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City of Boulder Planning & Development Services

DATE OF COMMENTS: **January 18, 2023**
CASE MANAGER: **Chandler Van Schaack**
PROJECT NAME: **NORTH BOULDER CREATIVE CAMPUS**
LOCATION: **4401 BROADWAY**
REVIEW TYPE: **Concept Plan Review & Comment**
REVIEW NUMBER: **LUR2022-00046**
APPLICANT: **MARINE SIOHAN**
CSS HELP, CITY OF BOULDER
DANICA POWELL, TRESTLE STRATEGY GROUP

DESCRIPTION: **Redevelopment of 4401 Broadway with a 135,000 sf mixed-use project to include housing, retail, light industrial and art studio space, community green space, and a new home for the Boulder Museum of Contemporary Art. The project would be composed of roughly 17,000 sf of museum space, 17,500 sf of at grade storefront commercial space, and 72,750 sf of residential space, split between 1-bedroom, 2-bedroom, and live/work units, with 96 parking spaces provided (18% reduction).**

I. REVIEW FINDINGS

This application will be neither approved or denied, but rather is an opportunity for the city staff, the Planning Board, and the public to comment on the general aspects of the proposal. Refer to review comments below for staff's initial review comments and information regarding the Planning Board hearing.

The proposed project presents a number of significant issues in terms of consistency with existing zoning regulations and development standards. Under the city's current regulations, there is effectively no way for the project to be approved as currently proposed. That being said, it is understood that the current proposal is intended to spark discussion among the Planning Board and City Council as to whether the proposed concept would provide enough of a community benefit to potentially warrant amendments to the zoning code and/ or other site-specific development standards in order to allow the project to be constructed. The comments below primarily describe the key issues that staff has identified with the project under existing policies and regulations as well as the steps that would be required to address these issues. Please note that the processes described in the comments below are not recommendations by staff nor should they be seen as indicating support for the proposed project. Ultimately, all of the processes through which the proposed project could potentially be approved will require approval by both the Planning Board and City Council, and as such staff would need specific direction from those bodies before initiating any processes in support of the proposed project.

II. CITY REQUIREMENTS

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

III. INFORMATIONAL COMMENTS

1. Addressing; Alison Blaine, Address Administrator - 303-441-4410, blainea@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.
2. Affordable Housing, Sloane Walbert, walberts@bouldercolorado.gov
 - a. Each new residential unit developed on the property is subject to Chapter 9-13, "Inclusionary Housing", B.R.C., 1981, which requires that all residential developments with 5 or more dwelling units contribute 25% of the total dwelling units as housing affordable to low/moderate and middle-income households. The means for satisfying the inclusionary requirement will be reviewed by staff concurrent with any land use review.
 - b. A Unit and Cash-in-lieu Calculator for estimating the Inclusionary Housing requirement for your development may be found on the city website at <https://bouldercolorado.gov/unit-cash-lieu-calculator>.
 - c. For-sale developments may meet the inclusionary requirement by providing half of the required affordable units on-site. The other half may be met by providing comparable existing or newly built permanently affordable units off-site, land appropriate for affordable housing, or by payment of a cash-in-lieu (CIL)

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contribution.

- d. Rental developments may satisfy the inclusionary requirement through the provision of on-site affordable rental units or comparable existing or newly built off-site permanently affordable rental or for-sale units, through the dedication of land appropriate for affordable housing, or by payment of a cash-in-lieu contribution.
- e. Any required documents including the Determination of Inclusionary Housing Compliance form must be signed prior to application for any residential building permit. Any applicable cash-in-lieu contribution must be made prior to issuance of a residential building permit.
- f. Please contact a housing planner as soon as possible in the development process to determine how best to meet the IH requirement.

3. Boulder Valley School District, Glen Segrue, glen.segrue@bvsd.org

Thank you for submitting the 4401 Broadway redevelopment referral application for review by the Boulder Valley School District (BVSD). BVSD reviews development application in terms capacity impacts on neighborhood schools and impacts on school land or facilities. This new development application proposes to add 67 condominium units with an expected maximum student impact of 4 additional students in the Foothill Elementary, Centennial Middle and Boulder High school feeder system. The current school capacity status including this project's impacts are as follows:

School	Current Capacity Status (Oct. '22)				Project Impact		
	Student Population*	Program Capacity '22	School Enrollment	Perc. Capacity	Student Impact	New Enrollment	New % Capacity
Elementary	615	590	437	74.1%	2	439	74.4%
Middle	724	753	566	75.2%	1	567	75.3%
High School	2346	1990	2059	103.5%	1	2060	103.5%
Total	3685		3062		4		

*represents the number of BVSD students for the given grade level living within the attendance area.

BVSD can serve this development at all grade levels with existing capacity. Although Boulder High School is currently operating above their program capacity, the school has a sizeable open enrollment population that can be managed to accommodate additional neighborhood students.

4. Concept Plan Review Criteria, Chandler Van Schaack, vanschaackc@bouldercolorado.gov

CONCEPT PLAN REVIEW CRITERIA, SECTION 9-2-13(g), B.R.C. 1981

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 project site is located in North Boulder at the northwest corner of the intersection of Violet Ave. and Broadway Ave. within the boundaries of the [North Boulder Subcommunity Plan](#) (NoBo Plan). The NoBo Plan sets forth the official vision for the future of the North Boulder Subcommunity and is the basis for decisions regarding the long-term preservation and development of North Boulder. The site currently contains an auto-repair shop on the southern lot and a shopping center on the northern lots that includes retail and restaurant uses. The site currently has two access points off Broadway, with the primary access on the southern portion of the site also providing access (via a 25' public access easement) to the neighboring property to the west (4439 Broadway).

A one-story frame building is currently used for retail sales (carniceria) and is attached to the commercial shopping center at 4459-4483 Broadway (on the northern portion of the project site). The structure was constructed in the 1960s within area that was previously dedicated as Boulder County right-of-way. In 2009, the owner of the Ponderosa property filed a "quiet title action" claiming title to the entire arm of the property extending to Broadway. As a result of the lawsuit, ownership was confirmed but a building easement, limited parking rights, and an access easement were granted to the neighboring property owner in a decree quieting title from the Boulder County District Court. Boulder County was part of the quiet title action since the structure is located in an area previously dedicated as Boulder County right-of-way. The County filed a Disclaimer of Interest in the property (disclaiming any right, title, or interest) except the effect of the North

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Boulder Annexation Ordinance and amendment. The retail structure is located on an outlot created through subdivision in 2021 and is intended to remain in city ownership and accommodate future flood improvement and Broadway street improvements.

Surrounding Neighborhood. The surrounding area has evolved over the last 30 years from a largely rural area with a mix of residential and service or industrial uses to nodes of more urban mixed-use neighborhoods, guided by the NBSP. North Boulder is an electric area with a variety of housing types, lot sizes, and street patterns reflecting different eras. Recent development in North Boulder has followed a neotraditional development style with a fine-grained street pattern and with business districts located within walking distance of residential areas.

The Shining Mountain Waldorf School borders the site on the south and west. A Site and Use Review was approved in 2019 to allow for phased consolidation and redevelopment of the school facilities and redevelopment of the portion of the property across Violet Ave from the project site with a new high school building and 17 attached townhome units. Beyond that to the south and southeast of the site are established residential neighborhoods with predominately traditional single family building scale and style.

Four Mile Creek borders the site on the north, with the Ponderosa Mobile Home Park lying to the northwest. Further north and across Broadway to the east is the Uptown Broadway mixed-use development. The development contains approximately 40,000 square feet of commercial space and 245 residential units. The development has mixed-use buildings aligning the Broadway and Yarmouth frontages with parking to the rear and multiple-family residential buildings on the eastern portion of the site. The buildings are two and three stories with a maximum height of 48 feet. Beyond the Uptown development, to the north, is the Holiday mixed use New-Urbanist neighborhood.

The Violet Crossing development to the west across Broadway was approved as a Site Review in 2010. The development consists of 10 residential buildings with a total of 98 apartment units. The development is predominantly two stories, with two buildings out of the 10 as three-stories and 35-feet within the northwest corner of the site. The development was substantially completed in 2014. Single family residential neighborhoods of Crestview West are located to the southeast of the subject property.

2) Community policy considerations, including without limitation, the review process and likely conformity of the proposed development with the Boulder Valley Comprehensive Plan and other ordinances, goals, policies, and plans, including without limitation, sub-community and sub-area plans;

This proposal raises several significant community policy considerations, including conformity with the BVCP and North Boulder Subcommunity Plan as well as conformance with existing zoning standards and city review processes.

Boulder Valley Comprehensive Plan (BVCP) Designation

The subject property has a mixed land use designation of Medium Density Residential on the western portion of the site and Mixed-Use Business on the eastern portion. The Medium Density Residential land use designation anticipates a density of 6 to 14 units per acre on average. The Mixed-Use Business designation is defined in the [2010 BVCP](#) as follows:

Mixed Use-Business development may be deemed appropriate and will be encouraged in some business areas. These areas may be designated Mixed Use-Business where business or residential character will predominate. Housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses.

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Medium Density Residential (MR)	<p>Characteristics and Locations: MR is characterized by a variety of housing types. Medium-density areas are generally situated near neighborhood and community shopping areas or along some of the major arterials of the city.</p> <p>Uses: Consists of a variety of housing types ranging from single-family detached to attached residential units such as townhomes, multiplexes and some small lot detached units (e.g., patio homes), not necessarily all on one site.</p> <p>BVCP Density/Intensity: 6 to 14 dwelling units per acre</p>
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Mixed Use Business (MUB)	<p>Characteristics and Locations: MUB development may be appropriate and will be encouraged in some business areas. (Generally, the use applies to areas around 29th Street as well as North Boulder Village Center, the commercial areas near Williams Village and other parcels around Pearl, 28th and 30th Streets.) Specific zoning and other standards and regulations will be adopted which define the desired form, intensity, mix, location and design characteristics of these uses.</p> <p>Uses: Consists of business or residential uses. Housing and public uses supporting housing will be encouraged and may be required.</p>
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KEY ISSUE: The portion of the site under the MR land use designation is roughly 57,505 square feet (1.3 acres) in size. The current proposal shows 30 residential units on that portion of the site, or a density of roughly 23 units per acre. This proposed density would exceed the density anticipated in the BVCP and would also not meet the Site Review criterion requiring that *“The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation” (Section 9-2-14(h)(2)(B), B.R.C. 1981).*

North Boulder Subcommunity Plan

As mentioned above, the project site is located within the boundaries of the North Boulder Subcommunity Plan which sets forth the official vision for the future of the North Boulder Subcommunity and is the basis for decisions regarding the long-term preservation and development of North Boulder. The NBSP provides specific actions to be carried out by the City, other public agencies, and the private sector related to future development. The NBSP was also the basis for re-zoning of a portion of North Boulder in 1997 and establishes a street and pedestrian/ bicycle network. The Plan was adopted by Planning Board and City Council in 1995. It was amended in 1996 and 1997 in relation to the Village Center boundaries and Crestview East and West annexation conditions, and most recently in 2020.

Within the NBSP, the western portion of the site is designated as residential and the eastern portion along Broadway is designated as “Mixed Use Transition to Adjacent Residential.” Page 15 of the NBSP defines the intent of Transition Areas generally as:

“The areas adjacent to the Main Street business area should contain a mix of uses in a lower scale of intensity than the uses along Broadway and Yarmouth They should provide a transition between the main street and the adjacent residential and industrial areas.”

The NoBo Plan describes the desired characteristics of a "Mixed Use Transition to Adjacent Residential" area as a transition area *“with residential and office uses, neighborhood serving restaurants, and personal service uses in a pedestrian-oriented pattern with buildings located close to the street and parking in the rear...where people can live and work in close proximity, possibly in the same building.”*

The NBSP includes the following key concepts related to the project site (please refer to pg. 15 of the NBSP):

- Establishing a mixed use transition from the Village Center to neighborhoods in the surrounding areas, including residential and office uses, neighborhood serving restaurants, and personal service uses;
- Providing pedestrian-oriented, appropriately-scaled neighborhood centers that provide goods and services for neighborhood needs;
- Promoting a pedestrian-oriented development pattern with buildings located close to the street and parking in the rear.

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Other general goals of the NBSPP that the proposed project should take into consideration include:

- Except in areas recommended for low density rural-type character, position buildings close to the street to create a more pedestrian friendly atmosphere (Ch. 5, *Neighborhoods*);
- Provide high quality building design with attention to detail. Avoid monotonous building designs: include human scale features such as porches, varied building elevations, and varied sizes and styles (Ch. 5, *Neighborhoods*);
- Provide a complementary, pedestrian oriented mix of public and private facilities to meet the needs of the subcommunity, in order to increase convenience and reduce auto trips (Ch. 6, *Employment & Retail Centers*);
- Design neighborhood-scale and subcommunity-level centers to foster a sense of community by creating vibrant areas for people to gather. This includes: ease of access, safety, and appropriate scale (Ch. 6, *Employment & Retail Centers*);
- Encourage walking, biking, and transit use by providing safe, comfortable and convenient pedestrian and bicycle path connections (Ch. 8, *Transportation*);

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

Per Table 2-2, "Site Review Threshold Table," section 9-2-14, B.R.C. 1981, the minimum size for voluntary site review in the RM-1 zone is 5 or more units permitted on the property, and there is no minimum size for voluntary site review in the MU-2 zone district.

If the applicant moves forward with the proposal, approval of a Site Review application would be required to build the project as proposed. Decision on the application would be based on the Site Review criteria of Section 9-2-14(h), B.R.C. 1981. Submittal requirements are based on those specified in the land use code, including but not limited, detailed site plans, landscape plans, floor plans and elevations, preliminary stormwater and utility plans etc. Site Review is required due to the size of the proposed project and the modifications to the land use code being requested.

Staff has identified the following modifications to the land use regulations that appear to be included in the current proposal (but are not clearly mentioned). The following are modifications to the land use code included in the proposal that are potentially approvable through the Site Review process:

- **Parking reduction (roughly 29%)**
- **Height modification to allow for 3 story buildings in MU-2 where 2 stories is the max**
- **Setback Reductions**

At the time of Site Review, the proposed project will be evaluated for conformance with the following:

- The land use designation in the BVCP;
- All relevant policies of the BVCP;
- The Site Review criteria of the Land Use Code, Section 9-2-14(h), B.R.C. 1981;
- Zoning regulations, unless modified through Site Review;
- The criteria of Section 9-9-11 of the Land Use Code for usable open space. A detailed open space diagram will be necessary at Site Review.
- The City of Boulder Design and Construction Standards (DCS).

At the time of Site Review, the following items will also be required to evaluate the consistency with the standards:

- a. Transportation Demand Management (TDM) Plan that outlines strategies to mitigate traffic impacts created by the proposed development with implementable measures for promoting alternate modes of travel.
- b. Traffic Impact Study is required since the project's trip generation is shown to exceed the residential development threshold of 20 vehicles trips or greater during any single hour in the peak period.
- c. Preliminary Storm Water Report and Plan to address storm water runoff, water quality treatment issues, and detention ponding. Existing detention ponds are present on the proposed site.
- d. Utility Report to establish the impacts of this project on the City of Boulder utility systems and outline water main and wastewater main construction necessary to serve the development and perpetuate the overall system.
- e. A water system distribution analysis in order to assess the impacts and service demands of the proposed development and to demonstrate conformance with the Treated Water Master Plan, October

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2011.

- f. A collection system analysis to determine any system impacts based on the proposed demands of the development and to demonstrate conformance with the city's Wastewater Collection System Master Plan, July 2016.
- g. A landscape plan that is consistent with, and exceeds, city code requirements.
- h. A detailed tree inventory including the species, size and condition of all existing trees on the site.

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;

The following are modifications to the land use code that are not approvable through the Site Review process and would require Rezoning and/or changes to the Use Standards, Form and Bulk Standards, and/or Intensity Standards for the RM-1 and MU-2 zone districts. These modifications would require approval of an ordinance by City Council.

- **Reduction in Minimum Open Space per Dwelling Unit in RM-1**
- **Increase in maximum allowable FAR in MU-2 from 0.6 to roughly 1.5**
- **Increase in max allowable floor area for principal buildings in MU-2 from 15,000 to 17,000 sq. ft.**
- **Change to Use Table to allow Museum use (and possibly other prohibited uses such as small theater and/or outdoor recreation and entertainment and/or temporary events) in MU-2 zone and Live-work in RM-1 zone**

The following are additional review processes that would be required concurrent with or subsequent to a Site Review Application:

- **Use Review for 2,500 sq. ft. rooftop restaurant/bar in MU-2**
- **Easement Vacation for existing utility and access easements**

KEY ISSUE: As discussed in further detail below, the proposed project includes two uses (museum, live-work) that are currently prohibited in both the RM-1 and MU-2 zoning districts. As such, there is currently no way for the project to be constructed as proposed unless there were a) a rezoning of both of the subject properties from their current zoning to new zoning districts in which the proposed uses are allowed; b) a change to the zoning standards to allow for museums in the MU-2 zone district and live-work in the RM-1 zone district; or c) an ordinance or some other legislative action by City Council to allow for these uses specifically as part of this project.

A Rezoning request would be challenging given the underlying land use designations contained in the BVCP as well as the associated NBSP designations of "residential" and "Mixed Use Transition to Adjacent Residential." Additional information on the Rezoning criteria can be found in [Section 9-2-19, B.R.C. 1981](#).

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;

The SKIP and 204 RTD bus routes run along Broadway, and with the adjacent bus stop provided on Broadway, access to the rest of the city by bus is immediate. The project is located along a major on-street bike lane on Broadway, and is located only a few blocks from bike trails, paths, and multi-use paths that provide bike access to all parts of the city.

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;

The site is impacted by the 100-year flood plain. The Violet Lateral of Silver Lake Ditch is also located along the southern portion of the proposed development. The property is further constrained by an existing shared access easement required to serve the industrial condominium immediately northwest of the site known as 4439 N. Broadway. It appears that parking is also shared between the sites as well although no formal

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shared parking arrangement exists. A moderate cut also exists on the north western side of the property that will likely require fill. Finally, the project site abuts a City-owned property (Outlot A, Ponderosa Habitat Subdivision) impacted by the high-hazard flood zone that includes a portion of the existing shopping center which is located within a building easement and is intended to accommodate future flood improvements and Broadway street improvements.

7) Appropriate ranges of land uses; and

The project is split-zoned, with the western portion of the site (roughly 57,000 sq. ft. in size) zoned RM-1 (Residential – Medium 1) and the eastern portion of the site (roughly 50,810 sq. ft. in size) zoned MU-2 (Mixed – Use 2). The areas surrounding the site are a mix of RL-2 to the south and west, MU-2 across Broadway to the east, and RM-2 immediately to the north (Ponderosa).

The RM-1 zone is defined as follows: *Medium density residential areas which have been or are to be primarily used for attached residential development, where each unit generally has direct access to ground level, and where complementary uses may be permitted under certain conditions* (§9-5-2(c)(1)(C), B.R.C. 1981). Intensity in the RM-1 zone is based on a minimum required open space per dwelling unit of 3,000 square feet. There is no maximum FAR in the RM-1 zone. The maximum allowable building height is 35 feet, with no additional limit on the number of stories.

KEY ISSUE: The current proposal shows 30 units located on the RM-1 portion of the site, split between 20 attached 1-bedroom units and 10 live-work units. Attached dwelling units are allowed uses, and Live work units are currently prohibited in the RM-1 zoning district. In addition, given the size of the lot area zoned RM-1 (roughly 57,000 sf), it is not possible to provide the required open space per unit, which would equate to a total of 90,000 square feet for 30 units. While it is possible to request a reduction in the minimum open space per dwelling unit standards through the Site Review process, it is only possible to do so to permit the averaging of these standards across multiple lots that are subject to the site review and within the same zoning district, and the overall allowable density cannot be greater than what is permitted by the underlying zone district. Given this requirement, there is currently no process through which the applicant can receive approval of 30 units on the RM-1 portion of the site.

The MU-2 zone district is defined as follows: *Mixed use residential areas adjacent to a redeveloping main street area, which are intended to provide a transition between a main street commercial area and established residential districts. Residential areas are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street; with residential, office, and limited retail uses; and where complementary uses may be allowed* (§9-5-2(c)(2)(B), B.R.C. 1981). Intensity in the MU-2 zone district is based on a minimum open space requirement of 15% of the site area for residential and/or non-residential uses, a minimum requirement of 60 square feet of private open space per dwelling unit and a maximum FAR of 0.6. There is also a maximum allowable floor area of 15,000 sq. ft. for primary buildings. The maximum allowable building height is 35 feet, with a maximum of 2 stories per building.

KEY ISSUE: The current proposal shows a 3-story, 17,000 sq. ft. museum, 37 residential units and an additional 17,500 square feet of commercial uses located on the MU-2 portion of the site. Museums are a prohibited use in the MU-2 zone district, with the size of the museum also exceeding the 15,000 sq. ft. maximum floor area. While both residential and commercial uses are allowed in the zoning district, the total floor area shown for this portion of the site is 76,750 square feet, which equates to an FAR of 1.5, over twice the maximum allowable FAR for the site.

8) The appropriateness of or necessity for housing.

The site has been identified in both the BVCP and NBSP as an appropriate site for medium density residential uses and mixed business/residential uses is therefore an appropriate site for housing.

5. Drainage, Scott Kuhna, 303-441-4071
Significant changes were made to Chapter 7 of the City of Boulder Design and Construction Standards (DCS) back in 2019 including LID Techniques, Quality Design Standard Compliance, Selection and Design of SCM's, Preliminary Infiltration Feasibility Screening, Treatment Approach Selection Criteria, Soil and Infiltration Test, etc. Also, please note the required stormwater checklists and templates at: <https://bouldercolorado.gov/design-and-construction-standards-and-related-files>
6. Floodplain Review, Thomas Pankau, pankaut@bouldercolorado.gov
 - a. A Floodplain Development Permit may be required for site grading the site. A separate floodplain development permit application will be required each structure.

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- b. **Base Flood Elevation (BFE) Determination**
Each structure will require separate BFE values. The finished floor of each structure must be elevated two feet above BFE. Please note that the online flood maps for the city and FEMA contain discrepancies for BFE's in this area. Contact the City Floodplain Administrator to assist in determining accurate BFEs for each structure.
 - c. **Flood and Drainage Easement**
Structures cannot be located within existing Flood & Drainageway easements. The proposed project will need to either relocate structures or vacate the easement.
7. **Groundwater, Scott Kuhna, 303-441-4071**
While the proposed development site is not known to have high groundwater levels, groundwater is a concern in many areas of the city of Boulder. Please be advised that if it is encountered at this site, an underdrain/dewatering system may be required to reduce groundwater infiltration, and information pertaining to the quality of the groundwater encountered on the site will be required to determine if treatment is necessary prior to discharge from the site. City and/or State permits are required for the discharge of any groundwater to the public storm sewer system.
8. **Irrigation Ditches, Scott Kuhna, 303-441-4071**
The applicant is responsible for obtaining written 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 stormwater runoff into any ditch or lateral. The applicant is advised that revisions to any approved city plans necessary to address ditch company requirements may require reapplication for city review and approval at the applicant's expense.
9. **Landscaping; Chris Ricciardiello; ricciardiello@bouldercolorado.gov; (303) 441-3138**
The concept plan for the North Boulder Creative Campus begins to indicate elements of landscape development in the site plan. However, the narrative speaks only to open space and courtyard descriptions without specific landscape requirements addressed. New development shall be subject through subsequent land use review processes to the landscaping standards per Land Use Code, Sections 9-9-12, 9-9-13, and 9-9-14, B.R.C. 1981. Applicable requirements include street tree plantings and overall site landscape plantings as outlined in 9-9-12(d) and 9-9-13, interior parking lot landscaping per section 9-9-14(d), and parking lot screening per section 9-9-14(b). Include a summary table of landscape requirements per section 9-9-12(d)(1)(J) B.R.C. 1981 to determine the extent of required baseline landscape improvements. In addition, in development of the site review submittal information, provide a landscape plan and tree inventory (9-2-14(d)) detailing proposed landscape improvements consistent with the Landscape Site Review Criteria (9-2-14(h)(2)(C), B.R.C. 1981.
10. **Transportation, Tom Pankau (pankaut@bouldercolorado.gov)**
 - a. At time of site review application, a Parking Management Plan will be required, to support the requested parking reduction for the project. The Parking Management Plan must implement the parking principles of shared, unbundled, managed, and paid (SUMP) for the parking to be provided on the site for the various land uses being proposed with the project. The Parking Management Plan should also discuss how the tandem parking will be managed.
 - b. At time of site review application, a Parking Study is required with information provided in Section 9-9-6(d)(6) in support of the requested parking reduction for the project. The Parking Study can be included as part of the Project's TDM Plan.
 - c. At time of site review application, a Traffic Study is required in accordance with Section 2.02 of the City of Boulder Design and Construction Standards (DCS) because the vehicle trips expected to be generated by the project during the AM or PM peak hours exceed 20 vehicles. The Traffic Study must be prepared consistent with Section 2.03 of the DCS. After the project is heard by the Planning Board, please forward the parameters of the Traffic Study for staff's concurrence prior to starting the work.
 - d. At time of site review application, a Transportation Demand Management (TDM) Plan consistent with the requirements contained in Section 2.03(l) of the City of Boulder Design and Construction Standards (DCS) and Section 9-2-14(h)(2)(D)(iv) and (v) of the B.R.C. 1981 is required to be submitted which outlines strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternative modes of travel.
 - e. CIP work is currently being performed on Broadway and improving street conditions up to the curb on the west side of Broadway. In accordance with Section 9-9-8, B.R.C. 1981, the project will be required to dedicate right-of-way for the required public improvements described in the North Boulder Subcommunity Plan. Improvements include detaching the 12' wide Multi-Use Path from the curb and adding a 5' to 8' landscape strip to the west side of Broadway.
 - f. In accordance with Section 9-9-6 Parking Standards, the project will be required to provide accessible parking spaces. The accessible parking spaces should be located on the shortest accessible route of travel to the building's accessible entrance.

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- g. In accordance with Section 9-9-8 B.R.C 1981, the project will be required to dedicate right-of-way, if necessary, for constructing public improvements to bring existing conditions along Violet Ave and 10th St up to residential street standards, described in Section 2.09 of the City of Boulder Design and Construction Standards, and for new street improvements as described on page 24 of the North Boulder Subcommunity Plan. Improvements shall include a 6'-wide bike lane, curb and gutter, 8'-wide planting strip, and 6'-wide detached sidewalk on the north side of Violet Ave.
 - h. Please ensure the bicycle parking areas are included with the site review application and meet the design standards for bicycle parking contained in Section 9-9-6(g) of the Boulder Revised Code, 1981 and Section 2.11(G) of the City's Design and Construction Standards.
 - i. Please ensure the site plans label the design elements of the parking area to demonstrate compliance with the city's motor vehicle parking design standards contained in contained in Section 9-9-6(d), B.R.C. 1981.
 - j. Staff supports the removal of the existing access point along Broadway on the eastern side of the property. However, an existing surface access easement (Reception No. 1953878) is being utilized by the neighboring property at 4439 Broadway for access to their parking lot. Work with the property owner for maintaining existing access or providing a new access to this location. Public access easements not in use shall be vacated. Site access shall follow requirements listed in Section 2.04 of the City of Boulder Design and Construction Standards and Section 9-9-5 B.R.C. 1981.
 - k. Staff will require the site to be served by a single access point (curb-cut) consistent with Section 9-9-5 Site Access Control as there appears to be the ability to provide an emergency / delivery truck turnaround on the site. It is staff's preference to locate the curb-cut providing access to the site at the south end of the property and directly opposite of the curb-cut access for the property south of Violet Ave. Justification will be required for providing two access points to the property per Section 9-9-5(c)(1).
 - l. The site plans must show the accessible route that will be provided between the accessible parking space and the different land uses being proposed with the project.
11. Utilities, Scott Kuhna, 303-441-4071
- a. There are several Utility Easements, Access Easements, Drainage Easements, Sanitary Sewer Easements, etc. that cross through this site. In addition, there is a water main (north), a wastewater main and a storm sewer main that cross the site from west to east to Broadway. All of these prohibit several of the proposed buildings, trees, street trees, plaza areas, etc. shown on the Concept Plan dated 10-21-22.
 - b. A water system distribution analysis will be required at time of Site Review in order to assess the impacts and service demands of the proposed development. Conformance with the city's Treated Water Master Plan, October 2011 is necessary.
 - c. A collection system analysis will be required at time of Site Review to determine any system impacts based on the proposed demands of the development. The analysis will need to show conformance with the city's Wastewater Collection System Master Plan, July 2016.
 - d. 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, may be required. All proposed public utilities for this project shall be designed in accordance with the DCS.
 - e. Fire hydrants will need to be installed to meet the coverage requirements outlined in Section 5.10 of the City of Boulder Design and Construction Standards. Per the standards, no portion of any building shall be over 175 feet of fire access distance from the nearest hydrant. Fire access distance is measured along public or private (fire accessible) roadways or fire lanes, as would be traveled by motorized fire equipment. All fire hydrants and public water lines will need to be located within public utility easements.

12. Zoning, Chandler Van Schaack, vanschaackc@bouldercolorado.gov

The applicant should note that staff is currently working on a Land Use Code change to update the use table and use standards related to industrial uses and districts which would allow live-work in the MU-2 zone with these standards:

- (A) The commercial or industrial activity may be any nonresidential use allowed in the same zoning district, subject to any applicable specific use standards or review process for that use.
- (B) The residential use is located above or behind a ground floor space for nonresidential use.
- (C) A resident of the live-work unit must be responsible for the work performed in the nonresidential use.
- (D) Only one kitchen is permitted.

Staff is also proposing an update to the definition of live-work to "Live-work unit means a combination of residential occupancy and commercial or industrial activity as principal uses located within an integrated unit. This use does not include home occupations or caretaker dwelling units."

IV. FEES

Please note that current development review fees include a \$131 hourly rate for reviewer services following the initial city

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written comments. Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.

Note : The review for this case have not been completed. This report is being generated for the review of draft comments.