CITY OF BOULDER

LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: May 16, 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.

I. REVIEW FINDINGS

Additional information and revisions to the plan documents are required as indicated below. Please contact staff with any questions or concerns.

II. CITY REQUIREMENTS

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

Access/Circulation

1. This is a follow-up to staff's previous comment regarding the requirement to improve the existing westbound RTD transit stop. Please revise Tables 2 and 4 of the project's TDM Plan to replace "if allowed by RTD and the City" with "if allowed by the city's flood regulations".

2. 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.

3. This comment is a follow-up to staff's previous comment to improvement the existing transit stop to RTD standards to also include the installation of an RTD transit shelter. This requirement is in support of the project's trip reduction and the project meeting the site review criteria for circulation. It is staff's understanding the flood regulations will allow the improved transit stop to be located east of the 3/4 access point. RTD Standard drawings SD-A100A and SD-C120 is to be used in the design of the transit stop. As previously conveyed to the applicant's design team the multi-use path is to be constructed behind the transit stop similar to the transit stop recently constructed on eastbound Arapahoe Ave adjacent to 1590 Eisenhower Drive.

4. This is a follow-up comment regarding the width of the turn lanes on Arapahoe Ave. The width of the turning lanes does not match what was agreed upon between staff and CDOT R-4. Please revise the engineering plans to show a 11’ wide turn lane (exclusive of the gutter plan) and a 4’ wide raised median (inclusive of the gutter plan).
5. This is a follow-up comment regarding the raised barrier for the 3/4 access point. Please revise the engineering drawings to provide a two-foot separation between the edge of the Arapahoe Ave bike lane and the face of the curb for the 3/4 raised barrier. Also, add a label that shows a two-foot separation is being provided between the edge of the multi-use path and the face of the curb for the 3/4 raised barrier.

6. Staff supports the project removing the existing ramp that connects the existing multi-use path west of the site to the Arapahoe Ave shoulder. That said, please revise the engineering drawings to clean-up the line work at the west end of the site. The line work shown on the drawings indicates a wide gutter pan being constructed rather than showing the new curb-and-gutter tieing into the existing curb-and-gutter west of the curb ramp that will be removed. Please revise the engineering drawings accordingly.

7. Pursuant to staff's discussion with the engineering project manager please revise the engineering drawing to show the installation of bollards for the emergency access point to prevent unauthorized non-emergency access to / from State Highway 7.

8. Please revise Table 2 of the project's TDM Plan to indicate the applicant will pay the cost of providing Eco-Passes to residents for a period of three years.

9. Please revise Table 4 of the project's TDM Plan to say Eco-Passes will be provided to employees and the applicant will pay the cost of providing employees with Eco-Passes for a period of three years.

10. CDOT R-4 has preliminarily approved the applicant's two State Highway Access Permit Applications with the understanding:

    a. Once the applicant moves to developing the technical construction plans, whatever year that is, CDOT will write the access permit then for the proposed uses of the development;

    b. The applicant still needs to meet CDOT's minimum requirements for submittals, specifically in the hydraulic and materials specialties. If the City requirements for submittals are greater than CDOT's minimum requirements, then the applicant will need to meet the City's requirements;

    c. CDOT will require the installation of bollards for the eastern emergency access point. The purpose of the bollards is to prevent unauthorized non-emergency access;

    d. The inlet, transit stop, curb and gutter, multi-use path and the small carve out for the pedestrian zone shall all be approved by a single special use permit.

11. This is a follow-up comment to staff's previous comment regarding the easements to be dedicated to the city with the project. Please revise the Exhibit - Easement Plan Sheet to replace "access easement" with "public access easement".

12. NEW COMMENT: In accordance with the City's Pedestrian Crossing Treatment Installation Guidelines please revise the site plans to show a marked crosswalk where the multi-use path crosses the private road and include the installation of a streetlight for the crossing.

13. Traffic Study: Please revise the traffic study to show the speed limit Old Tale being 25 mph rather than 20 mph.

14. Traffic Study: Figure 9b - "Year 2040 Total Lane Geometry and Traffic Control" shows a dedicated right-turn lane on westbound Arapahoe Ave at 55th Street which is not discussed in the text of the study. Please revise the study to correct this discrepancy.

15. Traffic Study: Staff does not concur with the LOS analysis for the State Hwy 7 / Old Tale Rd / Site Access intersection in the Year 2023 and Year 2040 scenarios. That's because the scenarios include a LOS analysis that assumes a full movement intersection where the site access intersects with State Hwy 7. Given that CDOT is requiring the 3/4 access point as a condition of obtaining access onto the State Highway there's no purpose or requirement to consider a full movement intersection in the traffic study. Please revise the traffic study accordingly.
16. Traffic Study: The additional iteration of the LOS analyses for the State Hwy 7 / Old Tale Rd / Site Access intersection for the Year 2023 and Year 2040 scenarios must discuss how many (the number) trips were reassigned from the Old Tale Rd / State Hwy 7 / Site Access intersection to the McSorley Lane / Cherryvale Rd intersection and include new LOS calculation for the Old Tale Rd / State Hwy 7 / Site Access that accounts for the reassigned trips and a new LOS calculation for the McSorley Lane / Cherryvale Rd intersection and Cherryvale Rd / State Hwy 7 intersection with the reassigned trips added.

17. Traffic Study: Staff will support the changes being recommended in the signal timings at the Arapahoe Ave / 55th Street intersection provided the changes does not change the pedestrian crossing times. Please confirm this in the traffic study.

Addressing

Sloane Walbert, 303-441-4231
See attached markups. Please include the street name after all address numbers and adjust the street numbering to better fit the street grid and surrounding addresses.

Drainage

Scott Kuhna, 303-441-4071

1. Per previous comments from city staff, 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.

2. The plans now show a manhole connecting the proposed storm sewer line and a flared end section and the existing storm sewer line that runs under Arapahoe Ave, but the manhole lid is in the proposed multi-use path. Relocation of the manhole outside of the path is required.  
Corrective Action: Revise accordingly.

3. Per previous comments from city staff, the Rain Garden Summary table (on page 3) in the Report needs to include another column with the area of the drainage Basin. This means the total area of the drainage basin that is being served by the rain garden.  
Corrective Action: Revise accordingly.

4. 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: Please continue coordinating with city staff.

Floodplain

Christin Shepherd, 303-441-3425

1. Permanent structures will not be allowed in the flood control easement, including any footings for retaining wall or fences. The proposed future deck at the pond area is considered a permanent structure. Additionally, the pond area is a delineated and regulatory wetland. New structures (including decks) or new impervious areas are not allowed in regulatory wetland areas.

2. 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.
Legal Documents
Open Space, Transportation, Engineering

Easements
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 Public Bicycle/Pedestrian/Equestrian Trail Easement (Rec. No. 01309207 and amended at Rec. No. 01309207) and an Open Space Scenic Easement (Rec. No. 00492737). Both easements prohibit the construction of structures and improvements and have purposes to protect the scenic and natural condition of the easement areas.

- Open Space Scenic Easement: The area encumbered with the Open Space Scenic Easement is defined as open space under Article XII, Section 170 of the City of Boulder Charter. In order to amend the Scenic Easement to permit the storm outfall structures currently prohibited. Applicant will need to request a disposal of open space land and comply with Section 177 of the Charter which includes Open Space Board of Trustees approval and recommendation, as well as City Council approval and a 60-day public petition period. City staff recommends Applicant pursue this potential disposal prior to continuing with site plan review.

- Bicycle/Pedestrian/Equestrian Trail Easement: This area includes both OSMP and Transportation easement interests and will need to follow the same disposal process outlined above to meet the requirements of Section 170 of the City of Boulder Charter. Staff is proposing – if a disposal is approved – to amend and replace the existing Open Space and Scenic Easement and Bicycle/Pedestrian/Equestrian Trail Easement with a new easement for preservation of the natural and scenic character of the land, flood control (as required under Boulder Revised Code) and public access that permits the outfall drainage pipes proposed by the Applicant.

Miscellaneous

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.

Parking

Staff appreciates the revisions made to the architectural drawings to address staff's review comment regarding the long-term bicycle parking. However, the architectural drawings do not include the design details to allow staff to confirm the design requirements for long-term bike parking found in section 9-9-6(g) B.R.C. 1981 are being met. Please revise the architectural drawings accordingly.

Please markup the attached table so that staff can verify parking calculations. The response to comments states “The number of units has been miscalculated in the below table, and therefore not representative of the proposed plan. Please see parking analysis and unit count on sheet SR-0.1.” However, the plans do not call out units by type and zone district.

Correct the bike parking portion of the land use chart on Sheet SR-0.1 to list the correct required space (646 spaces) and the proposed spaces of each type.

Plan Documents

Please provide a digital version of the material boards for the buildings including paint swatches, masonry, siding, and accent elements. The boards should include all 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.

As previously requested, revise the architectural site plan with the low point for each building (based on surveyors’ analysis), and the high point for each building.

As previously requested, add the OS-O land use boundary to the architectural site plan (Sheet SR-0.2). The response to comments states that the OS-O land use is not located on the property, which is not correct. See map below.
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

Per previous comments from city staff, 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 trees southeast of Building 7 – Proposed storm water main

Corrective Action: Revise accordingly.

Zoning

Sloane Walbert, 303-441-4231

1. Please request a setback modification for the patio railing at Building 1, which encroaches into the required 20 foot required front yard landscaped setback.

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. As previously requested, 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.

III. INFORMATIONAL COMMENTS

1. Affordable Housing, Michelle Allen, 303-441-4076

   Housing staff and the applicant are in negotiations concerning the number, location, size and level of affordability of the affordable units. Once an agreement has been reached, plans must be updated to show each affordable unit that will be provided in each building. Currently two townhomes in buildings 8 and 9 are proposed as affordable but not shown as such on the plans.

2. 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.

3. 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.

4. Drainage

   The applicant’s drainage plans must maintain historic drainage patterns on the property.

5. 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.

6. **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.

7. **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.

8. **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.

9. **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.

10. **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.
11. **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.

12. **Next Steps**, Sloane Walbert, 303-441-4231
   Revisions to the plan documents are required. Resubmittal materials that address the comments herein shall be uploaded through the “Attachments” tab in the CSS portal (https://energovcss.bouldercolorado.gov/EnerGov_Prod/SelfService/#/home) using the naming conventions in the Electronic Submittal Requirements for Development Review/Plan case document available here: https://www-static.bouldercolorado.gov/docs/Plan_Electronic_Submittal_Requirements_3.20.2020_FINAL-1-2020_3201706.pdf?_ga=2.266446090.540105758.1584975995-770750547.1524584594. Some projects may have multiple plan cases being reviewed concurrently (e.g. site review, use review, parking reductions, etc.). Related plan cases must resubmitted at the same time as indicated by your case manager. Failure to resubmit for related cases at the same time will delay the review process.

   Resubmittals should have the following components:
   - A written response identifying all changes made, saved as a PDF file. (See requirements).
   - FULL set of electronic drawings and/or affected documentation addressing the review comments. (Named as specified in the requirements).
   - Revised plans must include clouding of all changes and the date of ALL revisions. These must be saved as PDFs. (See requirements).
   - ALL documents, including forms and specifications supplied at the time of submittal. This is necessary because staff does not have access to your hard copy submittal materials.

   The application deadlines for the review track system can be found at https://bouldercolorado.gov/plan-develop. Fees shall be paid, and files uploaded to the customer self-service portal for resubmittals by 10 AM on the application deadline. Staff is happy to meet with you to discuss these comments in detail at your convenience.

   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.

   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.
15. **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.

**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.
### PARKING STANDARDS - RH-4

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