



City of Boulder Planning & Development Services

CITY OF BOULDER

LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **March 29, 2019**
CASE MANAGER: **Sloane Walbert**
PROJECT NAME: **PONDEROSA COMMUNITY STABILIZATION PROGRAM**
LOCATION: **4475 BROADWAY**
REVIEW TYPE: **Site Review**
REVIEW NUMBER: **LUR2019-00015**
APPLICANT: **DANICA POWELL**
KURT FIRNHABER, CITY OF BOULDER
DESCRIPTION: **Site Review in association with the Annexation and Initial Zoning for the Ponderosa Mobile Home Park.**

I. REVIEW FINDINGS

Staff acknowledges the applicant for responding to comments provided during Concept Plan Review. Staff find the proposal consistent with many of the goals and policies of the Boulder Valley Comprehensive Plan (BVCP), including but not limited to, compact land use form, provision of high-quality affordable housing, a variety of housing choices that help support socioeconomic diversity, and neighborhood connectivity. Staff finds that the proposal will provide high-quality housing that remains permanently affordable over time. In general, the proposed development addresses the goals and policies expressed in the North Boulder Subcommunity Plan (NBSP) for orienting well designed buildings and porches to the street and creating permanently affordable and diverse housing. Staff has also evaluated the development using the Site Review criteria found in section 9-2-14(h), B.R.C. 1981.

Staff has found that while there are many criteria that are successfully met, there are several issues that must be addressed. These key issues are summarized below and require submittal of revised plans. Revised plans must be submitted by 5/28/2019 or an extension requested for this application to remain active. Refer to 'Next Steps' comments 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. In meeting the site review criteria for circulation and providing alternatives to the automobile discussed in section 9-2-14(h)(2)(D) of the Boulder Revised Code staff will require the applicant provide Eco-Passes to the residents. Please revise the project's written description to include a discussion on Eco-Passes being provided for the residents.
2. The civil plans do not include the details needed to verify that the proposed intersection and the reconstruction of the existing public streets are consistent with the standards contained in the City's Design and Construction Standards (DCS). A separate plan and profile sheet are required for the public improvements and shall contain details on how the proposed public improvements tie back into the existing streets. Staff would like to discuss the opportunity to plant trees in the area of the intersection. Please revise the design of the public improvements to demonstrate that the intersection meets the design standards contained in Section 2.07 of the DCS. A meeting between staff and the design team to further discuss the design details for plan and profile sheets is highly recommended.

3. Pursuant to section 9-9-8(g) B.R.C. 1981 and in accordance with Section 2.06 of the Design and Construction Standards for a local street please revise the site plans to show the construction of an eight-foot wide planting strip and a five-foot wide detached sidewalk along the north side of Cherry Avenue behind the street's existing curb.
4. Staff supports the internal sidewalks shown on the site plans but does not concur with the proposed width. In order to accommodate multi-modal use of the internal sidewalks and in meeting the site review criteria for circulation please revise the site plan sheets to show the width of the internal sidewalks at eight-feet.
5. Staff appreciates the multiple connections being proposed from the site to the Fourmile Canyon Creek multi-use path, but we need more information on the design of the connections prior to concurring with the proposal. Specifically, if the connections are accessible or non-accessible and who will maintain the connections. Once this information is provided staff will review and may provide additional comments on the proposed connections.
6. Please revise the site plans to show the public improvements to be constructed as part of the City's Broadway Reconstruction Project. The applicant's design engineer can contact Alex May with the City of Boulder Transportation Division to obtain the plan and profile design elements of the Broadway Reconstruction Project.
7. Please revise the site plans to show the dedication of a public access easement for the six-foot-wide east / west sidewalk between Cherry Ave and the east property line.
8. Please revise the site plans to show the Ponderosa Mobile Home Parking not having access to Broadway and the design elements that will be constructed to close driveway connection between Ponderosa MHP and the Broadway access point. Please see the annexation comments for additional information on this requirement.

Building and Housing Codes

Kirk Moors, 303-441-3172

FIRE SEPARATION DISTANCE

The fire separation diagram on sheet A118 shows 10 feet between the proposed and existing homes. In many cases the existing unpermitted construction encroaches on the fire separation distance shown in the diagram. Therefore, complying with IRC section R302 may affect several existing properties for each new building constructed. Given the direction to not displace any residents, how will fire separation code conflicts between new and existing dwellings be resolved prior to building permit application?

Building Design

Sloane Walbert, 303-441-4231

1. Please remove any development guidelines from the plans and create comprehensive design guidelines and/or a pattern book to guide the future development of homes and community buildings. If the site review is approved, these guidelines will become a regulatory document to guide future development. The plans for other residential developments have included the following:
 - Statement of general design philosophy;
 - Architectural style;
 - Design guidelines;
 - Form and massing diagram;
 - Details on garages, porches, fences, etc.

The design guidelines should allow compatible design within the development and given architectural style while allowing for flexibility. The guidelines must include visual representations and should include the following items:

- Description of the architectural style;
- Form and massing of structures;
- Articulation of wall planes;
- How individual units are articulated;
- Material and color options for individual buyers;
- Roof forms and placement;
- Window and door fenestrations;
- How exposed foundations are treated;
- Porch details and entry elements;
- Treatment of parking and driveways;
- Identification of cladding materials, primary vs. secondary materials, and material palette.
- Allowances and design of accessory structures;

- Fences (height, style, etc.);
 - Exterior lighting;
 - Landscaping in public realm.
2. Provide additional detail on the proposed building materials for the community building. Consideration should be given to utilizing cladding that is distinct from the homes and less residential in character.
 3. Consideration should be given to color choices, materiality, etc. so that each unit within the duplexes, tri-plexes, and four-plexes reads like a distinct individual unit. Consideration should be given to utilizing a vertical band between roof forms or utilizing different siding for each unit.
 4. In support of the Site Review criteria private open space should be provided for each unit. Secondary entries to other units are proposed on the decks/patios of some units (Duplex BC, Sheet A127 and Fourplex BBCC, Sheet A128). Consideration should be given to the functionality of these spaces/entries and allowing for private defensible spaces for these units. Provide information on how front and back yards will be defined for units.

Site Review Criterion (h)(2)(A)(ii) *"Private open space is provided for each detached residential unit"*.
 5. Staff has forwarded the plans for a preliminary energy code review. Any comments will be forwarded to the applicant.

Site Review Criterion (h)(2)(F)(xi) *"Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality."*
 6. Based on feedback on other similar projects please ensure that storage provided is large enough to provide both long-term bike parking and adequate storage for the units.

Drainage

Scott Kuhna, 303-441-4071

1. The drainage report and plans only include calculations for, and show, the Final Phase of the site. It is not clear how the site drainage will work over time throughout all of the phases of the development.
Corrective Action: Revisions to the report and plans for all phases are necessary.
2. The drainage plans and report show both of the detention/water quality ponds discharging to storm sewer; Pond A2 to the existing storm sewer in Cherry Ave. and Pond East building new storm sewer through adjacent private property and connecting into existing storm sewer in Broadway. It is unclear from the report what storm events will be conveyed in storm pipe, and what will be conveyed at grade (flow through neighbor's land and/or street flow). A capacity analysis of the existing storm sewers in Cherry and Broadway are also required at this time.
Corrective Action: Revise accordingly.
3. Page 2 of the Preliminary Stormwater Report for Ponderosa Community Stabilization Project states "The Boulder Creek Basin is the major storm basin that contains the entire project site", where the Wonderland Creek Basin applies.
Corrective Action: Revise accordingly.

Floodplain

Christin Shepherd, 303-441-3425

1. Please see flood comments in the Annexation comments regarding flood mitigation project coordination and update plans as needed.
2. The written statement mentions that structures within the 100-year floodplain will be elevated. Please call out these structures on the plan sheets including Base Flood Elevation, Flood Protection Elevation and Finish Floor Elevation.
3. Please revise the site plans to show the public improvements to be constructed as part of the city's Broadway plan. The engineer can contact Alex May to obtain the information.

Landscape

Elizabeth Judd, 303-441-3138

1. Notes: Please remove landscape note #1. The current proposal does not meet all requirements and may change with this or future reviews. Also remove the same statement from L-2. Rather, add information on necessary modifications. Update the requested modifications. Include information on why detached sidewalks are not feasible.

2. Proposed Trees:
 - a. Verify the lengths provided for all streets using frontages per code requirements. Staff scales longer frontages on all streets. In addition:
 - i. The eastern portion of Ponderosa Ave (east of Ponderosa Ct to Broadway) is part of the proposal and key transportation connection but is not included as a street for planting purposes. Please add it to the table for clarity; it is supportable to list it as separate segment; evaluate if any planting is possible and include justification if it is not such as the width, constraints of the creek, etc.
 - ii. Cherry Ave vs. Street needs to be labeled on the plans. Is the east-west Cherry Ave included?
 - b. Required are provided quantities do not appear to respond to the size of proposed trees. Update to reflect the different spacing and quantity requirements for medium or small trees.
 - c. Label all proposed trees and add a quantity column to the plant list.
3. Utilities: Many utility conflicts exist (see mark ups). Coordinate with engineering to resolve conflicts including water main locations, many water services, and some sanitary services.
4. Criteria: It is extremely difficult to respond to Site Review criteria or the landscape standards given the limited detail and many conflicts identified in previous comments. Additional information is needed to communicate the intent of the proposal. A more complete preliminary plant schedule and some indication of where plant material will be located is necessary. Symbols, hatching, and labels are all options. Final species call outs are not necessary at this stage (with the exception of trees). Precedent images or another means of clarifying the intent of the proposal are necessary.
5. Plans: Clarify the intent of the last sheet in the plan set; it appears to be included in error.
6. Existing Trees: Additional response is needed to the tree inventory. At a minimum, ash need to be specifically called out for removal, any hazardous or soon to be hazardous tree needs to be responded to as part of the first phase (or sooner) and any intentionally planted dead trees need to be replaced.

Miscellaneous

David Thompson, 303-441-4417

Please revise the project's written statement to describe the how trash, recycling and compost services will be collected and provided on the site.

Parking

David Thompson, 303-441-4417

1. In accordance with section 9-9-6(g) of the Boulder Revised Code regarding parking standards please revise the site plans to provide twenty-four feet of backing distance for the head-in vehicle parking or demonstrate why a modification to this standard meets the site review criteria.
2. Pursuant to section 9-9-6(d) B.R.C. 1981 staff is unable to verify the required backing distance is being provided for the carriage houses. Please revise the site plans to label the 24-feet of backing distance for the carriage houses. The available pavement width of the alley can be used in meeting the required backing distance as well as the length of the driveway up to the face of the garage.
3. Staff needs additional information prior to concurring with the storage rooms being used to meet the long-term bicycle parking requirements of the residential units. Specifically, how the bicycles will be parked in the storage units. Staff would support vertical bike racks being provided to the residents by the applicant to store up to two bicycles as vertical bike racks will minimize impacts to the floor area of the storage room. If staff's recommendation is acceptable to the applicant, please revise the written statement accordingly and provide a typical detail in the site plans of a storage unit with two installed vertical bike racks.

Plan Documents

Sloane Walbert, 303-441-4231

1. Please provide typical wall sections and schedule including information from any below grade construction to roof transition details.
2. Provide typical detail sections of both horizontal and vertical in-plane exterior wall material changes to illustrate transitions. For example, inside and outside corner edge condition details and junctions of siding.
3. Provide detail sections of exterior projections, recesses, or notable architectural features. For example, roof/parapet details, soffit and floor details of the patios, eaves, awnings, etc. Where is trim utilized? Is there trim on gable ends?
4. Provide details indicating the construction of window and door assemblies of the typical wall or exterior cladding types for the head, jamb, and sill. Include dimension(s) from the finish face of the exterior cladding to the window frame. Please provide more details on the proposed glass wall of the community house.
5. The final selection of building materials and finishes, including paint, windows, doors, exterior cladding, and other architectural features will be considered with final technical documents. Thus, the plans and details should supply enough information as to understand the construction and materiality proposed. As project plans progress, provide window details, use of vinyl windows, and window frames without a return or reveal are discouraged.
6. Please provide color perspective renderings or sketches illustrating views of buildings on the site, street character and the relationship of the project to surrounding buildings. Please submit perspectives traveling north on 10th Street, traveling both east and west on Cherry Ave., from Broadway, and from the multi-use path. All sketches or renderings should accurately reflect the scale and materiality of the proposed buildings and reflect realistic elements like landscaping, streetscape elements (sidewalk, street trees, etc.), detention ponds, views of the foothills, etc.
7. All building elevations should include a legend or key indicating materials.
8. Provide the location of utility and mechanical equipment on the site plan, landscape plan and on roof plans. If internal to the building indicate on appropriate plan.
9. Provide elevations and details regarding the trash enclosures on the property. How will trash be managed throughout the site?
10. Provide a final copy of the proposed modifications to the Land Use Code based on the requested zoning, both at time of annexation and final build-out.
11. For this property the open space adjacent to the shorter street right-of-way is considered the front yard. Therefore, the front yard is on Broadway. Additionally, per footnote (a) to Table 7-1, "Form and Bulk Standards", B.R.C. 1981 the site has a principal building front yard setback on Cherry Ave. since the adjacent lot fronts upon the street. Update the site plans and site data accordingly. The rear yard is opposite the front yard (Broadway) = west property line. The side yard is between the rear yard and the front yard = north property line. Update the site plans and site data accordingly.
12. Since the applicant has decided to submit the final phase of the proposal to be considered with annexation a more definitive phasing plan is necessary to ensure entitlements of the development. Pursuant to Section 9-2-12, "Development Progress Required," B.R.C. 1981, the applicant must begin and substantially complete the approved site review within three years from the time of the final approval or as modified by a development schedule incorporated in the development agreement. Staff needs more clarification on what the modified development schedule entails. In order to meet this requirement, it may be necessary to define what "substantially complete" means for this development. This section also states: *"If the project is to be developed in stages, the applicant must begin and substantially complete the development of each stage within three years of the time provided for the start of construction of each stage in the development agreement."* Failure to meet the approved phasing plan may cause the unbuilt portion of the development approval to expire. Modifications to this section of Title 9 may be appropriate through the annexation agreement. However, additional information is necessary.

13. Please update the plans, site data, etc. to account for necessary right-of-way dedications. Setbacks and intensity calculations should be based on the resulting lot line and lot area. Revise the Project Fact Sheet accordingly.
14. Please provide a statement of how the project intends to meet the outdoor lighting ordinance following annexation and explaining the proposed outdoor lighting for the common areas of the development. All non-compliant lighting fixtures must be replaced following annexation. Staff recommends pedestrian scale lighting and lighting in appropriate locations to ensure safety. It may be appropriate to include a section on outdoor lighting in the design guidelines.

Site Review Criterion (h)(2)(F)(ix) *“A lighting plan is provided which augments security, energy conservation, safety and aesthetics.”*

Review Process

Sloane Walbert, 303-441-4231

1. The property is currently an unplatted tract of land. Staff recommends completing a subdivision (preliminary and final plat) as part of the development proposal. Any necessary vacations of easements and dedications of easements could be done on the final plat. The existing parcel line that divides the property could also be removed. The preliminary plat would be reviewed at site review and is a staff level approval. The final plat is reviewed concurrently with the technical documents. It is possible to condition the site review to require a preliminary and final plat later in the process. However, considering the project timeline staff recommends submitting the preliminary plat as soon as possible.
2. Please complete a vested rights form to indicate whether the applicant intends to request vested rights, which requires a public hearing before Planning Board pursuant to Section 9-2-20, “Creation of Vested Rights,” B.R.C. 1981.
3. Pursuant to Table 4-2, B.R.C. 1981, a mailed notice is required to any mineral rights owners notifying them of a pending development review application a minimum of 10 days before final action. Please provide this notice and proof of certified mail prior to first reading before City Council.

Site Design

Sloane Walbert, 303-441-4231

1. Given the site restraints staff supports the use of pedestrian spines to allow for quality open space and safe multi-modal connections through the site. That said, some refinement is necessary to the terminus of the westernmost pedestrian spine. The path currently terminates in an alley and fourplex structure. Considerations should be given to relocating the detention pond to the west to swap locations with the fourplex structure. This would allow the pedestrian circulation to continue south to connect to the sidewalk on Cherry Ave. In this case the alley may not be necessary. Please provide a circulation map with the resubmittal to map pedestrian, bicycle, and vehicular circulation across the site.
2. Consistent with the NBSP, buildings should be oriented to the street with pedestrian scale elements. Consideration should be given to enhancing the entry to the development on Cherry Avenue. Consistent with the comment above the entry should be framed by buildings, not parking and detention. Consideration should be given to flipping the accessible units at the entry and moving the surface parking north out of the focal plane.
3. Provide detail on the proposed detention pond fronting on the street. Structural detention should be avoided.

Utilities

Scott Kuhna, 303-441-4071

1. The utility plan only shows the Final Phase of the site. It is not clear how the utility layout will work over time throughout all of the phases of the development.

Corrective Action: Revisions to the plans for all phases are necessary.

2. The plans show an extension of the water main in Rosewood Ave. to the east, but it does not connect with the proposed water system for the site.
Corrective Action: Clarification or revisions are required.
3. The plans contain the note "Existing City of Boulder Water Main to be Protected for Fire Service/Hydrant Supply", but the plans also show a new water main to parallel this line for approximately 500 feet.
Corrective Action: Clarification is required.
4. The plans show three (3) water valves at all tee connections, where only two (2) are necessary and required.
Corrective Action: Revise accordingly.
5. 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 (3) on south side of Cherry Av extension – Proposed water main
 - Proposed trees (2) east of Cherry Av extension – Proposed water main and existing wastewater main
 - Proposed trees (2) south of Pond East – Existing wastewater main and new manhole
 - Proposed trees (3) southeast of Pond East – Proposed wastewater main
 - Proposed trees (4) northeast of Pond East – Proposed wastewater main and storm sewer
 - Proposed trees (3) on north side of east Ponderosa Av – Proposed water main
 - Proposed tree in pocket park – Proposed water main
 - Proposed trees (3) on north side of Alley 1 – Proposed storm sewer
 - Proposed tree on north side of Cherry Av west of Rosewood Lane – Existing wastewater main
 - Proposed trees (3) on north side of Cherry Av east of Rosewood Lane – Existing wastewater main**Corrective Action:** Revise accordingly.

Wetlands

Alysha Geiger, 303-441-4053

Please show and label the high functioning wetland, stream, waterbody, and inner and outer buffer areas that impact this property on all applicable plan sheets.

III. INFORMATIONAL COMMENTS

1. **Addressing**, BrieAnna Simon, simonb@bouldercolorado.gov
Each new building is required to be assigned a street address following the city's addressing policy. The city is required to notify utility companies, the County Assessor's office, emergency services and the U.S. Post Office of proposed addressing for development projects. Please submit an Address Plat and list of all proposed addresses as part of the Technical Document Review process. Please note as the proposed plans include private streets, each unit will need to be addressed off a public street (i.e., Cherry Ave and 10th St).
2. **Architectural Inspections**, Sloane Walbert, 303-441-4231
The "rough and final architecture" inspection for buildings with discretionary approvals such as site and use reviews will require that building architecture, materials and window details are consistent with approvals. The inspection would occur as a part of the regular building permit inspection process.
3. **Area Characteristics and Zoning History**, Sloane Walbert, 303-441-4231
Refer to [staff's memo to Planning Board](#) on the Concept Plan Review for detailed background information.
4. **Drainage**, 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. All inlet grates in proposed streets, alleys, parking lot travel lanes, bike paths, or sidewalks shall utilize a safety grate approved for bicycle traffic.

- c. 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.

5. **Fire**

Fire Hydrants do not meet City of Boulder Design and Construction Standard for placement. Section 5.10 (3) (a) requires a fire hydrant to be placed at the entrance to each street. You are missing a hydrant at: Ponderosa Ave and 10th St., Ponderosa Ave and Rosewood, Ponderosa Ave and Cherry, Ponderosa Ave, and Ponderosa Ct.

The new hydrant shown in the parking locate north of Ponderosa and 10th should be relocated to intersection and the existing hydrant splitting Cherry and Ponderosa Ct must be relocated to either intersection with the other intersection covered by a new hydrant. Due to the closeness of the streets you will have hydrants spaced closer than the maximum allowed spacing.

6. **Land Uses and Zoning**, Sloane Walbert, 303-441-4231

The BVCP Land Use Map depicts a plan of the desired land use pattern in the Boulder Valley. Land use designations in the BVCP serve as the basis for initial zoning designations when properties are annexed into the city or are rezoned. A triplex structure is located in the area on the site designated Open Space – Other (OS-O). The OS-O designation is defined in the BVCP as: “Public and private land designated prior to 1981 that the city and county would like to preserve through various preservation methods, including but not limited to intergovernmental agreements, dedications or acquisitions. By itself, this designation does not ensure open space protection.”

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

One of the Site Review criteria requires that a proposed site plan be consistent with the BVCP land use map designation of the property. That means a proposed site plan can be approved only if the site plan is found to be consistent with the land use map. City staff has reviewed the request and finds that the intent of the land use map is met with the proposed structure in the OS-O portion of the land. However, at the time of the Site Review hearing, the reviewing authority will consider whether the proposed site plan is consistent with the BVCP land use map designations of the property. The reviewing authority will interpret the land use map designation based on the description of that designation in the BVCP, and decide, based on any evidence submitted at the hearing, this may include the proposed plans, the staff memorandum, testimony, and other documents, whether the proposed site plan is consistent with the land use map designation. Like with other Site Review criteria, there is some discretion in the review of that criterion.

An OS-O designation does not categorically prohibit development of the area so designated. If the reviewing authority finds that the proposed site plan is consistent with the BVCP land use map and that all other applicable Site Review criteria are met, the reviewing authority has to approve the application. If the reviewing authority finds that the proposed site plan is not consistent with the land use map, the reviewing authority can approve the application only subject to a condition that, if met, the reviewing authority finds would render the site plan consistent with the land use map, otherwise the reviewing authority has to deny the application.

7. **Legal Documents**, Julia Chase, City Attorney’s Office, 303-441-3020

Upon staff approval, the City Attorney’s Office will prepare an Interdepartmental MOU in Lieu of Development Agreement to be submitted for signature of the City Manager.

8. **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.

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

Revisions to the plan documents are required. Please address the comments herein and resubmit **seven (7) hard copies** (only one (1) copy of the drainage report) and **one (1) digital copy** of the revised plans to the front counter of the at the Planning and Development Services Center. The application deadline is 10:00 a.m. on the first and third Monday of each month to be included in the following review track. Staff is happy to meet with you to discuss these comments in detail at your convenience.

10. **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.

11. **Review Process**, Sloane Walbert, 303-441-4231

The project is required to complete Concept Plan and Site Review concurrent with annexation because the site meets the minimum thresholds for the proposed RM-2 zoning, which is properties over 2 acres or that include at least 20 dwelling units. Given the proposed number of units (73), and the size of the site (6.29 acres), a Site Review is required pursuant to Table 2-2, "Site Review Threshold Table," B.R.C. 1981. A Concept Plan for the proposed project was submitted and reviewed by the Planning Board on June 7, 2018 and City Council on August 23, 2018.

12. **Review Process**, Sloane Walbert, 303-441-4231

The proposal involves various processes, which require specific reviews by governing bodies. A summary of the various processes is below.

- a. **Site Review.** The Site Review application does not appear to include any modifications that would require Planning Board review and approval (unless Vested Rights are requested). However, because the current Site Review request is being made in conjunction with a request for Annexation and a BVCP land use designation change, staff finds it appropriate to refer the proposal to Planning Board for a final decision.
- b. **Land Use Map Change.** A land use designation change from Manufactured Housing (MH) to Medium Density Residential (MR) is necessary to permit the construction of fixed foundation homes on the property. Land Use Map changes require approval from both Planning Board and City Council and are subject to procedures and criteria within the BVCP. The city council may only approve the annexation and initial zoning of RM-2 if the land use map change is approved, in order to be consistent with the policies and goals of the BVCP.
- c. **Subdivision.** City of Boulder subdivision regulations require a preliminary and final plat be submitted for review and approval prior to construction on an existing unplatted parcel. The Preliminary Plat application is subject to the subdivision standards found in Sections 9-12-7, 9-12-8 and 9-12-10, B.R.C. 1981. The preliminary plat would be an administrative approval by city staff. The final plat would be considered with the final technical documents and is subject to a 14-day call up to Planning Board.
- d. **Annexation.** Annexations involve at least two public hearings. The first is conducted by the Planning Board, who will make a recommendation to the City Council whether or not the annexation should be approved, and the terms, conditions and zoning that should be applied.

The annexation will require an ordinance. All ordinances require at least two readings before the City Council because the city charter requires ten days' advance publication in final form and to assure informed public participation. The Adoption of the annexation resolution and first reading of the ordinance usually occur at the same meeting. This reading is typically on the consent agenda and does not require a public hearing. Once the resolution is adopted, a public hearing and second reading of the ordinance is set for at least 30 days, but not more than 60 days, from that adoption date.

13. **Solar Access**, Sloane Walbert, Case Manager, 303-441-4231

The property is located in Solar Access Area II, which is designed to protect solar access principally for rooftops. No person shall erect an object or structure that would shade a protected lot in SA Area II to a greater degree than the lot would be shaded by a solar fence twenty-five feet in height.

14. **Transportation**

Staff will be discussing the internal streets with the project team which could result in additional review comments being forwarded to the applicant.

15. **Flood**

a. The applicant is advised that if the proposed improvements to any existing structure exceed the thresholds of a substantial improvement and a substantial modification as defined by section 9-16 of the BRC the entire structure will be required to be brought into compliance with floodplain development regulations.

- Substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- Substantial modification means any expansion or enlargement of a structure which equals or exceeds fifty percent of the floor area of the structure intended for human occupancy, considered cumulatively, commencing July 12, 1978.

b. Please note the additional flood protection requirements for manufactured homes, that will apply to all new manufactured homes or any existing manufactured home that triggers a substantial improvement and/or modification, in section 9-3-3(a)(11):

- Manufactured Housing: All manufactured homes placed in the city after July 1, 1989, and all manufactured homes which are substantially improved or substantially modified shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is at or above the flood protection elevation and is securely anchored to an adequately anchored foundation system, and shall meet the anchorage and tie-down requirements of Paragraph (a)(2) of this section.
- and section 9-3-3(a)(2)(B): All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties connecting to permanent ground anchors, in addition to any anchoring requirements for resisting wind forces and any tie-down requirements of Chapter 10-12, "Mobile Homes," B.R.C. 1981. Requirements shall include, without limitation, the following:
 - i. Over-the-top ties shall be provided at each of the four corners of the manufactured homes. For manufactured homes fifty feet or longer, two additional ties per side are required at intermediate locations. For manufactured homes less than fifty feet long, one additional tie per side is required;
 - ii. Frame ties shall be provided at each of the four corners of the manufactured homes. For manufactured homes fifty feet or longer, five additional ties per side are required at intermediate points. For manufactured homes less than fifty feet long, four additional ties per side are required;
 - iii. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred pounds; and
 - iv. Any additions to manufactured homes shall be similarly anchored.

- c. 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.
- d. A floodplain development permit(s) will be required for all development within the 100-year floodplain. The floodplain development permit(s) shall contain certified drawings demonstrating the following:
- Any proposed residential buildings, including basements and below grade parking structures, will be elevated to the flood protection elevation.
 - The proposed buildings will have structural components capable of resisting projected hydrostatic and hydrodynamic loads and the effects of buoyancy and be constructed with materials resistant to flood damage.
 - Any proposed structures or obstructions in the floodplain, including trash enclosures and raised planters, mail kiosks, bike racks, etc. will be properly anchored to prevent flotation, collapse, or lateral movement and be capable of resisting hydrostatic and hydrodynamic loads.
 - The buildings will be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and located (by elevating or floodproofing) so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 - The applicant will be required to demonstrate that any obstruction placed within the conveyance zone will not result in a rise in the 100-year floodwater elevation or increase the flood risk to adjacent properties and must include a hydraulic analysis that demonstrates that the structures will not cause a rise in the 100-year flood water elevation.
 - New parking areas will need to be in compliance with section 9-3-3(a)(8) and 9-3-5(c)(2), B.R.C. 1981, which states that no person shall establish an area for automobile parking in any portion of the floodplain where flood depths exceed eighteen inches and no new parking can be established in the high hazard zone.

16. **Historic Preservation**

The city maps list the date of construction for the site as 1958. If demolition is proposed for a building over 50 years old, review by the historic preservation program is required. The application is available online at www.boulderhistoricpreservation.net. Contact Marcy Cameron at (303) 441-3209 with questions.

17. **Wetlands**

This property is impacted by high functioning wetland/stream and buffer areas of Fourmile Canyon Creek. Based on the proposed project a Standard Wetland Permit will be required and must be submitted with the TEC DOC submittal. Please see Section 9-3-9, "Streams, Wetlands, and Water Body Protection," B.R.C. 1981, Table 3-1, for activities that require wetland permitting.

Where improvements are proposed within a delineated wetland or wetland buffer area, as defined under the City's streams, wetlands and water body protection ordinance, the applicant shall satisfy and comply with all applicable regulations and requirements as set forth in Section 9-3-9, "Streams, Wetlands, and Water Body Protection," B.R.C. 1981, including any necessary identification, analyses, avoidance and mitigation measures, and improvements needed to address wetlands protection requirements.

Best management practices shall be applied to all phases of the project and shall conform to the requirements of the "City of Boulder Wetlands Protection Program: Best Management Practices" adopted July, 1995; and "City of Boulder Wetlands Protection Program: Best Management Practices - Revegetation Rules" adopted July, 1998.

Before final permit is approved, written clearance must be received from the US Fish and Wildlife Service that no Threatened or Endangered Species will be affected.

Before final permit is approved, written authorization from Section 404 Nationwide Permit must be received for file.

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

- a. A Final Utility Plan 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 accurate proposed plumbing fixture count forms 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.

19. Zoning, Sloane Walbert, Case Manager, 303-441-4231

The proposed zoning is Residential - Medium 2 (RM-2) and is defined in in section 9-5-2(c), B.R.C. 1981 as *"[m]edium density residential areas primarily used for small-lot residential development, including without limitation, duplexes, triplexes, or townhouses, where each unit generally has direct access at ground level."*

IV. FEES

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