, and highly energy efficient dwellings in a location that is not vehicle dependent and at a price point that can be comfortably sustained by an individual without roommates.

## **Open Space**

The proposed development has a Code required minimum open space requirement of 51,600 square feet. As detailed in the included landscape and open space plan, including the outlot pollinator garden, the proposed concept delivers more than double the required minimum area. Restrictions on the amount of "qualifying" open space reduces the projected open space area to +85,000 SF or ~65% more than required.

Notably, the qualifying open space is spread throughout the entire site and ranges from programmed child play space to richly landscaped right-of-way areas, spacious health and wellness amenities, to community meeting rooms and outdoor balconies in every unit. All of this is made possible by the investment in structured underground parking and a unique design focused first on the residents' living experience.

## **Access and Circulation**

Despite the site being longer than two typical downtown Boulder city blocks, access to the proposed concept is through a single curb cut on the central eastern frontage along Glenwood Court. While the single-entry design is a departure from the original as-built design that provided dual north and south access ways, it supports the City's Vision Zero aim to reduce vehicle/pedestrian/cyclist conflict points. The single entry also provides the property management team operating in the adjacent leasing office a prominent vantage point from which to monitor site activity.

Within the proposed site, vehicle traffic will either enter the underground vehicle storage and parking facility or continue to the townhomes. Bicycles entering the site will use the main drive aisle, however they will have a dedicated and safety-separated ramp into the bicycle storage and parking facility. Both the drive and bicycle ramps will be well lit, well-marked, and heated to ensure safe passage in any conditions.

Residents may enter the site on the northeast corner at the protected fire accessway closest to Safeway, from the community multi-use path on the southwest corner or using the main site entrance on Glenwood Court. Pedestrians crossing the main drive aisle will benefit from clear site lines at the sidewalk and a second raised crossing proximate to the leasing office and community amenity space. Townhome residents may also enter their units directly from private walk-ups connected to the large Glenwood Drive sidewalk.

Fire and emergency access points are through the primary entrance and a second emergency-only, bollard-separated fire lane on the north property boundary with Safeway. This fire lane will be designed with enhanced paving and hardscape to also service ground-floor walk-up units and provide a safe pedestrian-friendly area for residents to socialize.

## Parking

The oasis-like site plan is possible only because of an underground vehicle and bicycle storage and parking facility that eliminates the need for massive surface parking lots. Townhome units on the southernmost portion of the site have conventional private garages and tandem driveway spaces. Guest, overflow, delivery, and visitor parking is provided between the townhomes and leasing center in conventional surface stalls.

The underground storage and parking facility provides a combination of conventional, ADA, and tandem stalls. In a location with a perfect Bike Score®, 88 Walk Score® and located so close to retail and employment centers it is highly likely most residents will store their vehicle underground for occasional use rather than park multiple times per day as is common in vehicle-dependent locations. As such, emphasis is placed on providing secure storage areas for bicycle, motorcycle, moped, scooter, eBike and other alternative modes of transportation.

Similarly, the facility will be designed to accommodate oversized SUVs and Sprinter-type adventure vans and small RVs. Providing storage space for these vehicles will eliminate their storage in the public right-of-way and eliminate any prospect of overflow impacts on adjacent apartment complexes or nearby residential streets.

The parking facility will launch with a greater number of EV Charging Stations than required by Code and the entire facility will be constructed with the infrastructure necessary to facilitate future capacity expansion to meet 100% of the market demand.

The bicycle parking area will be similarly equipped to provide eBike charging stations to meet 100% of market demand. Access to the bicycle storage and eBike charging facility will be via a heated, separated access ramp to ensure user confidence and prevent collisions on the parking ramp.

Overall, the project anticipates a parking reduction, however it is too early in the design process to define the exact percentage.

## Setback Modification

The proposed concept reflects only two minor variances to accommodate minor reductions in setback distance. These are:

1. Along Glenwood Court, the proposed setback is 10-feet vs. 15-feet required per Code. This 33% side yard reduction makes it possible for the concept plan to maintain the obsolete/abandoned roundabout that is a vestige from a bygone era when Glenwood Ct. was a dead-end street. This proposed setback reduction will have no impact on right-of-way plantings and, as the site is the only residential development on Glenwood Ct., it will not appear inconsistent with any surrounding properties.
2. Along Glenwood Drive, the proposed setback is 20-feet vs. 25-feet required per Code. This 20% reduction allows the townhomes to present a more appropriate urban-like interface with the street and sidewalk. The distance still allows for a high-quality landscape plan and helps avoid an awkward aesthetic condition where the walk-up townhomes are too far removed from sidewalk access points. This setback reduction also helps activate the area and encourage eyes on the street.



## Concept Plan Criteria

<b>A. Environmental Impact Mitigation</b> <i>Techniques and strategies for environmental impact avoidance, minimization, or mitigation</i>
<p>The proposed project dramatically improves the historic condition of the site by eliminating massive surface parking lots and replacing a low-density, poorly constructed, and inefficient apartment complex with no unit diversity with an array of new unit types that will each be constructed to meet or exceed Boulder’s environmental standards. The proposal will deliver more EV Charging stations than required and provide a bicycle storage facility with capacity for 100% eBike charging stations. Further, by achieving the RH-5 Zone District’s density target, more residents can live in a walkable/bikeable location, proximate to their jobs, and thus reduce countless vehicle trips and the associated negative environmental impacts.</p>
<b>B. Travel Demand Management</b> <i>Techniques and strategies for practical and economically feasible travel demand management techniques, including, without limitation, site design, land use, covenants, transit passes, parking restrictions, information or education materials or programs that may reduce single-occupant vehicle trip generation to and from the site.</i>
<p>The proposed concept exploits the most effective travel demand management tool available – increasing the number of dwelling units in locations that do not require vehicles for work access, errands, shopping, entertainment, or recreation. The location has a perfect Bike Score® and an 88 WalkScore® and is on the community multi-use path. Residents will enjoy the City’s most advanced and secure bicycle and eBike center with a heated, separated entry ramp for safe four-season car-free transportation.</p>
<b>C. Land Use</b> <i>Proposed land uses and if it is a development that includes residential housing type, mix, sizes, and anticipated sale prices, the percentage of affordable units to be included; special design characteristics that may be needed to assure affordability.</i>
<p>The concept aims to fully meet the Land Use objectives for the site as articulated in the BVCP (High Density Residential) and in the City’s RH-5 Zoning District designation. The proposed concept also includes a highly novel allocation of subsidized on-site units for each of the three anticipated full-time employees. All remaining units will be for-rent at the market-rate. A multi-million dollar cash-in-lieu payment will be made to support off-site affordable housing development.</p>

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**LAND USE REVIEW RESULTS AND COMMENTS**



**City of Boulder  
Planning & Development Services**

DATE OF COMMENTS: **October 27, 2022**  
CASE MANAGER: **Karl Guiler**  
PROJECT NAME: **2747 GLENWOOD COURT**  
LOCATION: **2747 GLENWOOD COURT**  
REVIEW TYPE: **Concept Plan Review & Comment**  
REVIEW NUMBER: **LUR2022-00037**  
APPLICANT: **JOE COUGHLIN, ESA ARCHITECTURE PLANNING  
GLENWOOD II, LLC**  
DESCRIPTION: **CONCEPT PLAN & REVIEW: Request for citizen, staff, and Planning Board input on a proposal for a redevelopment proposal of 2747 Glenwood Court. The proposal includes demolition of the apartment complex and redevelopment of attached multi family and town house project constructed atop a new underground vehicle storage and parking structure. The new development is proposed to include a separated multi family building comprised of 102 efficiency living units (ELUs), 15 two-bedroom units, and 6 three-bedroom units, two townhouse buildings containing 7 units each, and a leasing building.**

## **I. REVIEW FINDINGS**

This application will be neither approved or denied, but rather is an opportunity for the city staff, the Planning Board, and the public to comment on the general aspects of the proposal. Refer to review comments below for staff's initial review comments and information regarding the Planning Board hearing.

An analysis of the proposed land use, building and site design and found within this document below. Overall, staff has found the proposed redevelopment of the site with 123 dwelling units in the form of ELUs, attached housing and townhomes appropriate for the site and largely consistent with Boulder Valley Comprehensive Plan (BVCP) policies on infill development, diversity of housing types and for mixed-use along the North 28th Street corridor. Planning Board assessment of the project is tentatively scheduled for Dec. 20, 2022.  
(Karl Guiler, Senior Policy Advisor, [guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov))

## **II. CITY REQUIREMENTS**

The section below addresses issues that must be resolved prior to project approval.

## **III. INFORMATIONAL COMMENTS**

1. A portion of the multi-family complex appears to lie within the outer wetland buffer zone. During Site Review, provide wetland and buffer zones over a site plan to better determine permit requirements. If the structure is found to be in the outer buffer, a Standard Wetland Permit Application (public process) will be required as a condition of TEC DOC approval.
2. **Access / Circulation**, David Thompson, [thompsond@bouldercolorado.gov](mailto:thompsond@bouldercolorado.gov) staff encourages the applicant's design team to look for opportunities to provide multi-modal access between Glenwood Court and Elmer's Two Mile Path through the site in meeting the site review criteria for circulation.
3. **Addressing**, Alison Blaine, Address Administrator, [blainea@bouldercolorado.gov](mailto:blainea@bouldercolorado.gov)  
Each new building is required to be assigned a street address following the city's addressing policy. The city is required to notify utility companies, the County Assessor's office, emergency services and the U.S. Post Office of proposed addressing for development projects. Please submit an Address Plat and list of all proposed addresses as part of the Technical Document Review process.

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4. **Affordable Housing**, Sloane Walbert, walberts@bouldercolorado.gov
  - a. Each new residential unit developed on the property is subject to 9-13 B.R.C., 1981, "Inclusionary Housing" which requires that all residential developments with 5 or more dwelling units contribute 25% of the total dwelling units as housing affordable to low/moderate and middle-income households. The means for satisfying the inclusionary requirement will be reviewed by staff concurrent with any land use review or for those projects not subject to any land use review, prior to application for a residential building permit.
  - b. A Unit and Cash-in-lieu Calculator for estimating the Inclusionary Housing requirement for your development may be found on the city website at <https://bouldercolorado.gov/unit-cash-lieu-calculator>.
  - c. Rental developments may satisfy the inclusionary requirement through the provision of on-site affordable rental units or comparable existing or newly built off-site permanently affordable rental or for-sale units, through the dedication of land appropriate for affordable housing or by payment of a cash-in-lieu contribution.
  - d. Any required documents, including the Determination of Inclusionary Housing Compliance form, must be completed prior to application for any residential building permit. Any applicable cash-in-lieu contribution must be made prior to submittal of a residential building permit.
5. **Bicycle Parking**, David Thompson, thompsond@bouldercolorado.gov it is staff's preference to locate the short-term bicycle parking spaces within fifty feet of the main building entrances consistent with the requirements contained in the Boulder Revised Code for short-term bicycle parking.
6. **Boulder Valley Comprehensive Plan** (Karl Guiler, Senior Policy Advisor, [guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov))  
The Boulder Valley Comprehensive Plan (BVCP) Land Use designation for the site is High Density Residential, which is described in the BVCP as areas generally located close to the University of Colorado, in areas planned for transit-oriented redevelopment and near major corridors and services. Anticipated uses consist of attached residential units and apartment at a density of more than 14 dwelling units per acre. Projects may include some complementary uses implemented through zoning. More information related to BVCP compliance is discussed below under "Concept Plan and Comments".
7. **Building Design** (Karl Guiler, Senior Policy Advisor, [guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov))  
Staff finds that the buildings are scaled appropriately to the area. The buildings would have good articulation and solar exposure. The sawtooth design provides relief to the plane and appropriate visual interest. The architect should contemplate how best to apply materials to the buildings to avoid the buildings appearing too monolithic. The buildings should have high-quality, long-lasting materials applied in a simple manner to avoid buildings looking overly "busy". The architect should also consider more pronounced public or semi-public entries to the buildings as the entrances are not evident. There should be more articulation on the south facing facades where the stairwells are proposed. Lastly, the architect should look at ways to add more roof articulation and pitched roofs to the buildings to avoid long flat roofed expanses and more diversity in building heights on the site. Staff recommends the applicant considering a redesign to the ELU buildings southeast corner which appears to awkwardly transition from the sawtooth pattern to a wall plane parallel to the street. Extending the sawtooth pattern would read better and improve the building's appearance along the street.
8. **Circulation**, David Thompson, thompsond@bouldercolorado.gov in meeting the site review criteria for circulation the applicant should provide unobstructed sight distance where the Elmer's Two Mile Path intersects with the multi-use path / sidewalk on Glenwood Drive.
9. **City Requirements:**  
Will Johnson, JohnsonW@BoulderColorado.gov  
Drainage  
Regarding the city's new storm water regulations and the June 2019 adoption of the updated City of Boulder Design and Construction Standards (DCS), this development is considered an "applicable development". All requirements of Chapter 7 of the DCS apply including (but not limited to) LID Techniques, Quality Design Standard Compliance, Selection and Design of SCM's, Preliminary Infiltration Feasibility Screening, Treatment Approach Selection Criteria, Soil and Infiltration Test, etc.

**10. CONCEPT PLAN REVIEW CRITERIA, SECTION 9 2 13(e), B.R.C. 1981**

**Guidelines for Review and Comment: The following guidelines will be used to guide the planning board's**

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discussion regarding the site. It is anticipated that issues other than those listed in this section will be identified as part of the concept plan review and comment process. The planning board may consider the following guidelines when providing comments on a concept plan:

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

The site is located at 2747 Glenwood Court, which is a north-south street (former cul-de-sac) that connects to the Safeway parking lot due west of 28th Street and north of Glenwood Drive. The site is roughly 3.14 acres and is composed of a lot of 2.868 acres and an outlot of 0.274 acres. With the exception of the Elmer's Two-Mile creek, which runs through the outlot on the site's southwest corner, the site is relatively level. The site was developed in the early 1970s and contains four two-story rectangular buildings. While much of the site includes surface parking lots, there are mature trees throughout the site.

Due to the proximity to the creek, the southwestern portion of the site is impacted by the High Hazard zone, and the 100-year confined to the banks of Elmer's Two Mile and the outlot. The 500-year flood plain impacts the entire site.

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

Boulder Valley Comprehensive Plan (BVCP): The BVCP Land Use designation for the site is High Density Residential, which is described in the BVCP as areas generally located close to the University of Colorado, in areas planned for transit-oriented redevelopment and near major corridors and services. Anticipated uses consist of attached residential units and apartment at a density of more than 14 dwelling units per acre. Projects may include some complementary uses implemented through zoning.

BVCP Policy 2.18, Boulder Valley Regional Center (BVRC) and 28th Street (below), includes specific guidance for Boulder high-intensity commercial center, which also applies to the areas along North 28th Street immediate adjacent to the subject site. Development of the site with a variety of housing types and amenities would be consistent with the goals of Policy 2.18 to encourage mixed-use, respecting transition areas between the higher intensity along 28th Street and lower intensity uses to the west, and encouraging infill in appropriate places. Redeveloping the site with higher density residential is consistent with the underlying zoning and intent to place residential near multi-modal corridors where residents can take advantage of walkable access to retail uses and transit.

The following other BVCP policies have been found relevant to the proposal:

### **2.03 Compact Development Pattern**

The city and county will, by implementing the comprehensive plan (as guided by the Land Use Designation Map and Planning Areas I, II, III Map), ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area to prevent urban sprawl and create a compact community.

### **2.13 Protection of Residential Neighborhoods Adjacent to Non-Residential Zones**

The city and county will take appropriate actions to ensure that the character and livability of established residential neighborhoods will not be undermined by spill-over impacts from adjacent regional or community business zones or by incremental expansion of business activities into residential areas. The city and county will protect residential neighborhoods from intrusion of non-residential uses by protecting edges and regulating the impacts of these uses on neighborhoods.

### **2.15 Compatibility of Adjacent Land Uses**

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.

### **2.18 Boulder Valley Regional Center & 28th Street**

The city will preserve and enhance the BVRC as a high-intensity regional commercial center while encouraging the addition of a variety of housing types. With its co-location of retail, daily amenities, transportation amenities and housing, the BVRC should provide the opportunity for exemplary walkable neighborhoods. Mixed-use development should exemplify the components of the sustainable urban form definition and include a mix of amenities and activities, including cultural and recreational. The city will pursue regulatory changes to increase housing capacity and reduce the current non-residential capacity in the BVRC while maintaining retail potential. This will be accomplished through analysis to balance the needs of redevelopment in certain areas with strategies that minimize business displacement and with ongoing community outreach. The guiding principles noted after Figure 3-4 will apply to development in the BVRC and along 28th Street north of BVRC (from Spruce Street to Iris Avenue) on properties with a Regional or General Business land use designation. The city will study adjacent areas during the Land Use Code update.

### **2.23 Boulder Creek, Tributaries & Ditches as Important Urban Design Features**

Boulder Creek, its tributaries and irrigation ditches will serve as unifying urban design features for the community with multiple co benefits for a resilient community. The city and county will support the preservation or reclamation of the creek corridors for natural ecosystems, wildlife habitat and cultural resources; for recreation and bicycle and pedestrian transportation; to provide flood management; to improve air and water quality; and to provide a relief from urban development. Path and trail design and development in these greenways will be sensitive to the ecology, terrain, existing easements, privacy of adjacent residents and surroundings. The city and county will support agriculture by recognizing and accommodating irrigation ditch maintenance practices and operations.

### **2.26 Trail Corridors/Linkages**

In the process of considering development proposals, the city and county will encourage the development of paths and trails where appropriate for recreation and transportation, such as walking, hiking, bicycling or horseback riding. Implementation will be achieved through the coordinated efforts of the private and public sectors.

### **2.41 Enhanced Design for All Projects**

Through its policies and programs, the city will encourage or require quality architecture and urban design in all development that encourages alternative modes of transportation, provides a livable environment and addresses the following elements:

- a. Area planning. 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 as the city work plan and resources allow.
- b. The context. Projects should become a coherent part of the neighborhood in which they are placed. Special attention will be given to protecting and enhancing the quality of established residential areas that are adjacent to business areas.
- c. Relationship to the public realm. Projects should relate positively to public streets, plazas, sidewalks, paths 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.
- d. Ditches. Project sponsors should collaborate with irrigation ditch companies on design and construction. Where possible, project elements should educate and inform about the connection between irrigation ditches and agricultural lands.
- e. 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.
- f. Parking. The primary focus of any site should be quality site design. Parking should play a subordinate role to site and building design and not jeopardize open space or other opportunities on the property. Parking should be

integrated between or within buildings and be compact and dense. The placement of parking should be behind and to the sides of buildings or in structures rather than in large street facing lots. Surface parking will be discouraged, and versatile parking structures that are designed with the flexibility to allow for different uses in the future will be encouraged.

g. Human scale and art in public spaces. Projects should provide pedestrian interest along streets, paths and thoughtfully designed public spaces that support a mix of events, destinations and art. Projects should model investment in public art in the city, and the city should encourage individuals, businesses, organizations and

developers to invest in improvements to public spaces through the addition of meaningful, innovative and quality works of art.

h. Permeability. Create permeability in centers with a mix of semi public and public spaces that are connected visually for intuitive navigation. Include civic and cultural uses as well as outdoor seating, shade trees and green spaces in the public spaces to create a unique identity and sense of place. 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.

i. 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.

j. Buildings. Buildings should be designed with a cohesive design that enhances the streetscape and is comfortable to the pedestrian. Buildings should demonstrate approachability and a relationship to the street, with inviting entries that are visible from public rights of way, multiple entrances and four sided design. Foster appeal of buildings through attractive, well designed architecture made of high quality, long lasting materials and innovative approaches to design.

### **3.21 Preservation of Floodplains**

Undeveloped floodplains will be preserved or restored where possible through public land acquisition of high hazard properties, private land dedication and multiple program coordination. Comprehensive planning and management of floodplain lands will promote the preservation of natural and beneficial functions of floodplains whenever possible.

### **3.24 Protection of High Hazard Areas**

High hazard areas are the areas of the floodplain with the greatest risk to loss of life due to floodwater velocity. The city will prevent redevelopment of significantly flood-damaged properties in high hazard areas. The city will prepare a plan for property acquisition and other forms of mitigation for flood-damaged and undeveloped land in high-hazard flood areas. Undeveloped high hazard flood areas will be retained in their natural state whenever possible. To reduce risk and loss, riparian corridors, natural ecosystems, wildlife habitat and wetlands will be protected in these areas. Trails or other open recreational facilities may be feasible in certain areas.

### **4.07 Energy-Efficient Land Use**

The city and county will encourage energy efficiency and conservation through land use policies and regulations governing placement and orientation of land uses to minimize energy use, including an increase in mixed-use development and compact, contiguous development surrounded by open space.

### **4.08 Energy Efficient Building Design**

The city and county will pursue efforts to improve the energy and resource efficiency of new and existing buildings. The city and county will consider the energy consumption associated with the building process (i.e., from the raw materials through construction), improve regulations ensuring energy and resource efficiency in new construction, remodels and renovation projects and will establish energy efficiency requirements for existing buildings. Energy conservation programs will be sensitive to the unique situations that involve historic preservation and low income homeowners and renters and will ensure that programs assisting these groups continue.

### **6.14 Transportation Impacts Mitigated**

Transportation or traffic impacts from a proposed development that cause unacceptable transportation or environmental impacts, or parking impacts, to surrounding areas will be mitigated. All development will be designed

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and built to be multimodal and pedestrian-oriented and include TDM strategies to reduce the vehicle miles traveled generated by the development.

Supporting these efforts, new development will provide continuous multimodal networks through the development and connect these systems to those surrounding the development. The city and county 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.

**6.18 Neighborhood Streets & Alleys Connectivity**

The city recognizes neighborhood streets and alleys as part of the public realm and will plan a well connected and fine grained pattern to facilitate public access, promote safe and convenient travel for all, disperse and distribute vehicle traffic and maintain character and community cohesion. The city recognizes alleys in historic districts as particularly important for maintaining character and providing travel routes for pedestrians and bicycles.

**7.07 Mixture of Housing Types**

The city and county, through their land use regulations and housing policies, will encourage the private sector to provide and maintain a mixture of housing types with varied prices, sizes and densities to meet the housing needs of the low-, moderate- and middle-income households of the Boulder Valley population. The city will encourage property owners to provide a mix of housing types, as appropriate. This may include support for ADUs/OAUs, alley houses, cottage courts and building multiple small units rather than one large house on a lot.

**9.02 Urban Gardening & Food Production**

The city encourages integration of community and private gardens in the city. City incentives include allowing flexibility and/or helping to remove restrictions for food production and sales on private lands and in shared open spaces and public areas. City incentives also include encouraging rooftop gardens and composting and planting of edible fruit and vegetable plants where appropriate.

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

If the applicant moves forward with the proposal, approval of a Site Review application would be required to build the project as proposed. Decision on the application would be based on the Site Review criteria of Section 9 2 14(h), B.R.C. 1981. Submittal requirements are based on those specified in the land use code, including but not limited, detailed site plans, landscape plans, floor plans and elevations, preliminary stormwater and utility plans etc. Site Review is required due to the number of units proposed and the size of the site. Modifications to the front setback and a parking reduction appear to be necessary and would be reviewed as part of the Site Review application. The proposal to have more than 40 percent efficiency living units (ELUs) on the site would also require a Use Review application which would be reviewed concurrently with the Site Review. Use Reviews may only be approved if the criteria set forth in Section 9-2-15(e), B.R.C. 1981 are met.

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

Following Site Review, detailed Technical Documents of the redevelopment would be required and would include final site development plans, landscape plans, and construction drawings (stormwater, utility, transportation etc.). Because some buildings would be within the regulatory floodplain, Floodplain Development Permits for the buildings and parking garage would be required following Technical Document review.

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

The Elmer's Two-Mile multi-use path traverses the site's southwest corner within an outlot. The proposal shows one connection to the path.

CITY OF BOULDER 2747 Glenwood Court Concept Plan  
**LAND USE REVIEW RESULTS AND COMMENTS**

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

The site is largely developed with existing two-story apartment buildings and contains some mature trees. Elmer's Two Mile creek runs along the southwest side of the site.

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

The proposed land use for the site is consistent with the BVCP land use designation for the site (High Density Residential) and the underlying zoning (Residential – High 5) reflects the historic residential usage of the site since the 1970s.

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

As stated above, redevelopment of the site with a range of housing types at a greater density is consistent with the underlying zoning and land use intent for the area as expressed in BVCP Policy 2.18, Boulder Valley Regional Center (BVRC) and 28th Street. Residential uses would have convenient, walkable access to retail and transit along 28th Street and immediate access to the Elmer's Two Mile multi-use pathway.

(Karl Guiler, Senior Policy Advisor, [guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov))

11. Doug Godfrey, **Parks and Recreation Department**, The northwestern portion of the property shares a property line with Elmer's Twomile Park which is Parks and Recreation property. During site review, please provide details for the proposed 'living wall' fence. This should include any relevant details on materiality and proposed plantings.
12. Doug Godfrey, **Parks and Recreation Department**, The northwestern portion of the property shares a property line with Elmer's Twomile Park which is Parks and Recreation property. The landscape plans show new trees for the back yards of the northwestern units. Forestry staff would like to work with the applicant on the type and number of plantings to minimize competition for sun and water resources.
13. Doug Godfrey, **Parks and Recreation Department**, The northwestern portion of the property shares a property line with Elmer's Twomile Park which is Parks and Recreation property. There are approximately 9 trees that are on Parks property and in close proximity to the proposed 'living wall'. Please provide information on the construction methods for the proposed wall. Damage to or removal of public trees will require mitigation.
14. Doug Godfrey, **Parks and Recreation**, Elmer's Twomile Park shares the northwest property boundary with the applicant property. During site review, the Parks and Recreation Department would like to review details associated with the proposed 'living wall'. Please provide details with information on height, materiality, and installation.
15. Doug Godfrey, **Parks and Recreation**, Elmer's Twomile Park shares the northwest property boundary with the applicant property. Please provide information about how the living wall will be installed.
16. Doug Godfrey, **Parks and Recreation**, Elmer's Twomile Park shares the northwest property boundary with the applicant property. There are approximately 9 public trees that run parallel to the proposed living wall fence. Damage or removal of public trees will be subject to mitigation.
17. **Fire Department Access Lane**, David Thompson, [thompsond@bouldercolorado.gov](mailto:thompsond@bouldercolorado.gov) it is staff's preference to install a series of bollards at the entrance of the Fire Department Access Lane at the north end of the site. The center bollard would be lockable and retractable to allow for emergency access yet prevent motor vehicle access. The spacing of the bollards would also permit multi-modal access through the site.
18. **Glenwood Court Right-of-Way Improvements**, David Thompson, [thompson@bouldercolorado.gov](mailto:thompson@bouldercolorado.gov) per Section 9-9-8(g) of the Boulder Revised Code, 1981 and in meeting the site review criteria for circulation the project will be required to replace the non-standard detached sidewalk with a five-foot wide detached sidewalk along Glenwood Court adjacent to the site.
19. **Glenwood Court Right-of-Way Improvements**, David Thompson, [thompsond@bouldercolorado.gov](mailto:thompsond@bouldercolorado.gov) in support of a



CITY OF BOULDER 2747 Glenwood Court Concept Plan  
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parking reduction for the project staff will require the project to widen the Glenwood Court street on the west side by approximately four-feet (inclusive of the gutter pan) in order to allow for on-street parking on the west side of Glenwood Court. Any right-of-way necessary to accommodate the street widening must be dedicated as public right-of-way "in-fee" to the city.

**20. Informational Comments:**

Will Johnson, JohnsonW@BoulderColorado.gov

**Drainage**

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

- Water quality for surface runoff using "Best Management Practices"
- Minimize Directly Connected Impervious Areas (MDCIA)
- Detention ponding facilities
- Water Quality Capture Volume (WQCV)
- Storm sewer construction
- Irrigation Ditches and Laterals
- Groundwater discharge
- Wetland mitigation
- Erosion control during construction activities

2. Discharge of groundwater to the public storm sewer system is anticipated to accommodate construction and operation of the proposed developments. City and/or State permits will be required for this discharge. The applicant is advised to contact the City of Boulder Storm Water Quality Office at 303-413-7350 regarding permit requirements. All applicable permits must be in place prior to building permit application. Additionally, special design considerations for the properties to handle groundwater discharge as part of the development may be necessary.

3. A construction storm water discharge permit is required from the State of Colorado for projects disturbing one (1) acre of land or more. The applicant is advised to contact the Colorado Department of Public Health and Environment.

**Groundwater**

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

**Irrigation Ditches**

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

**Utilities**

1. A water system distribution analysis will be required at time of Site Review in order to assess the impacts and service demands of the proposed development. Conformance with the city's Treated Water Master Plan, October 2011 is necessary.

2. A collection system analysis will be required at time of Site Review to determine any system impacts based on the proposed demands of the development. The analysis will need to show conformance with the city's Wastewater Collection System Master Plan, July 2016.

3. The applicant is notified that, though the city allows Xcel and Qwest to install their utilities in the public

~~June 6, 2020~~  
**CITY OF BOULDER 2747 Glenwood Court Concept Plan**  
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right-of-way, they generally require them to be located in easements on private property.

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

5. 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.

(Other)

1. On-site and off-site water main and wastewater main construction per the City of Boulder Design and Construction Standards (DCS) as necessary to serve the development, as well as perpetuate the overall system, will be required. All proposed public utilities for this project shall be designed in accordance with the DCS. A Utility

Report per Sections 5.02 and 6.02 of the DCS will be required at time of Site Review or Preliminary Plat application to establish the impacts of this project on the City of Boulder utility systems.

2. All proposed public utilities for this project shall be designed in accordance with the City of Boulder Design and Construction Standards (DCS). A Utility Report per Sections 5.02 and 6.02 of the DCS will be required at time of Site Review application to establish the impacts of this project on the City of Boulder utility systems.

3. The applicant should note that trees are not permitted within ten feet of underground utility lines. At Site Review, the applicant will need to demonstrate that their plans can meet both landscaping and utility requirements.

4. Fire hydrants will need to be installed to meet the coverage requirements outlined in Section 5.10 of the City of Boulder Design and Construction Standards. Per the standards, no portion of any building shall be over 175 feet of fire access distance from the nearest hydrant. Fire access distance is measured along public or private (fire accessible) roadways or fire lanes, as would be traveled by motorized fire equipment. All fire hydrants and public water lines will need to be located within public utility easements.

21. **LANDSCAPING**; Chris Ricciardiello; ricciardiello@bouldercolorado.gov; (303) 441-3138; INTERIOR OPEN SPACE, CONNECTIONS, AND LANDSCAPE AREAS: The concept landscape plan provides good detail regarding the intent of the open space and developed gathering areas. Even with the density proposed between the multi-family building and the townhomes, multiple amenity spaces within the landscape have been provided: Grill & Chill space with tables and chairs, the children's Play area, Community Garden, and Courtyard Oasis with lap pool, spa, a diversity of site furnishings, plantings, and outdoor kitchen. The site plan within the displayed concept is somewhat disjointed with non-distinct connections. Explore unifying design and pedestrian corridor treatment with the future Site Review plans.
22. **LANDSCAPING**; Chris Ricciardiello; ricciardiello@bouldercolorado.gov; (303) 441-3138; POLLINATOR GARDEN PROGRAMMING: It is clear at the time of concept plan submittal that the pollinator garden has yet to be comprehensively programmed. Staff assumes at the very least that this area, somewhat distinct and separate from the primary development, will continue to contain the existing channel, a trail corridor, and potentially a detention area for developed runoff. As Site Review documents are prepared, provide narrative and illustrative documentation defining how the pollinator garden will be programmed for infrastructure, recreational purposes, and landscape.
23. **LANDSCAPING**; Chris Ricciardiello; ricciardiello@bouldercolorado.gov; (303) 441-3138; STREET TREES GLENWOOD CT: When landscape improvements are triggered relative to proposed new development in accordance with the Land Use Code Section 9-9-12(b)(1), B.R.C. 1981, the applicant is responsible for providing large maturing street trees (over 45' mature height), 30' – 40' spacing, and a minimum of 10' from underground utilities. See Land Use Code 9-9-13(b), B.R.C. 1981 – Streetscape Design Standards. Street trees proposed for planting shall be deciduous species with an installed size of no less than 2" caliper and shall be selected only from the current City of Boulder Approved Tree List. Examples of acceptable species for this use are State Street Maple, (Fall Fiesta, Caddo, Legacy) Sugar Maple, Western Catalpa, Common Hackberry, Turkish Filbert, Kentucky

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Coffeetree, White Oak, Swamp White Oak, Bur Oak, Japanese Pagodatree, (Accolade or David) Elm. If deviating from one of these species, coordinate selection with staff as the Approved Tree List on the City's website is not current. Provide additional street tree information in the Site Review submittal to include street tree plantings as defined above while specifying multiple approved species in accordance with Table 3-2 of the Boulder Design and Construction Standards to ensure plant diversity.

24. **LANDSCAPING**; Chris Ricciardiello; ricciardiello@bouldercolorado.gov; (303) 441-3138; **STREET TREES**  
GLENWOOD DR: Standard streetscape requirements would have new development setting aside planting strips (tree lawn) along all adjacent rights of way. Associated with the Glenwood Dr. right-of-way is a widened concrete sidewalk/trail used as a multipurpose trail. The Site Review submittal should explore the reorientation of the streetscape along Glenwood Dr., realigning the existing trail to the north and establishing an 8' planting strip directly behind the Glenwood Dr curb to allow for street tree plantings in accordance with Land Use Code 9-9-13, B.R.C. 1981 – Streetscape Design Standards. Provide clarity on the Glenwood Dr streetscape within the future Site Review submittal.
25. **Motor Vehicle Parking**, David Thompson, thompsond@bouldercolorado.gov the garage layout does not include any parking dimensions. Please ensure the site plans label the design elements of the parking area in the garage to demonstrate compliance with the city's motor vehicle parking design standards contained in contained in Section 9-9-6(d), B.R.C. 1981.
26. **Neighborhood Comments** (Karl Guiler, Senior Policy Advisor, [guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov))  
Please note that there are several neighbors who have written or called the city regarding this project voicing concerns about parking and traffic. Written comments are attached to these comments for reference. Given the interest in the site and the size of the project, staff recommends an online good neighbor meeting held by the applicant prior to the Planning Board meeting. Please contact the case manager for more information on setting this up.
27. **Off Street Delivery / Loading Space**, David Thompson, thompsond@bouldercolorado.gov at the time of site review please ensure an off-street delivery / loading space is shown on the site plans and discussed in the project's written statement.
28. **Parking Management Plan**, David Thompson, thompsond@bouldercolorado.gov a Parking Management Plan will be required to support the requested parking reduction for the project. The Parking Management Plan must implement the parking principles of shared, unbundled, managed, and paid (SUMP) for the parking to be provided on the site.
29. **Parking Study**, David Thompson, thompsond@bouldercolorado.gov at time of site review application a Parking Study is required in support of any requested parking reduction for the project. The Parking Study can be included as part of the Project's TDM Plan.
30. **Review Process** (Karl Guiler, Senior Policy Advisor, [guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov))  
Per Section 9 2 14, B.R.C. 1981, the project requires Concept Plan review and comment, because the project exceeds 2 acres in size and 20 dwelling units per Table 2-2 of Section 9-2-14, B.R.C. 1981. The Concept Plan is also an opportunity for the applicant to get comments from the community about the proposed plan before moving forward. "Concept Plan Review and Comment" requires staff review and a public hearing before the Planning Board. Planning Board, staff and neighborhood comments made at public hearings are intended to be advisory comments for the applicant to consider prior to submitting any detailed plan documents.
31. **Site Access**, David Thompson, thompsond@bouldercolorado.gov consistent with the city's design standards the two access points serving the site must be constructed as a driveway ramp for a detached sidewalk consistent with technical drawing 2.21 from the City of Boulder Design and Construction Standards.
32. **Site Design** (Karl Guiler, Senior Policy Advisor, [guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov))  
Staff finds that the general layout of buildings and amenities is logical and appropriate for the site. Housing in the proposed location is also appropriate as the sites connects to the city's multi-use path system and has transit and retail options within walking distance of the site. Further, the building siting is appropriate as the buildings would address the public realm (streets and multi-use path) and parking is either provided below buildings or behind

CITY OF BOULDER 2747 Glenwood Court Concept Plan  
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buildings. One area for improvement would be the parking along Glenwood Court just south of the proposed leasing building, which should be better screened from the right-of-way. The site appears to have a good mix of open space uses and amenities with plazas as gathering spaces framed by the buildings with southern sun exposure. There is also a pool and children's play area that are appropriately placed.

To soften the site, help mitigate urban heat island effect and provide more options for open space and eventually mature sized trees, consider more greenspace and lawn for the site. Much of the leftover space of the site is largely remnant space that is not necessarily useable and many trees will likely not grow very large since they are positioned over the subterranean garage. At time of Site Reviews, it will be very important to provide more information on how the trees will be planted in vaults and how they will be successful. Additional information on the pollinator garden should also be provided to demonstrate that the space will not turn out as an unattractive stormwater detention area.

33. **Traffic Study**, David Thompson, [thompsond@bouldercolorado.gov](mailto:thompsond@bouldercolorado.gov) the Traffic Impact Analysis (TIA) prepared by Y2K Engineering will be reviewed as part of the site review application for the project. Please ensure the TIA is revised, as necessary, to account for any land use changes on the site. The engineering consultant should anticipate revising the TIA to address staff's review comments as part of the site review application
34. **Transportation Demand Management (TDM)**, David Thompson, [thompsond@bouldercolorado.gov](mailto:thompsond@bouldercolorado.gov) at time of a site review application, a Transportation Demand Management (TDM) Plan consistent with the requirements contained in Section 2.03(I) of the City of Boulder Design and Construction Standards and Section 9-2-14(h)(2)(D)(iv) and (v) of the B.R.C. 1981 is required to be submitted which outlines strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternative modes of travel.

35. **Zoning** (Karl Guiler, Senior Policy Advisor, [guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov))

Site size

Per the submitted survey, the total site area included is 3.14 acres. The site is composed of Lot 1 at 2.868 acres and an outlot of 0.274 acres. The plan documents indicate a lot size of 3.18 acres. Please ensure the subsequent Site Review package avoids any conflicting information as this minor discrepancy does impact the total proposed number of dwelling units.

Subdivision

No replatting proposed or anticipated.

Uses

Residential uses are allowable uses. However, efficiency living units (ELUs) are allowed by right if less than 40 percent of total units in the building are ELUs. If more than 40%, a Use Review would be required. With nearly 75% of the units as ELUs, a Use Review would be applicable to this development along with the required Site Review.

Density

The allowable density of residential units on the site is one unit per every 1,600 square feet. Based on the total 3.14 acres of the site, a total of 85 dwelling units would be permitted on the site. The plans indicate a total of 86 dwelling units which appears to be determined by the 3.18-acre figure discussed above. A total of 137 units are proposed for the site, but as two ELUs qualify as one dwelling unit per the code the proposal is within the allowable limits excepting the one unit discrepancy discussed above.

Building Heights

The maximum permitted height in the RH-5 zoning district is 35 feet. Buildings appear to meet the 35-foot height limit, but please note that the height is measured from the low point 25-feet from each building's tallest side.

Building Massing

Per Table 8 1, of Section 9 8 1, "Intensity Standards," B.R.C. 1981, the RH-5 zone has no floor area ratio limitation. Building massing is determined by a combination of the underlying setbacks and height limits and conformity with the Site Review criteria of Section 9 2 14(h), B.R.C. 1981.

Building Setbacks

Chapter 9 7 of the Land Use Code specifies the required setbacks for the buildings. Setback modifications can be considered in the Site Review process and can be approved if the criteria of Section 9 2 14(h), B.R.C. 1981 are



~~City of Boulder~~ 2747 Glenwood Court Concept Plan  
**LAND USE REVIEW RESULTS AND COMMENTS**

met. It appears that setback a modifications to the 25-foot front yard setback would be required at time of Site Review.

Development Standards

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

Parking

The parking standards are found in section 9 9 6, B.R.C. 1981. Parking for the residential uses required is as follows:

- 1 for 1-bedroom DU or ELU
- 1.5 for 2-bedroom DU
- 2 for 3-bedroom DU
- 3 for a 4 or more bedroom DU

Unit Type	Number of Units	Number of Bedrooms	Required Parking
Townhomes	14	3	2 X 14 = 28
Attached Dwelling Units	6	3	2 X 6 = 12
Attached Dwelling Units	15	2	1.5 X 15 = 22
ELUs	102	1	102
TOTAL			<b>164 spaces required</b>

Staff's calculation for required parking is 164 required spaces per the table above. This differs from what is in the plan packet. Staff's calculation would be nearly a 15% parking reduction, which if pillars are added to the garage, would require a larger reduction. Parking reductions for residential projects may only be approved as part of the Site Review process.

It also appears that a modification to the parking stall dimensions would be required as the plans indicate that the vast majority of parking stalls are compact when the number of compact stall is typically no more than 40% of the required spaces.

The Land Use Code would require at least 246 bicycle parking spaces with 184 as long-term space and 62 as short-term spaces. These minimums appear to be met per the plans. The number, design and locations will be reviewed in more detail at the Site Review stage.

Open Space

Open space would be subject to the requirements of 9-9-11, "Useable Open Space," B.R.C. 1981 and the open space criteria within the Site Review criteria (9 2 14(h)(2), B.R.C. 1981). The RH-5 zone requires 600 square feet of open space per dwelling unit. Roughly 85 units would require 51,000 square feet of open space (2 ELUs would require 600 sf of open space). The plans indicate that the site would include over 85,000 square feet of open space. At time of Site Review, this measurement would have to be confirmed to meet the requirements referenced above. Prior to Planning Board it would be helpful to clarify what is intended to be used as "interior" open space included in the total open space for the site.

Outdoor Lighting

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

Solar Access

Per section 9-9-17, "Solar Access," B.R.C. 1981, the site is within Solar Access Area II, which has a 25-foot regulatory solar fence. Section 9-9-17(3), B.R.C. 1981 states Solar Access Area II are "designed to protect solar access principally for rooftops in areas where, because of planned density, topography or lot configuration or orientation, the preponderance of lots therein currently enjoy such access and where solar access of this nature would not unduly restrict permissible development. SA Area II includes all property in RL-2, RM, MU-1, MU-3, RMX, RH-1, RH-2, RH-3, RH-4, RH-5 and I zoning districts."

CITY OF BOULDER 2747 Glenwood Court Concept Plan  
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Occupancy of Dwelling Units

Please note the occupancy limits set forth in Section 9 8 5 for the residential uses proposed for the site.

**36. Zoning History:**

City records indicate that property was annexed in 1965 and was developed with four apartment buildings totaling 48 dwelling units in 1972. No prior Planned Unit Developments or other such approvals apply to the property. (Karl Guiler, Senior Policy Advisor, [guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov))

- 37. Zoning:** The site is zoned Residential – High 5 (RH-5). RH-5 areas are described in Chapter 9 5 of the Land Use Code as high-density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment buildings, and where complementary uses may be allowed. (Karl Guiler, Senior Policy Advisor, [guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov))

**IV. FEES**

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



6500 East Arapahoe, PO Box 9011  
Boulder, CO 80301

**Planning Office**  
720-561-5794  
Fax: 720-561-5118  
[www.bvdsd.org](http://www.bvdsd.org)

October 21, 2022

City of Boulder  
Planning and Development Services  
Attn: Karl Guiler  
P.O. Box 791  
Boulder, CO 80306

RE: 2747 Glenwood Ct.

Dear Karl:

Thank you for submitting the 2747 Glenwood Ct. redevelopment referral application for review by the Boulder Valley School District (BVSD). BVSD reviews development application in terms capacity impacts on neighborhood schools and impacts on school land or facilities. This new development application proposes to add 123 apartment and 14 townhome units with an expected maximum student impact of 14 additional students in the Columbine Elementary, Casey Middle and Boulder High school feeder system. The current school capacity status including this project's impacts are as follows:

School	Current Capacity Status (Oct. '21)				Project Impact		
	Student Population*	Program Capacity '21	School Enrollment	Perc. Capacity	Student Impact	New Enrollment	New % Capacity
Elementary	507	590	362	61.4%	7	369	62.5%
Middle	568	743	499	67.2%	3	502	67.6%
High School	2440	1990	2123	106.7%	4	2127	106.9%
Total	3515		2984		14		

\*represents the number of BVSD students for the given grade level living within the attendance area.

BVSD can serve this development at all grade levels with existing capacity. Although Boulder High School is currently operating above their program capacity, the school has a sizeable open enrollment population that can be managed to accommodate additional neighborhood students.

If you have any other questions, concerns, or further clarifications, feel free to contact me at 303-245-5794 or via e-mail at [glen.segrue@bvdsd.org](mailto:glen.segrue@bvdsd.org).

Sincerely,

Glen Segrue, A.I.C.P.  
Senior Planner

**From:** [laura.schuchat](#)  
**To:** [Guiler, Karl](#)  
**Subject:** 2747 Glenwood Court  
**Date:** Tuesday, October 25, 2022 1:39:53 PM

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**External Sender**

Kari,

I am a long time resident of Boulder. Having attended CU in the 70s, I have spent the last 22 years as a homeowner in Iris Hollow which is close to the proposed project site. Both neighborhoods are along the bike path.

This project does not belong at this location. Glenwood Drive cannot handle the kind of traffic this project would bring. For walkers and bikers, we have to cross Glenwood to access the continuation of the multi-use path. It is a nightmare even now -- very unsafe; especially since the City erected those white posts to slow traffic down.

How can the City even be considering this is beyond me. Boulder has been ruined by these developers coming in and being allowed to erect these sorts of projects. All you have to do is look at what's happened on 30th Street.

Just my two cents but it would be so disappointing if the City allowed something like this in a quiet neighborhood. This kind of density -- with the people and cars it would bring -- would only further what is already out of control development in Boulder.

Thank you,  
Laura



**From:** [Barry Erdman](#)  
**To:** [Guiler, Karl](#)  
**Subject:** Re: 2757 Glenwood ct  
**Date:** Wednesday, October 19, 2022 12:21:56 PM

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Thanks Karl.

It would be great to share plans with a neighborhood meeting. As to what to convey to the applicant... off the cuff... here's a few thoughts. I'll let you decide if it's appropriate to forward them onto the applicant...

It was very disturbing and sad to see all the trees cut down on that property recently. Including what might have been the last remaining apple tree possibly a remnant of the fruit orchard that might have been there back in time along the fence? If it's true that there was an fruit orchard or farm on that cite, would the developers be willing to incorporate some kind of memorial reflecting the history of the property?

The usual request to consider minimizing the environmental impact on the neighborhood and construction noise and traffic which will affect the neighboring residents during construction. Many residents work from home in our Willow Brook HOA and nearby off of Glenwood.

Also, I wonder if some attention can be given to enhancing the boundary of the property facing the Elmer's Two Mile bike path. Are they planning to incorporate a dividing boundary wall or fence facing the path? Would the developer be willing to consider incorporate some kind of friendly environmental public art (sculpture, nature theme, curves, stones, etc), should their plan be leaning towards a more impersonal urban (angled, metallic, industrial, etc.) style?

-barry