



CITY OF BOULDER
Planning and Development Services

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CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **May 14, 2007**
CASE MANAGER: **Charles Ferro**
PROJECT NAME: **BOULDER CREEK COMMONS**
LOCATION: **5399 KEWANEE**
COORDINATES: **S02W01**
REVIEW TYPE: **Concept Plan Review & Comment**
REVIEW NUMBER: **LUR2007-00005**
APPLICANT: **MICHAEL BOYERS**
DESCRIPTION: **Concept Plan Review and Comment to annex 22.39 acres to develop 134 housing units including 80 market rate single family detached dwelling units and 54 affordable senior citizen duplexes.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

The applicant has not provided an analysis of development code modifications which may be required however, staff has identified the following potential modifications:

- 1) Section 9-5-3 (7), BRC, 1981 - Flex Zoning
- 2) Section 9-7-1, BRC, 1981 - Setback modifications

I. REVIEW FINDINGS

Overall, the development concept proposed for the subject property may be supportable, however, as discussed below, considerable environmental factors such as wetlands may significantly impact the development potential of the property. Several other factors unknown to staff at this time such as traffic, flood impacts, flood mitigation, Ute Lady's Tresses Orchid habitat, prairie dog habitat and Preble's Meadow Jumping Mouse habitat, may also significantly impact the proposed site layout as well as the total possible density permitted on-site. Additional documentation must be provided in order for staff to perform an analysis as to what constraints are currently facing the property.

As discussed with the applicant, while an application for annexation has been received, it will not be reviewed or processed until after the Concept Plan has been evaluated by staff, the neighborhood, and Planning Board and a detailed application for Site Review has been submitted. Please note at the time of Annexation and Initial Zoning, the applicant must demonstrate compliance with annexation policies contained in Boulder Valley Comprehensive Plan and provide a significant community benefit.

The following comments reflect conceptual plans for the development of a former agricultural property located at 5399 Kewanee, immediately south of the East Boulder Recreation Center. The subject plans will be neither approved or denied but will be used to provide an opportunity for staff, Planning Board, and the public to provide the applicant with preliminary feedback and input to be used in the formulation of an Annexation / Site Review application. Refinements to the proposed site plan and architecture should address neighborhood, staff and Planning Board comments, as well as Site Review criteria established in Section 9-2-14, B.R.C., 1981. A Planning Board hearing has been scheduled for August 2, 2007 at 6:00 PM in the City Council Chambers located at 1777 Broadway to discuss the proposed Concept Plan Review application.

Key issues to be explored at the Concept Review hearing will include (but are not limited to):

- 1) Is the proposed density appropriate for the site?
- 2) Does the Concept Plan conform to the goals and objectives of the Site Review and Annexation policies as set forth in the Boulder Valley Comprehensive Plan? Are there changes that the Planning Board would recommend that would improve conformance?

- 3) Do the proposed buildings present an attractive streetscape and incorporate design elements appropriate to a pedestrian scale compatible with the area? Are there changes that the Planning Board would recommend that improve conformance?
- 4) Is the proposed Flex zoning appropriate for the property?

Please note that additional key issues may be added for discussion at the pending Planning Board hearing.

II. CITY REQUIREMENTS

Access/Circulation (Michelle Mahan, 303-441-4417)

Site Layout

1. The Transportation Master Plan shows a multi-use path extending from 55th Street on the eastern portion of this site, north across the Recreation Center property to connect with the existing multi-use path adjacent to the westernmost parking lot at the Recreation Center. Although paragraph B of the Concept Plan Application Written Statement indicates the developer is willing to construct this path, the site plan does not show this connection. A 12 foot wide multi-use path and associated public access easement will need to be shown at the time of Site Review.
2. The East Boulder Community Park Master Plan (including updates) indicates the need for additional off-street parking to serve the park property adjacent to this project site, and a Master Plan Update illustrates a 100 space parking lot immediately north of the homes illustrated along the north edge of this Boulder Creek Commons concept plan (see Parks and Recreation comments below). The developer should work with Parks Department Staff and illustrate the adjacent planned parking lot and access driveway(s), how they relate to this Boulder Creek Commons project, necessary buffers, etc.
3. The extension of Kewanee Drive through the Boulder Creek Commons project is shown on the site plan with all residential frontage and includes no drive access onto Kewanee Drive. The intent of the residential street standards assumes on-street parking will be interrupted periodically by drive cuts. The result of all dwelling units along this roadway taking drive access from alleys may be continuous rows of parked cars along both sides of the street with no breaks created by residential driveways. This will create difficulties with on-coming vehicles bypassing each other in the proposed 30 foot wide roadway since the benefit of gaps in parking created by residential driveways has been eliminated. For this reason, it is recommended that the extension of Kewanee Drive from the west property line to 55th Street be designed to the Base Street Standard as detailed in Section 2.06 (A) and Table 2-3 of the Design and Construction Standards. The Base Street has a 36 foot wide street section rather than the 30 foot wide Residential Street section currently proposed. Revise the plans accordingly at the time of Site Review.
4. The site plan should include a vehicular/bicycle/pedestrian stub that extends to the southern edge of the property for a future connection with the C.D. Bodam property. This roadway stub will accommodate future cross-site access in the event of the C.D. Bodam property redeveloping. This roadway stub should be located approximately mid-way between the western property line and the west edge of the 55th Street right-of-way, along the southern property boundary.

Street Geometry

There a number of instances where the site plan does not comply with the criteria in section 2.09 of the City of Boulder Design and Construction Standards (DCS). In most cases below, the appropriate design criteria is listed in Table 2-13: Residential Street Design Standards (except as noted above regarding the extension of Kewanee Drive). In some cases, additional reference to the DCS is made:

1. Residential Street sections (streets shown with a 60 foot right-of-way):
 - In all but one curve, the site plan does not meet the minimum centerline radius standard of 150 feet. Many of the curves are in the 50 foot centerline radius range.
 - Most curb radii meet the 20 foot minimum standard but there appears to be at least one curb radius drawn at 15 feet or less.
 - The main site access onto 55th Street has a center median (Entry Boulevard with 66 ft. ROW) for the first 250 feet or so. The "Thoroughfare Design" information contained in submittal documents indicates that the roadway will be 15 feet wide on each side of the median and no parking is intended to be allowed on-street in this Boulevard Section. However, if on-street parking does occur, the 15 foot wide width will present a difficulty for emergency

vehicle and truck access. If the median is to remain, either the roadway width on each side of the median should be increased to 18 feet (consistent with ½ of the Base Street width standard, Table 2-3 in Section 2.06(A) of the DCS) to provide for emergency access or decreased to 12 feet to discourage on-street parking.

2. Access Lane sections (streets shown with 30 foot right-of-way):

- Nearly all of the horizontal curvature on the Access Lanes in the project does not meet the 100 foot minimum centerline radius standard and a majority of the centerline radii are 50 feet or less.
- The inside curb radii on the “L” intersections on the two longest Access Lane loops do not meet the minimum 50 foot standard. The radii as drawn appear to be 25 feet.
- The three access lanes proposed along the eastern half of the property are shown to serve attached residential homes. Per section 2.09(D)(5) of the DCS, the access lane provides public access to single-family lots only.
- It is not clear if this plan complies with the 150 foot interval requirement for emergency response set up areas in Section 2.09 D (5) (g) of the DCS which requires a 30 foot long and 25 feet wide clear zone. Compliance should be verified with the Fire Department.
- Both of the longer Access Lane loops on the site exceed the 500 foot maximum length standard. One loop is approximately 600 feet long, and another is approximately 700 feet long.
- Many of the lots fronting the Access Lanes have frontages that are narrower than the 60 foot minimum standard.

3. Residential Alley sections:

- The north-south alley in the center of the site has a centerline radius that does not comply with the 100 foot minimum standard.

Street Lighting

Appropriate street lighting will be required to be installed at the intersection of 55th Street and Kewanee Drive in accordance with section 2.12 of the City of Boulder Design and Construction Standards.

Travel Demand Management (TDM)

At the time of Site Review, a Travel Demand Management (TDM) plan is required to be submitted which outlines strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternate modes of travel. The applicant should contact Andrea Robbins (303-441-4139) with GO Boulder, to discuss TDM options. The TDM plan should be submitted as a separate document with Site Review submittal.

Traffic Impact Study

Based on a review of the trip generation and the distribution of traffic shown, no major impacts to the level of service of adjacent streets are anticipated due to this project. A complete review of the Traffic Impact Study for Boulder Creek Commons will be conducted at the time of Site Review submittal.

Affordable Housing (Cindy Pieropan, HHS, 303.441.3157)

Proposed annexations with additional development potential need to demonstrate community benefit consistent with Boulder Valley Comprehensive Plan (BVCP) policies in order to offset the negative impacts of additional development in the Boulder Valley. For proposed residential development, emphasis is given to the provision of permanently affordable housing. The policy and practice for the past several years has been that 60% of the new development be permanently affordable to low and middle income households, usually split evenly between the two income groups. As little as 40% of the new development could be provided as permanently affordable to low and middle income households if other important community benefits are provided in the proposed development.

Applicant proposes to provide 47 units, or 40% of the total, as permanently affordable low and very low income housing for seniors. Working out what would be equivalent units in the typical low and middle income designations for the various low and very low income units proposed, staff finds that 47 low and very low income units are roughly equivalent to the 30% low and 30% middle income units normally expected of a residential annexation without other identified community benefits. The designation of these units as senior housing is also an important community benefit given the aging of the population and the shortage of affordable housing for seniors in the community.

In order to be consistent with how affordable housing units are defined under City housing programs and to meet the community benefit standard of the BVCP for annexing properties, the pricing for these units needs to be based upon the HUD low income limit for the city. Thus, the proposed units will need to be distributed and defined as follows:

# of Units	Maximum Income for Residents	Maximum Income for Pricing
16	10% less than HUD Low Income Limit	20% less than HUD Low Income Limit
16	20% less than HUD Low Income Limit	30% less than HUD Low Income Limit
20	30% less than HUD Low Income Limit	40% less than HUD Low Income Limit

Given that the proposal is for senior housing, the Applicant may want to consider constructing the permanently affordable units using universal design standards as well as providing covered parking. Applicant is further advised that this project, as proposed, is not eligible for City housing subsidy funds.

Building Design (Charles Ferro, 303-441-4012)

The proposed Concept Plan proposes an appropriate mix of traditional architecture that would be compatible with the surrounding area. Fundamentals of neo-traditional neighborhood design appear to be incorporated into the building designs, including a mix of unit types (single family / duplex) and lot sizes, use of large front porches and alley-loaded garages. Porches are wrapped around building corners and address street frontages as well as semi-private open space areas. Similarly, detached garage buildings appear detailed and complimentary of the primary structures and attached garages are set back behind the primary façade to be less apparent from the street.

Based on the size and functionality of rear yard sizes, a reduced floor area for certain unit types may be appropriate to ensure that lots have appropriate yard areas. Please refer to Site Design section below. Certain units depict breezeway connections to accessory buildings. Please note that breezeways are permitted subject to Section 9-7-8©, BRC, 1981.

Drainage (Steve Buckbee, 303-441-3279)

- Storm water quality enhancement and detention ponding are issues that must be addressed during the Site Review Process. A Preliminary Storm Water Report and Plan in accordance with the City of Boulder *Design and Construction Standards* must be provided by the applicant at time of Site Review application. Additional items that must be considered when developing a drainage plan include but are not limited to:
 - Adequate space to accommodate drainage and water quality facilities
 - Offsite drainage infrastructure improvements
 - Evaluation of negative impacts to downstream properties from existing offsite flow
 - Water quality for surface runoff using "Best Management Practices"
 - Groundwater discharge
 - Erosion control during construction activities
 - Groundwater infiltration in the detention pond
- The applicant is notified that detention and water quality ponds intended to detain and treat stormwater runoff will need to be located in "Outlots", with maintenance responsibilities detailed in the subdivision agreement.

Engineering (Steve Buckbee, 303-441-3279)

- The proposed pond shown on the east side of 55th would require the acquisition of water right's and coordination with state engineer's office to meet all applicable rules and regulations for the South Platte River Basin. Additionally, the proposed pond does not appear to be consistent with wetland and species preservation goals.
- The applicant is responsible for obtaining approvals for any relocations or modifications to irrigation ditches or laterals from the impacted ditch company. This includes the crossing of any irrigation ditch or lateral for vehicular or utility purposes and the release of storm water runoff into any ditch or lateral.
- At time of Site 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. High groundwater may preclude basement construction on the site.

Flood Control (Cristina Martinez 303-441-1886)

- Boulder City Council authorized the submittal of the new South Boulder Creek Flood Mapping Study to the Federal Emergency Management Agency (FEMA) for review and adoption on April 17, 2007. Council also supported the interim regulation of annexation proposals and development applications using the new flood mapping study during

the anticipated nine to twelve month FEMA review process. The Hogan-Pancost property is impacted by South Boulder Creek 100-year and 500-year flooding as determined by the new flood mapping study and will be subject to floodplain regulations as set forth in Chapter 9-3, Boulder Revised Code 1981 (B.R.C.). These requirements will include the need to apply for and obtain a floodplain development permit for any planned improvements in the floodplain. A detailed figure of the flooding conditions determined in the new flood mapping study is attached.

2. The 100-year floodplain boundaries as determined by the new flood mapping study are to be delineated on the site review and annexation plans to clearly identify the areas affected by flood waters. Flooding affecting the property is shallow and widely dispersed with primary flow conveyance traveling along the Dry Creek Ditch No. 2 corridor. Depths of flooding are generally less than 0.5 feet for the 100-year event and 1.0 feet for the 500-year event. Storm flow volumes of 23 cfs (as determined for the 100-year flood) are commonly found in many areas of the city. Measures to address the 100-year flow conditions are to be included in any design plans for future development. All flood conveyance systems on the site must be located in dedicated easements to preserve conveyance and provide accessibility for maintenance.
3. As indicated in comment number 1, future site development will be subject to floodplain regulations. Mitigation of onsite floodplain conditions for the 100-year flood event will require elevating the lowest building floor elevations to required 100-year flood protection elevations and prohibiting the construction of basements that would be exposed to flood waters
4. The application indicated that potential flood waters are proposed to be contained at the west edge of the property, suggesting that Dry Creek Ditch No. 2 would be used to convey all flood waters. Any floodplain mitigation alternatives proposed would require that the site not adversely impact the development or surrounding properties. An easement for Dry Creek Ditch No. 2 that is wide enough to accommodate the bank-to-bank irrigation ditch and flood water conveyance system (open channel, pipeline, culvert or a combined open ditch/channel) plus maintenance access is required. The minimum easement width is 25 feet. Any open channel design must include one foot of freeboard and a minimum ten foot wide maintenance vehicle access. There may also be opportunities to provide conveyance for events in excess of the 100-year storm without a significant increase in channel size. Additionally, the application suggested the possible concrete lining of Dry Creek Ditch No. 2 to provide conveyance improvements and possibly help reduce groundwater conditions. Any improvements to the ditch will require ditch company review and approval.
5. The 100-year flood waters impacting the Hogan-Pancost property (23 cfs) represent less than 0.5 percent of the total South Boulder Creek flood. The 100-year flood volume impacting the property (3.75 acre-feet) represents less than 0.25 percent of the total South Boulder Creek flood volume. Given these minor percentages, the property is not well suited to offer a community benefit in mitigating the impacts of flooding in the South Boulder Creek floodplain. Because the property is privately owned and would require significant public expenditure for acquisition, its value as a community-wide floodplain mitigation site is further diminished. However, flood mitigation measures to avoid adverse impacts to property upstream, onsite and downstream as a result of backwater damming, increased flow rates or flow diversions or concentrations must be addressed in any future development proposals.

Fees

Because revisions or corrections are not required for this application, based on 2007 development review fees, hourly billing will not be applicable unless another application is required or the applicant revises the current proposal.

Fire Protection (David Lowrey, Fire Marshall - 303.441.4356)

All access areas must meet the width and turning radius required for emergency vehicles. The main entrance off 55th St. appears it will not meet the required turn radius for emergency vehicles. The minimum turning radius is 42 feet outside.

The back houses on the "Green Overlook" will possibly need to be sprinklered. This would be considered a house behind a house and only accessed from an alley.

There appears to be a lot of "outbuildings" with possible living on the 2nd floor. Depending on several factors, a fire sprinkler system could be required for some of them. This would basically be determined on a case by case situation. The main influencing factor is the access for emergency personal to respond to an emergency.

Land Uses (Charles Ferro, 303-441-4012)

The proposed development types (single-family homes and duplexes) are acceptable land uses and unit types for the property. The proposed senior citizen duplexes would be considered a significant community benefit, if they are to be made permanently affordable.

The Boulder Valley Comprehensive Plan (BVCP) land use designation on the eastern portion of the site is Low Density
Address: 5399 KEWANEE

Residential (LDR). The LDR designation permits residential development not to exceed 6 dwelling units per acre (gross). Approximately three acres on the eastern portion of the site (east of 55th Street) are designated Environmental Preserve (EP). Properties designated EP are lands considered to have environmental value and therefore have no development potential. The proposed recreation area and access road on the eastern portion of the site in the ER designation would not be supported by staff, and the property should remain undisturbed, primarily because of the high potential for the presence of Preble's meadow jumping mouse habitat in that area. As mentioned in the previous reviews, staff strongly recommends that this portion of the site be dedicated to the City as part of an annexation and site review proposal. This dedication and preservation of land would be considered a community benefit in the pending annexation request.

Per the previous Concept Plan Review in 2003 and the previous Concept Plan application from December 2005, the area on the east side of 55th Street designated EP should not be included in the overall density calculation for the proposed plan.

As proposed, the Concept Plan exceeds the maximum 6 dwelling units per acre (gross).

	<u>Acreage</u>
Total Site Area	22.32
EP Portion of Site	3.00*
Total	19.32

**Total acreage of EP portion of the site is approximate and must be verified through accurate surveying.*

(19.32 acres x 6 du/ac = 115 max units at 6 dwelling units per acre)

Based on the total acreage, not including the EP portion of the site, a maximum of approximately 115 units are permitted under the LDR land use designation.

Please note that if the proposed density exceeds six dwelling units per acre, a change to the BVCP land use designation will be required. Additionally, please note that the intensity module (8) selected by the applicant establishes a maximum of 10 dwelling units per acre net which is also considered a medium density.

A change to this site from Low Density Residential to Mixed Density Residential was proposed as part of the Year 2000 Major Update to the Boulder Valley Comprehensive Plan. This proposal could have increased the number of potential units on the site to over 300. A possible change in land use designation from Low Density Residential to Medium Density Residential was also discussed which would have raised the development potential on-site to slightly over 200 units. The proposed change, however, was not approved. The Planning Board commented that the parcel was too isolated for higher densities and that an MXR designation would cause too much traffic impact to the surrounding neighborhoods. The Planning Board was willing to consider higher densities on the site based on specific uses that would provide community benefit and have less traffic impact, such as permanently affordable senior housing. The Board also commented that the low density residential designation should remain on the site until specific proposals are made in the Concept Plan / Annexation process. City Council also voted against amending the designation of the site to a medium density until specific proposals were made.

Based on the community benefit of providing permanently affordable senior housing (as proposed in the above "Affordable Housing" comments), the dedication of open space and an appropriate site plan design, it may be possible to support a medium density zoning and land use designation for a portion of the project to accommodate the proposed density. It is unlikely that staff would support a high intensity medium density to accommodate 200 units. In general, the number of units proposed in the subject application appears to be consistent with the previous direction given by the Planning Board and City Council and may be supportable.

Lot Layout (Charles Ferro, 303-441-4012)

Overall, the lot layouts of the proposed unit types appear appropriate. Units which front green courts will not have the need for larger rear yard setbacks as the green courts will help function as yard area, however, the larger units such as the Village "front loaded" units could benefit from larger, more useable rear yard areas. Corner lots should also be slightly larger to accommodate required corner side setbacks that are often times larger than what are required for interior lots. Since the applicant is proposing to use a flexible zoning district, it should be noted that staff has concerns regarding the required amount of open space per unit. Additional information regarding the amount of open space per unit will be required at Site Review.

Neighborhood Comments (Charles Ferro, 303-441-4012)

Staff has received several comments from the neighborhood. Please refer to the attached correspondence.

Parking (Charles Ferro, 303-441-4012)

Each unit must provide the required number of off-street parking spaces required by the zoning district or applicable module. The proposed senior duplex units do not appear to provide required on-site parking for each individual unit.

Parks and Recreation (Mike Gurrola, 303-413-7228)

The property to the north of the proposed Boulder Creek Commons development has been called East Boulder Community Park. The building located on the property to the north is known as the East Boulder Community Center.

The approved and current *City of Boulder Parks and Recreation Master Plan for East Boulder Community Park* is dated October, 1986. This version and updated plan depicts the following for the south western side of the park:

- A 100 car parking lot
- Large group picnic areas with pavilions
- Approximately 6 acres of open play grass fields
- A shared road located along the south edge of the Community Park (possibly on private land).
- A pedestrian loop path near the proposed parking lot and play fields
- Children's play area

The proposed open play fields are anticipated to be for soccer use. The existing soccer fields to the west of the proposed fields at East Boulder Community Park are used by approximately 80 to 100 youth per weekday. The weekend use averages 500 to 700 people with play starting at eight AM. Parks and Recreation staff anticipates similar programming of the proposed fields. Pedestrian and vehicle traffic may be a concern for the proposed neighborhood.

There are no current plans for lighted play fields.

The 1986 Master Plan for East Boulder Community Park shows a shared road located along the south edge of the Community Park (on private land). P & R staff is unclear if there was formal agreement for shared road costs at a future date.

The proposal eliminates the option of secondary access to the parking lot identified in the 1986 Master Plan to serve future activity areas in the south half of the park. The parking lot will need to be redesigned to work off a single access drive on the east end from 55th. Parks and Recreation staff is concerned that this will limit the allowable size of our proposed parking lot.

The size of the parking lot will impact the proposed open play fields. A reduction in open play fields is not desired.

The Boulder Creek Commons plans show an arrow with the text PEDESTRIAN / BIKE CONNECTION TO OPEN SPACE AND RECREATION CENTER. This property is managed by City of Boulder Parks and Recreation, and not City of Boulder Open Space and Mountain Parks.

There are no current P&R plans for paths or walks from the *Green Overlook* area of the plan. The pedestrian/bicycle access paths have four locations not connected to anything. The Superphostical Ditch is in this location. How would the developer cross the ditch if this access were constructed?

Any access will encourage social trails and degrade the vegetation. Parks and Recreation does not support four access points into the East Boulder Community Park.

P&R staff is unaware of plans to remove the *one block long grass barrier presently installed on Sioux Drive*.

At last count there were approximately 20 prairie dogs on the developer's side of the fence. There were about 15 on P&R property. Any development will impact this area.

The current Boulder Creek Commons plan will trigger a Master Plan revision of the approved East Boulder Community Park.

Review Process (Charles Ferro, 303-441-4012)

The following review processes will be required in order to develop the property:

- 1) Annexation / Initial Zoning*
- 2) Possible BVCP land use designation change to support medium density*

Address: 5399 KEWANEE

- 3) Site Review*
- 4) Preliminary Plat*
- 5) Final plat*
- 6) Technical Document Review

**Processes which may be reviewed concurrently.*

Site Design (Charles Ferro, 303-441-4012)

The subject plan supposes a new urbanist approach with an appropriate mixture of unit types, unit sizes, lot sizes, and uses. The use of alleys, access drives, front porches, a comprehensive sidewalk network and innovative open space / green court utilization are all very positive attributes of the site design. The applicant should strongly consider sharing driveways to reduce required pavement and curb cuts for the proposed "side loaded" and "front loaded" units on the west and south sides of the property. While staff prefers alley loaded garages for all units, staff supports front and side loaded units as proposed in the subject plan, if detached garages are placed in the rear of the property, and / or behind the primary building facades to prevent garage doors from dominating the streetscape.

It would also benefit the site to have stronger pedestrian connections through the site other than the sidewalk network.

Situating larger lots on the western and southern sides of the property also helps create a better relation to the existing large lot subdivision to the west and south. The indirect roadway design of Kewanee from 55th Street will also help discourage "cut-through" traffic.

Utilities (Steve Buckbee, 303-441-3279)

1. On-site and off-site water main and wastewater main construction per the City of Boulder *Design and Construction Standards* (DCS) as necessary to serve the development, as well as perpetuate the overall system, will be required. All proposed public utilities for this project shall be designed in accordance with the DCS. A Utility Report per Sections 5.02 and 6.02 of the DCS will be required at time of Site Review application to establish the impacts of this project on the City of Boulder utility systems.
2. The depth of the two sewer mains on the northwest corner of the site and the sewer main at Ontario and 55th range between 5.5 feet and 11.5 feet deep. Their depths and locations would preclude gravity flow for basement construction on most of the site.
3. In streets where there are water mains, sewer mains, storm mains and/or piped ditches it can be a problem maintaining necessary utility-utility and utility-tree separations. Take this into account when designing the underground utilities, easements, streets and street tree landscaping for the Site Review application.
4. The applicant is notified that, though the city allows Xcel and Qwest to install their utilities in the public right-of-way, they generally require them to be located in easements on private property.
5. The applicant should note that trees are not permitted within ten feet of underground utility lines. At Site Review, the applicant will need to demonstrate that their plans can meet both landscaping and utility requirements.

Wetlands and Wildlife

1. This site potentially may be habitat for Ute ladies' tresses orchid and Preble's meadow jumping mouse, which are both regulated under the federal Endangered Species Act. The applicant will need to consult with the U.S. Fish and Wildlife Service and provide the city with biological surveys of the site and clearances from the agency prior to site review. In addition, there are several prairie dogs inhabiting the site. Prairie dogs are considered a species of local concern according to the Boulder Valley Comprehensive Plan.

One criterion of site review is that the project provides for the preservation of or mitigation of adverse impacts to endangered species or species of special concern and their habitat. The prairie dog habitat as well as any habitat for the federally listed species will be an issue of concern in the site review. In addition, upon annexation, any removal of the prairie dogs from the site will require notice to the city or a city-issued lethal control permit. Bev Johnson, 303-441-3272.

2. Staff was not able to adequately evaluate the wetland impacts on the property without the submittal of a wetland delineation and functional analysis. It is likely that existing wetlands on the property will have a large impact on the site design illustrated in this submittal. Results of the wetland determination may require significant changes to the scope and density of the project to protect wetlands. As part of the annexation application, all wetland and buffer

areas on the property will need to be mapped, and the functional value of the wetlands evaluated. This analysis will need to occur during the growing season to obtain the most accurate results. As part of the annexation process, wetlands located on the property will be adopted onto city mapping and all future development proposals will be subject to wetland regulations as set forth in Chapter 9-3-9, Boulder Revised Code 1981 (B.R.C.).

3. Staff understands that wetland mitigation options may be proposed in future development applications. The applicant is advised that mitigation would only be permitted if the project application has clearly demonstrated avoidance of adverse impact. This means that "all adverse impacts on a wetland, either directly or through its associated buffer area, have been avoided through a reduction in the size, scope, or density of the project or a change of project configuration or design." B.R.C. 9-3-9(g). The preferred method of avoiding wetland impacts is to consider alternative design options that would eliminate development or development activity in a wetland or buffer area. The project configuration as shown would need to be modified after the wetland evaluation and mapping has occurred to ensure protection of existing wetlands.
4. The applicant has expressed interest in lining Dry Creek No. 2 to potentially help reduce groundwater conditions. It is likely that improvements to the ditch could alter the size and function of existing wetlands. Any wetland delineations accepted and approved at the time of annexation will be adopted onto city mapping and will be subject to the city's wetland regulations (9-3-9 BRC). Proposed improvements to the ditch will require ditch company review and approval. Cristina Martinez, 303-441-1886.

Zoning (Charles Ferro, 303-441-4012)

The applicant has proposed to utilize the newly created flexible zone district per Section 9-5-3(c), BRC, 1981. Flexible zoning district may be initiated by Planning Board or City Council as part of an Annexation, if the proposed Flexible zone would implement the goals of the BVCP. Therefore, in order to pursue a Flexible zoning designation, the applicant must demonstrate that Flexible zoning would implement the goals of the BVCP and that the proposed combination of use, form, and intensity standards are appropriate for the property. Additionally, the applicant must also demonstrate how the proposed units would physically meet the requirements of the use, form, and intensity standards.

The applicant has not provided a detailed analysis demonstrating that the proposed modules would implement the goals of the BVCP and that the proposed combination of use, form, and intensity standards are appropriate for the property. It is also not clear how the proposed units would physically meet the requirements of the use, form, and intensity standards or what development code modifications would be required to meet the standards of the proposed zoning.

It should be noted that the intent of the Flexible zoning district is to encourage innovative land design without the need for Development Code modifications. As presented, it appears that using the Flexible Zoning district will require additional code modifications. If the applicant cannot design the site to conform to parameters of the selected use, form, and intensity modules, a conventional zoning district should be selected and code modifications requested through Site Review or negotiated through annexation.

The applicant has proposed the following combination of use, form, and intensity standards:

1) Use Module: R3

As noted above, the land use designation on the developable portion of the property is LDR. The intent of the land use is to encourage low density, low impact development with a variety of residential housing types. The R3 use district provides for both single family homes and duplex uses by right. However, R3 also provides for a variety of other, more intense residential land uses such as residential care facilities and custodial care facilities. Typically, the R3 use module is more characteristic of mixed-use, medium density development.

Staff recommends the applicant explore use of the R2 use module as it permits a majority of the same uses as R3 without the additional, more intensive residential uses.

2) Form: i

Form district i is a medium density, mixed use form district. Based on the proposed lot plans, it appears that setback reductions will be required based on the proposed form district. Staff is supportive of modifications to development standards such as setback requirements to promote new urbanist development patterns, provided the modifications result in improved design and meet Site Review criteria contained in Section 9-2-14, BRC, 1981. Staff has concerns regarding rear yard setbacks on the "Front Loaded, Village Units." It appears that the rear yard setbacks are extremely small and result in unusable yard area.

3) Intensity: 8

Intensity module 8 contemplates a medium density. Density in intensity district 8 is limited to 10 dwelling units per

acre net. Please note that density for zoning districts is calculated using net acreage (acreage not including area required for dedicated right-of-way, etc.) Net acreage may also reduce the density possible for the property. Due to the LDR land use designation, the density on the property cannot exceed 6 dwelling units per acre (gross). As noted above in "Land Use," it may be appropriate to increase the density on the property to a medium density. As noted above in "Land Use," it is unlikely that staff would support a high intensity medium density to accommodate 200 units, however, the number of units proposed in the subject application appears to be consistent with the previous direction given by the Planning Board and City Council and may be supportable. The density and number of units on the property may be restricted through an eventual annexation agreement.

While a medium density may be supportable, staff has concerns over the required amount of open space provided for each unit. While per lot open space calculations are not required at the Concept Plan stage, the proposed intensity district only requires 15% open space for residential lots. Fifteen percent may be acceptable for an attached product, however, staff feels that single family products should accommodate significantly more useable open space. The applicant may consider intensity module 9 which requires a minimum of 3,000 square feet of open space per lot. Based on the amount of open space provided in the proposed green courts, it may be possible to credit each unit with a portion of the open space each unit abuts.

The applicant may also consider requesting RM-1 zoning, creating a set of appropriate design guidelines for each unit type with specific build-to lines, building heights, architectural styles, and appropriate floor areas and open space areas and proposing any necessary modifications through the Annexation / Site Review process.

III. INFORMATIONAL COMMENTS

Miscellaneous (Charles Ferro, 303-441-4012)

Community gardens are an excellent way to engage communities and increase dependence on locally grown produce, while reducing consumption of fossil fuels and dependence on commercially grown produce shipped into the community by truck. Staff also encourages the use of solar energy on all residential project to decrease dependence on fossil fuel consumption.

IV. NEXT STEPS

A neighborhood meeting has been scheduled for May 29th, 2007 at 6:30 PM at the East Boulder Community Center located at 5660 Sioux Drive. A Planning Board hearing has been scheduled for August 2, 2007 at 6:00 PM in the City Council Chambers located at 1777 Broadway to discuss the proposed Concept Plan Review application; please provide 18 complete sets of plans including the applicant's written statement by July 13th, 2007.

V. CITY CODE CRITERIA CHECKLIST

Concept Plans are reviewed in accordance with the attached guidelines for review and comment under Section 9-2-13(g), B.R.C. 1981. Please refer to the attached guidelines.

VI. Conditions On Case

Not applicable for Concept Plan Review and Comment.

CONCEPT PLAN REVIEW AND COMMENT

Guidelines for Review and Comment

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

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

The site is former agricultural property located directly south west of the East Boulder Community Center and directly east of the Kewaydin Meadows subdivision. The Greenbelt Meadows / Frasier Meadows subdivisions are also located to the south of the property. Kewanee Drive terminates at the northwest corner of the site and 55th Street connects through the south eastern portion of the property from South Boulder Road and connects to the East Boulder Community Center to the north of the property.

Kewaydin Meadows, Greenbelt Meadows and Fraiser Meadows were developed in the late 1960's and consist of large lot, low density single-family homes. The housing stock is comprised primarily of 1960's, 1970's, and 1980's ranch-style and split level homes.

The site was formerly used for grazing and agricultural purposes therefore there is not a proliferation of mature landscaping on-site, however, the site contains wetlands which may provide habitat for other protected species. Grade on the property is slight and slopes gradually to the northwest. A number of irrigation ditches and laterals cross the property including the Anderson Ditch, Dry Creek #2, and the Howard Ditch. Views to the north, north east, west, and southwest are prominent.

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

The property is not a part of any subarea plan, however, the property would require annexation to be brought into the City limits and provided with City services. The property falls within BVCP planning area IIA making the property eligible for annexation. Annexations are required to meet the following goals and policies of the BVCP related to annexation as well as all other BVCP policies regarding community sustainability and development indicated below. Properties slated for annexation must also demonstrate significant community benefit associated with the proposed annexation.

The Boulder Valley Comprehensive Plan (BVCP) land use designation on the eastern portion of the site is Low Density Residential (LDR). The LDR designation permits residential development not to exceed 6 dwelling units per acre gross. Approximately three acres on the eastern portion of the site (east of 55th Street) are designated Environmental Preserve (EP). Properties designated EP are lands considered to have environmental value and therefore have no development potential. The proposed recreation area and access road on the eastern portion of the site in the ER designation would not be supported by staff and the property should remain undisturbed primarily because of the high potential for the presence of Preble's meadow jumping mouse habitat in that area. As mentioned in the previous reviews, staff strongly recommends that this portion of the site be dedicated to the City as part of an annexation and site review proposal. This dedication and preservation of land would be considered a community benefit in the pending annexation request.

Per the previous Concept Plan Review in 2003 and the previous pre application from December, 2005, the area on the east side of 55th Street designated EP should not be included in the overall density calculation for the proposed plan.

As proposed, the Concept Plan exceeds the maximum 6 dwelling units per acre (gross).

	<u>Acreage</u>
Total Site Area	22.32
EP Portion of Site	3.00*
Total	19.32

**Total acreage of EP portion of the site is approximate and must be verified through accurate surveying.*

(19.32 acres x 6 du/ac = 115 max units at 6 dwelling units per acre)

Based on the total acreage, not including the EP portion of the site, a maximum of approximately 115 units are permitted under the LDR land use designation.

Please note that if the proposed density exceeds six dwelling units per acre, a change to the BVCP land use designation will be required. Additionally, please note that the intensity module (8) selected by the applicant establishes a maximum of 10 dwelling units per acre net which is also considered a medium density.

A change to this site from Low Density Residential to Mixed Density Residential was proposed as part of the Year 2000 Major Update to the Boulder Valley Comprehensive Plan. This proposal could have increased the number of potential units on the site to over 300. A possible change in land use designation from Low Density Residential to Medium Density Residential was also discussed which would have raised the development potential on-site to slightly over 200 units. The proposed change was also not approved. The Planning Board commented that the parcel was too isolated for higher densities and that an MXR designation would cause too much traffic impact to the surrounding neighborhoods. The Planning Board was willing to consider higher densities on the site based on specific uses that would provide community benefit and have less traffic impact, such as permanently affordable senior housing. The Board also commented that the low density residential designation should remain on the site until specific proposals are made in the Concept Plan / Annexation process. City Council also voted against amending the designation of the site to a medium density until specific proposals were made.

Based on the degree of community benefit of providing a higher degree of permanently affordable senior housing, the dedication of open space and an appropriate site plan design, it may be possible to support a medium density zoning and land use designation for a portion of the project to accommodate the proposed density. It is unlikely that staff would support a high intensity medium density to accommodate 200 units. In general, the number of units proposed in the subject application appears to be consistent with the previous direction given by the Planning Board and City Council and may supportable.

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

Annexations are required to meet policy 1.27 found in the BVCP as well as applicable policies regarding community design, sustainability, environmental impacts, transportation, and housing. In addition, the applicant must demonstrate compliance with all Site Review criteria found in Section 9-2-14, B.R.C., 1981 and any requested waivers from bulk development standards must demonstrate improved design.

The following is a list of key BVCP policies the applicant must demonstrate compliance with (other applicable BVCP policies may apply):

1.27(d) Annexation.

In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment. For annexation considerations, emphasis will be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special opportunity or benefit: receiving sites for transferable development rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city's land use regulations, environmental preservation, or other amenities determined by the city to be a special opportunity or benefit.

2.04 Compact Land Use Pattern

The city and county will, by implementing the Comprehensive Plan, ensure that development will take place in an orderly fashion which will take advantage of existing urban services and shall avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded service area, in order to prevent urban sprawl and create a compact community.

2.06 Design of Community Edges

Well defined edges for the city's boundaries are important because they support an understanding and appreciation of the city's image and create a clear sense of arrival and departure. Natural features are most effective as edges, but public open land, major roadways, or heavy tree planting can also function as community edges. As new areas are developed, the definition of a community edge shall be a design priority.

2.11 Neighborhoods as Building Blocks

The City and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction, and plan for urban design and amenities. All neighborhoods, whether residential areas or business districts, or mixed land use areas, should offer a unique physical elements of neighborhood character and identity, such as: distinctive development patterns or architecture; historic or cultural resources; amenities such as views, open space, creeks, irrigation ditches, and varied topography; and distinctive community facilities and business areas.

2.12 Support for Residential Neighborhoods

In its community design planning, the city shall support and strengthen its residential neighborhoods. The city shall seek appropriate building scale and compatible character of new development or redevelopment, desired public facilities and mixed commercial uses, and sensitively designed and sized rights-of-way.

2.13 Preservation of Community Character

The city will encourage the preservation of community character as reflected in the development pattern and relative affordability of the existing housing stock in Boulder's varied neighborhoods.

2.19 Design of Newly-Developing Areas

The city shall encourage a neighborhood concept for new development which includes a variety of residential densities, opportunities for shopping, nearby support services and conveniently sited public facilities, including roads and pedestrian connections, parks, libraries, and schools.

2.37 Design That Respects Existing Character

Residential, commercial, and industrial development and redevelopment shall be encouraged to follow sound and innovative land use planning. The goals are to provide a livable environment and, through the judicious use of landscaping, materials and human scale, and to respect the character of the surrounding area.

2.38 Sensitive Infill and Redevelopment

Overall, infill and redevelopment shall be expected to provide significant benefits to the community and the neighborhoods. The city shall develop tools such as neighborhood design guidelines to promote sensitive infill and redevelopment. The city will work with neighborhoods to protect and enhance neighborhood character and livability. In order to avoid or adequately mitigate negative impacts and enhance the benefits of additional infill and redevelopment, subcommunity and subarea planning and other efforts will be geared to define the acceptable amount of infill and redevelopment and standards for design quality.

2.39 Appropriate Context and Scale for Redevelopment

The city shall continue to develop and implement strategies which preserve the human scale and the historical and architectural character of the city's older neighborhoods and business areas. When redevelopment is proposed, sensitivity to the existing context will be required, and preservation of historic resources will be encouraged or required. Many of these residential neighborhoods and business areas are adjacent to each other. Special attention will be given to protect and enhance the quality of these interface areas.

2.40 Quality Residential Site Design

Incentives shall be provided to encourage all types of housing, increase variety in site design, provide for functional open space, achieve variety in housing choice and price, encourage alternative transportation modes, and promote attractive and low-water landscaping.

2.41 Physical Design for Citizen Needs

The city and county shall take all reasonable steps to ensure that new development and redevelopment, public as well as private, be designed in a manner that is sensitive to social, physical and emotional needs. Broadly defined, this shall include factors such as accessibility to those with limited mobility, provision of coordinated facilities for pedestrians, bicyclists and bus-riders; provision of functional landscaping and open space; and the appropriate scale and massing of buildings related to neighborhood context.

2.43 Enhanced Design for Built Environment

Through its policies and programs, the city shall encourage or require private sector efforts toward quality architecture and urban design. Design guidelines will be developed as a tool for new development and redevelopment. The desired context and character of existing neighborhoods and business districts will be considered.

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

Building permits will ultimately be required subsequent to Site Review as well as any other state and federal environmental permits, however, prior to building permit, the applicant will be required to complete the following review processes:

- 1) Annexation / Initial Zoning*
- 2) Possible BVCP land use designation change to support medium density*
- 3) Site Review*
- 4) Preliminary Plat*
- 5) Final plat*
- 6) Technical Document Review

**Processes which may be reviewed concurrently.*

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

A traffic study will be required at the time of Site Review and Annexation to determine what the traffic impacts will be on the surrounding roadway network. Although a comprehensive sidewalk network is proposed, the proposed site plan presents opportunities to increase pedestrian connectivity through the site with additional pedestrian walkways.

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

As part of the annexation process, the applicant will be required to delineate wetland areas on the property in accordance with City regulations. Upon annexation, these areas will become subject to the City's wetland ordinance including requirements related to avoidance, minimization of impacts, and mitigation. As part of the Concept Plan review, staff has expressed concerns about the feasibility of the development plan based on the apparent presence of wetlands on much of the site. Until final delineations are established through the annexation process, it will not be clear to what extent wetlands will impact development of the site. It should be noted that the applicant has indicated that some of the wetlands on the site may be supported by leakage from an adjacent irrigation ditch. Should the applicant or ditch company make improvements to the ditch prior to delineation and annexation, the extent of wetland impacts may be reduced.

Aside from wetlands there is a large colony of prairie dogs on the site. Prairie dogs are a local species of special concern according to the Boulder Valley Comprehensive Plan. There is also the potential for two federally-listed species to be present on the site including, Ute ladies' tresses orchid and Preble's meadow jumping mouse. These species are regulated under the federal Endangered Species Act. The applicant will be required to provide biological surveys and federal clearances for these species prior to site review.

7) Appropriate ranges of land uses; and

The Boulder Valley Comprehensive Plan (BVCP) land use designation on the eastern portion of the site is Low Density Residential (LDR). The LDR designation permits residential development not to exceed 6 dwelling units per acre gross. As proposed, the applicant's plan would require a medium density zoning designation. If the applicant wishes to pursue medium density for the property, a BVCP land use designation change will be required.

8) The appropriateness of or necessity for housing.

This site has been identified through the comprehensive planning processes and BVCP land use as a suitable location for residential units. Permanently affordable senior housing is also supported by the goals and policies contained in chapter 7 of the BVCP regarding housing.

