



City of Boulder Planning & Development Services

CITY OF BOULDER

LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **February 25, 2020**
CASE MANAGER: **Sloane Walbert**
PROJECT NAME: **WATERVIEW**
LOCATION: **5801 ARAPAHOE RD**
REVIEW TYPE: **Site Review**
REVIEW NUMBER: **LUR2019-00021**
APPLICANT: **BILL HOLICKY, COBURN PARTNERS**
DESCRIPTION: **Request to develop a 14.88-acre vacant property with 317 residential units and roughly 16,000 square feet of ground floor commercial space for office, retail, and restaurant uses. The proposal includes constructing 10 buildings surrounding a loop drive, with one access from Arapahoe Avenue. Four hundred twenty two parking spaces are proposed, 294 of which are located in a central parking structure. The development would include 25% permanently affordable housing. Proposed residential units would consist of 133 efficiency units (less than 475 square feet), 144 one-bedroom, 18 two-bedroom, and 22 three-bedroom units. Buildings would be 3- and 4-stories in height, with the exception of the community building that would be 2-stories. Refer to LUR2019-00022 for companion use review.**

REQUESTED MODIFICATIONS FROM THE LAND USE REGULATIONS:

As part of the application the applicant requests the following:

- Approval of vested rights pursuant to Section 9-2-20, "Creation of Vested Rights," B.R.C. 1981;
- Modifications to Section 9-7-5, "Building Height," B.R.C. 1981 to permit the following:
 - Building 1 at 42.5' in height where 35-feet is the by-right limit in the zone;
 - Building 2 at 43' in height where 35-feet is the by-right limit in the zone; and
 - Building 10 at 54' in height where 40-feet is the by-right limit in the zone.
- Modification to Section 9-7-1, "Schedule of Form and Bulk Standards", B.R.C. 1981 to permit four stories where three are permitted for Building 10, within the Industrial - General (IG) zone.

I. REVIEW FINDINGS

Additional information and revisions to the plan documents are required as indicated below. Revised plans must be submitted by 4/25/2020 for this application to remain active. Please contact staff with any questions or concerns. Refer to 'Next Steps' comments below.

I. CITY REQUIREMENTS

The section below addresses issues that must be resolved prior to project approval.

Access/Circulation

David Thompson, 303-441-4417

1. Staff was unable to locate the plan sheets in the resubmittal that shows the easements and right-of-way to be dedicated for emergency access and to accommodate the public improvements. At time of resubmittal please include a plan sheet that addresses staff's previous comment that is repeated below:

The site review application does not include a sheet showing the required right-of-way / easements that must be dedicated for the proposed project:

- a. Per section 2.10 of the City's Design and Construction Standards (DCS) please revise the site review application to include a separate sheet showing the emergency access easement to be dedicated across the internal private streets for the emergency access lane;
- b. Per section 2.10 of the DCS please revise the site review application to include a separate sheet showing the emergency access easement to be dedicated for secondary emergency access to the site.

Per Section 9-9-8(d) of the B.R.C. 1981 and technical drawing 2.61.A of the DCS the right-of-way and public access easements required for the State Highway 7 (Arapahoe Ave) public improvements.

2. Per staff's previous comment. A CDOT access permit will be required for the two curb-cuts being proposed with the project because Arapahoe Ave is also State Highway 7. The CDOT access permits must be applied for concurrently with site review submittal for preliminary CDOT approval and must have final approval prior to final engineering plan approval. CDOT access permits must be reviewed and approved through a separate Technical Document Review process. Application materials and requirements are located on the 3rd floor of the Park Central Building and can also be found on the city's web-site.
3. This is a follow-up to staff's previous comment regarding sight triangles. Please revise the engineering plan to label what the sight triangle represents consistent with the requirements contained in the SHAC.
4. This is a follow-up comment regarding accessibility from the building site to the dog run and the amenity area. The engineering plans show the construction of stairs that are not shown on the landscape plans. Please revise the plans to address this discrepancy. Also, please revise the site plans to provide an accessible route, on the site, from the buildings to the dog run / amenity area.
5. This is a follow-up to staff's previous comment regarding the enhancements to be constructed at the existing transit stop. The site review plan drawings do not show a standard RTD transit stop per RTD's standard drawing SD-C120. To address this comment please revise the site review drawings to show the standard RTD concrete boarding area, a standard RTD shelter pad with a standard RTD transit shelter being installed on the shelter pad.
6. This is a follow-up to staff's previous comment regarding the RTD transit shelter to be provided in support of meeting the site review criteria for circulation contained in section 9-2-14(g)(2)(D) B.R.C. 1981. Please revise Tables 2 and 4 of the project TDM Plan to replace "A standard RTD transit shelter pad and a standard RTD transit shelter will be provided if allowed by RTD" with "This project will enhance the existing transit stop on westbound Arapahoe Ave to include the construction of a concrete boarding area and shelter pad and the installation of a standard RTD transit shelter.
7. Traffic Study - Per staff's previous comment please revise the traffic study to include the benefits of providing the proposed westbound to eastbound u-turn lane.
8. The information shown in the mitigation column of Table 1 of the Traffic Study has not be discussed consistent with the format requirements for a Traffic Study discussed in Section 2.03 of the DCS. Please revise the Traffic Study to include a separate scenario / discussion for the proposed mitigation measures that include a detailed discussion of the recommendations. Please contact staff prior to addressing this comment.
9. TDM Plan: Staff would like to schedule a meeting with the project team to discuss the trip reduction being proposed along with the TDM Strategies included in the project's TDM Plan. Staff will contact LSC to schedule the meeting.

10. Pursuant to Section 2.04 of the DCS please revise the preliminary design of the 3/4 movement barrier island to:
- Provide 12' wide lanes exclusive of the gutter pan;
 - re-align the multi-use path so that the travel way of the path does not encroach on the gutter pan of the barrier island;
 - reduce the radius of the curb radii to 25' and shorten the length of the radius;
 - locate the barrier island such that a two-foot clearance is provided between the edge of the bike lane and the curb face of the barrier island;
 - demonstrate the 12' wide lanes and curb radii can accommodate the trucks expected to access and exit the site;
11. Arapahoe Ave Multi-Use Path and Bike Lane: Please revise the horizontal control plan to:
- remove the chase drains being proposed across the multi-use path
 - provide clearance separation between the bicyclists and the back / top of the transit shelter;
 - provide a minimum detachment from the back of curb of eight-feet per DCS standards;
 - dedicate a public access easement for the multi-use path where required in order to provide
 - eighteen inches of clearance between the edge of the path and adjacent obstructions per the Boulder Revised Code, 1981.
 - revise the design of the bike lane such that a constant five-foot wide bike lane, exclusive of the curb-and-gutter is provided on westbound Arapahoe Ave and adjacent to the site along the entire length of the site.

Addressing

Sarah Shaffer, 303-413-7128

1. Each new building is required to be assigned a street address following the city's addressing policy. Please prepare a separate Address Plat, which includes a basic site plan, including north arrow, streets and street names and building footprints identified with the proposed addresses. One digital copy (PDF format) should be submitted to P&DS staff for routing and comment alongside the resubmittal. 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. This is considered part of the review process for a project of this size and scope and is in addition to the final technical document approval.
2. Per the City's Addressing Policy, odd numbered addresses shall be on the westerly and northerly sides of the street; even numbers shall be on the easterly and southerly sides of the street. Since all of the proposed buildings are located in the northerly side of Arapahoe Avenue, please revise the address plat to reflect only odd numbered addresses. Additionally, please include the street name after all address numbers indicated on the address plat.

Building Design

Sloane Walbert, 303-441-4231

1. Staff appreciates the design solutions that break up the massing of Building 10. That said, the applicant should give further consideration to designing the structure to be convertible should the need for parking change in the future.
2. Applicant's response to staff comment 2 under "Building Design" in the initial review comments was cut off. Please articulate the project concept and indicate how this concept will be implemented in the building and site design.
3. Please elaborate on the diagram illustrating the sustainable design solutions, including solar analysis of the proposed buildings, green infrastructure, green roofs, pollinator gardens, proposed renewable energy solutions, EV charging stations, multimodal transportation improvements including bike/ped connections to the multi-use path and transit stop.
4. Please provide a typical detail or a universal note that states that all the balcony will be finished on the underside concealing the framing. The renderings indicate a finished underside.

Drainage

Luke McKay, 303-817-5302

1. The outfall drainage pipes running under the multi-use path from the water quality gardens to South Boulder Creek are located on the portion of the property encumbered with a city Trail Easement (Rec. No. 01309207) and Scenic Easement (Rec. No. 00492737). Both easements prohibit the construction of structures and improvements. Moreover, Section 8-6-3 of the BRC prohibits encroachments—including structures—in public easements without first obtaining permission from the city. The definition of structures under Chapter 16 in the BRC cited by the applicant is not applicable to the definition of structures in these two easements. Since the outfall drainage pipes have to be located within the easements, the applicant will need to work with the city to amend both easements in order to permit the pipes.

Scott Kuhna, 303-441-4071

2. Per previous comments from city Open Space staff, some of the proposed drainage structures appear to be located on the portion of the property encumbered with a city Trail Easement (Rec. No. 01309207) and Scenic Easement (Rec. No. 00492737). Both easements prohibit the construction of structures and improvements ("structures and improvements" means storm pipe, flared end sections, rip-rap, etc.). As such, the drainage plans will either need to remove these proposed structures or the applicant will have to submit a request to amend the easements through City of Boulder Open & Mountain Parks.
Corrective Action: Revisions are required.
3. The plans show what appear to be structures in several of the detention/water quality ponds. No encroachment of structures is permitted. Also, easement dedications for all of the ponds is required.
Corrective Action: Revise accordingly.
4. Per previous comments from city staff, the plans show a section of storm sewer and a flared end section connecting at an angle with an existing storm sewer line that runs under Arapahoe Ave. A manhole is required for all bends in storm sewer pipe.
Corrective Action: Revise accordingly.
5. Per previous comments from city staff, the Rain Garden Summary table in the Report needs to include another column with the area of the Basin. This means the area of the drainage basin that is being served by the rain garden. **Corrective Action:** Revise accordingly.
6. Per previous comments from city staff, all storm sewer lines and appurtenances need to be labeled "Public" or "Private". This must occur on the Site Review drawings at this time.
Corrective Action: Revise accordingly.
7. Per previous comments from city staff, because special design considerations to handle groundwater discharge as part of the development may be necessary, a soils engineering and geological report, as well as groundwater monitoring, is required at this time. "At this time" means as part of this Site Review.
Corrective Action: Revise accordingly.
8. All of the rain gardens must be labeled on the Grading and Drainage Plans (A, B, etc.).
Corrective Action: Revise accordingly.

Engineering

David Thompson, 303-441-4417

Staff will be discussing the proposed design shown on the horizontal control plan for the left-turn deceleration lanes and adjacent travel lanes with CDOT and will provide comments back to the applicant by Monday, March 2nd.

Floodplain

Christin Shepherd, 303-441-3425

1. A flood control easement must be dedicated for the area of the revised flood conveyance zone on the property through the subdivision plat. Please show the proposed easement on all applicable plans.

2/21/2020 - Additional Info per comment response letter

The requested flood control easement is for conveyance zone over the entire property.

Section 11-5-6 (e) of the BRC states: No owner of a parcel of land through which a natural drainage way flows as shown on the master drainage plan shall obtain a building permit to develop the property, unless the person first grants to the city at no charge a permanent easement to construct, maintain or reconstruct the channel along the drainage way.

"Along the drainage way" has historically been interpreted as conveyance zone.

2. Permanent structures will not be allowed in the flood control easement, including any footings for retaining wall or fences.
3. Correct statement in Preliminary Drainage Report - Historic Drainage regarding DHI being hired to perform a floodplain analysis to improve the floodplain and conveyance zone functionality, the analysis was performed to correct the floodplain map to document permitted improvements that were not included in the South Boulder Creek floodplain mapping.

2/21/2020 - Additional Info per comment response letter

It does not appear that the referenced section of the drainage report has been updated to specifically address the original correction.

4. The site review will not be approved or supported by staff until the LOMR is approved and effective through FEMA.

2/21/2020 - Additional Info per comment response letter

The LOMR review is currently underway through FEMA, but a final determination has not yet been made. City staff and the applicant are working together to provide necessary documentation for FEMA review.

Landscape

Christopher Ricciardiello, 303-441-3138

1. Where Honeylocust are proposed in an area that may allow for increased potential for trunk damage (such as in turf areas or parking lot islands) replace with an alternate species.
2. See markups on Landscape Sheets.

Luke McKay, 303-817-5302

3. Given the site's proximity to South Boulder Creek and OSMP property interests, please remove *Andropogon gerardii*, *Deschampsia cespitosa*, *deltoides* 'Siouxland' and *x acuminata* from all plant and seeding schedules.
4. Although listed on the Seeding Schedule, the Detention Mix does not appear to be listed on the Landscape Legend or plans. Please clarify if the Detention Mix listed on Sheet LP-100 is intended to be the Wetland Seed Mix and/or Rain Garden Plant Mix. If neither, please clarify which areas are to receive the Detention Mix and provide a seeding and plant schedule for the Wetland Seed Mix and Rain Garden Plant Mix.
5. As a condition of approval, OSMP requests that Scotch thistle, musk thistle and other State listed noxious weeds be removed and controlled on the property.
6. As a condition of approval, OSMP requests that all Russian olives, Siberian elms and crack willow be removed from the property.

Legal Documents

Julia Chase, 303-441-3052

1. It is recommended to resubmit the Vested Rights to set forth the specific elements to be vested, but not specific numbers. Please see the sample provided previously under Use Review comments, but also the following:

Site Review (Case No. LUR2019-00021) for a mixed use project: number of buildings, stories, dwelling units (including percentage of affordable units); building footprints; height exemption; total building floor area; square footage and location of commercial space, community amenity space, office space, retail space, restaurant, and trash enclosures.

Luke McKay, 303-817-5302

2. Scenic Easement & Trail Easement

- As noted on the applicant's ALTA survey, the city's Trail Easement (Rec. No. 01309207) does not align with the city's trail. As a condition of approval, the city will require the legal description of the Trail Easement to be corrected so that it overlays the trail. Since the Scenic Easement (Rec. No. 00492737) covers a portion of the trail, and both easements have similar purposes, one option would be to amend both the Trail Easement and the Scenic Easement and combine them under a single easement agreement. If amended, OSMP may require additional protections and restrictions to the Scenic Easement in accordance with its Conservation Easement Amendment Policy. An amendment of the Scenic Easement could also permit the outfall drainage pipes being proposed by the applicant in their drainage plans.
- Instead of amending both easements, another option for both the city and the applicant to consider would be for the applicant to convey the Scenic and Trail Easements in fee to the city. Please let us know if this is an option you would like to discuss further.
- During its 2019 monitoring visit and subsequent visits to the property, OSMP noticed that there is significant trash, debris and other materials on both the property and in South Boulder Creek. Section 3 of the Scenic Easement prohibits the dumping of "soil, trash, ashes, garbage, chemicals, or any unsightly or offensive material within the scenic area." As a condition of approval, OSMP requests that the property owner carefully remove any trash, debris and materials from the Scenic Easement area in order to be compliant with the terms of the Easement.

Miscellaneous

David Thompson, 303-441-4417

1. TDM Plan - Please revise the language of the plan's introduction to include the proposed +/- 16,000 SF of commercial space with office/retail that also includes a cafe /restaurant space as shown on the title sheet of the site plan.
2. Staff does not support including demand-responsive services as a TDM strategy unless there's a discussion on how the services is an alternative to the single-occupant vehicle.

Open Space

Sloane Walbert, 303-441-4231

1. Thank you for providing detailed open space diagrams. These are helpful in understanding the programming of the spaces and the building relationship to the open space (private or public). Please revise or provide an additional sheet that categorizes the spaces based on the allowances of Section 9-9-11, B.R.C. 1981 and provides calculations for each. An example is attached for your reference. Please also add the open space totals for the IG and RH-4 districts to the open space diagram sheets.
2. Add the boundary of the OS-O land use to the open space diagrams. The OS-O portion of the site may not be utilized for intensity purposes, i.e. required open space.
3. Please include a table that lists the provided private open space for each unit type. Developments within the IG zone district are required to provide 60 square feet of private open space per unit.
4. Open Space: Minimum of forty percent of the required usable open space shall be configured as a common contiguous area that will provide for the active and passive recreational needs of the residents (87,993 square feet). Please identify an area on the open space diagram that provides for the active and passive recreational needs with the use of crosshatching or other method.

Parking

David Thompson, 303-441-4417

1. Per staff's previous comment in meeting the site review criteria for parking contained in section 9-2-14(g)(E) B.R.C. 1981 please revise the site review plans to provide short-term bicycle parking that can accommodate bikes with trailers at the Community Building (Building "G").

2. Per staff's previous comment the short-term bicycle parking being provided on the site doesn't meet the bicycle parking standards contained in section 9-9-6(g) B.R.C. 1981. For example, building A-2 requires seventeen short-term bicycle parking spaces which is more than the ten spaces that's shown on the site plans. Also, the short-term bicycle parking for the ground floor tenant spaces are not located within 50' of the main entrances. Please revise the site plans to show the short-term bicycle parking meeting the standards contained in section 9-9-6(g) of the Boulder Revised Code, 1981.
3. Per staff's previous comment the site plans do not include the design details of the long-term bicycle parking to allow staff to confirm the design requirements of section 9-9-6(g) B.R.C. 1981 are being met. Please revise the site plans to show the design details contained in section 9-9-6(g)(4) are being met to include the clearance being provided between the parked bicycles and the walls of the bike room.

Sloane Walbert, 303-441-4231

4. Staff's calculations indicate that 464 parking spaces are required for the development, which would necessitate a parking reduction. Refer to analysis below.

PARKING STANDARDS - RH-4							
	Residential			Restaurant	Commercial		
	ELU	1-bed	2-bed				
code	1 per	1 per	1.5 per	1 per 3 seats	1:300		
number	63 units	21 units	0 units	98 seats	12480 s.f.		
required spaces	63	21	0	32.67	41.60		
Total	158						
PARKING STANDARDS - IG							
	Residential				Restaurant	Commercial	
	ELU	1-bed	2-bed	3-bed			
code	1 per	1 per	1.5 per	2 per			
number	174 units	42 units	16 units	22 units			
required spaces	174	42	24	66	0	0	
Total	306						
PARKING STANDARDS - SITE							
Total	464						

5. Bike parking calculations are not correct. Staff calculates that 646 spaces are required. Per Table 9-8 two off-street bicycle spaces are required per a dwelling unit. There are no special allowances in this section for efficiency living units.
6. On the "unit counts and motor vehicle parking requirements" chart the units should be categorized as efficiency living units or one bedroom units based on the size of the units for the purposes of calculating parking. Please move the home occupation units to the appropriate category.

Plan Documents

Sloane Walbert, 303-441-4231

1. As previously requested, please provide a material boards for the buildings including paint swatches, masonry, siding, and accent elements. There may have been a miscommunication at the meeting on 1/13/2020. Material boards are necessary for staff review prior to scheduling for Planning Board. All project reviews require material samples. For projects with a unified material palette, submit a materials board that is no larger than 24" x 36". For projects with multiple buildings and varied materials, submit individual materials boards for each building that are no larger than 11" x 17". Securely mount and label small-sized samples of all the exterior building materials and finishes, e.g. paint chips, cladding, window finish, etc. Clearly label the project name, address, case number and building (if applicable) on all the boards.
2. Remove "home occupation" as a unit type in the "residential building occurrences" table in the land use summary chart and move these units to the appropriate bedroom layout type. Note, per the home occupation standards the total area used for home occupation purposes may not exceed one-half the first floor area of the user's dwelling unit.
3. Per Section 9-6-4(f)(6)(C), B.R.C. 1981 the minimum side yard setback from an interior lot line for all principal buildings and uses in the IG district shall be twenty feet. Update the required side yard setback to the west accordingly.
4. Revise the architectural site plan with the actual building setbacks from each lot line, the low point for each building (based on surveyors' analysis), and the high point for each building.
5. Indicate the method of lighting of the upper level of the parking garage on the outdoor lighting plan. Staff would not support the use of pole lights in this area.
6. Please add the OS-O land use boundary to the architectural site plan (Sheet SR-0.2). One of the Site Review criteria requires that a proposed site plan be consistent with the BVCP land use map designation of the property. That means a proposed site plan can be approved only if the site plan is found to be consistent with the land use map. Please provide an architectural site plan showing all improvements proposed within the OS land use designations for staff review.
7. Building Height: Thank you for providing the historical survey for the purposes of calculating building height based on "natural grade". Please have the surveyor prepare a letter or other document for each building that references the historical survey and other methodology used in determining the low point. The document should be signed and stamped by a licensed surveyor, explain what was 'natural grade' in 1971 (date of the citizen ballot initiative that resulted in the change to the charter) in the professional judgment of the surveyor, as well as explaining the methodology of making that determination.
8. Building Height: Please update the building elevations for Buildings 5 and 6 and Buildings 8 and 9 to include the specific low point and high point of the roof for each building. Include the USGS high point of the roof for buildings 3, 7 and 8 on the building elevations and architectural site plan.
9. Building Height: Using the elevations provided Building 4 exceeds 40 feet in height (40.64'). Please correct height calculations and / or design accordingly.
10. Building Height: The elevation for the top of the roof for Building 10 does not appear correct. Using the elevations provided Building 10 exceeds 55' in height (55.45'). Please correct height calculations and / or design accordingly. Per city charter buildings may not exceed 55' in height.

Review Process

Sloane Walbert, 303-441-4231

As previously requested, please submit a preliminary plat to be reviewed concurrent with the site review application. The applicant may consider creating a separate lot for the existing Lot 4A and areas the creek.

Utilities

Scott Kuhna, 303-441-4071

1. Buildings 1, 2, 3, and 4 show the wastewater connections as "8" x 6" Wye Connections", but the existing wastewater main is a 36-inch trunk main. Per the Concept Plan Comments dated Jun 9, 2017: "Please note that private sanitary services are not permitted to tap into the 36" sanitary sewer trunk line that traverses from south to north through the site. A separate sanitary sewer collection system that discharges to the existing trunk sewer(s) at manholes must be constructed."

Corrective Action: Revisions are required.

2. Per the Concept Plan Comments dated June 9, 2017:
 - a. 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 the time of Site Review application to establish the impacts of this project on the City of Boulder utility systems.
 - b. A water system distribution analysis will be required at time of Site Review to assess the impacts and service demands of the proposed development. Conformance with the city's Treated Water Master Plan, October 2011 is necessary.
 - c. 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.

Corrective Action: Revise accordingly.

3. Per city standards, trees need to be located at least 10 feet away from existing or future utilities. The following utility lines (or trees) were identified as not meeting separation requirements.

- Proposed street tree northeast of Building 4 – Proposed wastewater service line
- Proposed trees (3) north of Building 6 – Proposed storm water line
- Proposed trees (6) south of Building 9 – Proposed storm water line
- Proposed trees (2) southeast of Building 7 – Proposed storm water main

Corrective Action: Revise accordingly.

Zoning

Sloane Walbert, 303-441-4231

It appears that the patio railing at Building 1 encroaches into the required 20 foot required front yard landscaped setback. The landscaped setback is intended to be used exclusively for landscaping purposes (grass, ground cover, shrubs, vines, hedges, or trees, etc.). Request a setback modification or modify accordingly.

II. INFORMATIONAL COMMENTS

1. **Addressing**, Sarah Shaffer, 303-413-7128

A copy of the City of Boulder Addressing Policy may be obtained through the CSS Portal (Attachments) or by emailing Sarah Shaffer at shaffers@bouldercolorado.gov.

Once this application has been approved, a Notice of Address Assignment will be prepared, that will include the Final Address Plat, and sent to the organizations mentioned above. After a 10-day wait period, the addresses will be finalized if no issues arise. Building permit for new development on the site should be submitted under the new addresses.

2. **Affordable Housing** Michelle Allen 303-441-4076

a. Affordable Housing Case #AFH2018-00018 has been created for this development and is viewable through the Customer Self Service (CSS) portal.

- b. Compliance with Inclusionary Housing (IH) is not a Site Review Criterion. However, the Housing Planner can use the submitted site and floor plans to determine the IH requirement and check for conformance with IH standards. Applicant must show compliance with IH before a building permit application can be submitted. The applicant has identified which units will be affordable however the applicant should work with the housing planner to finalize the affordable unit locations and mix. Permanently affordable dwelling units provided to meet IH must be proportionate in type and number of bedrooms to the market rate units and meet minimum size requirements.
- c. This development is proposed as 317, attached rental units resulting in a 25% inclusionary housing requirement of 79.25 attached rental affordable units. All IH required affordable units are proposed to be provided on-site. The fraction of .25 may be met with cash-in-lieu.
- d. The unit mix must be proportional to the market mix i.e. 25% each of the 0,1,2,3 bedroom units. Applicant proposes to provide 80 affordable units:

0 BR - 36
 1 BR - 39
 2 BR - 3
 3 BR - 2

Required units are 79 and are as follows: 0 BR - 34
 1 BR - 35
 2 BR - 5
 3 BR - 5

Please adjust the affordable unit mix as follow: 0 BR reduce by 2
 1 BR reduce by 4
 2 BR increase by 2
 3 BR increase by 3

The proposed sizes meet the IH unit size requirements. However, until the larger 2 & 3 BR units are added the overall square footage is below what is acceptable.

Send an updated unit data spread sheet with the above changes to allenm@bouldercolorado.gov and submit the same in your next submittal.

- e. Details about owning and managing affordable rental units may be found in the Rental Compliance Manual online at: <https://bouldercolorado.gov/housing/grants-compliance-and-asset-management>.
- f. The City will retain a Housing Construction Inspector at the applicants cost to inspect and monitor construction of the affordable units. These inspections are intended to ensure the affordable units comply with all affordable housing obligations. An estimate for the inspection cost and details about the inspections will be included in an On-site Agreement.
- g. Permanently affordable dwelling unit finishes must be functionally equivalent to market rate units and will be reviewed to meet the Livability Standards for Permanently Affordable Housing or be equivalent to the market units for the items included in the Livability Standards. The livability review will be conducted on the next submittal.
- h. Any required documents including the Determination of Inclusionary Housing Compliance form, Covenant to secure the permanent affordability of the units, and an On-site Agreement must be signed and recorded prior to application for any residential building permit. Permanently affordable units provided on-site must be marketed and constructed concurrently with the market-rate units.
- i. Additional information about the IH program, a calculator for estimating required affordable units and cash-in-lieu, the Livability Standards and other IH program details may be found on-line at www.boulderaffordablehomes.com.

3. **Architectural Inspections**, Sloane Walbert, 303-441-4231
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. The inspection would occur as a part of the regular building permit inspection process.
4. **Area Characteristics and Zoning History**, Sloane Walbert, 303-441-4231
Refer to [staff's memo to Planning Board](#) on the Concept Plan Review for detailed background information.
5. **Drainage**, Luke McKay, (303) 817-5302, mckayl@bouldercolorado.gov
 - The applicant's drainage plans must maintain historic drainage patterns on the property
 - Some of the proposed drainage structures appear to be located on the portion of the property encumbered with a city Trail Easement (Rec. No. 01309207) and Scenic Easement (Rec. No. 00492737). Both easements prohibit the construction of structures and improvements. As such, the drainage plans will either need to remove these proposed structures or the applicant will have to submit a request to amend the easements.
6. **Drainage**, Scott Kuhna, 303-441-4071
 - A. 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.
 - B. At time of Technical Document Review, the applicant shall submit information (geotechnical report, soil borings, etc.) regarding the groundwater conditions on the property, and all discharge points for perimeter drainage systems must be shown on the plan. The applicant is notified that any proposed groundwater discharge to the city's storm sewer system will require both a state permit and a city agreement.
 - C. All inlet grates in proposed streets, alleys, parking lot travel lanes, bike paths, or sidewalks shall utilize a safety grate approved for bicycle traffic.
 - D. 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.
 - E. A construction stormwater discharge permit is required from the State of Colorado for projects disturbing greater than 1-acre. The applicant is advised to contact the Colorado Department of Public Health and Environment.
7. **Engineering**, Scott Kuhna, 303-441-4071
At time of building permit application, separate Fence/Retaining Wall Permits will be required for any proposed retaining walls and/or fences on the property.
8. **Flood Control**
It is recommended that the applicant develop a Flood Emergency Operation Plan that addresses activities and procedures designed to plan effective response from disaster events.

In accordance with Section 9-3-3(a)(10), B.R.C. 1981, no owner of property that is located in a floodplain and subject to a city rental license under Chapter 10-3, "Rental Licenses," B.R.C. 1981, shall fail to post on the exterior of the premises at the entrance a sign approved by the city manager stating that the property is subject to flood hazard and containing such further information and posted at such other locations inside the building as the city manager may require.
9. **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. It should be noted that the Installation of underground utilities may also provide a conveyance for any contaminated groundwater associated with the properties.

10. **Land Uses**, Sloane Walbert, 303-441-4231

The BVCP Land Use Map depicts a plan of the desired land use pattern in the Boulder Valley. Land use designations in the BVCP serve as the basis for initial zoning designations when properties are annexed into the city or are rezoned. The site is designated as Light Industrial under the Boulder Valley Comprehensive Plan (BVCP) Land Use Map. The eastern lot (5801 Arapahoe Avenue) is bisected by two Open Space designations (Open Space, Development Rights (OS-DR) and Open Space, Other (OS-O)), which contain a multiuse path along South Boulder Creek.

Unlike many other land use designations, OS-O (Open Space, Other) does not have a corresponding open space designation. Also, unlike the other open space land use designations that apply to acquired or deed restricted open space, OS-O is instead defined as aspirational, intended to preserve open space or evaluate open space values for a site through a variety of means and the designation does not guarantee or require the preservation of a property.

11. **Landscaping**, Luke McKay, (303) 817-5302, mckayl@bouldercolorado.gov

- Wetland seed mix consists of invasive, problematic species (reed canarygrass, Garrison foxtail, and climax timothy) and needs to be replaced in its entirety with native, noninvasive species
- OSMP has worked hard and invested significant resources into protecting the native genotype of switchgrass in the South Boulder Creek corridor. Please remove switchgrass from all seed lists
- As a condition of approval, OSMP requests that Scotch thistle, musk thistle and other State listed noxious weeds be removed and controlled on the property

12. **Legal Documents**, Julia Chase, 303-441-3052

The Applicant will be required to sign a Development Agreement, if approved. When staff requests, the Applicant shall provide the following:

- a. an updated title commitment current within 30 days; and
- b. any additional documentation pertaining to signature authority, as may be necessary.

13. **Miscellaneous**, Scott Kuhna, 303-441-4071

A. The applicant is notified that any groundwater discharge to the storm sewer system will require both a state permit and a city agreement. Please contact the City's Stormwater Quality Office at 303-413-7350. All applicable permits must be in place prior to building permit application.

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

14. **Neighborhood Comments**, Sloane Walbert, 303-441-4231

Staff has received a large number of written responses regarding the proposed project, which have been forwarded to the applicant for consideration.

15. **Next Steps**, Sloane Walbert, 303-441-4231

Revisions to the plan documents are required. Please address the comments herein and resubmit **five (5) hard copies** (only one (1) copy of the drainage report) (collated and organized into sets) and **one (1) digital copy** of the revised plans to the front counter of the at the Planning and Development Services Center. The application deadlines for the review track system can be found at <https://bouldercolorado.gov/plan-develop>. Staff is happy to meet with you to discuss these comments in detail at your convenience.

16. **Residential Growth Management System**, Sloane Walbert, 303-441-4231

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 can be found in Section 9-14, "Residential Growth Management System", B.R.C. 1981. All projects that include residential units, including those that meet the exemption criteria, must apply for and receive growth management allocations prior to building permit application.

17. Review Process, Sloane Walbert, 303-441-4231

The proposal is required to undergo a Concept Plan and Site Review because (1) the eastern parcel (Lot 3A) is part of a previously approved P.U.D., and (2) the western parcel exceeds the thresholds for required Concept Plan and Site Review since it is over 5 acres in area. Previously approved valid PUDs may be amended consistent with the provisions of Site Review. A Concept Plan for the proposed project was submitted and reviewed by the Planning Board on August 17, 2017. A Site Review is now required for the proposed project. Planning Board review at a public hearing is required due to the proposed height modifications and request for vested rights.

18. Scenic Easement & Trail Easement, Luke McKay, (303) 817-5302, mckayl@bouldercolorado.gov

- As noted on the applicant's ALTA survey, the city's Trail Easement (Rec. No. 01309207) does not align with the city's trail. As a condition of approval, the city will require the legal description of the Trail Easement to be corrected so that it overlays the trail. Since the Scenic Easement (Rec. No. 00492737) covers a portion of the trail, and both easements have similar purposes, one option would be to amend both the Trail Easement and the Scenic Easement and combine them under a single easement agreement. If amended, OSMP may require additional protections and restrictions to the Scenic Easement in accordance with its Conservation Easement Amendment Policy.
- During its 2019 monitoring visit, OSMP noticed that there was trash, debris and other materials on both the property and in South Boulder Creek. Section 3 of the Scenic Easement prohibits the dumping of "soil, trash, ashes, garbage, chemicals, or any unsightly or offensive material within the scenic area." As a condition of approval, OSMP requests that the property owner carefully remove any trash, debris and materials from the Scenic Easement area in order to be compliant with the terms of the Easement.

19. Utilities, Scott Kuhna, 303-441-4071

- A. Final Utility Plans will be required as part of the Technical Document Review process. All plans shall be prepared in accordance with the City of Boulder Design and Construction Standards.
- B. 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.
- C. Maintenance of sand/oil interceptors and all private wastewater and storm sewer lines and structures shall remain the responsibility of the owner.
- D. 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.
- E. The proposed project includes work within the public right-of-way or public easements. A Right-of-Way Permit is required prior to initiating this construction.
- F. The applicant is advised that at the time of building permit application the following requirements will apply:
 - i. The applicant will be required to provide an accurate proposed plumbing fixture count form to determine if the proposed meters and services are adequate for the proposed use.
 - ii. Water and wastewater Plant Investment Fees and service line sizing will be evaluated.
 - iii. 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.
 - iv. If the buildings will be sprinklered, the approved fire line plans must accompany the fire sprinkler service line connection permit application.

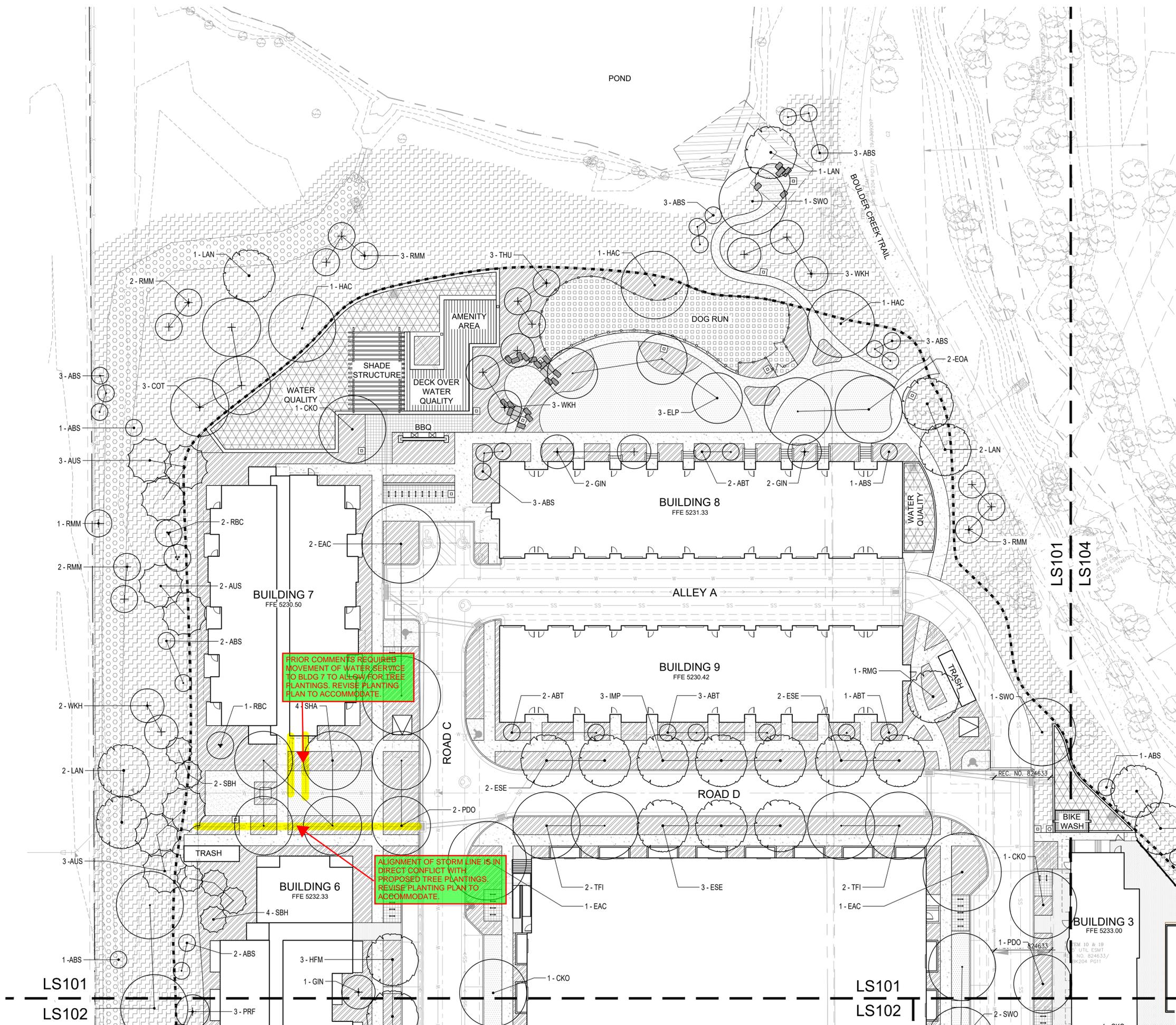
- G. All water meters are to be placed in city right-of-way or a public utility easement, but meters are not to be placed in driveways, sidewalks or behind fences.
- H. All proposed and existing trees shall be located at least 10 feet away from existing or future utilities.

20. **Zoning**, Sloane Walbert, 303-441-4231

The project site is zoned both Industrial General (IG) and Residential High-4 (RH-4). The IG zone district is defined as: *“General industrial areas where a wide range of light industrial uses, including research and manufacturing operations and service industrial uses are located. Residential uses and other complementary uses may be allowed in appropriate locations”*. The RH-4 zone district is defined 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”*.

III. FEES

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



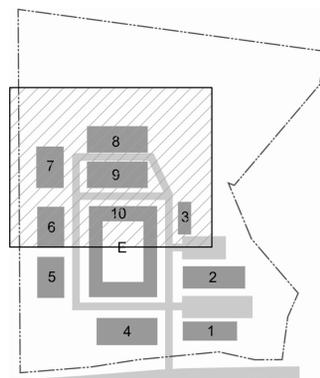
LANDSCAPE LEGEND

- EXISTING DECIDUOUS TREE
PROTECT IN PLACE
- LARGE DECIDUOUS
SHADE TREE
- SMALL ORNAMENTAL/
MULTI-STEM TREE
- EVERGREEN TREE
- ORCHARD TREE
- FENCING
- BENCH
- PLANTER POTS
- GATEWAY
- PEDESTRIAN LIGHTING
- LANDSCAPE BOULDERS
- BICYCLE RACK
- SITE WALL
- STANDARD GRAY CONCRETE
- ENHANCED CONCRETE
- UNIT PAVERS
- CRUSHER FINES
- SHRUBS, ORNAMENTAL
GRASSES & PERENNIALS
- IRRIGATED TURF
- WETLAND SEED MIX
- FOOTHILLS SEED MIX
- RIPARIAN MIX
- RAIN GARDEN PLANT MIX
- GARDEN BEDS / RAISED
PLANTERS



5801 ARAPAHOE AVENUE, BOULDER, COLORADO

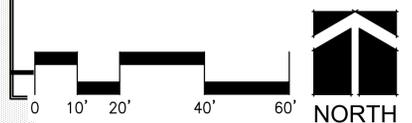
Disclaimer: The buildings illustrated in this submittal are representative of the size, massing, architectural character and detailing. Repeat building types may have their own unique detailing, coloring, and final configuration but will be consistent with the quality of buildings shown in this package. Window locations illustrated on the floor plans are approximate. Final window locations subject to revision dependent upon site specific conditions. See site plan for lot specific building orientation. Lot specific metrics are included on the civil site plan.



KEY PLAN

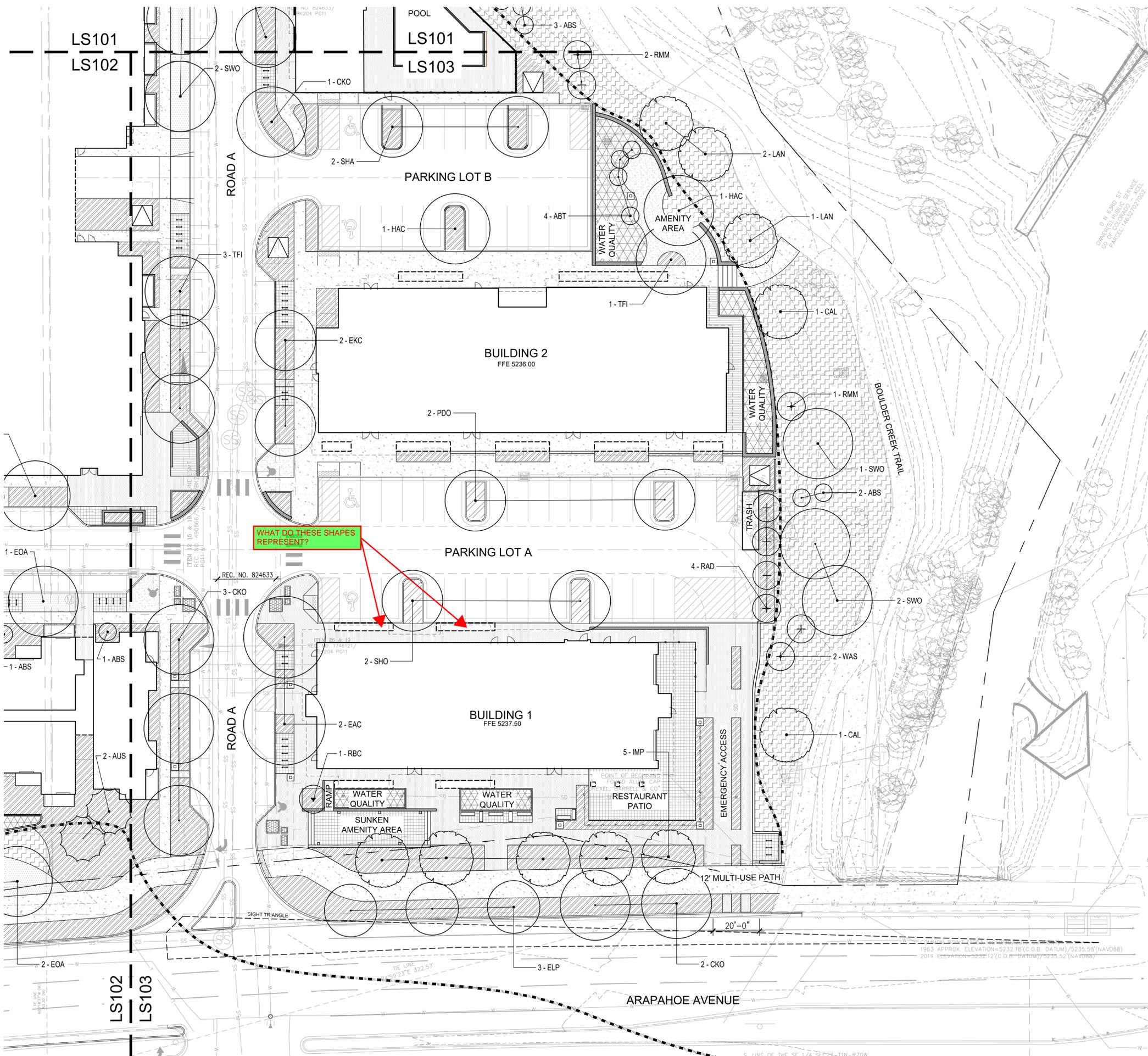
01.27.2020
SITE REVIEW

SHEET NO.
LP-101
Planting Plan



PRIOR COMMENTS REQUIRE MOVEMENT OF WATER SERVICE TO BLDG 7 TO ALLOW FOR TREE PLANTINGS. REVISE PLANTING PLAN TO ACCOMMODATE.

ALIGNMENT OF STORM LINE IS IN DIRECT CONFLICT WITH PROPOSED TREE PLANTINGS. REVISE PLANTING PLAN TO ACCOMMODATE.



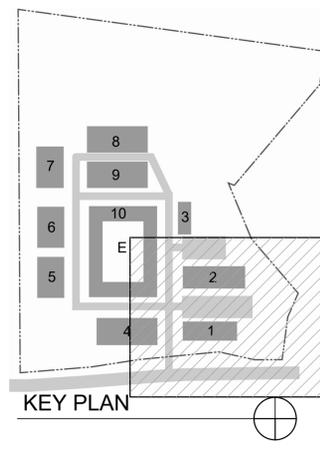
LANDSCAPE LEGEND

- EXISTING DECIDUOUS TREE
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- WETLAND SEED MIX
- FOOTHILLS SEED MIX
- RIPARIAN MIX
- RAIN GARDEN PLANT MIX
- GARDEN BEDS / RAISED
PLANTERS

2560 28TH STREET #200
Boulder, Colorado
p: 303-442-3351
f: 303-447-3933

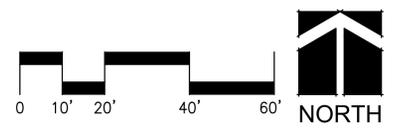
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01.27.2020
SITE REVIEW

SHEET NO.
LP-103
Planting Plan



OPEN SPACE CALCULATIONS

RH-4 Open Space Requirements

39 Efficiency x 0.5 x 1,200 sf/unit	23,400 sf
187 Standard Bedroom Units x 1.0 x 1,200 sf/unit	224,400 sf

Total Open Space Required 247,800 sf

Open Space Compliance Calculations

Refer to Open Space Diagrams provided for specific details

Landscaped Area (Per Section 9-9-11-e1,e2, e3, e5)	
Plantings.....	116,780 sf
Outdoor Activity and Recreation (Pool, Great Lawn)	11,970 sf
Permeable Paving (Fire Service Access)	6,450 sf
Paving (Colored Concrete).....	41,000 sf
Private Balconies (Per Section 9-9-11-f1, Not less than 48")	7,800 sf
Amenity Atriums and Terrace (Per Section 9-9-11-f2).....	3,700 sf
Pedestrian Passageways* (Per Section 9-9-11-f2).....	12,700 sf
Bldg 1,3,4 Amenity Roof Decks (Per Section 9-9-11-e1,e2).....	6,500 sf
Private Terraces (Per Section 9-9-11-f1)	29,650 sf
Right of Way Landscaping (Per Section 9-9-11-f4)	14,850 sf

Total Open Space Provided 251,400 sf

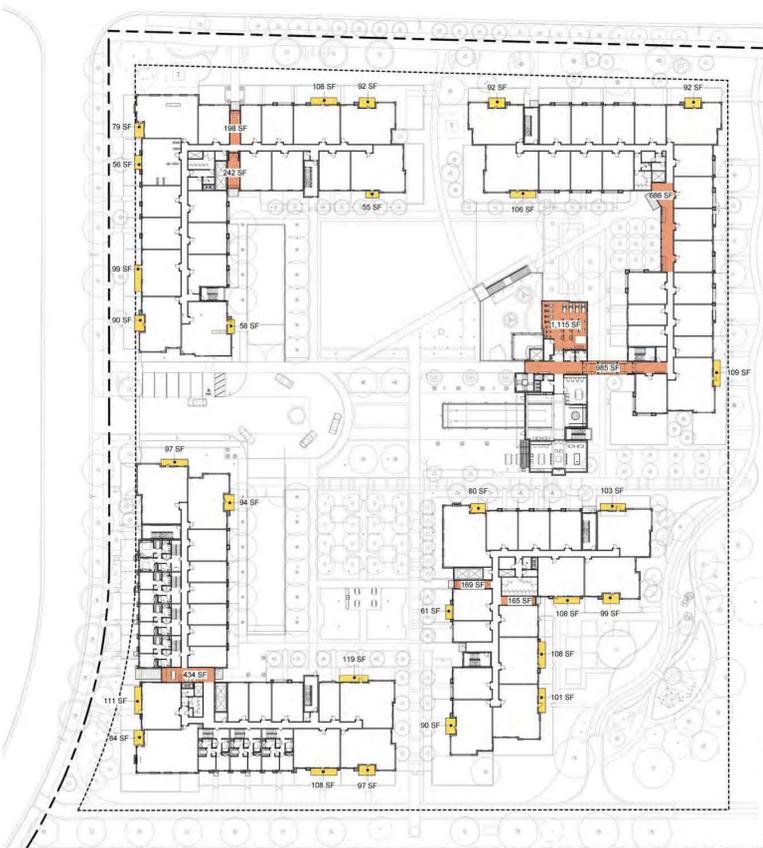
*Pedestrian Passageways to include passive recreational activities, open to the use and enjoyment by the residents. These spaces are twice as wide as the minimum width required by building codes.



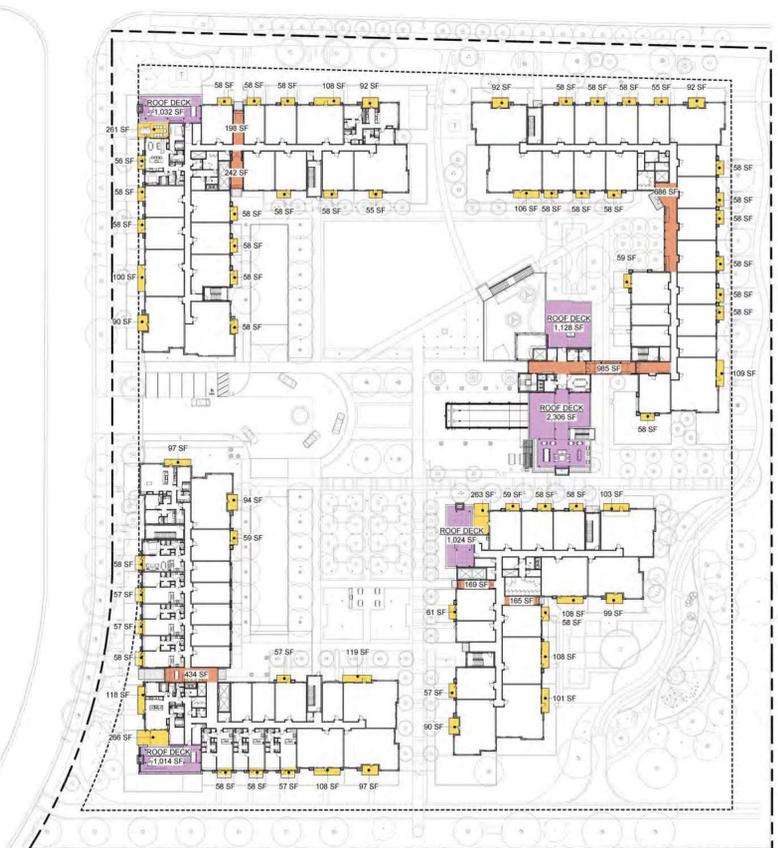
PROPOSED GARAGE PLAN
 1/64" = 1'-0"



PROPOSED GROUND FLOOR PLAN
 1/64" = 1'-0"



PROPOSED SECOND FLOOR PLAN
 1/64" = 1'-0"



PROPOSED THIRD FLOOR PLAN
 1/64" = 1'-0"