



City of Boulder Planning & Development Services

CITY OF BOULDER

LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **October 29, 2020**
CASE MANAGER: **Sloane Walbert**
PROJECT NAME: **5801 AND 5847 ARAPAHOE AVE (AKA WATERVIEW)**
LOCATION: **5801 ARAPAHOE RD**
REVIEW TYPE: **Site Review**
REVIEW NUMBER: **LUR2019-00021**
APPLICANT: **COBURN PARTNERS INC**
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. Please revise the site plans to provide a constant 12' wide multi-use path along Arapahoe Ave. The engineering drawings shows a section of the multi-use path at less than 12' wide.
2. Please revise the grading plans to
 - a. revise the cross-slope of the transit stop from 1.9% to 1.5% which represents RTD's design practice for transit stops.
 - b. reduce the 2% cross-slope shown for the multi-use path which is not consistent with the city's design practice contained in section 1.03(D)(3)(xi) of the City's Design and Construction Standards.
 - c. correct the direction of the 1.9% cross-slope for the multi-use path which shows the direction of the cross-slope toward the site rather than away from the site.
 - d. flatten the proposed 7.9% vertical profile, at the east end of the site, to 5% consistent with city's design standards for multi-use paths.

3. This is a follow-up to staff's previous comment regarding the transit stop and transit shelter. Please revise the site plans to allocate the eight-foot wide width behind the curb for the construction of the three-foot wide boarding area and the placement of the transit shelter. This layout will provide three feet of clearance between the roof of the shelter and the face of the curb which represents RTD's design preference. This layout will place the two-foot wide colored concrete shoulder between the edge of the 12' wide multi-use path and the back face of the transit shelter and require the horizontal alignment of the multi-use path to go around the transit shelter / two foot wide colored concrete shoulder.
4. Please revise the Easement Exhibit Plan Sheet to show the public access easement to be dedicated for the existing bike path. Please refer to staff's comments for the project's Preliminary Plat.

Drainage

Scott Kuhna, 303-441-4071

1. City Comment (10/16/20): No information (plan and profile, rim/invert elevations, capacity calculations, etc.) has been provided in the drainage report or on the plans to show that the proposed 8-inch storm sewer line can convey the rain garden outfalls to the existing storm sewer at the southeast corner of the site. Revise accordingly.

JVA Response: Typically, we provide the information you are requesting during the Tec Doc Phase when we submit the Final Drainage Report. Is this acceptable or do we need to include these calculations this early in the project? **Corrective Action:** City Response: These calculations are required at this time to show the feasibility of the proposed design.

2. City Comment (10/16/20): It appears on the plans and in the drainage report that the entire discharge (minor and major storm events) from Rain Garden C is to be conveyed north in a storm sewer line to the existing pond. It is staff's understanding that, per previous discussions, the minor storm discharge from the Rain Garden C would be permitted to flow north to the pond, but that the major storm discharge would continue to flow east to South Boulder Creek to match historic drainage patterns. Clarification is necessary.

JVA Response: The discharge pipe from Rain Garden C going north is expected to convey the water quality and minor flows only. The flows from the major storm event are expected to overflow over the proposed spillway that faces east towards the South Boulder Creek, as discussed with City staff. The proposed 8-in pipe will have a plate to ensure only the minor flows go north.

Corrective Action: City Response: This information needs to be included in the preliminary drainage report at this time. Also, information for Rain Gardens "D", "E", and "F" showing discharge rates to the 8-inch storm line and major storm event discharges to South Boulder Creek must be included in the preliminary report.

Engineering

David Thompson, 303-441-4417

Per city design standards for multi-use paths at time of final design the vertical profile of the multi-use path will require vertical curves at grade breaks and evaluation by the design engineer of the need for colored concrete shoulders for the proposed reverse curves.

Floodplain

Christin Shepherd, 303-441-3425

The site review will not be approved until the LOMR is approved through FEMA.

10/26/2020 Additional Info

This LOMR is in the final stages of technical review with FEMA and will likely receive FEMA approval before Dec. 2 2020. Even though FEMA approval appears to be likely, it is not guaranteed until final approval is received from FEMA review staff.

Plan Documents

Bethany Collins, collinsb@bouldercolorado.gov - (720) 415-1543

The Easement Plan (page 3 of 10/5/2020 plan documents) indicates there will be a disposal of existing pedestrian, scenic, wetland, and equestrian easements to be disposed by separate document. Please remove.

III. INFORMATIONAL COMMENTS

1. **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.
2. **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 spread sheet 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.
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**, 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...
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. **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. **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.

13. **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://energocss.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

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.

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. **The last remaining LUR/TEC submittal date for 2020 is Nov. 30, 2020.** Staff is happy to meet with you to discuss these comments in detail at your convenience.

14. **OSMP**, Bethany Collins, (720) 415-1543, collinsb@bouldercolorado.gov

- a. Easements: Portions of the property are encumbered with a Public Bicycle/Pedestrian/Equestrian Trail Easement (Rec. No. 01185729 and Rec. No. 01309207) and an Open Space Scenic Easement (Rec. No. 00492737). Both easements prohibit the construction of structures and improvements by the grantor and have purposes to protect the scenic and natural condition of the easement areas.
- b. Drainage: The applicant must maintain historic drainage patterns on the property and overland drainage shall not be altered in any way as to impact or disturb the natural and scenic condition of the areas of the property encumbered by the easements.
- c. Additionally, the applicant is proposing to use the existing stormwater pipe owned and maintained by the City for stormwater drainage. If any expansion or replacement of this pipe is proposed, the project must be led/overseen by City Utilities and the infrastructure must continue to be owned and maintained by the City.

15. **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.

16. **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.

17. 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.

18. 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".

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.