



City of Boulder Planning & Development Services

CITY OF BOULDER

LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **August 5, 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

David Thompson, 303-441-4417

1. 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. Staff was unable to find this discussion in the traffic study.
2. Per staff's previous comment please revise the label for the RTD transit stop improvements to include the installation of a standard RTD transit shelter.
3. 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). The design changes shown on the engineering drawings show the left-turn land encroaching into one of the eastbound through lanes.
4. Per staff's previous comment 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. The TDM Plan revisions did not include the word "residents".

Physical Address
1739 Broadway, Third Floor
Boulder CO 80302

Mailing Address
PO Box 791
Boulder CO 80306-0791

BoulderPlanDevelop.net
plandevlop@bouldercolorado.gov
P: 303-441-1880 F: 303-441-4241

5. Per staff's previous comment 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. The TDM revisions did not include the word employees.
6. Per staff's previous comment and in accordance with the City's Pedestrian Crossing Treatment Installation Guidelines please revise the site plans to show and label the installation of a streetlight for the marked crossing. The design revisions for the marked cross-walk do not include the installation of a streetlight.

Addressing

Sarah Shaffer, 303-413-7128

For buildings located behind one another on the addressing grid, smaller numbered buildings should be located toward the front of the development (closer to Arapahoe Rd) and larger numbers allocated to buildings in the rear. Staff's recommendations are:

- Building 1: 5901 Arapahoe Ave;
- Building 2: 5907 Arapahoe Ave;
- Building 3: 5929 Arapahoe Ave;
- Building 4: 5879 Arapahoe Ave;
- Building 10: 5881 Arapahoe Ave;
- Building 9: 5889 Arapahoe Ave;
- Building 8: 5893 Arapahoe Ave;
- Building 5: 5843 Arapahoe Ave;
- Building 6: 5847 Arapahoe Ave;
- Building 7: 5853 Arapahoe Ave.

Drainage

Scott Kuhna, 303-441-4071

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. The first column should be "Basin" and the second column should be "Basin Area". The third column would be "Depth (In)" and so on...

Engineering

David Thompson, 303-441-4417

Civil Sheet C3.0: This comment is a follow-up comment to previous comments made by staff regarding the public access easement to be dedicated to the city and the existing curb-and-gutter on State Highway 7 just west of the site.

On sheet C3.0 please revise the sheet to replace "access easement" with "public access easement" and show the total replacement of the existing curb-and-gutter, rather than a partial replacement as currently shown on the drawing. Please revise the sheet accordingly.

Floodplain

Christin Shepherd, 303-441-3425

1. 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.

2. Grading is shown in the post LOMR conveyance zone on the south side of the property just north of Arapahoe. Grading in the conveyance zone cannot alter existing grades by more than 6-inches without triggering the need for hydraulic analysis to ensure there is no rise in water surface elevations. In previous conversations with JVA engineers, it was mentioned that the hydraulic engineering firm (DHI) had a methodology and explanation that could negate the need for modeling analysis. If this is correct, please include this explanation in the next submission. If the explanation is insufficient, the grading will need to be analyzed in the MIKE FLOOD hydraulic model to ensure no-rise criteria is met.

Regardless if analysis is required or not, grading in the conveyance zone (greater than six inches) will require a public process flood permit (i.e. a permit that goes to planning board for approval and is open to public comment).

If the grading remains as shown (with or without hydraulic analysis) an approved public process flood permit will be a condition of approval for this site review.

In talking with transportation engineering, it appears the multi-use path has constraints that are affecting the grading north of the multi-use path. Could the multi-use path be narrowed? Is there any way to adjust this grading so that change in grade is kept to a minimum (less than 6-inches) and a public process flood permit is not required?

If you would like to discuss over the phone or via video chat I am happy to do so. It is not my intention to have a show-stopping comment, but (on this project in particular) it is critical to keep the project firmly within flood guardrails so that this project can move forward in compliance with all the requirements of FEMA/NFIP and city flood regulations.

Legal Documents

Bethany Collins, 303-413-7646

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

Bethany Collins, 303-413-7646

Based on the current proposal, request to amend/replace the existing easements via a disposal must be submitted to OSMP for review/consideration/approval by OSBT and City Council as required by Article XII of the City Charter. Staff will continue to work with the applicant to review and schedule the request. The OSBT hearing is tentatively scheduled for September 9, 2020.

Parking

David Thompson, 303-441-4417

1. Staff appreciates the revisions made to the architectural drawings to address staff's previous review comment regarding the long-term bicycle parking. However, the architectural drawings do not reference or include the lighting that will be provided for the long-term bicycle parking. Please the architectural drawings to either show or reference the lighting plan being provided for the long-term bicycle parking.

Sloane Walbert, 303-441-4231

2. For clarity please move units less than 475 s.f. in area into the category of "ELU" on the parking table, consistent with the definition in the land use code (Sheet SR-0.1).
3. Staff continues to have discrepancies in the number of required vehicular and bike parking spaces. Please double check these calculations against the updated unit numbers. The rounding rule does not apply until a total number is determined. Staff would support rounding based on zone district requirements. For example, 137.75 required spaced in the RH-4 district could be rounded down to 137 spaces.

Plan Documents

Sloane Walbert, 303-441-4231

1. 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. The response to comments stated that the digital copy was provided at the end of the architectural sheets, but staff was unable to locate it.
2. Please move units less than 475 s.f. in area into the category of "ELU" on the "Residential Building Occurrences" table on Sheet SR-0.1. In addition, please correct the number of units listed on this table and double check these numbers. For example, Building 1 has a total of 26 units, not 28. Eight of these units are located in the IG district. Also, Building 2 has a total of 34 units, not 35 and 8 units are located in IG. Staff counts a total of 268 units within IG zoning.

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

Zoning

Sloane Walbert, 303-441-4231

1. 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. Refer to markup for more information.
2. Thank you for providing the requested open space diagram that categorizes the spaces based on the allowances of Section 9-9-11, B.R.C. 1981 and provides calculations for each. Please correct the amount of open space that is required to be common and contiguous ($219,983 \text{ s.f.} \times 40\% = 87,993 \text{ s.f.}$) and revise the shading on the diagram to show the areas that are programmed for active and passive needs that meet this requirement.

III. 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.

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

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.

3. **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. Developer has proposed an affordable unit mix that includes 4 fewer studios and 4 add'l 2 bedroom units to make up for including only 2 of the 5 required townhomes. In addition, 10 of the affordable units will have rents affordable to households earning 50% of the area median income for which the city will provide a per unit funding amount; all other affordable units will have rents affordable to households earning 60% of the area median income. This flexibility on unit mix and rents is a component of a voluntary agreement which would allow the developer to own and operate the affordable units without partnering with housing authority or similar agency. At this time, the applicant's proposal for unit mix of sizes and bedroom counts as reflected in the unit data spreadsheet dated July 13, 2020 are acceptable. The affordable unit mix as reflected in the unit data spreadsheet should be identified on the final plans. Currently two town-homes in buildings 8 and 9 are proposed as affordable but not shown as such on the plans.

4. **DRAINAGE**, Scott Kuhna, 303-441-4071

The Rain Garden Summary table (on page 3) in the Final Drainage 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. The first column should be "Basin" and the second column should be "Basin Area". The third column would be "Depth (In)" and so on...

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. **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.

10. **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.

11. **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-1-20200_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:

- Development Review Resubmittal form (https://www-static.bouldercolorado.gov/docs/PDS/forms/drc_resubmittal_form.pdf).
 - 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.

12. **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.

