Mayor

Aaron Brockett

Council Members

Taishya Adams
Matt Benjamin
Lauren Folkerts
Tina Marquis
Ryan Schuchard
Nicole Speer
Mark Wallach
Tara Winer



Council Chambers 1777 Broadway Boulder, CO 80302 June 5, 2025 6:00 PM **City Manager** Nuria Rivera-Vandermyde

City Attorney

Teresa Taylor Tate

City Clerk Elesha Johnson

AGENDA FOR THE REGULAR MEETING OF THE BOULDER CITY COUNCIL

- 1. Call to Order and Roll Call
 - A. Staff briefing on the June 1, 2025 Pearl Street Mall Attack 20 min
 - B. REMOVED Pride Month Declaration presented by Council Member 10 min Speer
 - C. Juneteenth Declaration presented by Council Member Wallach 10 min
 - D. National Gun Violence Awareness Day Declaration presented by 10 Min Council Member Winer
- 2. Open Comment
- 3. Consent Agenda
 - A. Consideration of a motion to adjourn as the Boulder City Council and convene as the Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) Board of Directors; and

Consideration of a motion to adopt Resolution 315, appropriating money to defray the expenses and liabilities of the City of Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) for the 2025 fiscal year beginning January 1, 2025; and setting forth related details; and

Consideration of a motion to adjourn as the Boulder Downtown Commercial District Board of Directors and convene as the Boulder City Council

- B. Consideration of a motion to accept the May 8, 2025 Study Session Summary regarding Potential Ballot Items
- C. 1. Consideration of a motion to approve the conversion of the

Bartlett Development Rights Agreement to a Deed of Conservation Easement which allows for additional development rights pursuant to the disposal procedures of Article XII, Section 177, of the Boulder City Charter

And

- 2. Consideration of a motion to recommend that the city accept the conveyance of the oil and gas interests connected to the City of Boulder's Bartlett DR property from Zachary and Kelsey Nassar
- D. Consideration of a motion to authorize and approve Small Cell Facility Terms and Conditions, establishing permit requirements, authorizing telecommunication service providers to locate small cell facilities in the public right-of-way
- E. Introduction, first reading, and consideration of a motion to order published by title only the following ordinances:
 - 1. Ordinance 8700 amending Section 2-2-15, "Neighborhood Permit Parking Zones," and Chapter 4-23, "Neighborhood Parking Zone Permits," to update standards for on-street parking management;

AND

- 2. Ordinance 8696 amending Title 9, "Land Use Code," B.R.C. 1981, to modify off street parking requirements and amending Chapter 2 of the City of Boulder Design and Construction Standards (D.C.S.), originally adopted pursuant to Ordinance 5986, to modify standards for motor vehicle and bicycle parking; and setting forth related details
- F. Introduction, first reading and consideration of a motion to order published by title only Ordinance 8703 designating the property at 3375 16th St., City of Boulder, Colorado, to be known as the Orchard House, as an individual landmark under Chapter 9-11, "Historic Preservation," B.R.C. 1981; and setting forth related details
- G. Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8704 vacating and authorizing the city manager to execute a deed of vacation for a 20-foot wide alley right-of-way extending east approximately 98.37 feet from 17th Street, generally located north of 1729 Athens Street and southerly of 1328 17th Street and 1712 Marine Street (LUR2024-00060).

AND

Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8705 vacating and authorizing the city manager to execute a deed of vacation for 18th Street right-of-way extending south approximately 313.88 feet from Athens Street, generally located east of 1950 Colorado Avenue and 1234 18th Street and west of 950 Regent Drive (LUR2024-00060).

- H. Second reading and consideration of motion to adopt Ordinance 8698 relating to the financial affairs of the City of Boulder, Colorado, making supplemental appropriations for the fiscal year ending December 31, 2024
- I. Third reading and consideration of a motion to adopt Ordinance 8695, amending Chapter 10-8.5, "Wildland Code," B.R.C. 1981, to adopt by reference the 2024 edition of the International Wildland-Urban Interface Code of the International Code Council with certain amendments, and setting forth related details
- J. Consideration of a motion to adopt Resolution 1359 approving the HOME Consortium Intergovernmental Agreement for the distribution of HOME Funds
- K. Consideration of a motion to amend the Council Rules of Procedure Sec. X. Research and Study Sessions and Sec. XVI. Rules of Decorum
- L. Consideration of a motion to accept the April 24, 2025 Study Session Summary regarding Economic Development Plan and Program Enhancements
- M. Consideration of a motion to convert the June 12th, 2025 Study Session to a Special Meeting of City Council for the purpose of holding 2 executive sessions

4. Call-Up Check-In

- A. Consideration of a Site Review Amendment to develop a vacant parcel south of Winchester Cir. in the Gunbarrel Tech Center, currently addressed as 0 Homestead Way. The proposed two-story building will be about 66,000 square feet and will have future industrial and office uses. Reviewed under case no. LUR2024-00006
- B. Concept Plan Review and Comment Request for a proposed multifamily project consisting of approximately 203 units and 4,000 square-feet of amenity space across seven (7) three- and four-story buildings at 5600 Airport Blvd., 0 Airport Blvd., and 0 Valmont Dr. Reviewed under case no. LUR2025-00011

5. Public Hearings

A. Second reading and consideration of a motion to adopt Ordinance 8699 approving annual carryover and supplemental appropriations to the 2025 Budget 30 min (15 min presentat 15 min Public Hearing & Council Discussic

B. CONTINUED TO THE 6/12 MEETING - Second reading and 75 min - consideration of a motion to adopt Ordinance 8697, amending Title 4, 20 min

"Licenses and Permits," Title 9, "Land Use Code," and Title 10, "Structures," B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development restrictions to allow flexibility in project design and in certain locations; and setting forth related details

presentati
/ 55 min
public
hearing
and
council
discussio

- 6. Matters from the City Manager
- 7. Matters from the City Attorney
- 8. Matters from the Mayor and Members of Council
- 9. Discussion Items
- 10. Debrief
- 11. Adjournment

3:35 hrs

Additional Materials

Presentations

Item Updates

Information Items

Boards and Commissions

- A. 01.27.25 WRAB Signed Minutes
- B. 03.05.25 EAB Minutes
- C. 04.21.25 WRAB Signed Minutes

Declarations

Heads Up! Email

This meeting can be viewed at www.bouldercolorado.gov/city-council. Meetings are aired live on Municipal Channel 8 and the city's website and are re-cablecast at 6 p.m. Wednesdays and 11 a.m. Fridays in the two weeks following a regular council meeting.

Boulder 8 TV (Comcast channels 8 and 880) is now providing closed captioning for all live meetings that are aired on the channels. The closed captioning service operates in the same manner as similar services offered by broadcast channels, allowing viewers to turn the closed captioning on or off with the television remote control. Closed captioning also is available on the live HD stream on BoulderChannel8.com. To activate the captioning service for the live stream, the "CC" button (which is located at the bottom of the video player) will be illuminated and available whenever the channel is providing captioning services.

The council chambers is equipped with a T-Coil assisted listening loop and portable assisted listening devices. Individuals with hearing or speech loss may contact us using Relay

Colorado at 711 or 1-800-659-3656.

Anyone requiring special packet preparation such as Braille, large print, or tape recorded versions may contact the City Clerk's Office at 303-441-4222, 8 a.m. - 5 p.m. Monday through Friday. Please request special packet preparation no later than 48 hours prior to the meeting.

If you need Spanish interpretation or other language-related assistance for this meeting, please call (303) 441-1905 at least three business days prior to the meeting. Si usted necesita interpretacion o cualquier otra ayuda con relacion al idioma para esta junta, por favor comuniquese al (303) 441-1905 por lo menos 3 negocios dias antes de la junta.

Send electronic presentations to email address: <u>CityClerkStaff@bouldercolorado.gov</u> no later than 2 p.m. the day of the meeting.



MEETING DATE June 5, 2025

AGENDA ITEM

Staff briefing on the June 1, 2025 Pearl Street Mall Attack

PRIMARY STAFF CONTACT

NA

ATTACHMENTS:

Description

No Attachments Available



MEETING DATE June 5, 2025

AGENDA ITEM

REMOVED - Pride Month Declaration presented by Council Member Speer

PRIMARY STAFF CONTACT

Megan Valliere, City Council Program Manager

ATTACHMENTS:

Description

No Attachments Available



MEETING DATE June 5, 2025

AGENDA ITEM

Juneteenth Declaration presented by Council Member Wallach

PRIMARY STAFF CONTACT

Megan Valliere, City Council Program Manager

ATTACHMENTS:

Description

D Juneteenth Declaration

Juneteenth Independence Day June 19, 2025

Juneteenth is the oldest celebration of the emancipation of enslaved African Americans and is so named after the events that took place on June 19, 1865, in Galveston, Texas.

On June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free. Reactions to this news ranged from shock to jubilation. News of the end of slavery did not reach frontier areas of the United States for more than two years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War. Even after word had spread, some slave masters chose to withhold the information, enslaving them through one more harvest season.

June 19th recognizes the historical significance of the end of chattel slavery in the United States. Many African Americans continue the tradition of celebrating Juneteenth as inspiration and encouragement for future generations. For more than 155 years, Juneteenth celebrations have been held to honor and remember the substantial contributions of African Americans to American history.

The fight for freedom does not exist in a vacuum, and the struggle against oppression and for sovereignty is one we collectively share and are inextricably linked to. Juneteenth celebrates the unity and mutuality of American liberty realized, which makes Juneteenth a celebration of freedom and justice for all Americans, not only those who were enslaved and their descendants.

The faith and strength of character demonstrated by former enslaved African Americans remains an example for all people of the United States, regardless of background, religion, or race.

The late Lula Briggs Galloway of Saginaw, Michigan --author, social activist, curator of African American history --was the originator of the interim Juneteenth Creative Culture Center and Museum in Saginaw, Michigan. Galloway successfully worked to bring national recognition to Juneteenth Independence Day and encouraged Congress to pass a resolution in 1997 in honor of the day. In continuation of those efforts, Ms. Opal Lee spent years lobbying Congress to make Juneteenth a federal holiday.

Former educator and counselor, lifelong social impact leader, and considered the "Grandmother of Juneteenth," Ms. Lee stood alongside President Joseph R. Biden as he signed the Juneteenth National Independence Day Act on June 17, 2021, which officially recognized Juneteenth Day of Observance, making June 19 a federal holiday.

In 2021, the City of Boulder hosted its first Juneteenth flag raising ceremony, which has since become an annual event. In 2022, the City of Boulder joined the federal and state government in officially recognizing Juneteenth as a holiday. The City of Boulder will be hosting its annual flag raising on Monday, June 16 at the Penfield Tate, II Municipal building.

In celebration, the city encourages community members to attend local and regional Juneteenth events hosted across Boulder County.

We, the City Council of the City of Boulder, Colorado declare June 19, 2025, as

Juneteenth

And recognize the historical significance of Juneteenth; support the continued celebration of Juneteenth to provide an opportunity for the people of the City of Boulder to learn more about the past to better understand the experiences that have shaped the nation and encourage the people of the City of Boulder to observe Juneteenth Day with appropriate ceremonies, activities, and programs.

The history and the plight of African Americans and all that was endured during chattel slavery, reconstruction, Jim Crow, and the Civil Rights Movement is an example of pure resilience.

This declaration underscores the freedom with dignity of every human being. As a governmental body, we oppose and reject any form of oppression and pledge to support our community members and local entities in solidarity working to achieve equality and protect human rights.

a Z

OF BOULDE

Aaron Brockett, Mayor



MEETING DATE June 5, 2025

AGENDA ITEM

National Gun Violence Awareness Day Declaration presented by Council Member Winer

PRIMARY STAFF CONTACT

Megan Valliere, City Council Program Manager

ATTACHMENTS:

Description

National Gun Violence Awareness Day Declaration

National Gun Violence Awareness Day June 6, 2025

Every day, 125 Americans are killed by gun violence. Americans are 26 times more likely to die by gun homicide than people in other high-income countries.

Colorado has an average of 951 gun deaths every year, and an average of 1,392 people are wounded as a result of gun violence in Colorado in an average year. Of all fifty states, Colorado has the 28th highest rate of gun deaths in the U.S.

Gun homicides predominantly occur in cities, with more than half of all firearm homicides in the nation occurring in just 42 cities. Cities across the nation, including in Boulder, are working to end gun violence with evidence-based solutions.

Protecting public safety in the communities they serve is the highest responsibility of the City Council.

Support for the Second Amendment rights of responsible community members goes hand-in-hand with keeping guns away from people with dangerous and violent histories. Council and law enforcement officers know their communities, are the most familiar with local criminal activity and how to address it, and are well positioned to understand how to keep their community members safe.

In January 2013, Hadiya Pendleton, a teenager who marched in the presidential inaugural parade and was tragically shot and killed just weeks later, should be now celebrating her 27th birthday. To help honor Hadiya - and the more than 125 Americans whose lives are cut short every day and the countless survivors who are injured by shootings every day - a national coalition of organizations has designated the first Friday in June as National Gun Violence Awareness Day. The idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods, and orange is a color that symbolizes the value of human life.

Following the King Soopers-Table Mesa mass shooting on March 22nd, 2021, in the city of Boulder, we renew our commitment to reduce gun violence now more than ever. We pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our community safe.

We, the City Council of the City of Boulder, Colorado declare June 6th, 2025, as

National Gun Violence Awareness Day

And encourage all community members to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

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Chr. OF BOULD'S

Aaron Brockett, Mayor



MEETING DATE June 5, 2025

AGENDA ITEM

Consideration of a motion to adjourn as the Boulder City Council and convene as the Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) Board of Directors; and

Consideration of a motion to adopt Resolution 315, appropriating money to defray the expenses and liabilities of the City of Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) for the 2025 fiscal year beginning January 1, 2025; and setting forth related details; and

Consideration of a motion to adjourn as the Boulder Downtown Commercial District Board of Directors and convene as the Boulder City Council

PRIMARY STAFF CONTACT

Charlotte Huskey, Budget Officer

REQUESTED ACTION OR MOTION LANGUAGE

Motion to adjourn as the Boulder City Council and convene as the Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) Board of Directors; and

Motion to adopt Resolution 315, appropriating money to defray the expenses and liabilities of the City of Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) for the 2025 fiscal year beginning January 1, 2025; and setting forth related details; and

Motion to adjourn as the Boulder Downtown Commercial District Board of Directors and convene as the Boulder City Council

ATTACHMENTS:

Description

Item 3A - CAGID Resolution 315



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Consideration of a motion to adjourn as the Boulder City Council and convene as the City of Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) Board of Directors; and

Consideration of a motion to adopt Resolution 315, appropriating money to defray the expenses and liabilities of the City of Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) for the 2025 fiscal year beginning January 1, 2025; and setting forth related details; and

Consideration of a motion to adjourn as the City of Boulder Downtown Commercial District Board of Directors and convene as the Boulder City Council

PRESENTERS

Nuria Rivera-Vandermyde, City Manager Chris Meschuk, Deputy City Manager Krista Morrison, Chief Financial Officer Charlotte Huskey, Budget Officer

EXECUTIVE SUMMARY

The purpose of this item is to amend appropriations in the 2025 budget for the Central Area General Improvement District (CAGID) Fund.

This item is being presented in conjunction with ATB1 2025, staff recommends this request to support funding for the Pearl Street Restrooms security.

STAFF RECOMMENDATION

Suggested Motion Language

Staff requests council consideration of this matter and action in the form of the following motions:

Motion to adjourn as the Boulder City Council and convene as the City of Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) Board of Directors; and

Motion to adopt Resolution 315, appropriating money to defray the expenses and liabilities of the City of Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) for the 2025 fiscal year beginning January 1, 2025; and setting forth related details; and

Motion to adjourn as the City of Boulder Downtown Commercial District Board of Directors and convene as the Boulder City Council

COMMUNITY SUSTAINABILITY ASSESSMENTS IMPACTS

- **Economic** None.
- **Environmental** None.
- **Social** None.

OTHER IMPACTS

- **Fiscal** This item will appropriate \$25,000 from fund balance of the Central Area General Improvement District (CAGID) Fund to support public restroom security on the Pearl Street Mall.
- **Staff time** Staff time from Parks & Recreation Department to support security attendance.

RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE None.

BOARD AND COMMISSION FEEDBACK

None.

PUBLIC FEEDBACK

None.

BACKGROUND

ANALYSIS

The Pearl Street Mall Restrooms are public restrooms located on the Pearl Street Mall receiving heavy use from visitors and patrons of the Mall. As part of a pilot project in 2024, security and attendants provided by staff in the Parks & Recreation Department as well as contracted security was utilized to ensure access to the public.

Based on the successful pilot, staff propose to continue to use restroom attendants and provide security in 2025. The total estimated cost in 2025 for these services is \$125,000, with \$100,000 proposed to be funded with existing General Fund appropriations, and \$25,000 in new appropriations from the Central Area General Improvement District (CAGID) Fund.

NEXT STEPS

None.

ATTACHMENT

Attachment A – Resolution 315

RESOLUTION 315

A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER DOWNTOWN COMMERCIAL DISTRICT (FORMERLY KNOWN AS THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT) FOR THE 2025 FISCAL YEAR BEGINNING JANUARY 1, 2025; AND SETTING FORTH RELTATED DETAILS

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, ACTING AS
THE BOARD OF DIRECTORS OF THE CITY OF BOULDER DOWNTOWN
COMMERCIAL DISTRICT (FORMERLY KNOWN AS THE CENTRAL AREA
GENERAL IMPROVEMENT DISTRICT), HEREBY FINDS AND RECITES THAT:

- A. WHEREAS, the City Council, acting as the Board of Directors (the "Board") of the City of Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) (the "District"), has taken final action approving the revenues and expenditures of the budget for 2025; and
- B. WHEREAS, the Board desires to make appropriations for the current fiscal year.

BASED ON THE FINDINGS MADE IN THIS RESOLUTION, ABOVE, BE IT
RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO,
ACTING AS THE BOARD OF DIRECTORS OF THE CITY OF BOULDER
DOWNTOWN COMMERCIAL DISTRICT (FORMERLY KNOWN AS THE CENTRAL
GENERAL IMPROVEMENT DISTRICT), THAT:

Section 1. The following appropriations are hereby made for the District's fiscal year commencing January 1, 2025, and ending December 31, 2025, from the funds of the District for the payment of the District's operating expenses, and debt service payments:

Capital		\$5,550,000.00
Debt Service		0.00
Internal Services		
		577,611.00
Operating		3,790,827.00
Personnel		1,978,345.00
Transfers		692,451.00
	Tota	· · · · · · · · · · · · · · · · · · ·
	Tota	11 \$12,389,233.00
Section 2. Appropriations for individual capital projects or encumbrances or any grant-		
funded projects in the above-mentioned funds for fiscal year 2025 shall not lapse at year end but		
continue until the project is completed or cancelled.		
ADOPTED this 5th day of June2025.		
	Chair	
Attest:		

Secretary



MEETING DATE June 5, 2025

AGENDA ITEM

Consideration of a motion to accept the May 8, 2025 Study Session Summary regarding Potential Ballot Items

PRIMARY STAFF CONTACT

Elesha Johnson, City Clerk

REQUESTED ACTION OR MOTION LANGUAGE

Motion to accept the May 8, 2025 Study Session Summary regarding Potential Ballot Items

ATTACHMENTS:

Description

Item 3B - 2025 Ballot Measures Items Study Session Summary FINAL



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Consideration of a motion to accept the May 8th, 2025 Study Session Summary Regarding the 2025 Potential Ballot Measures

PRESENTER(S)

Nuria Rivera-Vandermyde, City Manager Chris Meschuk, Deputy City Manager Luis Toro, Senior Counsel Krista Morrison, Chief Financial Officer Joel Wagner, Deputy Director of Finance Charlotte Huskey, Budget Officer Elesha Johnson, City Clerk John Morse, Elections Administrator

EXECUTIVE SUMMARY

The purpose of the study session was to present City Council with an overview of the 2025 Potential Ballot Measures and to give City Council an opportunity to ask questions and provide direction on which items staff is to research and draft ordinances for. City staff provided an overview of:

- 1. Charter Committee recommendations
- 2. Financial Strategy Committee recommendations
- 3. Update on city petitions
- 4. Potential ballot items for the state and region
- 5. Next steps

Item 3B-Study Session Summary 2025 Potential Ballot Items

1

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to accept the May 8, 2025 Study Session summary regarding the 2025 Potential Ballot Measures.

SUMMARY OF PRESENTATION AND COUNCIL DISCUSSION

Charter Committee recommendations

Chris Meschuk, Deputy City Manager provided council with an overview of the item the Charter Committee proposed for this year's election:

1. Boards and Commissions Amend Charter Section 130

Council members supported staff in further research and drafting of ordinances for this measure.

Other recommendations were offered, which were found by staff not to require charter changes and therefore were not considered further by the committee. Council members generally agreed with the committee's recommendations:

- Require a fiscal note on ballot measures to note the impact to the budget if the measure were to pass.
- Allow dedicated funds to be used for general purposes in emergencies, with defined limitations
- Renter protections similar to the "Tacoma for all" initiative in Tacoma, WA.

Financial Strategy Committee

Budget Officer Charlotte Huskey provided Council with an overview of the items from the Financial Strategy Committee and the City Council recommendations related to potential tax ballot measures:

- 1. Explore the extension of the existing 0.30% Community, Culture, Resilience & Safety (CCRS) Sales & Use Tax.
- 2. Explore the creation of a Public Realm Tax, which would increase the existing Permanent Parks property tax from 0.900 mills to 2.252 mills, expand the use of

the tax, and allow debt issuance.

3. Explore the creation of a Vacancy Excise Tax.

Feedback on the three measures is summarized below:

A majority of council members agreed to consider two potential tax measures for the 2025 ballot: 1) the 0.30% CCRS Tax extension and 2) the creation of a Public Realm Property Tax. Council indicated interest in waiting for the polling survey results on the 2025 tax ballot measures planned for June 26th Council Meeting to discuss these two ballot measure proposals in more detail.

City Council expressed interest in removing the vacancy excise tax from the 2025 ballot considerations and instead exploring a vacancy tax and/or fee, as well as additional taxes, as part of the 2026 ballot measure discussions within the Long-Term Financial Strategy (LTFS) and Fund Our Future initiative. Specific comments on the tax ballot measure proposals included:

1. 0.30% CCRS Sales & Use Tax Extension

All council members indicated support for including the CCRS Sales & Use Tax extension on the 2025 ballot, pending results of the polling survey on 2025 tax ballot measures to be presented at the June 26th Council Meeting.

2. Public Realm Property Tax Creation

A majority of council members expressed interest in continuing to explore a Public Realm Property Tax within the 2025 ballot measures and intend to discuss further after receiving the results of the 2025 polling survey.

3. Vacancy Tax Creation

A majority of council members shared interest in removing the proposal of a vacancy excise tax ballot measure for the 2025 ballot, in addition to the 2025 polling survey on potential tax ballot measures. Some council members indicated interest in pushing the vacancy tax ballot measure to the 2026 ballot measure discussions within the LTFS Multi-Year Ballot Measure Strategy and Fund Our Future initiative. Some council members discussed considering the exploration of a vacancy fee instead of a vacancy excise tax; staff shared that a vacancy fee would require additional staff time and analysis to perform a nexus study to determine feasibility and potential revenue generation.

Update on Community Sponsored City Petitions

Elections Administrator John Morse provided Council with an overview of the four petitions that are being circulated within the city:

- 1. "Pearl For You" Petition is seeking to establish a community space on Pearl Street between 9th and 11th streets. PETITION WITHDRAWN on May 19, 2025
- 2. "New Development Shall Pay for Its Impacts" –Petition is seeking for new development or redevelopment that increases demands on city infrastructure to pay costs of maintenance including long-term climate change. PETITION WITHDRAWN on May 8, 2025
- "Have More Affordable Housing in Low Density Areas" Petition is seeking to expand affordable housing on additional housing units built after January 1st 2026. - PETITION WITHDRAWN on May 8, 2025
- 4. "Out of Xcel Franchise" Petition is seeking to terminate the electric franchise agreement with Public Service Company of Colorado and the City of Boulder. UPDATE after Study Session was held: PETITION WITHDRAWN on May 13, 2025

Certification of "sufficiency" for these petitions will be granted if 3,401 validated signatures are collected.

Petitions are scheduled to be submitted for review on May 28, 2025.

Potential 2025 Region and State Ballot Measures

John Morse, Elections Administrator provided Council with information on potential regional and state ballot measures. Mr. Morse also shared that Boulder County and that Boulder Valley School District have no current plans for 2025 ballot items. Mr. Morse also shared that staff is most closely watching multiple initiatives seeking to reduce the state income tax as well as another initiative seeking to repeal retail delivery fees.

There were no council questions or directions related to this update.

NEXT STEPS

The City Clerk presented the following next steps to Council regarding the timeline and potential meeting dates items will be discussed further and brought forward.

- June 26, 2025 Follow up discussion with council
- July 24, 2025 First reading of ballot measures
- August 7, 2025 Second reading and public hearing on ballot measures (potential final adoption)
- August 21, 2025 (if needed) Continued second reading/third reading and public hearing on ballot measures (potential final adoption) AND, council's

approval of the ballot order (Last meeting of Council BEFORE ballot is to be certified to Boulder County Elections)

 September 5, 2025 - Deadline of approved ballot order be submitted to Boulder County Elections



MEETING DATE June 5, 2025

AGENDA ITEM

1. Consideration of a motion to approve the conversion of the Bartlett Development Rights Agreement to a Deed of Conservation Easement which allows for additional development rights pursuant to the disposal procedures of Article XII, Section 177, of the Boulder City Charter

And

2. Consideration of a motion to recommend that the city accept the conveyance of the oil and gas interests connected to the City of Boulder's Bartlett DR property from Zachary and Kelsey Nassar

PRIMARY STAFF CONTACT

Nuria Rivera-Vandermyde, City Manager Dan Burke, Director, Open Space and Mountain Parks Bethany Collins, Senior Manager, Real Estate Services, Open Space and Mountain Parks Sara Kramer, Property Agent, Open Space and Mountain Parks

REQUESTED ACTION OR MOTION LANGUAGE

Motion to approve the conversion of the Bartlett Development Rights Agreement to a Conservation Easement pursuant to the disposal procedures of Article XII, Section 177, of the Boulder City Charter

And

Motion to recommend the city accept the conveyance of the oil and gas interests connected to the City of Boulder's Bartlett DR property from Zachary and Kelsey Nassar

ATTACHMENTS:

Description

Item 3C - Bartlett DR



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Consideration of a motion to approve the conversion of the Bartlett Development Rights Agreement to a Deed of Conservation Easement which allows for additional development rights pursuant to the disposal procedures of Article XII, Section 177, of the Boulder City Charter.

And

Consideration of a motion to recommend that the city accept the conveyance of the oil and gas interests connected to the City of Boulder's Bartlett DR property from Zachary and Kelsey Nassar.

PRESENTERS

Nuria Rivera-Vandermyde, City Manager Dan Burke, Director, Open Space and Mountain Parks Bethany Collins, Senior Manager, Real Estate Services, Open Space and Mountain Parks Sara Kramer, Property Agent, Open Space and Mountain Parks

EXECUTIVE SUMMARY

The purposes of this agenda item are to request that City Council consider: 1.) a motion approving the conversion of the Grant of Development and Mineral Rights, aka Development Rights Agreement (DRA) on the property located at 8495 Arapahoe Road to a Conservation Easement (CE), in accordance with the disposal procedure established in Article XII, Section 177 of the Boulder City Charter and 2.) a motion to recommend the City's acquisition of the oil and gas interests associated with the property.

In 1987, Lewis and Nancy Bartlett conveyed certain development and mineral rights over their 7.04-acre property (Attachments A and B) to the City of Boulder to preserve the property's scenic, open space, agricultural and environmental uses and features and to restrict residential and other development. The property boarders Open Space Mountain Parks (OSMP)-managed land on 3 sides and is visible from Arapahoe Rd and the city's South Teller Trail and includes land classified as "farmland of statewide importance" by Colorado's Department of Natural Resources. The DRA restricted the development on the property to the [then existing] single-family residence and unlimited farm and ranch buildings thereby limiting the potential for residential or commercial expansion. In addition to the development restrictions, the DRA conveyed all mineral rights, except oil and gas, to the City. The right to extract oil and gas was reserved by the grantee and the DRA allows for structures and facilities related to oil and gas extraction in a 2.5-acre area on the property. The DRA has served as a foundational tool for land protection, but recent interest in expanding development by subsequent owners of the property has revealed the need for clearer, updated agreement language.

In 2024, Zachary and Kelsey Nassar acquired the property and approached OSMP with an interest in expanding the home footprint, building accessory structures such as a pool and patio, constructing a barn, and installing additional landscaping. Some of these requests fell within ambiguous and unclear language of the DRA. In response, OSMP staff and the Nassars agreed that converting the older DRA to a contemporary CE would provide much needed clarity and an effective framework for managing future development, uses and stewardship of the property consistent with OSMP goals. OSMP staff and the Nassars have since been discussing terms, including the restrictions in a new CE and conveyance of the remaining mineral interests associated with the property.

Key elements of the proposed conversion include:

- 1. A contemporary CE with:
 - Establishment of a 1-acre building envelope (BE): All development, including agricultural structures, will be confined to this area, preserving the remainder of the parcel for agricultural use, including land classified as "farmland of statewide importance."
 - **Perpetual water rights:** The CE will encumber a one-third share of the Marshallville Ditch to the property in perpetuity, supporting current and future agricultural operations.
 - **Limited landscaping outside the BE:** The CE will limit landscaping to areas OSMP staff believe will not compromise agricultural viability or scenic value.
 - **Restrictions elsewhere:** Landscaping and development outside the BE or the designated landscaping areas will not be permitted.

2. City acquisition of the remaining mineral rights (oil and gas interests) that were not previously conveyed to the city by the DRA – significantly reducing the threat of any future oil and gas development or extraction from or beneath the property.

Because the new CE would allow for increased residential development, yet consolidated within the BE, the disposal process was identified as the appropriate mechanism for converting the DRA to a contemporary CE. While the new CE would permit additional development, particularly related to the residence, OSMP staff believe the overall outcome represents a net benefit to the city. By concentrating development, securing water and mineral rights, and providing clearer terms, a new CE would better align with long-term stewardship goals and the OSMP Charter and would allow for more effective monitoring and enforcement of the agreement over time.

STAFF RECOMMENDATIONS

Staff requests council consideration of these matters and action in the form of the following motions:

Motion to approve the conversion of the Bartlett Development Rights Agreement to a Conservation Easement pursuant to the disposal procedures of Article XII, Section 177, of the Boulder City Charter.

And

Motion to recommend the city accept the conveyance of the oil and gas interests connected to the City of Boulder's Bartlett DR property from Zachary and Kelsey Nassar.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** OSMP contributes to the economic vitality goal of the city as it provides the context for a diverse and vibrant economic system that helps attract businesses and talent. The city's open space system, including privately-held conserved lands, supports the city's quality of life which attracts visitors and helps businesses recruit and retain quality employees.
- Environmental: OSMP is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. Approval of the CE conversion will enhance open space charter purposes and enable better stewardship of open space land interests in accordance with the OSMP mission and the open space charter.
- **Social:** The City's OSMP land system, including privately-held conserved lands, support the physical and mental well-being of the greater Boulder community.

OTHER IMPACTS

- **Fiscal**: The encumbrance of the water rights and acquisition of the oil and gas interests at no cost to the City have certain negligible value which have not been appraised. The landowner would also agree to more restrictive terms in the CE. OSMP staff believes these factors, coupled with the added resource protection, would provide a net economic value to the city with no monetary outlay.
- Staff time: Sufficient funding for staff time is available to process the CE transaction.

RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE

None.

BOARD AND COMMISSION FEEDBACK

This item was presented to the Open Space Board of Trustees at their May 14, 2025 meeting. Michelle Estrella moved the Open Space Board of Trustees to approve and recommend that City Council approve the conversion of the Bartlett Development Rights Agreement to a Conservation Easement pursuant to the disposal procedures of Article XII, Section 177, of the Boulder City Charter. Sarah Glynn seconded. This motion passed unanimously, 5-0.

Michelle Estrella moved the Open Space Board of Trustees to recommend the acquisition of the oil and gas interests connected to the City of Boulder's Bartlett DR property from Zach and Kelsey Nassar. Sarah Glynn seconded. This motion passed unanimously, 5-0.

PUBLIC FEEDBACK

None.

ANALYSIS

In 1987, Lewis and Nancy Bartlett conveyed certain development and mineral rights over the property (Attachments A and B) to the City of Boulder to preserve the property's scenic, open space, agricultural and environmental uses and features and to restrict residential and other development. The DRA restricted the development on the property to the [then existing] single-family residence and unlimited farm and ranch buildings thereby limiting the potential for residential or commercial expansion.

At the time of acquisition, the original residence was located at the southeast corner of the property along Arapahoe Road. In 1997, a proposal was submitted to construct a new, larger residence interior to the property. Although OSMP raised a few concerns due to potential impacts on agricultural land, the new residence was ultimately constructed and completed in 1999. It is unknown if/how OSMP staff considered the relocation and expansion under the language of the DRA stating Grantors shall have the right to "to remove or replace the existing single family residential building." The original residence remained until 2014 until, after objections from city and county staff, it was deconstructed and the land restored. Other

remaining structures from the original farm still on the property include a small wellhouse and an old granary that are in disrepair.

Since 1987, in addition to residential use, the property has been consistently used as hay fields. Although the DRA reserved the right to construct farm and ranch buildings anywhere on the property, no such structures have been built and development has been limited to a single-family residence. However, in 2023, following a change in ownership, OSMP received a referral for a building permit to construct a swimming pool. The request was denied, as the pool did not meet the DRA's definition of a farm, ranch or existing residential structure. The new owners, unaware of the development restrictions, also expressed interest in expanding the home and adding outdoor patios. These requests prompted a closer review of the DRA, which revealed vague and ambiguous language, particularly regarding expansion of the home footprint and construction of accessory structures. As a result, OMSP staff-initiated discussions to convert the DRA into a contemporary CE with clearer, updated terms to guide future use and development.

Shortly thereafter, the property was listed for sale and, in June 2024, was purchased by Zachary and Kelsey Nassar who again expressed interest in additional development on the property related to the existing residence.

Proposed Conservation Easement (CE)

Negotiations related to their request to convert the DRA to a CE began in the summer of 2024 shortly after the Nassars purchased the property. OSMP staff aimed to clarify and modernize language regarding development, formally encumber the water rights to ensure they would remain tied to the land in perpetuity and secure the oil and gas rights not conveyed by the DRA. Staff believe these goals will be achieved through the proposed conversion to a CE, which represents a net benefit to the City and provides a stronger legal foundation for advancing the OMSP Chater purposes of open space preservation and responsible land stewardship, including long-term monitoring and enforcement of the agreement.

After thoughtful analysis and negotiations, OSMP staff supports the conversion of the DRA to a CE based on the following considerations:

- The conservation values identified in the DRA including scenic, open space and agricultural use will be carried over into the CE.
- The proposed new CE clarifies permitted structures and would concentrate all development within a defined 1-acre building envelope (BE), helping to minimize impacts to the surrounding open space and agricultural fields. Under the current DRA, there is no limit on number or location of farm and ranch structures.
- A 1/3 share of Marshallville Ditch would be encumbered by this CE preventing any future sale of the water or abandonment. The current DRA does not encumber water rights, therefore allowing them to be sold.

- Landscaping would be limited and in areas that do not have a major impact on the scenic or agricultural conservation values and would be native species. Language in the DRA does not address landscaping specifically, making it difficult to enforce.
- The remaining mineral rights (oil and gas) that were not previously conveyed to the city by the DRA will be deeded to the city significantly reducing the threat of any future oil and gas development or extraction from or beneath the property.

Because the conversion to a CE, if approved, would give the property owners rights they did not have in the DRA, staff determined that it is appropriate to follow the disposal pross established in Charter Section 177. That process requires first, an affirmative vote of at least three members of the Open Space Board of Trustees to recommend that City Council approve disposal. If the board recommends disposal, the request goes to council for approval. If council approves the disposal, that approval is effective following a sixty-day period where community members may petition for the question of disposal to be submitted to the electors for a vote.

If the disposal becomes effective, a new CE will replace the current DRA and will further protect Open Space Charter purposes and the Bartlett CE Property's scenic, natural and agricultural resources.

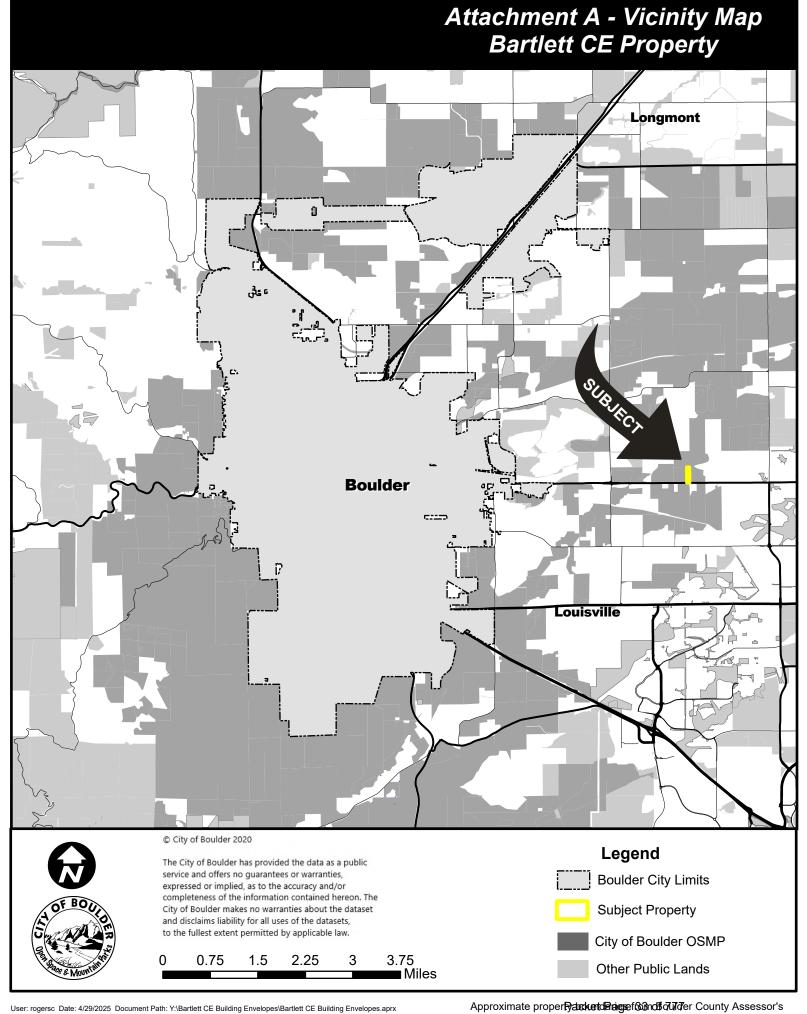
Given the improvement of language clarity, confinement of development to the building envelope, conveyance of oil and gas interests, and tying of water rights to the property, OSMP staff believe the proposed conversion of the DRA to a CE is a net benefit to the city. Therefore, to enhance the conservation objectives and further protect the natural and scenic resources, OSMP staff is recommending this conversion of the Bartlett Development Rights Agreement to a Deed of Conservation Easement for approval.

NEXT STEPS

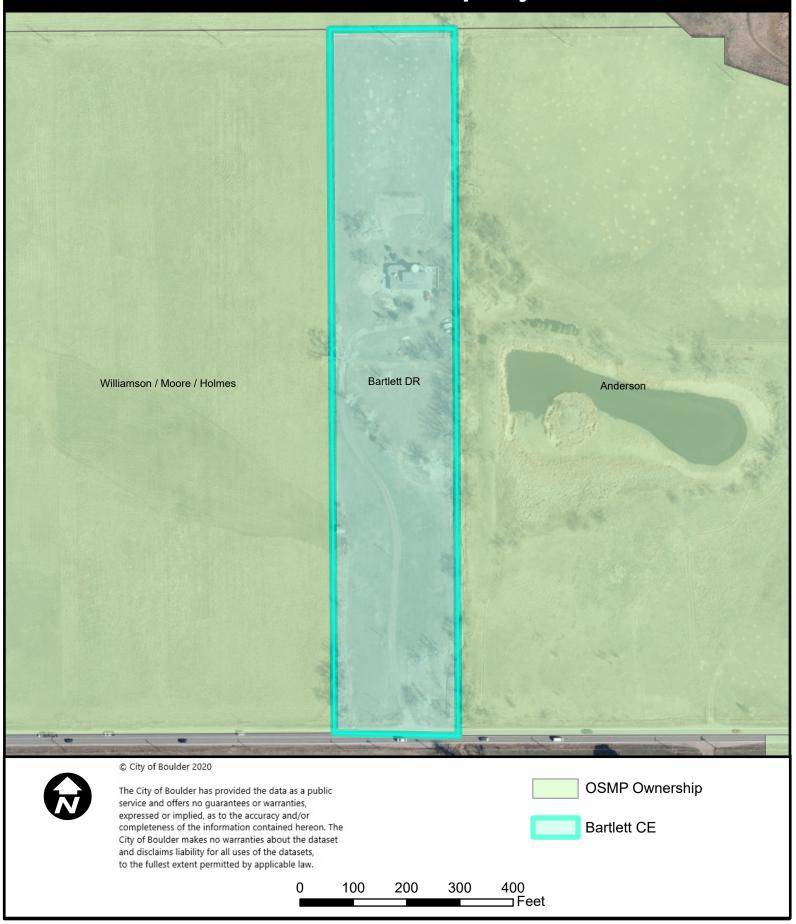
If the disposal permitting the conversion of the Development Rights Agreement to a conservation Easement is approved and the acceptance of the oil and gas interests is recommended by City Council, OSMP and the City Attorney's Office will work with the landowner and their representatives to finalize and execute the CE and mineral deed.

ATTACHMENTS

Attachment A: Vicinity MapAttachment B: Location Map



Attachment B - Location Map Bartlett CE Property



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MEETING DATE June 5, 2025

AGENDA ITEM

Consideration of a motion to authorize and approve Small Cell Facility Terms and Conditions, establishing permit requirements, authorizing telecommunication service providers to locate small cell facilities in the public right-of-way

PRIMARY STAFF CONTACT

Merry Martin, Senior Project Manager

REQUESTED ACTION OR MOTION LANGUAGE

Motion to authorize and approve Small Cell Facility Terms and Conditions, establishing permit requirements authorizing telecommunication service providers to locate small cell facilities in the public right-of-way.

ATTACHMENTS:

Description

Item 3D - Small Cell Facility Terms and Conditions



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Consideration of a motion to authorize and approve Small Cell Facility Terms and Conditions, establishing permit requirements, authorizing telecommunication service providers to locate small cell facilities in the public right-of-way.

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Teresa Taylor Tate, City Attorney
Valerie Watson, Interim Transportation and Mobility Director
Brad Mueller, Planning and Development Services Director
Janet Michels, Senior Counsel
Laurel Witt, Assistant City Attorney III
Mark Garcia, Civil Engineering Senior Manager – P&DS
Devin Joslin, Civil Engineering Senior Manager – T&M
Merry Martin, Senior Project Manager

EXECUTIVE SUMMARY

Federal regulations require government entities to accommodate the deployment of small cell facilities in the public right of way. These Small Cell Facility Terms and Conditions have been drafted to establish requirements for telecommunication service providers to locate, place, attach, install, operate, control, and maintain Small Cell Facilities in the Public Rights-of-Way (PROW).

Applicants for small cell attachment permits previously negotiated contracts with Public Service Company of Colorado (PSCO) (also known as Xcel Energy) so they could attach to streetlight poles within the city. This reflects past practices consistent with PSCO ownership of streetlighting within Boulder. The city acquired the streetlighting system from Xcel Energy on

October 7, 2024. With the city's streetlight acquisition, new Small Cell Facility Terms and Conditions reflect the city's new responsibilities for streetlighting. This proposed motion would authorize and approve the Small Cell Facility Terms and Conditions and ensure that applicants comply with all applicable PROW and land use requirements.

In addition to the descriptions and analysis provided in this memo, the proposed Small Cell Facility Terms and Conditions document is provided in Attachment A.

STAFF RECOMMENDATIONS

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to authorize and approve Small Cell Facility Terms and Conditions, establishing permit requirements authorizing telecommunication service providers to locate small cell facilities in the public right-of-way.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** Updates will support on-going operational activities and adherence to federal requirements. Small cell providers will bear all costs associated with deployment of small cell facilities.
- **Environmental** Standards are intended to minimize impacts to the community and the PROW.
- **Social** Standards are intended to minimize impacts to the community and the PROW as providers install small cell facilities.

OTHER IMPACTS

- **Fiscal** All costs will be borne by small cell providers.
- Staff time This effort is part of the workplan for the Streetlight Acquisition Project.

RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE

None

BOARD AND COMMISSION FEEDBACK

None

PUBLIC FEEDBACK

These changes are in response to federal regulations and the city's acquisition of PSCO's streetlight system. No specific public feedback was sought regarding this update.

BACKGROUND

City Council unanimously agreed with the staff recommended approach to purchase the streetlight system from Xcel Energy in July 2022. The city and PSCO jointly executed the purchase agreement for 4,438 streetlights on October 7, 2024. Contracting for the separation and conversion of the streetlight system was completed in 2024. Separation and conversion work began in January 2025 and is expected to take approximately 18 months to complete.

On May 1, 2025, Council unanimously adopted Ordinance 8694, which made changes to small cell regulations to align city code with federal law regarding local government permitting of wireless telecommunication facilities. While these code provisions brought the city into compliance with federal law, the City will also need to review and revise the Design and Construction Standards (DCS) and make additional changes due to state law enacted by the seventy-fifth General Assembly in 2025. The Terms and Conditions will be added to permits until such a time as those updates occur.

ANALYSIS

Small Cell Facility Terms and Conditions are required to ensure that small cell applications from providers comply with all applicable PROW and land use requirements for any applications received prior to or on June 1, 2025. Exhibit A to the Small Cell Facility Terms and Conditions is the Operational and Design Criteria, which were approved by council on May 15, 2025. Exhibit B to the Small Cell Facility Terms and Conditions are Pole Attachment Terms, which establish requirements for attaching small cell facilities on city-owned streetlights and on standalone poles installed in the public right of way by the telecommunication providers.

The terms and conditions address such things as: permit requirements responses to utility location requests, relocation of small cell facilities, maintenance of attachments, and emergency repairs. The Small Cell Facility Terms and Conditions include revisions that render the language consistent with current city practices in locating and designing streetlighting and will help staff to minimize impacts for the community in public rights of way.

NEXT STEPS

Should the City Council approve the proposed Small Cell Facility Terms and Conditions, staff will publish Attachment A and the Terms and Conditions will go into effect immediately. This

will establish permit requirements and authorize telecommunication service providers to locate small cell facilities in the public right-of-way.

ATTACHMENTS

A – Small Cell Facility Terms and Conditions

SMALL CELL FACILITIES IN PUBLIC RIGHT-OF-WAY TERMS AND CONDITIONS

These Small Cell Facilities in Public Right-of-Way Terms and Conditions ("SCF Terms") are incorporated by reference in all City of Boulder ("City") permits authorizing telecommunication service providers ("Company") to locate, place, attach, install, operate, control, and maintain Small Cell Facilities in the Public Right-of-Way (as defined herein). City and Company may be referred to as a "Party" individually, or collectively as the "Parties".

A. PURPOSE

- 1. The Company owns and/or controls, maintains and operates a wireless and fiber communications Network (as defined in section B below) that serves its customers.
- 2. For purposes of operating the Network, the City has issued one or more permits to Company to locate, place, attach, install, operate, control, and maintain Small Cell Facilities in the Public Right-of-Way ("PROW"), as defined in section B below.
- 3. The City is the owner of PROW, streets, utility easements and similar property rights, as well as certain municipal facilities located in the public right-of-way situated within the City limits of Boulder, Colorado.
- 4. In addition to all obligations of these Small Cell Facility Terms and these Pole Attachment Terms, the Company shall be bound by the applicable requirements established by federal state regulations and the requirements contained in the Boulder Revised Code ("B.R.C."), the Operational and Design Criteria, the Design and Construction Standards, the Pole Attachment Terms, and all applicable City rules and regulations, that are or may be adopted by the City, any of which may be modified or terminated by City from time to time.

B. DEFINITIONS

For the purpose of these SCF Terms, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined shall be given their common and ordinary meaning. To the extent these SCF Terms refers to terms that are defined in the building or land use codes as adopted and amended by the Boulder City Council, and any other applicable provisions of the Boulder Revised Code, as amended (also referred to herein as "B.R.C."), those definitions shall apply. To the extent that any such defined terms, or the definitions of section B, are inconsistent with the corresponding definitions provided by 47 U.S.C. § 153 (the "Federal Act") and C.R.S. § 29-27-401, et seq., and C.R.S. § 38-5.5-102, et seq. (collectively, the "State Act"), the definitions of the Federal Act, as amended, and the State Act, as amended, shall control.

1. "Affiliate" means any entity that, directly or indirectly controls, is controlled by, or is under common control with, the Company. Affiliate includes: (i) any entity in which the Company holds a controlling or similar interest; (ii) any entity which holds a controlling equity or similar interest in the Company; and (iii) any entity under common control with the Company.

- 2. "Applicable Laws" means any statutes, constitutions, charters, ordinances, resolutions, regulations, judicial decisions, rules, tariffs, franchises, administrative orders, certificates, orders, standards, or other requirements of the City or other governmental or judicial authority having the force and effect of law that determines the legal standing of a matter relating to the Parties and/or these SCF Terms.
- 3. "Conceal" or "Concealment" means meeting the technically feasible design standards set forth in the Boulder Revised Code; the Design Construction Standards; and the Operational and Design Criteria; as adopted or subsequently amended, or, a facility that uses elements of a stealth design intended to make the facility look like something other than a wireless tower or base station. Language such as "stealth," "camouflage," or similar in any permit or other document required under these SCF Terms is included in this definition.
- 4. "<u>Design and Construction Standards</u>" means those minimum standards to be used in the design and construction of public infrastructure located in the public right-of-way and public easements in the City, as adopted in Section 9-9-4, "Public Improvements," B.R.C. 1981.
- 5. "<u>Emergency</u>" means any event which may threaten public health or safety, or that results in an interruption in the provision of services, including but not limited to damaged or leaking water or gas conduit systems, damaged, obstructed or leaking sewer or storm drain conduit systems, and damaged electrical and communications facilities.
- 6. "<u>Equipment</u>" means Small Cell Facility antennas and other wireless communications equipment utilizing small cell technology that is specifically identified and described by the Company, and approved by the City and includes, but is not limited to, nodes, antennas, fiber optic cable, coaxial cable, wires, frequencies, technology, conduits and pipes, a pole, and associated and appurtenant equipment on the pole or on the ground deemed by Company necessary to operate the Wireless Site and uses intended thereto.
 - 7. "FCC" means the Federal Communications Commission.
- 8. "<u>Interference</u>" means physical interference where equipment, vegetation, or a structure causes reduced use of another's prior mounted equipment, or an obstruction in a necessary line-of-sight path and/or radio frequency interference where the emission or conduction of radio frequency energy (or electronic noise) produced by electrical and electronic devices at levels that interfere with the operation of adjacent or nearby equipment.
- 9. "<u>Network</u>" or collectively "<u>Networks</u>" means one or more of the wireless and/or fiber-based communications facilities operated by the Company to serve its customers in and around the city of Boulder.
- 10. "Operational and Design Criteria" means current standards and regulations of the City applicable to Telecommunications Equipment installed in the Public Right-of-Way as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference. Each Wireless Site installation on a Pole in the Public Right-of-Way, defined herein, will be subject to the Operational and Design Criteria.

- 11. "Owner" means a person with a legal or equitable interest in ownership of real or personal property.
- 12. "<u>Pole</u>" means a pole owned by the City used for area lighting, traffic signals, and other fixtures or structures that are designated or approved by the City as being suitable for the placement of Company's Attachments.
- 13. "<u>Pole Attachment Terms</u>" means terms and conditions, as set forth in **Exhibit B**, attached hereto and incorporated herein. Each Wireless Site installation on a Pole in the Public Right-of-Way, as therein defined, will be subject to the Pole Attachment Terms.
- 14. "<u>Public Property</u>" means any real property owned by the City other than Public Right-of-Way.
- 15. "<u>Public Right-of-Way</u>" or "<u>PROW</u>" has the same meaning as defined in Section 8-6-6.5 B.R.C. 1981, as adopted or subsequently amended.
- 16. "<u>Small Cell Facility</u>" or "<u>SCF</u>" means both a micro wireless facility, as defined by Section 8-6-6.5 B.R.C. 1981, and small cell facility as defined by Section 8-6-6.5 B.R.C. 1981, as adopted or subsequently amended.
- 17. "Wireless Communications Facility" or "WCF" means a facility used to provide personal wireless services as defined in U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless communications facility does not include a facility that is an accessory use. A wireless communications facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, small cell facilities, support equipment and their permitted supporting structure, but does not include the support structure for the wireless communications facility or its attached components if the use of such structure for the wireless communications facility is not the primary use. This term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle hand held radios/telephones and their transmitting antennas nor does it include other facilities specifically excluded from the definition of WCF under the Boulder Revised Code.
- 18. "<u>Wireless Site</u>" means a location on PROW selected for the Company's deployment of Wireless Communications Facilities, including Small Cell Facilities.

C. PERMITS

- 1. <u>Company Required to Obtain Necessary Permits.</u> For installations, construction, operation, maintenance, and removal of Small Cell Facilities, the Company shall obtain all generally applicable permits that are required of all occupants of the PROW in accordance with Applicable Laws. The City will process all permit applications in a non-discriminatory and competitively neutral manner.
- 2. <u>Incorporation of these SCF Terms into Permits</u>. These SCF Terms and all Applicable Laws including, but not limited to, the Pole Attachment Terms required for attaching

to facilities owned and operated by City, attached hereto as **Exhibit B**, the Boulder Revised Code, the Design and Construction Standards, and the Operational and Design Criteria attached as **Exhibit A** that are or may be adopted by the City, any of which may be modified by the City Manager or the manager's designee from time to time, are incorporated into all City permits authorizing telecommunication service providers to locate, place, attach, install, operate, control, and maintain Wireless Communication Facilities in the PROW (as defined herein) ("Permits"). The Permits subject to these SCF Terms are limited, non-exclusive authorizations by the City. No permission is granted for the use of any property that is not PROW, such as park land, open space land, building walls or rooftops, or macro radio or communications towers.

- 3. <u>Termination by the Company</u>. The Company may terminate any Permit(s) for convenience at its discretion, subject to all obligations for removal of Small Cell Facilities, restoration of the Wireless Site and any other Applicable Laws related to such termination. The City shall have no duty to refund any part of a Permit application fee should the Company terminate the Permit.
- 4. <u>No Interest in Public Property or PROW</u>. No Permit issued for installation of any Equipment, regardless of the payment of any fees and charges, shall create or vest in Company any ownership or property rights or leasehold interest in any portion or elements of the City's Poles, the underlying real property on which any Equipment is located, or any portion of the PROW, except as provided in section G.3, below.
- 5. <u>No Illegal Activity Permitted</u>. The Company shall not knowingly use or permit the Wireless Sites or City-owned infrastructure to be used for any activity violating any Applicable Laws.

D. CONSTRUCTION, OPERATION AND MAINTENANCE IN THE PUBLIC RIGHT-OF-WAY

- 1. Permitted Use of PROW. Subject to the Right-of-Way Permit Approval Conditions, PROW may be used by the Company, seven (7) days a week, twenty-four (24) hours a day, only for the Wireless Sites and attachment, installation, maintenance, upgrade, removal, reattachment, reinstallation, relocation, replacement, use and operation of Small Cell Facilities and not for any other purpose. It is understood that the purpose for installing Small Cell Facilities at designated Wireless Sites in the PROW is to augment Network capacity and wireless coverage otherwise provided through the installation of other facilities, such as traditional tower structures and related fiber backhaul. These SCF Terms shall apply to new types of Small Cell Facilities that may evolve or be adopted using wireless technologies.
- 2. <u>Application and Approval of Wireless Sites</u>. The Company shall file with the City an application for Administrative Development Review ("ADR") for each proposed Wireless Site for which the Company is seeking approval. A single ADR application may seek authority for up to five (5) Small Cell Facilities. Upon filing of a complete ADR application, the City will process the request within the time as designated by Applicable Laws.
- 3. <u>Modifications</u>. Notwithstanding anything in these SCF Terms or the Pole Attachment Terms if applicable, to the contrary, modifications to the Equipment with like-kind or

similar Equipment shall be subject to permitting required under Applicable Laws and shall follow the requirements of the Design and Construction Standards, in particular section 1.05, Alterations, Modifications, and Waivers, as adopted or subsequently amended. Company may make modifications that otherwise comply with the terms of the Permits or other Applicable Laws, provided that: (i) such modification to the Equipment involves only substitution of components, and does not result in any material change to the external appearance, dimensions, or weight of the Equipment, or loading impacts on the pole or other structure as approved by City or impact multimodal traffic flow; or (ii) such modification involves replacement of the Equipment with Equipment that is the same, or smaller in weight and dimensions as the approved Equipment and does not impact multi-modal traffic flow.

4. <u>Utilities</u>. The Company is responsible for telephone, electricity, and any other utility service used or consumed by the Company in connection with its Small Cell Facilities. In no event will the Company secure its utilities by sub-metering from the City, unless approved by the City in writing. The Company may install an electric meter on or within the support structure or, with the written approval of City, on the ground adjacent to the support structure.

5. Utility Locates.

- a. Within forty-eight (48) hours after any City department or franchisee, licensee, or permittee notifies Company of a proposed PROW excavation. Company shall, at Company's expense:
 - i. Mark on the ground surface the location of all its underground facilities within the area of the proposed excavation;
 - ii. Notify the excavator of any unallocated underground facilities in the area of the proposed excavation; or
 - iii. Notify the excavator that Company does not have any underground facilities in the vicinity of the proposed excavation.
- b. Prior to doing any work in the PROW, Company shall give appropriate notices to the City and to the "Utility Notification Center of Colorado" as required by C.R.S. § 9-1.5-101, et seq. The cost of the following will be at the expense of the Company and Company shall have full responsibility for:
 - i. Reviewing and verifying all information and data provided by all owners or operators of underground facilities;
 - ii. Locating all underground facilities shown or indicated in relevant planning documents;
 - iii. Coordination of the work with the owners and operators of all underground facilities;
 - iv. The safety and protection of all utilities and the entire expense of repairing or replacing any utilities or structures disturbed or damaged

during the work;

- v. The location and protection of all individual service lines, notwithstanding any requirements to the contrary in Section C.R.S. § 9-1.5-101 et seq.; and
- vi. The repair of any damage to utilities or the PROW arising out of the Company's work, at no cost or expense to the City.
- c. The City shall not be responsible for the accuracy or completeness of any information provided by or to third-party owners or operators of underground facilities, including the marking thereof.
- d. In the event of a break in an existing sanitary sewer, water main, storm water drain, gas main, aerial or underground electrical infrastructure, or cable television or telecommunication wires or fiber resulting from Company's activities at the Wireless Site, Company shall immediately notify the responsible official of the organization operating the utility interrupted and the project manager and shall lend all possible assistance in restoring service. Company shall be responsible for any cost or expense incurred in such a break, and shall indemnify, defend and hold harmless the City, its directors, officers, employees, elected and appointed officials and agents and the heirs, executors, successors, and permitted assigns of any of the foregoing from and against all losses, claims, obligations, demands, assessments, fines and penalties (whether civil or criminal), liabilities, expenses and costs (including reasonable attorneys' fees and costs of defense), bodily and other personal injuries, damages to tangible property, and other damages, of any kind or nature suffered or incurred by the City directly or indirectly arising from or related to any break in an existing water main, gas main, sewer or underground cable. Company's obligation to indemnify the City as set forth herein shall survive the termination of any Permit.
- 6. <u>Duty to Minimize Interference</u>. The Company shall not materially impede, obstruct or otherwise interfere with the installation, existence or operation of any other facility in the PROW, including but not limited to sanitary sewers, water mains, storm water drains, gas mains, traffic signals and/or utility poles, City-owned street lights, aerial and underground electrical infrastructure, cable television and telecommunication wires and fiber, public safety and City networks, and other telecommunications, utility, or Public Property, without the express written approval of the City or other owner or owners of the affected property or properties. All Company activities in the PROW shall be carried on as to minimize interference with the use of the PROW and with the use of private property, in accordance with all regulations of the City necessary to provide for and protect public health, safety and convenience.

7. Relocations.

a. The City shall have the right to require the Company to relocate, remove, replace, modify or disconnect Small Cell Facilities located in the PROW for

public projects, in the event of an Emergency, or when the public health, safety or welfare requires such change (for example, without limitation, by reason of traffic conditions, public safety, PROW vacation, PROW construction, change or establishment of PROW grade, installation of sewers, drains, electric lines, gas or water pipes, conduits, cables, or any other types of structures or improvements by or on behalf of the City for public purposes).

- i. Such work shall be performed at the Company's expense and shall include but not be limited to any cost to the City for lighting photometrics, new mast arms, lights, luminaires, or optics.
- ii. The City shall have the right to make full use of the property involved as may be necessary or convenient, and the City retains all rights to operate, maintain, install, repair, remove, replace or relocate any of its facilities located within the City's property at any time and in such a manner as it deems necessary or convenient.
- iii. Except during an Emergency, the City shall provide reasonable notice to the Company, of not less than one hundred twenty (120) days, and allow the Company the opportunity to perform any relocation, removal, replacement, modification or disconnection of the Small Cell Facilities located in the PROW acceptable to the Company.
- iv. Within one hundred twenty (120) days' written notice from the City, the Company shall relocate, remove, replace, modify or disconnect any of its Small Cell Facilities within any PROW; failure by the Company to do so constitutes an Event of Default pursuant to these SCF Terms.
- v. If the City requires the Company to relocate its Small Cell Facilities located within the PROW, the City shall make a reasonable effort to provide the Company with an alternate location within the PROW acceptable to the Company.
- vi. During such relocation, if necessary, in the Company's reasonable determination, and consistent with any applicable permit requirements, it may place a temporary installation in the PROW (e.g. cell-on-wheels).
- vii. Any relocated pole must follow the Applicable Laws, including but not limited to the Operational and Design Criteria, the Pole Attachment Terms, and the Design and Construction Standards, as adopted or subsequently amended.
- b. If the Company fails to complete the relocation within the one hundred twenty (120) day period and to the City's reasonable satisfaction, the City

may remove the Small Cell Facilities or otherwise cause such work to be done and bill the cost of the work to the Company, including all costs and expenses incurred by the City due to the Company's delay. In such event, the City shall not be liable for any damage to any portion of the Network other than damage caused by the City's gross negligence or willful misconduct. Within sixty (60) days of receipt of an itemized list of those costs, including the costs of labor, materials, and equipment, the Company shall pay the City.

8. <u>Duty to Repair</u>.

- a. Any PROW, Public Property, adjoining property, pole, streetlight fixture, traffic signal, or other public improvement, or private property that is disturbed or damaged during, or as a result of, the construction, reconstruction, repair, replacement, removal, relocation, operation or maintenance of any Wireless Communication Facilities by the Company or its agents or contractors shall be promptly repaired to the reasonable satisfaction of City by the Company at its sole expense. The Company will use commercially reasonable efforts to provide written notification to the City within twenty-four (24) hours of the damage and report corrective activities after completion to the City. The City may inspect repairs for City approval of repair to the damaged areas. Repair work should follow any requirements in Applicable Laws, including but not limited to the Operational and Design Criteria, the Pole Attachment Terms, and the Design and Construction Standards.
- b. The Company shall warrant any restoration work performed by or for the Company in the PROW in accordance with Applicable Law. If restoration is not satisfactorily performed by the Company within a reasonable time, City may, after prior notice to the Company, or without notice where the disturbance or damage may create a risk to public health or safety, cause the repairs to be made and recover all costs of those repairs from the Company. Within sixty (60) days of receipt of an itemized list of those costs, including the costs of labor, materials, and equipment, the Company shall pay the City.
- 9. <u>Emergencies</u>. The City will notify the Company as soon as possible after the City identifies an Emergency that threatens public health or safety. The Company shall respond to the Emergency of which the City has given notice or of which the Company becomes aware within one hour to ensure all exposed electrical wires and power are secured and not active and that the Equipment is secured.
- 10. <u>Inventory of Wireless Sites</u>. The Company shall maintain a current inventory of Wireless Sites throughout the term of any Permit. Upon written request of the City, which request may be made not more than once each calendar year, the Company shall provide to the City a copy of the inventory of Wireless Sites by December 31 of such year until the end of the Permit term. The inventory shall include roadway intersection (if applicable), GIS coordinates, date of installation, the Company Site ID #, City's Streetlight ID # (if applicable), type of pole or structure used for installation, pole Owner, wireless transmission antennas along with their operating

frequency and power, radio specifications (if applicable), transmitter and receiver bandwidth and operating frequency, operating power specifications, audio emissions, cumulative transmitter power, LED SKU and smart control, along with description/type of installation for each Wireless Site Small Cell Facility installation, and status of small cell (active/inactive). Concerning Wireless Sites that become inactive, the inventory shall include the same information as active installations in addition to the date the Wireless Site was deactivated and the date the Small Cell Facility was removed from the PROW. The City will compare and monitor the inventory to its records to identify any discrepancies.

11. <u>Unauthorized Installations</u>. If there are any unauthorized Wireless Sites identified by the City as a result of comparing the inventory of Wireless Sites to internal records or through any other means, the City shall provide written notice to the Company of such unauthorized Wireless Site and the Company shall have sixty (60) days thereafter in which to submit an ADR application for that location, or alternatively to remove the Small Cell Facilities and restore the property at the Company's expense. If the Company fails to submit an ADR application, or if the request is denied, the Company shall remove the Small Cell Facilities from the PROW and restore the property at its expense within thirty (30) days, unless a different time period is agreed to by the City. If the request is approved, the Company shall pay the required fees for an ADR application plus interest at the rate of two percent (2%) per annum from the date of the original installation.

12. Signal Interference Prohibited.

- a. Notice; Company Response. In the event any Small Cell Facilities interfere with the City's traffic signal system, municipal utility systems, advanced metering infrastructure, public safety radio system, or other City communications infrastructure operating on spectrum where the City is legally authorized to operate, the Company shall respond to the City's request to address the source of the Interference as soon as practicable, but in no event later than twenty-four (24) hours of receiving such request, pursuant to protocol outlined in section D.12.b. below, and shall follow the escalation process outlined in section E of these SCF Terms.
- b. <u>Response Protocol</u>. The protocol for responding to events of Interference will require the Company to provide the City an Interference remediation report that includes the following items:
 - i. <u>Remediation Plan</u>. Devise a remediation plan to stop the event of Interference;
 - ii. <u>Time Frame for Execution</u>. Provide the expected timeframe for execution of the remediation plan; and
 - iii. <u>Additional Information</u>. Include any additional information relevant to the execution of the remediation plan.

c. Removal: Relocation.

- i. In the event Interference with City's facilities cannot be eliminated, the Company shall shut down the Small Cell Facilities and pursuant to section D.7. above remove or relocate any Small Cell Facility that is the source of the Interference to a suitable alternative location. Any removal or relocation will follow Applicable Laws and these SCF Terms.
- ii. In the event a Small Cell Facility ceases operation for six (6) consecutive months, all Permits approving the Small Cell Facility at that location shall terminate and the Company shall remove it pursuant to Section 8-6-6.5, "Small Cell Facilities in the Public Right-of-Way Permits," B.R.C. 1981, as adopted or otherwise amended.
- d. <u>No Interference.</u> The Company's Small Cell Facilities shall be of the type and frequency which will not cause harmful Interference which is measurable in accordance with then existing industry standards to the then existing equipment of any other entities with Small Cell Facilities located in the PROW.
- 13. <u>Joint Trenching/Boring Meetings</u>. Company will regularly attend and participate in planning meetings of the City, of which Company is made aware, to anticipate joint trenching and boring. Whenever it is possible and reasonably practicable to joint trench or share bores or cuts, Company shall work with the providers, licensees, permittees, and franchisees so as to reduce so far as possible the number of PROW cuts within the City.

E. EMERGENCY CONTACTS

- 1. <u>Coordination of Emergency Events</u>. In case of an Emergency due to Interference, failure of traffic signal or utility systems, or any unforeseen events, the City will act to protect the public health and safety of its community members, and to protect public and private property, notwithstanding any provision in the Permits. The City will make every reasonable effort to coordinate its emergency response with the Company. To that end, the Company's Network Monitoring Center may be reached 24/7 at: the Company contact telephone number indicated on the Permit. City's emergency contact may be reached 24/7 at: 303-441-3200.
- 2. <u>Company's Duty to Maintain Current Emergency Contacts</u>. The Company shall maintain and keep current its emergency contact information at all times with the City.
- 3. <u>Company's Response to Network Emergency</u>. In case of a Network emergency due to any unforeseen event, the Company may access its Wireless Sites and Small Cell Facilities without first obtaining a PROW permit provided the Company has conducted Network troubleshooting and diagnostic tests, has reasonably identified the point or points of Network failure or malfunction, and complies with Section 8-5-16, "Emergency Procedures," B.R.C. 1981. While acting under this provision to address a Network emergency, the Company shall conduct its activities within the PROW in such a manner as to protect public and private property and to provide the necessary traffic control as required by Section 8-5-10, "Temporary Traffic Control," B.R.C. 1981. The Company will make every reasonable effort to coordinate its emergency response with the City. To that end, prior to entering the PROW, the Company will give notice to

the City of the Network emergency and an estimated time period to address the situation, as provided in section J.6. of these SCF Terms.

Notwithstanding the foregoing, the person doing the emergency work shall apply to the City for a permit on the first working day after such work has commenced, in accordance with Section 8-5-16, B.R.C. 1981.

F. DAMAGES, WAIVERS, AND INSURANCE

1. Damages and Waivers.

- a. The City shall not be liable to the Company, or any of its agents, representatives, or employees, for any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise.
- b. In consideration for the rights granted under the Permits, the Company waives all claims, demands, causes of action, and rights it may assert against the City and its officials, personnel, agents, and representatives because of any loss, damage, or injury to any Small Cell Facilities, or any loss or degradation of service resulting from the installation, operation, maintenance or malfunction of any Small Cell Facilities regardless of cause, except as provided in this section F. and except with respect to claims, demands, causes of action and rights the Company may assert against the City and its officials, personnel, agents, and representatives in connection with their gross negligence and willful misconduct.

2. Insurance.

Unless otherwise required by the Permit and for so long as the Company a. has any Wireless Communication Facility in the PROW, the Company shall carry, at its own cost and expense, the following insurance: (i) commercial general liability insurance with a limit of liability of \$4,000,000 per occurrence for bodily injury (including death) and property damage including loss of use thereof and \$6,000,000 general aggregate including products and completed operations; professional liability (errors and omissions) with a limit of liability of \$4,000,000 per occurrence and \$6,000,000 aggregate; (iii) Workers' Compensation Insurance as required by law and employers' liability insurance with limits of \$500,000 bodily injury each accident, \$500,000 bodily injury each disease-each employee, and \$500,000 bodily injury disease policy limit; and (iv) commercial automobile liability insurance if vehicles will be used in the performance of the contract in the amount of \$1,000,000 combined single limit each accident for bodily injury and property damage, extending to all owned, hired, and non-owned vehicles. Notwithstanding the foregoing, the City

may increase the aforementioned limits of insurance at any time upon prior written notice to, review and acceptance by, the Company. The Company shall require each of its contractors to obtain and maintain substantially the same insurance as required of the Company.

- b. All of the insurance coverages identified in section F.2., except the workers' compensation insurance and professional liability insurance, shall include the City as an additional insured as its interest may appear, and shall provide a defense and indemnification to the City regardless of the City's fault or wrongdoing. City's additional insured status shall: (i) be limited to bodily injury, property damage or personal and advertising injury caused, in whole or in part, by Company and its employees; (ii) not extend to claims for punitive or exemplary damages arising out of the acts or omissions of the additional insureds, where such coverage is prohibited by law, or to claims arising out of the gross negligence of the additional insureds; and (iii) not exceed Company's indemnification obligation under these SCF Terms, if any. The insurance shall indemnify and defend the City, its elected and appointed officials, directors, officers, employees, agents and volunteers against all loss, damage, expense and liability arising out of or in any way connected to acts or omissions of Company. To the extent allowed by law, the workers compensation insurance shall contain a waiver of subrogation for the City's benefit. Further, the insurance coverages identified in section F.2. will be primary and non-contributory with respect to any self-insurance or other insurance maintained by the City.
- c. Upon issuance of the Permits subject to these SCF Terms and all exhibits thereto and upon any subsequent request of the City, the Company shall provide the City with a Certificate of Insurance and blanket additional insured endorsements determined by the City to be necessary to provide evidence of the coverage required by this section F.2. The Certificate Holder shall be identified as: City of Boulder, P. O. Box 791, Boulder, CO 80306.
- d. Upon receipt of notice from its insurer(s), the Company shall use commercially reasonable efforts to provide City with thirty (30) days' advance written notice of cancellation of any coverage.
- e. All of the primary insurance policies Company, and its contractors to the extent applicable under section F.2., are required to maintain in section F.2. shall be obtained from insurance carriers having an A.M. Best rating of at least A-VII or better.

G. DEFAULT AND REMEDIES

1. <u>Notice of Violation to Company</u>. The City shall provide the Company with a detailed written notice of any violation of these SCF Terms or any exhibit thereto, and a thirty (30) day period within which the Company may: (i) demonstrate that a violation does not exist, (ii) cure the alleged violation, or (iii) if the nature of the alleged violation prevents correction thereof within

thirty (30) days, to initiate a reasonable plan of action to correct such violation (including a projected date by which it will be completed) and notify the City of such plan of action; provided, however, that such plan shall be subject to City's written approval where City's equipment or operations will be affected by the corrective action, which approval will not be unreasonably withheld, conditioned or delayed.

- 2. <u>Company Default.</u> If the Company fails to disprove or correct the violation within thirty (30) days, or, in the case of a violation which cannot be corrected in thirty (30) days, the Company has failed to initiate a reasonable plan of corrective action and to correct the violation within the specified time frame in such plan, then the City may declare in writing that the Company is in default.
- 3. Bankruptcy. The Company expressly agrees and acknowledges that in the event Company shall become a debtor in any voluntary or involuntary bankruptcy proceeding under the United States Bankruptcy Code, 11 U.S.C. § 101, et seq. (the "Bankruptcy Code"), for the purposes of proceeding under the Bankruptcy Code, the Permits shall be treated as an unexpired lease of nonresidential real property under section 365 of the Bankruptcy Code, 11 U.S.C. § 365 (as may be amended), and, accordingly, shall be subject to the provisions of subsections (d)(3) and (d)(4) of said section 365. Any person or entity to which Company's rights, duties and obligations are assigned pursuant to the provisions of the Bankruptcy Code, shall be deemed without further act to have assumed all of the obligations of Company arising under the Permits both before and after the date of such assignment. Any such assignee shall upon demand execute and deliver to City an instrument confirming such assumption. Any monies or other considerations payable or otherwise to be delivered in connection with such assignment shall be paid to City, shall be the exclusive property of City, and shall not constitute property of Company or of the estate of Company within the meaning of the Bankruptcy Code. Any monies or other considerations constituting City's property under the preceding sentence not paid or delivered to City shall be held in trust for the benefit of City and be promptly paid to City.
- 4. <u>Termination/Revocation</u>. In the event of a default by the Company, without limiting the exercise of any right or remedy which the City may have by reason of such default, City may terminate the Permits if the default affects all Permits as a whole, or any Permit subject to the default, and/or pursue any remedy now or hereafter available to the City under the Applicable Laws; provided, however, nothing herein shall be deemed to limit or restrict the Company from challenging the claimed default and/or termination as provided under section J.9. of these SCF Terms. Further, upon a default, the City may at its option (but without obligation to do so), perform the Company's duty or obligation. The costs and expenses of any such performance by the City shall be due and payable by the Company upon invoice therefor.

H. RENEWAL AND OWNERSHIP

- 1. <u>Renewal</u>. Unless earlier terminated by either Party pursuant to the provisions of these SCF Terms, the Company may request a renewal of the Permits by providing at least six (6) months written notice of the intent to renew prior to the expiration date of the Permits. Renewal of permits may be requested under the Applicable Laws.
 - a. Ownership. As between the City and the Company, the Company shall at

all times retain ownership of the Small Cell Facilities, unless an alternative vertical structure, such as a street light, has been purchased or installed by the Company in which case, Company shall transfer ownership of the vertical structure to the City with a Bill of Sale on a form provided by the City. Upon expiration or non-renewal of the Permits, within ninety (90) days of such expiration or non-renewal, the Company shall remove its Small Cell Facilities installed within the PROW, or alternatively, sell the same to a qualified buyer consistent with Applicable Law. Any removal shall follow Applicable Law, including but not limited to the Operational and Design Criteria and the Design and Construction Standards, as adopted or subsequently amended. In no event shall Company abandon in place any of its Small Cell Facilities installed in or on the PROW, unless written consent of the City is obtained.

I. ASSIGNMENT

1. <u>Assignment</u>. Company shall not assign or transfer the Permits. If the assets are assumed by a different company, that company must apply for a new Permit.

J. MISCELLANEOUS

- 1. <u>Severability</u>. If any Applicable Law renders any provision of these SCF Terms invalid, the remaining provisions shall remain in full force and effect.
- 2. <u>Force Majeure</u>. The Company shall not be deemed to be in default, non-compliance, or in violation of any provision of these SCF Terms where performance was hindered or rendered impossible by war or riots, civil disturbances, pandemics or epidemics, natural catastrophes or other circumstances beyond the Company's control, provided the Company took steps to mitigate damages and accepts responsibility to cure the default, non-compliance or violation in a manner and within a time period reasonably acceptable to the Licensor.

3. No Waiver.

- a. The failure of the City on one or more occasions to exercise a right or to require compliance or performance under these SCF Terms shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance by the City, unless such right or such compliance or performance has been specifically waived in writing.
- b. Both the City and the Company expressly reserve all rights they may have under Applicable Law to the maximum extent possible, and neither the City nor the Company shall be deemed to have waived any rights they may now have or may acquire in the future by applying for or issuing the permits subject to these SCF Terms.
- 4. <u>Attorney Fees</u>. Should any dispute arising out of the Company's noncompliance with any permit or these SCF Terms lead to litigation, the City shall be entitled to recover its costs of defense and litigation, including (without limitation) reasonable attorneys' fees.

5. Notice.

- a. All notices that shall or may be given pursuant to these SCF Terms must be in writing and delivered by hand or: (i) through the United States mail, by registered or certified mail; or (ii) by prepaid overnight delivery service. If a hard copy of the same is delivered through the U. S. Postal Service or by overnight delivery service, it shall be delivered to the contacts for the Parties listed in permit wherein these SCF Terms are incorporated.
- b. As set forth above, Company and City shall make certain that each has a designated contact person available 24/7 in the event of an emergency requiring immediate action. In such event, Company's contact will be provided to the City at the time of receiving this Permit, and City's can be reached at 303-441-3200. The Company shall maintain a current emergency contact number with the City and notify the City of any changes.
- c. The Company shall provide timely notice to the City of changes in the address or telephone number for notification under this provision. Notice shall be deemed effective upon delivery (or refusal of delivery) and may only be given by delivery to the U.S. Postal Service, registered or certified mail, or by commercial courier service.
- 6. Other PROW Users. The Company understands that the City permits other persons and entities to install utility facilities in the PROW. In permitting such work to be done by others, the City shall not be liable to Company for any damage caused by those persons or entities.
- 7. <u>Laws Governing/Venue</u>. These SCF Terms shall be governed by and construed in accordance with the laws of the State of Colorado, and applicable federal law. Venue for any proceeding brought pursuant to these SCF Terms shall be only in the District Court of the State of Colorado located in Boulder County, Colorado, or the Federal District Court for the District of Colorado located in Denver, Colorado.
- 8. <u>No Third-Party Beneficiaries</u>. Nothing contained in these SCF Terms shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the City that any such party or entity, other than the City or Company, receiving services or benefits under these SCF Terms shall be deemed an incidental beneficiary only.
- 9. <u>Public Disclosure</u>. The Company acknowledges that these SCF Terms are a public record within the meaning of the Colorado Open Records Act, C.R.S. § 24-72-200.1, et seq. as same may be amended, and accordingly may be subject to examination by the public.
- 10. <u>Appropriations</u>. These SCF Terms are expressly made subject to the limitations of the Colorado Constitution. Nothing herein shall constitute, nor be deemed to constitute, the creation of a debt or multi-year fiscal obligation or an obligation of future appropriations by the Boulder City Council, contrary to Article X, § 20, Colo. Const., or any other constitutional, statutory, or charter debt limitation. Notwithstanding any other provision of these SCF Terms, with respect to any financial obligation of the City which may arise under these SCF Terms in any fiscal year after the year of execution, in the event the budget or other means of appropriation for any

such year fails to provide funds in sufficient amounts to discharge such obligation, such failure shall not constitute a default or breach of these SCF Terms, including any sub-agreement, attachment, schedule, or exhibit thereto, by the City.

- 11. <u>No Waiver of Governmental Immunity</u>. Nothing in these SCF Terms shall be interpreted to limit or prevent the protections afforded to the City under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq.
- 12. <u>Indemnification</u>. The Company shall indemnify, defend and hold the City, its employees, officers, elected and appointed officials, agents and contractors (the "Indemnified Parties") harmless from and against all injury, loss, damage or liability (or any claims in respect of the foregoing), costs or expenses arising from any third party claims resulting from (i) Company's installation, use, maintenance, repair or removal of Attachments or (ii) an Event of Default by Company under any Permit or these SCF Terms. The indemnity provided for in this paragraph shall not apply to any liability resulting from the gross negligence or willful misconduct of the City or an Indemnified Party. The City shall give prompt written notice to Company of any claim for which the City seeks indemnification. Company shall have the right to investigate the claim. Company shall not settle any claim without reasonable consent of the City, unless the settlement (i) will be fully funded by Company, and (ii) does not contain an admission of liability or wrongdoing by the City or any Indemnified Party.
- 13. <u>Applicable Laws</u>. Company shall comply with all applicable laws in the exercise and performance of its rights and obligations under the Permit and the SCF Terms. If a term of the Permit or these SCF Terms conflicts with applicable state or federal laws, the City will apply the terms of the same so as to be consistent with such laws.
- 14. <u>Miscellaneous</u>. Nothing in these SCF Terms shall be construed to grant Company an interest in any City infrastructure or PROW.

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<u>EXHIBIT A</u> OPERATIONAL & DESIGN CRITERIA

[Approved by Boulder City Council on May 15, 2025]

Operational and Design Criteria

A. <u>Applicability</u>. These Operational and Design Criteria apply to Small Cell Facilities and alternative tower structures within the Public Right-of-Way ("PROW").

B. Operational Standards.

- 1. Federal and State Requirements. All Small Cell Facilities and associated Equipment (collectively, "Small Cell Facilities") shall meet the current standards and regulations of the FAA, FCC and any other agency of the federal or state government with the authority to regulate telecommunication equipment. If such standards and regulations are changed, Company shall bring such Small Cell Facilities into compliance with such revised standards and regulations within the time period mandated by the controlling federal or state agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the Small Cell Facilities from any site at Company's expense.
- 2. Radio Frequency Standards. All Small Cell Facilities shall comply with federal standards for radio frequency emissions. For Small Cell Facilities in the Public Right of Way, if concerns regarding compliance with radio frequency emissions standards are made to City, City may request that Company provide information demonstrating compliance with such federal standards. Company shall provide the City with licenses or other documentation showing compliance with federal standards. If, upon review, City in its reasonable discretion finds the Small Cell Facility does not meet federal standards, City may require Company to take corrective action, and if not corrected, may require removal of any Small Cell Facilities as an unauthorized use under the Small Cell Terms or the Pole Attachment Terms. Any reasonable costs incurred by City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by Company upon demand by City or, if such costs remain unpaid after demand, City may recover such costs by the same manner and method authorized to recover nuisance abatement costs under the Boulder Revised Code (B.R.C.).
 - a. Company shall provide the City with an inventory at the time of Company's permit application, and then triennially or upon written request of the City, which request may be made not more than once every two years to the end of the term of any Permit, to the City's designated representative which includes roadway intersection (if applicable), GIS coordinates, date of installation, the Company Site ID number, City's Streetlight ID number (if applicable), type of pole or structure used for installation, and pole Owner, along with all licenses or other documentation showing compliance with federal standards for each Wireless Facility.
- 3. Company shall be solely responsible for all costs and expenses associated with the installation, operation, maintenance, and relocation of Company's Small Cell Facilities within the PROW or on a Pole. Company shall install, maintain, relocate, and provide electricity for any streetlight facility and other City appurtenances required or requested at the Wireless Site, including but not limited to, smart controls and sensors at no cost to the City and to applicable

current City standards. Company shall consult with the City upon any new installation or modification of streetlight facilities.

- a. Company shall own, operate, and maintain a dedicated metered, electrical cable feed from the electrical utility provider's secondary electric grid to the Small Cell Facility. Company shall be responsible for keeping this feed, and the City's respective facilities, energized at all times at no cost to the City.
- b. Operations and maintenance of a Small Cell Facility shall be performed exclusively by the Company at no cost or liability to the City. All operations and maintenance performed by Company shall comply with any standard in these Operational and Design Criteria, the Boulder Revised Code, and any permit terms.

C. <u>Location and Design Standards.</u>

The requirements set forth in this section shall apply to the location and design of all Small Cell Facilities governed by this section as specified below; provided, however, that the City may waive any one or more of these requirements if it determines that the goals of this section are better served thereby. To that end, Small Cell Facilities shall be designed and located to minimize the impact on the surrounding properties and residential neighborhoods and to maintain the character and appearance of the City, consistent with other provisions of the B.R.C.

- 1. Camouflage/Concealment. All Small Cell Facilities and any related Equipment shall, to the maximum extent possible, use concealment design techniques, and where not possible utilize camouflage design techniques as set forth in Section 9-6-4(f)(1) "Specific Use Standards Public and Institutional Uses, Wireless Communications Facilities," B.R.C. 1981 or Section 8-6-6.5(e) "Small Cell Facilities in the Public Right of Way", B.R.C. 1981 now or later amended. Camouflage design techniques include, but are not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the Small Cell Facility to the surrounding natural setting and built environment.
 - a. In such instances where Small Cell Facilities are located in areas of high visibility, they shall, where physically possible, be designed to be concealed, and where not possible to be concealed, to minimize the Small Cell Facility profile through placement of equipment fully or partially underground, encasement of equipment in the pole structure, or, behind landscape berms. Each of the previously listed concealment techniques are examples and not limitations on potential concealment techniques.
 - b. A concealment design may include the use of Alternative Tower Structures should the City Manager determine that such design meets the intent of Section 9-6-4(f), B.R.C.1981 and the community is better served thereby.
 - c. All Small Cell Facilities shall be constructed out of non-reflective materials (visible exterior surfaces only) and shall be painted to match as closely as possible the color and texture of the vertical infrastructure on which it is mounted.

D. Siting.

Small Cell Facilities may be required to be designed and constructed to permit the facility to accommodate Small Cell Facilities from at least two wireless service providers on the same Small Cell Facility unless the City approves an alternative design due to technical or practical infeasibility. No Small Cell Facility owner or operator shall unfairly exclude a competitor from using the same facility or Site.

- 1. Small Cell Facilities shall not encroach into any sight triangles.
 - a. *Lighting*. Small Cell Facilities shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the Small Cell Facility is mounted on a light pole or other similar structure primarily used for lighting purposes. All Small Cell Facilities attached to streetlights are subject to the following terms:
 - i. All lighting facilities installed by Company shall be installed to current City standards for Small Cell Facilities as part of Company's make ready work.
 - ii. Company shall maintain and repair all City lighting facilities in good working order, including compliance with all City repair and replacement deadlines identified in any notice from the City of the need for such maintenance and repair.
 - iii. Company shall address streetlight outages or other maintenance requests within seven (7) calendar days from the date of notice by the City.
 - iv. Company may inquire into the availability of new City-owned luminaires or smart control materials to purchase from the City and install on Poles.
 - v. The Company shall pay, through a provided invoice, the City of Boulder to conduct required lighting photometrics if light locations are changed to ensure proper lighting specifications are achieved in the PROW. If a pole location is moving, new mast arms, lights, or optics may be required from the original location at Company's expense and as directed by the City.
 - vi. Company shall update all streetlight facilities being modified to the current City and utility owner standard upon de-energization or modification of City streetlight circuits at no cost to the City. This update may require (but is not limited to) the following:
 - A. New underground cable installed, in conduit.

- B. Black galvanized steel pole, labelled with City of Boulder label.
- C. Installation of a permanent separation point on City streetlight circuit if de-energized or modified in any way. This installation will require coordination with both City and the utility owner. Company shall not begin construction of any Small Cell Facility until the City and utility owner have approved the Company's plan for de-energizing or modifying any streetlight circuit.
- 2. Specific Design Requirements. Additional design requirements shall be applicable to Alternative Tower Structures ("ATS") and Small Cell Facilities in the PROW:
 - a. No pole or structure shall be more than ten (10) feet higher (as measured from the ground to the top of the pole or structure) than any existing utility structure of the same type within five hundred (500) feet of the pole or structure.
 - b. No Pole or structure shall exceed the height limitations for principal buildings and uses in Section 8-6-6.5, "Small Cell Facilities in the Public Right of Way Permits," B.R.C. 1981, and any other applicable code provisions.
 - c. All poles or structures and Small Cell Facilities located in the PROW shall comply with the City's Small Cell Design Guidelines and Standards, see:
 - https://bouldercolorado.gov/sites/default/files/2021-02/guidesmall-cell-design.pdf.
 - d. Any new pole for ATS or Small Cell Facility shall be separated from any other existing WCF facility by a distance of a least six hundred (600) feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the City Manager.
 - e. With respect to pole-mounted Equipment, Small Cell Facilities shall be located on an existing pole serving another utility; or be located on a new pole where other utility distribution lines are aerial, if there are no reasonable alternatives. To the extent the street light standards conflict with this provision or any provision in this subsection, the street light standards shall be followed.
 - f. ATS shall be concealed consistent with other existing natural or manmade features in the right-of-way near the location where the alternative tower structure will be located.
 - g. When placed adjacent to a residential zoned property, the facility shall not be installed within the perpendicular extension of the front yard facing walls

of the principal structure on the property or within the perpendicular extension of any walls of said structure facing a side yard that is adjacent to a street. The facility shall be located at least five feet from the nearest edge of the garage or driveway, whichever is closer. In the case of a corner lot, where practical, the facility shall be placed on the corner formed by two intersecting streets.

- h. Any ATS or Small Cell Facilities in the PROW must meet all City-adopted standards, including standards of the American Association of State Highway and Transportation Officials ("AASHTO") or the Colorado Department of Transportation ("CDOT"), as applicable. Nothing in these Operational and Design Criteria supersede any City requirement otherwise applicable to obtain a permit or approval from the City's Planning & Development Services for construction in the Right-of-Way. This may include review of wind and snow loading as set forth in the City's adopted building codes, as well as a crash-tested break-away feature, crash protection, or placement outside of the clear zone per AASHTO and CDOT standards.
- i. If requested by the City based on the location of the proposed WCF, the exterior of metal support poles shall have a duplex finish consisting of a galvanized coating covered by a powder coat in the color of black powder coated over galvanized steel to match the City's intention for pole color in the area.

E. Traffic Signal Pole Requirements

- 1. Traffic signal Poles supporting police equipment are not eligible to be considered for Company's Small Cell Facilities. Company's Small Cell Facilities placed on traffic signal Poles may be required to be relocated at any time, at Company's expense pursuant to Section G Relocation, Abandonment and Removal, of the Pole Attachment Terms, if the City-owned Pole is needed for placement of police equipment.
- 2. Traffic signal Poles are engineered structures designed to specific loading criteria and required AASHTO standards. Modifications to the loading will require an engineering analysis stamped by a Colorado licensed professional engineer. Company will be responsible for providing a structural analysis if any materials are to be attached to traffic signal Poles.
- 3. Installations on traffic signal Poles cannot alter the Poles in any way. All attachments must be banded. Drilling and taping installations on traffic signal Poles is prohibited.
 - 4. All cabling must be external to the Pole.
- 5. Cables, conduits and bands must not interfere with access to or operation of any of the traffic signal equipment. Specific clearances may be required and will be reviewed on a case-by-case basis in the permitting process.

- 6. Company shall provide an analysis to demonstrate the proposed equipment will not interfere with any wireless network of the City operating in the 900 MHz and 5.8 GHz frequencies.
- 7. For installations on traffic signal Poles, involved personnel must hold at least a Level I IMSA Traffic Signal certification to demonstrate comprehension of the implications of any negative impacts to the City's traffic signal infrastructure.
- 8. Company shall coordinate any installation or servicing of Small Cell Facilities located on traffic signal Poles with the City's Transportation & Mobility Department a minimum of three business days in advance.
 - 9. Small Cell Facilities on traffic signal Poles shall:
 - a. Be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be materially altered; and
 - b. Be designed such that all antennas, mast arms, equipment, and other facilities are sized to minimize visual clutter, and where possible, concealed within the structure; and
 - c. Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS; and
 - d. Require that any ground mounted equipment be installed in an underground or partially underground equipment vault except for the equipment that is expressly permitted above grade for a Small Cell Facility. Such equipment may be placed above grade outside of the PROW if compatibility techniques are otherwise met; and
 - e. Not alter vehicular circulation or parking within the PROW or impede vehicular, bicycle, or pedestrian access or visibility along the PROW; and
 - f. Comply with the federal Americans with Disabilities Act and all applicable local, state, and federal law and regulations; and
 - g. Not be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the PROW that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the PROW, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the PROW that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.
- 10. Nothing in this Operational and Design Criteria shall be interpreted to authorize the installation of macro wireless communications service facilities, macro base stations, or similar high-powered cellular or wireless broadband facilities in the PROW, or the installation of macro wireless towers, or poles intended for macro facilities.

11. Procedures: Company shall consult with the City Streetlighting Facility Manager for attachments to streetlights and traffic signals, and Planning and Development Services for Small Cell Facilities in the PROW.

F. <u>Controlling Law.</u>

To the extent that any criteria contained in this Operational and Design criteria conflicts with any language contained in federal law or regulations, the Boulder Revised Code, the conditions related to the permits for the application (i.e., Right-of-Way Permit), or the Design and Construction Standards, the requirements in those documents shall control, in the order listed.

EXHIBIT B

POLE ATTACHMENT TERMS AND CONDITIONS

OF

THE CITY OF BOULDER COLORADO

POLE ATTACHMENT TERMS AND CONDITIONS OF THE CITY OF BOULDER COLORADO

- 1. These Pole Attachment Terms and Conditions ("Pole Attachment Terms") are incorporated by reference in all City of Boulder ("City") Permits authorizing telecommunication service providers ("Company") to locate, place, attach, install, operate, control, and maintain a Wireless Site installation on a Pole owned by the City for the attachment of Company's Communications Facilities or Wireless Communications Facilities (including necessary appurtenances) owned or solely controlled by the Company and used by the Company for providing telecommunications and/or broadband services, as those terms are defined herein. The telecommunication service provider is hereinafter referred to as "Company." The City and Company may be referred to as a "Party" individually, or collectively as the "Parties."
- 2. If the Company has been granted one or more Permits subject to Small Cell Facilities Terms and Conditions ("SCF Terms") in connection with the operation of Company's Network, all of the terms and conditions of the SCF Terms are incorporated herein by reference and made a part hereof without the necessity of repeating or attaching the SCF Terms. In the event of a contradiction between the SCF Terms and these Pole Attachment Terms, the SCF Terms shall govern. Capitalized terms used in these Pole Attachment Terms shall have the same meaning described for them in the SCF Terms unless otherwise indicated herein.
 - 3. Company shall perform and comply with the following Pole Attachment Terms.
- **A. DEFINITIONS.** To the extent that any of these defined terms are inconsistent with the corresponding definitions provided by 47 U.S.C. § 153 (the "Federal Act") and C.R.S. § 29-27-401, et seq., and C.R.S. § 38-5.5-102, et seq. (collectively, the "State Act"), the definitions of the Federal Act, as amended, and the State Act, as amended, shall control.
- 1. "Applicable Standards" means all applicable engineering and safety standards governing the installation, maintenance and operation of facilities and the performance of all work in or around Poles including the most current versions of the Design and Construction Standards, the Operational & Design Criteria, the National Electric Safety Code ("NESC"), the National Electrical Code ("NEC"), and the regulations of the Occupational Safety and Health Administration ("OSHA"), each of which is incorporated by reference in these Pole Attachment Terms, and/or other reasonable safety and engineering requirements of the Utility or other federal, state, or local authority with jurisdiction over Poles, as applicable.
- 2. "<u>Assigned Space</u>" means space on the Poles that can be used, as defined by the Applicable Laws and the Applicable Standards, for the attachment or placement of wires, cables, Wireless Communications Facilities and associated equipment for the provision of Telecommunications Services or electric service.
- 3. "Attachment" means each point of contact between Company's Communications Facilities or Wireless Communications Facilities and the Poles, whether placed directly on the Poles or Overlashed onto an existing Attachment but does not include a riser or a service drop

attached to a single Pole where Company has an existing Attachment on such Pole. Attachments shall include, without limitation, the following points of strain: down guys, main line attachments, mounting hardware, and any other attachment that could shorten the life cycle of the Pole.

- 4. "Conceal or Concealment" means meeting the technically feasible design standards set forth in the Applicable Law, standards, and criteria, including but not limited to, as adopted or hereinafter amended: the Boulder Revised Code, the Small Cell Design Guidelines and Standards, the Design and Construction Standards, and the Operational and Design Criteria; or, a facility that uses elements of a stealth design intended to make the facility look like something other than a wireless tower or base station. Language such as "stealth," "camouflage," or similar in any permit or other document required under these Pole Attachment Terms is included in this definition.
- 5. "<u>Capacity</u>" means the ability of a Pole segment to accommodate an additional Attachment based on Applicable Standards, including space and loading analysis.
- 6. "<u>Climbing Space</u>" means that portion of a Pole's surface and surrounding space that is free from encumbrances to enable City employees and contractors to safely climb, access, and work on Poles and equipment.
- 7. "Common Space" means space on the Pole that is not used for the placement of wires or cables but which jointly benefits all users of the Pole by supporting the underlying structure.
- 8. "Communications Facilities" means wire or cable facilities including, but not limited to, fiber optic, copper, and/or coaxial cables or wires utilized to provide Telecommunications Service including any and all associated WCF Equipment. Unless otherwise specified by the City in the applicable Permit, the term "Communications Facilities" does not include WCF's or wireless antennas, receivers, transmitters, or transceivers.
- 9. "Company's Facility(ies)" means Company's Attachments whether consisting of Communications Facilities or Wireless Communications Facilities.
- 10. "<u>Emergency</u>" means any event which may threaten public health or safety, or that results in an interruption in the provision of services, including but not limited to damaged or leaking water or gas conduit systems, damaged, obstructed or leaking sewer or storm drain conduit systems, and damaged electrical and communications facilities.
- 11. "<u>Micro Wireless Facility</u>" has the same meaning as Section 8-6-6.5 B.R.C. 1981, as adopted or subsequently amended.
- 12. <u>"Overlash"</u> means to place an additional Communications Facilities onto an existing Attachment owned by Company.
- 13. "<u>Permit</u>" means a form of authorization, from the City of Boulder granting the Company or its agents permission to place Attachment(s) on Poles.

- 14. "<u>Pole</u>" means a pole owned by the City used for area lighting, traffic signals, and other fixtures or structures that are designated or approved by the City as being suitable for the placement of Company's Attachments.
- 15. "Small Cell Attachment to Poles" means a Small Cell Facility attached to existing vertical infrastructure as defined by Section 8-6-6.5 B.R.C. 1981, as adopted or subsequently amended.
- 16. <u>"Small Cell Facility" or "SCF"</u> means both a micro wireless facility, as defined by Section 8-6-6.5 B.R.C. 1981, and small cell facility as defined by Section 8-6-6.5 B.R.C. 1981, as adopted or subsequently amended.
- 17. "<u>Telecommunications Services</u>" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities services used, as defined by 47 U.S.C. Section 153(53).
- 18. <u>"Wireless Communications Facility(ies)" or "WCF"</u> has the same meaning as the defined term in Section 9-16-1 B.R.C. 1981, as adopted or subsequently amended.

B. POLE ATTACHMENTS STANDARDS IN GENERAL

- 1. No one may attach Communication Facilities or WCFs to Poles without obtaining the required Permits and approvals for each proposed Attachment.
- 2. Unauthorized Attachments shall be issued a penalty and may result in termination of the applicable Permit pursuant to section D. of these Pole Attachment Terms.
- 3. Applications for Small Cell Attachments to Poles must be submitted to City of Boulder Planning & Development Services for review. The Company shall file with the City an application for Administrative Development Review ("ADR") for each proposed Wireless Site for which the Company is seeking approval, along with any associated permit requirements for Right-of-Way, Electric, and Wireless Communication Facilities.
- 4. In addition to an ADR application, WCF Attachments require compliance with the Boulder Revised Code with regard to WCFs in the Public Right-of-Way. WCF Attachments in the Public Right-of-Way requires issuance of a Permit by Planning and Development Services.
- 5. Any modifications or additions necessary to make a Pole ready for safe Attachment will be the responsibility of the Company, as well as all associated design and engineering or other costs. Company is responsible for payment for all work performed by the City to accommodate the Company's Attachments.
- 6. One ADR application may be submitted for multiple Attachments (i.e., a "batch application"), up to five (5) Attachments per application.
- 7. The City will issue a Permit only when the City determines, in its sole judgment, exercised reasonably, that the Pole has sufficient Capacity to accommodate the request, that the

Attachment complies with all applicable rules, requirements, and standards, and that the Attachment will not otherwise endanger public health, safety, or welfare.

- 8. The Attachment of the Company's Facilities to Poles shall at all times comply with all Applicable Laws. Without limiting the foregoing, Company shall attach and maintain Company's Facilities in accordance with accepted industry standards, practices, and such other specifications not less restrictive than the foregoing, as the City may approve from time-to-time hereafter. Company shall be responsible for any fines, assessments, taxes, or levies rendered by any administrative agency or governing body against either the Company or City resulting from Company's Attachment(s) including amounts due as a result of any violation or alleged violation of any Applicable Laws due to the Attachment of the Company's Facilities to Poles, as long as Company has received written notice of such issue(s) and the opportunity to cure such issue(s).
- 9. Unless otherwise permissible under Applicable Laws, attachments which extend the height of the Pole shall comply with the City Small Cell Design Guidelines and Standards (see, https://bouldercolorado.gov/sites/default/files/2021-02/guide-small-cell-design.pdf).
- 10. WCFs shall be Concealed as required by the SCF Terms, the Small Cell Design Guidelines and Standards, and the Operational and Design Criteria, as applicable. The City will identify any required concealment in the Permit approval.
- 11. The design of WCF Attachments shall comply with the Concealment standards for such Attachments, as defined under the SCF Terms, the Operational and Design Criteria, and the Small Cell Design Guidelines and Standards, as applicable.

C. APPLICATION FEES, ATTACHMENT FEES, AND OTHER CHARGES

- 1. Company shall pay a one-time, nonrefundable application fee of one hundred dollars (\$100) per application (which may consist of a batch application for up to five (5) Attachments to cover the cost of administrating the ADR application process. Company shall pay the one-time application fee with submission of the application.
- 2. Annual attachment fees shall be as set forth in Section 4-20-43, "Development Application Fees," B.R.C. 1981, as amended. All undisputed fees and other amounts owed by Company shall be due upon receipt of Company's receipt of invoice from the City.
- 3. To ensure all Attachments of the Company are permitted, the City may request from Company an inventory of all of Company's Attachments at Company's sole cost and expense. The City may request an inventory no more than once every two (2) years. In the event the City has issued one or more Permits for WCFs in the PROW, the inventory requirements of the SCF Terms shall control.
 - 4. Payment for work performed by the City:
 - a. Company will be responsible for payment to the City for all reasonable work the City or City's contractors perform pursuant to these Pole Attachment Terms or the Permit directly related to Company's Attachment(s); provided, however, the City will provide advance written

notice to Company, and a reasonable opportunity to cure, before performing non-emergency work that is the responsibility of Company under the SCF Terms.

- b. Wherever these Pole Attachment Terms require Company to pay for work done or contracted by City, the charge for such work shall include all reasonable directly related material, labor, engineering, and including ten percent (10%) of such costs to account for administrative costs and applicable overhead costs. City will bill its services based upon actual costs, and such costs will be determined in accordance with City's cost accounting systems. All such invoices will include an itemization of dates of work, location of work, and cost of labor, equipment, and materials. Documentation substantiating such costs will be provided by the City upon request. If Company was required to perform work and fails to perform such work necessitating its completion by City, the charge for the work performed by the City shall include all reasonable directly related material, labor, engineering, and including ten percent (10%) of such costs to account for administrative costs and applicable overhead costs.
- c. Wherever these Pole Attachment Terms require City to perform any work, the City, at its sole discretion, may utilize its employees or contractors, or any combination of the two, provided any worker is properly qualified to perform such work.
- d. Late payment of any fee or other amounts due to the City under these Pole Attachment Terms will cause the City to incur certain administrative, processing and accounting costs not otherwise contemplated by these Pole Attachment Terms, the exact amount of which will be difficult, if not impossible, to ascertain. Accordingly, if the City does not receive undisputed fees or other amounts the Company owes to the City under these Pole Attachment Terms within sixty (60) days after such fee or other is due, Company shall pay to the City interest in the amount of one percent (1%) per month on the fees or other amounts not paid to the City when due under these Pole Attachment Terms, from the date Company receives written notice of a monetary default from City until the date paid. Payment of such interest shall not excuse or cure any breach of or default under these Pole Attachment terms by Company. The Company shall reimburse the City for any reasonable costs relating to default, collection or enforcement, including reasonable attorneys' fees.
- 5. Nonpayment of any undisputed amount due under these Pole Attachment Terms for more than ninety (90) calendar days after receipt of written notice from the City shall constitute an "Event of Default" of these Pole Attachment Terms.

D. UNAUTHORIZED ATTACHMENTS

- 1. If Company makes any Attachment(s) to a Pole without a Permit, Company shall submit in writing, within sixty (60) days after receipt of written notification from City of the discovery of unauthorized Attachments, an application for all required Permits with associated appropriate application fees and penalties. If such application is not received within sixty (60) days after receipt of the notice, the Company shall remove its unauthorized Attachments within thirty (30) days of the final date for submitting the required Application, or the City may remove Company's Attachments without liability for any damage to any portion of the Attachments or the Network other than damage caused by the City's gross negligence or willful misconduct at Company's expense, including but not limited to costs of time, material, labor, traffic control if necessary, equipment, and administrative costs. In the event an unauthorized attachment poses an immediate threat to life, property, or the general welfare, the City may remove the unauthorized attachment without notice to Company and without liability for any damage to any portion of the Attachments or the Network other than damage caused by the City's gross negligence or willful misconduct. Company shall be responsible for all costs of such removal.
- 2. Upon the City's discovery of an unauthorized Attachment(s) to the City's Pole(s) by Company, Company agrees to pay an amount equal to five (5) times the current applicable annual attachment fee as specified in section C. of these Pole Attachment Terms multiplied by the number of unauthorized Attachments. The unauthorized Attachment fee shall be in addition to all other amounts due and owed to the City under these Pole Attachment Terms.
- 3. In the City's sole discretion, uncured or repeated unauthorized Attachments may be considered an "Event of Default" subject to termination pursuant to these Pole Attachment Terms.

E. PERMIT APPLICATION PROCESS

- 1. Applications for Small Cell Attachments to any Pole must be submitted to City of Boulder Planning & Development Services for review. The Company shall file with the City an application for Administrative Development Review ("ADR") for each proposed Wireless Site for which the Company is seeking approval, along with any associated permit requirements for Right-of-Way, Electric, and Wireless Communication Facilities. Upon submission of a completed Permit application and completion of the permit process, within the timeframes prescribed by applicable laws, the City will process the application as set forth in Section 9-6-4(f)(2) B.R.C. 1981.
- 2. By applying for a City Permit, the Company confirms, to the best of its knowledge, that it is not delinquent in payments due the City on prior work.
- 3. The Company must include, or provide within a reasonable time after acquisition of the same, copies of all permits, licenses, or easements (including required insurance, deposits, bonding and warranties) required to do the proposed work and to work in the rights-of-way, if licenses or permits are required under the laws of the United States, the State of Colorado, any other political subdivision, or the ordinances or regulations of the City.
- 4. Company shall update any new information on Permit applications within ten (10) days after any material change occurs.

- 5. Company may submit one application for multiple Attachments up to five (5) per application and will receive Permits for each Attachment deemed to be safe after any modifications or construction in accordance with standards adopted by the City.
- 6. The Company shall submit a written certification letter, signed and stamped, by a professional civil engineer that is licensed in Colorado, certifying that the engineer has completed a post-construction inspection and that the installation was done in accordance with the provisions of the design and Permit.

F. INSTALLATIONS ON POLES

- 1. Except as may otherwise be allowed by Applicable Laws, Small Cell Facilities owned and/or controlled by the Company may be installed only on the following, and in the listed priority: (i) City's Poles as defined in the Pole Attachment Terms, or other City-owned poles or structures in the PROW under the terms of these SCF Terms and the Pole Attachment Terms; (ii) third-party poles in the PROW under the terms of a fully executed attachment agreement with the Owner of such poles; and (iii) the Company's poles newly installed in the PROW. The Company shall be responsible for complying with all obligations under the SCF Terms and these Pole Attachment Terms regarding Equipment, irrespective of ownership of or title to such Equipment. For attachments of Small Cell Facilities in the PROW on structures owned by the City, in addition to all obligations of the SCF Terms and these Pole Attachment Terms, the Company shall be bound by the applicable requirements contained in the Boulder Revised Code, the Operational and Design Criteria, the Design and Construction Standards, and all applicable City rules and regulations, that are or may be adopted by the City, any of which may be modified by City from time to time.
- 2. Locations will be prioritized based upon Company's technical and radio frequency needs and construction costs, but in any situation where Company has a choice of Equipment locations, Company shall select the locations for such attachments in the order indicated above, provided that (i) the poles or structures at such locations are at least equally suitable functionally for the operation of Company's Network and (ii) the construction and installation burdens associated with such attachment over the length of the Term are equal to or less than Company's burdens to attach to a pole or structure at a location having a lower priority under section F.1.
- 3. Order of Priority. In the event of any conflict between these Pole Attachment Terms, the SCF Terms, the Boulder Revised Code, the Design and Construction Standards, or the Operational and Design Criteria, then the Boulder Revised Code, the Design and Construction Standards, and the Operational and Design Criteria prevail, except as federal law may preempt or modify the Boulder Revised Code, Design and Construction Standards, Operational Design Criteria, the SCF Terms or these Pole Attachment Terms.
- 4. <u>Non-Exclusive Use</u>. The Company's right to use and occupy the PROW and attach to structures therein shall not be exclusive. The City reserves the right to grant a similar use to itself or any person at any time.

G. RELOCATION, ABANDONMENT AND REMOVAL

1. At its sole expense, Company shall remove any of its Attachments or any part thereof that become nonfunctional, create a safety hazard, or violate any provision of applicable

law if Company fails to cure such issue(s) after receipt of written notice of the same and a reasonable opportunity to cure. If uncured, removal shall occur within sixty (60) days of written notification that an Attachment must be removed due to becoming nonfunctional, a safety hazard, or violating applicable law. In the event an Attachment poses an immediate threat to life, property, or the general welfare the City may remove the unauthorized Attachment without notice to Company and without liability for any damage to any portion of the Attachments or the Network other than damage caused by the City's gross negligence or willful misconduct. Company shall be responsible for all costs of such removal.

- 2. If the City desires at any time to relocate, abandon, or remove any Poles to which Company's Communications Facilities or WCF's are attached, the City shall provide Company as much advance notice in writing as is practicable under the circumstances, but in no event less than one hundred twenty (120) days prior to the date on which it intends to relocate, abandon or remove such Poles, and Company shall remove its Communications Facilities or WCF's, as applicable, at its sole cost and expense within that time period. If the Company does not remove or relocate its facilities prior to the City's relocation, abandonment, or removal, of Poles, the City shall have the right to remove or relocate Company's Attachments at Company's expense. The City shall also make a reasonable effort to provide the Company space on another Pole for relocation.
- 3. In addition to constituting an "Event of Default," failure to timely pay the annual attachment fees shall be considered abandonment. The City shall issue a notice to remove the Attachment(s) if such fee is more than ninety (90) days past due.
- 4. Company may surrender any Permit for Attachment(s) and remove the same from the affected Poles. Company must notify the City of the plan for removal, including the name of the party performing the work and dates and times when such work will be performed, which shall be at the earliest practicable date.
- 5. If Company abandons a Communications Facility or WCF, or surrenders its Permit, and fails to remove its Attachments, the City shall have the right to remove Company's Attachments at Company's expense and without liability for any damage to any portion of the Communications Facility, WCF or the Network other than damage caused by the City's gross negligence or willful misconduct; provided, however, the City shall provide Company with thirty (30) days' advance written notice before removing Company's Attachments.

H. MAINTENANCE

- 1. Company shall be responsible, at Company's sole cost and expense, for maintaining Attachments in a safe and serviceable manner consistent with the City's criteria necessary to fulfill its own service requirements as identified in the SCF Terms, Operational and Design Criteria, and all applicable laws.
- 2. All of Company's Attachments shall be clearly labeled at each Pole location with Company's Emergency Contact number (see section E of the SCF Terms), to receive reports of problems with the Attachments twenty-four (24) hours a day, seven (7) days a week. Company shall investigate all such reports in a timely manner and perform all necessary repair and maintenance to remedy such problems.

- 3. If Company desires to perform any work, including installation or maintenance of Attachments on an existing Pole with overhead feed or a service lift pole (not supporting any primary distribution lines) covered by these Pole Attachment Terms, such work must be performed by personnel qualified to work in the power supply space and pursuant to all Applicable Laws.
- Company agrees to maintain its Attachments in such a manner so as not to endanger or interfere with the use of the City's Poles or others granted a right to attach to the Poles. If such interference occurs, the non-interfering party shall provide notice to the interfering party. Notice is to be provided to the Company via telephone to Company's the same telephone number as indicated on the Permit, and notice is to be provided to the City at (303) 441-3200. Upon receipt of any notice from the City or any court or governmental entity that any Attachment is interfering with or endangering any persons, equipment, property or facilities of the City or any other party including the general public, Company agrees that it will, at its sole cost and expense, immediately take all necessary steps to remedy such danger or interference if caused by Company, including but not limited to powering down its Equipment, and later powering such Equipment up for intermittent testing. In the event Company fails to remedy such danger or interference caused by Company's Attachments within twenty-four (24) hours after notice thereof from the City (in the event of signal interference) or any court or governmental entity, or other commercially reasonable time period agreed to by Company and the City, the City will take all actions it deems necessary or appropriate to remedy such matter, including without limitation the removal of any Attachment causing such danger or interference. City will not intentionally cause interference with Company's Attachments; provided, however, the City shall be authorized to take all actions it determines necessary to respond or otherwise mitigate an imminent threat to public health, safety, or welfare including but not limited to actions that may interfere with Company's Attachments, at no liability to the City for any damage to any portion of the Attachments or Network other than damage caused by the City's gross negligence or willful misconduct.
- 5. In the event a Pole is damaged and threatens public health or safety, Company shall respond within one hour to eliminate such threat. Once the threat to public health or safety has been addressed to the satisfaction of the City or the Pole is removed from any potential hazard to public health or safety, Company will have thirty (30) days to replace the Pole at its cost. If Company fails to complete the replacement within the thirty (30) day period and to City's reasonable satisfaction, City reserves the right to permanently remove the Pole and replace it with a standard streetlight pole. Company shall be responsible for all costs and expenses for work done to remove and replace the Pole with a City-standard streetlight and its associated pole and appurtenances. Company shall make full payment to City within sixty (60) days of receipt of an invoice itemizing such costs and expenses. In the event City removes the Pole as provided in this section, the City shall not be liable for any damage to any portion of the Network other than damage caused by the City's gross negligence or willful misconduct.

I. MISCELLANEOUS PROVISIONS

1. <u>No Warranty of Poles</u>. The City does not warrant the condition or safety of its Poles, or the premises surrounding the same. If a Pole for which Company has a Permit is in need of repair or replacement, the City shall use reasonable efforts to promptly repair or replace such Pole. If City becomes aware of damage to a Pole for which Company has a Permit, City shall notify Company's Emergency Contact as soon as practicable. The Parties will use reasonable

efforts to coordinate any necessary responses. In the event of any damage to a Pole that impacts Company's use thereof, Company may repair or replace the Pole with a like-kind Pole at its own expense. Company may reinstall its equipment after a damaged Pole has been repaired or replaced. Company may temporarily use an alternative Pole reasonably acceptable to the Parties during repair or restoration.

- 2. <u>Successors and Assigns</u>. Unless terminated as provided herein, the Pole Attachment Terms shall be binding on successors and assigns of the Company.
- 3. <u>Electrical Service</u>. Company shall pay for any electricity service for its WCF's. As permitted by the electric provider, Company may install an electric meter on the Pole or on the ground adjacent to the Pole.
- 4. <u>No Interest in City Poles</u>. Nothing in the Permit or these Pole Attachment Terms shall be construed to grant Company an interest in the City's Poles.

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COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Introduction, first reading, and consideration of a motion to order published by title only the following ordinances:

1. Ordinance 8700 amending Section 2-2-15, "Neighborhood Permit Parking Zones," and Chapter 4-23, "Neighborhood Parking Zone Permits," to update standards for on-street parking management;

AND

2. Ordinance 8696 amending Title 9, "Land Use Code," B.R.C. 1981, to modify off street parking requirements and amending Chapter 2 of the City of Boulder Design and Construction Standards (D.C.S.), originally adopted pursuant to Ordinance 5986, to modify standards for motor vehicle and bicycle parking; and setting forth related details

PRIMARY STAFF CONTACT

Lisa Houde, Code Amendment Planner Principal

ATTACHMENTS:

Description

D 3E - 1st Rdg Ord 8700 and Ord 8696 AMPS Code Update



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Introduction, first reading and consideration of a motion to order published by title only the following ordinances:

- 1. Ordinance 8700, amending Section 2-2-15, "Neighborhood Permit Parking Zones," and Chapter 4-23, "Neighborhood Parking Zone Permits," to update standards for on-street parking management; and
- 2. Ordinance 8696, amending and Title 9, "Land Use Code," B.R.C. 1981, to modify off-street parking requirements, and amending Chapter 2 of the City of Boulder Design and Construction Standards (D.C.S.), originally adopted pursuant to Ordinance 5986, to modify standards for motor vehicle and bicycle parking.

REQUESTING DEPARTMENT / PRESENTERS

Nuria Rivera-Vandermyde, City Manager Mark Woulf, Assistant City Manager Pam Davis, Assistant City Manager

Community Vitality

Cris Jones, Director of Community Vitality Kristine Edwards, Senior Manager of Operations & Maintenance Samantha Bromberg, Senior Project Manager

Planning & Development Services

Brad Mueller, Director of Planning & Development Services Charles Ferro, Senior Planning Manager Karl Guiler, Senior Policy Advisor Lisa Houde, Principal City Planner

Transportation & Mobility

Valerie Watson, Interim Director of Transportation & Mobility Stephen Rijo, Transportation Planning Manager Chris Hagelin, Principal Project Manager

EXECUTIVE SUMMARY

This item is part of the Access Management and Parking Strategy (AMPS) project, which includes proposed changes to the city's off-street parking standards, transportation demand management (TDM) requirements, and on-street parking management strategies.

Staff first provided an introduction to the final initiative to implement the <u>Access Management and Parking Strategy (AMPS)</u> project through code and policy updates to City Council on <u>August 8, 2024</u>. Staff brought more detailed analysis of best practices and options to Council on <u>January 23, 2025</u> for direction prior to community engagement and code drafting.

These three topics have been studied together due to their interrelated nature to allow for a more holistic look at parking throughout the city. For example, in reviewing changes to off-street parking standards, it is important to understand other strategies and opportunities that the city has available to manage travel demands. TDM requirements support all modes of travel, and on-street parking management strategies ensure that public right-of-way can be appropriately utilized.

At this time, Ordinance 8696 regarding on-street parking standards and Ordinance 8700 regarding on-street parking management strategies are brought forward to Council for adoption; an accompanying ordinance with the TDM requirements is still in development and will be brought to Council in a few months.

The AMPS project reimagines the approach to parking regulation and TDM in Boulder. It implements several built environment, economic, housing and transportation policies from the adopted <u>Boulder Valley Comprehensive Plan</u> and is intended to meet the measurable objectives laid out in the <u>Transportation Master Plan</u>.

In 2024, the Colorado State Legislature passed HB24-1304, which states that a municipality shall not enforce local laws that establish minimum parking requirements for certain uses. The city actively supported HB24-1304. Staff recommends implementing HB24-1304 with this project. HB24-1304 has a compliance date of June 30, 2025 for minimum parking requirements for certain uses.

An attached annotated Ordinance 8696 in **Attachment A** includes detailed footnotes describing each proposed change. The official ordinance without footnotes is in **Attachment M**. The draft Ordinance 8700 is in **Attachment B**.

If passed, changes typically go into effect 30 days after adoption by City Council. If adopted on second reading at council's June 26 meeting, the ordinance would be in effect on July 26, 2025. For any applications approved between July 1 and July 25 for the specific land uses located within the transit service area identified in the state law, the city can process an administrative variance to ensure compliance with the state law if final approval would occur prior to the effective date of the ordinance.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only the following ordinances:

- 1. Ordinance 8700, amending Section 2-2-15, "Neighborhood Permit Parking Zones," and Chapter 4-23, "Neighborhood Parking Zone Permits," to update standards for on-street parking management; and
- 2. Ordinance 8696, amending and Title 9, "Land Use Code," B.R.C. 1981, to modify off-street parking requirements, and amending Chapter 2 of the City of Boulder Design and Construction Standards (D.C.S.), originally adopted pursuant to Ordinance 5986, to update standards for bicycle parking.

BOARD AND COMMISSION FEEDBACK

Planning Board

Planning Board reviewed the ordinances on May 20, 2025 and passed the following motions. The motions have been organized into recommendations related specifically to the ordinances and recommendations for future work:

Ordinance 8696

- C. Hanson Thiem made a motion, seconded by K. Nordback the Planning Board recommends that City Council adopt Ordinance 8696, amending Title 9, "Land Use Code," B.R.C. 1981, to modify off-street parking requirements, and amend Chapter 2 of the City of Boulder Design and Construction Standards (D.C.S.), originally adopted pursuant to Ordinance 5986, to update standards for bicycle parking. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- M. Roberts made a motion, seconded by L. Kaplan to recommend a change to ordinance 8696 to add language for schools serving any of grades K-12, long-term bicycle parking must include racks located within 100 feet of a main entrance. Planning Board voted 5-1 (M. McIntyre Dissent) (J. Boone absent) Motion passed.
- M. Roberts made a motion, seconded by M. McIntyre to recommend a change to ordinance 8696 to add language that bicycle charging spaces shall accommodate larger bicycles with minimum dimensions of 8 feet long by 3 feet wide. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- M. Roberts made a motion, seconded by K. Nordback to recommend a change to ordinance 8696 to: for schools serving any grades K-8 schools, all bicycle parking intended to serve students must be horizontal. Planning Board voted 6-0. (J. Boone absent) Motion passed.

- M. McIntyre made a motion, seconded by C. Hanson Thiem to recommend a change to ordinance 8696 to state that all long-term bike parking shall accommodate charging at all bike spaces with a standard electrical outlet within a 6' distance of each bike parking space. Planning Board voted 5-1 (L. Kaplan dissent). (J. Boone absent) Motion passed.
- **M.** McIntyre made a motion, seconded by **K.** Nordback to recommend a change to ordinance 8696 to remove bicycle parking from Floor Area Ratio calculations and requirements. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- MI Robles made a motion, seconded by M. McIntyre to recommend a change to Ordinance 8696 to exempt single-unit detached residences without a private garage from the long-term bike storage requirements. Planning Board voted 5-1. (K. Nordback dissent) (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **C. Hanson Thiem** to recommend limiting vertical and stacked/tiered racks to 25% of bike parking spaces. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **M. Roberts** to recommend that spaces reserved for cargo bikes need to be clearly marked with signage, so non-cargo do not park in these spaces. Planning Board voted 4-2. (C. Hanson Thiem, M. McIntyre dissent) (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **K. Nordback** to recommend that staff examine whether and how to specify adequate elevator size minimums where parking relies solely on elevators. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **M. Roberts** to recommend that at least 20% of required spaces be designed for larger bikes (e.g. cargo bikes) where more than 5 spaces are required. Planning Board voted 6-0. (J. Boone absent) Motion passed.

Ordinance 8700

- M. McIntyre made a motion, seconded by C. Hanson Thiem to recommend that City Council adopt the following proposed ordinance 8700, amending Section 2-2-15, "Neighborhood Permit Parking Zones," and Chapter 4-23, "Neighborhood Parking Zone Permits," to update regulations for on-street parking management. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- M. McIntyre made a motion, seconded by M. Roberts that Planning Board recommends a change to ordinance 8700 so that anytime the city approves a project through the site review process, where parking is required to be unbundled and paid, the city shall consider creating an appropriately sized NPP that surrounds the project. Planning Board voted 6-0. (J. Boone absent) Motion passed.

Future Work

- **K.** Nordback made a motion, seconded by **M.** McIntyre to request City Council and staff to consider simplifying or eliminating the parking dimensional standards, including the required 24' backup distance, from the code, in order to avoid unduly requiring design around large vehicles. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **K. Nordback** to recommend a next step to monitor over the next three years whether Ordinance 8696 results in more or less parking in new development compared to current parking minimums and average parking reductions. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **M. Roberts** that Planning Board recommend a future utilization study to establish empirical requirements for bike parking quantities. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **K. Nordback** to recommend development of a phased retroactive application of bike parking code to existing development. Planning Board voted 6-0. (J. Boone absent) Motion passed.

Board of Zoning Adjustment

Staff provided an overview of the project at BOZA's May 13, 2025 meeting and asked for general feedback. BOZA members expressed support for the general direction of the project and direction on front yard landscaped setback administrative variances. Some board members expressed interest in future reconsideration of front yard setback parking prohibitions.

Transportation Advisory Board

TAB reviewed the ordinances at their May 12, 2025 meeting and passed the following motion:

Transportation Advisory Board recommends that City Council adopt the following proposed ordinances:

- 1. Ordinance 8700, amending Section 2-2-15, "Neighborhood Permit Parking Zones," and Chapter 4-23, "Neighborhood Parking Zone Permits," to update regulations for on-street parking management and
- 2. Ordinance 8696, amending Title 9, "Land Use Code," B.R.C. 1981, to modify offstreet parking requirements, and amending Chapter 2 of the City of Boulder Design and Construction Standards (D.C.S.), originally adopted pursuant to Ordinance 5986, to update standards for bicycle parking.

Transportation Advisory Board recommends that staff consider incorporation of comments from Community Cycles and Transportation Advisory Board Member Michael Le Desma, and supports a future work plan item to further study bicycle parking.

A summary of the TAB discussion and the comments referenced, as well as the draft Planning Board meeting minutes are provided in **Attachments L and M**.

Updates to Ordinances

In response to board recommendations, the following changes were incorporated in the proposed ordinances:

Recommendations incorporated in Ordinance 8695:

- Added exception for elementary, middle, and high schools that long-term biking must be on site or within 100 feet of a main entrance.
- Added prohibition on vertical or tiered racks for elementary or middle schools.
- Exempted detached dwelling units without a private garage from meeting the long-term bike parking standards.
- Reduced maximum limit on vertical/tiered racks from initial staff recommendation of 50% to 25%.
- Added requirement for signage to identify larger bike parking spaces
- Added language about elevators being adequately sized to accommodate a
 bicycle. (Note: proposed language is relatively general, based on similar language
 incorporated in Seattle's bicycle parking guide, as there were several varying
 sizes used in other cities and there was not sufficient time to analyze a more
 specific standard. If needed, more specific sizing can be added in future land use
 code updates.)

Recommendations incorporated in Ordinance 8695 with modifications:

- Added minimum dimensions for bicycle charging stations of 3 feet by 10 feet, rather than the 3 feet by 8 feet recommended by Planning Board, to align with National Association of City Transportation Officials (NACTO) guidelines.
- Modified the initial staff recommendation that required 5% of spaces be sized for larger bikes when 20 spaces or more are required; the updated ordinance requires 5% of spaces to be sized for larger bikes when 10 spaces or more are required. Planning Board recommended 20% of spaces sized for larger bikes when 5 spaces or more are required. After completing calculations for typical grocery, retail, and other uses, 10 spaces appeared to be an appropriate threshold to ensure most large retail or restaurant spaces would need to incorporate at least one larger space, as well as maintaining the 5% requirement. For example:
 - A small grocery store (12,000 square feet) would require a total of 16 bicycle parking spaces, of which, 1 space would need to be sized for larger bikes.
 - A typical large grocery store (40,000 square feet) would require a total of 53 bicycle parking spaces, of which, 3 spaces would need to be sized for larger bikes.

- A large format hardware store (100,000 square feet) would require a total of 133 bicycle parking spaces, of which, 7 spaces would need to accommodate larger bikes.
- o A 100-unit multi-unit residential building would require 200 bicycle parking spaces, of which, 10 would need to be sized for larger bikes.
- o An office (100,000 square feet) would require a total of 67 bicycle parking spaces, of which, 4 spaces would need to be sized for larger bikes.

Staff believes this requirement is reasonable to implement prior to completing a bicycle parking utilization study that could further inform quantitative requirements.

Recommendations not incorporated in Ordinance 8695:

- Staff has maintained the initial recommendation to require 5 percent of bicycle parking spaces to be capable of charging for electric bikes, when more than 100 spaces are required. TAB members acknowledged that 5 percent may be too low as ridership of electric bikes increases, but noted that a utilization study was needed first to inform the requirement. Planning Board recommended requiring that all long-term bicycle parking be within 6 feet of an outlet to charge. Engineering, planning, transportation, and building code staff considered the board's recommendation but identified many potential issues:
 - This recommendation was not proposed to the public during the engagement process as it was not raised by either board or by council during the six meetings where the project was discussed and the boards and council provided direction to staff. This would be a significant requirement that did not receive any public or stakeholder engagement and represents a substantial potential cost for business and property owners.
 - Requirements of this magnitude are best informed by a bicycle parking utilization study.
 - Additional best practices research would be needed to review e-bike charging mechanisms as there is no current universal standard (like there now is for electric vehicles) and many users may prefer to take a battery inside the building to charge.
 - There are several safety and practical challenges of accommodating outlets for outdoor long-term bicycle parking.
 - This requirement may create potential tripping hazards or challenges with ADA requirements if charging areas are not consolidated.
 - O This requirement would be challenging to implement where there are also floodplain requirements, such as requirements to elevate electrical.
 - The requirement would be challenging to implement with development review timing electrical plans are not available at time of Site Review, for example, and requiring applicants to confirm compliance would

- represent a significant up-front and potentially costly element for them to complete, providing detailed electrical plans before any approvals are certain.
- o Incorporating outlets every six feet would be challenging when adaptively reusing existing buildings.
- Commercial buildings codes do not require outlets spaced this closely, so this would be a significant increased cost to reuse a structure or build new. This requirement could potentially lead to needs for different sizes of electrical meters.
- Planning Board recommended and TAB recommended consideration of exempting bicycle parking from Floor Area Ratio (FAR) calculations. Ordinance 8599, adopted by City Council in October 2023, already exempted bicycle parking from FAR in the same districts where vehicle parking is exempted: MU-1, MU-2, MU-3, BMS, IS-1, IS-2, IG, IM, IMS, BR-1, RH-1, RH-2, RH-4, BT-1, RH-5, BC-1, and BC-2. Additionally, staff has a planned work plan item to update the Floor Area Ratio definitions and requirements cohesively and would recommend that any further changes to FAR exemptions be incorporated in that project instead. This would also allow a bicycle parking utilization study to inform the requirements and exemptions.

Recommendations not incorporated in Ordinance 8700:

Staff understands the intent of the Planning Board's recommendation regarding creating an NPP surrounding a new development; however, we do not believe a code change is necessary. Under the proposed updates, most impactful developments will already trigger a traffic study and parking utilization review, and staff from Planning or Transportation can easily coordinate with Community Vitality on any additional cases as needed.

COMMUNITY FEEDBACK

A *consult* level of engagement was used for this project. Since the Colorado State Legislature adopted HB24-1304 which limits the ability of municipalities to enact or enforce minimum parking requirements for multifamily residential development in most areas of the city, these specific elements of the AMPS code updates were limited to an *inform* level of engagement.

Notification of the upcoming changes has been included in many editions of the Planning and Development Services monthly newsletter, which reaches over 5,000 people. An online engagement page was developed on Be Heard Boulder to summarize the proposed changes, provide important documents and updates on engagement opportunities, and provide an ideas wall for community members to leave comments. Any comments received so far can be viewed on the <u>Be Heard Boulder page</u>.

In addition, five engagement meetings were held in March with various community stakeholders. There were a variety of in-person and virtual engagement opportunities. A presentation of the proposed updates was shared at the meetings and staff from Planning & Development Services, Community Vitality, and Transportation and Mobility departments were available to answer questions. A summary of comments from the meetings is provided in **Attachment J**.

For one of the engagement meetings, staff developed an adapted Monopoly-style game for community members to play that had them weigh the cost and climate benefits of certain TDM programs and other actions. This was accompanied by discussion in small groups about transportation challenges and larger themes about the AMPS project.

Feedback received in most of the community meetings was generally positive regarding the removal of minimum off-street parking requirements citywide for all land uses and the proposed changes to on-street parking management and TDM. Some attendees were concerned about the removal of off-street parking requirements and the subsequent impact on on-street parking, specifically in residential areas. There were also some concerns raised about how the TDM requirements would impact small businesses and the cost of business in Boulder. Common concerns were raised about issues with the current transportation system, specifically RTD service. Other topics frequently brought up included the security of bike parking and ensuring EV charging availability.

Community Vitality staff also conducted a questionnaire for Neighborhood Permit Parking (NPP) residents, receiving 328 responses. The feedback provided valuable insights into how permits are currently used, residents' access to off-street parking, and the number of vehicles and licensed drivers per household. While NPP residents were generally not supportive of paying more for permits that include additional multimodal benefits for themselves or their neighbors, opinions were divided on whether non-permit holders should be required to pay for parking in NPP zones. Many NPP respondents also expressed frustration with the transition to digital permits—particularly challenges with managing visitor or guest permits and the lack of visible indicators showing whether parked vehicles have valid permits. Additionally, NPP residents expressed a strong desire for increased enforcement to ensure compliance with NPP rules.

Additionally, public comments received via email by Planning & Development Services as of the publication of this memo have been included in **Attachment K**.

Council and Board Input

City Council

City Council reviewed staff's recommended scope at its <u>August 8, 2024 meeting</u> and expressed general support for the recommendations. Council members encouraged staff to continue exploring the elimination of minimum parking requirements, implementing state bill HB24-1304 and applying changes citywide. One council member asked that the scope of TDM policy extend beyond new development, and that staff clarify and quantify the desired outcomes of the project with strategies chosen to meet those targets.

At its <u>January 23, 2025 study session</u>, council members expressed support of staff's recommendations related to:

- Off-Street Parking Standards: Council members were not interested in establishing maximum parking requirements, but supported updating bicycle parking design parking, encouraging shared parking, and maintaining recently adopted electric vehicle charging requirements in the Energy Conservation Code.
- TDM Requirements: Council members supported staff's proposed approach including the use of financial guarantees as the mechanism for funding tenant

- TDM programs, and utilization of a three-tiered approach with specified exemptions.
- On-Street Parking Management Strategies: Council members supported the proposed on-street changes, particularly using a pilot program approach to try out new strategies.

Planning Board

On August 20, 2024, staff met with the Planning Board to introduce the AMPS update. Planning Board members, in general, supported staff recommendations and the proposed scope of the project for the three components:

- Off-Street Parking Standards: Planning Board members supported the elimination of parking minimums across all land uses and suggested that staff also look at bicycle parking requirements related to e-bike charging and site design to accommodate larger cargo-style bikes and bikes with trailers.
- TDM Requirements: Planning Board members stated a desire to use the policy and requirements to go beyond mitigating impacts and providing multimodal access and to use the TDM ordinance to stimulate travel behavior change and contribute to meeting citywide goals. Members did not have objections to using a tiered approach for the ordinance.
- On-Street Parking Management Strategies: Members cautioned staff about the
 restricting access to public right-of-way to those that "came first" and pricing this
 valuable resource at too low of a cost. On the public engagement strategy, board
 members urged staff to think of the significant portion of our population that does
 not drive and the impacts of this project and that free parking is essentially a
 subsidy.

At the February 25, 2025 Planning Board meeting, board members generally supported staff's continued analysis and recommendations

- Off-Street Parking Standards: Planning Board members continued to support the elimination of parking minimums across all land uses and suggested that staff also look at bicycle parking requirements related to e-bike charging and site design to accommodate larger cargo-style bikes and bikes with trailers.
- TDM Requirements: Board members were supportive of staff's proposed approach and discussed applicability and administration of the requirements. One board member suggested that if the requirements are well-established, there is no need for Planning Board to review TDM plans, like a building code.
- On-Street Parking Management Strategies: Board members also expressed general support for using the NPP to price on-street parking throughout the city, which may include some areas where there is free parking.

Transportation Advisory Board (TAB)

At the October 14, 2024 TAB meeting, the advisory board generally supported the staff recommendations on the proposed scope of the project.

• Off-Street Parking Standards: TAB members also supported the elimination of parking minimums for all land uses across the whole city. TAB also noted a need

- to revisit bicycle parking standards to support larger, heavier, and longer bicycles and e-bike charging.
- TDM Requirements: TAB members wanted to use the TDM ordinance to stimulate travel behavior change and contribute to meeting citywide goals. Members supported using a tiered approach for the ordinance with increasing requirements for larger projects in relation to the on-site parking supply.
- On-Street Parking Management Strategies: TAB members shared their view that
 the Neighborhood Parking Permit program reserves public right-of-way for the
 private use of residents at too low of a cost and questioned the use of the program
 without reform or modifications. TAB supported the concept of evaluating right
 of way uses under the curbside management plan for redevelopment projects that
 change use and curbside demands.

At the January 22, 2025 TAB meeting, TAB members supported the staff recommendations.

- Off-Street Parking Standards: TAB members also discussed parking for cargo bikes, improving location standards for bike parking, ways to enforce poor conditions of existing bicycle parking, ways to incentivize business owners to improve existing bike parking, and
- TDM Requirements: TAB members discussed the importance of ensuring more accountability for TDM requirements.
- On-Street Parking Management Strategies: TAB members also asked questions about the price of NPP permits, a potential to price based on vehicle weight, suggested examining the NPP program to ensure it is functioning as intended, and strongly supported the concept of a park-and-walk program near schools.

BACKGROUND

Project Objective

This project reimagines the approach to parking regulation and TDM in Boulder. The project implements several built environment, economic, housing and transportation policies from the adopted <u>Boulder Valley Comprehensive Plan</u> and is intended to meet the measurable objectives laid out in the <u>Transportation Master Plan</u>.

This project is also intended to implement the final recommendations of the AMPS report adopted by City Council in 2017 as well as state legislation related to minimum parking requirements passed in 2024. While studied together as a whole, informed by one another, and intricately linked, each of the three elements of the AMPS project has a separate respective ordinance that incorporates the relevant changes to that topic. Ordinances 8700 and 8696 are being brought to TAB at this meeting in order to align with state requirements related to minimum parking, while a TDM ordinance will come in a few months upon further drafting and internal review.

AMPS Project

Adopted by City Council in late 2017, AMPS was developed as a guide through which city staff, leadership, boards, commissions, and the community at large could work toward improving Boulder's approach to multimodal access and parking management across the city. One of the recommendations to come out of the AMPS work was a comprehensive update of parking requirements and TDM requirements for new developments.

Parking code updates and TDM changes were underway in 2020 when the project was indefinitely paused due to staffing impacts during the pandemic. The project was reinitiated in 2024. At the 2024-2025 Council Retreat, City Council affirmed this project as part of the staff work plan.

The scope of this interdepartmental project involves three main focus areas, each with a corresponding lead department:

- Off-street parking standards (Planning & Development Services)
- On-street parking management strategies (Community Vitality)
- TDM requirements (Transportation & Mobility)

Building on the foundation of Boulder's successful multimodal, district-based access and parking system, the AMPS project was initiated in 2014 and identified guiding principles, over-arching policies, tailored programs, priorities and tools to address citywide access management in a manner consistent with the community's social, economic and environmental sustainability principles.

Adopted by council in 2017, the city's AMPS approach emphasizes collaboration among city departments and reflects the policies of the Boulder Valley Comprehensive Plan, the Climate Commitment, the Transportation Master Plan (TMP), and the Economic Sustainability Strategy.

The implementation projects identified in the AMPS Summary Report were the culmination of the multi-year strategic planning process and represent each of the interdisciplinary AMPS focus areas. Except for the last two in bold, all work to implement AMPS has now been completed. This project addresses the final two projects.

- Chautauqua Access Management Program (CAMP)
- Civic Area Parking Management and TDM Programs
- Neighborhood Permit Parking (NPP) Review -- Now under Residential Access Management Program (RAMP)
- Parking Pricing
- Off-Street Parking Standard Changes
- TDM Plan Ordinance for New Developments

SUMMARY OF PROPOSED CHANGES IN ORDINANCE 8696 AND CITY MANAGER RULES

The following sections provide background and summarize major topics related to the draft ordinances for on-street parking standards and off-street parking management strategies.

Off-Street Parking Standards

- Eliminates all minimum off-street parking standards for all land uses citywide, while retaining design and dimensional requirements for any parking provided
- Removes references to required parking or processes like parking reductions that are no longer necessary throughout the land use code
- Updates bicycle parking design and location standards to improve security and usability

On-Street Parking Management

- Refines code language to broaden the intent of the NPP program from solely serving residents to supporting access for a wider range of users.
- Limits residential NPP permits from two to one per eligible resident.
- Gives the City Manager authority to limit the total number of permits issued in a zone if the number of dwellings will lead to a strain on the available on-street capacity.
- Replaces 'Guest Permits' with 25 'Day Passes' that can be used individually or concurrently.
- Replaces Visitor Permits with 'Flex Permits' that add additional flexibility to how the permits can be used. These permits can be used by residents who have more than one vehicle, or by their visitors if the resident has visitor needs greater than 25 days a year- such as a nanny or caretaker.
- *City Manager Rule:* Introduces a proactive parking study for the neighborhood surrounding a new or redevelopment based on the requirement of a Traffic Assessment dictated by the Boulder Design and Construction Standards.

SUMMARY OF FORTHCOMING TDM ORDINANCE (ANTICIPATED FALL 2025)

- Requires developers or property owners to provide ongoing annual financial guarantees that are used by tenants to implement staff-approved TDM Plans.
- Employs a tiered approach to focus staff time and resources on the largest, most impactful projects.
- Uses daily vehicle trip generation as measurable objective for highest-tier TDM Plans.
- Gives the City Manager rule-making authority to set financial guarantee rates, adjust tier thresholds, select required TDM plan elements, and adjust vehicle trip generation targets.
- Defines monitoring and enforcement process to ensure compliance with the ordinance.

Off-Street Parking Standards

Background

Boulder's work to reduce off-street parking standards has been in process for many years and has been composed of several phases:

Phase I: In 2014, an interdepartmental team of city staff began the AMPS project and City Council adopted simplified vehicular parking standards, reduced vehicle parking requirements for a few uses, and required bicycle parking based on land use type.

Phase II: In 2016, the project team conducted additional parking supply and occupancy observations at 20 sites, to supplement the more than 30 sites previously studied in 2014. A range of draft parking rate recommendations were developed for consideration. No changes were adopted at this time as City Council did not choose to prioritize the project in its work plan and requested additional data collection before considering reducing parking requirements.

Phase III: In 2019, as part of that year's Council work plan, a final phase of the parking code changes was initiated. Another round of data collection was completed at this time. The planned updates to the parking standards were intended to balance an appropriate amount of parking based on parking supply and utilization data collected over a multi-year period while also reflecting the multimodal goals of the Transportation Master Plan and aligning parking supply rates with the city's TDM goals. The project was paused indefinitely due to the COVID-19 pandemic in 2020.

This phase was reinitiated in 2024, as staffing returned to full capacity and City Council, the Transportation Advisory Board (TAB), and the Planning Board indicated interest in restarting the project, including potentially considering eliminating minimum parking requirements entirely.

A new element to the project was also added due to the Colorado State Legislature's passage of <u>HB24-1304</u>. The bill states that, starting June 30, 2025, local governments may not enact or enforce local laws imposing minimum parking requirements within transit service areas if the local government is part of a metropolitan planning organization, like the Denver Regional Council of Governments. The bill exempts certain projects that meet specific criteria. Staff recommends implementing HB24-1304 with this project.

Comparable Cities

City staff looked at 33 peer cities to understand how Boulder's off-street parking requirements compared. The research is summarized in the parking matrix in **Attachment C**. In nearly every land use category, Boulder's parking requirements were higher than in comparable cities. For a typical 2,500 square-foot restaurant, Boulder currently requires 21 spaces, which takes up three times the land area of the actual restaurant. It was also found that of the 33 peer cities, six cities had completely removed parking minimums from their land use code, without any reported adverse effects.

A few peer cities were analyzed further to understand the potential impacts of removing parking minimums. Portland removed parking minimums in response to a state bill and removing all parking minimums simplified the review process, rather than requiring

minimums in only certain areas of the city. The nearest peer city, Longmont, was also studied to gain a local understanding of the impact of removing parking minimums. Since the implementation, the city has not seen any instances where a development has provided zero parking spaces. However, they have seen positive new development or redevelopment in areas that previously had an excess of parking.

Buffalo, New York was the first major US city to remove minimum parking requirements citywide. In the two years that followed the change, 47% of new projects provided fewer off-street parking spaces, and 53% of new projects provided the same amount or more off-street spaces than was previously required by the code.

The Parking Reform Network maintains a comprehensive map of cities that have undertaken changes to their parking standards. Their research is summarized on this map and shows that 78 cities have eliminated parking requirements citywide, and almost 900 have reduced parking requirements.

Analysis

Over the last ten years, staff has worked with Fox Tuttle, a transportation planning consulting firm, to conduct parking supply and utilization data counts at nearly 50 sites around the city to inform this project. These studies have consistently indicated that more parking is provided than is used across all land uses in the city (See Attachment D).

Staff also has been studying parking reductions granted in Boulder for the last several years to help inform this work. Nearly half of all major projects in the last 11 years have requested a parking reduction. When reviewing parking utilization of those sites, even sites that were granted large parking reductions do not have their parking supply fully utilized. Parking reductions also contribute to much longer approval processes as some small projects can require Planning Board approval simply because of a parking reduction request.

Further, another city study completed as part of this project has estimated that nearly 10 percent of the city's real property is devoted to off-street parking lots (which even excludes parking garages and on-street parking) after 70 years of implementing off-street minimum parking requirements. (See Attachment E).

The first phase of AMPS in 2014 introduced detailed bicycle parking requirements to the city's land use code. While these current requirements are generally in line with (and in terms of quantity often far exceed, as shown in **Attachment C**) regulations in peer communities, there are areas of opportunity to improve the bicycle parking design standards to ensure the user-friendliness and security of bicycle parking that have been incorporated in the proposed ordinance. These changes have been incorporated in Ordinance 8696 in both the land use code and the Design and Construction Standards.

Planning Board Input

At the board's meetings, board members have repeatedly expressed strong support for eliminating minimum off-street parking requirements. Interest in updating bicycle parking standards, especially related to cargo and electric bikes has been stated several times. Board members would still like to support and encourage electric vehicle charging spaces.

Transportation Advisory Board Input

TAB has continually expressed strong support for eliminating minimum off-street parking requirements. TAB members want to ensure that bicycle parking standards are reviewed and improved, particularly for electric bikes and cargo bikes. TAB members would like to see future work done to support programs that incentivize the improvement of existing bicycle parking facilities and enforcing poor existing conditions.

Community Input

Feedback received in most of the community meetings was generally positive regarding the removal of minimum off-street parking requirements citywide for all land uses and the proposed changes to on-street parking management and TDM. Some attendees were concerned about the removal of off-street parking requirements and the subsequent impact on on-street parking, specifically in residential areas. Other topics frequently addressed included improving security of bike parking and ensuring EV charging availability.

Proposed Code Changes – Off-Street Parking Standards:

- Eliminates all minimum off-street parking standards for all land uses citywide, while retaining design and dimensional requirements for any parking provided
- Removes references to required parking or processes like parking reductions that are no longer necessary throughout the land use code
- Updates bicycle parking design and location standards to improve security and usability

On-Street Parking Management

Background

To better manage on-street parking amid ongoing development and evolving transportation needs, Boulder is proposing updates to its Neighborhood Permit Parking (NPP) program and related curbside strategies. The proposed changes aim to allow the NPP to apply in all neighborhoods—regardless of density—while introducing new tools through the Residential Access Management Program (RAMP) to address parking impacts from new and redevelopment. Together, these updates aim to align permit issuance with available curbside capacity, especially in high-density and mixed-use areas, and complement the proposed TDM changes.

Together, these parking management efforts are designed to promote equitable access, reduce congestion, and support Boulder's TMP and BVCP goals by encouraging walking, biking, and transit use. They ensure the city's curbside strategy evolves in tandem with broader land use and transportation reforms.

Comparable Cities

City staff looked at eight comparable cities that have successfully reduced or eliminated parking minimums. Several cities are refining residential parking permit programs to balance demand and fairness. Portland, Oregon and Costa Mesa, California limit permits to one per licensed driver, curbing overuse while accommodating car-dependent

residents. Columbus, Ohio combines paid parking with residential permits in highdemand areas, ensuring access for residents near schools and commercial zones. Seattle takes a strict approach to visitor permits, allowing just one per household to prevent abuse and protect resident access.

Eugene, Oregon and Denver apply stricter residency rules. In Eugene, long-term residents (4+ years) receive discounted rates, while short-term residents face higher quarterly fees—discouraging off-campus students from owning vehicles. Denver requires matching addresses on both vehicle registration and driver's license to qualify. While these strategies aim to prioritize long-term residents, staff does not recommend pursuing similar measures in Boulder, as they may create inequities for renters, newcomers, and those without stable housing documentation.

Neighborhood-based restrictions are also used to manage parking supply. For example, Berkeley, California limits permit programs to blocks that are majority residential, and Denver excludes large multi-unit buildings in areas with limited on-street parking. Both Denver and Estes Park consider off-street parking availability when issuing permits. However, staff do not support these approaches for Boulder, as they risk disproportionately impacting residents in denser housing and limiting access for those without private parking.

Analysis

Staff evaluated several strategies previously presented to City Council to improve onstreet parking management and align with Boulder's evolving transportation policies, including the elimination of parking minimums and adoption of a TDM ordinance. See **Attachment F** for the proposed City Manager Rule.

Redefining Permit Allocations

Staff examined reducing the residential permit allocation from two to one per licensed driver. Community engagement has indicated that most NPP households own as many vehicles as they have licensed drivers. Permit sales data suggest this change could reduce residential permit issuance by approximately 15%. This approach encourages greater use of off-street parking and reduces excess vehicle storage in the public right-of-way. Households with no off-street parking and additional vehicle needs may use proposed Flex permits explained below.

To better manage demand in higher-density areas, staff recommends authorizing the City Manager to cap the total residential permits per NPP zone, subject to the public zone creation process

Simplifying Guest and Visitor Permits

Community feedback highlighted confusion and underuse of the current guest and visitor permit system. Residents often find it difficult to understand the differences between guest and visitor permits, including the specific rules and regulations that apply to each. Questionnaire data show 89% of respondents use guest permits only a few times per month or less, and 54% never use them. Similarly, 81% use visitor permits infrequently, and 24% never use them at all.

Staff proposes replacing these with two streamlined options:

- **Day Passes**: 25 annually per household, each valid for 24 hours and usable consecutively or individually across vehicles and days. Based on resident feedback, the 25 annual day passes should meet most household needs.
- **Flex Permits**: Valid for a full year, intended for longer-stay guests, additional vehicles, or frequent service providers. These will cost the same as a residential permit to reflect higher demand.

This system maintains access while aligning costs with usage and discouraging misuse.

Parking Study with New and Redevelopment

To proactively manage parking impacts from significant new or redevelopment projects, staff proposes requiring a City-led parking study when traffic assessments are required based on Boulder Design and Construction Standards. These studies would evaluate occupancy, trip generation, and multimodal access, helping determine whether to establish, modify, or remove an NPP zone.

Formalize BVSD "Park and Walk"

To support school access and reduce congestion, staff recommends granting the City Manager the authorization to designate certain blocks near schools as "Park and Walk" zones. These blocks would allow two one-hour parking sessions daily—accommodating both drop-off/pick-up and events—rather than the standard one longer session.

Piloting Paid Parking and TDM Benefits in an NPP zone

Based on Council input, staff proposes a pilot in the Goss Grove NPP to test the transition from time-limited to mobile-pay-only paid parking for non-permit holders, paired with free EcoPasses for residents. Goss Grove was selected based on an analysis (Attachment G) that evaluated the existing NPP zones based on elements such as parking demand, proximity to transit, and housing density.

The pilot will help determine two key outcomes:

- 1. Whether revenue from paid parking is sufficient to cover the cost of providing EcoPasses to residents, and
- 2. How the shift to paid parking affects curbside demand and behavior.

Paid parking will be implemented via ParkMobile, and monitored alongside transit usage to evaluate the overall impact. This approach aims to reduce vehicle reliance, improve curbside management, and assess whether paid parking can sustainably support TDM benefits.

Financial Analysis

Staff completed a financial analysis (**Attachment H**) to ensure the proposed strategies maintain RAMP's cost recovery. The analysis considered:

Removing underperforming NPP zones (recommended in the 2024 annual RAMP report)

Restricting permit issuance

Replacing guest/visitor permits with day passes and flex permits

Introducing paid parking

Offering EcoPasses to NPP residents

The program is expected to remain financially sustainable under these changes. However, if EcoPasses are extended across all NPPs without paid parking revenue offsets, permit fees may need to double to preserve cost recovery.

Planning Board Input

Planning Board was generally supportive of the strategies recommended by staff, but cautioned that not charging for parking is subsidizing parking. There was consensus of the need to have equitable permitting solutions and not prioritize long-term residents over short-term residents or multifamily residents.

Transportation Advisory Board Input

The Transportation Advisory Board was supportive of staff recommendations, especially the formalization of the Park and Walk program. Board members reiterated the importance of being able to remove underperforming NPP zones when no longer needed.

Community Input

In our community engagement staff heard that many respondents tend to prioritize parking availability and affordability over environmental sustainability. The importance of accommodating those who rely on their vehicles for work was brought up frequently. The desire to have access to an EcoPass was also brought up, particularly one free of charge.

Staff developed a questionnaire for NPP residents which received 328 responses. A summary of the results is presented through several graphs in **Attachment I**. The questionnaire revealed the following key themes:

- The online registration system for visitors/guests is seen as tedious and exclusionary
 - There is a strong desire amongst many respondents to return to physical hangtags instead of digital permits.
- There is significant demand for increased enforcement
- There is varying support for more TDM benefits
 - Many senior residents feel that multi-modal transport goals unrealistically expect them to bike or use Lime scooters. Consequently, the increasing permit costs feels exclusionary to many.
 - Most respondents do not support higher residential permit fees to provide multimodal benefits for their neighborhood.
- There is varying support for paid parking in NPPs for non-permit holders

Proposed Code Changes – On-Street Parking Management Strategies:

- Refines code language to broaden the intent of the NPP program from solely serving residents to supporting access for a wider range of users.
- Limits residential NPP permits from two to one per eligible resident.
- Gives the City Manager authority to limit the total number of permits issued in a zone if the number of dwellings will lead to a strain on the available on-street capacity.
- Replaces 'Guest Permits' with 25 'Day Passes' that can be used individually or concurrently.
- Replaces 'Visitor Permits' with 'Flex Permits' that add additional flexibility to how the permits can be used. These permits can be used by residents who have more than one vehicle, or by their visitors if the resident has visitor needs greater than 25 days a year- such as a nanny or caretaker.
- Introduces a proactive parking study for the neighborhood surrounding new or redevelopment based on the requirement of a Traffic Assessment dictated by the Boulder Design and Construction Standards.

Proposed City Manager Rule Changes— On-Street Parking Management Strategies:

- Allows specific blocks near schools to be designated as "Park and Walk" zones, allowing two separate short-term parking periods per day to better support school pick-up and drop-off needs.
- Replaces current Guest and Visitor permits with more flexible Day Passes and Flex Permits, reflecting updates in the ordinance.
- Expands commuter permit renewal options to include monthly, bi-annual, or annual schedules, beyond the current quarterly option.
- Removes references to specific low-density zones in the criteria for assessing a new NPP
- Introduces new City Manager Rule detailing the mobile-pay-only paid parking and EcoPass program pilot in the Goss Grove NPP.

Transportation Demand Management Requirements for New Development

Background

The purpose of this part of the AMPS project is to design and implement a TDM ordinance for new developments. While the other ordinances are being brought forward for adoption in June 2025, the ordinance for the TDM component is forthcoming, likely in the fall of 2025. The reason for this separation in adoption timelines is based on staff resources and work plan capacity, the complexity of designing a new ordinance and process, and needed calibration of the design elements based on internal analysis and external feedback during the public engagement process.

Based on input from Boards and Council, the ordinance for new development would:

- 1. Mitigate the impacts of new developments on the transportation network, adjacent properties and surrounding neighborhoods,
- 2. Enhance multimodal infrastructure and amenities and access to TDM programs and services, and
- 3. Contribute to meeting city transportation and climate goals by influencing travel behavior.

The new ordinance would also provide increased clarity of expectations for staff, property owners and developers regarding TDM requirements compared to the existing process. The ordinance would establish a process for monitoring compliance and a feedback process to continuously improve the effectiveness of TDM plans and compliance process.

This delay to accommodate ordinance drafting does not diminish the strategic need for a TDM ordinance for new development to accompany the implementation of the on-street parking standards and off-street parking management strategies; if off-street parking minimums are eliminated, the importance of mitigating the potential impacts of large development projects with both TDM requirements and on-street parking standards increases. However, in the interim, the city will still continue to require TDM plans for Site Review projects as is currently in the land use code. The city typically approves around 12 Site Review projects per year, so staff expects only a few projects would continue to be subject to the current TDM requirements before the new TDM ordinance is adopted and goes into effect.

Comparable Cities

Many municipalities across the country have implemented TDM ordinances for new developments. With consultant support, the staff team evaluated the variety of approaches used to require TDM programs and services used by tenants of residential and commercial developments, which is summarized in the Best Practices Report. The report highlighted each municipality's overall approach and the design of their ordinance, and the specific language used in their ordinances and rules. Virtually all ordinances for new development share a set of components, which generally include:

- The purpose of the ordinance in mitigating impacts of new developments and advancing overarching city transportation goals
- Thresholds and triggers that determine which developments need to comply with the ordinance
- Metrics used to measure compliance and how they are measured
- The methodology to set metric(s) target levels that TDM plans need to achieve to be in compliance
- The programs, services, or benefits that are required or optional in the TDM plans
- The procedures to monitor and evaluate compliance and the timing of evaluations
- The remedial procedures that are triggered when a property is out of compliance and what happens to a property that meets targets after the evaluation period
- Based on program design, the staffing time and resources needed to manage the TDM ordinance program.

Based on the best practices, internal staff analysis, input from Boards and Council and feedback from the engagement process, the project team developed an overall framework

for the ordinance and determined the approach to each of the shared components listed above. The internal staff analysis included input from planners, engineers, and city attorney's office representatives from Transportation & Mobility, Community Vitality, and Planning and Development Services.

The result of this process is an ordinance that is based on the use of on-going annual financial guarantees and a tiered approach to determine which developments are required to comply with the ordinance.

Analysis

As stated, the overall approach to the ordinance is based on the use of annual financial guarantees and use for tiers to determine which developments are subject to the ordinance. Based on input from the Boards and Council, and the public engagement process, staff recommend that this ordinance apply to all development projects including form-based code and by-right projects. Staff also recommend that TDM plans be approved through an Administrative Review staff level review process rather than specifically through Site Review or Form-Based Code Review if size thresholds are met. TDM plans will be approved if they meet requirements and prescriptive standards rather than the discretionary criteria currently applied through Site Review.

Originally, staff proposed that the ordinance would only apply to projects going through Site Review process. It was expanded to ensure that all large projects would be subject to the ordinance. This shift to include all types of projects will increase the need for additional staff resources to manage the ordinance program for the Finance Department, which handles financial guarantees and for the Transportation & Mobility Department to assist in the design and monitoring of TDM plans.

Financial Guarantees

TDM programs and services used by employees and residents generally have annual, ongoing costs. Based on input from the engagement process, it was determined that the best way to ensure that TDM programs and services were provided to residential and commercial tenants to mitigate impacts, increase access and contribute to city goals, would be to require annual financial guarantees (AFGs).

The AFGs would be paid by the developer or property owner, held by the city in escrow accounts and dispersed to the tenant employers and residential property managers to implement and maintain on-going TDM programs and benefits. The city already uses financial guarantees, but for a limited duration, so this approach is an expanded and more formalized version of how TDM plans are currently managed. This new ordinance aims to increase clarity of requirements for all parties involved in the development process.

Staff analyzed three primary scenarios for AFGs, ranging from only subsidizing TDM program costs implemented by tenants, fully covering the hard costs of TDM services and programs, and covering fully loaded costs of TDM services and program management. Staff recommends an AFG that covers the hard costs of required programs and services of TDM Plans. An example of a hard cost would be the cost of providing annual EcoPasses or BCycle memberships as a required element of a TDM Plan. AFGs will be calculated based on land use and size and expressed as a cost by square footage of

commercial (based on assumptions of square footage per employee) and the number of units of residential developments.

For the largest developments, a second Remedial Financial Guarantee (RFG) would be required. This funding would be used if a Tier 2 property was not meeting its Vehicle Trip Generation (VTG) target. In that case, a portion of the RFG would be used to augment the AFG to increase overall funding and pay for additional TDM programs, services or benefits to help meet the target. The portion of the RFG used would depend on how close or far away the property is from their VTG target.

Tiered Approach

A tiered approach is recommended to focus on larger, more impactful developments, and to manage staff time and resources to operate an ordinance program. Staff analyzed a variety of scenarios for the thresholds and recommends the thresholds in Table 1. The table provides staff's recommended approach on threshold levels by land use, the current number of development project plans in the pipeline, the percent of project that would meet thresholds and the overall percentage of square feet and number of units covered under the proposed tiers.

Table 1: Tier Thresholds

Office	Threshold (sf)	# of Plans (2019-24)	Avg # of Plans/Year	% of plans	% of SF
Tier 2	50,000	5	1	71%	95%
Tier 1	30,000	1	0.2	14%	2%
Tier 0 - Exempt	Below 30,000	1	0.2	14%	2%
General Commercial	Threshold (sf)	# of Plans (2019-24)	Avg # of Plans/Year	% of plans	% of SF
Tier 2	80,000	1	0.2	17%	43%
Tier 1	40,000	2	0.4	33%	87%
Tier 0 - Exempt	Below 40,000	3	0.6	50%	13%
Industrial	Threshold (sf)	# of Plans (2019-24)	Avg # of Plans/Year	% of plans	% of SF
Industrial Tier 2	Threshold (sf)				% of SF 0%
	` ′	(2019-24)	Plans/Year	plans	
Tier 2	125,000	(2019-24)	Plans/Year 0	plans 0%	0%
Tier 2 Tier 1	125,000 75,000	(2019-24)	Plans/Year 0 0.4	plans 0% 67%	0% 74%
Tier 2 Tier 1 Tier 0 - Exempt	125,000 75,000 Below 75,000 Threshold	(2019-24) 0 2 1 # of Plans	0 0.4 0.2 Avg # of	0% 67% 33% % of	0% 74% 26% % of
Tier 2 Tier 1 Tier 0 - Exempt Residential	125,000 75,000 Below 75,000 Threshold (units)	(2019-24) 0 2 1 # of Plans (2019-24)	Plans/Year 0 0.4 0.2 Avg # of Plans/Year	0% 67% 33% % of plans	0% 74% 26% % of SF/Units

TDM Plan Requirements

Under the proposed ordinance, developers/property owners would design and submit a TDM plan for staff approval. They would be provided with a TDM Toolkit that explains requirements and options and receive support from city staff and Boulder Chamber Transportation Connections to design final TDM Plans once tenants are occupying the property. Based on the type and size of the development, specific TDM programs and services would be required.

Staff recommends using a package approach to TDM requirements to allow from some flexibility and customization. One package will focus on use of the RTD EcoPass plus other TDM programs and services, while the second package will be centered around a Transportation Wallet concept (specifically parking cash-out programs for employer tenants) for when the EcoPass is not suitable because of the location of the property.

Parking management policies and strategies will also be required in specific contexts including the implementation of Boulder's SUMP principles (shared, unbundled, managed and paid) when appropriate. Staff specifically recommend requiring unbundled parking for both Tier 1 and 2 residential developments when possible.

Staff is working with Boulder Chamber Transportation Connections (BCTC), our local transportation management organization recognized by DRCOG, to develop a membership program requirement for Tier 2 projects in which BCTC will provide ongoing technical assistance for TDM Plan design, implementation and adjustments.

Measurement of Success

Staff recommend that the effectiveness of TDM Plans should be measured in daily vehicle trips (Table 2). The Institute of Traffic Engineers (ITE) provides standard vehicle trip generation rates by land use and size that can be used to determine trip generation targets based on desired reductions caused by TDM programs and services. Surveys of tenants to calculate SOV/MOV mode share will be used as a backup methodology if vehicle trip counts are impractical. The goal is to have TDM Plans result in a 30 percent reduction from estimated ITE vehicle trip generation. This approach is consistent with the existing TDM requirements for MU-4, RH-6 and RH-7 land uses and reduction targets for the Alpine-Balsam and East Boulder areas.

Table 2: Vehicle Trip Reduction Targets

Land Use	Base Daily Trip Rate	Existing Trip Reduction Expectation	Attainable Trip Reduction from TDM Plans
Attached Dwelling Units (per unit)	5.64	20%	10%
Office Uses (per 1,000 square feet)	10.84	20%	10%
Commercial Uses (per 1,000 square feet)	76.19	20%	10%
Industrial (per 1,000 square feet)	3.32	20%	10%

Monitoring and Enforcement

To ensure that the annual financial guarantees and other requirements are met, a program of monitoring and enforcement is needed. Based on best practices and input, staff recommend the following:

For Tier 1 projects, property owners will be required to submit Annual Reports that document the use of AFGs. Staff will use annual reports to evaluate the effectiveness of AFGs amounts to implement TDM programs and make any necessary changes to rates.

For Tier 2 projects, property owners would be required to conduct, through a third party, an annual vehicle trip generation (VTG) study to measure compliance with VTG targets. They would also be required to submit an Annual Report summarizing the use of AFGs, the TDM programs and services implemented.

- If a Tier 2 property does not meet its VTG target, then a portion of the RFG is used to increase the AFG amount and implement additional TDM programs and services. The combined amount of the initial AFG plus the portion of the RFG will become the new, higher AFG moving forward.
- If a Tier 2 property is in compliance with the ordinance for three consecutive years, annual monitoring ends, and the property will be required to conduct VTG studies and submit a report every 5 years.

Tier 1 or Tier 2 properties that do not comply with reporting requirements will likely be subject to code enforcement regulations, but staff is conducting more analysis on this component of the ordinance.

As part of a continuous improvement process, staff will use annual reports to periodically evaluate tables for financial guarantee rates, tier thresholds and trip generation targets and make adjustments to ensure that the TDM Plan requirements result in mitigation of impacts, increase in access to multimodal infrastructure and contribute towards meeting city transportation and climate goals.

Planning Board Input

Planning Board provided input on the proposal at their May 15 and May 27, 2025 meetings. Based on previous presentations and discussions with the Planning Board, there was strong support for a TDM ordinance that mitigates impacts, enhances infrastructure and access, and contributes to meeting city goals. They supported the shift to have the ordinance apply to all projects, not just site review. Planning Board members supported the use of a tiered approach to determine which development projects would be subject to the ordinance. Planning Board recommended that staff re-evaluate the General Commercial thresholds so that fewer projects are categorized as Tier 0. It was also recommended that staff evaluate the use of square footage or number of bedrooms instead of number of units to create thresholds for residential projects.

They also supported the use of financial guarantees paid by developers/property owners to cover the cost of annual TDM programs but expressed varying opinions on whether or not the financial guarantee requirement should be in perpetuity. Some members said that there should be a time limit, and others expressed that staff should include periodic reviews to evaluate TDM plan and annual financial requirements. The board supported

that AFG rates be set based on hard costs of required TDM programs and services and not to use fully loaded costs.

Planning Board members recommended that staff conduct additional research on the possibility of having Tier 0 projects contribute to a pooled fund, similar to a cash in lieu program, that is used to provide TDM program city-wide or be required to provide a minimal AFG to provide some TDM benefits to residents or tenants.

Planning Board members also suggested that the review and approval of TDM Plans should be conducted at the staff level since the ordinance will provide TDM plan design guidance and increased clarity of plan requirements. However, Planning Board members recommended that initial rates, thresholds and targets that will be in City Manager Rules associated with the ordinance first be approved by the board.

Regarding TDM plan requirements, a Planning Board member suggested that the city require paid and/or unbundled parking at all sites and others suggested that multimodal infrastructure and amenities be required to encourage mode shift and improve access and safety.

It was also recommended by the board that staff identify the best way to provide the TDM benefits while at the same time minimizing the financial impacts of TDM requirements for affordable housing projects, likely through the use of city subsidies.

Transportation Advisory Board Input

Like Planning Board, TAB also supported the goals and purpose of the ordinance, the tiered approach and the use of financial guarantees. TAB supported making the financial guarantees annual and on-going, a tiered approach that focuses on larger, more impactful developments and manages the need for additional staff resources. For more detail on TAB comments from May 12, 2025, see **Attachment L**.

Community Input

Community input ranged on the TDM ordinance purpose and design. In general, engagement participants understood that TDM programs have annual, on-going costs and to achieve the goals of the ordinance, those costs would need to be paid for. Participants supported the position that these annual costs should be paid for by the developer or the property owner, and the annual funding would be used by the commercial tenants or residential property managers to implement TDM programs. Some participants noted that given the high cost of building parking, a portion of the savings from building less parking can cover annual TDM costs for a long period of time.

Engagement participants also expressed concerns about the design of the TDM ordinance. A common theme was that the desire to have a TDM ordinance is based on good intentions, but there are significant unintended consequences and economic impacts. For example, participants expressed that Boulder already has high development costs and that the cost of annual financial guarantees will just be passed down to tenants further increasing the cost of operating a business or living in Boulder.

Developers and consultants who participated in staff workshops questioned the recommended levels of annual financial guarantees and their on-going requirement as that the additional costs could make some commercial and residential developments

financially inviable. Concerns were raised about the impact of long-term economic vitality if the on-going annual costs related to TDM ordinance negatively impacted economic growth and redevelopment.

Given the increased cost to develop properties in Boulder, some participants feared that an ordinance that requires annual, ongoing TDM programs would impact the city's goal of providing affordable housing and further the increased cost of living in Boulder for low-income populations. While it was acknowledged that low-income populations may benefit the most from access to TDM programs that reduce overall commuting costs, that benefit may be outweighed by increased housing costs as the cost of programs are passed down to tenants.

While engagement participants, in general, acknowledged the effectiveness of the RTD EcoPass program and its proven value, there was concern that RTD's recent history of service reductions and closure of the Boulder Junction Transit Center have lessened the value of the EcoPass in meeting transportation goals and as a requirement of this ordinance for specific projects. While RTD transit service levels have declined in Boulder, staff maintains confidence in future local and regional transit service improvements and the on-going effectiveness of the EcoPass program in changing travel behavior, especially when combined with parking management strategies. Staff are also focused on improving local services such as the HOP that the city directly operates.

Policy Considerations

The proposed TDM ordinance will be designed by staff based on best practices and input from the Boards and Council and the public engagement process. Each component of the ordinance will be calibrated responsive to the feedback obtained throughout the project process and to ensure ease of future ordinance implementation and administration. The approach to each component and how it will be calibrated are summarized below.

Developments Subject to the Ordinance

- Staff recommends that the ordinance apply to all developments, including byright, site review and form-based code projects, with one possible exemption being 100% affordable developments.

Annual Financial Guarantee Levels

- Staff will develop the AFG and RFG rates based on input from Boards and Council and set them to cover the hard costs of required TDM plan elements.
- Based on input from the Boards and Council about ensuring the long-term effectiveness of the ordinance, staff recommends that the AFG be required in perpetuity.

Size Thresholds

- Staff will design the tier thresholds based on the need to balance the need for additional staff resources with the desire to have the ordinance focus on the most impactful development projects. The tier thresholds can be changed to have more or less projects subject to the ordinance.

Plan Requirements

- Staff will limit the number of required TDM plan elements so that a level of customization and flexibility are maintained.
- In terms of plan requirements, staff will apply a more prescriptive approach requiring additional elements or take an agnostic approach in which more flexibility and customization is allowed, and the focus is meeting VTG targets regardless of the TDM benefits and programs implemented depending on the nature of the individual requirement.

Vehicle Trip Generation Rates

- VTG targets will be based on an overall 30 percent reduction from ITE rates and will be set to be both achievable and impactful.
- VTG could be shifted up or down, but staff recommend that any changes to targets be the result of internal evaluations after the ordinance has been in effect for three years.

Next Steps

Staff will continue designing the TDM ordinance based on Board and Council feedback and return in the fall of 2025 with an ordinance for City Council consideration. This will support, and is a critical component of, the changes to on-street parking standard updates and off-street parking management strategies discussed earlier in this memo that are being advanced first.

ANALYSIS

Staff has identified the following key issues for City Council's consideration:

- 1. Does City Council recommend any modifications to draft Ordinance 8700 or 8696?
- 2. Does City Council want to provide any additional guidance regarding the TDM ordinance currently under development that will complement draft Ordinance 8700 and 8696?

The following analysis is provided to demonstrate how the project objective is met through proposed Ordinances 8700 and 8696 and describes the intent of the TDM ordinance that will follow.

What is the reason for the ordinances and what public purpose will be served?

Ordinance 8696 builds upon the recently adopted state legislation addressing requirements for multifamily residential development in transit service areas to apply the changes citywide to all land uses. As detailed in <u>HB24-1304</u>, studies have shown that requiring minimum off-street parking contributes to increased greenhouse gas emissions, vehicle miles traveled, and increases housing costs. This ordinance will help the city move closer to established objectives in the Transportation Master Plan and Boulder Valley Comprehensive Plan.

In coordination with the proposed elimination of parking minimums and the upcoming introduction of new TDM requirements for developers, staff were directed to review and

update the Residential Access Management Program (RAMP) to ensure the City has the necessary tools to manage potential impacts and support the effectiveness of both policy changes.

The forthcoming TDM ordinance will also include TDM plan requirements that are clear, predictable, and enforceable with the purpose of mitigating the impacts of new development, increasing multimodal access and contributing to meeting city goals and objectives, especially within a land use environment without parking minimums.

How are the ordinances consistent with the purpose of the zoning districts or code chapters being amended?

These ordinances are intended to reimagine the approach to parking regulation in Boulder by eliminating minimum off-street parking requirements and updating on-street parking management strategies, as well as the TDM requirements in the forthcoming ordinance. Section 9-9-6, "Parking Standards," has the stated intent "to provide adequate off-street parking for all uses, to prevent undue congestion and interference with the traffic carrying capacity of city streets, and to minimize the visual and environmental impacts of excessive parking lot paving." The reimagined approach would remove the city requirements for off-street parking, but based on the experiences of other cities that have made similar changes, it is expected that development would provide adequate off-street parking. In addition, the city is employing new tools to mitigate potential impacts to onstreet parking and to support TDM.

The future TDM ordinance will be consistent with the purpose of the zoning districts or code chapters and will provide increased clarity of TDM requirements to mitigate the potential impact of new developments.

Are there consequences in not approving these ordinances?

If the ordinances are not adopted, the city's regulations would not align with HB24-1304, which states that municipalities shall neither enact nor enforce minimum parking requirements for certain land uses. The city would continue to enforce minimum parking requirements that in most cases exceed the actual parking utilization needs.

If the proposed on-street parking management changes are not adopted, the city may lack the tools needed to manage potential increased on-street parking demand resulting from development, leading to increased congestion, inequitable access to curb space, and missed opportunities to support multimodal transportation.

Without a new ordinance for TDM Plans, requirements on new developments will continue to be limited in duration, effectiveness, clarity, and enforcement.

What adverse effects may result with the adoption of these ordinances?

Staff does not anticipate that adverse effects will result with the adoption of these ordinances. Over 70 cities in the United States, including nearby Longmont, have already eliminated off-street parking requirements without reported adverse effects. While the number of parking spaces may be more accurately tailored to the needs of the project than using the city's current ratios, it is not anticipated that development projects would

not provide adequate parking based on the experiences of other communities that have already made these changes.

Adopting these changes may create confusion during the transition period, especially for current NPP participants adjusting to new permit types or paid parking. Additionally, some households may face increased costs or reduced parking access, particularly those with multiple vehicles or limited off-street options.

TDM programs and services have annual, on-going costs. An ordinance with the features described in this memo that requires property owners or their tenants to pay for the cost of these programs and services may increase development and operating costs. Compared to surrounding communities, Boulder already has higher building costs and rents, and the anticipated ordinance, as described in this memo, may increase these costs.

What factors are influencing the timing of the proposed ordinances? Why?

The compliance date for municipalities to stop enacting or enforcing minimum parking requirements for certain uses established in the state bill is June 30, 2025. The off-street parking ordinance is scheduled for second reading at City Council on June 26, 2025. Regulations typically go into effect 30 days after council adoption, but if adopted

Implementing these changes alongside the elimination of parking minimums and new TDM regulations ensures the City can proactively manage increased curbside demand and maintain equitable access to on-street parking. Coordinating these efforts strengthens the effectiveness of each policy and supports broader transportation and housing goals.

While the TDM ordinance is still forthcoming, it is an integral part of the AMPS project as all three work together. If fewer on-site parking spaces are provided with the elimination of parking minimums, then TDM requirements and on-street parking standards can help to mitigate potential impacts on the adjacent transportation system and surrounding neighborhoods.

How do the ordinances compare to practices in other cities?

Analysis of each focus area of change and practices in comparable cities has been provided in the above summary of changes section of this memorandum.

How will the ordinances implement the comprehensive plan?

One of the primary objectives of the project is to implement the applicable policies of the comprehensive plan and support the measurable objectives of the Transportation Master Plan. The ordinance is anticipated to help reduce vehicle miles traveled and greenhouse gas emissions, based on studies that have shown that minimum off-street parking requirements contribute to greater rates of both factors.

Boulder's Transportation Master Plan (TMP) is updated about every five years. The 2019 TMP identifies several measurable objectives:

- Vehicle Miles Traveled (VMT): 20% reduction overall, specific VMT/capita
- **Mode Share**: 80% walking, biking, and transit for all trips of residents, 40% work trips of non-residents

- Climate: Reduce transportation-sector greenhouse gas emissions by 50% and continuously reduce mobile source emissions of other air pollutants
- Safety: Eliminate fatal and serious injury crashes and continuously improve safety for all modes of travel
- Vulnerable Populations: Expand fiscally-viable transportation options for all Boulder residents and employees, including children, older adults and people with disabilities
- **Transportation Options**: Increase transportation options commensurate with the rate of employee growth
- **Travel Time**: Maintain 1994 levels of travel time on arterial streets, and improve travel time reliability and predictability
- Walkable Neighborhoods: Increase the share of residents living in walkable (15-minute) neighborhoods to 80 percent

Several relevant policies are adopted within the Boulder Valley Comprehensive Plan, with many policies directly implemented through this ordinance. Aside from contributing to housing costs, off-street parking requirements can often serve as a regulatory barrier for small businesses to locate in communities or the redevelopment of sites. The changes will also support better usability and security of bicycle parking, to support the bikeability of the city.

Since World War Two, meeting parking requirements has been a defining feature of nearly all development and has defined the urban design and form of communities across the United States. By not setting minimum parking requirements, parking can play a subordinate role to site and building design and not jeopardize open space or other opportunities on the property.

Built Environment Policy 2.16: Mixed Use & Higher-Density Development

The city will encourage well-designed mixed use and higher-density development that incorporates a substantial amount of affordable housing in appropriate locations, including in some commercial centers and industrial areas and in proximity to multimodal corridors and transit centers. The city will provide incentives and remove regulatory barriers to encourage mixed use development where and when appropriate. This could include public-private partnerships for planning, design or development, new zoning districts, and the review and revision of floor area ratio, open space and parking requirements.

Built Environment Policy 2.19: Neighborhood Centers

Neighborhood centers often contain the economic, social and cultural opportunities that allow neighborhoods to thrive and for people to come together. The city will encourage neighborhood centers to provide pedestrian-friendly and welcoming environments with a mix of land uses. The city acknowledges and respects the diversity of character and needs of its neighborhood centers and will pursue area planning efforts to support evolution of these centers to become mixed-use places and strive to accomplish the guiding principles noted below.

Neighborhood Centers Guiding Principles

4. Encourage parking management strategies.

Encourage parking management strategies, such as shared parking, in neighborhood centers.

Built Environment Policy 2.25: Improve Mobility Grid & Connections

The walkability, bikeability and transit access should be improved in parts of the city that need better connectivity and mobility, for example, in East Boulder. This should be achieved by coordinating and

integrating land use and transportation planning and will occur through both public investment and private development.

Built Environment Policy 2.41: Enhanced Design for All Projects

Through its policies and programs, the city will encourage or require quality architecture and urban design in all development that encourages alternative modes of transportation, provides a livable environment and addresses the following elements:

f. Parking.

The primary focus of any site should be quality site design. Parking should play a subordinate role to site and building design and not jeopardize open space or other opportunities on the property. Parking should be integrated between or within buildings and be compact and dense. The placement of parking should be behind and to the sides of buildings or in structures rather than in large street-facing lots. Surface parking will be discouraged, and versatile parking structures that are designed with the flexibility to allow for different uses in the future will be encouraged.

Economy Policy 5.01: Revitalizing Commercial & Industrial Areas

The city supports strategies unique to specific places for the redevelopment of commercial and industrial areas. Revitalization should support and enhance these areas, conserve their strengths, minimize displacement of users and reflect their unique characteristics and amenities and those of nearby neighborhoods. Examples of commercial and industrial areas for revitalization identified in previous planning efforts are Diagonal Plaza, University Hill commercial district, Gunbarrel and the East Boulder industrial area. The city will use a variety of tools and strategies in area planning and in the creation of public/ private partnerships that lead to successful redevelopment and minimize displacement and loss of service and retail uses. These tools may include, but are not limited to, area planning with community input, infrastructure improvements, shared parking strategies, transit options and hubs and changes to zoning or development standards and incentives (e.g., financial incentives, development potential or urban renewal authority).

Economy Policy 5.05: Support for Local Business & Business Retention

The city and county value the diverse mix of existing businesses, including primary and secondary employers of different sizes, in the local economy. Nurturing, supporting and maintaining a positive climate for the retention of existing businesses and jobs is a priority. The city recognizes the vital role of small, local and independent businesses and non-profits that serve the community and will balance needs of redevelopment in certain areas with strategies that minimize displacement of existing businesses and create opportunities for startups and growing businesses. The city will continue to proactively analyze trends in market forces to shape its activities, plans and policies regarding local business and business retention. The city and county will consider the projected needs of businesses and their respective employees, such as commercial and office space, when planning for transportation infrastructure, programs and housing.

Economy Policy 5.06: Affordable Business Space & Diverse Employment Base

The city and county will further explore and identify methods to better support businesses and nonprofits that provide direct services to residents and local businesses by addressing rising costs of doing
business in the city, including the cost of commercial space. The city will consider strategies, regulations,
policies or new programs to maintain a range of options to support a diverse workforce and employment
base and take into account innovations and the changing nature of the workplace.

Economy Policy 5.08: Funding City Services & Urban Infrastructure

The city will encourage a strong sustainable economy to generate revenue to fund quality city services and recognizes that urban infrastructure, facilities, services and amenities are important to the quality of life of residents, employees and visitors to the community. A strong and complete local and regional multimodal transportation system and transportation demand management programs are essential to a thriving economy, as they offer options for commuters, help attract and retain key businesses, employers and visitors and provide regional access to global markets. The city will continue to plan for and invest in urban amenities and infrastructure (e.g., bike paths, parks, shared and managed parking, public spaces, quality gathering places, cultural destinations and public art) as well as community services (e.g., open space and mountain parks, high speed internet, fire-rescue, public safety and senior services).

Economy Policy 5.14: Responsive to Changes in the Marketplace

The city recognizes that development regulations and processes have an impact on the ability of businesses to respond to changes in the marketplace. The city will work with the local business community and residents to make sure the city's regulations and development review processes provide a level of flexibility to allow for creative solutions while meeting broader community goals. This could involve modifying regulations to address specific issues and make them more responsive to emerging technologies and evolving industry sectors.

Transportation Policy 6.02: Equitable Transportation

The city and county will equitably distribute transportation investments and benefits in service of all community members, particularly vulnerable populations, ensuring that all people benefit from expanded mobility options. Providing more transportation options – like walking, biking, transit and shared options – in areas where people are more reliant on various modes will have a greater benefit to overall mobility. New transportation technologies and advanced mobility options provide Boulder with an opportunity to expand affordable transportation choices to those who need them the most, including those who cannot use existing fixed route transit such as service and shift workers.

Transportation Policy 6.06: Transportation System Optimization

The transportation system serves people using all modes, and maintaining its efficient and safe operation benefits all users. The city and county will monitor the performance of all modes as a basis for informed and systematic trade-offs supporting mobility, safety, GHG reduction and other related goals.

Transportation Policy 6.07: Integrated Transportation Demand Management (TDM) Programs
The city and county will cooperate in developing comprehensive Transportation Demand Management
(TDM) programs for residents and employees, which include incentives, such as developing a fare-free
local and regional transit system; promoting shared-use mobility, ridesharing, bikesharing, carsharing,
vanpools and teleworking; and supporting programs for walking and biking, such as secured long-term
bike parking. The city will employ strategies such as shared, unbundled, managed and paid parking (i.e.,
"Shared Unbundled, Managed, and Paid" – "SUMP" principles) to reflect the real cost of Single
Occupancy Vehicle (SOV) travel. The city will require TDM plans for applicable residential and
commercial developments.

Transportation Policy 6.08: Accessibility and Mobility for All

The city and county will continue development of a complete all-mode transportation system accommodating all users, including people with mobility impairments, youth, older adults, non English speakers and low-income persons. This will include increased support for mobility services for older adults and people with disabilities, reflecting the expected increases in these populations. Efforts should focus on giving people options to live well without a car and may include prioritizing affordable public transportation and transit passes, new technologies such as electric bikes, mobility services and prioritizing connections between multimodal transportation and affordable housing to facilitate affordable living.

Transportation Policy 6.13: Access Management & Parking

The city considers vehicular and bicycle parking as a component of a total access system for all modes of transportation (bicycle, pedestrian, transit and vehicular). Such parking will be consistent with the desire to reduce single-occupant vehicle travel, balance the use of public spaces, consider the needs of residential and commercial areas and address neighborhood parking impacts. The city will accommodate parking demands in the most efficient way possible with the minimal necessary number of new spaces and promote parking reductions through a variety of tools, including parking maximums, shared parking, unbundled parking, parking districts and transportation demand management programs. The city will expand and manage parking districts based on SUMP principles (shared, unbundled, managed and paid) to support transportation and GHG reduction goals as well as broader sustainability goals, including economic vitality and neighborhood livability.

Transportation Policy 6.14: Transportation Impacts Mitigated

Transportation or traffic impacts from a proposed development that cause unacceptable transportation or environmental impacts, or parking impacts, to surrounding areas will be mitigated. All development will be designed and built to be multimodal and pedestrian-oriented and include TDM strategies to reduce the vehicle miles traveled generated by the development.

Supporting these efforts, new development will provide continuous multimodal networks through the development and connect these systems to those surrounding the development. The city and county will provide tools and resources to help businesses manage employee access and mobility and support public-private partnerships, such as transportation management organizations, to facilitate these efforts. Transportation Policy 6.16: Integrated Planning for Regional Centers & Corridors Land use in and surrounding the three intermodal regional centers (i.e., Downtown Boulder, the University of Colorado and the Boulder Valley Regional Center, including at Boulder Junction) will support their function as anchors to regional transit connections and Mobility Hubs for connecting a variety of local travel options to local and regional transit services.

The land along multimodal corridors, the major transportation facilities that provide intra-city access and connect to the regional transportation system, will be designated as multimodal transportation zones where transit service is provided on that corridor. In and along these corridors and centers, the city will plan for a highly connected and continuous transportation system for all modes, identify locations for mixed use and higher-density development integrated with transportation functions, emphasize high quality urban design and pedestrian experience, develop parking maximums and encourage parking reductions.

Transportation Policy 6.18 Transportation Facilities in Neighborhoods

The city will strive to protect and improve the quality of life within city neighborhoods while developing a balanced multimodal transportation system. The city will prioritize improvements to access by all modes and safety within neighborhoods by controlling vehicle speeds and providing multimodal connections over vehicle mobility. The city and county will design and construct new transportation facilities to minimize noise levels to the extent practicable. Neighborhood needs and goals will be balanced against the community necessity or benefit of a transportation improvement. Additionally, the city will continue its neighborhood parking permit (NPP) programs to seek to balance access and parking demands of neighborhoods and adjacent traffic generators.

Transportation Policy 6.22: Improving Air Quality & Reducing Greenhouse Gas Emissions
Both the city and county are committed to reductions in GHG emissions, with the city committing to an
80 percent reduction from 2005 levels by 2050 and the county committing to a 45% reduction by 2030
and a 90% reduction by 2050. The city and county will design the transportation system to minimize air
pollution and reduce GHG emissions by promoting the use of active transportation (e.g., walking and
bicycling) and low-emission transportation modes and infrastructure to support them, reducing auto
traffic, encouraging the use of fuel-efficient and clean-fueled vehicles that demonstrate air pollution
reductions and maintaining acceptable traffic flow.

Housing Policy 7.01: Local Solutions to Affordable Housing

The city and county will employ local regulations, policies and programs to meet the housing needs of low, moderate and middle-income households. Appropriate federal, state and local programs and resources will be used locally and in collaboration with other jurisdictions. The city and county recognize that affordable housing provides a significant community benefit and will continually monitor and evaluate policies, processes, programs and regulations to further the region's affordable housing goals. The city and county will work to integrate effective community engagement with funding and development requirements and other processes to achieve effective local solutions.

Housing Policy 7.07: Mixture of Housing Types

The city and county, through their land use regulations and housing policies, will encourage the private sector to provide and maintain a mixture of housing types with varied prices, sizes and densities to meet the housing needs of the low-, moderate- and middle-income households of the Boulder Valley population. The city will encourage property owners to provide a mix of housing types, as appropriate. This may include support for ADUs/OAUs, alley houses, cottage courts and building multiple small units rather than one large house on a lot.

Housing Policy 7.08: Preserve Existing Housing Stock

The city and county, recognizing the value of their existing housing stock, will encourage its preservation and rehabilitation through land use policies and regulations. Special efforts will be made to preserve and

rehabilitate existing housing serving low-, moderate- and middle-income households. Special efforts will also be made to preserve and rehabilitate existing housing serving low-, moderate- and middle-income households and to promote a net gain in affordable and middle-income housing.

Housing Policy 7.10: Housing for a Full Range of Households

The city and county will encourage preservation and development of housing attractive to current and future households, persons at all stages of life and abilities, and to a variety of household incomes and configurations. This includes singles, couples, families with children and other dependents, extended families, non-traditional households and seniors.

Housing Policy 7.17: Market Affordability

The city will encourage and support efforts to provide market rate housing priced to be more affordable to middle-income households by identifying opportunities to incentivize moderately sized and priced homes.

Local Governance and Community Engagement Policy 10.01: High-Performing Government
The city and county strive for continuous improvement in stewardship and sustainability of financial,
human, information and physical assets. In all business, the city and county seek to enhance and facilitate
transparency, accuracy, efficiency, effectiveness and quality customer service. The city and county
support strategic decision-making with timely, reliable and accurate data and analysis.

ATTACHMENTS

Attachment A: Annotated Ordinance 8696 (Official ordinance is Attachment N)

Attachment B: Ordinance 8700

Attachment C: Comparable Cities Parking Requirement Matrix

Attachment D: Fox Tuttle Parking Utilization Report

Attachment E: Empty Spaces Infographic

Attachment F: City Manager Rule

Attachment G: Neighborhoods for Pilot Consideration

Attachment H: RAMP Financial Analysis

Attachment I: Neighborhood Permit Parking Resident Feedback Graphs

Attachment J: Summary of Community Meeting Comments

Attachment K: Public Comments Received
Attachment L: Summary of TAB Comments
Attachment M: Draft Planning Board Minutes

Attachment N: Ordinance 8696

Annotated Ordinance: City Council Review Draft

NOTE: This version of the ordinance includes footnotes that help to describe all of the proposed changes as well as the redlined tracked changes to existing code language.

. . .

7-6-23. Parking for Certain Purposes Prohibited.

...

- (b) No vehicle shall be parked upon any private property within any required yard abutting a street. Required yard means the minimum front yard setback for principal buildings, the minimum side yard setback from a street for all buildings and the minimum front and side yard setbacks from major roads set forth in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.
 - (1) As an exception to this prohibition, within districts zoned RR-1, RR-2, RE, or RL-1, RL-2, A or P, up to two vehicles may be parked on a paved or improved driveway which serves as access to required off-street parking provided on the lot in accordance with Sections 9-9-6, "Parking Standards," and 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.
 - (2) This subsection does not apply to recreational vehicles parked or stored in accordance with subsection 9-9-6(hf), B.R.C. 1981.

9-1-3. Application of Regulations.

- (b) General Compliance Requirements:
 - (1) No building, structure or land may hereafter be used or occupied, and no building or structure or part thereof may hereafter be erected, constructed, moved or altered except in conformity with all of the regulations of this title.
 - (2) All lot area, open space, or yard requirements must be met on the lot or parcel creating the requirement for each building and use, unless modified under the provisions of Section 9-2-14, "Site Review," B.R.C. 1981. No part of a lot area, open space, off-street parking area or yard required about or in connection with any building for the purposes of complying with this title, may be included as part of a lot area, an open space, off-street parking area or yard similarly required for any other building or use, except as otherwise specifically permitted by the provisions of this title.

. . .

9-2-1. Types of Reviews.

(b) Summary Chart:

¹ Updates to align language with Section 9-9-6 and remove reference to required parking.

² Clarified language and removed reference to off-street parking that is no longer necessary without minimum required off-street parking.

TABLE 2-1: REVIEW PROCESSES SUMMARY CHART

I. ADMINISTRATIVE REVIEWS	II. DEVELOPMENT REVIEW AND BOARD ACTION
Affordable housing design review pursuant to Section 9-13-4, B.R.C. 1981	Annexation/initial zoning
·	BOZA variances
Bicycle parking reductions and modifications ³	Concept plans
Building permits	Demolition, moving, and removal of buildings with
Change of address	potential historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition,
Change of street name	On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981
Conditional uses, as noted in Table 6-1: Use Table	Form-based code review
Demolition, moving, and removal of buildings with	Tomi-based code review
no historic or architectural significance, per Section	Geophysical exploration permit
9-11-23, "Review of Permits for Demolition, On-Site	
Relocation, and Off-Site Relocation of Buildings Not	Landmark alteration certificates other than those
Designated," B.R.C. 1981	that may be approved by staff per Section 9-11-14,
	"Staff Review of Application for Landmark Alteration
Easement vacation	Certificate," B.R.C. 1981
Extension of development approval/staff level	Lot line adjustments
Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for	Lot line elimination
Landmark Alteration Certificate," B.R.C. 1981)	Minor Subdivisions
Landscape standards variance	Out of city utility permit
Minor modification to approved site plan	Rezoning
Minor modification to approved form-based code review	Site review
	Subdivisions
Noise barriers along major streets per Paragraph 9-9-15(c)(7), B.R.C. 1981	Use review
Nonconforming use extension	Vacations of street, alley, or access easement
Parking deferral per Subsection 9-9-6(e), B.R.C. 1981 ⁴	
Parking reduction of up to twenty-five percent per	

 $[\]frac{^3\,\text{Moved up in list alphabetically.}}{^4\,\text{Removing parking deferrals and reductions no longer necessary without minimum off-street parking}}$ requirements.

Subsection 9-9-6(f), B.R.C. 1981

Parking reductions and modifications for bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981

Parking stall size reduction variances⁵

Public utility

Rescission of development approval

Revocable permit

Right-of-way lease

Setback variance

Site access exceptionvariance

Substitution of a nonconforming use

Solar exception

Zoning verification

9-2-2. Administrative Review Procedures.

(c) Application Requirements:

...

(4) Additional Information: If, in the city manager's judgment, the application does not contain sufficient information to permit an appropriate review, the manager may request additional information from the applicant. This additional information may include, without limitation, a written statement describing the operating characteristics of proposed and existing uses and a site plan showing dimensions, distances, topography, adjacent uses, location of existing and proposed improvements, including but not limited to landscaping, parking, and buildings.

•••

9-2-3. Variances and Interpretations.

...

(c) Administrative Variances: The city manager may grant a variance from:

⁵ Aligning with correct process description.

⁶ No longer necessary without minimum requirements.

...

- (6) The parking requirements of Subsection 9-9-6(d), B.R.C. 1981, with regards to parking in landscaped front yard setbacks, if the city manager finds that the application satisfies all of the requirements in subsection (h) or (j), as applicable,
 - of this section and if the applicant obtains the written approvals of impacted property owners.⁷
- (67) If written approvals of impacted property owners cannot be obtained, the applicant may apply for consideration of the variance before the BOZA.
- (78) Applicants shall apply for the variance on a form provided by the city manager and shall pay the application fee required by title 4, "Licenses and Permits," B.R.C. 1981, at time of submittal of the application.
- (89) The city manager may also grant variances or refer variance requests to the BOZA to allow development not in conformance with the provisions of this title which otherwise would result in a violation of federal or state legislation or regulation, including but not limited to the Federal Fair Housing Act or the Americans with Disabilities Act.

...

(j) Variances for Parking Spaces in Front Yard Setbacks: The BOZA approving authority8 may grant a variance to the requirements of Section 9-9-6, "Parking Standards," B.R.C. 1981, to allow a required parking space to be located within the front yard setback if it finds that the application satisfies all of the following requirements:

...

9-2-14. Site Review.

...

- (g) Review and Recommendation: The city manager will review and decide an application for a site review in accordance with the provisions of Section 9-2-6, "Development Review Application," B.R.C. 1981, except for an application involving the following, which the city manager will refer with a recommendation to the planning board for its action:
 - (1)——A reduction in off-street parking of more than fifty percent subject to compliance with the standards of Subsection 9-9-6(f), B.R.C. 1981.9
 - (12) A reduction of the open space or lot area requirements allowed by Subparagraph (h)(6) of this section.

⁷ This allows variances for parking in the front yard setback to be reviewed administratively, if impacted neighbors provide written approval, rather than automatically going to BOZA, which provides additional flexibility for parking in the front yard setback under certain circumstances.

⁸ Updated as there is an option for an administrative variance now.

⁹ Parking reductions no longer needed in the code without minimum off-street parking requirements

- (23) An application for any principal or accessory building above the permitted height for principal buildings set forth in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.
- (h) Criteria: No site review application shall be approved unless the approving agency finds that the project is consistent with the following criteria:
 - (1) Site Design Criteria: The project creates safe, convenient, and efficient connections for all modes of travel, promotes safe pedestrian, bicycle, and other modes of alternative travel with the goal of lowering motor vehicle miles traveled. Usable open space is arranged to be accessible; designed to be functional, encourage use, and enhance the attractiveness of the project; and meets the needs of the anticipated residents, occupants, tenants, and visitors to the project. Landscaping aesthetically enhances the project, minimizes use of water, is sustainable, and improves the quality of the environment. Operational elements are screened to mitigate negative visual impacts. In determining whether this is met, the approving agency will consider the following factors:
 - (A) Access, Transportation, and Mobility:
 - (v) The design of vehicular circulation and parking areas make efficient use of the land and minimize the amount of pavement necessary to meet the circulation and parking needs of the project.¹⁰
 - (7) Parking Reductions: The applicant demonstrates, and the approving authority finds, that any reduced parking on the site, if applicable, meets the parking reduction criteria outlined in Section 9-9-6, "Parking Standards," B.R.C. 1981.¹¹
- (k) Minor Modifications to Approved Site Plans: The city manager reviews applications for minor modifications pursuant to the procedures in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.
 - (1) Standards: Minor modifications may be approved if the proposed modification complies with the following standards:

¹⁰ These references to circulation and parking needs have been removed to align with no minimum requirements. These are factors for consideration within a Site Review applications, and as such are discretionary standards. Efficient use of land and minimized pavement would remain a factor to consider in whether a project "creates safe, convenient, and efficient connections for all modes of travel, promotes safe pedestrian, bicycle, and other modes of alternative travel with the goal of lowering motor vehicle miles traveled."

¹¹ Parking reductions no longer needed in the code without minimum off-street parking requirements.

...

- (E) Parking: Any parking reduction is reviewed and approved through the process and criteria in Subsection 9-9-6(f), B.R.C. 1981;¹²
- (EF) Solar Panels: Any solar panels do not substantially add to the mass or perceived height of the building and comply with all applicable building height, solar access, building coverage, and open space requirements;
- (FG) Other Requirements: The modification complies with all other applicable requirements of this title; and
- (GH) Modified Standards: The numeric standards in the site plan are not modified by more than allowed through Table 2-3.

•••

9-2-16. Form-Based Code Review.

(a) Purpose: The purpose of form-based code review, is to improve the character and quality of new development to promote the health, safety and welfare of the public and the users of the development. The form-based code review regulations are established to create a sense of place in the area being developed or redeveloped and ensure a site and building design that:

...

(h) <u>Bicycle</u> Parking Reductions. As part of the form-based code review process, the approving authority may grant a parking reduction pursuant to the criteria in Subsection 9-9-6(f), "Motor Vehicle Parking Reductions," B.R.C. 1981, for commercial developments, residential developments, industrial developments, and mixed use developments if the approving authority finds that the criteria of Subsection 9-9-6(f), B.R.C. 1981, are met. As part of the form-based code review process, the approving authority may grant reductions and modifications to the bicycle parking standards of Subsection 9-9-6(eg), B.R.C. 1981, if the reviewing authority finds that the standards of Paragraph 9-9-6(eg)(6), B.R.C. 1981, are met.¹³

...

9-4-2. Development Review Procedures.

- (a) Development Review Authority: Table 4-1 of this section summarizes the review and decision-making responsibilities for the administration of the administrative and development review procedures described in this chapter. The table is a summary tool and does not describe all types of decisions made under this code. Refer to sections referenced for specific requirements. Additional procedures that are required by this code but located in other chapters are:
 - (1) "Historic Preservation," chapter 9-11; and

¹² Parking reductions no longer needed in the code without minimum off-street parking requirements.

¹³ Parking reductions are no longer necessary with the elimination of minimum off-street parking requirements. Bicycle parking reductions remain an option.

(2) "Inclusionary Housing," chapter 9-13.

TABLE 4-1: SUMMARY OF DECISION AUTHORITY BY PROCESS TYPE

Standard or Application Type	Staff/City Manager	BOZA	Planning Board	City Council
Section 9-9-6: Parking Standards ¹⁴				
Bicycle Parking Reduction Section 9-9-6(e) ¹⁵	D	=		
Parking Access Dimensions Section 9-9-5	D	_	- (-
Parking Deferral Subsection 9-9-6(e)	Đ	_		1
Parking Reduction ≤25% Subsection 9-9-6(f)	Đ			1
Parking Reduction >25% but ≤50% Section 9-9-6(f)	D(14)	10	CA, D(30)	CA
Parking Reduction >50% Subsection 9-9-6(f)		_	D(30)	CA

9-6-3. Specific Use Standards - Residential Uses.

(a)	Resid	lential U	lses:
•••			
HOUS	SEHOLD	LIVING	
(b)	Hous	ehold Li	ving Uses:
•••			
	(3)	Hous	ehold Living Uses in the MU-3 Zoning District:
		(A)	Applicability: The following standards apply in the MU-3 zoning district to uses in the
			household living use category that front onto Pearl Street and may be approved as a conditional use:

(i) The first floor above the finished grade at the street level fronting onto Pearl Street shall be constructed to permit a portion of the first floor as specified in Subparagraph (b)(3)(A)(ii) to be used for a restaurant, brewpub, or tavern

¹⁴ Several rows removed as parking reductions and deferrals no longer necessary.

 $^{^{15}}$ Not new, but should have been included in this table previously.

- use, personal service use, or retail sales use that is permitted in the MU-3 zoning district.
- (ii) The nonresidential spaces shall have a minimum depth of twenty feet measured from the front of the building along the Pearl Street frontage to the inside wall opposite of the street frontage. Building entries for uses above the first floor may be permitted to the extent necessary to provide access.
- (iii) Additional parking will not be required to be provided for the floor area that is necessary to meet the required minimum depth of the first-floor nonresidential use. All floor area beyond the required minimum depth shall meet the parking requirements of Section 9-9-6, "Parking Standards,"

 B.R.C. 1981. 16
- (iiiiv) The nonresidential space required by this section shall be used as a nonresidential principal use as permitted by Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, and not be used for any residential principal or accessory uses.
- (<u>iv</u>) No existing nonresidential space fronting onto Pearl Street shall be converted to residential space inconsistent with this paragraph.
- (vi) The first floor frontage requirements for nonresidential uses of this section and the requirements for window location, door location, and minimum lot frontage in "Table 7-1: Form and Bulk Standards" may be modified for an individual landmark or a building within a historic district that has received a landmark alteration certificate as required by Chapter 9-11, "Historic Preservation," B.R.C. 1981.

(m) Transitional Housing:

(1) The following standards apply to any transitional housing facility that may be approved as a conditional use or pursuant to a use review:

- (A) General Standards: Any transitional housing approved as a conditional use or pursuant to a use review shall meet the following standards:
 - (i) Density: The maximum number of dwelling units within a transitional housing facility shall be the same as is permitted within the underlying zoning district, except that for any zoning district that is classified as an industrial zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the number of dwelling units permitted shall not exceed one dwelling unit for each one thousand six hundred square feet of lot area on the site.

¹⁶ This exception is no longer relevant without minimum parking requirements.

¹⁷ Recent ordinances have removed minimum lot area requirements so this specific lot area requirement has been removed to align with those changes.

(ii) Parking: The facility shall provide one off-street parking space for each dwelling unit on the site. The approving authority may grant a parking deferral of up to the higher of fifty percent of the required parking or what otherwise may be deferred in the zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.¹⁸

...

(o) Home Occupation:

- (1) A home occupation is allowed by right if the accessory use meets the following standards:
 - (A) Standards:

(viii) No traffic is generated by such home occupation in a volume that would create a need for parking greater than that which can be accommodated on the site or which is inconsistent with the normal parking usage of the district. 19

...

9-6-4. Specific Use Standards - Public and Institutional Uses.

(d) Daycare Center:

(1) The following standards apply to any daycare center, except home daycares, that may be approved as a conditional use or pursuant to a use review:

. . .

- (C) Adequate off-street parking is provided for employees, volunteers, and visitors.²⁰
- (CD) Child daycare facilities are properly licensed by the State Department of Social Services.
- (DE) For nursery care (any child under the age of eighteen months), the facility provides fifty square feet of useable indoor floor area per child or a total of six hundred square feet of useable floor area, whichever is greater.
- (EF) For child care other than nursery care, the facility provides thirty square feet of useable indoor floor area per child or a total of six hundred square feet of useable floor area, whichever is greater.
- (FG) All child day care facilities shall provide a minimum of seventy-five square feet of usable outdoor play area per child or a total of two thousand four hundred square feet of useable outdoor play area, whichever is greater.

¹⁸ Removed consistent with no minimum requirements for other land uses.

¹⁹ Removed consistent with no minimum requirements for other land use.

²⁰ Removed consistent with no minimum requirements for other land uses.

- (GH) In the MH and RH-6 zoning districts, the use shall not provide care to more than fifty persons, not including employees.
- (e) Day Shelters, Emergency Shelters, and Overnight Shelters:

•••

(2) General Requirements for All Shelters: The following criteria apply to any day, emergency, or overnight shelters:

•••

(B) Additional Requirements for Day Shelters: The following additional criteria apply to any day shelter:

•••

- (iv) Parking: The facility shall provide off-street parking at the rates set forth in Section 9-9-6, "Parking Standards," B.R.C. 1981, for a nonresidential use. The approving authority may grant a parking deferral of the higher of up to fifty percent of the required parking or what otherwise may be deferred in the underlying zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.²¹
- (C) Additional Requirements for Emergency Shelters: The following additional requirements apply to any emergency shelter:
 - (i) Waiver of Good Neighbor Meeting and Management Plan Requirement: The city manager may waive the requirement that the applicant organize, host, and participate in a good neighbor meeting upon finding that the applicant will not require a use review, and that the needs of the facility's clients for anonymity and a safe and secure environment will be compromised by such a meeting.
 - (ii) Parking: The facility shall provide off-street parking at the rates set forth below in Subparagraphs a., b., and c. The approving authority may grant a parking deferral of up to the higher of fifty percent of the required parking or what otherwise may be deferred in the underlying zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.²²
 - One space for each employee or volunteer that may be on the site at any given time computed on the basis of the estimated maximum number of employees and volunteers on the site at any given time;
 - b. One parking space for each twenty occupants, based on the maximum occupancy of sleeping rooms and the dormitory type sleeping areas; and

²¹ Removed consistent with no minimum requirements for other land uses.

²² Removed consistent with no minimum requirements for other land uses.

One parking space for each attached type dwelling unit.

- (iii) Maximum Occupancy: No person shall permit the maximum occupancy of a facility to exceed the following unless approved pursuant to an occupancy increase:
- (iiiiv) Review Standards: Uses designated as conditional uses in Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, shall be processed under the provisions of this paragraph unless the applicant makes a request to increase the maximum occupancy per dwelling unit equivalent from six persons per dwelling unit equivalent up to ten occupants for sleeping room or dormitory type sleeping areas.
- (D) Additional Standards for Overnight Shelters: The following additional criteria apply to any overnight shelter:
 - (iii) Parking: The facility shall provide off-street parking at the rates set forth below in Subparagraphs a. and b. The approving authority may grant a parking deferral of up to the higher of fifty percent of the required parking or what otherwise may be deferred in the underlying zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.²³
 - a. One space for each employee or volunteer that may be on the site at any given time computed on the basis of the estimated maximum number of employees and volunteers on the site at any given time; and
 - b. One parking space for each twenty occupants, based on the maximum occupancy of the facility.
 - (iiiiv) Maximum Occupancy: No person shall permit the maximum occupancy of a facility to exceed the following unless approved pursuant to an occupancy increase:
 - (iv) Review Standards: Uses designated as conditional uses in Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, shall be processed under the provisions of this paragraph unless the applicant proposes to exceed the following standards. In such cases, the applicant will also be required to complete the use review process pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.

•

²³ Removed consistent with no minimum requirements for other land uses.

9-6-5. Specific Use Standards - Commercial Uses.

Bed and Breakfast: (a)

- (1) The following standards apply to bed and breakfast uses that may be approved as a conditional use or pursuant to a use review:
 - (A) The structure is compatible with the character of the neighborhood in terms of height, setbacks, and bulk. Any modifications to the structure are compatible with the character of the neighborhood.
 - One parking space is provided for each guest bedroom, and one space is provided for the operator or owner's unit in the building.²⁴
 - (<u>B</u>C) No structure contains more than twelve guest rooms. The number of guest rooms shall not exceed the occupancy limitations set forth in Section 9-8-6, "Occupancy Equivalencies for Group Residences," B.R.C. 1981.
 - (<u>C</u>+) No cooking facilities including, without limitation, stoves, hot plates, or microwave ovens are permitted in the guest rooms. No person shall permit such use.
 - One attached exterior sign is permitted to identify the bed and breakfast, subject to (DE) the requirements of Section 9-9-21, "Signs," B.R.C. 1981.
 - (EF) No long-term rental of rooms is permitted. No person shall permit a guest to remain in a bed and breakfast for a period in excess of thirty days.
 - (<u>FG</u>) No restaurant use is permitted. No person shall serve meals to members of the public other than persons renting rooms for nightly occupancy and their guests.
 - (GH) No person shall check in or check out of a bed and breakfast or allow another to do so except between the times of 6 a.m. and 9 p.m.

(h) **Temporary Event:**

(1) Temporary events may be approved as a conditional use if the following standards are met:

(E) Such uses may not adversely affect the required parking or 25 result in unsafe conditions or unacceptable levels of congestion;

Neighborhood Business Center: (u)

²⁴ Removed consistent with no minimum requirements for other land uses.

²⁵ Removed reference to required parking.

(1) The following standards apply to any neighborhood business center that may be approved pursuant to a use review:

...

- (F) Restaurant Restrictions: Restaurants are permitted as a use within a neighborhood business center provided the following criteria are met, notwithstanding any restriction within Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981:
 - (i) No Parking Reduction: No parking reduction may be granted for the neighborhood business center or any contemporaneously developed adjacent residential development unless the applicant can provide adequate assurances that there will be no parking spillover onto the surrounding residential streets;²⁶
 - (ii) Size: The gross floor area of the restaurant does not exceed one thousand five hundred square feet in size, and up to three hundred additional square feet of floor area may be utilized for storage purposes only;
 - (iii) Proportion of Development: The restaurant use is included in a development containing other uses approved as part of the neighborhood business center and does not exceed twenty-five percent of the gross floor area of the project;
 - (iiiiv) Drive-Thru Uses Prohibited: The restaurant does not contain a drive-thru facility;
 - (iv) Trash Storage: A screened trash storage area is provided adjacent to the restaurant use, in accordance with the requirements of Section 9-9-18, "Trash Storage and Recycling Areas," B.R.C. 1981;
 - (vi) Loading Area: A loading area meeting the requirements of Section 9-9-9, "Off-Street Loading Standards," B.R.C. 1981, provided adjacent to the restaurant use:
 - (vii) Signage: Signage complies with a sign program approved as part of the review by the city manager consistent with the requirements of Section 9-9-21, "Signs," B.R.C. 1981; and
 - (viii) Environmental Impacts: Any environmental impact including, without limitation, noise, air emissions and glare is confined to the lot upon which the restaurant use is located and is controlled in accordance with applicable city, state, and federal regulations.

...

- (x) Fuel Service Station:
 - (1) The following standards apply to any fuel service station that may be approved as a conditional use or pursuant to a use review:

²⁶ Removed consistent with no minimum requirements for other land uses and no parking reductions.

(A) General Standards: Any fuel service station that may be approved as a conditional use or pursuant to a use review shall meet the following standards:

...

(v) In addition to the parking requirements of Sections 9-7-1, "Schedule of Form and Bulk Standards," and 9-9-6, "Parking Standards," B.R.C. 1981, and the stacking requirements of Subparagraph (y)(1)(A)(ii) of this subsection, adequate space is provided for the storage of two vehicles per service bay off-street.²⁷

•••

9-6-6. Specific Use Standards - Industrial Uses.

(a) Outdoor Display of Merchandise:

- (1) The following standards apply to the outdoor display of merchandise:
 - (A) Merchandise shall not be located within any required yard adjacent a street;
 - (B) Merchandise shall not be located within or obstruct required parking and vehicular circulation areas or sidewalks;²⁸
 - (C) Merchandise shall be screened to the extent possible from the view of adjacent streets; and
 - (D) Outdoor display is for the temporary display of merchandise and not for the permanent storage of stock.

...

(d) Recycling Collection Facilities - Large:

(1) Large recycling collection facilities that may be approved pursuant to a use review shall meet the following standards:

•••

(F) One parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements are as required in the zone, except that parking requirements for employees may be reduced if it can be shown that such parking spaces are not necessary, such as when employees are transported in a company vehicle to the work facility. 29

²⁷ Removed reference to parking standards.

²⁸ Remove reference to required parking

²⁹ Removed consistent with no minimum requirements for other land uses.

- (FG) If the facility is located within five hundred feet of property zoned, planned under the Boulder Valley Comprehensive Plan, or occupied for residential use, it shall not operate between 7:00 p.m. and 7:00 a.m.
- (GH) Any container provided for after-hours donation of recyclable materials shall be at least fifty feet from any property zoned, planned in the Boulder Valley Comprehensive Plan, or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
- (H) The containers shall be clearly marked to identify the type of materials that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.
- The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

(e) Recycling Collection Facilities - Small:

(1) Small recycling collection facilities that may be approved as a conditional use or pursuant to a use review shall meet the following standards:

•••

- (O) No additional parking spaces are required for customers of a small collection facility located at the established parking lot of a host use, but one additional space shall be provided for the attendant, if needed.
- (OP) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
- (Q) Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary host use unless a parking study shows the existing parking capacity is not already fully utilized during the time the recycling facility will be on the site.³⁰

(f) Recycling Processing Facility:

- (1) Recycling processing facilities that may be approved as a conditional use or pursuant to a use review shall meet the following standards:
 - (G) One parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as required for the zone in which the facility is located.³¹
 - (GH) If the facility is located within five hundred feet of property zoned, planned in the Boulder Valley Comprehensive Plan, or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site personnel during the hours the facility is open.

³⁰ Removed consistent with no minimum requirements for other land uses.

³¹ Removed consistent with no minimum requirements for other land uses.

- (HI) Any containers provided for after-hours donation of recyclable materials shall be at least fifty feet from any property zoned, planned in the Boulder Valley Comprehensive Plan, or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.
- (H) Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.
- (」K) No dust, fumes, smoke, vibration, or odor from the facility shall be detectable on neighboring properties.

9-7-12. Two Detached Dwellings on a Single Lot.

- (a) Standards: In an RM-2, RM-3, RH-1, RH-2 or RH-5 district, two detached dwelling units may be placed and maintained as principal buildings on a lot which fronts on two public streets other than alleys, if the following conditions are met:
- (3) In the RM zoning district, one parking space is required for each principal building. In the RH5 zoning district, for the second principal building, one bedroom requires one off-street
 parking space, two bedrooms require one and one-half spaces, three bedrooms require two
 spaces, and four or more bedrooms require three spaces. Required parking is provided on
 the lot convenient to each principal building. Any two parking spaces fronting on an alley
 which are adjacent to each other shall be separated from any other parking spaces by a

landscaped area at least five feet wide and as deep as the parking spaces;³²

- (34) Privacy fencing or visual buffering of parking areas is provided;
- (45) Each principal building has separate utility services in approved locations;
- (56) All utilities are underground for each principal building unless this requirement is waived by the city manager for good cause;
- (67) New principal buildings are compatible in character with structures in the immediate vicinity, considering mass, bulk, architecture, materials and color. In addition, the second principal building placed on a lot shall meet the following requirements:

•••

9-7-13. Mobile Home Park Form and Bulk Standards.

No person shall establish or maintain a mobile home park or mobile home on a lot within a mobile home park except in accordance with the following standards:

³² Removed consistent with no minimum requirements for other land uses.

(a) Mobile Home Park Form and Bulk Summary Table: Development within a mobile home park in the MH zoning district shall comply with the standards shown in Table 7-2 and illustrated in Figure 7-15 of this section.

TABLE 7-2: MOBILE HOME PARK DESIGN STANDARDS (MH DISTRICT)

Size and Intensity	
Lot Area and Open Space	
Minimum lot area if subdivided	3,500 square feet
Minimum average lot area per mobile home	4,350 square feet
Minimum outdoor living and service area (with no dimension less than 15 feet)	300 square feet
Minimum usable open space per mobile home	600 square feet
Parking Requirements	
Minimum number of off-street parking spaces per mobile home	1 33
Setbacks and Separation	
(A) Minimum setback from exterior perimeter property lines of the mobile home park -	MH, RL-2, RM-1, RM-3, RH- 1 and RH-4 zones: 20 feet
	RM-2 and RH-5 zones: 25 feet
(B) Minimum side to side separation	15 feet
(C) Minimum end to end separation	10 feet
(D) Minimum distance from tongue to any adjacent sidewalk or pedestrian walkway	2 feet
(E) Minimum setback from private drive or internal public street (from edge of pavement)	10 feet

...

- (d) Parking: Mobile homes in all zoning districts other than the MH district shall provide 1.5 off-street parking spaces per mobile home. Off-street spaces shall be located on or within three hundred feet of the mobile home space for which the parking is required.³⁴
- (de) Modification of Setbacks From the Exterior Perimeter Property Lines of the Mobile Home Park:
 Mobile home setback distances along mobile home park exterior perimeter property lines adjacent to other lots may be modified as part of a site review or use review approval if the mobile home park owner demonstrates that there is a need for such modifications and that no detrimental effect will result to uses on adjoining properties or to residents of the mobile home park.
- (ef) Obstructions Prohibited: No mobile home or portion thereof shall overhang or obstruct any driveway, access road or walkway.
- (fg) Screening: All mobile home parks adjacent to other residential uses, commercial uses or industrial uses shall be provided with screening, such as opaque fencing or landscaping, along the property lines separating the mobile home park from such adjacent land uses.

³³ Removed consistent with no minimum requirements for other land uses.

³⁴ Removed consistent with no minimum requirements for other land uses.

9-8-6. Occupancy Equivalencies for Group Residences.

The permitted density/occupancy for the following uses shall be computed as indicated below. The density/occupancy equivalencies shall not be used to convert existing uses referenced in this section to dwelling units. The number of allowed dwelling units shall be determined by using Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981:

(f) Bed and Breakfast: Three guest rooms in a bed and breakfast constitute one dwelling unit. In any bed and breakfast, up to twelve guest rooms are permitted, provided the required parking can be accommodated on site and the provisions of Subsection 9-6-5(a), B.R.C. 1981, are met. 35

9-9-2. General Provisions.

Entire Use Located on One Lot: All lot area, open space, or yard requirements must be met on the lot (e) or parcel creating the requirement for each building and use, unless modified under the provisions of Section 9-2-14, "Site Review," B.R.C. 1981. 36-No person shall include as part of a lot area, open space, off-street parking area, or yard required by this title for any building or use any part of a lot area, open space, off-street parking area, or yard required by this title for any other building or use, unless approved under the provisions of Section 9-2-14, "Site Review," B.R.C. 1981.

9-9-5. Site Access Control.

Access Control: Vehicular access to property from the public right-of-way shall be controlled in such (a) a manner as to protect the traffic-carrying capacity and safety of the street upon which the property abuts and access is taken, ensuring that the public use and purpose of public rights--of--way is unimpaired as well as to protect the value of the public infrastructure and adjacent property. The requirements of this section apply to all land uses, including detached dwelling units, if motor vehicle access is provided to the property from the public right-of-way, as follows:

(2) For detached dwelling units, the standards of this section shall be met prior to a final inspection for any building permit for new development; the demolition of a principal structure; or the conversion of an attached garage or carport to a use other than use as a parking space.

...

(c) Standards and Criteria for Site Accesses and Curb Cuts: Any access or curb cut to public rights of way shall be designed in accordance with the City of Boulder Design and Construction Standards and the following standards and criteria:

³⁵ Removed consistent with no minimum requirements for other land uses.

³⁶ Clarified language and removed reference to off-street parking that is no longer necessary without minimum required off-street parking.

•••

- (6) Multiple Access Points for Detached Dwelling Units: The city manager will permit multiple access points on the same street for a single lot containing a detached dwelling unit upon finding that there is at least one hundred linear feet of lot frontage adjacent to the front yard on such street, the area has a limited amount of pedestrian activity because of the low density character, and multiple access points are not inconsistent with the city's plans for curbside use on the street there is enough on-street parking within three hundred feet of the property to meet the off-street parking needs of such area. The total cumulative width of multiple curb cuts shall not exceed the maximum permitted width of a single curb cut. The minimum spacing between multiple curb cuts on the same property shall not be less than sixty-five feet.
- (7) Shared Driveways for Residential Structures: A lot with a detached dwelling unit that does not have frontage on the street from which access is taken may be served by a shared driveway that meets all of the standards and criteria for shared driveways set forth in the City of Boulder Design and Construction Standards.
- (8) Residential Driveways: Any driveway or access for a property with a residential use must lead to an off-street parking space meeting the requirements of this title and the City of Boulder Design and Construction Standards.
- (98) Driveway Width: Driveways shall meet the following standards (see Figure 9-1 of this section):
 - (A) Minimum driveway width: The width of a driveway leading to an off-street parking space shall not be less than nine feet. A driveway, or portion of a driveway, may be located on an adjacent property if an easement is obtained from the impacted property owner.
 - (B) Maximum Driveway Width: For any property with three or fewer dwelling units, the driveway width within a landscaped setback, including any associated circulation or turnarounds, shall not exceed 20 feet.

(109) Exceptions: The requirements of this section may be modified under the provisions of Section 9-2-14, "Site Review," B.R.C. 1981, to provide for safe and reasonable access. Exceptions to this section may be made if the city manager determines that:

...

9-9-6. Parking Standards.

(a) Rationale <u>Purpose</u>: The intent of this section is to provide adequate off-street parking for all uses, to prevent undue congestion and interference with the traffic carrying capacity of city streets, and establish safe and functional motor vehicle and bicycle parking design and location standards, ensure that motor vehicle parking plays a subordinate role to site and building design, and to minimize the visual and environmental impacts of excessive parking lot paving.³⁸

³⁷ Removed reference to required off-street parking.

³⁸ These updates to the purpose statement include language pulled from the BVCP and the purpose of House Bill 24-1304 related to minimum parking requirements.

- (b) Maximum Off-Street Parking Requirements: The following maximum off-street motor vehicle parking requirements apply to residential and nonresidential uses.³⁹
 - (1) Residential Uses: In the MU-4 and RH-7 zoning districts, the maximum number of off-street parking spaces for an attached dwelling unit or each unit of a duplex shall be one space per dwelling unit.
 - (2) Nonresidential Uses: In the RH-3, RH-6, RH-7, and MU-4 zoning districts, the maximum number of off-street parking spaces for nonresidential uses and their accessory uses shall be one space per 400 square feet of floor area per lot or parcel if residential uses comprise less than 50 percent of the floor area. If residential uses comprise more than 50 percent of the floor area, the maximum is one space per 500 square feet of floor area per lot or parcel. This maximum does not apply in a parking district.
- (b) Off-Street Parking Requirements: The number of required off-street motor vehicle parking spaces is provided in Tables 9-1, 9-2, 9-3, and 9-4 of this section; the number of required off-street bicycle parking spaces is provided in Table 9-8 of this section:⁴⁰
 - (1) Residential Motor Vehicle Parking Requirements: Unless the use is specifically identified in Table 9-2 below, residential motor vehicle parking shall be provided according to Table 9-1:

TABLE 9-1: RESIDENTIAL MOTOR VEHICLE PARKING REQUIREMENTS BY ZONING DISTRICT AND UNIT TYPE

Zone District Standard	RR, RE, MU-1, MU-3, BMS, DT, A, RH-6	RMX-2, MU-2, MH, IMS	RL, RM, RMX-1, RH-1, RH-2, RH-4, RH-5, BT, BC, BR, IS, IG, IM, P	RH-3	MU-4, RH-7
Minimum number of off-street parking spaces for a detached dwelling unit (DU)	4	1	1	1	θ
Maximum number of off-street parking spaces for an attached DU or each unit of a duplex	N/A	N/A	N/A	N/A	1 space per DU
Minimum number of off-street parking spaces for	1	1 for 1- or 2- bedroom DU 1.5 for 3-bedroom	1 for 1-bedroom DU 1.5 for 2-bedroom	1 for 1-bedroom DU 1.5 for 2-bedroom	Ð

³⁹ These existing maximum off-street parking requirements have been pulled out of Tables 9-1 and 9-2 and instead listed here.

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⁴⁰ Entire section has been removed to eliminate all minimum off-street parking uses citywide for all land uses.

an attached DU or each unit of a duplex		DU 2 for a 4 or more bedroom DU	DU 2 for 3-bedroom DU 3 for a 4 or more bedroom DU	DU 2 for 3-bedroom DU 3 for a 4 or more bedroom DU	
Accessible space requirement	Must mee	t the requirements of	the Americans with D	isabilities Act, as amen	ded.

⁽²⁾ Use Specific Motor Vehicle Parking Requirements for Residential Uses:

TABLE 9-2: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR RESIDENTIAL USES IN ALL ZONES

Use	Parking Requirement
Rooming house, boarding house, fraternity, sorority, group living and hostels	2 spaces per 3 occupants
Efficiency units, transitional housing	1 space per DU
Bed and breakfast	1 space per guest room + 1 space for operator or owner's DU within building
Accessory dwelling unit	0
Group homes: residential,	Off-street parking appropriate to use and needs of the facility and the
custodial or congregate care	number of vehicles used by its occupants, as determined through
	review
Overnight shelter	1 space for each 20 occupants, based on the maximum occupancy of the facility, plus 1 space for each employee or volunteer that may be on site at any given time computed on the basis of the maximum numbers of employees and volunteers on the site at any given time
Day shelter	Use the same ratio as general nonresidential uses in the zone
Emergency shelter	1 space for each 20 occupants, based on the maximum occupancy of the facility, plus 1 space for each employee or volunteer that may be on site at any given time computed on the basis of the maximum numbers of employees and volunteers on the site at any given time, plus 1 space for each attached type dwelling unit
Duplexes or attached dwelling units in the RR, RE and RL zoning districts	1 per unit

(3) Nonresidential Motor Vehicle Parking Requirements:
Unless the use is specifically identified in Table 9-4 below,
nonresidential motor vehicle parking shall be provided
according to Table 9-3:

TABLE 9-3: NONRESIDENTIAL MOTOR VEHICLE PARKING REQUIREMENTS BY ZONING DISTRICT⁴¹

Zone District Standard	RH-3, RH- 6, RH-7, MU-4 (within a parking district)	RH-3, RH- 6, RH-7, MU-4 (not in a parking district)	DT, MU-3, BMS (within a parking district)	BCS, BR- 1, IS, IG, IM, A	RMX-2, MU-2, IMS, BMS (not in a parking district)	MU-1, MU-3 (not in a parking district)	RR, RE, RL, RM, RMX-1, RH-1, RH- 2, RH-4, RH-5, BT, BC, BR-2, P (not in a parking district)
Minimum number of off- street parking spaces per square foot of floor area for nonresidential uses and their accessory uses	θ	. Q.		1:400	1:400 if residential uses comprise less than 50 percent of the floor area; otherwise 1:500	1:300 if residential uses comprise less than 50 percent of the floor area; otherwise 1:400	1:300
Maximum number of off- street parking spaces per square foot of floor area for nonresidential uses and their accessory uses Accessible	N/A	1:400 if residential uses comprise less than 50 percent of the floor area; otherwise 1:500	N/A	nericans with	Dieghilities A	ot as amand	
Accessible parking requirement	Must meet t	he requireme	nts of the An	nericans with	Disabilities A	ct, as amend	ed.

(4) Use Specific Motor Vehicle Parking Requirements for Nonresidential Uses:

⁴⁴See also Table 9-4 of this section.

TABLE 9-4: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR NONRESIDENTIAL USES
IN ALL ZONES

Use	Parking Requirement
Large daycare (less than 50 children)	Determined through review; parking needs of the use must be adequately served through on-street or offstreet parking
Nonresidential uses in General Improvement Parking Districts	No parking required
Restaurant, brewpub, or tavern - outside of retail centers greater than 50,000 square feet	Indoor Seats: 1 space per 3 seats.
	Outdoor Seats:
	1.—If outdoor seats do not exceed 20% of the indoor seats, no additional parking is required. 2.—For the portion of the outdoor seats exceeding
	20% of indoor seats: 1 space per 3 seats.
Q.F.A.C	3.—Notwithstanding the requirements of (1) and (2) above, the following applies to uses that are nonconforming as to parking for indoor seats and the sole principal use of the site: No additional parking is required if the number of outdoor seats does not exceed 60% of the existing number of parking spaces on the site.
Retail centers over 50,000 square feet of floor area that: —i) Are under common ownership, or	Less than 30 percent of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 250 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
—ii)—management, or —iii)—Are approved through a common site review approval, and	30 percent or more and less than 60 percent of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 175 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
—iv)—Contain a mix of some or all of the following uses: retail, commercial, office, restaurants, brewpubs, and taverns, which	
—v)—together comprise more than 50 percent of the total floor area, and	60 percent or more of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 100 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.

—vi)—Where written consent of all property owners within the retail center are included with the application. Restaurants in a regional park	This use-specific parking standard shall not apply to other uses for which a use-specific parking standard is created in this Table 9-4 or to uses other than retail, commercial, and office uses, restaurants, brewpubs, and taverns. For those uses, parking shall be provided as required for each such use under this Section 9-9-6, B.R.C. 1981, and in addition to the requirement above. Determined through review; parking needs of the use
	must be adequately served through on-street or off- street parking.
Motels, hotels, and bed and breakfasts	1 space per guest room or unit, plus required spaces for nonresidential uses at 1 space per 300 square feet of floor area
Theater	Greater of 1 parking space per 3 seats, or the parking ratio for the zone district
Fuel service station	General ratio for the use zone plus storage of 2 vehicles per service bay
Religious assembly:	(See Paragraph (f)(8) of this section for permitted parking reductions)
—a. Religious assemblies created prior to 9/2/1993	1:300
—b. Religious assemblies created after 9/2/1993	1 space per 4 seats, or 1 per 50 square feet of assembly area if there are no fixed seats - assembly area includes the largest room plus any adjacent rooms that could be used as part of the assembly area
—c. Uses accessory to a religious assembly and created after 9/2/1993	Uses accessory to the religious assembly shall meet the standards applicable to the use as if the use is a principal use
—d. Total parking of a religious assembly and accessory uses created after 9/2/1993	Parking for the religious assembly use and any accessory use shall be for the use which has the greatest parking requirement
Small recycling collection facility	1 space for attendant if needed
Large recycling collection facility	General parking ratio for the zone plus 1 space for each commercial vehicle operated by the facility
Recycling processing facility	Sufficient parking spaces for a minimum of 10 customers, or the peak load, whichever is greater, plus 1 space for each commercial vehicle operated by the facility

1 space per 1,000 square feet of floor area used for warehousing or storage of goods, merchandise, or equipment. Parking for floor area used for associated office space or production areas and not for warehousing or storage as outlined above shall be provided consistent with Table 9-3.
3 spaces for visitor parking, plus parking for any floor area used as office space or otherwise not used for self-service storage shall be provided consistent with Table 9-3.
1 space per outside airplane or glider tie down space; 1 space per 1,000 square feet of floor area of private airplane hangar space (with or without external or internal walls);
1 space per 2,000 square feet of floor area of commercial or executive airplane hangar space; and Parking for floor area used as office space or otherwise not used for airport hanger shall be provided consistent with the requirements of Table 9-3:

(c) General Parking Requirements Standards:

- (1) ADA Requirements: Where off-street parking spaces are provided, accessible parking spaces shall be provided, meeting the requirements of the Americans with Disabilities Act, as amended. 42
- (2) Electric Vehicle Charging Requirements: Where off-street parking spaces are provided, electric vehicle charging spaces shall be provided, meeting the requirements of the City of Boulder Energy Conservation Code. 43
- (31) Rounding Rule: For all motor vehicle and bicycle parking space requirements resulting in a fraction, the fraction shall be:
 - (A) Rounded to the next higher whole number when the required number of spaces is five or less; or
 - (B) Rounded to the next lower whole number when the required number of spaces is more than five.

⁴² This existing standard has been relocated from the tables above.

⁴³ This standard has been added to link the EV charging requirements in the Energy Conservation Code to the number of parking spaces that are provided on a site.

- (42) Parking Requirements for Lots in Two or More Zoning Districts: For lots that have more than one zoning designation, the required motor vehicle and bicycle parking for the use(s) on the lot may be provided on any portion of the lot, subject to the provisions of this title. 44
- (5) Approvals: Any minimum off-street motor vehicle parking requirement, for spaces other than accessible spaces, in any planned development, planned residential development, planned unit development, site review, use review, or other approval has no force and effect and shall not be enforced.⁴⁵
- (3) Off-Street Parking Requirement for Unlisted Nonresidential Uses: If the city manager determines that the use type is not specifically listed in Table 6-1, Use Table, or Table 9-4, Use Specific Motor Vehicle Parking Requirements for Nonresidential Uses in All Zones, the city manager may apply one of the following standards that adequately meets the parking needs of the use:46
 - (A) The applicable off-street parking requirement under Table 9-3, Nonresidential Motor Vehicle Parking Requirements by Zoning District;
 - (B) The off-street parking requirement under Table 9-4 for the listed use type most similar to the proposed use based on public parking demand, nature of the use type, number of employees, or any other factors deemed appropriate by the city manager;
 - (C) An off-street parking requirement established based on local or national best practices or by reference to standards or resources such as the Institute of Traffic Engineers, Urban Land Institute, International Council of Shopping Centers, American Association of State Highway and Transportation Officials, or American Planning Association; or
 - (D) An off-street parking requirement demonstrated by a parking demand study prepared by the applicant according to Paragraph 9-9-6(d)(6).
- (d) Motor Vehicle Parking Design Standards:
 - (1) Location of Open or Enclosed Parking: Open or enclosed parking areas are subject to the following requirements:
 - (A) No parking areas shall be located in any required landscaped setback abutting a street. However, in RR, RE, RL, A, or P zoning districts, if all off-street parking requirements of this chapter have been met, if a driveway leads to at least one parking space that meets the design requirements of this title and that is located outside of the landscaped setback, persons may park up to two additional vehicles may be parked in the driveway within the landscaped setback. The requirements of this subsection may be varied to allow the required off-street parking to be located

⁴⁴ Remove reference to motor vehicle parking.

⁴⁵ This language has been added to address parking requirements that may be individually applied to specific past approvals. They would no longer be enforceable.

⁴⁶ Removed as not relevant with no minimum parking requirements.

within the front yard setback pursuant to the standards and procedures in a variance being approved by the BOZA per Subsection 9-2-3(j), B.R.C. 1981.⁴⁷

- (B) Required parking areas shall be located on the lot or parcel containing the use for which they are required.⁴⁸
- (BC) No parking areas shall be located closer than ten feet from a side yard adjacent to a public street in the BMS and MU-2 zoning districts.
- (2) Parking Stall Design Standards: Parking stalls shall meet the following standards, based on stall type. The minimum maneuvering area to the rear of any parking stall shall be no less than twenty-four feet except as specified in Table 9-15 below for parking at an angle other than the 90-degree category. If the proposed use anticipates long-term parking as the major parking demand, the city manager may reduce those minimum parking stall sizes.

TABLE 9-15: STANDARD PARKING DIMENSION STANDARDS

Parking Angle	Curb Length Stall C D		Aisle Width		Bay V	Vidth
(degrees)			One Way A1	Two Way A2	One Way B1	Two Way B2
90	9'	19'	24'	24'	62'	62'
60	10.4'	21'	18'	22'	60'	64'
45	12.7'	19.8'	13'	20'	52.6'	59.6'
30	18'	17.3'	12'	20'	45.6'	54.6'
0	23'	8'	12'	20'	20'	36'

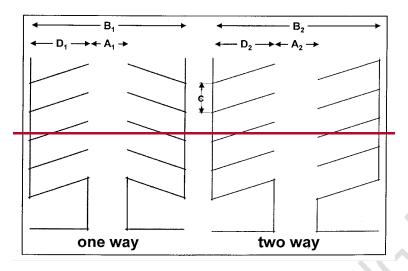
TABLE 9-26: SMALL CAR PARKING DIMENSION STANDARDS

Parking Angle	Curb Length C	Stall D	Aisle Width		Bay Width	
(degrees)			One Way A1	Two Way A2	One Way B1	Two Way B2
90	7.75'	15'	24'	24'	54'	54'
60	9.2'	17'	18'	22'	52'	56'
45	11.2'	16.1'	13'	20'	45.2'	52.2'

⁴⁷ Maintains current exception, as long as the driveway leads to a parking space that meets design requirements and is outside of landscaped setback. Variance of landscaped setback requirements is a possibility if necessary.

⁴⁸ Removed reference to required parking

30	15.5'	14.3'	12'	20'	40.6'	48.6'
0	20'	8'	12'	20'	28'	36'



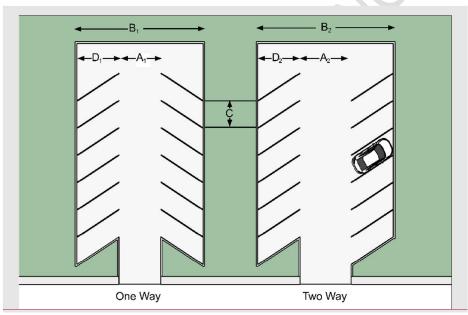


Figure 9-2: Parking Dimensions Diagram⁴⁹

- (A) Standard Stalls: All off-street standard parking spaces shall meet the minimum size requirements <u>established</u> <u>as indicated</u> in Table 9-<u>15</u> and Figure 9-2 of this section.
- (B) Small Car Stalls:

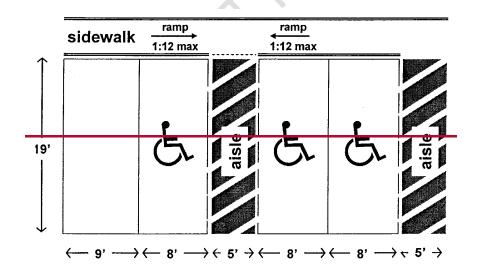
 $^{^{\}underline{49}}$ Updated graphic to align with more recent design style of code graphics.

(i) Small Car Stalls Allowed: A proportion of the total spaces <u>provided</u> in each parking area may be designed and shall be signed for small car use according to Table 9-37 of this section.

TABLE 9-37: SMALL CAR STALLS

Total Spaces Required	Allowable Small Car Stalls		
5 - 49	40 percent		
50 - 100	50 percent		
101 or greater	60 percent		

- (ii) Dimensional Standards: All small car stalls shall meet the minimum size requirements as indicated in Table 9-26 and Figure 9-2 of this section.
- (C) Accessible Parking Stalls:
 - (i) Dimensional Standards: Accessible parking spaces shall be eight feet wide and nineteen feet in length, with the standard width drive lane. Individual spaces shall have an additional five foot-wide, diagonally striped aisle abutting the passenger side of the space. If such spaces are provided in adjacent pairs, then one five footfive-foot aisle may be shared between the two spaces. Accessible parking spaces shall conform to the construction and design standards in the City of Boulder Design and Construction Standards and be located to maximize convenience of access to the facility and minimize the need to cross the flow of vehicular traffic. (See Figure 9-3 of this section.)



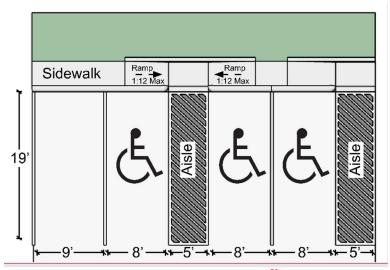


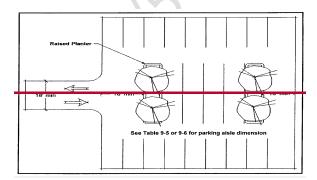
Figure 9-3: Accessible Parking Space Design⁵⁰

Accessible spaces must measure eight feet by nineteen feet and be flanked by a five footfive-foot diagonally-striped aisle. Two adjacent spaces may share a single five footfive-foot aisle. The aisle must be at the same grade as the accessible space and any adjacent sidewalk must slope to meet the grade of the aisle. The slope may not exceed 1:12.

...

(3) Drive Aisles:

(A) There is a definite and logical system of drive aisles to serve the entire parking area. Drive aisles shall have a minimum eighteen-foot width foot width clearance for two-way traffic and a minimum ten foot ten-foot width clearance for one-way traffic unless the city manager finds that the parking stalls to be served require a greater or lesser width. A physical separation or barrier, such as vertical curbs, may be required in order to separate parking areas from the travel lanes. (See Figure 9-4 of this section.)



⁵⁰ Updated graphic to align with more recent design style of code graphics.

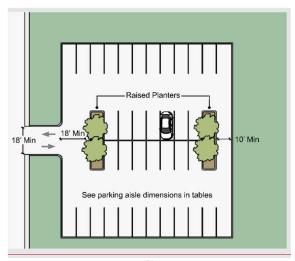
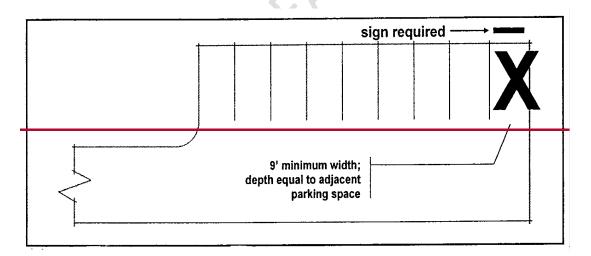


Figure 9-4: Drive Aisles⁵¹

Drive aisles provide access to parking areas but not to individual spaces. Drive aisles serving two-way traffic must be a minimum of eighteen feet wide. Drive aisles serving one-way traffic must be a minimum of ten feet wide. Raised planters, curbs, or other physical barriers may be necessary to separate parking areas from travel lanes. See Tables 9-15 and 9-26 of this section for parking aisle dimensions.

(B) Turnarounds are provided for dead-end parking bays of eight stalls or more. Turnarounds must be identified with a sign or surface graphic and marked "no parking." The use of accessible parking spaces as the required turnaround is not permitted. (See Figure 9-5 of this section.)



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⁵¹ Updated graphic to align with more recent design style of code graphics.

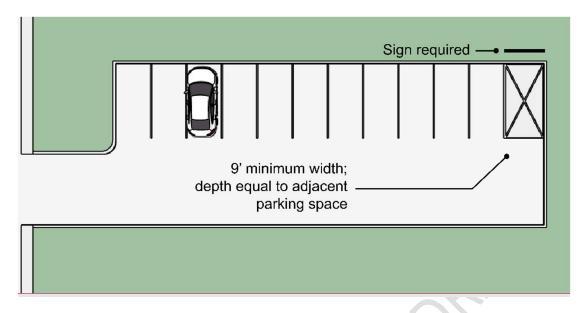


Figure 9-5: Parking Turnaround Spaces⁵²

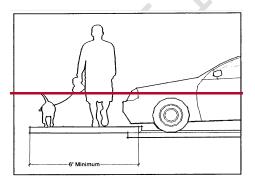
In dead-end parking bays with eight or more stalls, a turnaround space must be provided and properly marked.

(5) Parking Design Details:

•••

(D) All open off-street parking areas with five or more spaces shall be screened from the street and property edges, andedges and shall provide interior lot landscaping in accordance with Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981.

•••



⁵² Updated graphic to align with more recent design style of code graphics.

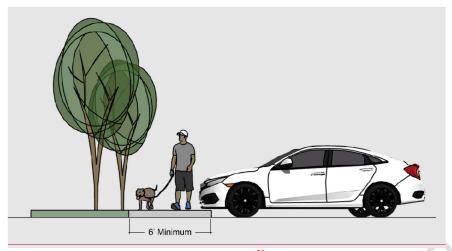


Figure 9-6: Permitted Vehicular Overhang⁵³

- (G) Within the DT zoning districts, at-grade parking is not permitted within thirty feet of a street right-of-way unless approved as part of a site review approval under Section 9-2-14, "Site Review," B.R.C. 1981. For the purpose of this subparagraph, the term "street" does not include "alley."
- (6) Parking Study: At the discretion of the city manager, a parking study may be required to demonstrate that adequate parking is provided either for parking provided per zoning requirements or in conjunction with a parking reduction request. The scope of a parking study may consist of analysis of any or all of the following factors: joint use of parking areas, peak parking demand for each land use, unusual parking demand based on type of land use, availability of nearby on-street parking, vicinity of high frequency transit, and Institute of Transportation Engineers Parking Generation estimates. 54
- (e) Motor Vehicle Parking Deferrals:55
 - (1) Criteria for Parking Deferral: The city manager may defer the construction and provision of up to ninety percent of the off-street parking spaces required by this section, in an industrial district, thirty-five percent in a commercial district, and twenty percent in any other district if an applicant demonstrates that:
 - (A) The character of the use lowers the anticipated need for off-street parking, and data from similar uses establishes that there is not a present need for the parking;
 - (B) The use is immediately proximate to public transportation that serves a significant proportion of residents, employees, or customers;
 - (C) There is an effective private or company car pool, van pool, bus, or similar group transportation program; or

⁵³ Updated graphic to align with more recent design style of code graphics.

⁵⁴ No longer necessary without minimum requirements. Note traffic studies may still be required per the Design and Construction Standards.

⁵⁵ Deferrals are no longer necessary without minimum requirements.

- (D) The deferred percentage of residents, employees, and customers regularly walk or use bicycle or other nonmotorized vehicular forms of transportation.
- (2) Parking Deferral With a Concurrent Use Review: If a proposed use requires both a review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981, and a parking deferral pursuant to this subsection, the parking deferral shall be considered in conjunction with the use review decision and not before. The approving authority and process for the parking deferral shall be the same as the use review.
- (3) Site Plan: Applicants for a parking deferral shall submit a site plan demonstrating that the total required parking can be accommodated on-site and designating the land to be reserved for future parking.
- (4) Landscaping: Landscaping shall be provided as required under Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981, and shall be indicated on the site plan.
- (5) Notice of Change of Condition: No person having an interest in property subject to a parking deferral shall fail to notify the city manager of any change in the conditions set forth in Paragraph (e)(1) of this section that the manager considered in granting the deferral.
- (6) Construction of Deferred Parking Areas: The city manager may require the construction of the deferred parking at any time upon thirty days' written notice by mail to commence construction of such parking. No person having an interest in the property shall fail to comply with such a notice.
- (f) Motor Vehicle Parking Reductions: 56
 - Parking Reduction Process: The parking requirements in Section 9-9-6, "Parking Standards," B.R.C. 1981, may be reduced if the requirements of this subsection are met. The city manager may grant a parking reduction not to exceed twenty-five percent of the required parking. Parking reductions greater than twenty-five percent may be granted as part of a site review approval under Section 9-2-14, "Site Review," B.R.C. 1981. Only the planning board or city council may grant a reduction exceeding fifty percent. Parking reductions are approved based on the operating characteristics of a specific use. No person shall change a use of land that is subject to a parking reduction except in compliance with the provisions of this subsection. For any parking reductions exceeding ten percent or if the parking reduction is being reviewed in conjunction with a site review, the applicant shall provide a parking study and transportation demand management (TDM) plan. Alternative administrative parking reductions (to the process set forth in this subparagraph (f)(1) and the criteria of subparagraph (f)(2)) by land use are found in Paragraph (f)(3).
 - (2) Parking Reduction Criteria: The approving authority may reduce the parking requirements of this section (see Tables 9-1, 9-2, 9-3 and 9-4), if it finds that the parking needs of all uses in the project will be adequately accommodated. In making this determination, the approving authority shall consider without limitation:
 - (A) Whether the probable number of all motor vehicles to be owned by occupants of and visitors to dwelling units in the project will be adequately accommodated;

.

⁵⁶ Reductions are no longer required without minimum requirements.

- (B) The availability of off-street and nearby on-street parking;
- (C) Whether any proposed shared parking can adequately accommodate the parking needs of different uses of the project considering daytime and nighttime variability of the parking needs of uses;
- (D) The effectiveness of any multimodal transportation program that is proposed at reducing the parking needs of the project. Applications including such programs shall describe any existing or proposed facilities and proximity to transit lines and shall demonstrate that use of multimodal transportation options will continue to reduce the need for on-site parking on an ongoing basis;
- (E) If the number of off-street parking spaces is reduced because of the nature of the occupancy, whether the applicant provides assurances that the nature of the occupancy will not change; and
- (F) If considering a parking reduction for a use nonconforming as to parking, the approving authority shall evaluate the existing parking arrangement to determine whether it can accommodate additional parking or be rearranged to accommodate additional parking in compliance with the design requirements of subsection (d) of this section. If additional parking can reasonably be provided, the provision of such parking shall be a condition of approval of the requested reduction.
- (3) Alternative administrative parking reductions by land use: The parking requirements in Section 9-9-6, "Parking Standards," B.R.C. 1981, may be reduced if the following standards are met. These standards shall not be permitted to be combined with the parking reduction standards in Subparagraphs (f)(2) of this section.
 - (A) Housing for Older Adults: The city manager may reduce the amount of required parking by up to seventy percent for governmentally sponsored housing projects for adults 65 and over.
 - (B) Mixed Use Developments: The city manager may reduce the amount of required parking in a mixed-use development by up to ten percent in the BMS, IMS, MU-1, MU-2, MU-3 and RMX-2 zoning districts, or in all other nonresidential zoning districts in Section 9-5-2, "Zoning Districts," B.R.C. 1981, by up to twenty-five-percent if the following requirements are met:
 - (i) The project is a mixed use development that includes, as part of an integrated development plan, both residential and nonresidential uses.

 Residential uses shall comprise at least thirty-three percent of the floor area of the development; and
 - (ii) The property is within a quarter of a mile walking distance to a high frequency transit route that provides service intervals of fifteen minutes or less during peak periods. This measurement shall be made along standard pedestrian routes from the property.
 - (C) Religious Assemblies: The city manager may reduce the amount of required parking to permit additional floor area within the assembly area of a religious assembly which is located within three hundred feet of the Central Area General Improvement District if the applicant has made arrangements to use public parking within close

proximity of the use and that the building modifications proposed are primarily for the weekend and evening activities when there is less demand for use of public parking areas.

- (4) Limiting Factors for Parking Reductions: The city manager will consider the following additional factors to determine whether a parking reduction under this section may be appropriate for a given use:
 - (A) A parking deferral pursuant to subsection (e) of this section is not practical or feasible for the property.
 - (B) The operating characteristics of the proposed use are such that granting the parking reduction will not cause unreasonable negative impacts to the surrounding property owners.
 - (C) The parking reduction will not limit the use of the property for other uses that would otherwise be permitted on the property.
- (5) Parking Reduction With a Concurrent Use Review: If a proposed use requires both a review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981, and a parking reduction pursuant to this subsection, the parking reduction shall be considered in conjunction with the use review decision and not before. The approving authority and process for the parking reduction shall be the same as for the use review.

(eg) Bicycle Parking:

(1) Required Bicycle Spaces: Bicycle parking spaces must be provided as required by Table 9-48 of this section. Where more than 10 spaces are required, at least five percent of the required bicycle parking spaces shall be designed to accommodate and signed for larger bikes with dimensions of at least 10 feet of length and 3 feet of width.⁵⁷

TABLE 9-48: OFF-STREET BICYCLE PARKING REQUIREMENTS

Use Type - based on Table 6-1 of	Minimum Number of Off-Street Bicycle	Long-Term	Short-Term
Section 9-6-1	Spaces		
Residential Uses			
Dwelling units ^(a) with a private garage, and detached dwelling units ⁵⁸ (b)	no requirement	n/a	n/a
Dwelling units without a private garage ^(b)	2 per unit	75%	25%
Accessory dwelling units	no requirement	n/a	n/a
Group living - fraternities, sororities, and dormitories, boarding houses, transitional housing	1 per 3 beds	75%	25%
Group living - all others	1 per 5 beds	75%	25%
Public and Institutional Uses		•	•

⁵⁷ New standard added due to increase in larger sized bikes. Dimensions based on National Association of City Transportation Officials (NACTO)'s Urban Bikeway Design Guide recommendations. Based on Planning Board recommendation and TAB discussion, the initial staff recommendation requiring 5% where more than 20 spaces are required has been modified to whenever more than 10 spaces are required. Also added requirement for signage per Planning Board recommendation.

⁵⁸ This exemption for detached dwelling units without a private garage was added per Planning Board recommendation.

Daycare centers, home daycares	Determined through review: parking	50%	50%
Daycare centers, nome daycares	needs of use must be adequately served	30%	30%
	through on- or off-street parking,		
	minimum of 4		
Public and private elementary, middle,	5 per classroom	50%	50%
and high schools	·		
Public and private colleges and	5 per classroom	50%	50%
universities			
Hospitals	1 per 1,500 square feet of floor area,	75%	25%
	minimum of 4		
Open space, park, and recreation uses	1 per 750 square feet of floor area;	25%	75%
	requirements for outdoor uses are		
	determined through review: parking needs		
	of use must be adequately served through		
	on- or off-street parking, minimum of 4		
Religious assemblies	The greater of 1 per 15 seats or 1 per 150	25%	75%
	square feet of assembly area		
All other public and institutional uses	1 per 1,500 square feet of floor area,	50%	50%
	minimum of 4		
Commercial Uses			1
Restaurants, brewpubs, and taverns	1 per 750 square feet of floor area,	25%	75%
	minimum of 4		
Bed and breakfasts, hostels, and hotels or	1 per 3 guest rooms, minimum of 4	50%	50%
motels			
All other food, beverage, and lodging uses	1 per 1,500 square feet of floor area	25%	75%
Mobile food vehicle and temporary events	no requirement	n/a	n/a
Office uses	1 per 1,500 square feet of floor area,	75%	25%
	minimum of 4		
Campgrounds, outdoor recreation or	1 per 750 square feet of floor area;	25%	75%
entertainment, indoor athletic facilities	requirements for outdoor uses are		
	determined through review: parking needs		
	of use must be adequately served through		
	on- or off-street parking, minimum of 4		
Financial institutions	1 per 1,500 square feet of floor area,	75%	25%
	minimum of 4		
Service uses and retail sales uses	1 per 750 square feet of floor area,	25%	75%
	minimum of 4		
Vehicle-related uses and all other	1 per 1,125 square feet of associated	25%	75%
commercial uses	office space or production areas		
Industrial Uses		T:	T
Industrial uses	1 per 1,125 square feet of associated	25%	75%
	office space or production areas		
Agriculture & Natural Resource Uses		Г	
Agriculture & Natural Resource Uses	no requirement	n/a	n/a
Other Uses Not Listed in Table 9-48	T	T	•
Other uses not listed in Table 9-48	1 per 1,500 square feet of floor area,	50%	50%
	minimum of 4		

Footnotes to Table 9-4, Off-Street Bicycle Parking Requirements: 59

- (a) For purposes of this Table 9-4, the "dwelling units" subcategories include all types of residential uses listed in Table 6-1, Use Table, except those separately listed in Table 9-4.
- (b) Private garage, for purposes of this table, means a building or indoor space that is associated with an individual dwelling unit for purposes of parking or keeping a motor vehicle, is fully enclosed, and has a secure door.

⁵⁹ These have been added into the table to address Municode formatting issues.

Footnotes to Table 9-8, Off-Street Bicycle Parking Requirements:

- (a) For purposes of this Table 9-48, the "dwelling units" subcategories include all types of residential uses listed in Table 6-1, Use Table, of Section 9-6-1, "Schedule of Permitted Uses," B.R.C. 1981, except those separately listed in Table 9-8.
- (b) Private garage, for purposes of this table, means a building or indoor space that is associated with an individual dwelling unit for purposes of parking or keeping a motor vehicle, is fully enclosed, and has a secure door.
 - (2) Bicycle Facilities: Both bicycle lockers and racks shall:
 - (A) Provide for storage and locking of bicycles, either in lockers, or medium-security racks, or an equivalent installation in which both the bicycle frame and the wheels may be locked by the user.
 - (B) Be designed so as not to cause damage to the bicycle.
 - (C) Facilitate easy locking without interference from or to adjacent bicycles.
 - (D) Consist of racks or lockers Be anchored with tamper-resistant anchors so that they cannot be easily removed.
 - (E) Be and of solid construction, resistant to rust, corrosion, hammers, grinders, and saws, and other tools. 60
 - (FE) Be consistent with their environment in color and design and be incorporated whenever possible into building or street furniture design.
 - (GF) Be located in convenient, highly visible, active, well-lighted areas.
 - (H) Be located so that they do not but not interfere with pedestrian movements.
 - (I) Be identified by wayfinding signs if the bicycle parking area is not visible from the site or building entrance.
 - (3) Short-Term Bicycle Parking: Short-term bicycle parking is intended to offer a convenient and accessible area to park bicycles for customers and other visitors. Short-term bicycle parking shall be located:
 - (A) On the public access level;
 - (B) Within fifty feet of the main building entrances; and
 - (C) Outside the building:; and
 - (D) In an area that allows for passive surveillance, such as in front of business windows and in high-traffic areas. ⁶¹

⁶⁰ Added grinders as this is an often-used tool utilized in bike thefts.

⁶¹ Added standard to better ensure natural surveillance of short-term bicycle parking.

- (4) Long-Term Bicycle Parking: Long-term bicycle parking offers a secure and weather protected weather-protected place to park bicycles for employees, residents, commuters, and other visitors who generally stay at a site for several hours. Long-term bicycle parking shall meet the following standards:
 - (A) Long-term bicycle parking is required to be covered, access restricted, and designed to include at least and shall include use of one of the following security strategies:⁶²
 - (i) A-locked room room locked by a heavy-duty locking mechanism;
 - (ii) An area enclosed by a fence with a locked gate that is resistant to forced entry and climbing, has some transparency to allow for surveillance, and incorporates a gate with a heavy-duty gate lock that is resistant to manipulation;
 - (iii) An area within view of an attendant or security guard or monitored by a security cameras pointed at the entrances to the bicycle parking area and the bicycle racks; or
 - (iv) An area visible from employee work areas.
 - (B) The bicycle parking area shall must be located on site or in an area within three hundred feet of the building it serves, except for elementary, middle, or high schools, where the bicycle parking area must be located within 100 feet of a main entrance. Access to the area shall not require the use of stairs but may require a ramp if needed for grade changes. If an elevator is required to reach the long-term bicycle parking, elevator cab dimensions must fit a bicycle. 63
 - (C) Adequate lighting, designed to illuminate and allow for surveillance, shall be provided for the bicycle parking area, the route to the bicycle parking area, and the route to the building entrance if bicycle parking is provided within the building.

 Adequate lighting shall be provided for the bicycle parking area, designed to promote surveillance and illumination, the route to reach the bicycle parking area, and the route to the building entrance if bicycle parking is in the building.

 64
 - (D) The bicycle parking area shall include adequate clearance around racks or lockers to give cyclists room to maneuver, and to prevent conflicts with pedestrians or parked cars.

⁶² Added some more specific standards to ensure restricted access of long-term bicycle parking storage in line with examples from peer cities.

⁶³ Added to ensure practicality of design in ease of parking a bicycle. Ramps are reviewed for compliance with ADA standards (1:12 slope) already by engineering staff and building code reviewers confirm compliance with ICC slope requirements as well. Added elevator cab dimension language based on Planning Board and TAB discussion, pulled from Seattle.

⁶⁴ Ensures adequate lighting at the route to get to the bicycle parking area; rewritten for clarity.

- (E) If the bicycle parking is provided in an auto motor vehicle parking garage, the bicycle parking spaces shall be clearly marked as such and shall be separated from auto motor vehicle parking by physical barriers.;65
- (F) No more than 25 percent of required long-term bicycle parking spaces may be hanging vertical racks or elevated spaces of tiered racks, except that vertical and tiered racks are prohibited at elementary and middle schools. Any tiered or vertical hanging rack must include a mechanically-assisted lifting mechanism to mount the bicycle on any upper tier.⁶⁶
- (G) Where more than 100 bicycle parking spaces are required by Table 9-4, "Minimum Off-Street Bicycle Parking Requirements," at least five percent of bicycle parking spaces, must have electrical outlets suitable for charging of electric. The required bicycle charging spaces must be horizontal and shall be sized 3 feet by 10 feet per space.⁶⁷

...

- (6) Parking Reductions and Modifications for Bicycle Parking. Upon submission of documentation by the applicant of how the project meets the following criterion, the approving agency authority may approve reductions to the minimum number of off-street bicycle parking or, modifications to the ratio of long-term and short-term bike parking requirements of Table 9-48, reductions to the minimum number of larger spaces, and modifications to the maximum number of vertical or tiered racks, if it finds that the long-term and short-term bicycle parking needs of the use will be adequately accommodated through on-street parking or off-street parking.⁶⁸
- (7) Parking Study: At the discretion of the city manager, a <u>bicycle</u> parking study may be required to demonstrate that adequate parking is provided either for parking provided per Boulder Revised Code requirements or in conjunction with a <u>bicycle</u> parking reduction request. The scope of a <u>bicycle</u> parking study may consist of analysis of any or all of the following factors: joint use of <u>bicycle</u> parking areas, peak <u>bicycle</u> parking demand for each land use, unusual <u>bicycle</u> parking demand based on type of land use, <u>and</u> availability of nearby <u>on-street</u>

 $^{^{65}}$ Slight language change to ensure bicycle parking is safely protected from vehicle parking areas, in line with practice in peer cities.

⁶⁶ This new standard has been added to limit the number of hanging vertical bike racks, which are challenging to use for larger and heavier bikes, people with mobility challenges, or bikes with baskets or other cargo space. Language aligns with similar peer city requirements. Reduced requirement from initial staff recommendation of 50% to 25% and added prohibition for elementary and middle schools per Planning Board recommendations.

⁶⁷ Adds requirement for charging opportunities for electric bikes. Note that, the 2024 Fire Code adopted by Boulder includes requirements for charging more than five micromobility devices indoors or within ten feet of a building: micromobility devices, their batteries, and their charging equipment must be listed by a qualified testing laboratory; users must follow manufacturer instructions; extension cords or power strips cannot be used to charge devices; and charging cannot take place within ten feet of combustible materials or in any area blocking an exit. The minimum size requirement was added in response to 5/20 Planning Board recommendation.

⁶⁸ Removed for language clarity.

<u>bicycle</u> parking., <u>vicinity of high frequency transit</u>, and <u>Institute of Transportation Engineers</u>
<u>Parking Generation estimates</u>.

•••

9-9-7. Sight Triangles.

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(e) Streets: The area formed at a corner intersection of two public rights-of-way lines defined by a width of dimension X and a length of dimension Y as shown in Table 9-59 and Figure 9-8 of this section. The Y dimension will vary depending on the speed limit and configuration of the intersecting street and is outlined in the table below. The X distance shall be thirteen feet measured perpendicular from the curb line of the intersecting street. This triangular area is significant for the determination of sight distance requirements for right angle right-angle intersections only.

The shaded area is required to be kept free of all structures, fences, landscaping and other materials. The size of the sight triangle is based on the size of the road and speed limit, as shown in the table below.

TABLE 9-59: SIGHT TRIANGLE REQUIREMENTS

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9-9-9. Off-Street Loading Standards.

- (a) Off-Street Loading Requirements: Any use with having or requiring off-street parking shall provide an off-street delivery/loading space. The spaces shall be sufficient in size to accommodate vehicles which will to serve the use. The location of the delivery/loading space shall not block or obstruct any public street, parking area, parking area circulation, sidewalk or pedestrian circulation area. Loading areas shall be screened pursuant to paragraph 9-9-12(d)(5), B.R.C. 1981.
- (b) Modifications: The off-street loading requirements may be modified by the city manager <u>under the provisions of Section 9-2-2, "Administrative Review," B.R.C. 1981,</u> if the property owner demonstrates that the use of the building does not require an off-street loading space and that the safety of pedestrians, motorists and bicyclists is not impaired. Process requirements for such administrative modifications are contained in section 9-2-3, "Variances and Interpretations," B.R.C. 1981.⁷¹

9-9-12. Landscaping and Screening Standards.

(a)	Purpose: The purpose of the landscaping and screening requirements set forth in this chapter is to:

⁶⁹ This language had been identical to the parking study required for vehicle parking – updated to better align with bicycle parking.

⁷⁰ Removed reference to required parking.

⁷¹ Corrected inaccurate reference to application process.

- (b) Scope: This section and Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981, apply to all nonresidential and residential developments unless expressly stated otherwise.
 - (1) The standards in this section and Sections 9-9-13, "Streetscape Design Standards," and 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981, shall be met prior to a final inspection for any building permit for:

•••

(2) When additional parking spaces are provided, or for a change of use where new off-street parking spaces are provided, the provisions of Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981, shall be applied as follows:⁷²

•••

(d) General Landscaping and Screening Requirements:

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(8) Minimum Overall Site Landscaping: In all zones except A, P, RR, RE, RL and RM, one tree and five shrubs are planted for each 1,500 square feet of lot area not covered by a building or required parking.⁷³

...

9-9-13. Streetscape Design Standards.

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(d) Streetscape Requirements: Street trees must be selected from the approved street tree list set forth in the City of Boulder Design and Construction Standards, unless an equivalent tree selection is approved by the city manager. Table 9-610 of this section sets the minimum planting interval for street and alley trees. The specific spacing for each development is dependent upon tree type (for a list of tree species in each type, see Approved Street Tree List, in the City of Boulder Design and Construction Standards) and existing conditions as identified in this section or an equivalent approved by the city manager.

TABLE 9-610: STREETSCAPE REQUIREMENTS

...

9-9-14. Parking Lot Landscaping Standards.

(a) Scope Required: This section shall apply to all surface parking lots with more than five parking spaces., regardless of whether the parking is required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.⁷⁴ All parking lots shall be screened from the street and adjacent properties

⁷² Removed for clarity as without minimum parking requirements, change of use would not require additional parking.

⁷³ Removes reference to required parking.

⁷⁴ Remove reference to required parking (incorrect reference anyway).

and contain interior lot landscaping in accordance with this section. Landscaping and screening standards set forth in this section are separate and in addition to the requirements of all other sections in this chapter unless expressly stated otherwise.

•••

- (5) Expansive Parking Lots Containing One Hundred Twenty Percent or More of The Minimum Required Parking Spaces: In order to mitigate the impacts of excessive pavement to water quality and to reduce the visual impacts of large expanses of pavement, open, at-grade parking spaces in excess of one hundred twenty percent of the minimum required in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981 that encompasses more than 50 percent of the total lot area, a development shall provide include additional parking lot landscaping over the amount required in other sections of this chapter as follows: 75
 - (A) For parking lots containing more than one hundred twenty percent and less than one hundred fifty percent of minimum required parking encompassing more than 50 percent of the total lot area, interior parking lot landscaping shall be installed as required above, plus an additional five percent of the parking lot area as interior or perimeter parking lot landscaping. Perimeter parking lot landscaping shall not be located within a required front yard setback or a side yard adjacent to a street setback.
 - (B) For parking lots containing one hundred fifty percent or more than the minimum required parkingencompassing more than 60 percent of the total lot area, interior parking lot landscaping shall be installed as required above, plus an additional ten percent of the parking lot area as interior or perimeter parking lot landscaping. Perimeter parking lot landscaping shall not be located within a required front yard setback or a side yard adjacent to a street setback.
- (6) Trees: At least one tree must be planted for every two hundred square feet of interior parking lot landscaped area. At least seventy-five percent of the required trees must be deciduous trees classified as either large or medium trees in the approved street tree list <u>as defined set forth</u> in the City of Boulder Design and Construction Standards.

•••

9-9-16. Lighting, Outdoor.

...

(e) Maximum Light Standards: No person shall operate any device which makes light in excess of the levels specified in this section. Light from any fixture shall not exceed any of the limits for the applicable zoning district or use classification in Tables 9-711 and 9-812 of this section. In the event an applicant utilizes light levels at the highest level permitted for a specific use area, such lighting shall be substantially confined to that particular use area.

TABLE 9-711: ZONING DISTRICT REQUIREMENTS

⁷⁵ Updated to use percentage of total lot area used for parking lots rather than percentage in excess of required parking to ensure intent carries forward without tying to required parking numbers.

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TABLE 9-812: SPECIAL USE REQUIREMENTS

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9-9-21. Signs.

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(c) Signs Exempt From Permits:

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(M) Cottage Foods and Fresh Produce Signs. On any premises meeting the requirements of Chapter 6-17, a sign meeting the size restrictions applicable to residential detached dwellings in Table 9-913 of this section. This provision does not restrict the content of the sign.

•••

(e) Limitations on Area, Number, and Height of Signs by Use Module:

...

(2) Maximum Sign Area Permitted: The maximum sign area permitted per property, maximum area per sign face, maximum number of signs, and maximum height of freestanding signs in the use modules in the city are as in Table 9-913 of this section, except as modified by other provisions of this section.

TABLE 9-913: LIMITATIONS ON AREA, NUMBER, AND HEIGHT OF SIGNS BY USE MODULE

•••

- (r) Amortization Provisions: Except for signs described in paragraph (q)(1) or (q)(3) of this section, or a temporary sign, a legal nonconforming sign shall be brought into conformity or removed under the following schedule:
 - (4) A sign having an original cost exceeding \$100.00 that is nonconforming as to permitted sign area or any other provision of this section that would require the complete removal or total replacement of the sign may be maintained for the longer of the following periods:
 - (A) Three years from the date upon which the sign became nonconforming under the provisions of this section by annexation or code amendment; or
 - (B) A period of three to seven years from the installation date or most recent renovation date that preceded the date on which the sign became nonconforming. But if the date of renovation is chosen as the starting date of the amortization period, such period of amortization shall be calculated according to the cost of the renovation and not according to the original cost of the sign. The amortization periods in Table 9-104 of this section apply according to the original cost of the sign, including installation costs, or of the renovation:

TABLE 9-104: AMORTIZATION SCHEDULE

•••

9-10-2. Continuation or Restoration of Nonconforming Uses and Nonstandard Buildings, Structures, and Lots.

Nonconforming uses and nonstandard buildings and lots in existence on the effective date of the ordinance which first made them nonconforming may continue to exist subject to the following:

(a) One-Year Expiration for Nonconforming Uses: A nonconforming use, except for a use that is nonconforming only because it fails to meet the required off street parking standards of Section 9-9-6, "Parking Standards," or residential density requirements of Section 9-8-1," Schedule of Intensity Standards," B.R.C. 1981, that has been discontinued for at least one year shall not be resumed or replaced by another nonconforming use as allowed under Subsection 9-2-15(f), B.R.C. 1981, unless an extension of time is requested in writing prior to the expiration of the one-year period. The approving authority will grant such a request for an extension upon finding that an undue hardship would result if such extension were not granted.⁷⁶

•••

9-10-3. Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses.

Changes to nonstandard buildings, structures, or nonstandard lots and nonconforming uses shall comply with the following requirements:

(a) Nonstandard Buildings and Structures:

...

- (c) Nonconforming Uses:
 - (1) Nonconforming Changes to Conforming Use Prohibited: No conforming use may be changed to a nonconforming use, notwithstanding the fact that some of the features of the lot or building are nonstandard or the parking is nonconforming.⁷⁷

...

- (3) Nonconforming Only as to Parking: The city manager will grant a request to change a use that is nonconforming only because of an inadequate amount of parking to any conforming use allowed in the underlying zoning district upon a finding that the new or modified use will have an equivalent or less parking requirement than the use being replaced.⁷⁸
- (34) Nonconforming Permanently Affordable Units. Dwelling units on a building site that exceeds the maximum number of dwelling units per acre standard or does not meet the minimum

⁷⁶ Removed reference to required parking. Uses nonconforming to required parking would no longer be nonconforming with elimination of minimum parking requirements.

⁷⁷ Removed, not relevant without parking requirements.

⁷⁸ Removed, not relevant without parking requirements.

amount of open space per dwelling unit or the minimum lot area per dwelling unit standards may be reconstructed or restored consistent with the following standards:

•••

- (F) Parking: On-site parking that does not meet the requirements of Section 9-9-6,
 "Parking Standards," B.R.C. 1981, may be maintained or brought closer to
 compliance with the standards. Any further reduction in parking spaces may be
 pursued through Subsection 9-9-6(f), "Motor Vehicle Parking Reductions," B.R.C.
 1981 or Section 9-2-14, "Site Review," B.R.C. 1981;79
 - (FG) Application of Code: Applications subject to this paragraph shall meet all requirements of the Boulder Revised Code unless modified or waived by this paragraph or pursuant to another city process, including without limitation a site review, use review, or variance process. Any reconstructed or restored building meeting the maximum number of dwelling units per acre, the minimum amount of open space per dwelling unit, and the minimum lot area per dwelling unit standards shall be subject to the applicable zoning district standards; and
 - (GH) Application Requirements: A person having a demonstrable property interest in the land may apply for the reconstruction or restoration of a building or property under the requirements of this paragraph. Such application shall be filed on a form provided by the manager and shall meet the requirements of Subsection 9-2-6(a), B.R.C. 1981, and the following:

•••

9-14-12. Outdoor Space Requirements

..

- (c) **Outdoor Space Types.** All required outdoor space shall comply with one of the outdoor space types defined in subsections 9-14-12(lm) through (pq) of this section and the specifications applicable to the type used.
 - (1) **Specified Type.** If a type of outdoor space is specified in Figure 14-17 for Boulder Junction or Figure 14-18 for Alpine-Balsam for the project site, such type shall be utilized.
 - (2) **No Specified Type.** If no type is specified in Figure 14-17 or Figure 14-18 or the type is designated as flexible, any one of the outdoor space types defined in subsections 9-14-12(Im) through (pq) of this section may be utilized provided that the type utilized will result in a mix of outdoor spaces in the vicinity of the development.

...

(h) Parking Requirements. Parking shall not be required for any outdoor space type, unless a use other than open space is determined by the city manager.⁸⁰

⁷⁹ Removed, not relevant without parking requirements.

⁸⁰ Removes reference to parking requirements and renumbers accordingly.

(<u>h</u>i) Continuity. New outdoor space shall connect to abutting or proximate existing or planned public way or open space. (<u>ij</u>) Measuring Size. When determining whether dimensions requirements of this section are met, the following standards apply: Improvements. When determining the specific improvement standards applicable to each outdoor (jk) space type, the following shall apply: (<u>k</u>t) Stormwater in Outdoor Space Types. Stormwater management practices, such as storage and retention facilities, may be integrated into any of the outdoor space types and utilized to meet stormwater requirements for surrounding parcels subject to the following standards: Plaza. The intent of the plaza is to provide a formal outdoor space of medium scale that may serve (<u>lm</u>) as a gathering place for civic, social, and commercial purposes. The plaza may contain a greater amount of impervious coverage than any other type of outdoor space regulated in this section. Special features, such as fountains and public art installations, are encouraged. Plazas shall be designed to meet the standards of Table 14-3. Plaza Requirements. See Figure 14-19. Example of a Plaza. (<u>m</u>n) Green. The intent of the green is to provide an informal outdoor space of medium scale for active or passive recreation located within walking distance for building occupants and visitors. The green is intended to be fronted mainly by streets. Greens shall be designed to meet the standards of Table 14-4. See Figure 14-20. Example of Green. Commons. The intent of the commons is to provide an informal, small to medium scale outdoor (no) space for active or passive recreation. Commons are typically internal to a block and tend to serve adjacent building occupants. Commons shall be designed to meet the standards of Table 14-5. See Figure 14-21. Example of Commons. (<u>op</u>) Pocket Park. The intent of the pocket park is to provide a small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance. Pocket parks shall be designed to meet the standards of Table 14-6. See Figure 14-22. Example of Plaza Pocket Park.81 (pq) Park/Greenway. The intent of the park/greenway is to provide informal active and passive largescale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees. Parks/greenways shall be designed to meet the standards of Table 14-7. See Figure 14-23. Example of Parks/Greenways.

81 Corrects typo.

...

9-16-1. General Definitions.

(a) The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title unless a term is defined differently in this chapter.

..

Expansion of a nonconforming use means any change or modification to a nonconforming use that constitutes:

- (1) An increase in the occupancy, floor area, required parking, 82 traffic generation, outdoor storage, or visual, noise, or air pollution;
- (2) Any change in the operational characteristics which may increase the impacts or create adverse impacts to the surrounding area including, without limitation, the hours of operation, noise, or the number of employees;
- (3) The addition of bedrooms to a dwelling unit, except a single-family detached dwelling unit; or
- (4) The addition of one or more dwelling units.

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Lot, building means a parcel of land, including, without limitation, a portion of a platted subdivision, that is occupied or intended to be occupied by a building or use and its accessory buildings and uses, together with the yards required under the provisions of this code; that has not less than the minimum area, useable open space, and building coverage, and off-street parking spaces required by this code for a lot in the district in which such land is situated; that is an integral unit of land held under unified ownership in fee or co-tenancy or under legal control tantamount to such ownership; and that is precisely identified by a legal description. 83

Nonconforming use means any legally established use of a building or use of a lot that is prohibited by Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981. A nonconforming use also includes an otherwise conforming use, except a single dwelling unit on a lot, that, as a result of adoption of or amendments to zoning standards, does not meet the minimum lot area per dwelling unit or useable open space per dwelling unit requirements of Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981., or the required off-street parking requirements of Section 9-9-6, "Parking Standards," B.R.C. 1981.84

Principal parking facility means an area that provides short-term or long-term off-street parking for motor vehicles and is does not provide parking that is accessory to another use on the lot not accessory to the use on the lot where the parking is located or to a use located in the same approved planned unit development or site review. A principal parking facility may be a parking lot, garage, or carpool lot. A parking area that is an accessory use may also provide parking for a principal use on a different lot or parcel or a principal use that is not within the same planned unit development or site review without being considered a principal parking facility.⁸⁵

⁸² Removed reference to required parking.

⁸³ Remove reference to parking.

⁸⁴ Remove reference to required parking in alignment with changes in Chapter 9-10.

⁸⁵ Change to more clearly accommodate shared parking by differentiating it from principal parking facilities.

...

10-7-2. Energy Conservation Code.

- (a) Council adopts by reference the 2024 City of Boulder Energy Conservation Code published by the International Code Council which shall have the same force and effect as though fully set forth in the Boulder Revised Code, 1981, except as specifically amended by the provisions of this chapter. This code shall also be known as the City of Boulder Energy Conservation Code. This chapter and the 2024 City of Boulder Energy Conservation Code shall be administered, applied, and interpreted in accordance with and as part of Chapter 10-5, "Building Code," B.R.C. 1981.
- (b) Section C405.13, "Electric vehicle (EV) charging for new construction," is repealed and reenacted to read as follows:

C405.13 Electric vehicle (EV) charging for new construction. The building shall be provided with electric vehicle (EV) charging in accordance with this section and the National Electrical Code (NFPA 70). Where parking spaces are added or modified without an increase in building size, only the new parking spaces are subject to this requirement. The number of required EVSE installed spaces, EV ready spaces, EV capable spaces, and EV capable light spaces shall be determined based on the total number of provided motor vehicle parking spaces.

(cb) Section C406.2.2, "More efficient HVAC performance," is repealed and reenacted to read as follows:

C406.2.2 More efficient HVAC performance. To achieve credits for more efficient HVAC performance, all heating and cooling systems shall meet the minimum requirements of Section C403 and efficiency improvements shall be referenced to minimum efficiencies listed in tables referenced by Section C403.3.3. Where multiple efficiency requirements are listed, equipment shall meet the seasonal or part-load efficiencies, including SEER/SEER2, EER/integrated energy efficiency ratio (IEER), integrated part load value (IPLV), or AFUE. Equipment that is larger than the maximum capacity range indicated in tables referenced by Section C403.3.3 shall meet the efficiencies listed for the largest capacity for the associated equipment type shown in the table. Where multiple individual heating or cooling systems serve a project, the HVAC performance improvement of the project shall be the weighted average improvement based on individual system capacity. Projects will achieve HVAC efficiency credits for one or several of the following measures:

- 1. C406.2.2.4 H04
- 2. C406.2.2.5 H05
- (de) Section C406.2.2.2, "H02 More efficient HVAC equipment heating performance," is repealed and reenacted to read as follows:

 C406.2.2.2 H02. Reserved.
- (ed) Section C406.2.2.3, "H03 More efficient HVAC equipment cooling and fan performance," is repealed and reenacted to read as follows: C406.2.2.3 H03. Reserved.
- (fe) Lines H02 and H03 in Table C406.2, "Base Credit for Additional Conservation Measures," are repealed to read as follows:

H02 Reserved

H03 Reserved

Design and Construction Standards

See Attachment N

ORDINANCE 8700

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AN ORDINANCE AMENDING SECTION 2-2-15, "NEIGHBORHOOD PERMIT PARKING ZONES," AND CHAPTER 4-23, "NEIGHBORHOOD PARKING ZONE PERMITS," B.R.C. 1981, TO UPDATE STANDARDS FOR ONSTREET PARKING MANAGEMENT; AND SETTING FORTH RELATED DETAILS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

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<u>Section 1</u>. Section 2-2-15, "Neighborhood Permit Parking Zones," B.R.C. 1981, is amended to read as follows:

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2-2-15. Neighborhood Permit Parking Zones.

14 | 15 | 16 | 17 | 18 | 19 | 20 |

Establishing a neighborhood permit parking zone Restricting parking on streets in certain areas zoned for residential uses primarily to persons residing within such areas will reduce hazardous traffic conditions, promote traffic safety, and preserve the safety of children and other pedestrians in those areas; protect those areas from polluted air, excessive noise, trash, and refuse; protect residents of those areas from unreasonable burdens in gaining access to their residences while still providing access to multiple users; preserve the character of those areas as residential; promote efficiency in the maintenance of those streets in a clean and safe condition; preserve the value of the property in those areas; and protect the peace, good order, comfort, convenience, and welfare of the inhabitants of the city. The city council also finds that, in some cases, residential streets serve an important parking function for nonresidents in the public and commercial life of the city. Some accommodation for parking by others may be appropriate in these cases.

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(d) New and Redevelopment. If a traffic assessment is required to adequately assess the impacts of any development proposal on the existing and planned transportation system per the City of Boulder Design and Construction Standards, as may be amended, the city will conduct a study of the -zone or neighborhood based on key metrics, including but not

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limited to parking occupancy, trip generation, and access to other modes of

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1		<u>transportation</u> , to determine if a neighborhood permit parking zone should be established, altered, or removed in a neighborhood and what its boundaries should be.
2	(4a)	Upon establishment of a zone, the manager shall, subject to the availability of funds
3	(<u>de</u>)	appropriated for the purpose, install the necessary traffic control devices within the zone and issue neighborhood parking zone permits pursuant to Chapter 4-23, "Neighborhood
		Parking Zone Permits," B.R.C. 1981.
5	(<u>ef</u>)	The manager may by regulation prescribe additional standards, not inconsistent with those set out in this section, which must be met before the manager designates a
6 7		neighborhood permit parking zone, or adds or deletes territory from an established zone. The manager may issue regulations governing the issuance and use of neighborhood
8		parking permits not inconsistent with Chapter 4-23, "Neighborhood Parking Zone Permits," B.R.C. 1981.
9	(fg)	The city manager shall monitor the program on a regular basis and annually provide the city council with a report on the neighborhood permit parking program generally,
10		including its relationship to parking supply and demand in adjacent areas of the city and the status of zone block faces under Subsection 4-23-2(j), B.R.C. 1981. The details of the
11		monitoring effort shall be contained in administrative regulations promulgated by the city manager pursuant to Chapter 1-4, "Rulemaking," B.R.C. 1981.
12	(<u>gh</u>)	This Section shall not apply to the area as defined by Section 2-2-21, "Chautauqua
13		Parking Management Plan," B.R.C. 1981.
14		Section 2. Chapter 4-23, "Neighborhood Parking Zone Permits," B.R.C. 1981, is
15	amend	ed to read as follows:
16		Chapter 23 - Neighborhood Parking Zone Permits
17	4-23-1	. Legislative Intent.
18	The pu	urpose of this chapter is to set the standards for issuance and administration of
19	neighb	orhood parking zone permits.
20	4-23-2	. Permit Issuance.
21		
22	(c)	Resident Permits. No more than two one resident permits shall be in effect at any time for
23		any person. No person shall be deemed a resident of more than one zone, and no more than one permit may be issued for any one vehicle even if persons residing in different zones share ownership or use. Provided, however, that no more than a total of three
24 25		resident permits may be issued for any dwelling unit housing a group of persons or organization licensed pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981.

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- (d) The city manager may limit the total number of permits available in a zone based on the number of dwelling units and the capacity of on-street parking within the zone.
- (de) Resident permits issued under this section shall be specific for a single vehicle, shall not be transferred except as provided by city manager rule or regulation, and shall be displayed thereon or, for digital permits, valid and in effect only as the manager by regulation may prescribe. The permittee shall remove the permit from the vehicle or otherwise cancel the permit if the vehicle is sold, leased or no longer in the custody of the permittee.
- (ef)Business Permits. Business, for the purpose of this chapter, includes nonresidential institutions, but does not include home occupations. Three business employee permits may be in effect at any time for any business without regard to number of employees or off-street parking. In the alternative, upon application by the manager of the business, the city manager may issue employee permits to a business according to the following formula: half of the number of full-time equivalent employees minus the number of offstreet parking spaces under the control of the business at that location equals the maximum number of employee permits for the business. Full-time equivalent employees of the business are calculated based upon one such employee for every full forty hours worked at that location by employees of the business within the periods of time in a week during which the neighborhood permit parking restrictions are in effect. On its application, the employer shall designate the employee vehicles, not to exceed the number allowed, for which each permit is valid. A business permit is valid only for the vehicles listed thereon, and shall be displayed on the vehicle for which the permit is being used only as the manager by regulation may prescribe.
- (fg) The manager shall by regulation set forth how long permits issued under this section are valid and when they must be renewed.
- (gh) In considering applications for resident permits, the manager may require proof that the applicant has a legal right to possession of the premises claimed as a residence. If the manager has probable cause to believe that the occupancy limitations of Subsection 9-8-5(a), B.R.C. 1981, are being violated, no further permits shall be issued under this section for the residence in question until the occupancy thereof is brought into compliance.
- (hi) If a physical permit or the portion of the vehicle to which a resident permit has been affixed is damaged such that it must be replaced, the permittee, upon application therefor, shall be issued a replacement at a prorated cost. The manager may require display of the damaged permit before a new permit is issued.
- (ij) No person shall use or display any permit issued under this section in violation of any provision of this code.
- (jk) Commuter Permits. The maximum number of nonresident permits issued on any given block face within a zone shall be four. In addition, if the manager determines that the average daily percentage of unoccupied neighborhood parking spaces, on block faces where commuter permits have been allocated, drops below twenty-five percent for four

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consecutive hours between the hours of 9:00 a.m. and 5:00 p.m. of any given weekday, then the manager shall reduce the number of commuter permits by a number estimated to maintain an average daily percentage of unoccupied neighborhood parking spaces of twenty-five percent. But for any part of Goss Street or Circle, Grove Street or Circle or the portions of 16th Street through 23rd Street between Arapahoe Avenue and Canyon Boulevard, included within any neighborhood parking permit zone, the average daily percentage of unoccupied neighborhood parking spaces which must be maintained without reduction in commuter permits shall be fifteen percent. The manager may also, for this Goss-Grove zone, allocate commuter permits initially to educational institutions and organizations representing postal workers in rough proportion to the needs of these groups. Such groups may renew such permits. Distribution of such permits by such groups to their clientele shall be at a price not to exceed the cost of the permit.

4-23-3. Guest Permits Day Passes.

Residents-Households of a zone may obtain two two-week permits-twenty-five (25) digital day passes per year at no cost for use by houseguests of the resident. The permit shall be indelibly marked in the space provided thereon with, or for digital permits shall indicate, the date of its first use. The permit shall thereafter be valid only for the succeeding thirteen consecutive days-Each day pass is valid for up to twenty-four (24) hours. Day passes may be used consecutively. Each day pass may be assigned to the same vehicle or different vehicles. Use of a day pass is limited to those whose stay will last longer than the time limit posted within the permit zone for parking by the general public but shall not exceed twenty-four (24) consecutive hours. The manager may by regulation define the circumstances under which additional guest permits day passes may be issued purchased in cases of reasonable need consistent with residential use of the dwelling. Provided, however, that no more than a total of six two-week guest permits per year may be issued for any dwelling unit licensed pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981.

4-23-6. Visitor Flex Permits.

(a) Two (2) annual visitor's passes flex permits may be issued to a resident purchased per household of a neighborhood permit parking zone. Flex permits may be used for any vehicle associated with the household, including but not limited to additional resident vehicles and vehicles of longer-term or recurring visitors, such as domestic workers. These permits are intended solely for residential use and may not be transferred, resold, or used for commercial purposes. to be used on a temporary and transferable basis to accommodate visitors, including without limitation health care workers, repairmen, and babysitters, who need access to the residence of the resident. Use of this pass is limited to those visitors whose stay will last longer than the time limit posted within the permit zone for parking by the general public but shall not exceed twenty-four consecutive hours.

(b) Use of the pass is valid only while the visitor is on the residential premises. Visitor passes shall not exceed twenty-four consecutive hours and are to be used within a one-block radius of the residence address. Visitor passes may not be used by residents. If visitor passes have already been issued, new ones cannot be issued until the following year. No more than two (2) such permits will be issued per resident household per year. However,

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1	only one such permit will be issued per resident per year for the West Pearl zone containing more than four units.
2	
3	(c) It is the responsibility of the resident to ensure that this pass never leaves the zone, and that it is returned to the resident at the end of each day of use. Use of this pass permit also falls under the same restrictions as those prescribed by Section 4-23-2, B.R.C. 1981, and
4	in these regulations.
5	(d) The number of flex permits per household is subject to change based on individual neighborhood permit parking zone guidelines set forth by city manager rule.
6 7	Section 3. This Ordinance is effective January 1, 2026.
8	Section 4. This Ordinance is necessary to protect the public health, safety, and welfare
9	of the residents of the city, and covers matters of local concern.
10	Section 5. The City Council deems it appropriate that this Ordinance be published by
11	title only and orders that copies of this Ordinance be made available in the office of the city clerk
12	for public inspection and acquisition.
13	INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE
14	INTRODUCED, READ ON FIRST READING, AND ORDERED FOREIGHED BY TITLE
15	ONLY this day of 20
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17	Aaron Brockett, Mayor
18	Attest:
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20	Elesha Johnson,
21	City Clerk
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1	READ ON	SECOND	READING,	PASSED	AND	ADOPTED	this	_ day	of
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Comparable City Research: Parking Requirements

August 2024

City	Detached Dwelling Unit	Attached Dwelling Unit	Duplex	Efficiency Unit	Restaurants	Retail	Office	Hotel	Parking Incentives?	Notes
BOULDER	Minimum: 1 space	Minimum: Varies by bedroom# 1 space for 1 BR 1.5 spaces for 2 BR 2 spaces for 3 BR 3 for 4+ BR (varies by zoning district)	Minimum: Varies by bedroom# - per unit 1 space for 1 BR 1.5 spaces for 2 BR 2 spaces for 3 BR 3 for 4+ BR (varies by zoning district)	Minimum: 1 space per DU	Minimum: indoor seats: 1 space per 3 seats Outdoor seats: if outdoor seats don't exceed 20% of indoor seats, no additional parking is required. For portion of outdoor seats exceeding 20%: 1 space per 3 seats	Minimum: Depends on total floor area occupied by restaurants, taverns, and brewpubs: >30%: 1 space per 250 sq. ft. <30% >60%: 1 space per 175 sq. ft. <60%: 1 space per 100 sq. ft.	Minimum: Depends on total floor area occupied by restaurants, taverns, and brewpubs: >30%: 1 space per 250 sq. ft. <30% >60%: 1 space per 175 sq. ft. <60%: 1 space per 100 sq. ft.	Minimum: 1 space per guest room or unit + 1 space per 300 sq. ft. of floor area for accessory uses	-parking reduction for housing the elderly -Joint use parking -Proximity to transit reduction	
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none		
	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none		
ANN ARBOR, MI	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: Up to 600,000 sq. ft.: 1 space per 250 sq. ft. More than 600,000 sq. ft.: 1 space per 235 sq. ft.	Maximum: 1 space per 250 sq. ft.	Maximum: none		
ADVADA CO	Minimum: 2 spaces per DU	Minimum: Varies by bedroom#: 1 BR: 1.6 spaces per DU 2 BR: 2.1 spaces per DU 3+ BR: 2.5 spaces per DU	Minimum: 2 spaces per DU	Minimum: 1.4 spaces per unit	Minimum: 5 spaces per 1,000 sq. ft.	Minimum: 4 spaces per 1,000 sq. ft.	Minimum: 3 spaces per 1,000 sq. ft.	1 space per guest room	-Shared Parking Reduction table - On street parking credits - Off street reduction zones (TOD and Urban centers)	-Allows tandem spaces -Townhomes min. 2.2/unit -Senior housing – 1/DU -Required number of accessible parking spaces
ARVADA, CO	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: for commercial centers more than 50,000 sq. ft. maximum parking shall be 115% of minimum requirements	Maximum: none	Maximum: none		

City	Detached Dwelling Unit	Attached Dwelling Unit	Duplex	Efficiency Unit	Restaurants	Retail	Office	Hotel	Parking Incentives?	Notes	
BERKELEY, CA	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: Differs based on zoning district, 1 per 300 sq. ft. or 2 per 1,000 sq. ft.	Minimum: Differs based on zoning district, 2 per 1,000 sq. ft in commercial districts.	Minimum: Differs based on zoning district, 1 space per 400 sq. ft. in residential districts, 2 per 1,000 sq. ft. in commercial	Minimum: Differs based on zoning district, typically 1 space per 3 guest rooms + 1 space per 3 employees	-AUP to allow shared parking to meet requirements -Some commercial districts/projects are exempt from parking	-Hillside overlay has minimum reqts.	
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum for R- BMU: 1.5 spaces for 1,000 sq. ft.	Maximum for R- BMU: 1.5 space per 1,000 sq. ft.	Maximum for R- BMU: 1.5 spaces per 1,000 sq. ft.	Maximum: none	requirements		
	Minimum: none	Minimum: 1 BR: 1 space per DU 2 BR: 1.5 spaces per DU 3 BR: 2 spaces per DU	Minimum: 0.5 spaces per DU	Minimum: 0.5 spaces per DU	Minimum: none	Minimum: none	Minimum: none	Minimum: none	-Shared parking reductions -Proximity to transit reductions - Affordable and senior housing reductions -On-street parking reductions	- No parking reqd. for	
BLOOMINGTON, IN	Maximum: none	Maximum: 125% of the required minimum or 1.25 spaces per BR (whichever is less)	Maximum: 2 spaces per DU	Maximum: 125% of the required minimum or 1.25 spaces per BR (whichever is less)	Maximum: Indoor seating: 10 spaces per 1,000 sq. ft. Outdoor seating: 5 spaces per 1,000 sq. ft.	Maximum: 4 spaces per 1,000 sq. ft. For large retail: 3.3 spaces per 1,000 sq. ft.	Maximum: 3.3 spaces per 1,000 sq. ft.	Maximum: 1 space per guest room		duplex, triplex, fourplex in MD district	
BOISE, ID	Minimum: 2 spaces per DU	Minimum: Multi-family: 1 BR: 1 space per DU 2 BR: 1.25 spaces per DU 3+ BR: 1.5 spaces per DU Guest: 1 space per 10 units	Minimum: 2 spaces per DU	Minimum: 0.75 spaces per DU	Minimum: 1 space per 3 seats	Minimum: 1 space per 300 sq. ft.	Minimum: 1 space per 300 sq. ft.	Minimum: 1 space per guest room	-Transit proximity reductions -On-street parking reductions -Joint parking reductions	-Minimum for ADUs: 1 space per DU - Structured parking exempt from maximum -Maximum is 1.5x min. when >20 spaces reqd.	
	Maximum: none	Maximum: 1.75 times the required spaces	Maximum: 1.75 times the required spaces	Maximum: 1.75 times the required spaces	Maximum: 1.75 times the required spaces	Maximum: 1.75 times the required spaces	Maximum: 1.75 times the required spaces	Maximum: 1.75 times the required spaces			
BOZEMAN, MT	Minimum: 1 BR: 1 space 2+ BR: 2 spaces per DU	Minimum: 1 BR: 1 space 2+ BR: 2 spaces per DU	Minimum: 1 BR: 1 space 2+ BR: 2 spaces per DU	Minimum: 1 space per DU	Minimum: 1 space per 50 sq. ft. of indoor dining area + 1 space per 100 sq. ft. of outdoor dining area	Minimum: 1 space per 300 sq. ft.	Minimum: 1 space per 250 sq. ft.	Minimum: 1.1 spaces per guest room + 1 space per employee + Spaces for accessory uses	-10% parking reduction if development is within 800 ft. of a transit stop. -Shared parking to meet requirements -Parking adjustments for affordable housing		
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none			
BROOMFIELD, CO	Minimum: 2 spaces per DU	Minimum: 1 BR: 1.5 spaces per unit 2 BR: 2 spaces per unit 3 BR: 2.5 spaces per unit	Minimum: 2 spaces per DU	Minimum: 1.5 spaces per DU	Minimum: 1 space per 150 sq. ft.	Minimum: 1 space per 200 sq. ft.	Minimum: 1 space per 300 sq. ft.	Minimum: 1 per guest room + 1 space per 3 employees	-Joint parking	Minimum for ADUs: 1 space per DU	

City	Detached Dwelling Unit	Attached Dwelling Unit	Duplex	Efficiency Unit	Restaurants	Retail	Office	Hotel	Parking Incentives?	Notes
		4 BR: 3 spaces per unit 4+ BR: 3 spaces + ½ space per additional BR								
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none		
	Minimum: 1 space per DU	Minimum: 1 space per DU	Minimum: 1 space per DU	Minimum: 1 space per DU	Minimum: 1 space per 400/800/1,200 sq. ft.	Minimum: 1 space per 500/700/900 sq. ft.	Minimum: 1 space per 800 or 1,000 sq. ft.	Minimum: 1 space per 2 guest rooms		
CAMBRIDGE, MA	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: 1 space per 200/400/600 sq. ft.	Maximum: 1 space per 250/500/600 sq. ft.	Maximum: 1 space per 400 or 500 sq. ft.	Maximum: none	-Small business exemptions -Shared parking -Proximity to transit -Age or occupancy restriction reduction	-Many non-res reqts differ by zoning district
CHAMPAIGN, IL	Minimum: 2 spaces per DU	Minimum: Depends on zoning district, none, 0.25 or 0.5 spaces per BR	Minimum: 2 spaces per DU	Minimum: Depends on zoning district, none, 0.25 or 0.5 spaces per DU	Minimum: 1 space per 100 sq. ft.	Minimum: 1 space per 300 sq. ft.	Minimum: 1 space per 250 or 300 sq. ft.	Minimum: 1 space per guest room + spaces for accessory units	-Historic property reductions -Shared parking	
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none		
COLORADO SPRINGS, CO	Minimum: 2 spaces per DU	Minimum: 1 BR: 1 space per DU 2 BR: 1.5 spaces per DU 3+ BR: 2 spaces per DU	Minimum: 2 spaces per DU	Minimum: 1 space per DU	Minimum: Indoor seats: 1 space per 300 sq. ft. Outdoor seating: if outdoor seating is less than 20% the size of indoor seating, no additional parking is required. If it is more than 20% then additional parking of 1 space per 350 sq. ft. if required	Minimum: 1 space per 350/400/500 sq. ft. (depends on size of retail as defined "small" "medium" or "large" in zoning code)	Minimum: 1 space per 500 sq. ft.	Minimum: 0.5 spaces per room + 1 per 300 sq. ft. of restaurant or bar + 1 space per 10 seats of meeting space	-Reduced parking requirements for affordable housing -On street parking where more than ½ of the space is located between the side or rear property line can be counted towards min. parking requirements -Shared parking reductions -Transit proximity reductions -Bike parking reductions	
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	, , , , , , , , , , , , , , , , , , , ,	
COLUMBIA, MO	Minimum: 2 spaces per DU	1 BR: 1.5 spaces per DU 2BR: 2 spaces per DU 3+ BR: 2.5 spaces per DU	Minimum: 2 spaces per DU	Minimum: 1 space per DU	Minimum: 1 space per 150 sq. ft.	Minimum: 1 space per 300 or 400 sq. ft. (depends on size of retail as defined "small" or "large" in zoning code)	Minimum: 1 space per 300 sq. ft.	Minimum: 2 spaces per 3 guestrooms + 1 space per 200 sq. ft. for accessory uses	-Shared parking reductions -Transit proximity reductions -Credit for public parking nearby -Credit for on-street parking	No parking reqd for ADUs with up to two BR, 1 space reqd for ADUs with 3 BR For the M-DT District: No minimums

City	Detached Dwelling Unit	Attached Dwelling Unit	Duplex	Efficiency Unit	Restaurants	Retail	Office	Hotel	Parking Incentives?	Notes
		1 space per 5 DU required for visitor parking								Maximum: 150% of required minimum in other mixed-use districts
	Maximum: 200% of minimum requirement	Maximum: 200% of minimum requirement	Maximum: 200% of minimum requirement	Maximum: 200% of minimum requirement	Maximum: 200% of minimum requirement	Maximum: 200% of minimum requirement Mixed-Use Districts: for buildings more than 50,000 sq.ft. 150% of minimum requirement	Maximum: 200% of minimum requirement Mixed-Use Districts: for buildings more than 50,000 sq.ft. 150% of minimum requirement	Maximum: 200% of minimum requirement		
DENVER, CO	Minimum: none	Minimum: 1 space per unit	Minimum: 1 space per unit	Minimum: 1 space per unit	Minimum: 3.75 spaces per 1,000 sq. ft.	Minimum: 1.875 spaces per 1,000 sq. ft.	Minimum: 1.875 spaces per 1,000 sq. ft.	Minimum: 1 space per guest room	-Shared parking reductions -Affordable housing reductions -Senior housing reductions -Proximity to multi-modal transportation reduction -Car share reductions	-Each district has separate minimum requirement, these numbers are based on "general urban
Pg. 415	Maximum: 110% of minimum requirement	Maximum: 110% of minimum requirement	Maximum: 110% of minimum requirement	Maximum:110% of minimum requirement	Maximum: 110% of minimum requirement	Maximum: 110% of minimum requirement	Maximum: 110% of minimum requirement	Maximum: 110% of minimum requirement	-Small dwelling reduction -Bike share reduction -Alternative min. parking ratios allowed for certain uses like affordable housing, congregate living	neighborhood" standards -The suburban district varies by about 0.25 spaces in each category
DURANGO, CO	Minimum: 2 spaces per DU	Minimum: Studio: 1 space per DU 1 BR: 1 space per DU 2 BR: 1.5 spaces per DU 3 BR: 2 spaces per DU	Minimum: Studio: 1 space per DU 1 BR: 1 space per DU 2 BR: 1.5 spaces per DU 3 BR: 2 spaces per DU	Minimum: 1 space per DU	Minimum: 1 space per 75 sq. ft of "customer access area" 1 space per 50 sq. ft. of "customer access area" for restaurant w/ drive through	Minimum: 1 space per 200/250/300 sq. ft. (depends on volume of retail as defined "High, Medium, or Low")	Minimum: 1 space per 350 sq. ft.	Minimum: 1.1 spaces per room + 50% of required parking for restaurant and alcoholic beverage sales	-On street parking credits -Bike parking reductions -Restricting occupancy numbers -Transit proximity reductions	-EV and Accessible parking required -"Customer access area" is defined as "the area where customers congregate including seating and standing
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	-Shared parking reductions -TDM programs	areas, waiting areas and ordering areas, excluding restrooms and hallways."
EUGENE, OR	Minimum: 1 space per DU	Minimum: 1 BR: 1 space 2 BR: 1 space 3 BR: 1.5 spaces 0.5 spaces required for each additional BR	Minimum: 1 space per DU	Minimum: 1 space	Minimum: 1 space per 66 sq. ft. of seating floor area +1 seat per 440 sq. ft. of non-seating floor area	Minimum: 1 space per 330 sq. ft. (or 660 sq. ft depends on size of use)	Minimum: 1 space per 330 sq. ft.	Minimum: 1 space per guest room	-No required parking for an ADU -Parking exempt areas -Reductions for low-income housing and senior housing - On-street parking credits	-2 spaces per DU on flag lots -No parking reqt for ADUs

City	Detached Dwelling Unit	Attached Dwelling Unit	Duplex	Efficiency Unit	Restaurants	Retail	Office	Hotel	Parking Incentives?	Notes
	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	-Proximity to transit reductions -Shared parking reductions	
	Minimum: 2 spaces per DU	Minimum: 1 space per BR	Minimum: 2 spaces per DU	Minimum: 1 space per DU	Minimum: none	Minimum: none	Minimum: none	Minimum: none	-Transit proximity	
FAYETTEVILLE, AR	Maximum: Additional 15% of minimum required spaces	Maximum: Additional 15% of minimum required spaces	Maximum: Additional 15% of minimum required spaces	Maximum: Additional 15% of minimum required spaces	Maximum: 1 space per 100 sq. ft.	Maximum: 1 space per 250 sq. ft.	Maximum: 1 space per 300 sq. ft.	Maximum: 1 space per guest room + 75% of spaces required for accessory uses	reductions - Bike rack reductions - Shared parking - On-street parking credit	-Can increase maximums with better landscaping
FLAGSTAFF, AZ	Minimum: 2 spaces plus 1 space for each BR over 4	Minimum: 1 BR: 1.5 spaces 2-3 BR: 2 spaces 4 BR: 2.5 spaces 5+ BR: 3 spaces plus 0.5 spaces for each BR over 5 Guest spaces: 0.25 per each 2+ BR units	Minimum: 1 BR: 1.5 spaces 2-3 BR: 2 spaces 4 BR: 2.5 spaces 5+ BR: 3 spaces plus 0.5 spaces for each BR over 5 Guest spaces: 0.25 per each 2+ BR units	Minimum: 1.25 spaces	Minimum: 1 space per employee + 1 space per 100 sq. ft.	Minimum: 1 space per 300 sq. ft.	Minimum: 1 space per 300 sq. ft.	Minimum: 1 space per 3 employees on largest shift + 1 space per guest room + 1 space per 3 persons at the max. capacity of each public meeting or banquet room	housing -Reduced parking requirements for High Occupancy housing -Transit proximity reductions -Shared parking and on-	-ADU: 1 space
	Maximum: none	Maximum: Developments over 10,000 sq. ft. or more than 25 DUs: Additional 5 % of minimum required spaces unless in parking structure	Maximum: Developments over 10,000 sq. ft. or more than 25 DUs: Additional 5 % of minimum required spaces unless in parking structure	Maximum: none	Maximum: Developments over 10,000 sq. ft.: Additional 5 % of minimum required spaces unless in parking structure	Maximum: Developments over 10,000 sq. ft.: Additional 5 % of minimum required spaces unless in parking structure	Maximum: Developments over 10,000 sq. ft.: Additional 5 % of minimum required spaces unless in parking structure	Maximum: Developments over 10,000 sq. ft.: Additional 5 % of minimum required spaces unless in parking structure		
FORT COLLINS, CO	Minimum: 1BR: 1.5 spaces per DU 2 BR: 1.75 spaces per DU 3 BR: 2 space per DU 4+ BR: 3 spaces per DU	Minimum: 1BR: 1.5 spaces per DU 2 BR: 1.75 spaces per DU 3 BR: 2 space per DU 4+ BR: 3 spaces per DU	Minimum: 1BR: 1.5 spaces per DU 2 BR: 1.75 spaces per DU 3 BR: 2 space per DU 4+ BR: 3 spaces per DU	Minimum: 1.5 spaces	Minimum: 5 spaces per 1,000 sq. ft.	Minimum: 2 spaces per 1,000 sq. ft.	Minimum: 1 space per 1,000 sq. ft.	Minimum: 0.5 spaces per unit	-Affordable housing reduction -TOD overlay zone has lower requirement for multi-family and mixed use -Transit pass reduction	-TOD overlay has 115% maximum -In newly adopted land use code: -Affordable housing has lower minimums -Single-family dwellings 1
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: 10 spaces per 1,000 sq. ft.	Maximum: 4 spaces per 1,000 sq. ft.	Maximum: 3 spaces per 1,000 sq. ft. or 0.75 spaces per employee on largest shift	Maximum: 1 space per unit	-Car share reduction -Transit proximity reduction -Bike share reduction	space per DU on >40 ft lot, 2 <40 ft lot.
	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none		
GAINESVILLE, FL	Maximum: 2 spaces per DU	Maximum: Multi-Family: 1 space per BR	Maximum: 2 spaces per DU	Maximum: 1 space per DU	Maximum: 3 spaces +1 space for each 2 seats of seating capacity	Maximum: 1 space per 250 sq. ft. (or 500 sq. ft. for large scale)	Maximum: 1 space for 300 sq. ft. or 1 space per employee (whichever is greater)	Maximum: 5 spaces + 1 space per guest room + 75% of required		

City	Detached Dwelling Unit	Attached Dwelling Unit	Duplex	Efficiency Unit	Restaurants	Retail	Office	Hotel	Parking Incentives?	Notes
	2 Housing Cinit	2 area and a second						spaces for accessory uses		
GOLDEN, CO	Minimum: 1 space per DU	Minimum: 1-2 BR: 1.5 spaces 3+ BR: 2 spaces Downtown/ mixed use districts: 1 space per DU if less than 800 sq. ft.	Minimum: 1-2 BR: 1.5 spaces 3+ BR: 2 spaces Downtown/ mixed use districts: 1 space per DU for less than 800 sq. ft.	Minimum: 1 space per DU	Minimum: 1 space per 3 seats Downtown/ mixed use districts: 1 space per 5 seats Outdoor seating: 1 space per 10 seats	Minimum: 1 space per 250 sq. ft. Downtown/ mixed use districts: 1 space per 350 sq. ft.	Minimum: 1 space per 300 sq. ft. Downtown/ mixed use districts: 1 space per 350 sq. ft.	Minimum: 1 space per each guest room + 1 space per two employees	-Shared parking	Unless not stated, Downtown and mixed-use districts have different parking requirements
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none		
HONOLULU, HI	Minimum: 1 space per 1,000 sq. ft.	Minimum: 1 space per 1,000 sq. ft.	Minimum: 1 space per 1,000 sq. ft.	Minimum: 1 space per 1,000 sq. ft.	Minimum: 1 space per 500 sq. ft.	Minimum: 1 space per 500 sq. ft	Minimum: 1 space per 500 sq. ft.	Minimum: 1 space per 1000 sq. ft.	-Joint-use parking reductions -Bike parking reductions -Bike share reductions -Unbundled parking -Car sharing reductions	-1 additional space required for ADU
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none		
LAWRENCE, KS	Minimum: 2 spaces per DU	Minimum: Multi-Dwelling: 1 space per BR +1 space per 10 units	Minimum: 1 space per BR	Minimum: 1 space per DU	Minimum: 1 space per 100 sq. ft. + 1 per employee based on largest shift	Minimum: 1 space per 300 sq. ft. (up to 45,000 sq. ft.) + 1 space per employee on largest shift	Minimum: 1 space per 300 sq. ft.	Minimum: 1 space per guest room + 1 space per 1.5 employees	-Shared parking	
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none		
LEXINGTON, KY	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none		- All significant developments (more than 5,000 sq. ft.) shall be required to provide a parking demand mitigation study when
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none		seeking zone map amendment
LONGMONT, CO	Minimum: 2 spaces per DU	Minimum: 1 BR: 1.75 spaces 2 BR: 2 spaces 3 BR: 2.25 spaces 4+ BR: 3 spaces	Minimum: 2 spaces per DU	Minimum: 1.75 spaces per DU	Minimum: none	Minimum: none	Minimum: none	Minimum: none		-For an affordable housing unit only 1 space is required -For the MU-C and MU-D zoning districts, the
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: 12 spaces per 1,000 sq. ft.	Maximum: 4 spaces per 1,000 sq. ft.	Maximum: 4 spaces per 1,000 sq. ft.	Maximum: 1 space per unit		zoning districts, the residential minimums are maximums

City	Detached Dwelling Unit	Attached Dwelling Unit	Duplex	Efficiency Unit	Restaurants	Retail	Office	Hotel	Parking Incentives?	Notes	
MADISON, WI	Minimum: 1 space per DU	Minimum: 1 space per DU	Minimum: 1 space per DU	Minimum: 1 space per DU	Minimum: 15% of capacity of persons	Minimum: 1 space per 400 sq. ft.	Minimum: 1 space per 400 sq. ft.	Minimum: 0.75 spaces per bedroom	-Off-site parking reductions -Car share reduction -Moped parking substitution	reduced requir -ADUs have no minimum -Bike parking reduction -Off-site parking reductions -Car share reduction -Moped parking substitution -reduced requir -EV parking red -With some exc the following d have no parkin minimums: Cei	-EV parking requirement -With some exceptions, the following districts have no parking minimums: Central area,
	Maximum: 4 spaces	Maximum: 2.5 spaces per DU	Maximum: 4 spaces per DU	Maximum: 2.5 spaces per DU	Maximum: 40% of capacity of persons	Maximum: 1 space per 200 sq. ft.	Maximum: 1 space per 250 sq. ft.	Maximum: 1.5 spaces per bedroom		NMX, TSS, MXC, CC, RMX, TE, EC, SEC, IL, CC-T, SE, IG, TOD	
	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	-EV parking incentives		
MINNEAPOLIS, MN	Maximum: none	Maximum: for 4 units or more: 2 spaces per DU	Maximum: none	Maximum: none	Maximum: 1 space per 75 sq. ft.	Maximum: 1 space per 300 sq. ft.	Maximum: 1 space per 300 sq. ft.	Maximum: 1 space per guest room + Parking = 30% of the capacity of persons for accessory uses		-Transit zoning areas have lower parking maximums	
PASADENA, CA	Minimum: 1 BR or less: 1 space per DU 2 or more BR: 1.5 spaces per DU Guest: 1 space per 10 DU	Minimum: 1 BR or less: 1 space per DU 2 or more BR: 1.5 spaces per DU Guest: 1 space per 10 DU	Minimum: 1 BR or less: 1 space per unit 2 or more BR: 1.5 spaces per unit Guest: 1 space per 10 DU	Minimum: 1 space per DU	Minimum: 3 spaces per 1,000 sq. ft. 2 spaces per 1,000 sq. ft. in EC-MU-C	Minimum: 3 spaces per 1,000 sq. ft. 2 spaces per 1,000 sq. ft. in EC-MU-C	Minimum: 3 spaces per 1,000 sq. ft. 2 spaces per 1,000 sq. ft. in EC-MU-C)	Minimum: 3 spaces per 1,000 sq. ft. 2 spaces per 1,000 sq. ft. in EC-MU-C)	-Shared parking -Reduced parking for senior citizen housing developments	- No parking required for first 5,000 sq. ft. of a project for retail, office, and restaurant -No parking required for first 500 sq. ft. of outdoor dining	
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none			
	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none		-They have parking requirement for standard	
PORTLAND, OR	Maximum: 1 space per 2 DUs	Maximum: 1 space per 2 DUs	Maximum: 1 space per 2 DUs	Maximum: 0.5 spaces per DU	Maximum: 1 space per 75 sq. ft.	Maximum: 1 space per 200 sq. ft.	Maximum: 1 space per 300 sq. ft.	Maximum: 1.5 spaces per rentable room + Required spaces for accessory uses		"A" and "B" which vary based on zoning district- residential is Standard A all other uses are Standard B in this table	
	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none	Minimum: none			
RALEIGH, NC	Maximum: none	Maximum: 1BR: 1.5 spaces per DU 2BR: 2.25 spaces per DU 3BR: 3 spaces per DU 4 BR: 4 spaces per DU	Maximum: none	Maximum: 1.5 spaces per DU	Maximum: 1 space per 100 sq. ft.	Maximum: 1 space per 200 sq. ft. + 1 space per 600 sq. ft. outdoor display area	Maximum: 1 space per 200 sq. ft.	Maximum: 1.5 spaces per guest room			

City	Detached Dwelling Unit	Attached Dwelling Unit	Duplex	Efficiency Unit	Restaurants	Retail	Office	Hotel	Parking Incentives?	Notes
		5+ BR: 5 spaces per DU								
	Minimum: 2 spaces per DU	Minimum: 1 BR: 1 space per DU 2+ BR: 1.25 spaces per DU	Minimum: 2 spaces per DU	Minimum: 1 space per DU	Minimum: Indoor: 2 spaces per 1,000 sq. ft. Outdoor: 2 spaces per 1,000 sq. ft.	Minimum: 2 spaces per 1,000 sq. ft.	Minimum: 3 spaces per 1,000 sq. ft.	Minimum: 1 space per guest room	-Shared parking	-Max parking does not apply to parking within
SALT LAKE CITY, UT	Maximum: 4 spaces per DU	Maximum: 4 spaces per DU Multi-family: 1 BR: 2 spaces per DU 2+ BR: 3 spaces per DU	Maximum: 4 spaces per DU	Maximum: 2 spaces per DU	Maximum: Indoor: 7 spaces per 1,000 sq. ft. Outdoor: 4 spaces per 1,000 sq. ft.	Maximum: 4 spaces per 1,000 sq. ft.	Maximum: 4 spaces per 1,000 sq. ft.	Maximum: 1.5 spaces per guest room	- Affordable and senior housing reduction -Community parking credits -Car share	structure -Commercial uses: Lower or no requirements in urban center and transit contexts
SAVANNAH, GA	Minimum: 1 space per DU	Minimum: 1 space per DU	Minimum: 1 space per DU	Minimum: 1 space per DU	Minimum: 1 space per 100 sq. ft. (including outdoor seating)	Minimum: 1 space per 250 sq. ft.	Minimum: 1 space per 300 sq. ft.	Minimum: 1 space per guest room	-Downtown parking reduction area -Streetcar area parking	-ADUs have no minimum parking requirement
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	reductions -Shared parking reductions	
SEATTLE, WA	Minimum: 1 space per DU	Minimum: 1 space per DU	Minimum: 1 space per DU	Minimum: 0.5 space per DU	Minimum: 1 space per 250 sq. ft.	Minimum: 1 space per 500 sq. ft.	Minimum: 1 space per 1,000 sq. ft.	Minimum: 1 space per 4 rooms	-No additional required parking for an ADU -Shared parking reduction -Transit proximity reduction -Car share reductions for affordable and elderly housing -Moderate or low-income	-Other maximums for some overlay districts -Min. reqt. for parking impact overlay near university: 1BR: 1 space/DU 2BR: 1.5 space/DU 3BR: 0.25 spaces per
	Maximum: 145 spaces surface parking in most commercial zones	Maximum: 145 spaces surface parking in most commercial zones,	Maximum: 145 spaces surface parking in most commercial zones	Maximum: 145 spaces surface parking in most commercial zones	Maximum: 145 spaces surface parking in most commercial zones, 10 spaces per commercial use in multifamily zones	Maximum: 145 spaces surface parking in most commercial zones, 10 spaces per commercial use in multifamily zones	Maximum: 145 spaces surface parking in most commercial zones, 10 spaces per commercial use in multifamily zones	Maximum: 145 spaces surface parking in most commercial zones, 10 spaces per commercial use in multifamily zones	units do not have min. reqt.	bedroom

City	Detached Dwelling Unit	Attached Dwelling Unit	Duplex	Efficiency Unit	Restaurants	Retail	Office	Hotel	Parking Incentives?	Notes	
TEMPE, AZ	Minimum: 2 spaces per DU (up to 5 BR) 3 spaces per DU (6 or more BR)	Minimum: 1 BR: 1.5 spaces per DU 2 BR: 2 spaces per DU 3 BR: 2.5 spaces per DU 4 BR: 3 spaces per DU Guest: 0.2 spaces per DU	Minimum: 2 spaces per DU	Minimum: 1 space per DU	Minimum: Indoor: 1 space per 75 sq. ft. Outdoor: (no parking for first 300 sq. ft.) 1 space per 150 sq. ft.	Minimum: Indoor: 1 space per 300 sq. ft. Outdoor: (no parking required for first 300 sq. ft.) 1 space per 500 sq. ft.	Minimum: 1 space per 300 sq. ft.	Minimum: 1 space per unit + Parking for accessory uses	-Shared parking reductions -Downtown district has waived/ reduced parking minimums		
	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement	Maximum: 125% of minimum requirement			
TUCSON, AZ	Minimum: 2 spaces per DU + 0.25 spaces per unit for guest parking	Minimum if under 70 units/acre: 1 BR: 1.5 spaces per DU 2 BR: 2 spaces per DU 3 BR: 2.25 spaces per DU 4+ BR: 2.5 spaces per DU Minimum if over 70 units/acre: 1.25/ DU	Minimum: 1 space per DU	Minimum: 1 space per DU (under 400 sq. ft), 1.5 spaces per DU (over 400 sq. ft) Minimum if over 70 units/acre: 1.25/ DU	Minimum: 1 space per 100 sq. ft. (including outdoor seating areas)	Minimum: 1 space per 300 sq. ft.	Minimum: 1 space per 300 sq. ft.	Minimum: 1 space per rental unit+ 1 space per 300 sq. ft. of accessory uses	-Reduction for public open space -On-street parking reductions -EV parking reductions -Bike parking reductions -Landscaping and screening reductions	space -On-street parking reductions -EV parking reductions -landscaping and screening reductions -tandscaping and screening reductions -In R-1 zone, single-far with 5BR has min. of 3 plus 1 space per additional BR.	
	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	Maximum: none	-Lower residential requirements for elderly housing		

Comparable City Research: Bike Parking Requirements

City	Residential	Restaurant	Office	Retail	Hotel
BOULDER	2 spaces per DU	1 space per 750 sq. ft., Min of 4	1 space per 1,500 sq. ft., Min of 4	1 space per 750 sq. ft., Min of 4	1 space per 3 guest rooms, Min of 4
ANN ARBOR, MI	1 space per 5 DU	1 space per 750 sq. ft.	1 space per 3,000 sq. ft.	1 space per 3,000 sq. ft.	N/A
ARVADA, CO	1 space per 4 DU	1 space per 20 required motor vehicle	1 space per 20 required motor vehicle	1 space per 20 required motor vehicle	1 space per 20 required motor
	4.114	spaces; 10% long-term	spaces; 10% long-term	spaces; 10% long-term	vehicle spaces; 10% long-term
BERKELEY, CA	1 space per DU or 1 space per 3 BR	1 space per 2,000 sq. ft.	1 space per 2,000 sq. ft.	1 space per 2,000 sq. ft.	1 space per 2,000 sq. ft.
BLOOMINGTON, IN	10% of motor vehicle spaces or 1 space	5% of motor vehicle spaces	2% of motor vehicle space	5% of motor vehicle spaces	5% of motor vehicle spaces
	per 5 BR (whichever is more)	· ·	i i	· ·	·
BOISE, ID	1 space per 10 required motor vehicle	1 space per 10 required motor vehicle	1 space per 10 required motor vehicle	1 space per 10 required motor vehicle	1 space per 10 required motor
	spaces	spaces	spaces	spaces	vehicle spaces
BOZEMAN, MT	10% of motor vehicle spaces	10% of motor vehicle spaces	10% of motor vehicle spaces	10% of motor vehicle spaces	10% of motor vehicle spaces
BROOMFIELD, CO	N/A	N/A	N/A	N/A	N/A
CAMBRIDGE, MA	Short-Term: 0.1 spaces per DU	N/A	Short-Term: N/A	Short-Term: 0.6 spaces per 1,000 sq.	N/A
	Long-Term: 1 space per DU for first 20		Long-Term: 0.3 spaces per 1,000 sq. ft.	ft.	
	units; 1.05 spaces per DU for more than			Long-Term: 0.1 spaces per 1,000 sq. ft.	
	20 units				
CHAMPAIGN, IL	1 space per 1-2 DU or 2-4 BR	1 space per 10 motor vehicle spaces	1 space per 20 motor vehicle spaces	1 space per 20 motor vehicle spaces	1 space per 20 motor vehicle
					spaces
COLORADO SPRINGS, CO	0.5 spaces per 1,000 sq. ft.	0.5 spaces per 1,000 sq. ft.	1 space per 1,000 sq. ft.	0.5 spaces per 1,000 sq. ft.	0.5 spaces per 1,000 sq. ft.
COLUMBIA, MO	10-50 Vehicle spaces: 4 bike parking	10-50 Vehicle spaces: 4 bike parking	10-50 Vehicle spaces: 4 bike parking	10-50 Vehicle spaces: 4 bike parking	10-50 Vehicle spaces: 4 bike
	spaces	spaces	spaces	spaces	parking spaces
	51-99 vehicle spaces: 8 bike parking	51-99 vehicle spaces: 8 bike parking	51-99 vehicle spaces: 8 bike parking	51-99 vehicle spaces: 8 bike parking	51-99 vehicle spaces: 8 bike
	spaces	spaces	spaces	spaces	parking spaces
	100-199 vehicle spaces: 12 bike parking	100-199 vehicle spaces: 12 bike parking	100-199 vehicle spaces: 12 bike	100-199 vehicle spaces: 12 bike	100-199 vehicle spaces: 12 bike
	spaces	spaces	parking spaces	parking spaces	parking spaces
	200-299 vehicle spaces: 15 bike parking	200-299 vehicle spaces: 15 bike parking	200-299 vehicle spaces: 15 bike	200-299 vehicle spaces: 15 bike	200-299 vehicle spaces: 15 bike
	spaces	spaces	parking spaces	parking spaces	parking spaces
	300 or more vehicle spaces: 5% number	300 or more vehicle spaces: 5% number	300 or more vehicle spaces: 5%	300 or more vehicle spaces: 5%	300 or more vehicle spaces: 5%
	of vehicle spaces or 50 spaces	of vehicle spaces or 50 spaces	number of vehicle spaces or 50 spaces	number of vehicle spaces or 50 spaces	number of vehicle spaces or 50
	(whichever is less)	(whichever is less)	(whichever is less)	(whichever is less)	spaces (whichever is less)
DENVER, CO	1 space per 4 DU	1 space per 10,000 sq.ft.	1 space per 10,000 sq.ft.	1 space per 10,000 sq.ft.	1 space per 10,000 sq.ft.
Pg. 415					
DURANGO, CO	N/A	1 bike parking space per 10 off-street	1 bike parking space per 10 off-street	1 bike parking space per 10 off-street	1 bike parking space per 10 off-
		parking spaces. No less than 3 and no	parking spaces. No less than 3 and no	parking spaces. No less than 3 and no	street parking spaces. No less than
		more than 30 should be required	more than 30 should be required	more than 30 should be required	3 and no more than 30 should be
					required
EUGENE, OR	1 space per DU (in lot w/5 or more DU)	1 space per 600 sq. ft.	1 space per 3,000 sq. ft.	1 space per 3,000 sq. ft.	1 space per 10 guest rooms
FAYETTEVILLE, AR	1 bike rack per 30 parking spaces	1 bike rack per 20 parking spaces	1 bike rack per 20 parking spaces	1 bike rack per 20 parking spaces	1 bike rack per 20 parking spaces
	(each bike rack holds 2 bikes)				
FLAGSTAFF, AZ	2 bike parking spaces or 5% of required	2 bike parking spaces or 5% of required	2 bike parking spaces or 5% of	2 bike parking spaces or 5% of	2 bike parking spaces or 5% of
	vehicle parking spaces	vehicle parking spaces	required vehicle parking spaces	required vehicle parking spaces	required vehicle parking spaces
FORT COLLINS, CO	1 space per BR	1 space per 1,000 sq. ft.	1 space per 4,000 sq. ft.	1 space per 4,000 sq. ft.	1 space per 4 units
GAINESVILLE, FL	10% of vehicle parking spaces	10% of vehicle parking spaces	10% of vehicle parking spaces	10% of vehicle parking spaces	4 spaces
	Single/two family dwellings: none			, , ,	
GOLDEN, CO	10% of vehicle parking spaces	10% of vehicle parking spaces	10% of vehicle parking spaces	10% of vehicle parking spaces	10% of vehicle parking spaces
HONOLULU, HI	Short-Term: 1 space per 10 DU	Short-Term: 1 space per 2,000 sq. ft or 1	N/A	Short-Term: 1 space per 2,000 sq. ft or	Short-Term: 1 space per 20 rooms
	Long-Term: 1 space per 2 DU	space per 10 vehicle spaces		1 space per 10 vehicle spaces	Long-Term: 1 space per 10 rooms
	9	Long-Term: 1 space per 12,000 sq. ft. or		Long-Term: 1 space per 12,000 sq. ft.	G
		1 space per 30 vehicle spaces		or 1 space per 30 vehicle spaces	
LAWRENCE, KS	Short-Term: 1 space per 20 BR	Short-Term: 1 space per 1,000 sq. ft.	Short-Term: 1 space per 5,000 sq. ft.	Short-Term: 1 space per 4,000 sq. ft.	Short-Term: 1 space per 20 rooms
	Long-Term: 1 space per 6 BR	Long-Term: 1 space per 10,000 sq. ft.	Long-Term: 1 space per 10,000 sq. ft.	Long-Term: 1 space per 10,000 sq. ft.	Long-Term: 1 space per 200 rooms
	20.16 Termi. 1 Space per o bit	20116 1 CTTTL 1 Space per 10,000 34.1t.	2016 . cim. 1 space per 10,000 sq. it.	20.16 . cim. 1 space per 10,000 sq. it.	20116 1 CTTTL 1 Space per 200 1001113

City	Residential	Restaurant	Office	Retail	Hotel
LEXINGTON, KY	1 space per 10 motor vehicle spaces	1 space per 10 motor vehicle spaces	1 space per 10 motor vehicle spaces	1 space per 10 motor vehicle spaces	1 space per 10 motor vehicle spaces
LONGMONT, CO	5% of required motor vehicle spaces	5% of required motor vehicle spaces	5% of required motor vehicle spaces	5% of required motor vehicle spaces	5% of required motor vehicle spaces
MADISON, WI	1 space per DU	5% of capacity of persons	1 space per 2,000 sq. ft.	1 space per 2,000 sq. ft.	1 space per 10 rooms
MINNEAPOLIS, MN	1 space per DU	N/A	1 space per 4,000 sq. ft.	1 space per 5,000 sq. ft.	
PASADENA, CA	1 space per 6 dwelling units	>15,000 sq. ft.: 4 spaces <15,000 sq. ft.: 5% of motor vehicle spaces	>15,000 sq. ft.: 4 spaces <15,000 sq. ft.: 5% of motor vehicle spaces	>15,000 sq. ft.: 4 spaces <15,000 sq. ft.: 5% of motor vehicle spaces	>15,000 sq. ft.: 4 spaces <15,000 sq. ft.: 5% of motor vehicle spaces
PORTLAND, OR	For 5 or more units: Short-Term: 1 space per 20 units Long-Term: 1.5 spaces per unit	Short-Term: 1 space per 1,000 sq. ft. Long-Term: 1 space per 2,300 sq. ft.	Short-Term: 1 per 20,000 sq. ft. Long-Term: 1 per 1,800 sq. ft.	Short-Term: 1 space per 2,700 sq. ft. Long-Term: 1 space per 3,800 sq. ft.	Short-Term: 1 per 40 rooms Long-Term: 1 per 20 rooms
RALEIGH, NC	Short-Term: 1 space per 20 units (min of 4) Long-Term: 1 space per 7 BR	Short-Term: 1 space per 50,000 sq. ft. (min of 4) Long-Term: 1 space per 25,000 sq. ft. (min of 4)	Short-Term: 1 space per 10,000 sq. ft. (min of 4) Long-Term: 1 space per 5,000 sq. ft. (min of 4)	Short-Term: 1 space per 5,000 sq. ft. (min of 4) Long-Term: N/A	Short-Term: N/A Long-Term: 1 space per 20 rooms
SALT LAKE CITY, UT	1 space per 2 DU	1 space per 2,000 sq. ft.	1 space per 2,000 sq. ft.	1 space per 2,000 sq. ft.	1 space per 2,000 sq. ft.
SAVANNAH, GA	1 space per 10 DU	5% of required motor vehicle spaces	5% of required motor vehicle spaces	5% of required motor vehicle spaces	5% of required motor vehicle spaces
SEATTLE, WA	Short-Term: 1 space per 20 DU Long-Term: 1 space per DU	Short-Term: 1 space per 1,000 sq. ft. Long-Term: 1 space per 5,000 sq. ft.	Short-Term: 1 space per 10,000 sq. ft. Long-Term: 1 space per 2,000 sq. ft.	Short-Term: 1 space per 2,000 sq. ft. Long-Term: 1 space per 4,000 sq. ft.	N/A
TEMPE, AZ	0.5 spaces per unit (0.75 spaces for 3+ BR)	1 space per 1,000 sq. ft.	1 space per 10,000 sq. ft.	1 space per 10,000 sq. ft.	N/A
TUCSON, AZ	Short-Term: 0.10 per BR Long-Term: 0.5 spaces per BR (min of 2)	N/A	Short-Term: 1 space per 20,000 sq. ft. Long-Term: 1 space per 6,000 sq. ft.	Short-Term: 2 spaces per 12,000 sq. ft. Long-Term: 1 space per 12,000 sq. ft.	Short-Term: 2 space per 6,000 sq. ft. Long-Term: 1 per 20 guest rooms

Characteristics of Comparable Cities

	Population	Persons/ HH	Land Area	Population/ Sq. Mile	University Size	Median Rent	Median Value of Housing Units
Boulder	104,175	2.26	26.33	4,112	University of Colorado: 30k	\$1588	736k
Ann Arbor, MI	121,536	2.25	28.2	4,094	University of Michigan: 45k	\$1299	347k
Arvada, CO	123,436	2.55	38.91	3,028	N/A	\$1444	424k
Berkeley, CA	117,145	2.4	10.43	10,752	UC-Berkeley 45k	\$1767	1.06 million
Bloomington, IN	79,968	2.18	23.23	3,472	Indiana University: 32k	\$946	219k
Boise, ID	237,446	2.38	84.03	2,591	Boise State University: 22k	\$1009	283k
Bozeman, MT	54,539	2.17	20.6	1950	Montana State University: 17k	\$1145	413k
Broomfield, CO	75,325	2.54	32.97	1,692	N/A	\$1711	451k
Cambridge, MA	117,090	2.13	6.39	16,469	Harvard:6k, MIT: 12k	\$2293	843k
Champaign, IL	89,114	2.3	22.93	3,613	University of Illinois Urbana-Champaign: 33k	\$922	167k
Colorado Springs, CO	483,956	2.51	195.4	2,140	University of Colorado at Colorado Springs: 13k, Colorado College: 2k	\$1196	295k
Columbia, MO	126,853	2.31	66.54	1,720.1	University of Missouri: 30k	\$890	208k
Denver, CO	711,463	2.44	153.08	3,922.6	University of Denver: 12k; University Colorado Denver: 19k; Metro State: 20k	\$1397	428k
Durango, CO	19,223	2.3	14.71	1,701	Fort Lewis College: 4k	\$1297	473k
Eugene, OR	175,096	2.29	44.18	3,572.2	University of Oregon: 23k	\$1075	305k
Fayetteville, AR	95,230	2.23	54.14	1,366	University of Arkansas: 27k	\$837	232k
Flagstaff, AZ	76,989	2.45	66.03	1,031.3	Northern Arizona University: 25k	\$1286	363k
Fort Collins, CO	168,538	2.56	57.21	2,653	Colorado State University: 23k	\$1373	399k
Gainesville, FL	140,398	2.33	63.15	2,028	University of Florida: 34k	\$965	180k

Golden, CO	19,871	2.4	9.63	1,901	Colorado School of Mines: 7k	\$1495	541k
Golden, CO	19,671	2.4	9.03	1,901	Cotorado Schoot of Milles: 7k	\$1495	541K
Honolulu, HI	1 million	2.98	600.63	1,586	University of Hawaii: 13k	\$1779	702k
Lawrence, KS	95,256	2.28	34.15	2,611.2	University of Kansas: 28k	\$953	205k
Lexington, KY	321,793	2.36	283.64	1042	University of Kentucky: 30k	\$920	201k
Longmont, CO	100,758	2.59	28.78	3,294	N/A	\$1437	396k
Madison, WI	269,196	2.2	79.57	3,037	University of Wisconsin: 44k	\$1147	262k
Minneapolis, MN	425,336	2.28	54	7,088	University of Minnesota: 51k	\$1078	268k
Pasadena, CA	135,732	2.44	22.96	5,969	Cal Tech: 3k	\$1787	822k
Portland, OR	641,162	2.29	133.45	4,375	Portland State University: 17k	\$1325	439k
Raleigh, NC	469,124	2.4	147.12	2,826	North Carolina State University: 25k	\$1175	267k
Salt Lake City, UT	200,478	2.37	110.34	1,678	University of Utah: 33k	\$1050	346k
Savannah, GA	147,088	2.55	106.85	1,321.2	Savannah College of Art & Design: 12k	\$1049	162k
Seattle, WA	733,919	2.08	83.83	7,251	University of Washington: 46k	\$1702	714k
Tempe, AZ	184,118	2.37	39.94	4,050	Arizona State University: 75k	\$1230	288k
Tucson, AZ	543,242	2.4	241	2,294	University of Arizona: 45k	\$861	167k



MEMORANDUM

To: Lisa Houde, AICP – City of Boulder Principal City Planner

From: Scott Kilgore, PE – Transportation Engineer

Date: December 31, 2024

Project: Update to the City of Boulder Off-Street Parking Standards

Subject: Project Summary and Recommendations

As a culmination of the years-long process to reevaluate off-street parking requirements in the City of Boulder, Fox Tuttle Transportation Group (Fox Tuttle) is pleased to present the following summary of work completed and recommended next steps. This phase of the project built upon previous efforts to quantify parking utilization for a variety of land uses within the City of Boulder and evaluate adjustments to the City code for parking standards. Parking data were collected at a variety of sites both new and previously surveyed. Current and historical data were analyzed for an understanding of parking utilization by land use type.

Current and Historic Parking Utilization Data

Parking data were collected at multiple sites across the City of Boulder starting in 2014 with periodic updates through 2019. The same group of sites was surveyed over time as much as possible and some new land uses were added in 2024 to represent current development. Some sites could not be surveyed consistently such as residential uses with secured parking that did not permit access at all phases of the project. Each type of land use was surveyed at peak occupancy times; for example, residential uses were observed overnight while offices were observed daytime on weekdays. The project was put on pause during the COVID-19 pandemic due to fluctuating travel patterns caused by pandemic-related conditions. As travel patterns began to normalize in 2024, a new round of data collection was completed. A compiled master spreadsheet has been developed to include all data collected over the past 10 years in support of this project.

Historic (2014-2019) and current (2024) data indicate that off-street parking is underutilized during peak times for nearly all land uses surveyed. A summary of observed excess parking for each land use surveyed is shown in **Table 1**.

Table 1: Excess Parking Provided by Land Use

Land Use	Observed Amount of Excess Parking Provided at Peak Time		
Retail	22% to 69%		
Office	27% to 66%		
Medical Office	14%		
Industrial	40% to 50%		
Lodging/Hotel	51% to 85%		
Residential	5% to 53%		
Mixed Use Residential	26% to 62%		
Mixed Use Commercial	9% to 61%		

Each individual use in **Table 1** was reviewed over time to understand the trends of parking usage across the 10 years of data collected. A brief overview of parking usage trends by use type is provided below:

Retail

Parking demand has generally fallen for retail uses since data collection began in 2014. Since the first round of data collection between 2014 and 2016, the average parking demand for retail has dropped over time. The parking occupancy data over time for retail is shown in **Figure 1** below.

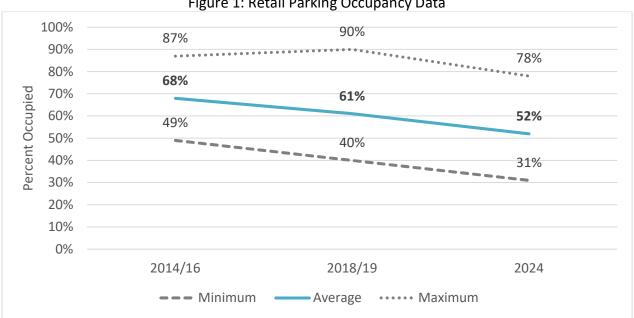
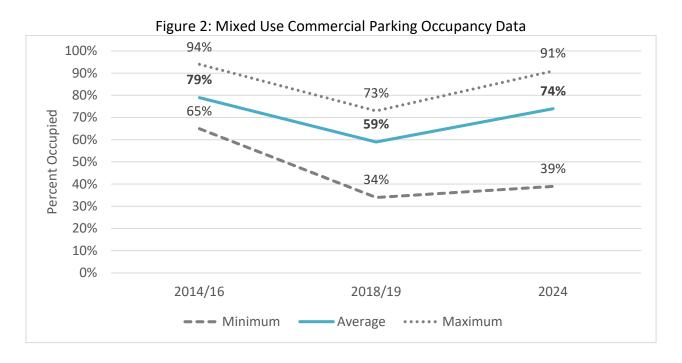


Figure 1: Retail Parking Occupancy Data

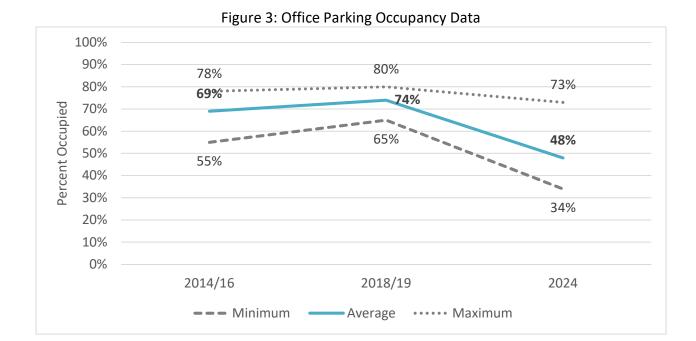
Mixed Use Commercial

For commercial uses within mixed use districts, the average parking occupancy in 2024 is very similar to 2014/16. Despite a decrease in occupancy of these sites in 2018/19, the trend across the past 10 years is relatively unchanged average and maximum occupancy, with more variation in 2024 as compared to 2014/16. Mixed Use parking data is shown in Figure 2.



Office

Parking occupancy has changed significantly for office uses with the increase in remote work after the covid pandemic. Average parking occupancy dropped 26% in 2024 as compared to 2018/19. The spread of parking occupancy has also increased post-covid. Even at the highest levels of occupancy observed in 2018/19, an excess of at least 20% of parking was being provided at office uses. Office parking data is shown in **Figure 3**.



Industrial

Only two industrial sites were surveyed as part of this project. Parking occupancy for these sites has been relatively unchanged over time. Both sites have significantly more parking provided than is utilized at peak times. Industrial parking data is shown in **Figure 4**.

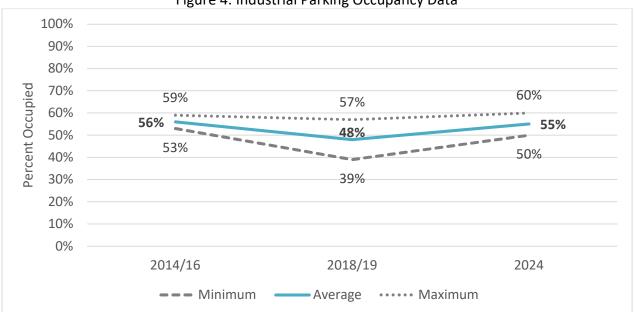
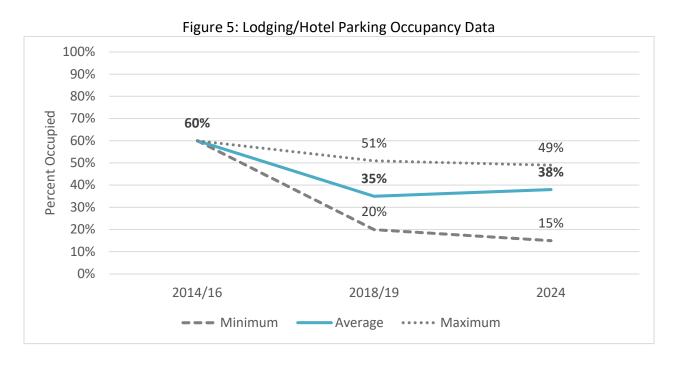


Figure 4: Industrial Parking Occupancy Data

Lodging/Hotel

The parking data for lodging/hotel sites shows that these uses provide an excess of parking. The parking data shown in **Figure 5** shows that the range of parking utilization at hotels has not changed much between 2018/19 and 2024. Hotels have at least 50% more parking than is occupied.



Residential

Parking occupancy at multifamily residential properties fluctuated slightly between 2014/16 and 2024. Parking occupancy increased from 2014/16 to 2018/19, and then decreased from 2018/19 to 2024. Overall there was a very slight increase in average parking occupancy between 2014/16 and 2024, with an increased overall spread between maximum and minimum observed parking occupancy. Residential parking occupancy data is shown in **Figure 6**.

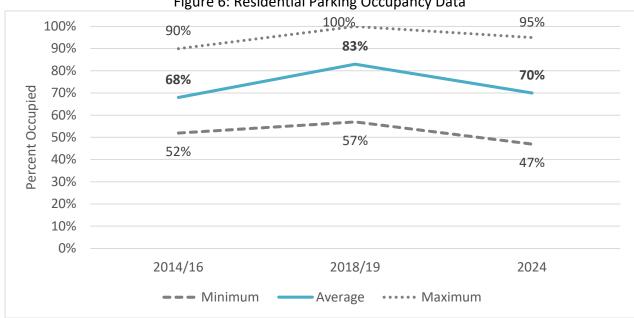


Figure 6: Residential Parking Occupancy Data

Mixed Use Residential

For multifamily residential uses that are part of a mixed use district, parking occupancy is generally lower than standalone multifamily residential. A similar trend of parking occupancy over time was observed, with an increase in occupancy in 2018/19 as compared to 2014/16 and a decrease in 2024 compared to 2018/19. The trend of parking occupancy over time for residential in mixed use districts is shown in **Figure 7**.

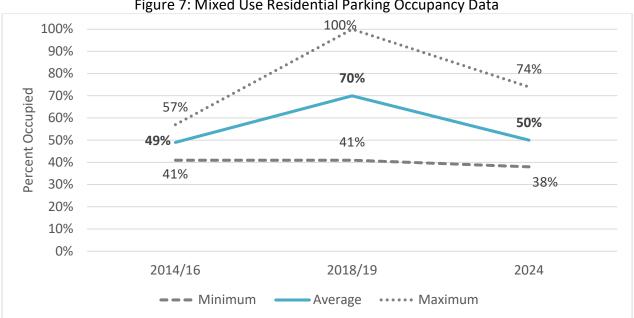


Figure 7: Mixed Use Residential Parking Occupancy Data

Impact of Covid Pandemic

Trends in parking utilization between 2018/19 and 2024 captured the influence of the covid pandemic, before the onset of any pandemic impacts and after patterns had settled.

For most uses surveyed, the trend of parking utilization pre-covid and post-covid showed a continuation of established patterns. The industrial and lodging/hotel uses surveyed continued to have a consistent parking utilization, while multifamily residential uses showed an increase in utilization in 2018/19 that dropped close to 2014/16 levels in 2024. Retail uses continued a pattern of decline in parking occupancy over time. Mixed use commercial saw an overall decrease in parking occupancy in 2018/19 compared to 2014/16. Average parking occupancy for mixed use commercial sites increased near 2014/16 levels again in 2024, though the spread between minimum and maximum parking occupancy observed increased.

The office use was most impacted by covid. Vacancy rates for offices across the country have dropped as many office jobs have transitioned to increased remote work. Data at the offices surveyed showed a significant decrease in average and minimum observed parking occupancy post-covid. The spread between minimum and maximum parking utilization increased dramatically in 2024 compared to previous years, indicating that there is increased variability in parking demand for office space post-pandemic. The one medical office surveyed was an exception from other office uses and showed a fairly consistent parking utilization across the years surveyed.

Recommended Changes to Existing Parking Standards

The recommended changes to existing parking standards are detailed in two commented versions of Section 9-9-6 of the Boulder Municipal Code. Section 9-9-6 describes parking requirements for new development. The quantity and design criteria of vehicle parking are defined, as well as the process for requesting reductions and deferrals. Required bicycle parking by use and zone district are also described in Section 9-9-6. This project completed a full review of Section 9-9-6 and has developed two "track changes" versions of the code with proposed specific language adjustments called out.

Data driven motor vehicle parking minimums were developed based on the previously mentioned parking utilization data. Potential data driven changes to parking minimums based on the parking utilization data are shown in **Table 2** and **Table 3** below for residential and nonresidential land uses, respectively. The data driven minimums shown in **Table 2** and **Table 3** reflect the zone districts and land uses with changes to minimum or maximum requirements as supported by the data collected. It should be noted that while the data collected in support of this project included a wide variety of properties in various parts of Boulder, not every zone district or use was surveyed. For zone districts and uses that were not surveyed, no changes to parking minimums were suggested.

With the passage of Colorado House Bill (HB) 24-1304, local parking minimum requirements for multifamily housing near high-frequency (defined as every 15 minutes during peak hours) transit lines cannot be enforced beginning on June 30, 2025. A map of the applicable transit service areas where HB 24-1304 can be enforced was released by the Colorado Department of Local Affairs in September 2024. Applicable transit service areas cover most of the City of Boulder. For regulatory simplicity, it is recommended that multifamily parking minimum requirements be eliminated throughout the City of Boulder for residential uses in all zone districts. This would bring the City into compliance with HB 24-1304 while minimizing regulatory burden. For consideration, the revised version of Section 9-9-6 includes data-supported reductions in residential parking minimums as shown in **Table 2**.

Similarly, Colorado House Bill (HB) 24-1152 prevents certain municipalities, including Boulder, from requiring additional off-street parking for an accessory dwelling unit (ADU). While ADUs were not specifically surveyed in the parking utilization data collection, the proposed revisions to Section 9-9-6 include the removal of parking minimums for ADUs.

Table 2: Boulder Context Residential Parking Requirements

		2: Boulder Context Residential Parking Requirements Ma				num Off-
		Minimum Parking Requirement			Street	Parking
Land Use	Zone District(s)	Current Code	Boulder Context Change	Proposed Change	Current Code	Proposed Change
	RR, RE, MU-1, MU-3, BMS, DT, A, RH-6	1 per DU	1 per DU	0	N/A	N/A
Residential -	RMX-2, MU-2, MH, IMS	1 for 1- or 2-bedroom DU 1.5 for 3-bedroom DU 2 for a 4 or more bedroom DU	1 per DU	0	N/A	N/A
Attached DU or Duplex	RL, RM, RMX-1, RH-1, RH- 2, RH-4, RH-5, BT, BC, BR, IS, IG, IM, P	1 for 1-bedroom DU 1.5 for 2-bedroom DU 2 for 3-bedroom DU 3 for 4 or more bedroom DU	1 per DU	0	N/A	N/A
	RH-3	1 for 1-bedroom DU 1.5 for 2-bedroom DU 2 for 3-bedroom DU 3 for 4 or more bedroom DU	1 per DU	0	N/A	N/A
Efficiency Units, Transitional Housing	Any Applicable	1 per DU	0.8 per DU	0	N/A	N/A
Attached Accessory Dwelling Unit, Detached Accessory Dwelling Unit	Any Applicable	The off-street parking requirement for the principal DU must be met, plus any parking space required for the accessory unit, see Subsection 9-6-3(n), B.R.C. 1981	0	0	N/A	N/A

Data driven reductions in parking minimums were based on the average observed occupancy for each surveyed use. The data collected could support lower minimums for some uses. For example, the average observed multifamily parking demand of 0.8 per unit is recommended in **Table 2** for efficiency units, but the minimum utilization observed was as low as 0.15 per unit. While these

data-driven residential minimums are presented for consideration, the elimination of multifamily residential parking minimums citywide is recommended for compliance with HB 24-1304 and simplifying the development code.

Table 3: Proposed Boulder Context Nonresidential Parking Requirements

		Minimum Parking Requirement		Maximum Off-Stree	et Parking
Land Use	Zone District(s)	Current Code	Proposed Change	Current Code	Proposed Change
	RH-3, RH-6, RH-7, MU-4 (not in a parking district)	0	0	1:400sf if residential uses comprise less than 50% of the floor area; otherwise 1:500sf	1:500sf
_	BCS, BR-1, IS, IG, IM, A	1:400sf	1:500sf	N/A	N/A
Nonresidential General	RMX-2, MU-2, IMS, BMS (not in a parking district)	1:400sf if residential uses comprise less than 50 percent of the floor area; otherwise 1:500sf	1:500sf	N/A	N/A
Nonresid	MU-1, MU-3 (not in a parking district)	1:300sf if residential uses comprise less than 50% of the floor area; otherwise 1:400sf	1:400sf	N/A	N/A
	RR, RE, RL, RM, RMX-1, RH-1, RH- 2, RH-4, RH-5, BT, BC, BR-2, P (not in a parking district)	1:300sf	1:400sf	N/A	N/A
Motels, Hotels, and Bed and Breakfasts	Any Applicable	1 per guest room or unit, plus required spaces for nonresidential uses at 1 space per 300 square feet of floor area	0.5 per guest room or unit	N/A	N/A

Bicycle Parking

Bicycle parking requirements in Section 9-9-6 were also reviewed in comparison to the peer communities. In general, Boulder's bicycle parking requirements are on par or higher than the requirements of peer communities. For example, Portland Oregon requires similar amounts of bicycle parking to Boulder but allows for counting storage of bicycles in residential units toward the requirement, whereas Boulder does not allow counting of bicycle storage in residential units.

The only bicycle parking requirement which exceeded Boulder is the residential parking requirement in Fort Collins, CO which requires one bicycle parking space per bedroom as opposed to 2 bicycle parking spaces per dwelling unit in Boulder. For residential units with three bedrooms or more, Fort Collins requires more bicycle parking spaces than Boulder, but Boulder requires more bicycle parking for studio and one bedroom units. The actual discrepancy for a given property would depend on the unit mix, which generally tends to favor more studio and one bedroom units than three (or more) bedroom units for most multifamily properties. A typical multifamily residential project unit mix with more one bedroom units than three bedroom units would result in Boulder requiring more bicycle parking than Fort Collins. The peer review comparison did not account for type of bicycle parking required (e.g. short term vs. long term).

Changes to the bicycle parking requirements in Section 9-9-6 are not recommended based on the findings from peer communities and the City's mode split and climate change goals.

Peer Review of Parking Standards

Previously, the City of Boulder completed a peer review of the off-street parking requirements of 33 peer communities across the US. This peer review was summarized in a table describing minimum and maximum off-street parking requirements by land use for each of the communities surveyed. In support of the recommended changes to the City's parking requirements, certain peer communities were surveyed in greater detail. The peer review for this phase was limited to a select handful of communities included in the larger 33 communities summarized previously.

Peer communities for further interview were selected based on the findings of the initial peer summary table and the recommended changes to the Boulder parking standards developed in this stage. The goal was to follow up with peer communities that have eliminated parking minimums or have parking standards similar to the recommended changes and gain some insight into how those standards are working in those communities. The identified communities included several that have eliminated parking minimums completely to gain more insight on how that option has been playing out in a variety of contexts. Peer communities selected to be surveyed included Longmont Colorado, Portland Oregon, Berkeley California, Raleigh North Carolina, and Minneapolis Minnesota. Contacts at Raleigh and Minneapolis could not be established in time for inclusion in this report.

Berkeley, CA

Justin Horner, Principal Planner at the City of Berkeley provided valuable insight into how parking standards in Berkeley have been working. Berkeley has no residential parking minimums in most of the city, with select exceptions for lots on narrow streets in the Hillside neighborhood that is more car dependent than the rest of the city. Due to a California state law Berkeley also has no commercial parking minimums near transit. The areas where the state law does not apply has commercial minimum parking requirements that are very similar to the Boulder-context data-supported minimums shown in **Table 3**.

Transitioning to the removal of parking minimums was aided by a previously-enacted city policy that required unbundling housing and parking costs. Many residents were already accustomed to paying for parking separately from housing and therefore were encouraged to own fewer vehicles overall. Before minimums were removed, it was a regular occurrence that developers were requesting variances to provide less parking than required. These variances were almost always granted because of the strong evidence supporting provision of less parking in the community. The experience of prior policy unbundling housing and parking from a cost perspective was pivotal in helping decision-makers become more comfortable with removing parking minimums completely. Overall, the transition to remove parking minimums in Berkeley has been successful and there have not been any negative unforeseen consequences to the change. The policy of unbundling housing and parking costs has made it difficult to identify the impact of removal of parking minimums on housing prices.

Portland, OR

The City of Portland has no minimum off-street parking requirements for any uses. The removal of all minimums was implemented in response to new state-level rules requiring the removal of parking requirements within ½ mile of frequent transit or ¾ mile of a rail station. Through a code compliance update process (similar to that being performed by the City of Boulder), it was determined that the state rules would require removing parking minimums for most of the city, so removing parking requirements for all of the city became a preferred option because of the comparative simplicity to the option of maintaining minimums in a select few areas. The code was updated to remove minimum parking requirements citywide and eliminate the variance processes to minimum parking requirements since they would no longer apply. The code changes removing parking minimums citywide went into effect on June 30, 2023.

There have been many new projects that have chosen to provide no off street parking, particularly in the form of infill residential projects. A specific comparison of development before and after the removal of parking minimums is challenging because of other updates to the development code around the same time that expanded access to tax credits and financing opportunities that

have resulted in an increase in new housing, much of which has no off-street parking. Many new multifamily residential developments without off-street have been proposed or completed since the removal of parking minimums. So far, the removal of minimums has helped spur new affordable housing development which is a benefit of implementing the policy.

Longmont, CO

As the nearest peer community that has eliminated parking minimums citywide, Longmont has experience that can inform the removal of parking minimums in a Colorado context. Ben Ortiz, a Transportation Planner with the City of Longmont, provided valuable insight into the removal of parking minimums in Longmont, and the experience of the city before and after implementation. The city removed commercial parking minimums in 2013. There have been no new developments that have come in requesting zero off-street parking since that change was implemented.

Removal of minimums has helped spur new development in some areas. For commercial centers with excess parking, creating a new lot on a portion of the parking lot and building new projects there has allowed for more efficient use of land in the city. As an example, Ben pointed to the Popeye's fast-food restaurant at 2120 Main Street. A portion of the shopping center parking lot was repurposed for the project, and the development only chose to provide 9 parking spaces. In comparison, the McDonalds fast food restaurant at 245 S Main Street was built to the previous parking code and provided 56 parking spaces. Generally, when parking minimums were in place, developers were building the minimum required number of parking spaces. Since minimums were removed, developers have been building less parking than the previous minimums. In 2018, the city also eliminated parking minimums for residential uses in mixed use corridors. At 3rd and Atwood, an affordable housing development had planned to provide 1 parking space per unit (the minimum under the previous code), and then revised the project to provide more housing units and less parking after the minimum requirement was removed.

Overall, removal of parking minimums in Longmont has been successful at enabling new infill development and encouraging more housing construction than would have been achieved before. There have been no negative consequences to removing minimums, with no spillover issues being raised. In the Colorado context, the experience of Longmont suggests that developers will continue to provide adequate parking for their sites even without any minimum required. The previous parking maximums were left in place when minimums were removed and have been functioning well — only 2 projects have ever requested exceeding maximums. Longmont was ultimately successful in building consensus to remove parking minimums by drawing the connection between climate, housing, economic, and mode share goals to the impact of land use and provision of parking.

Peer Review Summary

In all, the peer communities surveyed have found success in removing parking minimums. The removal of minimums has resulted in the construction of less parking than before and has resulted in relatively limited unexpected consequences. The experience of Berkeley suggests that parking minimums similar to the observed Boulder-context usage data can function well. Additionally, the unbundling of housing costs and parking cost in Berkeley, similar to Boulder code for RH-7 and MU-4 zone districts, helped reduce car ownership and prove that parking requirements were resulting in excess parking than market forces would require. In Longmont, removing minimums has not resulted in displacing all parking onto the street as some fear. Overall, top reasons to remove parking minimums included less regulatory burden, aligning climate and transportation policy with stated goals, reducing housing costs, and more efficient land use.

Comparison to Option of Eliminating Parking Standards

As previously noted, Colorado House Bill (HB) 24-104, effectively eliminates local parking minimum requirements for multifamily housing near high-frequency (defined as every 15 minutes during peak hours) transit lines beginning on June 30, 2025. Therefore, some elimination of parking minimums within the City of Boulder will be required. However, for the remaining land uses, decisions must be made about either modifying or eliminating parking minimums.

The potential benefits and drawbacks of removing minimum parking requirements in the City of Boulder for other land uses are explored below.

Potential Benefits of Eliminating Parking Minimums

Eliminating parking minimums entirely allows developers to determine how much off-street parking is appropriate for each development. Greater flexibility can spur new development projects that would not have been economically viable when subjected to parking minimums. For many projects, ensuring that the product is marketable will typically ensure some level of off-street parking is provided based on the type of development and location. To secure financing, developers will need to do their due diligence on the project and justify the amount of parking provided to the entities providing financing. These market forces provide a check on development that naturally supports a provision of adequate parking without regulatory oversight. The experience of Longmont supports the notion that developers will continue to provide some amount of parking on-site in the Colorado context with minimum parking requirements eliminated.

Elimination of parking minimums altogether can also streamline the development review process for the city and regulatory burdens of processing requests for parking reductions or deferrals. Removing the review of parking requirements simplifies the city's process and requires fewer resources. The option of removing parking minimums is much less complex compared to the current system of review and approval for parking reductions and deferrals, which would remain even with the lowered requirements proposed.

Flexibility in the development code from removing parking minimums benefits both new construction and adaptive re-use projects. Adaptive re-use is the repurposing of an existing structure for a new purpose other than what it was originally built for. New projects can employ designs and building types that are not currently feasible due to parking constraints. Adaptive re-use may become much more feasible when converting existing buildings to new uses without needing to meet parking requirements for the new use.

Allowing new development to maximize buildable space for active uses instead of vehicle storage also has the benefit of improving walkability and elevating multimodal travel, which can help the city achieve its mode split, road safety, and climate action goals. Requiring parking minimums creates more space between uses and barriers for multimodal travel, while encouraging and elevating driving. Removing vehicle parking minimums would align the building code with the city's other goals for a more cohesive and holistic approach to shift travel away from single occupant vehicles to active, environmentally friendly, and safer modes. From a climate perspective, fewer surface parking lots may reduce driving and associated emissions while also potentially reducing impervious area and stormwater runoff from paved surfaces.

Additionally, eliminating parking minimums may further the city's goal of improving affordability by removing the cost of building parking from new development. Depending on the type of construction and land cost, parking construction can increase development cost by tens of thousands of dollars per parking space. Removing minimums legalizes more affordable housing types and provides more flexibility for new construction to address the housing shortage. Untying vehicle parking from housing allows for greater equity for those who cannot afford a vehicle or are unable to drive.

It is also possible that the city may see increased revenue from allowing more businesses and residents within a space that otherwise would have been largely reserved for storing automobiles. The potential for infill development increases dramatically by removing parking minimums. Currently underutilized parking lots can be repurposed for new development.

Potential Drawbacks of Eliminating Parking Minimums

Eliminating parking minimums may result in unintended consequences, particularly regarding onstreet parking in established areas. Allowing projects to provide no off-street parking has the potential to increase demand for on-street parking. While peer community interviews indicate that many projects will still choose to provide adequate off-street parking without minimum requirements, it is possible that new development will occur with zero or very limited parking that pushes demand onto the surrounding streets. Higher on-street parking demand may result in resident complaints and potentially greater instances of illegal parking. Some displacement of parking demand from off-street to on-street parking can also be expected when off-street parking is provided at a cost. It is expected that some degree of parking demand displacement is already occurring from developments that charge for parking in areas where street parking is free. Projects that choose to build less off-street parking than currently required may be able to eliminate fees for off-street parking because of the reduced upfront cost of building less parking, but eliminating parking minimums overall may increase demand for on-street parking.

Current residents who are used to existing levels of on-street parking demand may become frustrated by increased demand for on-street parking. The City of Boulder has a robust Neighborhood Parking Permit (NPP) program to ensure on-street parking availability for residents within specific areas, which is being reevaluated as part of the AMPS project. An increase in onstreet parking demand from development providing less (or no) off-street parking may increase demand for NPP expansion outside of the existing zones. While eliminating parking standards may free up staff resources from development review, there may be additional demands for city staff to implement new on-street parking management strategies in the future.

Equitable access to services and opportunities may also be influenced by elimination of off-street parking requirements. The high cost of living within the City of Boulder means that many lowerincome workers commute into the city. Access to opportunities in Boulder may become more challenging if the removal of parking minimums results in inadequate off-street supply and high competition for on-street parking. Fortunately, most of the City is reasonably well-served by public transportation to mitigate most access concerns.

Eliminating parking minimums overall may also influence the decision-making of developers when providing transportation demand management (TDM) measures. Under the current framework, TDM plans are key to securing reductions in required off-street parking. This system creates a synergy where developers are incentivized to create robust TDM plans in exchange for the increased flexibility and cost savings of reduced off-street parking requirements. The reduction in driving and associated parking demand is then supported by TDM. With the removal of parking minimums entirely, the City of Boulder may need to consider alternative policy levers to incentivize the creation of TDM plans and investments in TDM measures with new development. Requirements for TDM are also being evaluated as part of the AMPS project.

Conclusion and Recommendations

Real-world parking data were collected and analyzed to understand the current utilization of offstreet parking at a variety of uses in the City of Boulder. The observed level of parking utilization was compared to the amount of required off-street parking in the City's code. Proposed revisions to the code are offered to reduce the amount of minimum parking required to better match the

observed Boulder-specific parking demand. An alternative code revision with parking minimums removed entirely is also offered along with a discussion of pros and cons to removing minimums citywide.

It is recommended that residential off-street parking minimums be eliminated citywide to bring the City of Boulder into compliance with new state-level land use regulations. Data driven reductions to parking minimums for nonresidential uses are recommended to be implemented if the City decides to retain parking minimums for those uses. These reduced minimums will help ensure that an appropriate amount of parking is built. No changes to the bicycle parking requirements are recommended at this time.

/SK

Empty Spaces: Rethinking Parking Requirements in Boulder E-Empty Spaces Infographic



Space Wasted?

Over the last decade, many major cities around the country have taken minimum parking requirements out of their codes. Colorado legislators recently passed a bill that limits minimum parking requirements for multifamily residential development in transit rich areas.

The City of Boulder is considering removing minimum parking requirements citywide.

- How much land is already used for parking?
- What tradeoffs does the city make when we require parking?

Space For Cars In Boulder



This is **1,517 acres** of parking

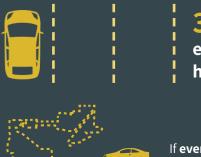


That's the size of ~1,150 football fields!

A typical 2,500 sf. restaurant requires:



21 spaces - 3 X the land area of the restaurant

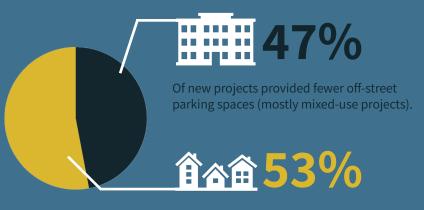


3 Spaces exist for each household vehicle

If every commuter and household vehicle parked in Boulder at the same time, there would still be extra parking **spaces** left over.

Space to Learn

Buffalo, NY was the first major U.S. city to remove minimum parking requirements citywide. In the two years that followed...



Space to Adapt

Removing minimum parking requirements would...



Allow developers or business owners to assess their own parking needs.

AND provide the amount of parking they determine will best support the development.



Removing minimum parking requirements would not...



remove existing parking spaces.

Would NOT eliminate ALL parking spaces.



Space to Support Climate Goals

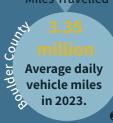
Local government land use decisions that require a minimum amount of parking spaces beyond what is necessary to meet market demand increase vehicle miles travelled and associated greenhouse gas emissions.

Providing more free parking in residential developments causes:











Of trips were by transit in 2023.

Space for New Strategies

Transportation demand management (TDM) is a set of strategies to make transportation more efficient and convenient, like:

EcoPass Program: Incentivize public transit use Bike share programs & improved bike parking Rent incentives: unbundled parking **Shared parking**

On-street parking management involves the planning, measuring, managing, allocating, and enforcement of the uses and users of the curb by the city like:



- Efficient, proactive, flexible
- Timed parking
- Paid parking
- Permit programs
- Loading zones

Space Reimagined

The removal of parking minimums would allow developers to reimagine land use in a creative way and meet the goals laid out in the Boulder Valley Comprehensive Plan. How can we reimagine these spaces?







4. Motor Vehicle Statistics. Boulder County. (2024, July 11) https://bouldercounty.gov/records/motor-vehicle/additional-motor-vehicle-resources/statistics/ 5. Modal Shift in Boulder Valley. 2023 Travel Diary

STANDARD (NON-EMERGENCY) REGULATION/RULE

Rule X

Regulation Regarding Administration and Management of a Paid Parking and EcoPass Pilot

B.R.C. Section that is the subject of this Rule: 2-2-21(A)

1. This regulation shall provide details as to the implementation and administration of a paid parking and residential EcoPass for the Neighborhood Parking Permit (NPP) area Goss-Grove for a one year pilot, starting on January 1, 2026 and ending on December 31, 2026.

2. <u>Key Components:</u>

- a) Public paid parking will be available Monday through Friday 08:00 AM to 06:00 PM. The rate will be \$1.00 per hour, payable using mobile payment application. Parking sessions paid for using the mobile payment application will not be subject to a time limit. Users with a valid Goss-Grove permit will not be subject to paying the hourly rate. At least two signs will be placed per blockface in the pilot area. The City will administer and enforce public parking in this area, and issue tickets to parked vehicles that do not have an NPP permit or fail to pay.
- b) Residents of Goss-Grove NPP will be eligible for an EcoPass at no cost. Any net revenues received from the paid parking program in this neighborhood will be used to off-set the cost of the EcoPass.

ATTACHMENT A

NEIGHBORHOOD PERMIT PARKING ZONES REGULATIONS

These regulations implement the Neighborhood Permit Parking Zones provisions of Section 2-2-15, Section 2-2-21, and Chapter 4-23, B.R.C. 1981.

I. **General Guidelines**

- The Neighborhood Permit Parking (NPP) Program restrictions are primarily (a) intended to address issues of resident access and use of street parking in residential areas. Parking restrictions are not considered an effective or primary means of addressing other types of neighborhood issues.
- Permit parking restrictions should not be applied if cheaper, simpler solutions are (b) found.
- (c) Permit parking restrictions will only be implemented if the residents affected support the proposed zone.
- The baseline restrictions on parking without a permit in an NPP zone will be no (d) more than two hours without moving the vehicle from 9:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted. Departures from this baseline may include:
 - (1) Nighttime restrictions which limit all parking to permit holders only during evening hours.
 - (2) Saturday restrictions which extend the basic parking restrictions for the zone to Saturdays.
 - Sunday restrictions which extend the basic parking restrictions for the (3) zone to Sundays.
 - (4) Extending nighttime restrictions beyond 5:00 p.m.
 - Holiday restrictions when indicated in the particular NPP zone. (5)
 - "Color Code" restrictions. This restriction prohibits a vehicle without a (6) permit from being parked within such a zone at more than one place and for more than one allowed period of time. For instance, if a zone allowed two hours of parking, a vehicle which had been parked for two hours or any fraction of two hours could not be parked again anywhere within that zone during the times that restrictions are in effect on that day. This option might be used if people were using the zone for long term parking by moving the vehicle every two hours.

- (-)(A) Certain blocks near Boulder schools may be designated as "Park and Walk". These streets, as identified by "Park and Walk" signage allow for two separate parking periods of one-hour or less in a 24—hour period to accommodate school pick up and drop off, or other school events.
- (7) The beginning and ending time for this restriction may be varied.
- (8) Paid parking may be implemented in an NPP, which would require payment for parking during the enforced hours for all except NPP permit holders of the particular NPP zone.
- (9) Paid parking may be implemented in addition to "color code" restrictions in the case of severe residential access issues. This restriction would require payment for parking up to the allowed period of time and would prohibit a vehicle without a permit from being parked within such a zone at more than one place and for more than the allowed period of time.
- (10) Seasonal restrictions when indicated in the particular NPP zone.
- (11) The length of time a vehicle without a permit may be parked within a zone may be decreased or increased from two hours.

II. Criteria for Assessing Proposed Zone

(a) Priority Based Neighborhood Access Management Strategy, also known as Residential Access Management Program (RAMP): The city manager, through the Director of Community Vitality and the Director of Transportation & Mobility will conduct an annual study of the entire city by zone or neighborhood based on Key Metrics such as parking occupancy, trip generation, and access to other modes of transportation to determine if a neighborhood permit parking zone should be established, altered, or deleted in a neighborhood and what it's boundaries should be. Key Metrics will be evaluated, to assess the need for a zone, the type of restrictions that should be applied, the number of commuter permits to be sold, if any, the zone boundaries, and other details of zone design including, but not limited, to altering or deleting a zone, and a customized management approach will be implemented based on the individual characteristics of the neighborhood and spillover generator.

The city manager may accept eligible applications year-round and evaluate them on an annual basis subsequent to completion of the study. Threshold eligibility for applications is determined by whether the location falls within an approved location based on the Priority Based Neighborhood Access Management analysis and signed by 25 adult residents of a neighborhood proposing a neighborhood permit parking zone. The study will be conducted annually throughout the calendar year, and petitions will be accepted during the fourth

- quarter of the calendar year for consideration of implementation the following year.
- (b) The following general factors may be considered by the city manager in the analysis of whether to pursue creation, alteration, and removal of a zone.
 - (1) The city manager may consider the cost and availability of alternative parking (within the immediate vicinity of the proposed zone,) and the availability, proximity, and convenience of transit service.
 - (2) The city manager may consider the extent to which a zone may impact adjacent neighborhoods and areas and may recommend implementation of additional measures to mitigate these spillover parking or displaced parker impacts.
 - (3) A petition signed by no less than 25 adult residents from no less than five households has been received and the addresses of those adult residents verified. To verify the addresses of the residents, the city manager will accept a lease, a vehicle registration, or a voter registration naming the applicant as proof of residence within the zone. Subject to the city manager's discretion, other documents of equivalent reliability may be accepted to verify addresses.
- (c) In addition to the factors specified above and in subsection 2-2-15(b), B.R.C. 1981, the following are considerations to be used in determining whether to designate an area as a neighborhood permit parking zone and what its boundaries shall be, or alter an existing neighborhood permit parking zone:
 - (1) At least one block face with some residential street frontage should meet these criteria:
 - (A) For the purposes of the City of Boulder Neighborhood Permit Parking program, a block-face shall be defined in one of the following three manners, governed by the location of addresses relevant to the boundaries of each parking zone:
 - (i) 100 block includes all lots on a full or partial block in which all addresses orient to the same street and share a numeric sequence.
 - (ii) corner to corner includes those lots oriented to the same street and sharing a numeric sequence when either or both of the corner lots orient to a crossing street. For example, if 15th street is an NPP block, and there is a corner lot which faces both 15th street and Baseline Road, and Baseline Road is not an NPP block, that corner property would be eligible to be part of the NPP program even if their address

- was listed on Baseline Road.
- (iii) One side of a street between two adjacent perpendicular roadways, or a dead-end street or cul-de-sac broken up based on the city addressing system and numerical progression of the lots as if they were on traditional blocks.
- (B) The number of legal on-street parking spaces occupied by parked vehicles on each block face exceeds a 85% occupancy during at least eight sampled times between 9:00 a.m. and 5:00 p.m. of a weekday selected by the traffic engineer. Departures from the baseline include:
 - (i) Weekend days when occupancy regularly exceeds 85% based on the determined data sampling schedule.
 - (ii) Nighttime beyond 7:00 p.m. when occupancy regularly exceeds 85% based on the determined data sampling schedule.
 - (iii) Seasonal trends where in select seasons occupancy regularly exceeds 85% based on the determined sampling schedule.
- (C) At least 25% of on-street parked vehicles during a period selected by the traffic engineer for study are determined to belong to registered owners who reside outside of the study area.
- (2) If determining which other block faces may be included in the zone, staff may consider if the following criteria are met:
 - (A) They are directly contiguous to the area at (1) above or are indirectly contiguous through each other, and
 - (B) The number of legal on-street parking spaces occupied by parked vehicles on each block face exceeds a 60% occupancy during at least three hours between 9:00 a.m. and 5:00 p.m. on a weekday selected by the traffic engineer, and
 - (C) The requirements of (1)(C) above are met, or
 - (D) If, in the opinion of the traffic engineer, posted legal restrictions on parking, including without limitation prohibitions on parking, on any block face render these survey methods invalid as indicators of the extent of the parking problems faced by residents or businesses located on such a block face, the traffic engineer may deem such block face to have met these criteria if the block face

immediately across the street meets the criteria.

- (3) The zone as a whole is:
 - (A) Primarily zoned RH, RM, RL, or MU or a combination thereof, and block faces or areas to be included which are not so zoned are predominantly residential in nature.
 - (B) Not located across a geographic barrier of a type which would serve to limit pedestrian movement, including, but not limited to, four lane arterial streets, major arterial streets which server as a pedestrian barrier, major drainage ways, and major ridges.
- (d) Criteria for adding block faces to an existing zone:
 - (1) Each block face should be contiguous to the existing zone directly or through other added block faces.
 - (2) Each added block face should meet the criteria of (c)(2) above.
 - (3) Addition of the block face will not violate the criteria of (c)(3).
 - (4) The procedure for adding block faces to an existing zone shall be the same as the procedure for creating a zone but the request need contain at a minimum 25 signatures from no less than five individual households per block face or 100% resident consent, whichever is the lesser amount. To verify the addresses of the residents, the city manager will accept a lease, a vehicle registration, or a voter registration naming the applicant as proof of residence within the zone if the document so indicates. Subject to the city manager's discretion, other documents of equivalent reliability may be accepted to verify addresses.
- If it appears from public testimony at the Transportation Advisory Board (e) meeting or council meeting where the zone is under consideration, that there is no consensus on neighborhood support for a proposed zone, the city manager may require further evaluation aimed at determining whether resident support for the proposed zone exists.
- (f) Removal of zone. The city manager shall monitor the program on a regular basis and annually provide City Council with a report on the Residential Access Management Program. If any established Neighborhood Permit Parking Zone in the program does not meet the approved Key Metrics for three consecutive years, it may be identified by staff for termination. If a block face has been removed, it may not be reintegrated in a zone for two years. The city manager is not required to remove any part of a zone if it is not in the public interest to do so. The city manager may remove any part of a zone by following the zone creation process without the requirement of a petition.

III. Criteria for Applying Parking Restrictions within Zones

- (a) NPP restrictions will be applied area by area and tailored to the particular needs and attributes of each zone.
- (b) A color-code restriction may be applied in residential areas if the city manager believes that a traditional time limit will not effectively limit long term parking in that area.
- (c) The following guidelines apply to use of nighttime, holiday, Saturday, and Sunday parking restrictions:
 - (1) The city manager may exempt certain short term or once a year civic events from nighttime/Saturday or Sunday restrictions, including but not limited to events such as the December Lights Parade, Fall Festival, and the Boulder Creek Festival.
 - (2) Weekend or seasonal restrictions may be enacted in residential areas abutting or adjacent to certain public and community uses, including but not limited to public parks, and other large site parks and Open Space lands (including trail access points) with considerations for public access accounted for in a corresponding Transportation Demand Management ("TDM") plan. These restrictions may be seasonal in nature, based on access needs. Nighttime restrictions may be imposed in residential areas as determined based on access needs.

Pursuant to Section 2-2-21, B.R.C. 1981, a Chautauqua Parking Management Plan shall control the Chautauqua leasehold area and adjacent areas.

- (3) TDM Plan Staff should undertake a full assessment of potential impacts on affected nonresident users, including but not limited to an assessment of the availability of alternative parking and the availability of transit and other multimodal service (proximity, hours and frequency of operation) before the decision to implement nighttime or weekend restrictions. The restrictions should be reconsidered in circumstances where such impacts cannot be remedied by any reasonable means or at a reasonable cost.
- (4) Nighttime and weekend restrictions proposed for block faces where daytime commuter permits are also available will specifically exempt commuter permits from the posted restriction.
- (5) Residential areas abutting or adjacent to public and community uses will be studied by a cross-departmental team with representatives from Transportation & Mobility, Community Vitality, and the corresponding

city department (for example, Open Space & Mountain Parks department) to recommend appropriate TDM strategies in concert with any parking restrictions. Recommended strategies will be presented to the Transportation Advisory Board for feedback, along with the corresponding board or commission associated with the relevant department (for example, Open Space Board of Trustees).

IV. **Permits**

- (a) Applications for neighborhood parking permits shall be made through the City of Boulder parking services website.
- (b) Residential Permit.
 - (1) Unless there is evidence to the contrary, the city manager will accept a lease, a vehicle registration, or a voter registration naming the applicant as proof of residence within the zone if the document so indicates. Subject to the city manager's discretion, other documents of equivalent reliability may be accepted. If the vehicle registration is not under the applicant's name, a notarized statement from the registered owner of the vehicle stating that the applicant is using the vehicle with the permission of the registered owner, together with a copy of proof of ownership in the person claiming to be the registered owner, as proof that the vehicle is lawfully in the custody and control of the applicant. The city manager may accept other documents of equivalent reliability. If voter registration is provided, then the vehicle registration address must match the address from the voter registration.
 - (2) Permits are valid for one calendar year from the purchase date. Residential permits may be renewed once without providing the required documentation for a new permit so long as payment has been received, the applicant has not moved, and the vehicle continues to be registered in good standing with the Colorado Department of Motor Vehicles.
 - (3) A residential permit can be transferred only in the case of a new vehicle purchase, temporary use of a rental car, or when the same vehicle has a new license plate. These transfers must be updated by the permittee and approved by the City.
 - (4) The permittee shall relinquish the permit by providing written notification to the city manager, or returning the physical permit if applicable, if the vehicle is sold, leased, or no longer in the custody of the permittee.
 - (5) Qualified low-income residents can apply for a discounted rate of 50% off the residential parking permit cost. Unless there is evidence to the contrary, the city manager will accept as proof of low-income eligibility,

a County of Boulder explanation of benefits letter detailing enrollment within the most recent calendar year in one the following income-based programs: the Child Care Assistance Program (CCAP), Health First Colorado, and the Supplemental Nutrition Assistance Program (SNAP); or proof of enrollment within the most recent calendar year in a City of Boulder income-based program such as the Child Care Subsidy (CCS) program, Family Resource Schools (FRS), or the Food Tax Rebate program.

(c) Nonresidential Permits.

- (1) Commuter Permits. Commuter permits, if available within an NPP zone, are issued on a first come first served basis. Renewals of commuter permits occur monthly. If a permit is not renewed one week after its expiration, it will be released for purchase by another applicant. This process will be followed unless some other fair and equitable method of allocation is specified for a specific zone as part of the zone creation process. No individual shall have more than one commuter permit anywhere in the city at any one time. No one who resides within a zone may receive a commuter permit within that zone.
- (2) Business Employee Neighborhood Parking Permit. Unless there is evidence to the contrary, the city manager will accept a current lease or Boulder County Ownership tax report as proof of address within the zone. Additionally, the city manager requires a current City of Boulder Sales Tax License, the most recent Colorado Unemployment Report, and the vehicle registration of those vehicles to be included on the business permit. Permits are valid for one calendar year from the purchase date.
- (3) Mobile Vendor Permit. Unless there is evidence to the contrary, the city manager will accept a current lease or Boulder County Ownership Tax report. The city manager requires the City of Boulder Sales Tax license, the most recent Colorado Unemployment Report, and the vehicle registration. Permits are valid for one calendar year from the purchase date.
- (4) Contractor Permits. Upon the purchase of a temporary permit by a contractor, such permit(s) shall be valid for one month. Unless there is evidence to the contrary, the manager will accept a copy of the Building Permit, Right of Way Permit (ROW), or Contract on business letterhead signed by all parties if there is no requirement for a Building or ROW Permit. In determining whether to issue additional contractor permits the city manager shall consider the purposes of the permit system in determining whether or not granting the permit will be detrimental to the goals of the permit system.
- (d) Applicants with vehicles that have parking ticket(s) older than 14 days from the

violation date set forth on the ticket must pay the violation fees prior to being issued any parking permit.

V. Display of Permit

- (a) Any permit issued by the city manager must be displayed or, for digital permits, valid and in effect per guidelines addressed in the permit application.
- (b) Enforcement staff may utilize license plate recognition technology to verify vehicles permitted or payment status.

VI. Additional Residential Permits Additional Guest Permits

- (a) Day Passes. Upon special application, the city manager may issue two two-week guest permits to residents of a zone. The applicant shall affirm that the house guest is temporarily residing in the applicant's home as a guest and is not paying rentTwenty-five (25) single-day digital day passes can be used obtained per household of a NPP zone. Each day pass is valid for up to twenty four hours each. Day passes can be used consecutively. Day passes can be assigned to the same or different vehicles for each pass. Use of this pass is limited to those whose stay will last longer than the time limit posted within the permit zone for parking by the general public but shall not exceed 24 consecutive hours. No more than 25 day passes will be issued per resident per year except that the City Manager may approve the purchase of additional guest passes to a resident only in extenuating circumstances. Use of the pass also falls under the same restrictions as those prescribed in Section 4-23-2, B.R.C. 1981, and in these regulations.
- (b) Flex Permits. Additional guest permits, beyond the two included permits, may be purchased for use by guests at social gatherings at the applicant's home. Such gatherings must be entirely unrelated to a home occupation and must be of the sort normally associated with residential use. Permits will not be issued for more than 12 such gatherings in any permit year. Additional guest permits will have an associated cost and be subject to additional restrictions. In determining whether to issue an additional house guest permit the city manager shall consider the purposes of the permit system in determining whether or not granting the permit will be detrimental to the goals of the permit system.
- (e)(b) Two Two annual Flex Permits may be purchased per household of a neighborhood permit parking zone. No more than two such permits will be issued per household per year. Use of this permit also-falls under the same restrictions as those prescribed by Section 4-23-2, B.R.C. 1981, and in these regulationsthis Rule. annual visitor's permits can be purchased by a resident of a zone to be used on a temporary and transferable basis to accommodate visitors, including without limit, health care workers, repair persons, and babysitters,

who need access to the residence of the resident. Use of the permit is valid only while the visitor is on the residential premises. No more than two such permits will be issued per residence per year. Use of the permit also falls under the same restrictions as those prescribed by Section 4-23-2, B.R.C. 1981, and in these regulations.

VII. Basis for Allocating Commuter Permits

Commuter permits, if available within an NPP zone, are issued on a first_come, first_served basis. Renewals of commuter permits occur on a monthly, quarterly, bi-annually, or annually basis. If a permit is not renewed one week after the expiration it will be released for purchase. This process will be followed unless some other fair and equitable method of allocation is specified for a specific zone as part of the zone creation process. No individual shall have more than one commuter permit anywhere in the city at any one time. No one who resides within a zone may receive a commuter permit within that zone.

VIII. Program Monitoring

Pursuant to the provisions of Subsection 2-2-15(f), B.R.C., 1981, the city manager will annually provide City Council with information in the following areas:

- (a) The status of the Residential Access Management Program in general, including:
 - (1) A report or online dashboard which indicates the status of the current Neighborhood Permit Parking Zones and whether they meet key performance indicators.
 - (2) A report on newly identified areas of study and whether any neighborhoods met the key performance indicators for implementation of an NPP or inclusion in a TDM study, and if any community requests were received.
 - (3) A report on program revenue and expenditures, including how many and where commuter permits have been sold in each zone.
 - (4) An examination of the relationship between the NPP program and parking supply and demand in adjacent areas of the city, including the cost and availability of adjacent alternative parking.
 - (5) The status of other replacement strategies (parking and alternative modes), including:
 - (A) Estimated increases in alternative modes use.
 - (B) The advent (provision) of any new transit service (public or private) or alt modes facilities.

- (C) Use of remote lot parking.
- (D) The status of new parking structures.
- (6) A report on the enforcement of NPP zones.
- (b) The status of specific NPP zones, including:
 - (1) A report on any significant spill-over parking into peripheral or other areas.
 - (2) A report on zone restrictions and how well they work to address the identified parking concerns, including any recommended adjustments.
 - (3) A report on how many, if any, zone block faces experience parking occupancy patterns that trigger the requirement to lower the number of commuter permits sold on that block face as specified in subsection 4-23-2(j), B.R.C., 1981.
- (c) The city manager may utilize license plate recognition technology to collect data used to monitor the program. If the city manager hires a consultant, a data retention agreement will be required. Data will be analyzed and returned to the city in aggregated report form, and no identifying information (the license plates) will be maintained by the consultant. Once the city receives the report and provides final approval, the consultant will be required to purge the raw reads.
- (d) Data retention. The city manager shall not release or permit the inspection or copying of images that are evidence required to prove a violation taken by license plate recognition technology, camera radar or red-light camera for other than law enforcement purposes, unless directed to do so by subpoena from a court of competent jurisdiction, or as part of litigation or threatened litigation involving the city. But such images shall be available to the owner of any vehicle and to the driver of any vehicle depicted in any such image. Images taken by license plate recognition technology that are determined to not be evidence required to prove a parking violation shall not be released or be permitted to be inspected or copied and shall be purged on a regular schedule adopted by the city manager.

Neighborhoods for Pilot Consideration

The City of Boulder is seeking to launch a pilot in one NPP zone to include paid parking and an EcoPass offering. The following data has been evaluated for consideration in determining the zone where the pilot will be tested. The City participated in several inperson community events and published a questionnaire for residents in NPP zones to gather parking information.

Areas Which Should Not Be Under Consideration

- Under Consideration for Removal. The following three zones are under consideration for removal and should not be considered for the pilot: Columbine, Fairview, and High – Sunset.
- 2. **Zone Seasonality.** Due to the seasonality of the Chautauqua, it should be eliminated as a consideration for the pilot.
- 3. **Number of Households.** A minimum of 40 households are required to establish an EcoPass program in an NPP.

NPP Zones to be Considered for Pilot	Number of Households
University Hill	540
Mapleton Hill	479
Whittier	330
Goss - Grove	266
Park East Square	220
West Pearl	172
East Aurora	62
East Ridge - Pennsylvania	58
Eliminated NPP Zones	Number of Households
Chautauqua	110
Fairview	42
High - Sunset	65
University Heights	29

Eliminated NPP Zones	Number of Households
Chautauqua	110
Fairview	42
High - Sunset	65
University Heights	29

Contributing Factors for Remaining Zones

4. **Density.** Denser NPP zones may benefit more from the pilot by having additional parking options through paid parking, and they may benefit further from the offering of an EcoPass.

NPP Zones to be Considered for Pilot	Number of Blockfaces	Number of Households	Average Number of Households per Blockface	Ranking (1 best, 8 worst)
Park East Square	6	220	36.67	1
West Pearl	17	172	10.12	2
University Hill	81	540	6.67	3
Goss Grove	45	266	5.91	4
Mapleton Hill	82	479	5.84	5
East Ridge - Pennsylvania	10	58	5.80	6
East Aurora	14	62	4.43	7
Whittier	78	330	4.23	8

5. **Occupancy.** Zones with higher occupancy may benefit more from the pilot. Occupancy refers to the number of vehicles divided by the total supply of spaces. The higher the average occupancy is, the more vehicles are parked in the NPP zone.

NPP Zones to be Considered for Pilot	Average Occupancy ¹	Ranking (1 best, 8 worst)
Goss Grove	69.7%	1
Park East Square	67.1%	2
Whittier	50.0%	3
Mapleton Hill	48.2%	4
University Hill	44.4%	5
East Aurora	33.2%	6
East Ridge - Pennsylvania	32.6%	7
West Pearl	31.7%	8

6. **Access to Transit.** Neighborhoods closer to more transit may benefit more from an EcoPass. The transit score was compiled from Zillow.

NPP Zones to be Considered for Pilot	Transit Score	Ranking (1 best, 8 lowest)
Goss Grove	61	T-1
University Hill	61	T-1
East Ridge - Pennsylvania	58	3
Mapleton Hill	54	4
East Aurora	53	5
West Pearl	50	T-6
Whittier	50	T-6
Park East Square	47	8

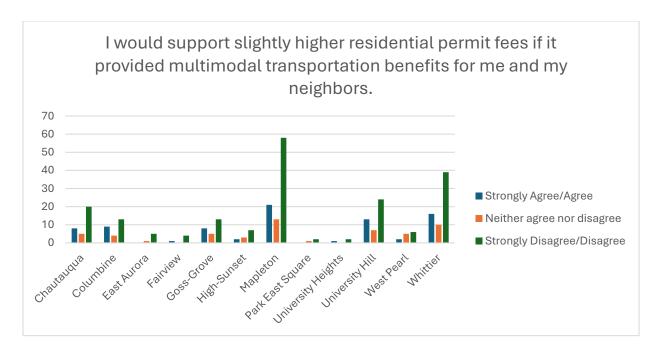
¹ Average occupancy was calculated during business hours when CU is in session and across all blocks of the zone.

7. **EcoPass Availability.** Colorado University students already receive EcoPasses. Because of this, NPP zones near the CU campus may have a higher number of student residents and would benefit less from this pilot. Zones closer to a CU campus, which may include more EcoPass holders, are ranked 2, while areas further outside of CU are ranked 1.

NPP Zones to be Considered for Pilot	Ranking (within a close proximity 2, further proximity 1)
University Hill	2
East Ridge - Pennsylvania	2
East Aurora	2
Park East Square	2
Whittier (already has an NEcoPass program established)	2
Goss Grove	1
Mapleton Hill	1
West Pearl	1

8. Willingness to Pay a Higher Permit Rate for an EcoPass (based on questionnaire results). Based on the results of the questionnaire, zones where more residents were supportive or neutral to a higher permit fee for EcoPasses should be considered.

NPP Zones to be Considered for Pilot	Percent of Questionnaire Responses Supportive or Neutral	Ranking (1 more, 8 less)
West Pearl	54%	1
Goss Grove	50%	2
University Hill	45%	3
Whittier	40%	4
Mapleton Hill	37%	5
Park East Square	33%	6
East Aurora	17%	7
East Ridge - Pennsylvania	No Responses	8



9. **Results in Favor of Paid Parking** (based on questionnaire results). Based on the results of the questionnaire, zones where more respondents were supportive or neutral to paid parking should be considered for the pilot.

NPP Zones to be Considered for Pilot	Percent of Questionnaire Responses Supportive or Neutral	Ranking (1 more, 8 less)
Park East Square	100%	1
Goss Grove	69%	2
University Hill	66%	3
East Aurora	67%	4
West Pearl	62%	5
Whittier	52%	6
Mapleton Hill	48%	7
East Ridge - Pennsylvania	No Responses	8



10. Cost Recovery. Based on RAMP Financial Analysis, if paid parking is implemented, some NPP zones are more likely to recover the costs of the EcoPass program better than others.

NPP Zones to be Considered for Pilot	NECOPASS Cost (\$)	Estimated On-Street Parking Revenue (\$)	Net Income / Loss (\$)	Ranking (1 best cost recovery, 8 lowest)
University Hill	\$67,500.00	\$114,106.67	\$46,606.67	1
Whittier	\$41,250.00	\$58,616.00	\$17,366.00	2
Goss - Grove	\$33,250.00	\$46,875.56	\$13,625.56	3
Mapleton Hill	\$59,875.00	\$65,644.44	\$5,769.44	4
East Ridge - Pennsylvania	\$7,250.00	\$12,172.44	\$4,922.44	5
East Aurora	\$7,750.00	\$1,468.44	(\$6,281.56)	6
West Pearl	\$21,500.00	\$5,427.56	(\$16,072.44)	7
Park East Square	\$27,500.00	\$8,135.11	(\$19,364.89)	8

Final Results

Based on the considerations above, the following three zones, as indicated in **bold**, should be considered for the pilot.

NPP Zones to be Considered for Pilot	Density Ranking	Occupancy Ranking	Access to Transit Ranking	EcoPass Availability Ranking	Willingness to Pay a Higher Permit Rate for EcoPass Ranking	Support or Neutral to Paid Parking Ranking	Cost Recovery	Average Ranking Average (lower is better)	Final Results
Goss Grove	4	1	1	1	2	2	3	2.0	1
University Hill	3	5	1	2	3	3	1	2.6	2
Park East Square	1	2	8	2	6	1	8	4.0	3
West Pearl	2	8	6	1	1	5	7	4.3	4
Mapleton Hill	5	4	4	1	5	7	4	4.3	5
Whittier	8	3	6	2	4	6	2	4.4	6
East Aurora	7	6	5	2	7	4	6	5.3	7
East Ridge - Pennsylvania	6	7	3	2	8	8	5	5.6	8

RAMP Financial Analysis

A financial analysis was conducted to assess how the Residential Access Management Program (RAMP) could continue to achieve cost recovery under proposed changes to permit regulations—such as transitioning Guest and Visitor permits to Day Passes and Flex Permits and limiting residential permits to one per person. The analysis also explores potential future scenarios, including offering free EcoPasses to all NPP zone residents and introducing paid parking in areas that currently use time-limited restrictions.

Scenario 1: Cost Recovery with Proposed Changes

RAMP FINANCIAL ANALYIS 2023-2028 (WITHOUT ON-STREET PARKING ESTIMATES)										
	2023	2024	2025	2026	2027	2028				
REVENUES (\$)	<u> </u>	<u> </u>	<u>.</u>							
Residential Permit	85,240	109,747	116,430	91,722	97,838	104,341				
Flex/Visitor Permit	9,465	9,749	10,041	24,625	26,632	28,803				
Guest Permit	1,415	1,457	1,501	-	-	-				
Business Permit	900	927	980	1,010	1,040	1,071				
Commuter Permit	129,250	143,415	196,956	202,865	208,951	215,219				
Citation Revenue	269,610	275,002	280,502	286,112	291,835	297,671				
Total Revenue	495,880	540,297	606,411	606,334	626,295	647,106				
EXPENSES (\$)										
Personnel	458,638	462,771	476,654	419,767	432,361	445,331				
Non-Personnel	10,300	10,609	2,609	2,687	2,768	2,851				
Total Expenses	468,938	473,380	479,263	422,455	435,128	448,182				
Net Income/Loss	26,942	66,917	127,148	183,879	191,167	198,924				
Ending Balance	(448,645)	(381,729)	(254,580)	(70,701)	120,466	319,390				

Scenario 2: Cost recovery with proposed changes plus free EcoPasses for all NPP residents and paid

RAMP FINANCIAL ANALYIS 2023-2028 (WITH ON-STREET PARKING ESTIMATES)							
	2023	2024	2025	2026	2027	2028	
REVENUES (\$)							
Residential Permit	85,240	109,747	116,430	91,722	97,838	104,341	
Flex/Visitor Permit	9,465	9,749	10,041	24,625	26,632	28,803	
Guest Permit	1,415	1,457	1,501	-	-	-	
Business Permit	900	927	980	1,010	1,040	1,071	
Commuter Permit	129,250	143,415	196,956	202,865	208,951	215,219	
Citation Revenue	269,610	275,002	280,502	286,112	291,835	297,671	
On-Street Parking Revenue	-	-	-	326,792	336,596	346,694	
Total Revenue	495,880	540,297	606,411	933,126	962,891	993,799	
EXPENSES (\$)							
Personnel	458,638	462,771	476,654	419,767	432,361	445,331	
Non-Personnel	10,300	10,609	2,609	2,687	2,768	2,851	
NECOPASS	-	-	-	320,750	327,165	333,708	
Total Expenses	468,938	473,380	479,263	743,205	762,293	781,891	
Net Income/Loss	26,942	66,917	127,148	189,922	200,598	211,909	
Ending Balance	(448,645)	(381,729)	(254,580)	(64,659)	135,939	347,848	

parking replacing current time limited parking for all zones

Scenario 3: Cost recovery with proposed changes plus free EcoPasses for all NPP residents, doubling the price of permits

RAMP FINANCIAL ANALYIS 2023-2028 (WITHOUT ON-STREET PARKING ESTIMATES)						
	2023	2024	2025	2026	2027	2028
REVENUES (\$)						
Residential Permit	85,240	109,747	116,430	178,102	189,976	202,604

Flex/Visitor Permit	9,465	9,749	10,041	47,816	51,713	55,928
Guest Permit	1,415	1,457	1,501	-	-	-
Business Permit	900	927	983	1,043	1,107	1,174
Commuter Permit	129,250	143,415	196,956	208,951	221,676	235,176
Citation Revenue	269,610	275,002	280,502	286,112	291,835	297,671
Total Revenue	495,880	540,297	606,414	722,024	756,307	792,554
EXPENSES (\$)						
Personnel	458,638	462,771	476,654	419,767	432,361	445,331
Non-Personnel	10,300	10,609	2,609	2,687	2,768	2,851
NECOPASS	-	-	-	320,750	327,165	333,708
Total Expenses	468,938	473,380	479,263	743,205	762,293	781,891
Net Income/Loss	26,942	66,917	127,151	(21,180)	(5,987)	10,663
Ending Balance	(448,645)	(381,729)	(254,577)	(275,758)	(281,745)	(271,081)

Notes: Estimates are based on the following assumptions: (1) Starting in 2026, the Visitor Permit becomes a Flex Permit and is priced the same as a Residential Permit and we estimate a 75% decrease in the number of these permits sold; (2) From 2025-2028, prices of permits and estimated expenses increase by 3% each year; (3) Starting in 2026, Residential Permits are restricted to one permit per account; and (4) The closure of the Columbine, Fairview, and High-Sunset NPP zones in 2026. On-Street Parking revenue estimates are based on City of Boulder analysis of visitation data from Placer.AI.

RAMP Permit Pricing for Scenarios 1, 2, and 3

RAMP Permit Prices 2023-2028 (Scenario 1 & 2)							
	2023	2024	2025	2026*	2027*	2028*	
Residential Permit	\$40.00	\$50.00	\$51.50	\$53.05	\$54.64	\$56.28	
Flex/Visitor Permit	\$5.00	\$5.00	\$5.00	\$53.05	\$54.64	\$56.28	
Guest Permit/Day Passes	\$5.00	\$5.00	\$5.00				
Business Permit	\$75.00	\$75.00	\$77.25	\$79.57	\$81.95	\$84.41	
Commuter Permit	\$110.00	\$118.50	\$39.50	\$40.69	\$41.91	\$43.16	

^{*}Estimate

RAMP Permit Prices 2023-2028 (Scenario 3)							
	2023	2024	2025	2026*	2027*	2028*	
Residential Permit	\$40.00	\$50.00	\$51.50	\$103.00	\$106.09	\$109.27	
Flex/Visitor Permit	\$5.00	\$5.00	\$5.00	\$103.00	\$106.09	\$109.27	
Guest Permit /Day Passes	\$5.00	\$5.00	\$5.00				
Business Permit	\$75.00	\$75.00	\$77.25	\$79.57	\$81.95	\$84.41	
Commuter Permit	\$110.00	\$118.50	\$39.50	\$40.69	\$41.91	\$43.16	

^{*}Estimate

Neighborhood Permit Parking Resident Feedback Graphs

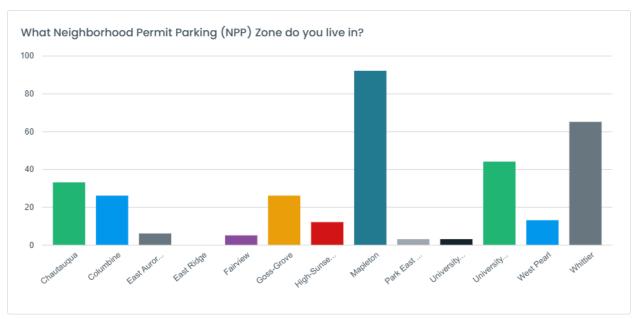


Figure 1- What NPP Zone do you live in?

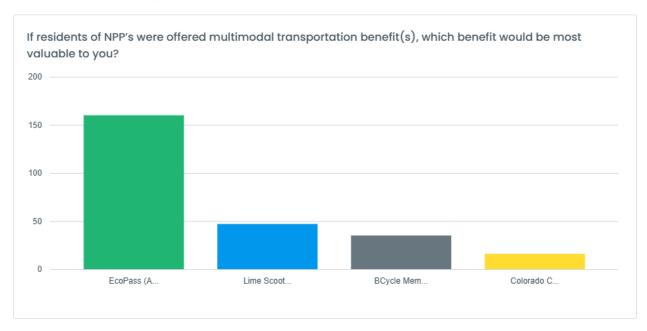


Figure 2- If residents of NPP's were offered multimodal transportation benefit(s), which benefit would be most valuable to you?

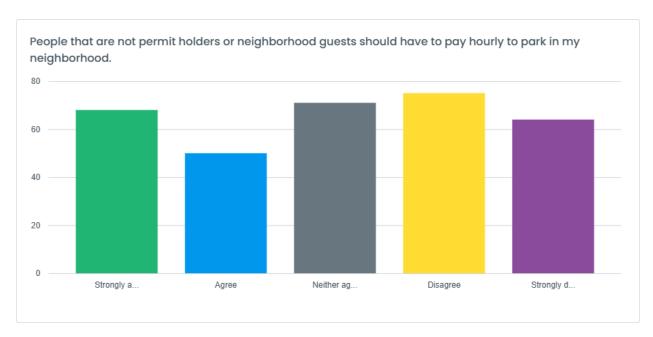


Figure 3- People that are not permit holders or neighborhood guests should have to pay to park hourly in my neighborhood.

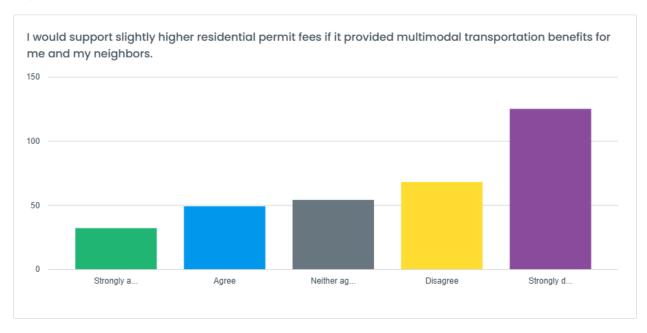


Figure 4- I would support slightly higher residential permit fees if it provided multimodal transportation benefits for me and my neighbors.

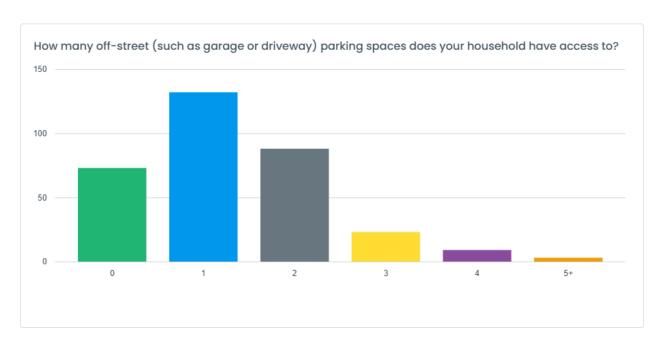


Figure 5- How many off-street (such as garage or driveway) parking spaces does your household have access to?

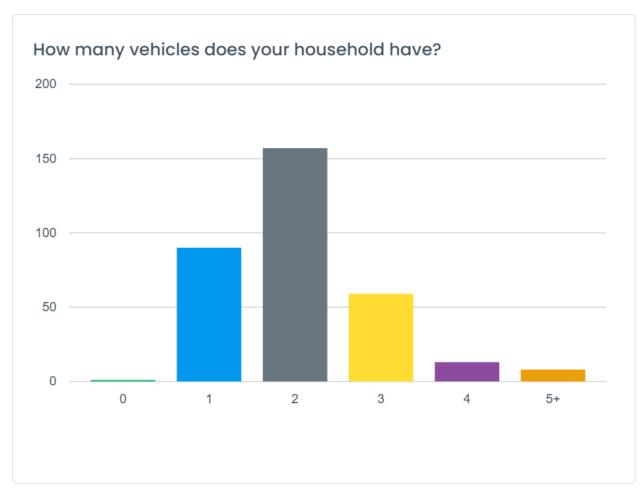


Figure 6- How many vehicles does your household have?

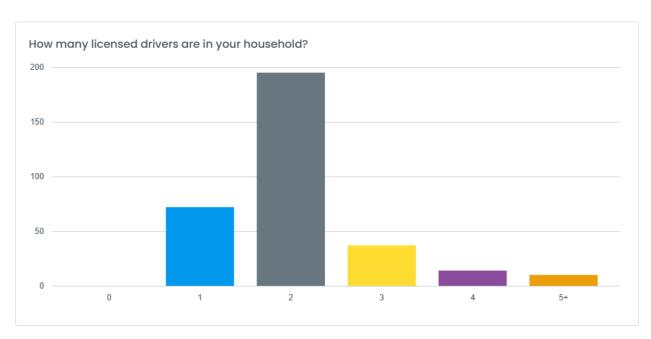


Figure 7- How many licensed drivers are in your household?

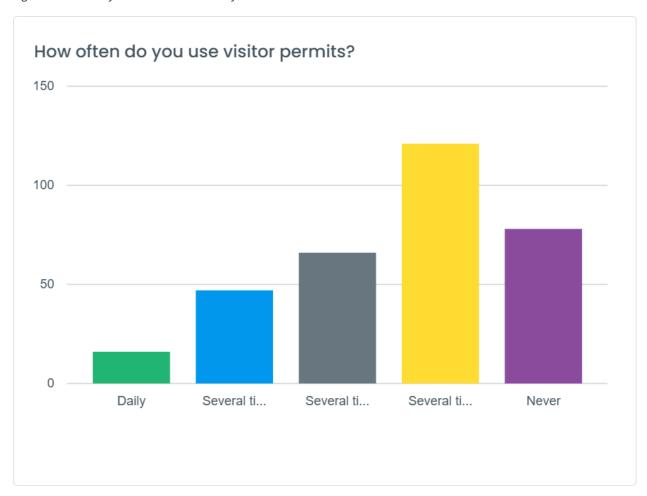


Figure 8- How often do you use visitor permits?

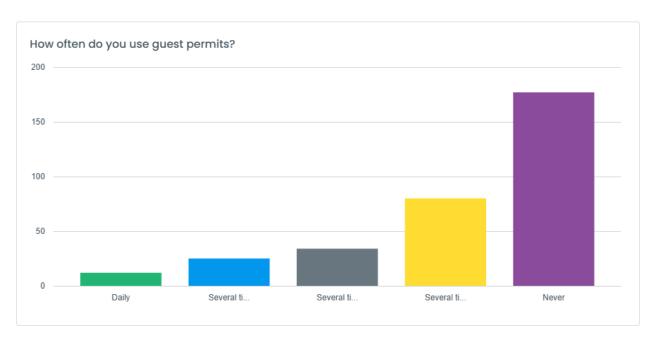


Figure 9- How often do you use guest permits?

AMPS Technical Experts Consultation

Date: 03/10/2025

Location: Hybrid Meeting- In person & Microsoft Teams

Participants: Architects, developers, engineers, frequent development review

applicants

Summary of feedback and questions

Bike parking

- My bike parking reduction request was not supported by the Planning Board even though there are a lot of empty bike parking spaces. Staff should consider cargo and e-bike standards that count as two or more to meet bike parking requirements.
- Does the city have any data on how bike parking is currently being used? I think we need to have a certain amount of flexibility in bike parking.
- Availability of bike chargers is important but leaving ebikes plugged in can be dangerous. Our garage caught fire from an ebike battery, and I know another family whose house burnt down. I am sure there are solutions but I am just speaking from personal experience.
- I had a project called up about EV bike parking standards... can we codify that? A lot of people have EV bikes now and it would be nice if they have charging. I would support standards for EV and cargo bikes.

On-street/NPPS

• Are new neighborhoods being added to NPPs? And there is no requirement from developers?

Off-Street/ General Process Comments

- Very excited about these requirements and loosening up on parking. This will be a positive game changer. For areas where there is excess parking, could we remove spots to add something like a playground? Is there a way to act retroactively?
- Do smaller projects require TDM as a part of a Use Review or permit? Can we consider parking impacts in Use Reviews if we have no parking requirements?
- Agree that we should check utilization data on parking- this could be a good next phase.
- I am concerned about parking reductions. Used to have to work with neighbors on shared parking through site review and it has typically killed proposals.
- Glad to hear that parking will not be a trigger in Site Review. I like the focus on numeric rather than any discretionary criteria in the site review criteria it is less nebulous.
- I have some concern about parking space size requirements. I would encourage a consideration of spatial dimensioning standards with some flexibility.

- Is it possible to discuss with staff the parking minimums for commercial?
- A shared parking analysis should be done in the traffic studies, and it should be codified.
- Are there any state-level parking requirements on EV parking?

TDM Discussion

- This is a hard nut to crack. What are the unforeseen consequences?
- Will this apply to form-based code review as well?
- How will we determine if a project is overparked if minimums are going away?
- Testing goes away if there is compliance for 3 years or more. Multi-unit estimates are very close per Institute of Transportation Engineers (ITE).
- Minor comments:
 - Look at thresholds: nobody can build structured parking at the numbers in the presentation
 - o Sustainability codes- they start mild and get more strict. Could affect financing.
 - Assumes a large project will have good transit- explain that this will drive the perceived values and the rents- sustainability perspective- no TDM requirements
 - o If by-right, I'm not buying that. By-right projects would benefit from TDM. Have and havenots. Surprised and disappointed that it doesn't apply to by-right projects.
- Troubled with the thresholds. Certain facilities will need parking. You don't want to add more cost
 to a type of use (e.g., medical office) Needs to be some recognition that some facilities need to
 provide parking.
- Is it calculated by number of employees per use? Or trips per use? The thresholds are not jiving. It needs to be equitable.
- Agreed that certain uses will always need parking- need flexibility in TDM to address this. How does
 this relate to Site Review criteria? What happens to projects that haven't been completed by the
 time this is in implementation?
- Limiting TDM so that it only applies to Site Review Projects; other projects could benefit from TDM-I see both sides to this- maybe it should be spread out a bit more, like a citywide fund that everyone pays into. This would be more equitable. Understand that there are no perfect solutions.

Next Steps

Lisa introduced the next steps and opportunities to offer more feedback before the ordinance is written.

AMPS Community Consultation

03/12/2025

Location: In-Person Meeting at Penfield Tate

Participants: Primarily residents of affordable housing

Summary of Feedback

AMPS Discussion

- General interest in the idea of mobility hubs
- EV chargers:
 - o Problem with people taking EV charging spots with non-EV cars
 - o If there wasn't an EV charger at their housing development or nearby, they feel they probably wouldn't be able to afford or conveniently charge their electric vehicle
- Large praise for EV bikes- some participants hadn't had the chance to win the EV lottery yet and are really hoping to
- Bus scheduling for the 208 is inconvenient, it doesn't line up with schools being released and since it doesn't come often, their kid often waits 30 mins to an hour after school after missing it by just 5 mins. Can this be moved at all?
- Bcycles and Lime scooters are great, but the age restrictions aren't convenient for families- is there a way an adult could unlock two bikes or scooters?
- Concerns about accessibility standards for people with disabilities and older people.
- Shared parking with BHP and Rec Center is no longer working well
- Rampant bike theft
- 28th and Glenwood is a danger concern for peds/cyclists
- Bus transfers are not lining up well which can make bus transportation especially challenging
- Theft of bike trailers is an issue, as there is often nowhere appropriate to store a bike trailer securely
- Free U-lock programs have been incredibly beneficial
- Desire for mobility hubs, especially near places that offer key services such as hospitals
- Can we tap into existing electrical infrastructure such as streetlights to offer more EV charging in residential neighborhoods?

Comments on the Game

- It would be helpful to insert occasional reflection questions in the middle of the game, instead of keeping the discussion to the end.
- Next time, laminate the board so that it is easier and nicer to play on
- It was difficult to get out of the mindset of classic monopoly
- Climate trackers needed to go longer; some people had to double up on trackers
- Cards had too much info to read on the spot

AMPS Community Connectors-in-Residence

03/14/2025

Virtual Meeting- Zoom

Participants: Community Connectors-In-Residence

Input on Impacts

Parking and Development

- Need requirements off-street parking requirements for apartments
- These costs (TDM) would also be passed on to the residents
- If parking spaces are too small, it's a major problem
- Inconvenience of no parking- need places where you can drive up and park (like the DMV)

Public Transportation

- This would be effective if we had a better bus system
- You cannot get to all areas of the city by bus, and many workers need to transport heavy equipment for work (construction, house cleaning, etc.), bus is not always an option.
- Until RTD moves off the hub and spoke model from the 50's to a grid system, ridership will not increase
- ECO pass- great if free- expensive for people on low incomes, if you need to pay for it.
- People will use cars less if they know about options and it's easy to use alternatives
- Mobility for all provides bus passes, \$50 credits for Uber or Lyft as a way to promote other transportation alternatives. I am a volunteer with them.
- Most people will not get on a bus because there is no oversight- especially coming on the JUMP or coming from a medical facility- people don't want to ride with the unhoused.

Social and Equity

- My kids have experienced racist comments, people yelling at them (go back to..., You have to speak English, etc.) and bus drivers don't do anything. My kids don't feel comfortable riding the bus. I have seen people being racist even with the bus drivers, and they don't have protocol to deal with these kinds of situations. Can the city do some sort of training or take other measures to avoid this?
- Parents ALWAYS tells me they have to drive "because of my kids"
- General skepticism that this wouldn't help low-income communities- more density, cost of housing continuing to rise, less parking = disaster
- Are we considering ADA spaces for people with disabilities?

Before we continue to grow, we need to ensure that we have well managed spaces- ensure that our
most vulnerable people are cared for and have good transit- before spreading resources scarcely.

Other Priorities

- A large workforce in the city can't afford to live in Boulder and need to commute, that is another thing to consider.
- Is there no stopping of developers? They bring in these parking issues, unwanted community changes, more need for water, landfill use, etc. Parking impacts are more thank parking. I avoid my beautiful town because of these considerations. Are all of the newer apartments filled? What is creating the need? Why do we need more building?
- Inconvenience of no parking- need places where you can drive up and park (like the DMV)
- Very few people live and work in Boulder- our set up isn't made for alternative use to a car since most people commute in.
- I am concerned about substandard service like what has happened with the wind damage repair program
- What about EV charging?

AMPS Chamber of Commerce Community Conversation Breakfast

03/18/2025

In-Person Meeting at the Boulder Chamber of Commerce

Participants: Various event attendees - registered with the Chamber

Introduction

Lisa and Sam presented about On- and Off-Street parking topic to the Boulder Chamber of Commerce:

Reactions to on-street and off-street parking changes

General Comments

- Great that there is no minimums, but each project should be looked at. There are projects where parking is really tight. Have each individual project looked at separately.
- How long will the results from this study affect policy? Will this come up for review years later?
- How will the district perspective be addressed? At what point will they be considered?
- How does this project intersect with the Boulder Valley Comprehensive plan?

On-street Parking Management

- How many zones have permit parking right now?
- What is the petition threshold for a neighborhood to get an NPP?
- What other options do you have in residential areas to manage parking?
- What is the typical parking permit allocation per household?
- Do you have employers mixing with residents in a conversation if they are both using on-street parking in residential areas?
- Is there a mutual benefit of an out commuter and in commuter sharing a space?
- How will we proactively review change in on-street in different areas? Are there specific areas being looked at now?

Deliveries/Loading Zones

- Aspen's loading zone demonstration is not good for Boulder.
- Smart Locker Space- Portland- pick up and drop off in one spot, larger delivery trucks are not permitted in a specified area.
- Anything that changes the cost of deliveries or make it more complicated could hurt downtown businesses.

Bike Parking

- Buffalo came to talk to the chamber. They followed SF and Cambridge. They probably have more
 data now. Concern about bikes stored inside with dangers of batteries. Pittsburgh, Buffalo, and
 Denver experimenting with cargo bikes.
- Are you looking into bike safety?

TDM Discussion

- Is the charging forever mechanism an annual bill?
- Are there considerations if you put in bike paths, would that decrease the cost?
- Are there any considerations for larger projects that implement strategies to lower cost?
- Will this deter larger projects due to cost? Will this start a "gaming" of the system for developers to try to avoid meeting the requirements of the tiers?
- Will there be exemptions for developments that won't have the same trip generation in the targets (ie. Hotels or Retirement homes)?
- Do you have an idea of the impact of return-to-work policies?
- Google has had success with the Loom software, have others adopted it?
- Is there a flexible area of the parking cashout program for people who drive maybe half the time?
- Can we look into trip generation tables for small cars.

AMPS Community Consultation Neighborhoods

03/19/2025

Hybrid Meeting- In Person & Microsoft Teams

Introduction

Participants: Neighborhood representatives, interested community members

Lisa began the presentation, gave background information on AMPS and talked about Off-Street Parking.

Off-Street Parking Presentation Comments

- Are SUMP (Sustainable Urban Mobility Plans) principles a part of the AMPS project?
- In low-income areas (such as Depot Square) SUMP didn't work for them as many people had to have multiple cars for work and rely on being able to park- we should ensure that we survey these people.
- Unused parking spaces is one thing, why is that a problem? Is there an assumption that is has to be converted to something (ie. More development, trees), what about commercial developments?
- It would be valuable if you had specifically listed the objectives of this project.
- [CHAT] Not buying that we are underutilizing parking, it is already so hard to find parking in offstreet lots.
- Does the parking utilization data have to do with commercial vacancies? There are very high vacancy rates in Boulder- be careful with how you use this survey data.
- With the parking utilization averages (by-use) ensure that you emphasize that the data has assumptions about occupancy.
- [CHAT] If the premise of the project (abundance of underutilized parking) is "incorrect" then so is the solution.

On-Street Parking Presentation Comments

Sam presented on on-street parking and the NPP program

- What is the objective of On-street parking management? What minimums are we talking about with the NPPs? New Development?
- How will the existing lots that change the amount of parking impact on-street parking strategies?
- Will this impact new developments at the planning and permitting stage before the buildings are constructed? It would be very good to do this during the planning stage, as this may change how much parking developers think they need to provide.

- Does this change the requirements for existing developments?
- We need to address the University Hill on street parking management, especially with the new occupancy changes.
- Is there an objective for vacant retail? The program should address existing developments that have no taxes and income due to vacancy.
- All NPPs are not created equal. My neighborhood asked for 3-hour parking to better support
 businesses and commuter parking, which is great, but when they are close to downtown then
 visitors can't use them. Visitors move around more and create more availability- commuter parking
 may not be best for every neighborhood and people who visit might spend money downtown
 whereas commuters are less likely to.
- With increases in density, we will need to increase NPPs. Why do we have to pay and no one else does?
- [CHAT] I don't think you can solve all of the issues- you need to focus on the lots that are getting used and how hard it is to find parking in them.
- This could become an equity issue- when people bought into the neighborhood, they had an assumption that they could park their car on the street. This is now brought into question, especially with density increases and the changes to occupancy. Do these people have a right to this? Should we ask ourselves the question: do we want to have more people in Boulder?
- Is there a clearly defined objective list? Can this be published for us to see?
- Do you have a list that gets into the specifics? I didn't realize you were thinking about charging for visitor/guest parking near downtown.
- University Hill residents can't get ECO passes since student residents already have passes through CU- can we please change this?

TDM Presentation Comments

Chris presented the TDM program.

- [CHAT] using other modes of transportation doesn't work here like in does in a place like New York. People Uber and taxi all the time which is no better. RTD is awful here, very inconsistent and inconvenient.
- [CHAT] have you considered how land use got to be the way it is here and in almost all of the USA and Canada? It's because of land use restrictions (zoning) that only allows single family housing in vast areas of town. This means we can't have density, and we can't have corner stores to walk to and run our errands.
- [CHAT] If I want to walk to a grocery store, or Twenty Ninth Street, I have to walk across a sea of surface parking lots, which is unfriendly and dangerous. Thankfully, this is now starting to change with state mandates to end parking minimums. Much more needs to be done. We cannot continue on our current path of car dependency if we are to avoid the worst path for climate change.
- [CHAT] If you don't want people to use cars, you have to make transportation easy to get to, easy to use, and affordable. Boulder doesn't have a great system (and Denver is only a little better). I have

wanted a decent trans system to get to Denver for decades, but RTD gave all our money to other projects (and I know that from being on a panel). I do walk to my shopping area in Gunbarrel, when I have a quick errand, but, like most people, I stop there on my way out or back from somewhere else.

- Can you change "bike parking" to "secure bike parking"?
- Do you have a structure for van pool incentives and paid parking/parking subsidies?
- Boulder's largest emissions are from commuters- TDM is a great way to offset this without many consequences.
- This is all market based- if you eliminate parking from a development, you lower your market pricelose out of square footage of your development. Must, as a developer, accommodate some parking and bike security.
- This could be a set of figures that the developers get to decide about- not assuming that developers would provide zero parking spots.
- Do you coordinate with the climate initiatives division? Removing surface parking if fine with me if you create some green spaces.
- What was the last time we updated the TDM plan?
- The markets just recently got flooded with a bunch of EV's-I am a little concerned that you aren't planning to change these requirements.
- The best thing that happens is a neighborhood is a Co-Op that can make these changes and get ECO passes.
- We are missing a bike and bus program like London.
- [CHAT] We can't expect Everyone/Coloradans to give up their cars, they moved here so they can drive up to the mountains and have access to the outdoors.
- [CHAT] Aren't saying we should give up cars, just suggesting we build less parking and look at ways to reduce demand.
- Could we get a copy of the annual NPP report? Could we notify neighborhoods of this?
- There is a cost associated with these strategies and passes. Homeowners have a sense of right to the street instead of thinking about supply and demand. Could we create a bidding system?
- Buying a house in an historic district makes on-street parking imperative since the houses aren't
 adapted for garages. This could cause discrimination to workers (landscaping, construction, etc.)
 and elderly people who have visitors and caretakers coming to the house. We can't just cut off
 historic rights.
- [CHAT] the focus should be on reducing emissions for commuters through incentivizing EV's and increasing charging stations.
- Don't remove our historic rights in neighborhoods (on-street parking)
- That is an entitlement

Wrap-Up Discussion

- [CHAT]This is exciting work, happy about removing minimums for new developments. With getting rid of minimums, are there ways to encourage SUMP principles in developments that aren't required to implement TDM? Is there plans to require TDM plans retroactively?
- The city parking minimums are not retroactive right? Concern about hill with occupancy and developers removing existing parking for more units. Big parking issues on the hill and now with ADUs this could have an impact- putting more cars on the hill.
- 15-minute neighborhoods- are you going to control what goes into this?
- if someone has a parking lot, under the new rules, could they eliminate the lot and put a new building?
- let's get real about why parking minimums exist, and developers will build as much as they can if they don't have to build parking (or can take parking away).
- That isn't addressing changes to transportation and the other strategies to offset these changes and have environmental impacts
- [CHAT] my main concern is that we should focus on reducing emissions, and consider the cards largely commuting from out of town the best thing boulder could do is incentive more EVs. I drive an EV and live in an apartment with no charging, and using the public charging system is deplorable. There are the same number of level 2 and I believe it's 10 fast charger from when I moved here three years ago. Also, you have to be at a charger much longer, 8-12 hours for level 2. Our current public charging system is akin to only having two gas pumps for all the cars of boulder. Due to the difficulty I've had here, Boulder you have made me decide to sell my EV and go back to a regular car. you have failed miserably. If you all really care about env/emissions, get more EV fast chargers
- [CHAT] It sounds like this isn't just for new lots, but reducing existing lots, that are already overfull.
- Confused about eliminating parking minimums. Trying to understand how this intersects with occupancy on the Hill. Investors are buying up properties and drive out families. Big parking issues on the Hill. More and more cars on the Hill. 15 minute neighborhoods can the Fox Theatre be allowed in a Residential neighborhood with no parking!?
- [CHAT] if you use Fox theater as an example- or other businesses that were grandfathered in- was built before parking requirements. Imagine what our downtown would be like if this wasn't the case for this and other downtown buildings, grateful this is changing.
- Impressed with team and how NPP will be addressed. Exciting.
- Grateful that this is changing.
- USPS workers They're the first people in the neighborhood Wonderful amenity, but once you start charging for parking, it raises questions about where workers will park.
- Community vitality and parking on the street, CV never talks about the space as if it were a valued community asset.

- In our NPPs, we need to make a distinction between a student, (short term) someone who parks for long periods (long term) – It should be valued more. Cites the High Cost of Free Parking. Paved Paradise.
- TDM We've been talking about EcoPass as a venerable program for 25 years, not sure it deserves that praise. Would like to see the phone data on how it shapes our TDM plans. They can figure out how people are moving (what modes).
- Landscaping services are not a luxury and parking is needed by elderly care people. Mapleton Hill specifically Don't discriminate against seniors. We will protest if you remove placards.
- [CHAT] Lots to wrap our heads around. Thank you for this conversation. It is my hope all these changes will address the impacts to my Uni-Hill Neighborhood.

From: Mueller, Brad

Sent: Thursday, April 17, 2025 7:45 PM

To: Guiler, Karl; Houde, Lisa

Subject: FW: Parking Reform in Boulder & New Resources from SWEEP

For the AMP public comment file

From: Matt Frommer <mfrommer@swenergy.org>

Sent: Wednesday, April 16, 2025 5:09 PM **Cc:** Caroline Leland <cleland@swenergy.org>

Subject: Parking Reform in Boulder & New Resources from SWEEP

External Sender Notice This email was sent by an external sender.

Boulder local elected officials and staff,

We wanted to thank you for taking steps to eliminate parking mandates citywide. As you know, these reforms have potential to reduce housing costs, minimize the oversupply of parking, cut pollution, and lower administrative burdens on city staff. You are in good company, as several other Colorado localities have also taken steps in that direction, including Longmont (June 2024) and Denver. Nationwide, you are joining over 50 others – from Richmond, Virginia to Bend, Oregon to Durham, North Carolina – that have eliminated parking mandates citywide.

We recently published <u>a suite of resources on parking reform</u> to support your public-facing communications:

- Parking
- Reform Primer
- Parking
- Reform 2-pager
- Parking
- Reform FAQ
- Parking
- Reform Presentation

SWEEP is here to support you in making these beneficial changes in your community. Please don't hesitate to reach out with any questions.

Thanks, Matt



Matt Frommer (he/him) | Transportation & Land Use Policy Managermfrommer@swenergy.org | 908-432-1556



Southwest Energy Efficiency Project (SWEEP)swenergy.org

From: Ferro, Charles

Sent: Wednesday, January 8, 2025 5:06 PM

To: Guiler, Karl; Houde, Lisa

Subject: FW: No more parking minimums!

From: Mark Bloomfield <mark@averde.ai> Sent: Wednesday, January 8, 2025 5:03 PM

To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>

Subject: No more parking minimums!

External Sender Notice This email was sent by an external sender.

Please eliminate parking minimums across the board. There are many good reasons - increase density, reduce traffic, reduce carbon footprint, increase affordable/missing middle housing.

Thanks for all your hard work!

--

Mark Bloomfield mark@averde.ai 720.589.2895

From: Alexey Davies <membership@communitycycles.org>

Sent: Wednesday, November 13, 2024 10:48 AM

To: Houde, Lisa

Cc: Hagelin, Chris; sue; alexey@communitycycles.org; drmikemills@gmail.com; Charles

Brock; Watson, Valerie

Subject: Re: Scope of AMPs & request

Follow Up Flag: Follow up Flag Status: Flagged

Hi Lisa

We look forward to working with you during the spring engagement! Here is some of our preliminary input.

1- Input on <u>Land Use code 9-9-6</u> - TABLE 9-8: OFF-STREET BICYCLE PARKING REQUIREMENTS. Boulder's requirements for new development compared to the C-parking research matrix table aren't bad, However, to meet Boulder to meet 80% mode share goal for residents we need to do better.

- Dwelling wo garage, 2 per unit currently. CC: 2 per unit, plus 1 space per each bedroom over 2.
- ADU, 0 currently. CC: 1 per basic unit, 2 if larger size ADU is allowed
- Group living varies, per bed currently. CC: 1 per bedroom.
- Retail, 1 per 750 square feet of floor area, minimum of 4 currently. CC: Shift to 1 per 250 square feet, minimum of 4, with 25/75 LT/ST split.
- Restaurants, 1 per 750 square feet of floor area, minimum of 4 currently. CC: As with autos; 1 space per 3 seats, minimum of four. Assume that 25% of customers arrive by bike.
- Other, CC: Default to retail standard of 1 per 250 sq. ft., minimum of 4.
- 2- Input on Bike parking in the DCS (section 2-44,45,46):
 - Size for the parking spot needs to be somewhat larger for e-bikes. Some spots (20%) should be provided for cargo bikes that can exceed 8 feet and up to 3 feet in width.
 - We've seen a bunch of development being proposed with vertical hanging bike racks (for example, 2555 30th St., LUR2023-00046) Using vertical parking is very difficult for most e-bike owners, as well as for standard bikes handled by less physically capable people, or with bikes with racks, panniers, and baskets. Is the Director really approving all of these installations (and is this Mark Garcia)? If space is an issue, we would like to work with the Director on better options, ideally following guidelines from the Association of Pedestrian and Bicycle Planners. Vertical hanging bike racks may be an option for some especially constrained cases, but the total long-term parking should not be more than 25% hanging. High quality, mechanically assisted, stacked racks may also be a better option than vertical racks where space is limited, but come with maintenance requirements.
 - Specifications should be developed for bike lockers (e.g., size, security method, spacing).
 - Long-term bike storage should be accessible without using stairs or elevators (with possible exceptions
 for extremely unusual cases by the Director). Access to the outdoors from a long-term storage room
 should be through a single door. If a grade change is required, an ADA-compliant ramp should be
 provided. The entrance should be well marked.
 - Long-term bicycle storage should be linked to building entrances or internal access, so that bike users
 can park their bikes and immediately enter the main building or have access to the building interior
 directly from the storage room.
 - There should be one 15A, GFI electrical outlet provided for every three long term bike parking spaces to permit charging of e-bikes. This would effectively permit charging on ⅔ of the spaces.

- Short term bike parking should be lighted at night and located near front or common building entrances to enhance security.
- 3- Re: What do you mean by applying parking code to existing buildings? New zoning regulations typically apply only when a building is expanded or the site is significantly modified. Is this sufficient, or are you thinking every building needs to update their bike parking outside of any changes or permits? I'd love to hear a bit more about this.

We are thinking of the latter, namely requiring updates to bike parking regardless of significant changes/permits underway. The rationale for this is clear; given the rise of more expensive e-bikes and increased bike theft rate in recent years, a primary goal for this suggestion is to reduce bike theft, which we feel deters bicycle use and thus impacts VMT. Additionally, bikes parked outside are exposed to the elements and degrade quickly in the weather. Carrying an e-bike or standard bike up stairs in apartment complexes is not a viable option for most tenants (and in fact may be prohibited in lease agreements).

This is not without precedent; Boulder implemented SmartRegs for existing residential rental properties, so we envision something similar. This would need to be phased in and of course would need to be very carefully evaluated with respect to the impact of costs on tenants. Ideally the city could get a grant and use the funds to purchase racks and provide installation guidance. Improved, sheltered, secure bike parking could in fact become part of the SmartRegs calculations, providing a carrot for the owners of complexes.

There is an equity component to this as well. Lower income tenants are more likely to rely on bicycles for transportation, yet live in older complexes where secure bike parking is not provided. We feel that this rationale would help make such changes palatable for City Council members. Tara Winer, in particular, is very interested in pursuing efforts to reduce bike theft and make cycling more tenable for residents.

Beyond residential units, there are many older commercial plazas and buildings that also need an improvement in bike parking for safety and convenience. We suggest that improved bike parking be triggered whenever a permit of any type is pulled in a location where bike parking does not meet current standards. Again, considering the cost impacts on small and/or marginal businesses, we would need to have a program in place to provide bike racks and installation assistance, and would need to be willing to give up a parking space or two for the installation of bike racks.

Community Cycles Advocacy Committee

From: Ferro, Charles

Sent: Monday, August 19, 2024 3:20 PM

To: Houde, Lisa; Guiler, Karl

Subject: FW: Community Cycles input on Parking Minimums

fyi

From: Alexey Davies <membership@communitycycles.org>

Sent: Monday, August 19, 2024 3:17 PM

To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>

Cc: Alexey Davies <alexey@communitycycles.org>; sue <sue@communitycycles.org>

Subject: Community Cycles input on Parking Minimums

External Sender Notice This email was sent by an external sender.

Dear Planning Board

Community Cycles supports eliminating Parking Minimums in Boulder.

Below is our statement we presented to Council prior to the Council priority setting retreat:

Off-Street Parking

Minimum off-street parking requirements convert land that could be used for additional housing or vegetation to asphalt, a medium inconsistent with any use other than cars. This substantially increases the cost of housing (an additional \$225 per month in rent, on average) and pushes things apart, meaning greater distances to shopping, restaurants and services working against the BVCP policy of 15-Minute neighborhoods. Parking requirements are also deeply unfair to the 30% or so of people who don't drive, a population that is disproportionately lower-income, elderly, disabled, or people of color.

Below is how this initiative supports the City of Boulder's Strategic Plan:

Livable - Strategy #6: Define and establish Boulder's 15-minute neighborhood model. Economic Vitality - Strategy #15: Streamline processes for housing, parking, infrastructure, land use, and events that tie directly to priority community outcomes.

Thank you for your work Community Cycles Advocacy Committee

--

ride on!

alexey davies

alexey@communitycycles.org

Advocacy & Membership Director Community Cycles

www.communitycycles.org

303-641-3593

2601 Spruce St, Unit B (in the back)

From: Alexey Davies <membership@communitycycles.org>

Sent: Tuesday, January 21, 2025 4:14 PM

To: TAB

Cc: Houde, Lisa; Hagelin, Chris; sue; Trish

Subject: AMPS and TDM update

External Sender Notice This email was sent by an external sender.

Dear TAB Members

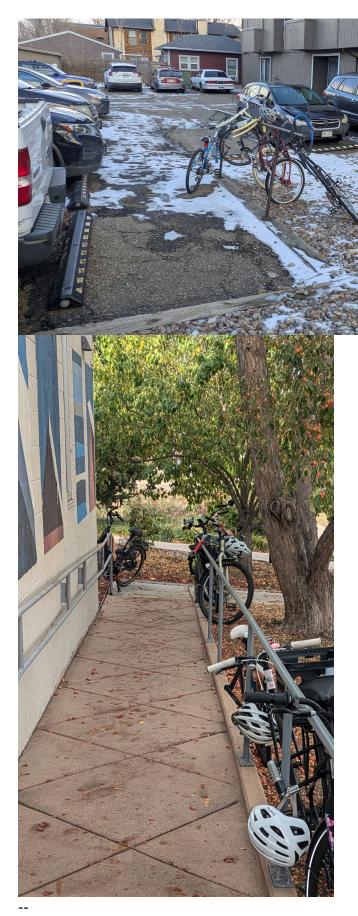
Community Cycles is excited to see potential updates to Boulder's bike parking code. Secure and sufficient bike parking is fundamental to meeting our TMP goals and reducing Boulder's serious bike theft problem.

We have met with Transportation and P&DS with regards to bike parking requirements both for new builds and existing buildings.

In addition to improvements to facilitate electric and cargo bikes as well as capacity changes, we need to address our thousands of existing buildings. Boulder has demonstrated that code changes can be applied retroactively, such as for SmartRegs for new or renewed rental licenses as well as for houses in the Wildfire Urban interface where we understand that mitigation improvements must be made for remodels. We suggest pursuing code changes triggered by a permit, license, or other mechanism. To incentivise these upgrades, we suggest potentially a waiver of permit fees and easier ways to meet the code requirements such as sending a photo or self-certification.

We look forward to working with staff further on bike parking requirements and encourage your support. Thank you

For your reference, attached are our recommendations to city staff for code changes (if you like details): https://docs.google.com/document/d/1sTrP8bfPXRYp4uVF2lrgIGrfjO5vUlvrwB-zEF4u76k/edit?usp=drive_link



ride on! alexey davies

alexey@communitycycles.org
Advocacy & Membership Director Community Cycles
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2601 Spruce St, Unit B (in the back)
Join the Movement, Become a Member!

From: Alexey Davies <membership@communitycycles.org>

Sent: Friday, May 9, 2025 3:01 PM

To: TAB

Cc: Houde, Lisa; sue; Alexey Davies; Watson, Valerie; Hagelin, Chris; Mueller, Brad; Trish

Subject: Community Cycles input on Bike Parking Code

External Sender Notice This email was sent by an external sender.

Dear members of TAB:

Community Cycles is looking forward to code changes that will improve bike parking security for cyclists. We much appreciate the City's intent to create stronger rules. Today we see new building proposals with grossly inadequate bicycle parking. It may be that some developers are simply unaware of the need or the methods to address the need. Good bike parking --parking that is safe, convenient, and easy to use for people of all ages and abilities-- can strongly promote the amount of bicycling, which in turn can reduce the emissions from automobile travel. The recent City of Boulder news release shows Boulder's commitment to secure bike infrastructure and Boulder's building code is foundational in achieving secure bike parking. We offer these comments and suggestions for improving the proposed changes.

1- Vertical and stacked/tiered racks

The Community Cycles Advocacy Committee recently discussed the proposed design rule and we do not support vertical and stacked/tiered bicycle storage in residential buildings. This aligns with the Cambridge Bike Parking Guide where bike racks must keep both wheels on the ground. We want to limit these types of racks to no more than five percent of the bike parking spaces.

If we truly want to encourage bicycling as a primary transportation mode in Boulder, we need good bike racks and safe bike storage in far more places. Multi-family residential buildings need to have ample, easy, accessible, and secure bicycle parking. Vertical and stacked bike racks fail on the "easy" and "accessible" criteria. Vertical and stacked racks can be difficult or impossible for people with mobility or strength challenges. These racks often are not suitable for e-bikes or cargo bikes due to the length and/or weight of e-bikes. Some of these racks may not accommodate the wide tires of many bikes. There are lift-assist devices that can help with some of these issues. But such mechanisms require maintenance. We are concerned that some landlords will not sufficiently maintain the racks or will not fix broken systems. Just as parking lots require regular maintenance and striping, lift-assist bike parking also requires servicing.

According to city staff, the space required for bike parking impacts the FAR (floor-area-ratio), implying bike parking means less housing. We suggest two mechanisms to address impacts to FAR:

- More bicycle parking can come from car parking spaces, especially once parking minimums
- are eliminated.

• Simply exempt bike parking areas from FAR.

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2- Rack clearances

The rack clearances (below) in DCS Section 2.11(H)(1)(a) are not sufficient for stacked/tiered racks. Tiered racks typically have a ramp that extends out from the rack and would not allow a bike to be removed with only a 6' clearance.

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Spaces reserved for cargo bikes need to be clearly marked with signage so non-cargo or large ebikes do not park in these spaces.

4-Bike locker dimensions

The DCS2-44(C)iii - The requirement for bike locker width is too narrow. Many bike handlebars are in excess of 24", including many city bikes & mountain bikes.

5-Elevators

The use of elevators to bring bikes to parking areas can be quite problematic. A regular bike may not fit in smaller elevators. Bikes reduce elevator capacity for regular passengers. Cargo and e-bikes are even more constrained. So if a proposed development will rely on elevators to access bicycle parking, there needs to be a requirement for a minimum dimension, sufficient in size to fit a cargo bike parallel to an elevator wall; i.e., cyclists won't have to place the bike diagonally within the elevator.

The prior draft did not allow for the use of elevators: "The bicycle parking area shall be located on site or in an area within three hundred feet of the building it serves and shall not require the use of stairs or an elevators to access the area, but may use a ramp if needed for grade changes."

The current draft allows elevators by omitting "or elevator":

(B) The bicycle parking area shall be located on site or in an area building it serves and shall not require the use of stairs to acc

Future Work needs to be staffed

- 1.
- 2.
- 3. Utilization study
- 4

We are glad P&DS is considering a utilization study to determine the quantity of bike racks needed at developments. We previously noted that one bike parking space per unit can be quite insufficient for group living where some units are five bedrooms. Let's work together on how to get this funded so it can be on an upcoming staff work plan.

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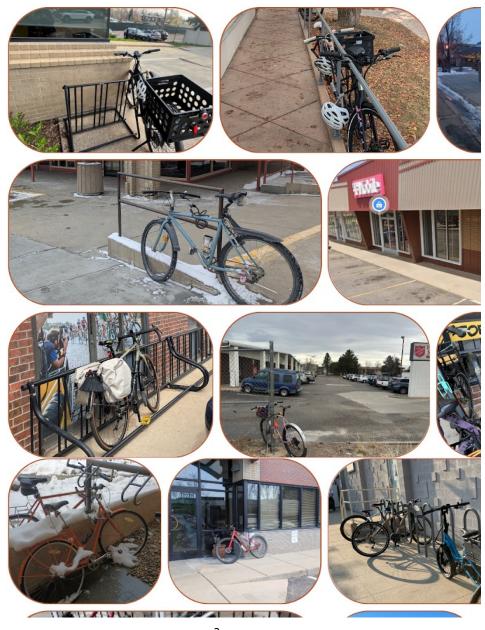
4. Retroactive application of code

5.

There needs to be a phased-in retroactive application of the bike parking code. Most commercial and multi-unit residential property bike parking spaces in Boulder do not even meet the old code, assuming the site even has racks.

Given the rise of more expensive e-bikes and increased bike theft rate in recent years, a primary goal for this suggestion is to reduce bike theft, which we feel deters bicycle use and thus impacts VMT. Additionally, bikes parked outside are exposed to the elements and degrade quickly in the weather. Carrying an e-bike or standard bike up stairs in apartment complexes is not a viable option for most tenants (and in fact may be prohibited in lease agreements).

There is an equity component to this as well. Lower income tenants are more likely to rely on bicycles for transportation, yet live in older complexes where secure bike parking is not provided. Beyond residential units, there are many older commercial plazas and buildings that also need an improvement in bike parking for safety and convenience.



At the October TAB meeting board member Mike Mills asked about retroactively applying code and the response was that it was in scope. Now we understand that the city attorney says it is problematic and can't be done. We disagree.

Retroactive code changes are not without precedent. Boulder implemented SmartRegs for existing residential rental properties. Now existing attached ADUs must now also meet SmartRegs by the end of the year. Beyond SmartRegs, both outdoor lighting requirements and wood shingle roofs were required to be replaced over a 25 year period. So there is precedent for policies that force retroactive changes for reasons varying from climate mitigation to fire safety to wildlife protection.

Community Cycles recognizes that retroactive application of bike parking rules presents some challenges. But this city needs much better, much more bicycle parking. The existing bike parking deficiencies will greatly outweigh the improved parking of new developments for a very long time. The City needs to work on this problem in phases (potentially short term parking could be addressed first) and of course potential solutions need to be carefully evaluated with respect to the impact of costs on tenants.

Change could happen with a combination of carrot and stick. On the carrot side, there could be incentives like waived fees. There also could be a program to help finance new bike racks via grants or state TDM money for small and/or marginal businesses and low- and middle-income housing. The City could also provide diagrams and explanations for converting car parking spaces into covered and secure bike parking areas, similar to the "bus then bike" shelters provided at some RTD locations.

On the stick side, the new rules could come into effect whenever a permit of any type is pulled in a location where bike parking does not meet current standards. Perhaps the rules could have some flexibility to address the differing challenges in existing buildings.

This is a complex topic that needs further discussion and analysis. Nonetheless, the challenge of parking in and around existing buildings is an urgent need. We hope to work with the City to address this problem in a timely manner.

Thank You Community Cycles Advocacy Committee

ride on!
alexey davies
alexey@communitycycles.org
Advocacy & Membership Director Community Cycles
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2601 Spruce St, Unit B (in the back)
Join the Movement, Become a Member!

From: Macon Cowles <macon.cowles@gmail.com>
Sent: Thursday, January 23, 2025 12:48 PM

To: Bromberg, Samantha; Houde, Lisa; Jones, Cris; Hagelin, Chris

Subject: Writeup on the AMPS project at Council tonight

External Sender Notice This email was sent by an external sender.

Samantha, Lisa, Chris and Cris,

I thought you might be interested in the <u>article in Boulder Housing Network</u> about the AMPS project you will be discussing tonight.

Also, I invite staff working on AMPS to look into the important and new principles about parking backed by research in Prof. Donald Shoup's *The High Cost of Free Parking* and Henry Grabar's very recent book, *Paved Paradise: How Parking Explains the World*.

Don Shoup wrote his book The High Cost of Free Parking in 2005. I read it when I was on Planning Board, and I gave my copy of it to a Planning Board member, no longer serving, four years ago. His idea is that on street parking management should support the vitality of the businesses adjacent to the parking. And that this is accomplished by dynamic pricing. You want to management curbside parking so that there are 1/4 or so of the spaces in a block are generally free so that people can find parking at low cost quickly to make a purchase from adjacent businesses. Where people intend to store their cars for longer periods of time, the price per minute rises substantially to discourage longer parking in spots that can provide convenient access to adjacent stores.

Shoup Key Themes and Concepts: 1. Parking Minimums:

• Shoup criticizes mandatory parking minimums in zoning regulations, which require developers to provide a specific number of parking spaces for buildings. He argues these requirements inflate construction costs, increase urban sprawl, and prioritize cars over other forms of transportation.

2. Hidden Costs of Free Parking:

• While parking may seem "free" to drivers, the costs are passed on indirectly through higher housing prices, increased goods and service costs, and reduced urban land availability for other uses.

3. Environmental Impacts:

• Free parking encourages car dependency, which leads to increased vehicle miles traveled, greenhouse gas emissions, and air pollution. It also contributes to heat islands and water runoff issues.

4. Economic Distortions:

• Free parking acts as a subsidy for driving, distorting transportation choices by making it artificially cheaper than alternatives like public transit, biking, or walking.

5. Shoup's Solutions:

- Eliminate Parking Minimums: Replace rigid parking requirements with more flexible policies that let the market determine the amount of parking needed.
- **Dynamic Pricing for Parking**: Use variable parking fees to manage demand, ensuring that spaces are always available without overbuilding.
- Parking Revenue for Public Benefits: Invest parking revenue in local infrastructure, such as sidewalks, bike lanes, and public transit, to create more sustainable and equitable urban environments. Henry Grabar puts the cost of on street parking at several thousands of dollars a year per space. He factors in to that lost tax revenue from dedicating some of the most valuable land in the city to parking and car storage. There are some good reviews of Grabar's book which assert that the book is so entertaining, it makes great summer reading! NYT review, America, Land of Free Parking. I read this book and it is really fun. Below are some salient points from Grabar: Key Contributions of Paved Paradise: 1. Parking

as a Source of Inequity:

- Grabar highlights how parking policies exacerbate social and economic inequality. For example:
- Excessive parking requirements raise housing costs, making urban areas less affordable.
- Communities often prioritize car owners at the expense of non-drivers, creating inequitable access to urban resources.

2. Environmental Impacts:

- Grabar expands on the environmental costs of parking, including urban heat islands, increased stormwater runoff, and the destruction of green spaces.
- He ties these impacts to broader concerns about climate change and sustainability.

3. Parking Lot Surplus and Waste:

• Grabar reveals how much space is wasted on parking lots, particularly in suburban and exurban areas. He discusses how parking minimums have led to oversized lots that are often underutilized. For example, he notes that many large retail chains, such as Walmart, maintain massive parking lots that are rarely full, a result of outdated zoning laws.

4. Parking's Role in Housing Crises:

- One of Grabar's major contributions is linking parking policies directly to the housing crisis. He demonstrates how parking minimums have inflated the cost of housing by requiring developers to allocate expensive space to parking rather than living units.
- He argues that eliminating parking mandates is a critical step toward addressing housing shortages, particularly in high-demand cities.

8. Parking as a Political Issue:

• Grabar emphasizes how parking has become a flashpoint in local politics, with debates over parking policy reflecting broader conflicts about urban development, gentrification, and climate action.

Thank you.

Macon Cowles Boulder City Council Member Emeritus (2007-2015) macon.cowles@gmail.com (303) 447-3062

From: Ferro, Charles

Sent: Thursday, August 15, 2024 11:11 AM

To: Guiler, Karl; Houde, Lisa

Subject: FW: Parking Minimums - Better Boulder Position

Follow Up Flag: Follow up Flag Status: Flagged

From: Elisabeth Patterson <elisabeth.patterson@gmail.com>

Sent: Wednesday, August 14, 2024 5:28 PM

To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>

Cc: Better Boulder Board of Directors <better-boulder-board@googlegroups.com>

Subject: Parking Minimums - Better Boulder Position

External Sender Notice This email was sent by an external sender.

Members of Planning Board,

In advance of your August 20 meeting, Better Boulder would like to resubmit our position on parking minimums.

Parking Minimums and Transportation

Better Boulder supports eliminating minimum parking requirements citywide, including in residential zones, commercial zones, mixed use areas, affordable housing developments and for ADUs, in both new and existing developments. We expect the City to continue to provide parking for people with disabilities as required by ADA. We encourage the City to identify incentives other than parking reductions to encourage more affordable units, purchase of EcoPasses, and other community benefits. The City should also continue to institute incentives for alternatives to parking such as having flex cars available for resident use, safe, secure, and sheltered bike parking, Eco-passes, and Boulder BCycle bike stations in close proximity.

Elisabeth Patterson Executive Director Better Boulder 303 931 8331



TAB Discussion – May 12, 2025

Clarifying Questions

- Enforcement of on-street parking
- Bike parking on Google maps
- What is the NPP
- How were the thresholds determined for TDM

Discussion

- Consider not counting bike parking as FAR
- Some interest in exploring retroactivity of ordinance
- Might not need to specify bike rack types, just how they function
- Lighting is very important for feeling safe when storing bikes
- Potentially require unbundled fees for bike parking
- Higher requirement for cargo bike parking, could it be based on use type
- Reorganization of security standards in ordinance
- Could there be engineering judgment to require a higher bike parking requirement than the code establishes
- Potential to review bike parking requirements every few years
- 5% e-bike charging requirement may be too low as their use increases, but maybe that should be addressed after a bike parking utilization study is completed
- Are there e-bike requirements in the Energy Conservation Code?
- What is driving the June deadline? Maybe there should be more time for the bike parking part of the ordinance. Could Council split it off separately?
- Might need minimum dimensions for elevators if used to access bike parking
- How does TAB feedback get shared with Council?

TAB Motion

Transportation Advisory Board recommends that City Council adopt the following proposed ordinances:

- Ordinance 8700, amending Section 2-2-15, "Neighborhood Permit Parking Zones," and Chapter 4-23, "Neighborhood Parking Zone Permits," to update regulations for on-street parking management and
- 2. Ordinance 8696, amending Title 9, "Land Use Code," B.R.C. 1981, to modify off-street parking requirements, and amending Chapter 2 of the City of Boulder Design and Construction Standards (D.C.S.), originally adopted pursuant to Ordinance 5986, to update standards for bicycle parking.

Transportation Advisory Board recommends that staff consider incorporation of comments from Community Cycles and Transportation Advisory Board Member Michael Le Desma, and supports a future work plan item to further study bicycle parking.

Houde, Lisa

From: Alexey Davies <membership@communitycycles.org>

Sent: Friday, May 9, 2025 3:01 PM

To: TAB

Cc: Houde, Lisa; sue; Alexey Davies; Watson, Valerie; Hagelin, Chris; Mueller, Brad; Trish

Subject: Community Cycles input on Bike Parking Code

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Dear members of TAB:

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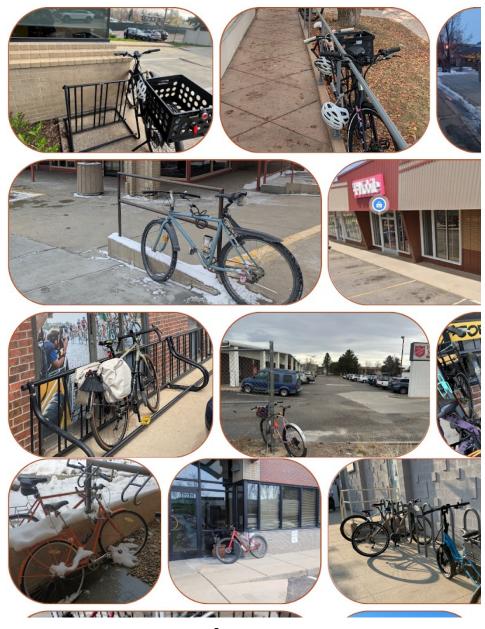
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303-641-3593
2601 Spruce St, Unit B (in the back)
Join the Movement, Become a Member!

COMMENTS FROM TAB MEMBER MICHAEL LE DESMA - 5/10/25

Proposed Changes & Rationale to Long-term Bicycle Parking Provisions.

The ordinance should:

- Define what long-term bicycle parking is in terms of minimum hours of expected stay. Three hours may be an appropriate threshold.
- Organize the criteria for acceptability in terms of (1) Quantity and compositions, (2)
 Security, (3) Safety and comfort, and (4) Accessibility. This should make the ordinance easier to follow and to help ensure that like issues are addressed together.

Quantity & Composition

- In terms of the quantity of bike parking, the ordinance should have a failsafe provision to ensure that more bike parking is provided than specified in Table 9 when experience or judgment indicates that more will be needed. That is, it should not be acceptable to provide only the minimum bike parking specified in Table 9 when there is reason to believe that more will actually be needed. For example, if a building provides bike parking that is already overwhelmed despite meeting the minima specified in Table 9, redevelopment of that building or its parking area to provide the same insufficient parking should not be permissible.
- The ordinance should require that at least some (maybe 15%) of the bike parking is large enough to accommodate cargo bikes, which are often longer (and wider) than regular bikes. Cargo bikes can be as long as 102 inches.
- The ordinance should require that there be some parking spaces that can accommodate
 e-trikes. Particularly at facilities expected to house the elderly (for whom the balance
 required by a two-wheeled bike may be a challenge), it may be a good idea to require at
 least 10% of the bike parking be of this variety. Perhaps as little as 2% could be
 acceptable elsewhere.
- The ordinance should expressly require that parking spots accommodate bikes of varying tire widths and wheelbase. Otherwise, child bikes, cargo bikes, and fat tire bikes might be unable to use the parking.
- Given the rapid growth of e-bike sales, it's important for some significant portion of the parking to have code-compliant electrical outlets to support charging of e-bikes.
- The ordinance should get away from defining permissible rack style (vertical, horizontal, lift, ramp) and, instead, define acceptable racks by what they require of the user. For example, the regulation could require that racks be usable by persons with a lifting capacity of no more than 20 pounds (typical of the elderly) and stature of no less than 4 feet. This would ensure that racks remain usable by the widest range of likely users even as new space-saving designs emerge.
- The ordinance should expressly require that racks be designed and located to allow bikes to be locked by the frame to the rack and that baskets and racks need not be removed to use the rack.

Security

 The ordinance presently seems to structure bike security around storage typologies but it may be useful to, instead, structure this section as a matrix of surveillance and securement strategies because the strength of one diminishes the need for the other. Surveillance could, for example, begin at the low end with less-than-continuous supervision by facility staff of the storage location and end on the high end with continuous, recorded video surveillance. Securement could begin on the low end with an indoor rack and end on the high end with a robustly locked, walled-in space where access by specific individuals is monitored and recorded electronically by token or badge. Between these extremes there will be various combinations of surveillance and securement that should do the trick. Using a matrix would give developers a framework in which to make tradeoffs.

Safety & Comfort

- The ordinance presently requires "cover", but should probably more expressly require that bikes be protected from precipitation. In Boulder, high winds often blow precipitation sideways, so mere cover might not actually protect bikes from the elements.
- The ordinance should be specific about minimum space required to move bikes into and out of parking spots. That is, it should define these spaces in terms of inches of required clearance based on the size of the bikes that would need to access that space.
- The ordinance should specify minimum levels of lighting in the storage area. Often, developers will stick bike parking in some dark corner of a parking garage that many users (like women and children) will feel is unsafe to visit. A minimum lux of 600 should address that problem.
- The ordinance should require that the path to available bike parking is clearly marked.
- The ordinance presently requires that out-building parking be located no more than 300 feet from the main building. This is probably too far, particularly for those who may be transporting groceries or children from the bike parking to the building. I recommend that this distance be at least halved. I also recommend that the ordinance expressly require that the route to such an out-building be illuminated with at least the lux of typical streetlights (around 20 lux).
- It is probably a good idea to expressly require that bike storage be equipped with automatic fire suppression and alarms sufficient to control a battery fire.

Accessibility

- The ordinance should probably expressly require that bike parking remain accessible in all weather. In some places, snow, ice, water, or plants will need to be removed in order for the parking to remain accessible throughout the year.
- If the ordinance will allow cargo bike parking on floors accessible only by elevator, the ordinance should specify that the elevator must be sized to accommodate cargo bikes

- and e-bikes, which can range from 80 to 102 inches. Hopefully, this would motivate the developer to provide cargo bike storage on the ground level.
- If parking will be accessible beyond stairs, the ordinance should specify that a ramp be
 provided and that the ramp have a grade of no more than 5%. This is important because
 many e-bikes are heavy enough that a steep ramp (say 8% grade) would be difficult for
 many users to use. It may also be useful to specify a minimum width of the ramp
 sufficient for cargo bikes and e-tikes to navigate any turns that the ramp may have.

Other Issues

- The ordinance does not presently address whether or not a fee may be assessed for use of bike parking. This should be addressed. I propose the same approach that is commonly used at gyms to govern use of lockers: for a fee, users can reserve a locker, and for all others it's first-come-first-served. I also strongly suggest that no fee be permitted unless the storage area meets the security, safety, and comfort criteria in the ordinance. This may motivate landlords of existing structures to upgrade substandard bike parking such that a fee can be assessed for reserved parking. Also permissible fees should be capped so that bike parking fees are no usurious, perhaps capping them as a percentage of amounts charged for car parking with the assumption that 8 to 10 bikes can fit into a single car space.
- The ordinance is presently not retroactive. I think it would be helpful to understand how some City ordinances have been made retroactive (such as to address the fire hazard of wood-shingled roofs) to ascertain whether and to what degree elements of this ordinance may also be made retroactive. It may be, for example, that there is a public safety justification for requiring the retroactive provisionment of code-compliant electrical service for charging e-bikes when users may otherwise create a fire risk by running narrow gauge, ungrounded extension cords to daisy-chained power strips. Similarly, some storage racks may endanger users by requiring more strength to use safely than many users can muster, creating a risk of injury from strain or from the bike falling should it be unsuccessfully mounted in/to the rack.
- The ordinance may usefully specify that racks that are not accessible to the bikes that may need to use them are functionally absent and, thus, do not meet minimum bike storage requirements, regardless of when the rack was installed. The aim of such a provision is to ensure that landlords cannot use the new standards as a shield against code enforcement for racks that were so substandard as to have always been functionally absent.

CITY OF BOULDER PLANNING BOARD ACTION MINUTES May 20, 2025 Hybrid Meeting

A permanent set of these minutes and an audio recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

PLANNING BOARD MEMBERS PRESENT:

Mark McIntyre, Chair Laura Kaplan, Vice Chair Kurt Nordback ml Robles Claudia Hason Thiem Mason Roberts

PLANNING BOARD MEMBERS ABSENT:

Jorge Boone

STAFF PRESENT:

Brad Mueller, Director of Planning & Development Services
Charles Ferro, Development Review Senior Manager
Hella Pannewig, Assistant City Attorney
Lisa Houde, Code Amendment Principal Planner
Karl Guiler, Development Code Amendment Manager
Shannon Moeller, Planning Manager
Adam Olinger, City Planner
Stephen Rijo, Transportation Planning Manager
Chris Hagelin, Transportation Principal Project Manager
Samantha Bromberg, Community Vitality Senior Project Manager
Amanda Cusworth, Internal Operations Manager

1. CALL TO ORDER

M. McIntyre declared a quorum at 6:00 p.m. and the following business was conducted.

2. PUBLIC PARTICIPATION

There was no public participation

3. APPROVAL OF THE MINUTES

- **A.** The February 4, 2025 Meeting Minutes are scheduled for approval.
- **B.** The February 18, 2025 Meeting Minutes are scheduled for approval.
- C. The March 18, 2025 Meeting Minutes are scheduled for approval.

L. Kaplan made a motion, seconded by **ml Robles** to delay approval of all sets of minutes until staff is able to bring them back with edits. Planning Board voted 6-0. Motion passed.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS

- **A. CALL-UP ITEM:** Site Review Amendment and Use Review to allow the existing structure at 1836 19th Street to be used as a single-family detached dwelling unit in the RH-2 zoning district and to amend the existing PUD (P-83-64) to maintain the existing rear deck. These applications are subject to potential call-up on or before May 22, 2025.
- S. Moeller answered questions from the board. L. Kaplan and ml Robles called the item up.
- **B.** CALL-UP ITEM: Minor Subdivision review to subdivide one existing lot into two new lots on the 14,392 square foot property at 855 Union Ave. This approval is subject to call-up on or before **May 21, 2025.**

This item was not called up.

5. PUBLIC HEARING ITEMS

- **A. PUBLIC HEARING** and recommendation to City Council regarding the following proposed ordinances:
 - 1. Ordinance 8700, amending Section 2-2-15, "Neighborhood Permit Parking Zones," and Chapter 4-23, "Neighborhood Parking Zone Permits," to update standards for on-street parking management; and 2. Ordinance 8696, amending and Title 9, "Land Use Code," B.R.C. 1981, to modify offstreet parking requirements, and amending Chapter 2 of the City of Boulder Design and Construction Standards (D.C.S.), originally adopted pursuant to Ordinance 5986, to update standards for bicycle parking
- L. Houde, S. Bromberg and C. Hagelin presented the item to the board.
- L. Houde, S. Bromberg and C. Hagelin answered questions from the board.

Public Participation: Lisa Spalding Alexey Davies

Board Comments:

Key Issue #1: Does the Planning Board recommend any modifications to draft Ordinance 8700 or 8696?

Key Issue #2 Does the Planning Board want to provide any additional guidance regarding the TDM ordinance currently under development that will complement draft Ordinance 8700 and 8696?

03:00:34

The board chose to break the item up into 3 parts for deliberation: Ordinance 8696, followed by Ordinance 8700, and lastly TDM.

In reference to Ord 8696 the board made the following comments:

C Hanson Thiem was largely supportive of the proposed ordinances as part of a long overdue shift away from "free parking" which has encouraged and subsidized car dependent development to the detriment of many other health, safety, and environmental goals of the city. She applauded the pilot program in Goss Grove and funds going to eco passes. That approach can affirm a transportation and mobility eco system. With regard to off-street parking, she was concerned about the loss of ADA spaces.

03:05:14

L. Kaplan said that on page 119 of the packet there is a section of the ordinance related to home occupations. She said some things were struck that have nothing to do with on-site parking, "No traffic is generated by such home occupation in volume that is inconsistent with the normal parking usage of the district" Staff should take a look at that. On page 148 in the ordinance talks about easy locking. Sometimes it is not adjacent bicycles it is about adjacent structures. On page 128, referring to site access and control and controlling vehicle access to the public right of way. It says, "The requirements of this section and subsections B through E below, apply to all land uses, including detached dwelling units, as follows, only if access to the property is provided for the purposes of off street parking, loading, space, or operational access or other provided vehicle circulation" She didn't understand why that clause was included and suggested staff take another look. She agreed with community cycles about utilization study as a potential future work element.

03:11:17

MI Robles said removing the parking requirements is a significant land use shift. She thinks there should be strategies to incentivize that land could be used to achieve walkable neighborhoods. Let's put the big parking lots to use to meet our goals. She would like to see a motion to exempt single family residential uses from the long term bike storage requirements.

- **K. Nordback** does not feel that 9-9-5 c 8 related to curb cuts needed leading to parking spaces is not necessary. He agreed with **L. Kaplan** about bike parking requirements. He said that landscape thresholds are too high; perhaps they should be lowered. He would support eliminating parking mandates for numbers. He feels dimensional and geometric should be simplified and potentially eliminate some.
- M. Roberts said he agreed with his colleagues and will save comments for motions to be made.
- M. McIntyre also said he would save comments for motions.

The following motions were made in reference to Ordinance 8696: 03:23:05

- C. Hanson Thiem made a motion, seconded by K. Nordback the Planning Board recommends that City Council adopt Ordinance 8696, amending Title 9, "Land Use Code," B.R.C. 1981, to modify off-street parking requirements, and amend Chapter 2 of the City of Boulder Design and Construction Standards (D.C.S.), originally adopted pursuant to Ordinance 5986, to update standards for bicycle parking. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **M. Roberts** made a motion, seconded by **L. Kaplan** to recommend a change to ordinance 8696 to add language for schools serving any of grades K-12, long-term bicycle parking must include racks located within 100 feet of a main entrance. Planning Board voted 5-1 (M. McIntyre Dissent) (J. Boone absent) Motion passed.
- **M. Roberts** made a motion, seconded by **M. McIntyre** to recommend a change to ordinance 8696 to add language that bicycle charging spaces shall accommodate larger bicycles with minimum dimensions of 8 feet long by 3 feet wide. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **M. Roberts** made a motion, seconded by **K. Nordback** to recommend a change to ordinance 8696 to: for schools serving any grades K-8 schools, all bicycle parking intended to serve students must be horizontal. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **M. McIntyre** made a motion, seconded by **C. Hanson Thiem** to recommend a change to ordinance 8696 to state that all long-term bike parking shall accommodate charging at all bike spaces with a standard electrical outlet within a 6' distance of each bike parking space. Planning Board voted 5-1 (L. Kaplan dissent). (J. Boone absent) Motion passed.
- **M.** McIntyre made a motion, seconded by **K.** Nordback to recommend a change to ordinance 8696 to remove bicycle parking from Floor Area Ratio calculations and requirements. Planning Board voted 6-0. (J. Boone absent) Motion passed.

04:12:35

M. McIntyre made a motion, seconded by **C. Hanson Thiem** to recommend a change to ordinance 8696 to require changes to Table 9-4 be modified with the following requirements in the table:

Multi-unit Dwelling units without a private garage(b)	1 per bed
Group living - fraternities, sororities, and dormitories, boarding houses, transitional housing	1 per bed
Group living - all others	1 per 1.5 beds

Public and private elementary, middle, and high schools	The greater of 10 per classroom or 1 per 2 students based on mean attendance.	
Public and private colleges and universities	The greater of 10 per classroom or 1 per 2 students based on mean attendance.	
Office uses	1 per 750 square feet of floor area, minimum of 4	

Planning Board voted 1-5 (all dissenting except M. McIntyre) (J. Boone absent) Motion Failed.

K. Nordback made a motion, seconded by **M. McIntyre** to request City Council and staff to consider simplifying or eliminating the parking dimensional standards, including the required 24' backup distance, from the code, in order to avoid unduly requiring design around large vehicles. Planning Board voted 6-0. (J. Boone absent) Motion passed.

MI Robles made a motion, seconded by M. McIntyre to recommend a change to Ordinance 8696 to exempt single-unit detached residences without a private garage from the long-term bike storage requirements. Planning Board voted 5-1. (K. Nordback dissent) (J. Boone absent) Motion passed.

04:38:08

- **L. Kaplan** made a motion, seconded by **K. Nordback** to recommend a next step to monitor over the next three years whether Ordinance 8696 results in more or less parking in new development compared to current parking minimums and average parking reductions. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **C. Hanson Thiem** to recommend limiting vertical and stacked/tiered racks to 25% of bike parking spaces. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **M. Roberts** to Recommend that spaces reserved for cargo bikes need to be clearly marked with signage, so non-cargo do not park in these spaces. Planning Board voted 4-2. (C. Hanson Thiem, M. McIntyre dissent) (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **K. Nordback** to Recommend that staff examine whether and how to specify adequate elevator size minimums where parking relies solely on elevators. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **M. Roberts** to recommend that at least 20% of required spaces be designed for larger bikes (e.g. cargo bikes) where more than 5 spaces are required. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **L. Kaplan** made a motion, seconded by **M. Roberts** that Planning Board recommend a future utilization study to establish empirical requirements for bike parking quantities. Planning Board voted 6-0. (J. Boone absent) Motion passed.

L. Kaplan made a motion, seconded by **K. Nordback** to recommend development of a phased retroactive application of bike parking code to existing development. Planning Board voted 6-0. (J. Boone absent) Motion passed.

05:03:58

The board closed motions related to ordinance 8696 and moved onto ordinance 8700.

- **M. McIntyre** made a motion, seconded by **C. Hanson Thiem** to recommend that City Council adopt the following proposed ordinance 8700, amending Section 2-2-15, "Neighborhood Permit Parking Zones," and Chapter 4-23, "Neighborhood Parking Zone Permits," to update regulations for on-street parking management. Planning Board voted 6-0. (J. Boone absent) Motion passed.
- **M. McIntyre** made a motion, seconded by **M. Roberts** that Planning Board recommends a change to ordinance 8700 so that anytime the city approves a project through the site review process, where parking is required to be unbundled and paid, the city shall consider creating an appropriately sized NPP that surrounds the project. Planning Board voted 6-0. (J. Boone absent) Motion passed.

05:17:16

M. Mcintyre made a motion, seconded by **C.** Hanson Thiem to continue the TDM portion of item 5 of tonight's agenda to the May 27th Planning Board meeting. Planning Board voted 6-0. (J. Boone absent) Motion passed.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

The planning board elected to take a brief summer recess. There will be no meetings held June 24th and July 1st.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board a	adjourned the meeting at 11:21 PM
APPROVED BY	
Board Chair	
DATE	

ORDINANCE 8696

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B.R.C. 1981, TO MODIFY OFF-STREET PARKING REQUIREMENTS AND AMENDING CHAPTER 2 OF THE CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS (D.C.S), ORIGINALLY ADOPTED PURSUANT TO ORDINANCE 5986, TO MODIFY STANDARDS FOR MOTOR VEHICLE AND BICYCLE PARKING; AND SETTING FORTH RELATED DETAILS.

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE,"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,

Section 1. Section 7-6-23, "Parking for Certain Purposes Prohibited," B.R.C 1981 is

amended to read as follows:

7-6-23. Parking for Certain Purposes Prohibited.

- (b) No vehicle shall be parked upon any private property within any required yard abutting a street. *Required yard* means the minimum front yard setback for principal buildings, the minimum side yard setback from a street for all buildings and the minimum front and side yard setbacks from major roads set forth in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.
 - (1) As an exception to this prohibition, within districts zoned RR-1, RR-2, RE, or RL-1, RL-2, A or P, up to two vehicles may be parked on a paved or improved driveway which serves as access to required off-street parking provided on the lot in accordance with Sections 9-9-6, "Parking Standards," and 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.
 - (2) This subsection does not apply to recreational vehicles parked or stored in accordance with subsection 9-9-6(\underline{fh}), B.R.C. 1981.

Section 2. Section 9-1-3, Application of Regulations", B.R.C. 1981 is amended to read as follows:

9-1-3. Application of Regulations.

- (a) General Applicability: The regulations, requirements, limitations and provisions of this title shall extend and apply only to land and the use of land within the corporate limits of the City of Boulder, Colorado, except as may otherwise be specified in this title.
- (b) General Compliance Requirements:
 - (1) No building, structure or land may hereafter be used or occupied, and no building or structure or part thereof may hereafter be erected, constructed, moved or altered except in conformity with all of the regulations of this title.
 - All lot area, open space, or yard requirements must be met on the lot or parcel creating the requirement for each building and use, unless modified under the provisions of Section 9-2-14, "Site Review," B.R.C. 1981. No part of a lot area, open space, off-street parking area or yard required about or in connection with any building for the purposes of complying with this title, may be included as part of a lot area, an open space, off-street parking area or yard similarly required for any other building or use, except as otherwise specifically permitted by the provisions of this title.

Section 3. Section 9-2-1, "Types of Reviews," B.R.C. 1981 is amended to read as

follows:

9-2-1. Types of Reviews.

- (a) Purpose: This section identifies the numerous types of administrative and development review processes and procedures. The review process for each of the major review types is summarized in Table 2-1 of this section.
- (b) Summary Chart:

TABLE 2-1: REVIEW PROCESSES SUMMARY CHART

I. ADMINISTRATIVE REVIEWS	II. DEVELOPMENT REVIEW AND BOARD ACTION
Affordable housing design review pursuant to Section 9-13-4, B.R.C. 1981	Annexation/initial zoning
Bicycle parking reductions and modifications	BOZA variances
Building permits	Concept plans
	Demolition, moving, and removal of buildings with
Change of address	potential historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition,

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1	Change of street name	On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981
2	Conditional uses, as noted in Table 6-1: Use Table	
	Demolition, moving, and removal of buildings with no	Form-based code review
3	historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site	Geophysical exploration permit
4	Relocation, and Off-Site Relocation of Buildings Not	Landmark alteration certificates other than those that
5	Designated," B.R.C. 1981	may be approved by staff per Section 9-11-14, "Staff Review of Application for Landmark Alteration
	Easement vacation	Certificate," B.R.C. 1981
6	Extension of development approval/staff level	Lot line adjustments
7	Landmark alteration certificates (staff review per	Lot line elimination
8	Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981)	Minor Subdivisions
9	Landscape standards variance	Out of city utility permit
10	Minor modification to approved site plan	Rezoning
11	Minor modification to approved form-based code review	Site review
12		Subdivisions
	Noise barriers along major streets per Paragraph 9-9-15(c)(7), B.R.C. 1981	Use review
13	Nonconforming use extension	Vacations of street, alley, or access easement
14	Parking deferral per Subsection 9-9-6(e), B.R.C. 1981	
15	Parking reduction of up to twenty five percent per	
16	Subsection 9-9-6(f), B.R.C. 1981	
	Parking reductions and modifications for bicycle	
17	parking per Paragraph 9-9-6(g)(6), B.R.C. 1981	
18	Parking stall size reduction variances	
19	Public utility	
20	Rescission of development approval	
	Revocable permit	
21	Right-of-way lease	
22	Setback variance	
23	Site access exceptionvariance	
24	Substitution of a nonconforming use	
25	Solar exception	

1	Zon	ing verification						
2		Section 4. Section 9-2-2, "Administrative	Review Procedures", B.R.C. 1981 is amended					
4	to read	d as follows:						
5	9-2-2. Administrative Review Procedures.							
6	(a)	Purpose: Administrative review of projects	s will occur at various times in project					
7		development to ensure compliance with the	- · ·					
8	(c)	Application Requirements:						
9								
10		(4) Additional Information: If, in the ci	ity manager's judgment, the application does					
11		not contain sufficient information to	o permit an appropriate review, the manager from the applicant. This additional					
12		information may include, without l	imitation, a written statement describing the ed and existing uses and a site plan showing					
13 14		dimensions, distances, topography, proposed improvements, including	adjacent uses, location of existing and but not limited to landscaping, parking, and					
15		buildings.						
16		Section 5 Section 0.2.2 "Westerness and I	intermentations? D.D.C. 1001 is amondad to					
17	1	· 	interpretations", B.R.C. 1981 is amended to					
18		as follows:						
19	9-2-3.	. Variances and Interpretations.						
20	(a)	Purpose: This section identifies those stand manager or the Board of Zoning Adjustme	dards that can be varied by either the city nt (BOZA). Some standards can be varied by					
21		• •	e Review process, others by BOZA by another lanager may defer any administrative decision					
22		pursuant to this section to BOZA. This sec interpretations of this title may be appealed	tion also identifies which city manager d to BOZA and establishes a process for such					
23		appeals.	-					
24								
25	(c)	Administrative Variances: The city manage	er may grant a variance from:					

1			
2		(6)	The parking requirements of Subsection 9-9-6(d), B.R.C. 1981, with regards to parking in landscaped front yard setbacks, if the city manager finds that the application satisfies all of the requirements in subsection (h) or (j), as applicable,
4 5			of this section and if the applicant obtains the written approvals of impacted property owners.
6		(6 <u>7</u>)	If written approvals of impacted property owners cannot be obtained, the applicant may apply for consideration of the variance before the BOZA.
7 8		(7 <u>8</u>)	Applicants shall apply for the variance on a form provided by the city manager and shall pay the application fee required by title 4, "Licenses and Permits," B.R.C. 1981, at time of submittal of the application.
9		(80)	The city manager may also great variances or refer variance requests to the
10		(<u>89</u>)	The city manager may also grant variances or refer variance requests to the BOZA to allow development not in conformance with the provisions of this title which otherwise would result in a violation of federal or state legislation or
11			regulation, including but not limited to the Federal Fair Housing Act or the Americans with Disabilities Act.
12			
13	•••		
14	(j)	may gr	rant a variance to the requirements of Section 9-9-6, "Parking Standards," B.R.C.
15			to allow a required parking space to be located within the front yard setback if it hat the application satisfies all of the following requirements:
16			
17		Section	n 6. Section 9-2-14, "Site Review", B.R.C. 1981 is amended to read as follows:
18	9-2-14	. Site R	Review.
19	(a)	Purpos	se: The purpose of site review is to allow flexibility in design, to encourage
20			ation in land use development, to promote the most appropriate use of land, to we the character and quality of new development, to facilitate the adequate and
21		econor	mical provision of streets and utilities, to preserve the natural and scenic features of pace, to ensure compatible architecture, massing and height of buildings with
22		existin	g, approved, and known to be planned or projected buildings in the immediate of ensure human scale development, to promote the safety and convenience of
23		pedest	rians, bicyclists and other modes within and around developments and to
24			nent the goals and policies of the Boulder Valley Comprehensive Plan and other of plans of the community. Review criteria are established to achieve the following:
25			

2 3	(g)	for a s Review	w and Recommendation: The city manager will review and decide an application ite review in accordance with the provisions of Section 9-2-6, "Development w Application," B.R.C. 1981, except for an application involving the following, the city manager will refer with a recommendation to the planning board for its:
4 5		(1)	A reduction in off-street parking of more than fifty percent subject to compliance with the standards of Subsection 9-9-6(f), B.R.C. 1981.
6		(<u>1</u> 2)	A reduction of the open space or lot area requirements allowed by Subparagraph (h)(6) of this section.
7 8		(<u>2</u> 3)	An application for any principal or accessory building above the permitted height for principal buildings set forth in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.
9	(h)		ia: No site review application shall be approved unless the approving agency finds the project is consistent with the following criteria:
11			
12 13		(1)	Site Design Criteria: The project creates safe, convenient, and efficient connections for all modes of travel, promotes safe pedestrian, bicycle, and other
14			modes of alternative travel with the goal of lowering motor vehicle miles traveled Usable open space is arranged to be accessible; designed to be functional, encourage use, and enhance the attractiveness of the project; and meets the needs
1516			of the anticipated residents, occupants, tenants, and visitors to the project. Landscaping aesthetically enhances the project, minimizes use of water, is sustainable, and improves the quality of the environment. Operational elements are serged to mitigate possible visual imports. In determining whether this is
17			are screened to mitigate negative visual impacts. In determining whether this is met, the approving agency will consider the following factors:
18			(A) Access, Transportation, and Mobility:
19			
20			(v) The design of vehicular circulation and parking areas make
21			efficient use of the land and minimize the amount of pavement necessary to meet the circulation and parking needs of the project.
22			
23		(7)	Parking Reductions: The applicant demonstrates, and the approving authority
24		(7)	finds, that any reduced parking on the site, if applicable, meets the parking
25			reduction criteria outlined in Section 9-9-6, "Parking Standards," B.R.C. 1981.

1						
2	(k)	Minor Modifications to Approved Site Plans: The city manager reviews applications for minor modifications pursuant to the procedures in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.				
4						
5		(1)		ards: Minor modifications may be approved if the proposed modification ies with the following standards:		
6						
7			(E)	Parking: Any parking reduction is reviewed and approved through the process and criteria in Subsection 9-9-6(f), B.R.C. 1981;		
8						
9			(<u>E</u> F)	Solar Panels: Any solar panels do not substantially add to the mass or perceived height of the building and comply with all applicable building height, solar access, building coverage, and open space requirements;		
10			(EC)			
11			(<u>F</u> G)	Other Requirements: The modification complies with all other applicable requirements of this title; and		
12			(<u>G</u> H)	Modified Standards: The numeric standards in the site plan are not modified by more than allowed through Table 2-3.		
14	as follo		<u>n 7.</u> Se	ction 9-2-16, "Form-Based Code Review", B.R.C. 1981 is amended to read		
16	9-2-16	. Form	-Based	Code Review.		
17 18	(a)	-		purpose of form-based code review, is to improve the character and quality		
				opment to promote the health, safety and welfare of the public and the users oment. The form-based code review regulations are established to create a		
19		sense design	-	e in the area being developed or redeveloped and ensure a site and building		
20		8				
21						
22	(h)	approv	ing aut	ng Reductions. As part of the form-based code review process, the hority may grant a parking reduction pursuant to the criteria in Subsection		
23		develo	pments	tor Vehicle Parking Reductions," B.R.C. 1981, for commercial residential developments, industrial developments, and mixed use		
24			-	if the approving authority finds that the criteria of Subsection 9-9-6(f), are met. As part of the form-based code review process, the approving		
25		author	ity may	grant reductions and modifications to the bicycle parking standards of		

Subsection 9-9-6(eg), B.R.C. 1981, if the reviewing authority finds that the standards of Paragraph 9-9-6(eg)(6), B.R.C. 1981, are met.

...

Section 8. Section 9-4-2, "Development Review Procedures", B.R.C. 1981 Table 4-1,

"Summary of Decision Authority by Process Type," is amended to read as follows:

9-4-2. Development Review Procedures.

- (a) Development Review Authority: Table 4-1 of this section summarizes the review and decision-making responsibilities for the administration of the administrative and development review procedures described in this chapter. The table is a summary tool and does not describe all types of decisions made under this code. Refer to sections referenced for specific requirements. Additional procedures that are required by this code but located in other chapters are:
 - (1) "Historic Preservation," chapter 9-11; and
 - (2) "Inclusionary Housing," chapter 9-13.

TABLE 4-1: SUMMARY OF DECISION AUTHORITY BY PROCESS TYPE

Standard or Application Type	Staff/City Manager	BOZA	Planning Board	City Council				
Chapter 9-7: Form and Bulk Standards								
Accessory Building Coverage Subsection 9-7-8(a)	_	D	_	_				
Building Height Section 9-7-5	_	_	D(30)	CA				
Conditional Building Height Section 9-7-6	D	_	_	_				
Section 9-9-6: Parking Standards								
Bicycle Parking Reduction Section 9-9-6(e)	<u>D</u>	=	=	=				
Parking Access Dimensions Section 9-9-5	D		_	_				
Parking Deferral Subsection 9-9-6(e)	Đ	_	_	_				

Parking Reduction ≤25% Subsection 9-9-6(f)	Đ			
Parking Reduction >25% but ≤50% Section 9-9-6(f)	D(14)	_	CA, D(30)	CA
Parking Reduction >50% Subsection 9-9-6(f)	_	_	D(30)	CA
Section 9-9-17: Solar Access				
Solar Access Permit Subsection 9-9-17(h)	D	D		
Solar Exception Subsection 9-9-17(f)	D	D	_	_
Section 9-10-3: Changes to Nonstanda	ard Buildings, S	tructures, and Lot	s and Nonconforming	Uses
Expansion of a Nonconforming Use Section 9-10-3	D(14)		CA(30)	CA
Substitution of a Nonconforming Use Section 9-10-3	D		_	_
Chapter 9-12: Subdivision				
Final Plat Section 9-12-8	D(14)		CA	
Lot Line Adjustment or Lot Line Elimination Sections 9-12-3 and 9-12-4	D	_	_	_
Minor Subdivision Section 9-12-5	D(14)		CA(30)	
Preliminary Plat Section 9-12-7	D	_	_	_
KEY: D = Decision Authority CA = C R = Recommendation only (A) = App				• ,

<u>Section 9.</u> Section 9-6-3, "Specific Use Standards-Residential Uses", B.R.C. 1981, is amended to read as follows:

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23

24

25

1	9-6-3.	Specif	ic Use S	tandar	ds - Residential Uses.
2	(a)	Resid	ential U	Jses:	
3					
4	HOU	SEHOI	LD LIV	ING	
5	(b)	House	ehold L	iving U	ses:
6				S	
7		(3)	House	hold Liv	ving Uses in the MU-3 Zoning District:
8		(3)			
9			(A)	to uses	cability: The following standards apply in the MU-3 zoning district in the household living use category that front onto Pearl Street ay be approved as a conditional use:
10				(i)	The first floor above the finished grade at the street level fronting
11				(1)	onto Pearl Street shall be constructed to permit a portion of the first floor as specified in Subparagraph (b)(3)(A)(ii) to be used for a
1213					restaurant, brewpub, or tavern use, personal service use, or retail sales use that is permitted in the MU-3 zoning district.
14				(ii)	The nonresidential spaces shall have a minimum depth of twenty feet measured from the front of the building along the Pearl Street
15					frontage to the inside wall opposite of the street frontage. Building entries for uses above the first floor may be permitted to the extent
16					necessary to provide access.
17				(iii)	Additional parking will not be required to be provided for the floor area that is necessary to meet the required minimum depth of the
18					first-floor nonresidential use. All floor area beyond the required minimum depth shall meet the parking requirements of Section 9
19					9-6, "Parking Standards," B.R.C. 1981.
20				(<u>iiiiiv</u>)	The nonresidential space required by this section shall be used as a
21					nonresidential principal use as permitted by Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, and not be used
22					for any residential principal or accessory uses.
23				(<u>i</u> v)	No existing nonresidential space fronting onto Pearl Street shall be converted to residential space inconsistent with this paragraph.
24				(v i)	The first floor frontage requirements for nonresidential uses of this
25					section and the requirements for window location, door location,

1				and minimum lot frontage in "Table 7-1: Form and Bulk
2				Standards" may be modified for an individual landmark or a building within a historic district that has received a landmark
3				alteration certificate as required by Chapter 9-11, "Historic Preservation," B.R.C. 1981.
4				
5	(g)	Live-V	Work U	Jnit:
6		(1)	Gener	al Standards: The following standards apply to live-work units:
7 8			(A)	The commercial or industrial activity may be any nonresidential use allowed in the same zoning district, subject to any applicable specific use
9				standards or review process for that use.
10			(B)	The residential use is located above or behind a ground floor space for nonresidential use.
11 12			(C)	A resident of the live-work unit must be responsible for the work performed in the nonresidential use.
13			(D)	Only one kitchen is permitted.
14		(2)	In the	Industrial Zoning Districts:
15			(A)	Review Process: In the industrial zoning districts, live-work units may be
16				approved as a conditional use if at least fifty percent of the floor area of the building is for nonresidential use. Floor area within the live-work unit is considered residential floor area.
17				is considered residential froof area.
18			m.c	
19	GRO	UP LIV	ING	
20				
21	(m)	Trans	itional	Housing:
22		(1)		ollowing standards apply to any transitional housing facility that may be wed as a conditional use or pursuant to a use review:
23 24			(A)	General Standards: Any transitional housing approved as a conditional use or pursuant to a use review shall meet the following standards:
25				(i) Density: The maximum number of dwelling units within a transitional housing facility shall be the same as is permitted within

1						derlying zoning district, except that for any zoning district
2						classified as an industrial zoning district pursuant to Section "Zoning Districts," B.R.C. 1981, the number of dwelling
						permitted shall not exceed one dwelling unit for each one
3					thouse	and six hundred square feet of lot area on the site.
4				(ii)		ng: The facility shall provide one off-street parking space for
5						lwelling unit on the site. The approving authority may grant a age deferral of up to the higher of fifty percent of the required
6					parkir	ng or what otherwise may be deferred in the zoning district if plicant can demonstrate that the criteria set forth in
7					-	ction 9-9-6(e), B.R.C. 1981, have been met.
8			(B)	In the	BC-1 a	nd BC-2 Zoning Districts:
9				(i)		w Process: In the BC-1 and BC-2 zoning districts, the ying review process applies to transitional housing:
10					10110 W	
11					a.	Conditional Use: Transitional housing may be approved as a conditional use if the use is not located on the ground
12						floor, with the exception of minimum necessary ground level access.
13					b.	Use Review: Transitional housing that may not be
14						approved as a conditional use may be approved only pursuant to a use review. In addition to meeting the use
15						review criteria, the applicant shall demonstrate that the use on the ground floor will not adversely affect the intended
16 17						function and character of the area as a neighborhood serving business area where retail-type stores predominate on the ground floor. In determining whether this criterion is
18						on the ground floor. In determining whether this criterion is met, the reviewing authority shall consider the location and design of the proposed use and the existing and approved
19						uses on the property and in the area.
20	RESI	DENTI	AL AC	CESSO	ORY	
21						
22	(o)	Home	Occup	ation:		
23		(1)	A hon	ne occui	oation i	s allowed by right if the accessory use meets the following
24		` /	standa	-	_	,g
			(A)	Standa	ards:	
25						

1 2 3				(viii) No traffic is generated by such home occupation in a volume that would create a need for parking greater than that which can be accommodated on the site or which is inconsistent with the normal parking usage of the district.
4		Sectio	n 10 S	ection 9-6-4, "Specific Use Standards-Public and Institutional Uses",
5				-
	B.R.C	. 1981,	is amen	ded to read as follows:
6	9-6-4.	Specifi	ic Use S	standards - Public and Institutional Uses.
7	СОМ	MUNI	ΓY, CU	LTURAL, AND EDUCATIONAL
8				
9	CADI	Z AND	CHELT	PED.
10		LAND	SHELT	LK
11	(d)	Dayca	re Cen	ter:
12		(1)		ollowing standards apply to any daycare center, except home daycares, that e approved as a conditional use or pursuant to a use review:
13				
14 15			(C)	Adequate off-street parking is provided for employees, volunteers, and visitors.
16			(<u>C</u> D)	Child daycare facilities are properly licensed by the State Department of Social Services.
17			(D E)	For nursery care (any child under the age of eighteen months), the facility
18			(<u>D</u> L)	provides fifty square feet of useable indoor floor area per child or a total of
19				six hundred square feet of useable floor area, whichever is greater.
20			(<u>E</u> F)	For child care other than nursery care, the facility provides thirty square feet of useable indoor floor area per child or a total of six hundred square
21				feet of useable floor area, whichever is greater.
22			(<u>F</u> G)	All child day care facilities shall provide a minimum of seventy-five square feet of usable outdoor play area per child or a total of two thousand
23				four hundred square feet of useable outdoor play area, whichever is greater.
24			(CII)	
25			(<u>G</u> H)	In the MH and RH-6 zoning districts, the use shall not provide care to more than fifty persons, not including employees.

1	(e)	Day S	Shelters	s, Emergency Shelters, and Overnight Shelters:
2				
3		(2)		ral Requirements for All Shelters: The following criteria apply to any day,
4			emerg	gency, or overnight shelters:
5				
6			(B)	Additional Requirements for Day Shelters: The following additional criteria apply to any day shelter:
7				
8				(iv) Parking: The facility shall provide off-street parking at the rates set
9				forth in Section 9-9-6, "Parking Standards," B.R.C. 1981, for a nonresidential use. The approving authority may grant a parking
10				deferral of the higher of up to fifty percent of the required parking or what otherwise may be deferred in the underlying zoning district
11				if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.
12			(6)	
13			(C)	Additional Requirements for Emergency Shelters: The following additional requirements apply to any emergency shelter:
14				(i) Waiver of Good Neighbor Meeting and Management Plan
15				Requirement: The city manager may waive the requirement that the applicant organize, host, and participate in a good neighbor
16				meeting upon finding that the applicant will not require a use review, and that the needs of the facility's clients for anonymity
17				and a safe and secure environment will be compromised by such a meeting.
18				(ii) Parking: The facility shall provide off-street parking at the rates set
19				forth below in Subparagraphs a., b., and c. The approving authority may grant a parking deferral of up to the higher of fifty percent of
20				the required parking or what otherwise may be deferred in the
21				underlying zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been
22				met.
23				 a. One space for each employee or volunteer that may be on the site at any given time computed on the basis of the
24				estimated maximum number of employees and volunteers on the site at any given time;
25				on the site at any 51. on thine,

1			b. One parking space for each twenty occupants, based on the maximum occupancy of sleeping rooms and the dormitory
2			type sleeping areas; and
3			c. One parking space for each attached type dwelling unit.
4		(ii i)	Maximum Occupancy: No person shall permit the maximum
5			occupancy of a facility to exceed the following unless approved pursuant to an occupancy increase:
6			
7		(<u>iii</u> iv)	Review Standards: Uses designated as conditional uses in Section
8		(<u>III</u> IV)	9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, shall be processed under the provisions of this paragraph unless the
9			applicant makes a request to increase the maximum occupancy per dwelling unit equivalent from six persons per dwelling unit
10			equivalent up to ten occupants for sleeping room or dormitory type sleeping areas.
11	(D)	A 11'4'	
12	(D)		onal Standards for Overnight Shelters: The following additional apply to any overnight shelter:
13			
14		(;;;)	Dorling: The facility shall provide off street perking at the rates set
15		(iii)	Parking: The facility shall provide off-street parking at the rates set forth below in Subparagraphs a. and b. The approving authority
16			may grant a parking deferral of up to the higher of fifty percent of the required parking or what otherwise may be deferred in the
17			underlying zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been
18			met.
19			a. One space for each employee or volunteer that may be on
			the site at any given time computed on the basis of the estimated maximum number of employees and volunteers
20			on the site at any given time; and
21			b. One parking space for each twenty occupants, based on the
22			maximum occupancy of the facility.
23		(<u>iii</u> iv)	Maximum Occupancy: No person shall permit the maximum occupancy of a facility to exceed the following unless approved
24			pursuant to an occupancy increase:
25	•••		

1			(<u>i</u> v)	Review Standards: Uses designated as conditional uses in Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, shall be
2				processed under the provisions of this paragraph unless the applicant proposes to exceed the following standards. In such
3				cases, the applicant will also be required to complete the use review process pursuant to Section 9-2-15, "Use Review," B.R.C.
4				1981.
5				
6	INFRASTR	UCTUR	E	
7				
8	Section	on 11. S	ection 9	9-6-5, "Specific Use Standards-Commercial Uses", B.R.C. 1981, is
10	amended to r	ead as fo	ollows:	
11	9-6-5. Specif	ic Use S	standar	ds - Commercial Uses.
12	FOOD, BEV	ERAG	E, AND	LODGING
13	(a) Bed a	nd Brea	akfast:	
14	(1)		_	g standards apply to bed and breakfast uses that may be approved as use or pursuant to a use review:
15 16		(A)	terms	ructure is compatible with the character of the neighborhood in of height, setbacks, and bulk. Any modifications to the structure are tible with the character of the neighborhood.
17		(B)		arking space is provided for each guest bedroom, and one space is led for the operator or owner's unit in the building.
19 20		(<u>B</u> C)	rooms	ucture contains more than twelve guest rooms. The number of guest shall not exceed the occupancy limitations set forth in Section 9-8-cupancy Equivalencies for Group Residences," B.R.C. 1981.
21		(CD)		
22		(<u>C</u> Đ)		oking facilities including, without limitation, stoves, hot plates, or wave ovens are permitted in the guest rooms. No person shall permit se.
23 24		(<u>D</u> €)		ttached exterior sign is permitted to identify the bed and breakfast, t to the requirements of Section 9-9-21, "Signs," B.R.C. 1981.
			-	-

25

1			(<u>E</u> +)	to remain in a bed and breakfast for a period in excess of thirty days.
234			(<u>F</u> G)	No restaurant use is permitted. No person shall serve meals to members of the public other than persons renting rooms for nightly occupancy and their guests.
5			(<u>G</u> H)	No person shall check in or check out of a bed and breakfast or allow another to do so except between the times of 6 a.m. and 9 p.m.
6				
7	RECI	REATIO	ON AN	D ENTERTAINMENT
8				
9	(h)	Temp	orary I	Event:
1011		(1)	Tempo are me	orary events may be approved as a conditional use if the following standards et:
12				
13 14			(E)	Such uses may not adversely affect the required parking or result in unsafe conditions or unacceptable levels of congestion;
15				
16	OFFI	CE US	ES	
17				
18	RETA	AIL SA	LES US	SES
19				
20	SERV	ICE U	SES	
21				
22	(s)	Media	a Produ	action:
23		(1)	In the	MU-1, MU-2, and MU-3 Zoning Districts:
24		` /	(A)	Review Process: In the MU-1, MU-2, and MU-3 zoning districts, a media
25			()	production use is allowed by right if the floor area of the use does not

1					d 5,000 square feet. A media production use that is not allowed by may be approved only pursuant to a use review.		
2		(2)	In the	BMS Z	Zoning District:		
3			(A)		ew Process: In the BMS zoning district, a media production use is		
5				street,	ed by right if the use is not located on the ground floor facing a , with the exception of minimum necessary ground level access. A a production use that is not allowed by right may be approved only		
6					ant to a use review.		
7	(t)	Non-	Vehicul	ar Rep	air and Rental Service:		
8		(1)	In the	MU-1,	MU-2, MU-3, MU-4, BT-1, BT-2, and BMS Zoning Districts:		
9			(A)		Review Process: In the MU-1, MU-2, MU-3, MU-4, BT-1, BT-2, and BMS zoning districts, a non-vehicular repair and rental service is allowed		
10				by rig	the floor area of the use does not exceed 5,000 square feet. A rehicular repair and rental service that is not allowed by right may be		
11					approved only pursuant to a use review.		
12	(u)	Neigh	borho	od Busi	ness Center:		
13 14		(1)			g standards apply to any neighborhood business center that may be suant to a use review:		
15							
16			(F)		urant Restrictions: Restaurants are permitted as a use within a borhood business center provided the following criteria are met,		
17				notwithstanding any restriction within Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981:			
18				(i)	No Parking Reduction: No parking reduction may be granted for		
19				(-)	the neighborhood business center or any contemporaneously developed adjacent residential development unless the applicant		
20					can provide adequate assurances that there will be no parking spillover onto the surrounding residential streets;		
21				<i>(</i> **)			
22 23				(i i)	Size: The gross floor area of the restaurant does not exceed one thousand five hundred square feet in size, and up to three hundred additional square feet of floor area may be utilized for storage		
24					purposes only;		
25				(ii i)	Proportion of Development: The restaurant use is included in a development containing other uses approved as part of the neighborhood business center and does not exceed twenty-five		

1					percent of the gross floor area of the project;
2				(<u>iii</u> iv)	Drive-Thru Uses Prohibited: The restaurant does not contain a drive-thru facility;
3				(<u>i</u> v)	Trash Storage: A screened trash storage area is provided adjacent
4 5				(<u>i</u> v)	to the restaurant use, in accordance with the requirements of Section 9-9-18, "Trash Storage and Recycling Areas," B.R.C. 1981;
6					1701,
7				(v i)	Loading Area: A loading area meeting the requirements of Section 9-9-9, "Off-Street Loading Standards," B.R.C. 1981, provided adjacent to the restaurant use;
8				(vi i)	Signaga Signaga complies with a sign program approved as part
9				(VI I)	Signage: Signage complies with a sign program approved as part of the review by the city manager consistent with the requirements of Section 9-9-21, "Signs," B.R.C. 1981; and
10				(11111)	Environmental Impacts: Any environmental impact including
11				(vii i)	Environmental Impacts: Any environmental impact including, without limitation, noise, air emissions and glare is confined to the lot upon which the restaurant use is located and is controlled in
12					accordance with applicable city, state, and federal regulations.
13					
1.4	•••				
14	VEHI	CLE-R	ELATI	ED USI	ES
15					
16	•••				
1.7	(x)	Fuel S	ervice (Station	:
17		(1)	The fo	llowing	standards apply to any fuel service station that may be approved as
18		(1)		_	use or pursuant to a use review:
19			(A)		al Standards: Any fuel service station that may be approved as a
20				conditation standar	ional use or pursuant to a use review shall meet the following rds:
21					
22	•••				
22				(v)	In addition to the parking requirements of Sections 9-7-1,
23					"Schedule of Form and Bulk Standards," and 9-9-6, "Parking Standards," B.R.C. 1981, and the stacking requirements of
24					Subparagraph $(y)(1)(A)(ii)$ of this subsection, adequate space is
25					provided for the storage of two vehicles per service bay off-street.

1				
2		Section	on 12.	Section 9-6-6, "Specific Use Standards-Industrial Uses", B.R.C. 1981, is
3	ameno	led to r	ead as f	follows:
4	9-6-6.	Specif	ic Use S	Standards - Industrial Uses.
5	STOF	RAGE,	DISTR	RIBUTION, AND WHOLESALING
6	(a)	Outd	oor Dis	play of Merchandise:
7		(1)	The fo	ollowing standards apply to the outdoor display of merchandise:
8 9			(A)	Merchandise shall not be located within any required yard adjacent a street;
10 11			(B)	Merchandise shall not be located within or obstruct required parking and vehicular circulation areas or sidewalks;
12			(C)	Merchandise shall be screened to the extent possible from the view of adjacent streets; and
1314			(D)	Outdoor display is for the temporary display of merchandise and not for the permanent storage of stock.
15	PROI	OUCTI	ON AN	ND PROCESSING
16				
17	(d)	Recy	cling Co	ollection Facilities - Large:
18 19		(1)		recycling collection facilities that may be approved pursuant to a use w shall meet the following standards:
20			(F)	One parking space shall be provided for each commercial vehicle operated
21				by the recycling facility. Parking requirements are as required in the zone, except that parking requirements for employees may be reduced if it can
22				be shown that such parking spaces are not necessary, such as when employees are transported in a company vehicle to the work facility.
23			(<u>F</u> G)	If the facility is located within five hundred feet of property zoned,
2425				planned under the Boulder Valley Comprehensive Plan, or occupied for residential use, it shall not operate between 7:00 p.m. and 7:00 a.m.

1			(<u>G</u> H)	Any container provided for after-hours donation of recyclable materials shall be at least fifty feet from any property zoned, planned in the Boulder
2				Valley Comprehensive Plan, or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to
3				accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
5			(<u>H</u> I)	The containers shall be clearly marked to identify the type of materials that may be deposited. The facility shall display a notice stating that no
6				material shall be left outside the recycling containers.
7			(<u>I</u> f)	The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.
8	(e)	Recycling Collection Facilities - Small:		
9		(1)	Small	recycling collection facilities that may be approved as a conditional use or
10		(-)		ant to a use review shall meet the following standards:
11				
12			(O)	No additional parking spaces are required for customers of a small
13				collection facility located at the established parking lot of a host use, but one additional space shall be provided for the attendant, if needed.
14			(<u>O</u> P)	Mobile recycling units shall have an area clearly marked to prohibit other
15				vehicular parking during hours when the mobile unit is scheduled to be present.
16			(Q)	Occupation of parking spaces by the facility and by the attendant shall not
17				reduce available parking spaces below the minimum number required for the primary host use unless a parking study shows the existing parking
18				capacity is not already fully utilized during the time the recycling facility will be on the site.
19	(f)	(f) Recycling Processing Facility:		
20		·	Ü	•
21		(1)	•	ling processing facilities that may be approved as a conditional use or ant to a use review shall meet the following standards:
22			(G)	One parking space shall be provided for each commercial vehicle operated
23				by the processing center. Parking requirements shall otherwise be as required for the zone in which the facility is located.
24			(<u>G</u> H)	If the facility is located within five hundred feet of property zoned,
25			(<u>U</u> II)	planned in the Boulder Valley Comprehensive Plan, or occupied for

1		residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site personnel during the hours the facility is open.			
2					
3	(<u>H</u> I)	Any containers provided for after-hours donation of recyclable materials shall be at least fifty feet from any property zoned, planned in the Boulder			
4		Valley Comprehensive Plan, or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to			
5		accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.			
6	(<u>Ī</u> J)	Containers shall be clearly marked to identify the type of material that			
7 8	(<u>1</u> 3)	may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.			
9	(<u>J</u> K)	No dust, fumes, smoke, vibration, or odor from the facility shall be detectable on neighboring properties.			
10 11	Section 13. Section 9-7-12, "Two Detached Dwellings on a Single Lot", B.R.C. 1981, i				
12	amended to read as follows:				
13	9-7-12. Two Detac	hed Dwellings on a Single Lot.			
14	(a) Standards: In an RM-2, RM-3, RH-1, RH-2 or RH-5 district, two detached dwelling units may be placed and maintained as principal buildings on a lot which fronts on two public				
15	streets other	than alleys, if the following conditions are met:			
16	` /	e RM zoning district, one parking space is required for each principal			
17	bedr	ding. In the RH-5 zoning district, for the second principal building, one coom requires one off-street parking space, two bedrooms require one and			
18		half spaces, three bedrooms require two spaces, and four or more bedrooms ire three spaces. Required parking is provided on the lot convenient to each			
19		cipal building. Any two parking spaces fronting on an alley which are cent to each other shall be separated from any other parking spaces by a			
20		scaped area at least five feet wide and as deep as the parking spaces;			
21	(<u>3</u> 4) Priva	acy fencing or visual buffering of parking areas is provided;			
22	(<u>4</u> 5) Each	n principal building has separate utility services in approved locations;			
23 24		utilities are underground for each principal building unless this requirement is yed by the city manager for good cause;			

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New principal buildings are compatible in character with structures in the <u>(67)</u> immediate vicinity, considering mass, bulk, architecture, materials and color. In addition, the second principal building placed on a lot shall meet the following requirements:

Section 14. Section 9-7-13, "Mobile Home Park Form and Bulk Standards", B.R.C.

981, is amended to read as follows:

7-13. Mobile Home Park Form and Bulk Standards.

o person shall establish or maintain a mobile home park or mobile home on a lot within a obile home park except in accordance with the following standards:

1) Mobile Home Park Form and Bulk Summary Table: Development within a mobile home park in the MH zoning district shall comply with the standards shown in Table 7-2 and illustrated in Figure 7-15 of this section.

TABLE 7-2: MOBILE HOME PARK DESIGN STANDARDS (MH DISTRICT)

Size and Intensity	
Lot Area and Open Space	
Minimum lot area if subdivided	3,500 square feet
Minimum average lot area per mobile home	4,350 square feet
Minimum outdoor living and service area (with no dimension less than 15 feet)	300 square feet
Minimum usable open space per mobile home	600 square feet
Parking Requirements	
Minimum number of off-street parking spaces per mobile home	1
Setbacks and Separation	
(A) Minimum setback from exterior perimeter property lines of the mobile home park -	MH, RL-2, RM-1, RM-3, RH-1 and RH-4 zones: 20 feet
	RM-2 and RH-5 zones: 25 feet
(B) Minimum side to side separation	15 feet

. . .

(C) Minimum end to end separation	10 feet
(D) Minimum distance from tongue to any adjacent sidewalk or pedestrian walkway	2 feet
(E) Minimum setback from private drive or internal public street (from edge of pavement)	10 feet

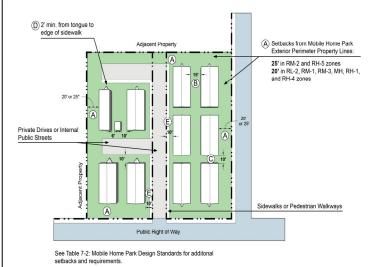


Figure 7-15: Mobile Home Park Setback & Separation Standards

The minimum setback from the exterior perimeter property lines of the mobile home park depends on the zoning district. All other setback requirements apply in all mobile home parks. The required setback from a private drive or internal public street is measured from the edge of pavement. The required tongue setback is measured to the edge of the sidewalk or pedestrian walkway. See Table 7-2 for corresponding setbacks and separation standards.

- (d) Parking: Mobile homes in all zoning districts other than the MH district shall provide 1.5 off-street parking spaces per mobile home. Off-street spaces shall be located on or within three hundred feet of the mobile home space for which the parking is required.
- (de) Modification of Setbacks From the Exterior Perimeter Property Lines of the Mobile Home Park: Mobile home setback distances along mobile home park exterior perimeter property lines adjacent to other lots may be modified as part of a site review or use review approval if the mobile home park owner demonstrates that there is a need for such modifications and that no detrimental effect will result to uses on adjoining properties or to residents of the mobile home park.
- (ef) Obstructions Prohibited: No mobile home or portion thereof shall overhang or obstruct any driveway, access road or walkway.

1	(<u>f</u> g)	Screening: All mobile home parks adjacent to other residential uses, commercial uses or industrial uses shall be provided with screening, such as opaque fencing or landscaping,
2		along the property lines separating the mobile home park from such adjacent land uses.
3		Section 15. Section 9-8-6, "Occupancy Equivalencies for Group Residences", B.R.C.
4	1981, i	s amended to read as follows:
5	9-8-6.	Occupancy Equivalencies for Group Residences.
6	The per	rmitted density/occupancy for the following uses shall be computed as indicated below.
7 8	section	nsity/occupancy equivalencies shall not be used to convert existing uses referenced in this to dwelling units. The number of allowed dwelling units shall be determined by using 19-8-1, "Schedule of Intensity Standards," B.R.C. 1981:
9		
10	(f)	Bed and Breakfast: Three guest rooms in a bed and breakfast constitute one dwelling
11		unit. In any bed and breakfast, up to twelve guest rooms are permitted, provided the required parking can be accommodated on site and the provisions of Subsection 9-6-5(a).
12		B.R.C. 1981, are met.
13	<u></u>	
14		Section 16. Section 9-9-2, "General Provisions," B.R.C. 1981, is amended to read as
15	follows	S:
16	9-9-2.	General Provisions.
17		son shall use or develop any land within the city except according to the following ds, unless modified through a use review under Section 9-2-15, "Use Review," B.R.C.
18	1	or a site review, Section 9-2-14, "Site Review," B.R.C. 1981, or a variance granted under a 9-2-3, "Variances and Interpretations," B.R.C., 1981.
19		
20		
21	(e)	Entire Use Located on One Lot: All lot area, open space, or yard requirements must be met on the lot or parcel creating the requirement for each building and use, unless
22		modified under the provisions of Section 9-2-14, "Site Review," B.R.C. 1981. No person shall include as part of a lot area, open space, off-street parking area, or yard required by
23		this title for any building or use any part of a lot area, open space, off street parking area, or yard required by this title for any other building or use, unless approved under the
24		provisions of Section 9-2-14, "Site Review," B.R.C. 1981.
25		

1		Sectio	n 17. Section 9-9-5, "Site Access Control," B.R.C. 1981, is amended to read as				
2	follow	rs:					
3	9-9-5.	Site Ac	ecess Control.				
4	(a)	Acces	s Control: Vehicular access to property from the public right-of-way shall be				
5		street	elled in such a manner as to protect the traffic-carrying capacity and safety of the upon which the property abuts and access is taken, ensuring that the public use and				
6		public	se of public rights-of-way is unimpaired as well as to protect the value of the infrastructure and adjacent property. The requirements of this section apply to all				
7			ses, including detached dwelling units, <u>if motor vehicle access is provided to the</u> ty from the public right-of-way, as follows:				
8							
9		(2)	For detached dwelling units, the standards of this section shall be met prior to a				
10 11			final inspection for any building permit for new development; the demolition of a principal structure; or the conversion of an attached garage or carport to a use other than use as a parking space.				
12			other than use as a parking space.				
13	(c)	rights	Standards and Criteria for Site Accesses and Curb Cuts: Any access or curb cut to public rights of way shall be designed in accordance with the City of Boulder Design and				
14		Consti	ruction Standards and the following standards and criteria:				
15							
16		(6)	Multiple Access Points for Detached Dwelling Units: The city manager will permit multiple access points on the same street for a single lot containing a				
17			detached dwelling unit upon finding that there is at least one hundred linear feet of lot frontage adjacent to the front yard on such street, the area has a limited				
18			amount of pedestrian activity because of the low density character, and <u>multiple</u> access points are not inconsistent with the city's plans for curbside use on the				
19 20			street there is enough on-street parking within three hundred feet of the property to meet the off-street parking needs of such area. The total cumulative width of				
21			multiple curb cuts shall not exceed the maximum permitted width of a single curb cut. The minimum spacing between multiple curb cuts on the same property shall				
22			not be less than sixty-five feet.				
23		(7)	Shared Driveways for Residential Structures: A lot with a detached dwelling unit that does not have frontage on the street from which access is taken may be				
24			served by a shared driveway that meets all of the standards and criteria for shared driveways set forth in the City of Boulder Design and Construction Standards.				
25							

1		(8)	Residential Driveways: Any driveway or access for a property with a residential
2			use must lead to an off-street parking space meeting the requirements of this title
2			and the City of Boulder Design and Construction Standards.
3		(<u>9</u> 8)	Driveway Width: Driveways shall meet the following standards (see Figure 9-1 of this section):
4 5			(A) Minimum driveway width: The width of a driveway leading to an off-
6			street parking space shall not be less than nine feet. A driveway, or portion of a driveway, may be located on an adjacent property if an easement is
7			obtained from the impacted property owner. (B) Maximum Driveway Width: For any property with three or fewer dwelling units, the driveway width within a landscaped setback, including any associated circulation or turnarounds, shall not exceed 20 feet.
	 	(4.00)	
9 10		(<u>10</u> 9)	Exceptions: The requirements of this section may be modified under the provisions of Section 9-2-14, "Site Review," B.R.C. 1981, to provide for safe and
10			reasonable access. Exceptions to this section may be made if the city manager determines that:
12			
		Section	on 18. Section 9-9-6, "Parking Standards," B.R.C. 1981, is amended to read as
13			2 in the section of t
14	follow	s:	
15	9-9-6.	Parkin	ng Standards.
16	(a)		nale <u>Purpose</u> : The intent of this section is to provide adequate off-street parking for es, to prevent undue congestion and interference with the traffic carrying capacity of
17		city st	reets, and establish safe and functional motor vehicle and bicycle parking design cation standards, ensure that motor vehicle parking plays a subordinate role to site
18		and bu	ailding design, and to-minimize the visual and environmental impacts of excessive
19		parkin	ng lot paving.
20	<u>(b)</u>		num Off-Street Parking Requirements: The following maximum off-street motor e parking requirements apply to residential and nonresidential uses.
21		(1)	Residential Uses: In the MU-4 and RH-7 zoning districts, the maximum number
22			of off-street parking spaces for an attached dwelling unit or each unit of a duplex shall be one space per dwelling unit.
23		(2)	Nonresidential Uses: In the RH-3, RH-6, RH-7, and MU-4 zoning districts, the
24		<u>\-/</u>	maximum number of off-street parking spaces for nonresidential uses and their
25			accessory uses shall be one space per 400 square feet of floor area per lot or parcel if residential uses comprise less than 50 percent of the floor area. If

residential uses comprise more than 50 percent of the floor area, the maximum is one space per 500 square feet of floor area per lot or parcel. This maximum does not apply in a parking district.

- (b) Off-Street Parking Requirements: The number of required off-street motor vehicle parking spaces is provided in Tables 9-1, 9-2, 9-3, and 9-4 of this section; the number of required off-street bicycle parking spaces is provided in Table 9-8 of this section:
 - (1) Residential Motor Vehicle Parking Requirements: Unless the use is specifically identified in Table 9-2 below, residential motor vehicle parking shall be provided according to Table 9-1:

TABLE 9-1: RESIDENTIAL MOTOR VEHICLE PARKING REQUIREMENTS BY ZONING DISTRICT AND UNIT TYPE

Zone District Standard	RR, RE, MU-1, MU-3, BMS, DT, A, RH-6	RMX-2, MU-2, MH, IMS	RL, RM, RMX-1, RH-1, RH-2, RH-4, RH-5, BT, BC, BR, IS, IG, IM, P	RH-3	MU-4, RH-7
Minimum number of off street parking spaces for a detached dwelling unit (DU)	1	1	1	1	θ
Maximum number of off street parking spaces for an attached DU or each unit of a duplex	N/A	N/A	N/A	N/A	1 space per DU
Minimum number of off street parking spaces for an attached DU or each unit of a duplex	1	1 for 1 or 2 bedroom DU 1.5 for 3 bedroom DU 2 for a 4 or more bedroom DU	1 for 1 bedroom DU 1.5 for 2 bedroom DU 2 for 3 bedroom DU 3 for a 4 or more bedroom DU	1 for 1 bedroom DU 1.5 for 2 bedroom DU 2 for 3 bedroom DU 3 for a 4 or more bedroom DU	θ
Accessible space requirement	Must mee	t the requirements of the	e Americans with Disal	vilities Act, as amended	.

(2) Use Specific Motor Vehicle Parking Requirements for Residential Uses:

TABLE 9-2: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS
FOR RESIDENTIAL USES IN ALL ZONES

Use	Parking Requirement

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Rooming house, boarding house, fraternity, sorority, group living and hostels	2 spaces per 3 occupants
Efficiency units, transitional housing	1 space per DU
Bed and breakfast	1 space per guest room + 1 space for operator or owner's DU within building
Accessory dwelling unit	0
Group homes: residential, custodial or congregate care	Off-street parking appropriate to use and needs of the facility and the number of vehicles used by its occupants, as determined through revi
Overnight shelter	1 space for each 20 occupants, based on the maximum occupancy of facility, plus 1 space for each employee or volunteer that may be on any given time computed on the basis of the maximum numbers of employees and volunteers on the site at any given time
Day shelter	Use the same ratio as general nonresidential uses in the zone
Emergency shelter	1 space for each 20 occupants, based on the maximum occupancy of facility, plus 1 space for each employee or volunteer that may be on any given time computed on the basis of the maximum numbers of employees and volunteers on the site at any given time, plus 1 space each attached type dwelling unit
Duplexes or attached dwelling units in the RR, RE and RL zoning	1 per unit

(3) Nonresidential Motor Vehicle Parking
Requirements: Unless the use is specifically
identified in Table 9-4 below, nonresidential motor
vehicle parking shall be provided according to
Table 9-3:

TABLE 9-3: NONRESIDENTIAL MOTOR VEHICLE PARKING REQUIREMENTS BY ZONING DISTRICT

Zone District Standard	RH-3, RH- 6, RH-7, MU-4 (within a parking district)	RH-3, RH-6, RH-7, MU-4 (not in a parking district)	DT, MU-3, BMS (within a parking district)	BCS, BR- 1, IS, IG, IM, A	RMX-2, MU-2, IMS, BMS (not in a parking district)	MU-1, MU-3 (not in a parking district)	RR, RE, RL, RM, RMX-1, RH-1, RH- 2, RH-4, RH-5, BT, BC, BR-2, P (not in a parking district)
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Minimum number of	0			1:400	1:400 if residential	1:300 if residential	1:300
off street					uses comprise	uses comprise	
spaces per square foot of floor area for nonresidential uses and their					less than 50 percent of the floor area; otherwise	less than 50 percent of the floor area; otherwise	
accessory uses					1:500	1:400	
Maximum number of off street parking spaces per square foot of floor area for nonresidential uses and their accessory uses	N/A	1:400 if residential uses comprise less than 50 percent of the floor area; otherwise 1:500	N/A				
Accessible parking requirement	Must meet t	he requirement	s of the Amer	icans with Dis	abilities Act, a	s amended.	

TABLE 9-4: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR NONRESIDENTIAL USES IN ALL ZONES

Use	Parking Requirement
Large daycare (less than 50 children)	Determined through review; parking needs of the use must be adequately served through on street or off street parking
Nonresidential uses in General Improvement Parking Districts	No parking required
Restaurant, brewpub, or tavern—outside of retail centers greater than 50,000 square feet	Indoor Seats: 1 space per 3 seats.
	Outdoor Seats:
	1. If outdoor seats do not exceed 20% of the indoor seats, no additional parking is required.
	2. For the portion of the outdoor seats exceeding 20% of indoor seats: 1 space per 3 seats.

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	3. Notwithstanding the requirements of (1) and (2) above, the following applies to uses that are nonconforming as to parking for indoor seats and the sole principal use of the site: No additional parking is required if the number of outdoor seats does not exceed 60% of the existing number of parking spaces on the site:
Retail centers over 50,000 square feet of floor area that: i) Are under common ownership, or	Less than 30 percent of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 250 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
— iii) management, or — iii) Are approved through a common site review approval, and	30 percent or more and less than 60 percent of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 175 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
iv) Contain a mix of some or all of the following uses: retail, commercial, office, restaurants, brewpubs, and taverns, which	
v) together comprise more than 50 percent of the total floor area, and	60 percent or more of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 100 squar feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
— vi) Where written consent of all property owners within the retail center are included with the application.	This use-specific parking standard shall not apply to other uses for which a use specific parking standard is created in this Table 9.4 or to uses other than retail, commercial, and office uses, restaurants, brewpubs, and taverns. For those uses, parking shall be provided as required for each such use under this Section 9.9.6, B.R.C. 1981, and in addition to the requirement above.
Restaurants in a regional park	Determined through review; parking needs of the use must be adequately served through on-street or off-street parking.
Motels, hotels, and bed and breakfasts	1 space per guest room or unit, plus required spaces for nonresidential uses at 1 space per 300 square feet of floor area
Theater	Greater of 1 parking space per 3 seats, or the parking ratio for the zone district
Fuel service station	General ratio for the use zone plus storage of 2 vehicles per service bay
Religious assembly:	(See Paragraph (f)(8) of this section for permitted parking reductions)
- a. Religious assemblies created prior to 9/2/1993	1:300

1 2	- b. Religious assemblies created after 9/2/1993	1 space per 4 seats, or 1 per 50 square feet of assembly area if there are no fixed seats—assembly area includes the largest room plus any adjacent rooms that could be used as part of the assembly area
3 4	- c. Uses accessory to a religious assembly and created after 9/2/1993	Uses accessory to the religious assembly shall meet the standards applicable to the use as if the use is a principal use
5 6	d. Total parking of a religious assembly and accessory uses created after 9/2/1993	Parking for the religious assembly use and any accessory use shall be for the use which has the greatest parking requirement
7	Small recycling collection facility	1 space for attendant if needed
8	Large recycling collection facility	General parking ratio for the zone plus 1 space for each commercial vehicle operated by the facility
9 10 11	Recycling processing facility	Sufficient parking spaces for a minimum of 10 customers, or the peak load, whichever is greater, plus 1 space for each commercial vehicle operated by the facility
12 13 14	Warehouse or distribution facility or uses in industrial zones with accessory warehouse spaces	1 space per 1,000 square feet of floor area used for warehousing or storage of goods, merchandise, or equipment. Parking for floor area used for associated office space or production areas and not for warehousing or storage as outlined above shall be provided consistent with Table 9 3.
15 16	Self-service storage facility	3 spaces for visitor parking, plus parking for any floor area used as office space or otherwise not used for self-service storage shall be provided consistent with Table 9-3.
17	Airport and aircraft hangers	1 space per outside airplane or glider tie down space;
18 19		1 space per 1,000 square feet of floor area of private airplane hangar space (with or without external or internal walls);
20		1 space per 2,000 square feet of floor area of commercial or executive airplane hangar space; and
2122		Parking for floor area used as office space or otherwise not used for airport hanger shall be provided consistent with the requirements of Table 9-3.
23		

(c) General Parking Requirements Standards:

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- (1) ADA Requirements: Where off-street parking spaces are provided, accessible parking spaces shall be provided, meeting the requirements of the Americans with Disabilities Act, as amended.
- (2) Electric Vehicle Charging Requirements: Where off-street parking spaces are provided, electric vehicle charging spaces shall be provided, meeting the requirements of the City of Boulder Energy Conservation Code.
- (<u>3</u>1) Rounding Rule: For all motor vehicle and bicycle parking space requirements resulting in a fraction, the fraction shall be:
 - (A) Rounded to the next higher whole number when the required number of spaces is five or less; or
 - (B) Rounded to the next lower whole number when the required number of spaces is more than five.
- (42) Parking Requirements for Lots in Two or More Zoning Districts: For lots that have more than one zoning designation, the required motor vehicle and bicycle parking for the use(s) on the lot may be provided on any portion of the lot, subject to the provisions of this title.
- (5) Approvals: Any minimum off-street motor vehicle parking requirement, for spaces other than accessible spaces, in any planned development, planned residential development, planned unit development, site review, use review, or other approval has no force and effect and shall not be enforced.
- (3) Off-Street Parking Requirement for Unlisted Nonresidential Uses: If the city manager determines that the use type is not specifically listed in Table 6-1, Use Table, or Table 9-4, Use Specific Motor Vehicle Parking Requirements for Nonresidential Uses in All Zones, the city manager may apply one of the following standards that adequately meets the parking needs of the use:
 - (A) The applicable off-street parking requirement under Table 9-3, Nonresidential Motor Vehicle Parking Requirements by Zoning District;
 - (B) The off-street parking requirement under Table 9-4 for the listed use type most similar to the proposed use based on public parking demand, nature of the use type, number of employees, or any other factors deemed appropriate by the city manager;
 - (C) An off-street parking requirement established based on local or national best practices or by reference to standards or resources such as the Institute of Traffic Engineers, Urban Land Institute, International Council of Shopping Centers, American Association of State Highway and Transportation Officials, or American Planning Association; or

(D) An off-street parking requirement demonstrated by a parking demand study prepared by the applicant according to Paragraph 9-9-6(d)(6).

- (d) Motor Vehicle Parking Design Standards:
 - (1) Location of Open or Enclosed Parking: Open or enclosed parking areas are subject to the following requirements:
 - (A) No parking areas shall be located in any required landscaped setback abutting a street. However, in RR, RE, RL, A, or P zoning districts, if all off-street parking requirements of this chapter have been met, if a driveway serves as access to at least one parking space that meets the design requirements of this title and that is located outside of the landscaped setback, persons may park-up to two additional-vehicles may be parked in the driveway within the landscaped setback. The requirements of this subsection may be varied to allow the required-off-street parking to be located within the front yard setback pursuant to the standards and procedures in a variance being approved by the BOZA per Subsection 9-2-3(i), B.R.C. 1981.
 - (B) Required parking areas shall be located on the lot or parcel containing the use for which they are required.
 - (BC) No parking areas shall be located closer than ten feet from a side yard adjacent to a public street in the BMS and MU-2 zoning districts.
 - (2) Parking Stall Design Standards: Parking stalls shall meet the following standards, based on stall type. The minimum maneuvering area to the rear of any parking stall shall be no less than twenty-four feet except as specified in Table 9-15 below for parking at an angle other than the 90-degree category. If the proposed use anticipates long-term parking as the major parking demand, the city manager may reduce those minimum parking stall sizes.

TABLE 9-15: STANDARD PARKING DIMENSION STANDARDS

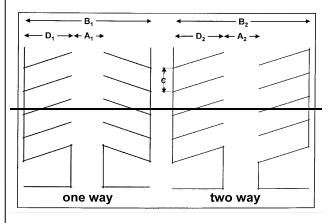
Parking Angle	Curb Length C	_	Aisle	Aisle Width		Vidth
(degrees)			One Way A1	Two Way A2	One Way B1	Two Way B2
			ΑI	AZ	D1	DZ
90	9'	19'	24'	24'	62'	62'
60	10.4'	21'	18'	22'	60'	64'
45	12.7'	19.8'	13'	20'	52.6'	59.6'
30	18'	17.3'	12'	20'	45.6'	54.6'

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Γ	0	23'	8'	12'	20'	20'	36'

TABLE 9-26: SMALL CAR PARKING DIMENSION STANDARDS

Parking Angle	Curb Length C	Stall D	Aisle Width		Bay V	Vidth
(degrees)			One Way A1	Two Way A2	One Way B1	Two Way B2
90	7.75'	15'	24'	24'	54'	54'
60	9.2'	17'	18'	22'	52'	56'
45	11.2'	16.1'	13'	20'	45.2'	52.2'
30	15.5'	14.3'	12'	20'	40.6'	48.6'
0	20'	8'	12'	20'	28'	36'



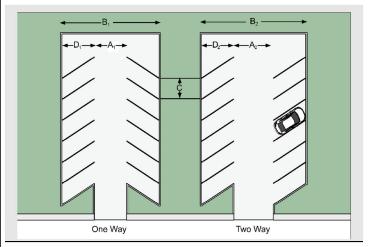


Figure 9-2: Parking Dimensions Diagram

(A) Standard Stalls: All off-street standard parking spaces shall meet the minimum size requirements established as indicated in Table 9-15 and Figure 9-2 of this section.

(B) Small Car Stalls:

(i) Small Car Stalls Allowed: A proportion of the total spaces provided in each parking area may be designed and shall be signed for small car use according to Table 9-37 of this section.

TABLE 9-37: SMALL CAR STALLS

Total Spaces Required	Allowable Small Car Stalls
5 - 49	40 percent
50 - 100	50 percent
101 or greater	60 percent

(ii) Dimensional Standards: All small car stalls shall meet the minimum size requirements as indicated in Table 9-26 and Figure 9-2 of this section.

(C) Accessible Parking Stalls:

(i) Dimensional Standards: Accessible parking spaces shall be eight feet wide and nineteen feet in length, with the standard width drive lane. Individual spaces shall have an additional five foot-wide, diagonally striped aisle abutting the passenger side of the space. If such spaces are provided in adjacent pairs, then one five footfive-foot aisle may be shared between the two spaces. Accessible parking spaces shall conform to the construction and design standards in the City of Boulder Design and Construction Standards and be located to maximize convenience of access to the facility and minimize the need to cross the flow of vehicular traffic. (See Figure 9-3 of this section.)

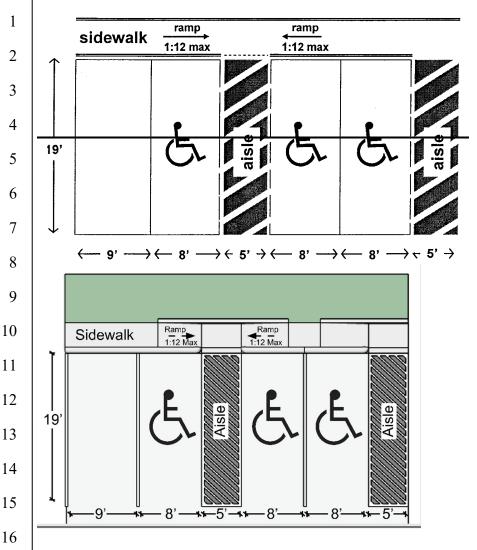


Figure 9-3: Accessible Parking Space Design

Accessible spaces must measure eight feet by nineteen feet and be flanked by a five foot five-foot diagonally-striped aisle. Two adjacent spaces may share a single five foot five-foot aisle. The aisle must be at the same grade as the accessible space and any adjacent sidewalk must slope to meet the grade of the aisle. The slope may not exceed 1:12.

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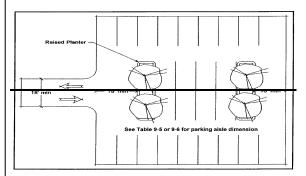
(3) Drive Aisles:

(A) There is a definite and logical system of drive aisles to serve the entire parking area. Drive aisles shall have a minimum eighteen-foot width foot width clearance for two-way traffic and a minimum ten foot ten-foot width clearance for one-way traffic unless the city manager finds that the parking stalls to be served require a greater or lesser width. A physical

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separation or barrier, such as vertical curbs, may be required in order to

separate parking areas from the travel lanes. (See Figure 9-4 of this section.)



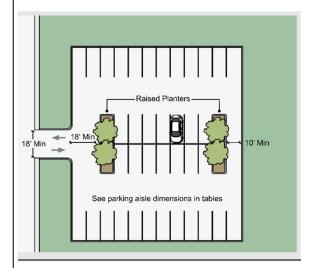
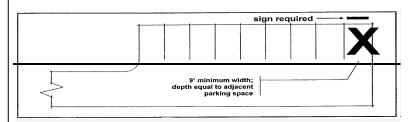


Figure 9-4: Drive Aisles

Drive aisles provide access to parking areas but not to individual spaces. Drive aisles serving two-way traffic must be a minimum of eighteen feet wide. Drive aisles serving one-way traffic must be a minimum of ten feet wide. Raised planters, curbs, or other physical barriers may be necessary to separate parking areas from travel lanes. See Tables 9-15-and 9-26 of this section for parking aisle dimensions.

(B) Turnarounds are provided for dead-end parking bays of eight stalls or more. Turnarounds must be identified with a sign or surface graphic and marked "no parking." The use of accessible parking spaces as the required turnaround is not permitted. (See Figure 9-5 of this section.)

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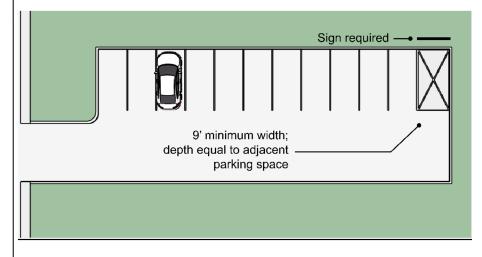


Figure 9-5: Parking Turnaround Spaces

In dead-end parking bays with eight or more stalls, a turnaround space must be provided and properly marked.

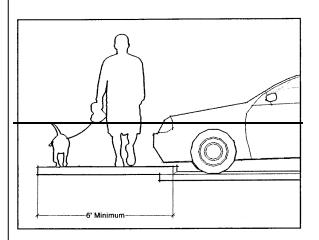
| ...

(5) Parking Design Details:

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(D) All open off-street parking areas with five or more spaces shall be screened from the street and property edges, andedges and shall provide interior lot landscaping in accordance with Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981.

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- (G) Within the DT zoning districts, at-grade parking is not permitted within thirty feet of a street right-of-way unless approved as part of a site review approval under Section 9-2-14, "Site Review," B.R.C. 1981. For the purpose of this subparagraph, the term "street" does not include "alley."
- (6) Parking Study: At the discretion of the city manager, a parking study may be required to demonstrate that adequate parking is provided either for parking provided per zoning requirements or in conjunction with a parking reduction request. The scope of a parking study may consist of analysis of any or all of the following factors: joint use of parking areas, peak parking demand for each land use, unusual parking demand based on type of land use, availability of nearby onstreet parking, vicinity of high frequency transit, and Institute of Transportation Engineers Parking Generation estimates.

(e) Motor Vehicle Parking Deferrals:

- (1) Criteria for Parking Deferral: The city manager may defer the construction and provision of up to ninety percent of the off-street parking spaces required by this section, in an industrial district, thirty-five percent in a commercial district, and twenty percent in any other district if an applicant demonstrates that:
 - (A) The character of the use lowers the anticipated need for off-street parking, and data from similar uses establishes that there is not a present need for the parking;
 - (B) The use is immediately proximate to public transportation that serves a significant proportion of residents, employees, or customers;
 - (C) There is an effective private or company car pool, van pool, bus, or similar group transportation program; or

- (D) The deferred percentage of residents, employees, and customers regularly walk or use bicycle or other nonmotorized vehicular forms of transportation.
- Parking Deferral With a Concurrent Use Review: If a proposed use requires both a review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981, and a parking deferral pursuant to this subsection, the parking deferral shall be considered in conjunction with the use review decision and not before. The approving authority and process for the parking deferral shall be the same as the use review.
- (3) Site Plan: Applicants for a parking deferral shall submit a site plan demonstrating that the total required parking can be accommodated on-site and designating the land to be reserved for future parking.
- (4) Landscaping: Landscaping shall be provided as required under Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981, and shall be indicated on the site plan.
- (5) Notice of Change of Condition: No person having an interest in property subject to a parking deferral shall fail to notify the city manager of any change in the conditions set forth in Paragraph (e)(1) of this section that the manager considered in granting the deferral.
- (6) Construction of Deferred Parking Areas: The city manager may require the construction of the deferred parking at any time upon thirty days' written notice by mail to commence construction of such parking. No person having an interest in the property shall fail to comply with such a notice.
- (f) Motor Vehicle Parking Reductions:
 - (1) Parking Reduction Process: The parking requirements in Section 9-9-6, "Parking Standards," B.R.C. 1981, may be reduced if the requirements of this subsection are met. The city manager may grant a parking reduction not to exceed twenty-five percent of the required parking. Parking reductions greater than twenty-five percent may be granted as part of a site review approval under Section 9-2-14, "Site Review," B.R.C. 1981. Only the planning board or city council may grant a reduction exceeding fifty percent. Parking reductions are approved based on the operating characteristics of a specific use. No person shall change a use of land that is subject to a parking reduction except in compliance with the provisions of this subsection. For any parking reductions exceeding ten percent or if the parking reduction is being reviewed in conjunction with a site review, the applicant shall provide a parking study and transportation demand management (TDM) plan. Alternative administrative parking reductions (to the process set forth in this subparagraph (f)(1) and the criteria of subparagraph (f)(2)) by land use are found in Paragraph (f)(3).

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- Parking Reduction Criteria: The approving authority may reduce the parking requirements of this section (see Tables 9-1, 9-2, 9-3 and 9-4), if it finds that the parking needs of all uses in the project will be adequately accommodated. In making this determination, the approving authority shall consider without limitation:
 - (A) Whether the probable number of all motor vehicles to be owned by occupants of and visitors to dwelling units in the project will be adequately accommodated;
 - (B) The availability of off-street and nearby on-street parking;
 - (C) Whether any proposed shared parking can adequately accommodate the parking needs of different uses of the project considering daytime and nighttime variability of the parking needs of uses;
 - (D) The effectiveness of any multimodal transportation program that is proposed at reducing the parking needs of the project. Applications including such programs shall describe any existing or proposed facilities and proximity to transit lines and shall demonstrate that use of multimodal transportation options will continue to reduce the need for on-site parking on an ongoing basis;
 - (E) If the number of off-street parking spaces is reduced because of the nature of the occupancy, whether the applicant provides assurances that the nature of the occupancy will not change; and
 - (F) If considering a parking reduction for a use nonconforming as to parking, the approving authority shall evaluate the existing parking arrangement to determine whether it can accommodate additional parking or be rearranged to accommodate additional parking in compliance with the design requirements of subsection (d) of this section. If additional parking can reasonably be provided, the provision of such parking shall be a condition of approval of the requested reduction.
- (3) Alternative administrative parking reductions by land use: The parking requirements in Section 9-9-6, "Parking Standards," B.R.C. 1981, may be reduced if the following standards are met. These standards shall not be permitted to be combined with the parking reduction standards in Subparagraphs (f)(2) of this section.
 - (A) Housing for Older Adults: The city manager may reduce the amount of required parking by up to seventy percent for governmentally sponsored housing projects for adults 65 and over.

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- (B) Mixed Use Developments: The city manager may reduce the amount of required parking in a mixed-use development by up to ten percent in the BMS, IMS, MU-1, MU-2, MU-3 and RMX-2 zoning districts, or in all other nonresidential zoning districts in Section 9-5-2, "Zoning Districts," B.R.C. 1981, by up to twenty-five percent if the following requirements are met:
 - (i) The project is a mixed use development that includes, as part of an integrated development plan, both residential and nonresidential uses. Residential uses shall comprise at least thirty-three percent of the floor area of the development; and
 - (ii) The property is within a quarter of a mile walking distance to a high frequency transit route that provides service intervals of fifteen minutes or less during peak periods. This measurement shall be made along standard pedestrian routes from the property.
- (C) Religious Assemblies: The city manager may reduce the amount of required parking to permit additional floor area within the assembly area of a religious assembly which is located within three hundred feet of the Central Area General Improvement District if the applicant has made arrangements to use public parking within close proximity of the use and that the building modifications proposed are primarily for the weekend and evening activities when there is less demand for use of public parking areas.
- (4) Limiting Factors for Parking Reductions: The city manager will consider the following additional factors to determine whether a parking reduction under this section may be appropriate for a given use:
 - (A) A parking deferral pursuant to subsection (e) of this section is not practical or feasible for the property.
 - (B) The operating characteristics of the proposed use are such that granting the parking reduction will not cause unreasonable negative impacts to the surrounding property owners.
 - (C) The parking reduction will not limit the use of the property for other uses that would otherwise be permitted on the property.
- (5) Parking Reduction With a Concurrent Use Review: If a proposed use requires both a review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981, and a parking reduction pursuant to this subsection, the parking reduction shall be considered in conjunction with the use review decision and not before. The approving authority and process for the parking reduction shall be the same as for the use review.

(eg) Bicycle Parking:

(1) Required Bicycle Spaces: Bicycle parking spaces must be provided as required by Table 9-48 of this section. Where more than 10 spaces are required, at least five percent of the required bicycle parking spaces shall be designed to accommodate and signed for larger bikes with dimensions of at least 10 feet of length and 3 feet of width.

TABLE 9-48: OFF-STREET BICYCLE PARKING REQUIREMENTS

Use Type - based on Table 6-1 of Section 9-6-1	Minimum Number of Off-Street Bicycle Spaces	Long-Term	Short-Term	
Residential Uses		•		
Dwelling units ^(a) with a private garage, and detached dwelling units (b)	no requirement	n/a	n/a	
Dwelling units without a private garage ^(b)	2 per unit	75%	25%	
Accessory dwelling units	no requirement	n/a	n/a	
Group living - fraternities, sororities, and dormitories, boarding houses, transitional housing	1 per 3 beds	75%	25%	
Group living - all others	1 per 5 beds	75%	25%	
Public and Institutional Uses	<u> </u>			
Daycare centers, home daycares	Determined through review: parking needs of use must be adequately served through on- or off-street parking, minimum of 4	50%	50%	
Public and private elementary, middle, and high schools	5 per classroom	50%	50%	
Public and private colleges and universities	5 per classroom	50%	50%	
Hospitals	1 per 1,500 square feet of floor area, minimum of 4	75%	25%	
Open space, park, and recreation uses	1 per 750 square feet of floor area; requirements for outdoor uses are determined through review: parking needs of use must be adequately	25%	75%	

	served through on- or off-street parking, minimum of 4		
Religious assemblies	The greater of 1 per 15 seats or 1 per 150 square feet of assembly area	25%	75%
All other public and institutional uses	1 per 1,500 square feet of floor area, minimum of 4	50%	50%
Commercial Uses			
Restaurants, brewpubs, and taverns	1 per 750 square feet of floor area, minimum of 4	25%	75%
Bed and breakfasts, hostels, and hotels or motels	1 per 3 guest rooms, minimum of 4	50%	50%
All other food, beverage, and lodging uses	1 per 1,500 square feet of floor area	25%	75%
Mobile food vehicle and temporary events	no requirement	n/a	n/a
Office uses	1 per 1,500 square feet of floor area, minimum of 4	75%	25%
Campgrounds, outdoor recreation or entertainment, indoor athletic facilities	1 per 750 square feet of floor area; requirements for outdoor uses are determined through review: parking needs of use must be adequately served through on- or off-street parking, minimum of 4	25%	75%
Financial institutions	1 per 1,500 square feet of floor area, minimum of 4	75%	25%
Service uses and retail sales uses	1 per 750 square feet of floor area, minimum of 4	25%	75%
Vehicle-related uses and all other commercial uses	1 per 1,125 square feet of associated office space or production areas	25%	75%
Industrial Uses		<u> </u>	
Industrial uses	1 per 1,125 square feet of associated office space or production areas	25%	75%

1		<u>(H)</u>		cated so that they do not but not interfere with pedestrian ments.
2		(I)		entified by wayfinding signs if the bicycle parking area is not visible
3		<u> </u>		the site or building entrance.
4	(3)			Bicycle Parking: Short-term bicycle parking is intended to offer a
5				nd accessible area to park bicycles for customers and other visitors. icycle parking shall be located:
6		(A)	On th	e public access level;
7		(B)	Withi	n fifty feet of the main building entrances; and
8		(C)	Outsi	de the building-; and
9		(D)		area that allows for passive surveillance, such as in front of business ows and in high-traffic areas.
1	(4)	Long-	Term F	Bicycle Parking: Long-term bicycle parking offers a secure and
12				ected weather-protected place to park bicycles for employees, muters, and other visitors who generally stay at a site for several
13				term bicycle parking shall meet the following standards:
14		(A)		-term bicycle parking is required to be covered, access restricted, and ned to include at least and shall include use of one of the following
15			securi	ity strategies:
16			(i)	A-locked room room locked by a heavy-duty locking mechanism;
17			(ii)	An area enclosed by a fence with a locked gate that is resistant to forced entry and climbing, has some transparency to allow for
18				surveillance, and incorporates a gate with a heavy-duty gate lock
19				that is resistant to manipulation;
20			(iii)	An area within view of an attendant or security guard or monitored by a-security cameras pointed at the entrances to the bicycle
21				parking area and the bicycle racks; or
22			(iv)	An area visible from employee work areas.
23		(B)		picycle parking area shall-must be located on site or in an area within hundred feet of the building it serves, except for elementary, middle,
24			or hig	th schools, where the bicycle parking area must be located within 100
25				f a main entrance. Access to the area shall not require the use of but may require a ramp if needed for grade changes. If an elevator is

1 2			required to reach the long-term bicycle parking, elevator cab dimensions must fit a bicycle.
3			Adequate lighting, designed to illuminate and allow for surveillance, shall be provided for the bicycle parking area, the route to the bicycle parking
4		:	area, and the route to the building entrance if bicycle parking is provided within the building. Adequate lighting shall be provided for the bicycle
5		:	parking area, designed to promote surveillance and illumination, the route to reach the bicycle parking area, and the route to the building entrance if bicycle parking is in the building.
6			oleyele parking is in the building.
7 8			The bicycle parking area shall include adequate clearance around racks or lockers to give cyclists room to maneuver, and to prevent conflicts with pedestrians or parked cars.
			·
9			If the bicycle parking is provided in an auto motor vehicle parking garage, the bicycle parking spaces shall be clearly marked as such and shall be separated from auto motor vehicle parking by physical barriers:
11		(F)	No more than 25 percent of required long-term bicycle parking spaces
			may be hanging vertical racks or elevated spaces of tiered racks, except
12			that vertical and tiered racks are prohibited at elementary and middle schools. Any tiered or vertical hanging rack must include a mechanically-
13			assisted lifting mechanism to mount the bicycle on any upper tier.
14		(G)	Where more than 100 bicycle parking spaces are required by Table 9-4,
15			"Minimum Off-Street Bicycle Parking Requirements," at least five percent of bicycle parking spaces, must have electrical outlets suitable for
16			charging of electric. The required bicycle charging spaces must be
17		;	horizontal and shall be sized 3 feet by 10 feet per space.
18	•••		
	(6)	Parking	Reductions and Modifications for Bicycle Parking. Upon submission of
19			entation by the applicant of how the project meets the following criterion,
20			roving agency authority may approve reductions to the minimum number treet bicycle parking or, modifications to the ratio of long-term and short-
21			ke parking requirements of Table 9-48, reductions to the minimum number or spaces, and modifications to the maximum number of vertical or tiered
22		racks, it	f it finds that the long-term and short-term bicycle parking needs of the use adequately accommodated-through on-street parking or off-street parking.
23			
24	(7)		Study: At the discretion of the city manager, a bicycle parking study may ired to demonstrate that adequate parking is provided either for parking
25		provide	d per Boulder Revised Code requirements or in conjunction with a <u>bicycle</u> reduction request. The scope of a <u>bicycle</u> parking study may consist of

analysis of any or all of the following factors: joint use of <u>bicycle</u> parking areas, peak <u>bicycle</u> parking demand for each land use, unusual <u>bicycle</u> parking demand based on type of land use, <u>and</u> availability of nearby on-street <u>bicycle</u> parking.; <u>vicinity of high frequency transit, and Institute of Transportation Engineers</u> <u>Parking Generation estimates.</u>

- (<u>fh</u>) Parking and Storage of Recreational Vehicles: No person shall park, store, or use a travel trailer, tent trailer, pickup camper or coach, motorized dwelling, boat and boat trailer, snow vehicle, cycle trailer, utility trailer and van, horse trailer or van, or similar vehicular equipment in a residential district unless the following requirements are met:
 - (1) Such vehicular equipment is stored or parked on private property no closer than eighteen inches to any proposed or existing public sidewalk and so as not to project into the public right-of-way;
 - (2) On corner lots, any such vehicular equipment that exceeds thirty-six inches in height is not parked in the triangular area formed by the three points established by the intersection of property lines at the corner and the points thirty feet back from this intersection along each property line;
 - (3) No travel trailer, tent trailer, pickup camper or coach, motorized dwelling or van is used for the conduct of business or for living or housekeeping purposes except when located in an approved mobile home park or in a campground providing adequate sanitary facilities;
 - (4) Any travel trailer, tent trailer, detached pickup camper or coach, boat and boat trailer, cycle trailer, utility trailer and van, horse trailer and van parked or stored out-of-doors is adequately blocked or tied down or otherwise secured so that such vehicle does not roll off the lot and is not moved about by high winds; and
 - (5) No vehicular equipment regulated by this section is stored out-of-doors on a residential lot unless it is in condition for safe and effective performance of the functions for which it is intended.
- (gi) Parking Costs Separated From Housing Costs in New Residential Buildings in the RH-7 and MU-4 Zoning Districts: In the RH-7 and MU-4 zoning districts, all off-street parking spaces accessory to residential uses in new structures of ten dwelling units or more, or in new conversions of nonresidential buildings to residential use of ten dwelling units or more, shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space. Parking spaces that are unused or unsold with a residential unit may be leased or otherwise permitted to be used by persons who are not residents, tenants, or visitors to the property. The city manager will waive the requirements of this subsection for a building if the applicant demonstrates

that the building is financed with low-income housing tax credit financing pursuant to 26 U.S.C.S. § 42.

Section 19. Section 9-9-7, "Sight Triangles," B.R.C. 1981, is amended to read as

follows:

9-9-7. Sight Triangles.

(a) Sight Triangle Required: Where a driveway intersects a public right-of-way or where property abuts the intersection of two public rights-of-way, the owner or occupant of the driveway or property shall provide unobstructed sight distance as described in subsections (c) through (e) of this section within the sight triangle area on the property adjacent to the intersection in order to ensure that safe and adequate sight distance is provided for the public use of the right-of-way.

...

(e) Streets: The area formed at a corner intersection of two public rights-of-way lines defined by a width of dimension X and a length of dimension Y as shown in Table 9-59 and Figure 9-8 of this section. The Y dimension will vary depending on the speed limit and configuration of the intersecting street and is outlined in the table below. The X distance shall be thirteen feet measured perpendicular from the curb line of the intersecting street. This triangular area is significant for the determination of sight distance requirements for right angle right-angle intersections only.

The shaded area is required to be kept free of all structures, fences, landscaping and other materials. The size of the sight triangle is based on the size of the road and speed limit, as shown in the table below.

TABLE 9-59: SIGHT TRIANGLE REQUIREMENTS

Lane Usage	Additional Facilities	Speed Limit	Y Distance (Left)	Y Distance (Right)
2 lanes	None	25 mph	155 feet	105 feet
		30/35 mph	210 feet	145 feet
	Bike lane or on-street parking	25 mph	110 feet	85 feet
		30/35 mph	150 feet	115 feet
	Bike lane and on-street parking	25 mph	90 feet	75 feet
		30/35 mph	125 feet	100 feet
	None	25 mph	155 feet	80 feet

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3 or 4 lanes		30/35 mph	210 feet	110 feet
		40/45 mph	265 feet	135 feet
	Bike lane or on-street parking	25 mph	110 feet	65 feet
		30/35 mph	150 feet	90 feet
		40/45 mph	195 feet	115 feet
_	Bike lane and on-street parking	25 mph	90 feet	60 feet
		30/35 mph	125 feet	80 feet
		40/45 mph	160 feet	100 feet
5 or more	None	25 mph	155 feet	60 feet
lanes		30/35 mph	210 feet	85 feet
		40/45 mph	265 feet	110 feet
	Bike lane or on-street parking	25 mph	110 feet	55 feet
		30/35 mph	150 feet	75 feet
		40/45 mph	195 feet	95 feet
-	Bike lane and on-street parking	25 mph	90 feet	50 feet
		30/35 mph	125 feet	65 feet
		40/45 mph	160 feet	85 feet

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Section 20. Section 9-9-9, "Off-Street Loading Standards," B.R.C. 1981, is amended to read as follows:

Off-Street Loading Requirements: Any use with having or requiring off-street parking

shall provide an off-street delivery/loading space. The spaces shall be sufficient in size to accommodate vehicles which will to serve the use. The location of the delivery/loading

space shall not block or obstruct any public street, parking area, parking area circulation, sidewalk or pedestrian circulation area. Loading areas shall be screened pursuant to

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9-9-9. Off-Street Loading Standards.

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paragraph 9-9-12(d)(5), B.R.C. 1981.

1	(b)		ications: The off-street loading requirements may be modified by the city manager the provisions of Section 9-2-2, "Administrative Review," B.R.C. 1981, if the			
2		proper	ty owner demonstrates that the use of the building does not require an off-street			
3			g space and that the safety of pedestrians, motorists and bicyclists is not impaired. s requirements for such administrative modifications are contained in section 9-2			
4			riances and Interpretations," B.R.C. 1981.			
5		Section	n 21. Section 9-9-12, "Landscaping and Screening Standards," B.R.C. 1981, is			
6	amend	ed to re	ad as follows:			
7	9-9-12	. Lands	scaping and Screening Standards.			
8	(a)	Purpos	se: The purpose of the landscaping and screening requirements set forth in this r is to:			
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10	•••					
1	(b)	1981, a	This section and Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. apply to all nonresidential and residential developments unless expressly stated			
12		otherw	71se.			
13		(1)	The standards in this section and Sections 9-9-13, "Streetscape Design Standards," and 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981, shall be not private a final important for any height a partition of the standards."			
14			be met prior to a final inspection for any building permit for:			
15	•••					
16		(2)	When additional parking spaces are provided, or for a change of use where new off-street parking spaces are provided, the provisions of Section 9-9-14, "Parking			
17			Lot Landscaping Standards," B.R.C. 1981, shall be applied as follows:			
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19	(d)	Genera	al Landscaping and Screening Requirements:			
20						
21		(8)	Minimum Overall Site Landscaping: In all zones except A, P, RR, RE, RL and			
22		` /	RM, one tree and five shrubs are planted for each 1,500 square feet of lot area not covered by a building or required parking.			
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Section 22. Section 9-9-13, "Streetscape Design Standards," B.R.C. 1981, is amended to read as follows:

9-9-13. Streetscape Design Standards.

Streetscape improvements shall be designed in accordance with the following standards:

(a) Scope: The standards set forth in this section apply to all land uses, including single-family residential land uses.

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(d) Streetscape Requirements: Street trees must be selected from the approved street tree list set forth in the City of Boulder Design and Construction Standards, unless an equivalent tree selection is approved by the city manager. Table 9-610 of this section sets the minimum planting interval for street and alley trees. The specific spacing for each development is dependent upon tree type (for a list of tree species in each type, see Approved Street Tree List, in the City of Boulder Design and Construction Standards) and existing conditions as identified in this section or an equivalent approved by the city manager.

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TABLE 9-610: STREETSCAPE REQUIREMENTS

14		Existing or Approved Condition				
15 16	Sidewalk Condition	Planting Strip Width	Utility Location	Tree Type	Minimum Tree Planting Interval	
17 18	Detached	Up to and including 8 feet or more	Buried	Large	30 feet—40 feet	
19			Overhead	Small	15 feet—20 feet	
2021		More than 6 feet to 8 feet	Buried	Medium	25 feet—30 feet	
22			Overhead	Small	15 feet—20 feet	
2324		4 feet—6 feet: This planting strip width is less than desirable	Buried	Small	15 feet—20 feet	
25			Overhead	Small	15 feet—20 feet	

1	Attached	Trees must be planted 4 feet—5 feet from	Buried	Large	30 feet—40
2		the sidewalk. Trees may be planted on private property if there is not adequate			feet
2		right-of-way.	Overhead	Small	15 feet—20
3					feet
4	Urban sidewalk	Trees must be planted in irrigated tree	Buried	Large	20 feet—25
7	of 12 feet or wider (BMS, BR-	grates or tree pits unless approved by the			feet
5	1, BR-2, and	city manager. For tree grate dimensions and tree pit volume, see Design and	Overhead	Medium	15 feet—20
_	MU-3 zoning	Construction Standards, Table 3.05-5.	010000		feet
6	districts)				
7					

Section 23. Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981, is amended to read as follows:

9-9-14. Parking Lot Landscaping Standards.

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(a) Scope Required: This section shall apply to all surface parking lots with more than five parking spaces., regardless of whether the parking is required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981. All parking lots shall be screened from the street and adjacent properties and contain interior lot landscaping in accordance with this section. Landscaping and screening standards set forth in this section are separate and in addition to the requirements of all other sections in this chapter unless expressly stated otherwise.

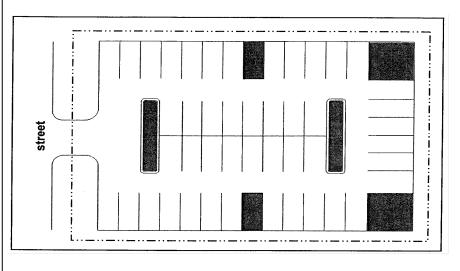


Figure 9-9: Interior Parking Lot Landscaping

1		ded areas qualify as interior landscaping. Each landscaping area must be a one hundred fifty square feet in size and have no dimensions less than eight feet.
2	(5)	
3	(5)	Expansive Parking Lots Containing One Hundred Twenty Percent or More of The Minimum Required Parking Spaces: In order to mitigate the impacts of excessive
4		pavement to water quality and to reduce the visual impacts of large expanses of pavement, open, at-grade parking spaces in excess of one hundred twenty percent
5		of the minimum required in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981 that encompasses more than 50 percent of the total lot
6		area, a development shall provide include additional parking lot landscaping over the amount required in other sections of this chapter as follows:
7		(A) For parking lots containing more than one hundred twenty percent and les
8		than one hundred fifty percent of minimum required parking encompassing more than 50 percent of the total lot area, interior parking
9		lot landscaping shall be installed as required above, plus an additional five percent of the parking lot area as interior or perimeter parking lot
10		landscaping. Perimeter parking lot landscaping shall not be located within a required front yard setback or a side yard adjacent to a street setback.
1		
12		(B) For parking lots containing one hundred fifty percent or more than the minimum required parkingencompassing more than 60 percent of the total
13		lot area, interior parking lot landscaping shall be installed as required above, plus an additional ten percent of the parking lot area as interior or
14		perimeter parking lot landscaping. Perimeter parking lot landscaping shall not be located within a required front yard setback or a side yard adjacent to a street setback.
15		to a street setback.
16	(6)	Trees: At least one tree must be planted for every two hundred square feet of interior parking lot landscaped area. At least seventy-five percent of the required
17		trees must be deciduous trees classified as either large or medium trees in the approved street tree list as defined set forth in the City of Boulder Design and
18		Construction Standards.
19		
20	Section	on 24. Section 9-9-16, "Lighting, Outdoor," B.R.C. 1981, is amended to read as
21	follows:	
22	0 0 16 Ligh	ting, Outdoor.
23	_	
24	(a) Purpo	ose: The purposes of the outdoor lighting standards are to:
25	(1)	Provide adequate light for safety and security;
	I	

- (2) Promote efficient and cost effective lighting and to conserve energy;
- (3) Reduce light pollution, light trespass, glare and offensive light sources;
- (4) Provide an environmentally sensitive nighttime environment that includes the ability to view the stars against a dark sky so that people can see the Milky Way Galaxy from residential and other appropriate viewing areas;
- (5) Prevent inappropriate, poorly designed or installed outdoor lighting; and
- (6) Encourage quality lighting design; light fixture shielding, establish maximum uniformity ratios and establish maximum light levels within and on property lines.

(e) Maximum Light Standards: No person shall operate any device which makes light in excess of the levels specified in this section. Light from any fixture shall not exceed any of the limits for the applicable zoning district or use classification in Tables 9-711 and 9-812 of this section. In the event an applicant utilizes light levels at the highest level permitted for a specific use area, such lighting shall be substantially confined to that particular use area.

TABLE 9-711: ZONING DISTRICT REQUIREMENTS

	Residential Zoning Districts (Not Including Public Uses)	Commercial, Mixed Use, Downtown, Business, and Industrial Zoning Districts	Public Zoning District and Public Uses in Residential Zones
Maximum allowable light levels (measured in	5.0 at building entries	5.0 at building entries	5.0 at building entries
footcandles)	3.0 in parking areas	5.0 in parking areas	5.0 in parking lots
	3.0 along pedestrian walkways	3.0 along pedestrian walkways	3.0 along pedestrian walkways
	2.0 in common open space areas	2.0 in outdoor storage areas (maximum uniformity ratio requirements are not applicable)	
Maximum uniformity ratio (maximum to minimum)	n/a	10:1 (except as noted above)	15:1
Maximum lumen rating for a full cutoff luminaire shielded from view of	8,500 - parking areas of 6 or more spaces	8,500 - pedestrian areas 14,000 - parking and loading areas	14,000 - parking and loading areas

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adjacent streets and properties	4,000 - walkway lights and common areas	23,500 on 35 foot pole when permitted (parking and loading areas)	
	1,800 stairways and entryways	16,000 for high pressure sodium when permitted	
Maximum lumen rating for a partially shielded (IES TM-15-11 G1 rating) fixture	900	1,250	1,250
Maximum lumen rating for an unshielded light fixture	900: except no lamp or bulb, other than for seasonal displays and landscape ornamental lighting, shall be visible beyond the property line	900	900
Controls	Motion sensors required for all unshielded fixtures in excess of 900 lumens	Recommended after close of business	Recommended after close of business
Maximum allowable pole height (includes base, pole and luminaire)	20 feet in parking lots	25 feet in parking lots	20 feet in parking lots within or adjacent to residential zones, otherwise 25 foot maximum
	15 feet in all other areas	35 feet for contiguous parking lots of 5 or more acres in size	
		20 feet in all other areas	

TABLE 9-812: SPECIAL USE REQUIREMENTS

	Open Parking Structures and Parking Below a Building	Private Recreation Use	Public Recreation Use	Service Stations, Automobile Dealerships, Drive-Thru Windows
Maximum	5.0 within open parking	The lesser of 30	The IESNA	5.0 in building
allowable	structure and parking	footcandles or the	recommended	entries and drive-up
light levels	below a building	IESNA recommended	standards for the	windows
(measured in		standards for the	specific sports	
footcandles)	5.0 for uncovered upper	specific sports venue	venue	20.0 under service
	levels			station canopies
		5.0 in parking lots	5.0 in parking	
	5.0 for covered exterior		lots	15.0 within
	pedestrian circulation areas			vehicular display

	that are a part of a parking structure or parking below a building	4.0 in pedestrian areas	4.0 in pedestrian areas	5.0 in parking lot 3.0 along pedestr walkways
Maximum uniformity ratio	5:1 within parking structure	3:1 on sports field or court	3:1 on sports field or court	10:1
(maximum to minimum)	10:1 remainder of site	10:1 remainder of site	10:1 remainder of site	
Maximum lumen rating for a full	14,000	23,500 for field or court area	107,000 for sports field	14,000
cutoff light		8,500 for parking and pedestrian areas	23,500 for courts	
shielded from view of		peason an areas	14,000 for parking areas	
adjacent streets and properties			8,500 for pedestrian areas	
Maximum lumen rating for a partially shielded (IES TM- 15-11 G1 rating) fixture	1,800	1,250	4,000	1,800
Maximum lumen rating for an unshielded light fixture	900	900	900	900
Sports shielding	n/a	Internal and external	Internal and external	n/a
Light fixture aiming angle	n/a	n/a	Not greater than 60 degrees from nadir	n/a
Controls	Automatic daylight adaptation controls required	Field or court lights shall be turned off within 30 minutes of the last event or 12:00 midnight, whichever is earlier	Field or court lights shall be turned off within 30 minutes after the last event	Service station canopies and vehicular display lights shall not exceed 5.0 footcandles withi

Mariana	12.6 + 6 1	20.6 .4	20.6 .4	20 C + 1
Maximum allowable	12 feet for uncovered upper level parking	20 feet in residential zones	20 feet in parking lots within or	20 feet when adjacent to
pole height			adjacent to	residential zon
(includes		25 feet in all other zones	residential zones, otherwise 25 feet	otherwise 25 f parking lots
base, pole,		Zones	otherwise 23 feet	parking iots
and light			35 feet for sports	20 feet in all o
fixture)			lighting or as approved by the	areas
			city manager per	
			Section 9-2-14,	
			"Site Review," B.R.C. 1981	
			B.R.C. 1701	
	I.	L	1	

-21, "Signs," B.R.C. 1981, is amended to read as follows:

9-9-21. Signs.

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Application and Legislative Intent: (a)

> **(1)** Application of Section: This section applies only to signs erected on private property by the owner or lessee in possession of that property, or by persons acting with the permission or at the request of the owner or lessee. It applies only to signs which are visible beyond the boundaries of the property upon which they are located. There are two exceptions to this rule which are most conveniently included in this section: signs erected on private property as part of a sign program which was a condition of approval of development under this title; and signs on private vehicles located on public property. This section does not apply to a sign carried by a person, whether on public or private property. This section does not apply to signs, other than those on vehicles, on public property. [12]

Signs Exempt From Permits: (c)

> (M) Cottage Foods and Fresh Produce Signs. On any premises meeting the requirements of Chapter 6-17, a sign meeting the size restrictions applicable to residential detached dwellings in Table 9-913 of this section. This provision does not restrict the content of the sign.

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(e) Limitations on Area, Number, and Height of Signs by Use Module:

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(2) Maximum Sign Area Permitted: The maximum sign area permitted per property, maximum area per sign face, maximum number of signs, and maximum height of freestanding signs in the use modules in the city are as in Table 9-913 of this section, except as modified by other provisions of this section.

TABLE 9-<u>9</u>13: LIMITATIONS ON AREA, NUMBER, AND HEIGHT OF SIGNS BY USE MODULE

Maximum Area Per Sign Face	Maximum Number Signs Permitted	Maximum Height of Freestanding Signs
icts (RR, RE, RL, RM, R	MX, RH, and A)	
2 square feet	1 per use	7 feet
16 square feet	1 per street frontage	7 feet
16 square feet	1 per street frontage	7 feet
16 square feet	The lesser of 1 per street frontage or 2 per use	7 feet
50 square feet for freestanding signs. See subsection (d) of this section for limits on other signs	1 per street frontage for freestanding signs. 1 per ground level tenant for projecting signs. No limit on other signs	7 feet
ss - Transitional District	s (BMS, BT, MU, DT)	l
	sign Face cts (RR, RE, RL, RM, R 2 square feet 16 square feet 16 square feet 16 square feet 50 square feet for freestanding signs. See subsection (d) of this section for limits on other signs	Sign Face Signs Permitted cts (RR, RE, RL, RM, RMX, RH, and A) 1 per use 16 square feet 1 per street frontage 16 square feet 1 per street frontage The lesser of 1 per street frontage or 2 per use 50 square feet for freestanding signs. See subsection (d) of this section for limits on other signs 1 per street frontage for freestanding signs. 1 per ground level tenant for projecting signs. No limit on

1	For any use not permitted in residential zones, other than MU-3,	See subsection (d) of this section for area	1 per street frontage for freestanding signs.	See paragraph (d)(6) of this section for
2	in addition to freestanding signs, as permitted in paragraph (d)(6) of this	restrictions	1 per ground level tenant for projecting	height restrictions
3	section, 1.25 square feet of sign area for each linear foot of total		signs. No limit on other signs	
4	building frontage for the first 200 feet of frontage, plus 0.5 square feet of sign area for each foot of			
5	frontage thereafter			
6	Business - Community, Business - Coin the B.V.R.C. (BC, BCS, BR, IS, I		siness - Regional, and In	dustrial Districts not
7	For any use permitted in residential	See subsection (d) of		Varies with setback;
8	zones, as regulated in residential zoning districts	this section for area restrictions		see paragraph (d)(6) of this section
9	In addition to freestanding signs, as	See subsection (d) of		See paragraph (d)(6)
10	permitted in paragraph (d)(6) of this section, 2 square feet sign area for	this section for area restrictions		of this section for height restrictions
11	each linear foot of total building frontage for the first 200 feet of frontage, plus 0.5 square foot sign			
12	area for each linear foot of frontage, except as provided in subparagraph			
13	(d)(6)(D) of this section			
14	Boulder Valley Regional Center an	d Regional Business Dist	ricts	
15	Properties zoned BR-1 and properties located within the Boulder Valley Regional Center unless zoned BT-1 or BT-2			
16	For any use not permitted in residential zones, in addition to	See subsection (d) of this section for area	1 per street frontage for freestanding signs.	See paragraph (d)(6) of this section for
17	freestanding signs, as permitted in paragraph (d)(6) of this section, 1.5	restrictions	1 per ground level tenant for projecting	height restrictions
18	square feet of sign area for each linear foot of total building frontage		signs. No limit on other signs	
19	for the first 200 feet of each frontage, plus ½ square foot sign area for each additional linear foot			
20	of each frontage			

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(q) Discontinuance of Prohibited Legal Nonconforming Signs:

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(1) Except as provided in paragraph (q)(2) or (q)(3) of this section, a legal nonconforming sign prohibited by subsection (b) of this section shall be removed or brought into conformity with the provisions of this section within sixty days from the date on which the sign became nonconforming.

- (2) A legal nonconforming sign described in subparagraph (b)(3)(C), (b)(3)(D), (b)(3)(H), or (b)(3)(K) of this section is subject to the amortization provisions of subsection (r) of this section, unless excepted by paragraph (q)(3) of this section.
- (3) Existing legal signs in the city which became nonconforming solely because of a change in this sign code enacted by Ordinance No. 5186 (1989) or Ordinance No. 6017 (1998) are subject to all the requirements of subsection (p) of this section, but are not subject to the sixty-day discontinuance provisions of paragraph (q)(1) of this section or the amortization provisions of subsection (r) of this section. Such amortization provisions are also inapplicable to lawfully permitted nonconforming advertising devices, as those terms are defined and applied in the Outdoor Advertising Act, 43-1-401 et seq., C.R.S. The city manager is authorized, subject to appropriation, to remove such devices by eminent domain proceedings.
- (r) Amortization Provisions: Except for signs described in paragraph (q)(1) or (q)(3) of this section, or a temporary sign, a legal nonconforming sign shall be brought into conformity or removed under the following schedule:
 - (4) A sign having an original cost exceeding \$100.00 that is nonconforming as to permitted sign area or any other provision of this section that would require the complete removal or total replacement of the sign may be maintained for the longer of the following periods:
 - (A) Three years from the date upon which the sign became nonconforming under the provisions of this section by annexation or code amendment; or
 - (B) A period of three to seven years from the installation date or most recent renovation date that preceded the date on which the sign became nonconforming. But if the date of renovation is chosen as the starting date of the amortization period, such period of amortization shall be calculated according to the cost of the renovation and not according to the original cost of the sign. The amortization periods in Table 9-104 of this section apply according to the original cost of the sign, including installation costs, or of the renovation:

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TABLE 9-104: AMORTIZATION SCHEDULE

Sign Code or Renovation Cost	Permitted Years From Installation or Renovation Date
\$ 101 through \$1,000	3 years
\$1,001 through \$3,000	4 years
\$3,001 through \$10,000	5 years
Over \$10,000	7 years

1		
2	<u>.</u>	Section 26. Section 9-10-2, "Continuation or Restoration of Nonconforming Uses and
3	Nonstar	ndard Buildings, Structures, and Lots," B.R.C. 1981, is amended to read as follows:
4	1	Continuation or Restoration of Nonconforming Uses and Nonstandard Buildings,
5	Structu	res, and Lots.
6	1	forming uses and nonstandard buildings and lots in existence on the effective date of the ce which first made them nonconforming may continue to exist subject to the following:
7	` ′	One-Year Expiration for Nonconforming Uses: A nonconforming use, except for a use
8	,	that is nonconforming only because it fails to meet the required off street parking standards of Section 9-9-6, "Parking Standards," or residential density requirements of
10		Section 9-8-1," Schedule of Intensity Standards," B.R.C. 1981, that has been discontinued for at least one year shall not be resumed or replaced by another
11		nonconforming use as allowed under Subsection 9-2-15(f), B.R.C. 1981, unless an extension of time is requested in writing prior to the expiration of the one-year period.
12		The approving authority will grant such a request for an extension upon finding that an undue hardship would result if such extension were not granted.
13		
14	<u> </u>	Section 27. Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots
15	and No	nconforming Uses" B.R.C. 1981, is amended to read as follows:
16	9-10-3.	Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses.
17	_	s to nonstandard buildings, structures, or nonstandard lots and nonconforming uses shall
18	comply	with the following requirements:
19	(a)	Nonstandard Buildings and Structures:
20		
21	(c)	Nonconforming Uses:
22		(1) Nonconforming Changes to Conforming Use Prohibited: No conforming use may be changed to a nonconforming use, notwithstanding the fact that some of the
23		features of the lot or building are nonstandard or the parking is nonconforming.
24		
25		

1	(3) None	onforming Only as to Parking: The city manager will grant a request to
2		ge a use that is nonconforming only because of an inadequate amount of
2		ng to any conforming use allowed in the underlying zoning district upon a ng that the new or modified use will have an equivalent or less parking
3		rement than the use being replaced.
4	(<u>3</u> 4) Nonc	onforming Permanently Affordable Units. Dwelling units on a building site
5	that e meet	exceeds the maximum number of dwelling units per acre standard or does not the minimum amount of open space per dwelling unit or the minimum lot
6	_	per dwelling unit standards may be reconstructed or restored consistent with ollowing standards:
7		
8	(F)	Parking: On-site parking that does not meet the requirements of Section 9-9-6, "Parking Standards," B.R.C. 1981, may be maintained or brought
9		closer to compliance with the standards. Any further reduction in parking spaces may be pursued through Subsection 9-9-6(f), "Motor Vehicle
10		Parking Reductions," B.R.C. 1981 or Section 9-2-14, "Site Review,"
1		B.R.C. 1981;
12	(<u>F</u> G)	Application of Code: Applications subject to this paragraph shall meet all requirements of the Boulder Revised Code unless modified or waived by
13		this paragraph or pursuant to another city process, including without limitation a site review, use review, or variance process. Any
14		reconstructed or restored building meeting the maximum number of dwelling units per acre, the minimum amount of open space per dwelling unit, and the minimum lot area per dwelling unit standards shall be subject
15		to the applicable zoning district standards; and
16	(<u>G</u> H)	• • • • • • • • • • • • • • • • • • • •
17		interest in the land may apply for the reconstruction or restoration of a building or property under the requirements of this paragraph. Such
18		application shall be filed on a form provided by the manager and shall meet the requirements of Subsection 9-2-6(a), B.R.C. 1981, and the
19		following:
20		
21	Section 28.	Section 9-14-12, "Outdoor Space Requirements" B.R.C. 1981, is amended to
22	read as follows:	
23	 9-14-12. Outdoor S	naca Paguiraments
24	7-14-12. Outuoor S	pace requirements
25		

- (c) **Outdoor Space Types.** All required outdoor space shall comply with one of the outdoor space types defined in subsections 9-14-12(<u>lm</u>) through (<u>pq</u>) of this section and the specifications applicable to the type used.
 - (1) **Specified Type.** If a type of outdoor space is specified in Figure 14-17 for Boulder Junction or Figure 14-18 for Alpine-Balsam for the project site, such type shall be utilized.
 - (2) **No Specified Type.** If no type is specified in Figure 14-17 or Figure 14-18 or the type is designated as flexible, any one of the outdoor space types defined in subsections 9-14-12(<u>lm</u>) through (<u>pq</u>) of this section may be utilized provided that the type utilized will result in a mix of outdoor spaces in the vicinity of the development.

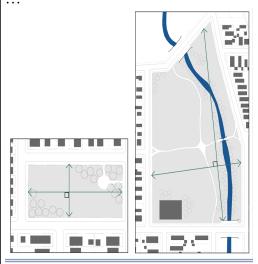


Figure 14-16. Outdoor Space: Measuring Minimum Dimensions

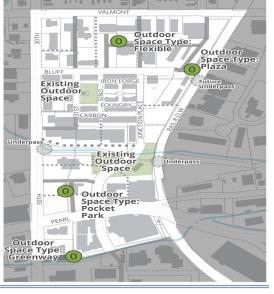


Figure 14-17. Boulder Junction: Required Locations for Outdoor Space

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Figure 14-18. Alpine-Balsam: Required Locations for Outdoor Space

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(h) Parking Requirements. Parking shall not be required for any outdoor space type, unless a use other than open space is determined by the city manager.

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(hi) Continuity. New outdoor space shall connect to abutting or proximate existing or planned public way or open space.

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(ij) **Measuring Size.** When determining whether dimensions requirements of this section are met, the following standards apply:

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(jk) Improvements. When determining the specific improvement standards applicable to each outdoor space type, the following shall apply:

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(kl) Stormwater in Outdoor Space Types. Stormwater management practices, such as storage and retention facilities, may be integrated into any of the outdoor space types and utilized to meet stormwater requirements for surrounding parcels subject to the following standards:

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(lm) **Plaza.** The intent of the plaza is to provide a formal outdoor space of medium scale that may serve as a gathering place for civic, social, and commercial purposes. The plaza may contain a greater amount of impervious coverage than any other type of outdoor space regulated in this section. Special features, such as fountains and public art installations,

are encouraged. Plazas shall be designed to meet the standards of Table 14-3. Plaza Requirements. See Figure 14-19. Example of a Plaza.

Table 14-3. PLAZA REQUIREMENTS

Dimensions		
Minimum Size	0.10 acres	
Maximum Size	1 acre	
Minimum Dimension	80 feet	
Minimum Percentage of Street or Public Way Frontage Required	25%	
Improvements		
Designated Sports Fields	Not permitted	
Playgrounds	Not permitted	
Mobility Hub	Permitted	
Fully Enclosed Structures	Permitted; may cover maximum 5% of plaza area	
Maximum Impervious Surface + Semi-Pervious Surface	60%+ 20%	
Maximum Percentage of Open Water	30%	

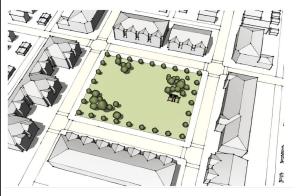


Figure 14-20. Example of a Green

(mn) **Green.** The intent of the green is to provide an informal outdoor space of medium scale for active or passive recreation located within walking distance for building occupants and visitors. The green is intended to be fronted mainly by streets. Greens shall be designed to meet the standards of Table 14-4. See Figure 14-20. Example of Green.

Dimensions	
Minimum Size	0.25 acres
Maximum Size	2 acres
Minimum Dimension	45 feet
Minimum Percentage of Street or Public Way Frontage Required	100% for greens less than 1.25 acres; 50% for greens 1.25 or more acres in size
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Not permitted
Maximum Impervious Surface + Semi-Pervious Surface	20% + 15%
Maximum Percentage of Open Water	30%



Figure 14-21. Example of a Commons

(<u>no</u>) **Commons.** The intent of the commons is to provide an informal, small to medium scale outdoor space for active or passive recreation. Commons are typically internal to a block and tend to serve adjacent building occupants. Commons shall be designed to meet the standards of Table 14-5. See Figure 14-21. Example of Commons.

Dimensions	
Minimum Size	0.25 acres
Maximum Size	1.5 acres
Minimum Dimension	45 feet
Minimum Percentage of Street or Public Way Frontage Required	0%; requires a minimum of two access points (minimum 20 feet wide)
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Mobility Hub	Not permitted
Fully Enclosed Structures	Not permitted
Maximum Impervious Surface + Semi-Pervious Surface	30% + 10%
Maximum Percentage of Open Water	30%



Figure 14-22. Example of a Pocket Park

Pocket Park. The intent of the pocket park is to provide a small scale, primarily (<u>op</u>) landscaped active or passive recreation and gathering space for neighborhood residents within walking distance. Pocket parks shall be designed to meet the standards of Table 14-6. See Figure 14-22. Example of Plaza Pocket Park.

25	meet the standards

Dimensions		
Minimum Size	0.10 acres	
Maximum Size	1	
Minimum Dimension	None	
Minimum Percentage of Street Frontage Required	30%	
Improvements		
Designated Sports Fields	Not permitted	
Playgrounds	Required	
Mobility Hub	Permitted	
Fully Enclosed Structures	Not permitted	
Maximum Impervious Surface + Semi-Pervious Surface	30% + 10%	
Maximum Percentage of Open Water	30%	



Figure 14-23. Example of a Park/Greenway

(pq) Park/Greenway. The intent of the park/greenway is to provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees. Parks/greenways shall be designed to meet the standards of Table 14-7. See Figure 14-23. Example of Parks/Greenways.

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follows:

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Dimensions	
Minimum Size	2 acres
Maximum Size	None
Minimum Dimension	30 feet; minimum average width of 80 feet
Minimum Percentage of Street Frontage Required	30% for parks less than 5 acres; 20% for parks 5 or
	more acres in size
Improvements	
Designated Sports Fields	Permitted
Playgrounds	Permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Permitted in parks 5 acres or larger in size
Maximum Impervious Surface + Semi-Pervious	20% + 10%
Surface	
Maximum Percentage of Open Water	50%

Section 29. Section 9-16-1, "General Definitions," B.R.C. 1981, is amended to read as

9-16-1. General Definitions.

- The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title (a) unless a term is defined differently in this chapter.
- (b) Terms identified with the references shown below after the definition are limited to those specific sections or chapters of this title:
 - Airport influence zone (AIZ). **(1)**
 - Floodplain regulations (Floodplain). (2)
 - Historic preservation (Historic). (3)
 - Inclusionary housing (Inclusionary Housing). **(4)**
 - Solar access (Solar). (5)
 - Wetlands Protection (Wetlands). (6)
 - Signs (Signs). **(7)**
- The following terms as used in this title have the following meanings unless the context (c) clearly indicates otherwise:

A—**E**

Expansion of a nonconforming use means any change or modification to a nonconforming use that constitutes:

1	(1) An increase in the occupancy, floor area, required parking, traffic generation,
2	outdoor storage, or visual, noise, or air pollution; (2) Any change in the operational characteristics which may increase the impacts or
	create adverse impacts to the surrounding area including, without limitation, the
3	hours of operation, noise, or the number of employees; (3) The addition of bedrooms to a dwelling unit, except a single-family detached
4	dwelling unit; or
5	(4) The addition of one or more dwelling units.
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7	К—О
8	···
9	Lot, building means a parcel of land, including, without limitation, a portion of a platted
10	subdivision, that is occupied or intended to be occupied by a building or use and its accessory buildings and uses, together with the yards required under the provisions of this code; that has
11	not less than the minimum area, useable open space, <u>and</u> building coverage, <u>and off-street</u> parking spaces required by this code for a lot in the district in which such land is situated; that is
12	an integral unit of land held under unified ownership in fee or co-tenancy or under legal control tantamount to such ownership; and that is precisely identified by a legal description.
13	
14	<i>Nonconforming use</i> means any legally established use of a building or use of a lot that is
15	prohibited by Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981. A nonconforming use also includes an otherwise conforming use, except a single dwelling unit on a lot, that, as a
16	result of adoption of or amendments to zoning standards, does not meet the minimum lot area per
17	dwelling unit or useable open space per dwelling unit requirements of Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981., or the required off street parking requirements of Section
18	9-9-6, "Parking Standards," B.R.C. 1981.
19	
20	Р—Т
	
21	Principal parking facility means an area that provides short-term or long-term off-street parking
22	for motor vehicles and is does not provide parking that is accessory to another use on the lot not accessory to the use on the lot where the parking is located or to a use located in the same
23	approved planned unit development or site review. A principal parking facility may be a parking lot, garage, or carpool lot. A parking area that is an accessory use may also provide parking for a
24	principal use on a different lot or parcel or a principal use that is not within the same planned
25	unit development or site review without being considered a principal parking facility.

1 | ...

Section 30. Section 10-7-2, "Energy Conservation Code," B.R.C. 1981, is amended to

3 read as follows:

10-7-2. Energy Conservation Code.

(a) Council adopts by reference the 2024 City of Boulder Energy Conservation Code published by the International Code Council which shall have the same force and effect as though fully set forth in the Boulder Revised Code, 1981, except as specifically amended by the provisions of this chapter. This code shall also be known as the City of Boulder Energy Conservation Code. This chapter and the 2024 City of Boulder Energy Conservation Code shall be administered, applied, and interpreted in accordance with and as part of Chapter 10-5, "Building Code," B.R.C. 1981.

(b) Section C405.13, "Electric vehicle (EV) charging for new construction," is repealed and reenacted to read as follows:

C405.13 Electric vehicle (EV) charging for new construction. The building shall be provided with electric vehicle (EV) charging in accordance with this section and the National Electrical Code (NFPA 70). Where parking spaces are added or modified without an increase in building size, only the new parking spaces are subject to this requirement. The number of required EVSE installed spaces, EV ready spaces, EV capable spaces, and EV capable light spaces shall be determined based on the total number of provided motor vehicle parking spaces.

(<u>c</u>b) Section C406.2.2, "More efficient HVAC performance," is repealed and reenacted to read as follows:

C406.2.2 More efficient HVAC performance. To achieve credits for more efficient HVAC performance, all heating and cooling systems shall meet the minimum requirements of Section C403 and efficiency improvements shall be referenced to minimum efficiencies listed in tables referenced by Section C403.3.3. Where multiple efficiency requirements are listed, equipment shall meet the seasonal or part-load efficiencies, including SEER/SEER2, EER/integrated energy efficiency ratio (IEER), integrated part load value (IPLV), or AFUE. Equipment that is larger than the maximum capacity range indicated in tables referenced by Section C403.3.3 shall meet the efficiencies listed for the largest capacity for the associated equipment type shown in the table. Where multiple individual heating or cooling systems serve a project, the HVAC performance improvement of the project shall be the weighted average improvement based on individual system capacity. Projects will achieve HVAC efficiency credits for one or several of the following measures:

1. C406.2.2.4 H04

1		2. C406.2.2.5 H05
2	(<u>d</u> e)	Section C406.2.2.2, "H02 More efficient HVAC equipment heating performance," is repealed and reenacted to read as follows:
3		C406.2.2.2 H02. Reserved.
4		
5	(<u>e</u> d)	Section C406.2.2.3, "H03 More efficient HVAC equipment cooling and fan performance," is repealed and reenacted to read as follows:
6		C406.2.2.3 H03. Reserved.
7 8	(<u>f</u> e)	Lines H02 and H03 in Table C406.2, "Base Credit for Additional Conservation Measures," are repealed to read as follows:
9		H02 Reserved H03 Reserved
10		Section 31. The city council adopts the amendments to the City of Boulder Design and
1112	Constr	nuction Standards, originally adopted pursuant to Ordinance 5986 (amended by Ordinance
13	7088,	7400, 7688, 8006, 8324, 8370, 8561, 8608, 8631, and 8672) that are shown in Exhibit A
14	of this	ordinance.
15		Section 32. The city council orders and directs the city manager to make any additional
16	citation	n, reference, update, and formatting changes to the City of Boulder Design and
17	Constr	nuction Standards not included in this ordinance that are necessary to properly implement
18	these a	mendments to the City of Boulder Design and Construction Standards and to correct
19	clerica	l errors.
20		Section 33. This ordinance is prospective in nature and shall apply to all applications and
21	permit	s applied for or those for which application is requested for after the effective date of its
22	adopti	on. Permits and applications applied for prior to the effective date of this ordinance may
23	procee	d under the regulations in effect at the time of application.
24		Section 34. This ordinance is necessary to protect the public health, safety, and welfare of
25	the res	idents of the city and covers matters of local concern.

1	Section 35. The city council deems it appropriate that this ordinance be published by title				
2	only and orders that copies of this ordinance be made available in the office of the city clerk for				
3	public inspection and acquisition.				
4 5	INTRODUCED. READ ON FIRST READING	G, AND ORDERED PUBLISHED BY			
6	TITLE ONLY this 5th day of June 2025				
7	7				
8	Aar	on Brockett,			
10	Attest:				
12	Elesha Johnson, City Clerk				
13 14 15	READ ON SECOND READING, PASSED ANI	O ADOPTED this 26 th day of June 2025.			
16					
17	/ May	on Brockett,			
18 19					
20 21	City Clerk				
22					
24					
25	J				

CITY OF BOULDER

DESIGN AND CONSTRUCTION STANDARDS

CHAPTER 2

TRANSPORTATION DESIGN

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2.01 General

(A) Intent

The Transportation Design Standards are intended to provide for an integrated transportation system for all transportation modes, including pedestrian, bicycle, transit, and motor vehicle.

(B) Transportation Master Plan

All improvements proposed to the city's transportation system shall conform with the goals and policies in the Transportation Master Plan (TMP).

(C) Reference Standards

Where not specified in these Standards or the B.R.C. 1981, to protect the public health, safety, and welfare, the Director of Public Works will specify the standards to be applied to the design and construction of transportation improvements and may refer to one or more of the references listed in the References Section of these Standards.

(D) Functional Street Classification

Public streets shall be designed and improved to conform to the applicable functional street classification as defined on the "Street Function Class and Proposed Street Facilities" map of the TMP.

2.02 Traffic Study

(A) Traffic Assessment

The Director will require an applicant to submit a Traffic Assessment in order to adequately assess the impacts of any development proposal on the existing and planned transportation system. The Assessment shall include a peak hour trip generation study projection (Refer to 2.03(J)) and may require additional information as determined by the Director.

(B) Traffic Study Requirements

For any development proposal where trip generation from the development during the peak hour of the adjacent street is expected to exceed 100 vehicles for nonresidential applications, or 20 vehicles for residential applications the Director will require an applicant to submit a Traffic Study to evaluate the traffic impacts of the development proposal. The Traffic Study may include the information required in Subsections (A) through (K), of Section 2.03, "Traffic Study Format," of these Standards at the discretion of the Director.

(C) Responsibilities for Traffic Studies

An applicant for construction approval shall be responsible for assessing all traffic impacts associated with a proposed development, with the city serving in a review and approval capacity.

(D) Preparation

A Traffic Study shall be prepared by an Engineer with adequate experience and expertise in transportation engineering. The Engineer shall be identified in the Traffic Study.

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(E) Coordination with City

Transportation consultants and Engineers preparing Traffic Studies shall discuss proposed development projects with the Director prior to initiating the study. Issues to be discussed include, without limitation, the TMP, definition of the study area, relevant subarea, area, and subcommunity plans, methods for projecting build-out volumes, background traffic conditions, trip generation, directional distribution of traffic, trip assignment, and assessment of potential transportation hazards. These aspects of the Traffic Study shall be approved by the Director prior to study preparation.

(F) Submittal

A Traffic Study shall be prepared in conformance with, and including, the information required in Section 2.03, "Traffic Study Format," of these Standards.

2.03 Traffic Study Format

(A) Study Requirements

The information provided in the Traffic Study shall include the following sections as outlined below. The study shall be typed and bound, andbound and clearly identify the data and information in the appropriate sections. In addition, the study shall contain a table of contents, lists of figures, and tables, and shall identify any map pockets and included drawings.

(B) Introduction

The Traffic Study shall provide an introduction with an overview and discussion of the project or development proposal.

(C) Site Location and Zoning

Include a vicinity map detailing the property location, a conceptual site plan reflecting the boundaries of the project or development, and information detailing the designated zoning district, general terrain and physical features of the site and the surrounding area.

(D) Study Area Boundaries

Include the Study Area Boundaries as determined based on discussions with the Director and include all roadways and transportation routes providing access to the site and the surrounding transportation system.

(E) Existing Area Street System Description

Describe and include roadway orientations, functional classifications and geometries, intersection geometries, and traffic controls, including without limitation signage and striping, speed limits, parking restrictions, sight distance, transit routes, the presence of bicycle and pedestrian facilities, and any other related traffic operations information and improvements approved or planned by government agencies. For identified improvements scheduled by government agencies, include the nature of the improvements, extent, implementation schedule, and the agency or funding source responsible.

(F) Existing and Projected Roadway and Intersection Traffic Volumes

Include diagrams that map existing traffic volumes, and each variation of projected traffic volumes, for all roadways and intersections within the study area. Also provide diagrams that map the intersection and roadway geometries and traffic control within the study area.

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(G) Existing and Proposed Site Uses

Include an identification of the existing land use and proposed land use or the highest potential land use based on zoning and maximum trip generation where a specific use has not been determined. If rezoning is proposed, the study shall provide a comparison between the highest trip generation uses for the existing zoning and the highest trip generation uses for the proposed zoning.

(H) Existing and Proposed Land Uses in Vicinity of the Site

Document any vacant land or potential redevelopment that may result in a change in traffic volume conditions within the study area during each time period studied. Perform and provide trip generation on these parcels and include the trips generated from these parcels in the trip volume diagrams and level of service analyses for each appropriate time period studied.

(I) Transportation Demand Management Strategies

Include an outline of transportation demand management strategies to mitigate traffic impacts created by proposed development and implementable measures for promoting alternate modes of travel, including but not limited to the following:

- (1) **Site Design:** Incorporate design features that facilitate walking, biking, and use of transit services to access a proposed development, including features such as transit shelters and benches, site amenities, site design layouts, orientations and connections to increase convenience for alternate modes and reduce multiple trips to and from the site, and direct connections to existing offsite pedestrian, bicycle, and transit systems.
- (2) **Programs and Education:** Incorporate alternate modes programs, such as providing transit passes to employees and residents, van pooling to the site by a major employer, ride-sharing, parking pricing, and planned delivery services, and educational measures such, as promoting telecommuting, distributing transit schedules and trails maps, signing alternate travel routes, and providing an onsite transportation coordinator or plan to educate and assist residents, employees, and customers in using alternate modes.

(J) Trip Generation

Traffic estimates for the proposed project and potential developed or redeveloped properties in the study area shall be obtained by performing trip generation using the procedures outlined in the most current edition of the *Trip Generation Manual* of the Institute of Transportation Engineers (ITE). If adequate *Trip Generation Manual* data is not available for a specific land use, the procedures used to estimate trip generation data shall be approved by the Director. Include the following specific trip generation information:

- Summary Table: List each land use that requires trip generation analysis, including the project plus developed or redeveloped land uses within the study area. For each trip generation summary, include land use type, amount, intensity, average trip generation rates for total daily traffic and peak hour traffic (a.m., noon and/or p.m. peak hour traffic generation may be required), and the resultant total trips generated for each time period and each land use.
- (2) **Calculations:** -Calculation of projected trip generation for any land use, used to determine study area impacts, shall be based on the following:

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- (a) Trip generation formulas (or rates, if formulas are not available) published in the most recent version of the *Trip Generation Manual*. Trip generation reports from other industry publications may be considered but are subject to the approval of the Director.
- (b) A local trip generation study, following procedures outlined in the most recent version of the *Trip Generation Manual*, if no published rates are available and similar land uses can be studied.
- (c) Additional data or studies from other similar jurisdictions. Trip generation obtained in this fashion is subject to the review and approval of the Director.
- (3) **Trip Generation Reductions:** Credit for any trip reductions is subject to review and approval in advance by the Director. Anticipated trip reduction assumptions should be discussed and approved by the Director prior to the preparation of the Traffic Study. Trip reductions typically fall into one of two categories: those that reassign some portion of the trip generation from the surrounding roadway network (passerby and diverted trip reductions), and those that remove trips generated from the land use trip generation (internal and modal split reductions).
 - (a) Use of passerby and diverted trip reductions may be evaluated and considered in reducing the additional estimated total trip generation of a new land use. However, passerby and diverted trip reduction factors are not to be applied directly to reduce trip generation and turning movement volumes at driveways serving the studied land use. These factors are subject to the approval of the Director.
 - (b) Internal trip reductions and modal split assumptions may reduce the total trip generation of a land use. These factors considered in the Traffic Study shall supply analytical support and detailed documentation to demonstrate how the estimates were derived and incorporated and are subject to the approval of the Director.

(K) Trip Distribution/Assignment and Modal Split

Trip distribution/assignment of any generated traffic estimates shall be clearly summarized and illustrated for each access route entering and exiting the generating land use, using the study area transportation system as a basis. Include the following specific trip distribution/assignment information:

(1) **Trip Distribution:** The trip distribution for each site shall be identified and illustrated with a graphical figure detailing the percentages making each movement, at each intersection in the study area. The trip distribution shall be logically based upon factors such as the site's location within the city's existing traffic volume data in the study area, market analyses, applied census data, and/or professional engineering judgment. Trip distribution assumptions are subject to the approval of the Director.

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(2) **Trip Assignment:** Trip assignment shall be done by applying the trip generation totals for each time period studied, to the trip distribution percentages developed. The trip assignment shall develop anticipated traffic volumes for each of the movements identified by the trip distribution and each of the time periods identified in the analyses. The resulting traffic volumes shall be illustrated with graphical figures detailing the anticipated volumes making each movement, at each intersection in the study area, during each time period studied.

(L) Existing and Projected Traffic Volumes

- (1) **Traffic Volume Scenarios:** Five traffic volume scenarios and three separate times of the day may be required to be included in a Traffic Study analysis. The applicant shall meet with the Director to determine the scenarios and time periods to be studied, prior to the development of the Traffic Study. The number of scenarios and time periods to be studied are subject to the approval of the Director. The potential scenarios and time periods include the following:
 - (a) Scenario 1 Existing Conditions: An analysis of existing traffic conditions will be required in the Traffic Study. Existing Conditions analysis should attempt to model traffic conditions at the time the Traffic Study is being prepared. Traffic counts that are older than the year the study is being prepared shall be factored up or adjusted to existing year volumes.
 - (b) Scenario 2 Anticipated Project Completion Year Without Project Volumes: Include an analysis of the anticipated traffic conditions during the year the project is intended to be finished and traffic is generated. The analysis shall anticipate the increase in background traffic volumes and the generation of other related projects that are not present in the existing condition, but would likely be completed and generating trips in this time period. The trip generation for the proposed project shall not be included in this scenario. If the project is intended to be completed the same year that the Traffic Study is being prepared, then this scenario is the same as Scenario 1 Existing Conditions.
 - (c) <u>Scenario 3 Anticipated Project Completion Year With Project Volumes</u>: This scenario is the same as Scenario 2, except that the project volumes are assigned to the roadway network and included in the analyses.
 - (d) Scenario 4 Future Buildout Conditions Without Project Volumes: An analysis of the anticipated traffic conditions during buildout, using the projected buildout year defined in the city's TMP. The analysis shall anticipate the increase in background traffic volumes and the generation of other related projects that are not present in the existing condition, but would likely be completed and generating trips in this time period. The trip generation for the proposed project should not be included in this scenario.
 - (e) <u>Scenario 5 Future Buildout Conditions With Project Volumes</u>: This scenario is the same as Scenario 4, except that the project volumes are assigned to the roadway network and included in the analyses.

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- (2) **Traffic Volume Projections:** The traffic volume projections shall identify existing and projected daily traffic counts and peak hour turning movement counts for each access point, intersection and street identified in the Traffic Study area for each of the aforementioned scenarios required in the study.
- (3) **Time Periods:** Each scenario may be required to look at three different time periods (the a.m., noon and p.m. peak hour conditions). The Director will determine which time periods and scenarios are required for each Traffic Study depending upon the project's size, location, types of land uses and other pertinent factors.
- (4) **Raw Traffic Count Data:** Include all raw traffic-count data for average daily and peak hour conditions and traffic analysis worksheets in the appendices of the Traffic Study for reference. Computer techniques and associated printouts may be used for this part of the report.

NOTE: All total daily traffic counts must be actual machine counts, not based on factored peak hour sampling. Latest available machine counts from the city, and other agencies, may be acceptable if not more than 2 years older than the year the Traffic Study is being prepared. Data older than the year the Traffic Study is being prepared shall be factored up to current year numbers, using growth rates approved by the Director.

(M) Transportation Service Standards

Include a discussion and analysis assessing the impacts of the project or development proposal on the existing and planned transportation system in the study area with respect to the following traffic impact and mitigation objectives:

- (1) **Transportation Master Plan Objectives:** TMP service standards' objectives include the following:
 - (a) No long-term growth in auto traffic over current levels described as a 0 percent increase in vehicle miles traveled.
 - (b) Reduction in single occupant vehicle travel to 25 percent of total trips.
 - (c) Continuous reduction in mobile source emission of air pollutants, and no more than 20 percent of roadways congested at LOS F.
- (2) Level of Service Design Guide: LOS standards objectives include:
 - (a) Minimum LOS D design guide for peak hour conditions for all movements. Project impacts that maintain LOS D or better for all intersections and street segments may not be required to provide LOS-related traffic mitigation improvements.
 - (b) LOS E and lower peak hour conditions require the implementation of one or more transportation management strategies consistent with the goals and objectives of the TMP. A transportation management strategy plan required to address and mitigate these conditions may include travel demand management,

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land use intensity reduction, site design, layout and access modifications, parking reduction measures, or transportation infrastructure improvements.

(N) Level of Service Analysis

- (1) The Traffic Study shall provide LOS analyses for all study area intersections (signalized and unsignalized) and mid-block roadway segments using methodologies outlined in the current *Highway Capacity Manual*. The analyses should be performed for Scenarios 1 through 5, described in Section 2.0 3(L), "Existing and Projected Traffic Volumes," and for each time period (a.m., noon and/or p.m. peaks) that is required in the Traffic Study, unless otherwise required by the Director.
- (2) Level of service analyses shall consider the appropriate infrastructure, lane usage, traffic control and any other pertinent factors for each scenario to be studied. Intersections with planned improvements, discussed in city planning documents, may have those improvements shown in the level of service analyses.
- (3) Signalized intersection level of service analyses shall use the existing timing and phasing of the intersections for all scenarios. If the analyses are to deviate from existing timings or phasing, then a detailed signal progression analyses for the affected corridor shall also be provided.
- (4) The results of the level of service analyses for each scenario and each time period shall be summarized into one or more tables that illustrate the differences in level of service for each scenario. At a minimum, these tables shall list the level of service results for each intersection to include the level of service for each approach and the total intersection level of service, as well as the appropriate delay values for each approach and the total intersection. These tables shall highlight any locations where the addition of project traffic has caused any approach of any intersection to fall below the LOS D standard for the city.

(O) Traffic Counts and Analyses Worksheets

Provide capacity analysis calculations based on the planning or operational analysis techniques contained in the current *Highway Capacity Manual* or subsequent highway capacity techniques established by the Federal Highway Administration, including the following:

- (1) **Raw Traffic Count Data:** Include all raw traffic count data for average daily, hourly Average daily trip (ADT), and peak hour conditions and traffic analysis worksheets in the appendices of the Traffic Study for reference. Computer techniques and associated printouts may be used for this part of the report.
- (2) Level of Service Analyses: Include all level of service analyses performed for intersections and roadway links. If signal timing or phasing changes are proposed for traffic mitigation and the signal is currently part of a coordinated system, a progression analysis will be required to ensure that adequate progression is maintained or provided. All progress analysis and assumptions to be used shall be reviewed and approved by the Director.

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(P) Traffic Control and Signals

The Traffic Study shall discuss and analyze any traffic control measures that may be necessary to serve a proposed project or development. Any traffic control measures are to be evaluated based on the requirements established in the *Manual on Uniform Traffic Control Devices* (MUTCD) and by the city, and will be applied as necessary to ensure safe and efficient operation of the city's transportation system. The analysis shall demonstrate the need for traffic control measures considering the objectives and policies of the TMP and alternative site designs in order to minimize or mitigate traffic impacts from the proposed project or development. The following traffic control measures are to be addressed:

- (1) **Regulatory Signage, Markings and Islands:** These traffic control measures shall be applied as necessary in conformance with the MUTCD and city standards and policies.
- (2) **Traffic Signals:** The installation of new traffic signals is not encouraged by the city and all possible alternatives to signalization shall be evaluated before the installation of a new traffic signal will be considered. The need for new traffic signals will be based on warrants contained in the MUTCD and on city policies. In determining the location of a new signal, safety and community traffic circulation and progression will be the primary considerations. If a traffic signal is suggested as part of a mitigation package, and the intersection lies within a series of coordinated traffic signals, then a progression analysis may be required to ensure that adequate progression may still be provided. Generally, a spacing of one-half mile between all signalized intersections is to be maintained, to achieve optimum capacity and signal progression. Pedestrian and bicycle movements shall be considered in all cases and adequate pedestrian clearance is to be provided in the signalization design.
- (3) **Intersection and Access Locations:** To provide flexibility and safety for the existing roadway system and to ensure optimum two-way signal progression, an approved traffic engineering analysis shall be made to properly locate all proposed intersections that may require signalization, and any accesses to the proposed development.

(Q) Hazard Assessment

The Traffic Study shall include a Hazard Assessment if the development has immediate frontage on a High Risk Network street (as detailed in the most recent version of the Vision Zero Action Plan). The applicant must evaluate if future conditions being proposed by the development create a new potentially hazardous condition or worsen an existing potentially hazardous condition or identified crash pattern. If a potentially hazardous condition has been identified, proven safety countermeasures to mitigate the hazard are to be included. The Hazard Assessment shall include, but is not limited to, the following sub-sections:

(1) Existing Conditions and Proposed Project

(a) Summarize existing conditions (including the past five years of fatal and serious injury crashes in the project vicinity) and the proposed project as defined by the Traffic Study requirements and relevant to identifying existing and new potential hazards (e.g., study area, existing and planned transportation system, multi-modal trip generation, distribution/assignment, modal split, traffic volumes, traffic control, and

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signals).

(2) Analysis

(a) Applicant must analyze if future conditions being proposed by the development exacerbate existing or create new potentially hazardous conditions for public transit operations and for people walking, bicycling, driving, or using a mobility device or scooter. The methodology for analysis should account for the amount, movement type, sightlines, and speed of projected vehicle trips and projected changes to the public right-of-way in relation to the presence of public transit vehicles or people walking, bicycling, driving, or using a mobility device or scooter.

(b) Analysis must:

- (i) Address the project's direct and indirect physical changes to the existing baseline conditions
- (ii) Describe the intensity (e.g., number of vehicle trips), location (e.g., driveway, particular streets), and other project features that may be relevant to address the significance criterion. Be specific (e.g., the project would generate 120 vehicle trips into the driveway during the p.m. peak hour), do not generalize (e.g., the project would generate a modest number of vehicle trips).
- (iii) The impact analysis shall assume the project will comply with laws and regulations. The analysis shall describe how compliance would occur, what it would entail, and how it may reduce impacts
- Table 2-1 provides a sample of the circumstances, which may result in potentially hazardous conditions for people walking, bicycling, driving, or using a mobility device or scooter. This is not an exhaustive list of circumstances, under which, potentially hazardous conditions would occur. Additional hazardous conditions may be identified at the Director's discretion.

Table 2-1: Sample of Potentially Hazardous Conditions

Potentially Hazardous Condition
Adds a new site access or modifies an existing site access by adding new movements that were not previously permitted
Increases automobile volumes crossing sidewalks, paths, or trails
Increases corner radius and thereby increases the speed of turns or pedestrian/bicycle crossing distance

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Increases the number of automobile lanes
Increases crossing distances
Adds unprotected left turn movement
Increases the volume of pedestrians across an uncontrolled mid-block crosswalk
Adds obstructions or slopes that diminish the sightline between road users

(3) Mitigation

- (a) If a potentially hazardous condition is identified, the site development plan must identify and implement feasible mitigation measures using proven safety countermeasures to avoid or reduce the impact. The Engineer shall describe the location, nature, and extent of proposed mitigations to ensure compatibility with the City's transportation system and the goals of the TMP. Mitigations may include site design, layout and access modifications, parking reduction measures, or transportation infrastructure improvements.
- (b) Proven safety countermeasures can be found in resources including the Boulder Vision Zero Action Plan, and national guidelines such as the FHWA Proven Safety Countermeasures, the Crash Modification Factors Clearinghouse, and NACTO Publications such as the Urban Street Design Guide, Urban Bikeway Design Guide, and Transit Street Design Guide.
- (c) Hazard Assessment and proposed mitigation measures are subject to the approval of the Director.

(R) Noise Attenuation

If residential development is planned adjacent to a roadway designated collector or greater, the city may require noise attenuation measures. A discussion and analysis of noise attenuation measured using the methods in the *Fundamentals and Abatement of Highway Traffic Noise Textbook* is to be included in all traffic studies for residential developments adjacent to roadways designated collector or greater.

(S) Recommendations

(1) The Traffic Study shall include a section in the report that provides any recommendations of the Engineer. These recommendations shall include the Engineer's recommended location, nature and extent of proposed transportation improvements associated with the project or development to ensure safe and efficient roadway operations and capacity, and compatibility with the city's transportation system and the goals of the TMP.

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- (2) These recommendations are to be supported with appropriate documentation and discussion of the technical analyses, assumptions and evaluations used to make the determinations and findings applied in the Traffic Study. In the event that any Traffic Study analyses or recommendations indicate unsatisfactory levels of service on any study area roadways, a further description of proposed improvements or mitigation measures to remedy deficiencies shall be included.
- (3) These proposed improvements or mitigation measures may include projects by the city or the Colorado Department of Transportation for which funds have been appropriated and obligated. These proposals may also include improvements to be funded and constructed by the applicant as part of project or development construction. Assumptions regarding future roads, widths and lane usages in any analyses are subject to the approval of the Director.
- (4) In general, the recommendation section shall include:
 - (a) Proposed and Recommended Improvements: Provide a detailed description and sketch of all proposed and recommended improvements. Include basic design details showing the length, width and other pertinent geometric features of any proposed improvements. Discuss and analyze whether speed change lanes are necessary to serve a project of development adjacent to a collector or arterial street. Discuss whether these improvements are necessary because of development traffic or whether they would be necessary due to background traffic. Specify the approximate timing necessary for each improvement.
 - (b) Level of Service Analysis at Critical Points: Provide another iteration of the LOS analyses that demonstrate the anticipated results of making recommended improvements, such as movement LOS, operational and safety conditions, and conformance with the city's transportation system goals and TMP. In association with LOS analyses for recommended improvements, include a comparison of these results with the background LOS analyses without the proposed project or development. Where appropriate, this step is to be provided for both near term (year of project completion) and buildout scenarios.

(T) Conclusion

Include a conclusion in the report that provides a clear and concise description of the study findings and recommendations and serves as an executive summary.

(U) Revisions to Traffic Study

- (1) Following city review, the Director may require revisions to a Traffic Study based on the following considerations:
 - (a) Completeness of the study,
 - (b) Thoroughness of the level of service and impact analyses and evaluations,
 - (c) Compatibility of the study with the proposed access design, project or development plan and local transportation system,

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- (d) Compliance with local and state regulations and design standards, and
- (e) An analysis of study deficiencies, errors, or conflicts.
- (2) Revisions may also be required as a result of public process with surrounding neighborhoods and land uses or review by City Council or the Planning Board.

 Additional details requiring Traffic Study revisions may include, but are not limited to, the following:
 - (a) An enlarged study area,
 - (b) Alternative trip generation scenarios,
 - (c) Additional level of service analyses, and
 - (d) Site planning and design issues.

2.04 Site Access

(A) Access Requirements

All accesses and curb cuts shall be designed and constructed in compliance with these Standards and the requirements set forth in Section 9-9-5, "Site Access Control," B.R.C. 1981.

(B) Access Permit Required

All accesses and curb cuts proposed and constructed on city streets and alleys require a permit, as set forth in Section 9-9-5, "Site Access Control," B.R.C. 1981.

(C) Location of Access

(1) **Spacing:** Table 21, "Access Spacing Requirements," shows the required spacing of access points and curb cuts. Minimum spacing from corners shall be measured from point of intersection of the street flowlines. Minimum spacing between accesses shall be measured at the property line.

Table 2-2: Access Spacing Requirements

Minimum Spacing (measured	Single Family	Other Residential	Commercial	Industrial
from edge of access)	Residential			
Local Streets				
- from property line	7.5'	10'	10'	10'
- from corner	20'	50'	50'	50'
- between accesses	15'	20'	20'	20'
Collector Streets	Permitted only when no			
	other access is available.			
- from property line		10'	10'	10'
- from corner		50'	50'	50'
- between accesses		20'	20'	20'
Arterial Streets	Permitted only when no			
	other access is available.			
- from property line		75'	75'	75'
- from corner		150'	150'	150'
- between accesses		250'	250'	250'

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- (2) **Alignment:** Accesses shall intersect city streets at a 90-degree angle. Accesses to properties on opposite sides of a collector or arterial, where turning movements are not controlled by a center median or access island, shall either be aligned, or offset by at least 150 feet on collectors, or at least 300 feet on arterials. Greater offsets may be required if left-turn storage lanes are required.
- (2) Relocation of Existing Access Points and Curb Cuts: Relocation, alteration, or reconstruction of any existing access points and curb cuts shall meet the requirements of these Standards.

(D) Sight Distance

All access points and curb cuts shall provide adequate sight distance as set forth under Section 9-9-7, "Sight Triangles," B.R.C. 1981.

(E) Restriction of Turning Movements

Along streets designated arterial or greater, or where necessary for the safe and efficient movement of traffic, the city will require access points and curb cuts to provide for only limited turning movements, as follows:

- (1) **Access With Barrier Island Left-Turn Restrictions ("Pork Chop"):** Where restricted turning movements are required by the city, and where the abutting street does not have a median, a barrier island will be required:
 - (a) Islands shall have a minimum area of 150 square feet, be bounded by vertical curb, and have an appropriate concrete center surface treatment, approved by the Director.
 - (b) Barrier island lanes shall be at least 12 feet wide, have a radius of at least 20 feet, and be designed to accommodate the largest vehicle using the access on a daily basis. The island shall provide congruent curb ramps or cut through for sidewalks. The pedestrian crossing over the barrier island shall be raised. The dimensions of a raised crossing shall be designed considering standards for accessible design and site conditions, including topography, stormwater flow, and location of utilities. The minimum width of the island along the abutting roadway frontage shall be 30 feet for right-in, right-out only islands, and 15 feet for islands allowing right-in, right-out and left-turning movements.
- (2) Access With Median Divider Barriers Left-Turn Restrictions: Median barriers may be permitted where a median design can improve traffic circulation and safety, or overall site access. Where permitted, medians shall be at least 4 feet wide, and shall extend at least 25 feet beyond the right-of-way.

(F) Traffic Control

All accesses shall be designed and constructed with appropriate traffic control and signage conforming to the MUTCD, B.R.C. 1981, and these Standards.

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(G) One-Way Access Lanes

One-way access lanes may be permitted where restricted access is limited to one turning movement, or where the one-way access improves traffic circulation and safety. One-way access lanes shall be at least 12 feet wide, have at least radius of 20 feet, and be designed to accommodate the largest vehicle using the access on a daily basis.

(H) Speed Change Lanes

Speed change lanes shall be required on Colorado state highways as designated in the Colorado State Highway Access Code in accordance with the standards of Section 4.8 of the Colorado State Highway Access Code. For all collectors or arterials that are not Colorado state highways, the Traffic Study shall make recommendations on the need for speed change lanes, based on the criteria contained in the Colorado State Highway Access Code. When required by the Director based on the criteria in the Colorado State Highway Access Code, design of speed change lanes shall conform with Subsection 2.07(D), "Horizontal Alignment," of these Standards.

(I) Access and Curb Cut Type

- (1) **Driveway Ramp and Curb Cut:** All new accesses and curb cuts shall be designed as driveway ramps and curb cuts, using the standard ramp driveway details provided in Chapter 11, except as allowed in Subsection (2), along streets where no curb and gutter exists, or for single family lots where roll-over curbs have been provided.
- (3) **Radii Curb Returns:** Radii curb return accesses may be required or permitted by the Director under the following conditions:
 - (a) The access is located along an arterial or collector.
 - (b) Access volumes indicate a need for a radii curb return where the ADT exceeds 500 or where speed change lanes would be required.
 - (c) The access is designed to restrict turning movements, requiring the installation of an access island or center median.
 - (d) The roadway has no curb and gutter.
 - (e) The access serves an industrial property, or provides for commercial deliveries, where large truck movements are required.
 - (f) The Director determines that a radii access is necessary to ensure adequate traffic safety and operation.
 - (g) The access is for a new public street

Table 2-3: Access Design Specifications

	Single Family Residential	Other Residential	Commercial	Industrial
Width (in feet)				
- Minimum	10	10	15	20
- Maximum	20	35	35	35
- One-Way Lane	N/A	12-18	12-20	14-24
Radii (in feet)				
- Minimum	N/A	15	15	20
- Maximum	N/A	30	30	40
Access Grades				
Initial Grade (to a point 10				

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ft beyond ROW)				
- Minimum	(+) 3%	(+) 1%	(+) 1%	(+) 1%
- Maximum	(+) 8%	(+) 6%	(+) 6%	(+) 6%
Final Grade (G2)				
- Minimum	(+/-) 3%	(+/-) 1%	(+/-) 1%	(+/-) 1%
- Maximum	(+/-) 14%	(+/-) 8%	(+/-) 8%	(+/-) 8%
Max Grade Break	(+/-) 10%	(+/-) 6%	(+/-) 6%	(+/-) 6%

(J) Access and Curb Cut Width

Access and curb cut widths shall be consistent with Table 2-2, "Access Design Specifications," of these Standards. Access design for Colorado state highways shall conform to the Colorado State Highway Access Code. All other access widths shall be determined using turning templates, as designated by the Director, for a 10 MPH design speed for the largest vehicle expected to use the access on a daily or routine basis. The width of each access shall be the minimum width that is necessary to serve the property and use. No more than 50 percent of the street frontage shall be occupied by the access driveway, except for access to a cul-de-sac or flag lot. All access widths are measured from edge of pavement to edge of pavement (or curb to curb) at the throat of the driveway (or edge of the right-of-way) and are not inclusive of drive cut transitions or curb return radii.

(K) Access and Curb Cut Radii

Access and curb cut radii shall meet the specifications shown in Table 2-2, "Access Design Specifications," of these Standards. All radii are measured from the flowline (front face of the curb) or from the edge of the pavement where no flowline exists.

(L) Access and Curb Cut Grades

Access and curb cut grades shall be consistent with Table 2-2. The initial grade (G1) shall be a positive grade, beginning at the back of the sidewalk, the back of the driveway ramp or pan section, or the edge of the pavement (where no curb and gutter exists), and shall continue at least 10 feet beyond the right-of-way. The final grade (G2) may be positive or negative, depending on the access conditions. The maximum grade break (or change in slope) shall apply at all grade changes. Additional grade changes may occur at intervals of at least 20 feet.

(M) Driveways

- (1) **Vehicle Storage:** Adequate driveway storage capacity for both inbound and outbound vehicles to facilitate safe, unobstructed, and efficient traffic circulation and movements from the adjacent roadway and within the development shall be provided, except for single-family or duplex residential driveways on local streets. Adequate driveway length will be subject to approval by the Director and shall extend at least 24 feet beyond the right-of-way before accessing the first off-street parking space or parking lot aisle.
- (2) **Internal Circulation:** Developments requiring with off-street parking facilities shall provide onsite vehicular circulation allowing access to all portions of the site without using the adjacent street system unless a joint access or parking easement with one or more of the adjacent property owners has been dedicated.
- (3) **Backing Into the Right_of_Way Prohibited:** Driveways shall be designed to contain all vehicle backing movements onsite, except for single-family or duplex residential uses on local streets.

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- (4) Minimum Back-Up Distance for Detached Single-Family Residential Driveways Accessing Public Alleys: Driveways shall provide for a minimum distance of 24-feet from the rear of the parking stall or face of garage to the far edge of the adjacent alley right-of-way or turn around area as required by Chapter 9-9-6, "Parking Standards," B.R.C. 1981.
- (5) Shared Driveways (Detached Single-Family Residential Only): Shared driveways to access detached single-family residential lots may be permitted pursuant to an approved site review or subdivision as set forth in Chapter 9-9-14, "Site Review," B.R.C. 1981 or Chapter 9-12, "Subdivision," B.R.C. 1981, if they meet the following criteria:
 - (a) A common parking court is provided at a ratio of 0.5 additional spaces per unit if less than two onsite parking spaces, meeting city requirements, are provided on each single family lot served by the shared driveway.
 - (ab) The shared driveway is no more than 100 feet long, except in districts zoned RL-1 (Residential-Low 1), RE (Residential-Estate), and RR1 (Residential-Rural 1) and RR 2 (Residential-Rural 2), where the shared driveway may extend up to 300 feet long if each lot accessing the shared driveway exceeds 10,000 square feet.
 - (be) The number of units served shall be no more than three lots or houses that have less than 30 feet of usable frontage on the accessing street.
 - (<u>cd</u>) Adequate turnaround for vehicles is provided either on an individual lot or lots.
 - <u>d(e)</u> The driveway is properly engineered and constructed to mitigate any adverse drainage conditions and is appropriately surfaced for the type of development, usage, and zoning district.
 - e(f) The driveway is at least 12 feet wide.
 - (<u>fg</u>) For units not fronting on the accessing street, addressing shall be located near the entrance to the shared driveway insuring visibility of the numbering from the street.
 - (gh) A public access easement, a minimum fifteen feet in width, for the benefit and use of all properties and property owners accessing the shared driveway has been dedicated and recorded to ensure legal access rights in perpetuity for each property served.
 - (<u>hi</u>) Driveway spacing conforms with the requirements in Table 21, "Access Spacing Requirements," of these Standards.

2.05 RightofWay Requirements

Dedication or reservation of public right-of-way required as part of any project or development proposal shall comply with the requirements set forth in Section 9-9-8, "Reservations, Dedication, and Improvement of Rights-of-Way," B.R.C. 1981.

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2.06 Base Street and Alley Standards

(A) Base Street Standard

Except for residential streets approved pursuant to Chapter 9-12, "Subdivision," B.R.C. 1981, and Section 2.09, "Residential Streets," all new streets shall provide at a minimum the base street standard components listed in Table 2-3, "Base Street Standard Components."

(B) Base Alley Standard

Except for residential streets approved pursuant to Chapter 9-12, "Subdivision," B.R.C. 1981, and Section 2.09, "Residential Streets," all new alleys shall provide at a minimum the base alley standard components listed in Table 2-4, "Base Alley Standard Components."

Street Component Base Standard Right-of-Wav 60' Minimum Width 36' Minimum Width, Curb Face to Curb Face Paved Street Section Two Travel Lanes, Two-Way Traffic Travel Lanes Curb and Gutter Required Both Sides Parking Parking Allowed Both Sides 6' Preferred Width (5' Minimum), Detached, Required Both Sides Sidewalks Streetscape Planting Strips* 8' Width Required Both Sides

Table 2-4: Base Street Standard Components

^{*}NOTE: In commercial streetside retail zones where 12foot wide attached sidewalks may be provided, streetscape planting strips may be created using street trees in planting pits with tree grates (15-foot width between back of curb and back of walk).

Alley Component	Base Standard
Right-of-Way	20' Minimum Width
Paved Street Section	18' Minimum Width, Pavement Edge to Pavement Edge
Travel Lanes	Two-Way Traffic Allowed
Parking	Parking on Alley Not Permitted

Table 2-5: Base Alley Standard Components

2.07 Street Geometric Design

(A) Minimum Requirements

Except for State Highways and the geometric design variations allowed for residential streets approved pursuant to Chapter 9-12, "Subdivision," B.R.C. 1981, and Section 2.09, "Residential Streets," all city streets shall be designed in conformance with this section. The design standards outlined in this section are minimum design standards, and all street design shall meet or exceed these standards. On streets designated collector or arterial in the TMP, the Director may specify standards to be applied to street design that may exceed the minimum standards in this section based on functional need to ensure safe and efficient operation of the street.

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(B) Right-of-Way

The right-of-way width required for new streets shall comply with the requirements of Section 9-9-8, "Reservations, Dedication, and Improvement of Rights-of-Way," B.R.C. 1981, and shall include without limitation the following elements:

- (1) The paved roadway section including without limitation travel lanes, turning and speed change lanes, transit lanes, bicycle lanes, and parking lanes;
- (2) Curbs and gutters or drainage swales;
- (3) Roadside and median landscaping areas;
- (4) Sidewalks and multi-use paths; and
- (5) Any necessary utility corridors.

(C) Lane Width

Street lanes shall meet the width specifications shown in Table 2-5, "Preferred Street Lane Widths," of these Standards.

Table 2-6: Preferred Street Lane Widths

			Street Characteristics		
Design Criteria		With Parking Lane	No Parking Lane	With Fixed-Route Bus Transit Service and No Parking Lane	
		Preferred	Preferred	Preferred	
General P		10'	10'	11' (Outside lane)	
Auxiliary 1	Lanes*	10'	9'	10'	
Convention Lane		7'	6.5'	7'	
Contra-Flo Lanes (Or Way Str	One-	7'	6.5'	N/A	
Buffered Bike	Buffered Bike 7,		6.5'	6'	
Lanes	Buffer	3'	3'	2'	
Separated Bike	- Detween curoside of barking		7'	7'	
Lanes Buffer		3' (with vertical element)	3' (with vertical element)	3' (with vertical element)	
Two-Way Separated Bike Lanes	Separated Bike Lane parking protected bike lanes, a painted 3' buffer is between curbside of parking lane and		12' Two-way bike lane (buffer is between curbside of parking lane and bike lane)	N/A	
	Buffer	3'	3'	N/A	

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	(with vertical element)	(with vertical element)	
Parking Lanes	8' (measured from curb face, including gutter pan)	N/A	8' (measured from curb face, including gutter pan)

^{*}NOTES: Travel, auxiliary lane and bike lane dimensions do not include gutter pan width. Auxiliary lanes include, without limitation, turning and speed change lanes.

(D) Horizontal Alignment

- (1) **Conformance to Street Plan:** Horizontal alignment shall conform to the pattern of streets in the Boulder Valley Comprehensive Plan, TMP, and adopted right-of-way plans and shall provide continuous alignment with existing, planned, or platted streets with which they will connect.
- (2) **Extension to Property Line:** All streets shall be extended to the property lines across the property to be developed, unless the street to be constructed has been approved by the city as a cul-de-sac or other no-outlet street.
- (4) **Minimum Horizontal Curve:** Street curvatures shall meet the minimum specifications shown in Table 2-6, "Minimum Horizontal Street Curve Specifications," of these Standards.

Table 2-7: Minimum Horizontal Street Curve Specifications

Design Criteria	Local Street	Collector Street	Arterial Street
Minimum Design Speed	20 mph	35 mph	40 mph
Minimum Centerline Radius	100 feet	300 feet	500 feet
Minimum Reverse Curve Tangent	50 feet	100 feet	200 feet
Minimum Intersection Approach Tangent	100 feet	200 feet	300 feet

Table 2-7a: Separated Bike Lane Minimum Horizontal Curve Specifications

Design Criteria	Flat, level terrain	Congested, urban	Intersection
		area	approach
Minimum Design Speed	15 mph	12 mph	8 mph
Minimum Centerline Radius*	42 feet	27 feet	12 feet

^{*}Radius assumes a 20-deg lean angle of the bicyclist.

(4) **Design Horizontal Curve:** The design horizontal street curvature shall meet or exceed the minimum horizontal curvature and be calculated using the following equation:

$$R = V^2 / 15 * (e-f)$$

Where: E = rate of superelevation per foot

F = side friction factor

Side Friction Factors		
Design Speed	Side Friction	
(mph)	Factor (f)	
20	0.26	

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V = vehicle speed in MPH R = radius of curve in feet

25	0.23
30	0.22
35	0.20
40	0.18
45	0.16

(5) Intersections and Street Spacing

- (a) **Angles:** All streets shall intersect at right angles (90°).
- (b) **Minimum Street Spacing:** Spacing between streets, as measured from centerline to centerline, shall equal or exceed the minimum distances shown in Table 2-7, "Minimum Street Spacing," of these Standards.

(c)

Table 2-8: Minimum Street Spacing

Street Type	Minimum Street Spacing
Local	150 feet
Collector	300 feet
Arterial	500 feet

- (c) Street Spacing for Signalized Intersections: Signalized intersections, where feasible, shall be spaced at half-mile intervals. Closer signal spacing may be approved by the Director based on context-sensitive design. Signalized intersections shall comply with the TMP and Low-Stress Walk and Bike Network Plan to ensure signalized intersections along arterial and collector streets provide controlled crossing where existing and proposed walking and bicycling network streets cross those arterial and collector streets.
- (d) **Receiving Width:** The minimum receiving width is 20 feet. This may include both an opposing and receiving vehicle through lane and a paved shoulder and/or bicycle lane.
- (e) **Corner Radii:** The smallest feasible actual curb radii shall be selected for corner designs. Corner design shall account for the effective turning radius, the actual curve of a turning vehicle. This shall include the additional turning area provided by on-street parking, bicycle lanes, medians, and other roadway features. Figure 2-1 and Figure 2-2 demonstrate the relationship between the effective radius and actual curb radius. Table 2-8 shall be used to determine actual versus effective turning radii for SU-30 design vehicles.

The effective radius shall be analyzed for the design vehicle; the default design vehicle is the SU-30 for all intersections. The Director may require a different design vehicle based on functional need to ensure safe and efficient operation of the street (for example, a bus or transit route, or a semi-tractor and trailer on streets with industrial land uses).

The Director may require a larger effective curb radii to provide no encroachments at locations served by transit and where the transit agency operators have policies that prohibit drivers from encroaching into adjacent lanes. The Director may require a mountable truck apron for locations where large trucks turn infrequently, but there is limited space for encroachment. The truck apron design shall provide a smaller effective radius for the design vehicle and a larger effective radius to accommodate larger vehicle turn movements. Figure 2-3 is an example of a truck apron.

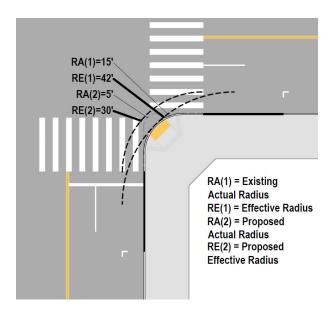


Figure 2-1: Actual and Effective Radius At A Conventional Intersection Corner

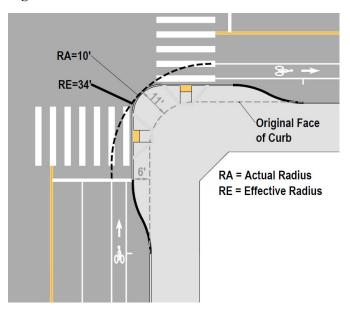


Figure 2-2: Actual and Effective Radius At An Intersection Corner With A Curb Extension

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Table 2-9: Relationship between Effective and Actual Radius for the Default Design Vehicle (SU-30)

					Street B		
			Parking	No	No	Yes	Yes
			Bike Lane	No	Yes	No	Yes
	Parking	Bike Lane					
	No	No		RA = 30' ($RE = 30'$)	RA = 25' (RE = 30')	RA = 25' (RE = 30')	RA < 10' (RE = 30')
Street A	No	Yes		RA = 25' (RE = 30')		RA < 10' (RE = 30')	RA < 5' (RE = 30')
3 1	Yes	No		RA = 25' (RE = 30')		RA < 5' (RE = 30')	RA < 5'' (RE = 35')
	Yes	Yes		RA < 10' (RE = 30')	RA < 5' (RE = 30')	RA < 5' (RE = 35')	RA < 5' (RE = 45')

^{*}When the difference between the effective and actual corner radii becomes larger, or when the effective radius cannot be reduced to what is necessary for the control vehicle, the director may require a curb extension.

- (f) Allowable turning encroachments for curb radii design: The following shall be used to reduce effective and actual curb radii. The SU-30 design vehicle turns may encroach into other lanes as follows:
 - i. For turns onto local streets from arterial, collector, or local streets, the design vehicle is allowed to utilize the entire width of the departing and receiving lanes, including oncoming travel lanes, to negotiate the turn.
 - ii. At intersections where the minor leg is stop controlled and the major leg is uncontrolled, turns are allowed to use the entire width of both the minor leg departing or minor leg receiving lanes, including oncoming travel lanes, to negotiate the turn.
 - iii. At signalized intersections that have a "No Right on Red" restriction, turning vehicles are allowed to utilize multiple lanes on the receiving street to complete their turn.
- (g) Additional Corner Radii Design Considerations: The following turning scenarios shall be used to reduce the effective and actual curb radii:

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- i. Emergency vehicles are allowed to utilize the entire street pavement width for departing and or receiving lanes to negotiate turns, including all adjacent and oncoming travel lanes.
- ii. WB-40 and larger design vehicles are allowed to utilize adjacent lanes on the departing and receiving streets at all intersections; large trucks may use the entire street pavement width on local streets.



Figure 2-3: Example of A Mountable Truck Apron At An Intersection

(6) **Road Width Transition Tapers:** Where two street sections or different widths are to be connected, a transition taper is required between the outside traveled edge of the two sections. The length of the transition taper shall be calculated using the following equation:

$$L = WS$$

Where: S = Speed in MPH

L = Length in feet

W = Width of offset in feet

This transition is not to be used in the design of left turn storage lanes or speed change lanes.

Design of tapers for on-street bike lanes shall use a minimum length as calculated using the formula below:

$$L = \frac{WS^2}{60}$$

Where: L = Longitudinal lane shift (ft), minimum 20 ft

W = Lateral width of offset (ft)

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S = Target bicyclists operating speed (mph)

If the bikeway is delineated by paint-only and the off-tracking of a bicycle pulling a trailer would not put the trailer into a motor vehicle lane, a maximum taper ratio of 2:1 (longitudinal:lateral) may be required by the Director.

(7) Left Turn Lanes

(a) **Storage Length:** Left turn lane storage length for unsignalized intersections shall be determined based on traffic volumes using the Leisch nomographs provided in the ITE "Guidelines for Major Urban Street Design." The left turn storage length for an unsignalized intersection shall not be less than 25 feet. Unsignalized intersections shall only use single lane turn lanes.

For signalized intersections, left turn lane storage length shall be determined utilizing the Highway Capacity Manual. The minimum left turn lane storage length is 80 feet. Single lane left turn storage shall be maximized to the extent feasible and shall be exhausted before consideration of dual turn lanes. If storage length requirements cannot be met in a single lane the Director may, after considering the impacts to the pedestrian and bicycle crossing distance and expected left turn queuing impacts to safety and intersection operations, approve a dual or triple left turn lane configuration. In a location where dual left turn lanes are approved, the lane storage length shall be based on at least 60 percent of the single lane storage length..

- (b) **Lane Change Taper:** Left turn lane change tapers shall be calculated using the equation for bay tapers in Subsection (8).
- (8) **Speed Change Lanes:** Speed change lanes required for transitional access to turning lanes shall be designed according to the design standards provided in the ITE "Guidelines for Major Urban Street Design," as follows:
 - (a) **Bay Tapers:** Bay tapers are required for the lane transition from the travel lane into a turn lane. The bay taper length shall be calculated using the following equation:

L = WS / 3

Where: S = Speed in MPH

L = Length in feet

W = Width of offset in feet

(b) **Approach Tapers:** Approach tapers are required to transition the position of travel lanes to accommodate turn lanes. The approach taper length shall be calculated using the following equation:

 $L = WS^2 / 60$

Where: S = Speed in MPH

L = Length in feet W = Width of offset in feet

(9) **Cul-de-sacs:** Where allowed, cul-de-sacs shall have a minimum pavement diameter of 90 feet, curb face to curb face, and a minimum right-of-way diameter of 115 feet, except for residential streets approved pursuant to Chapter 9-12, "Subdivision," B.R.C. 1981, and Section 2.09, "Residential Streets." Cul-de-sacs are prohibited on arterial and collector streets, and are strongly discouraged on local and residential streets. The Director may permit cul-de-sacs where there is no other possible street or driveway access to a property from a public right-of-way, or if a cul-de-sac would avoid direct property access to a collector or arterial.

(E) Vertical Alignment

- (1) **Minimum Street Grade:** All street grades shall equal or exceed the minimum street grade of 0.5 percent.
- (2) **Maximum Street Grade:** Street grades shall not exceed the maximum street grades shown in Table 2-9, "Maximum Street Grades," of these Standards.

 Street Type
 Maximum Street Grade

 Local
 8%

 Collector
 6%

 Arterial
 5%

 Intersection Approach (Minimum 50')
 4%

 Signalized Intersection Approach (Min. 50')
 2%

Table 2-10: Maximum Street Grades

Obesign Controls for Vertical Curves: Design control for sag and crest vertical curves (based on a design speed of 30 mph) shall meet the specifications shown in Table 2-10, "Vertical Curve Design Control," of these Standards. For design speeds in excess of 30 mph, design control shall be in accordance with the current edition of "A Policy on Geometric Design of Highways and Streets," prepared by the American Association of State Highway and Transportation Officials.

Table 2-11: Vertical Curve Design Control

Algebraic Difference in Grades	Sag Curve Minimum Vertical Curve Length	Crest Curve Minimum Vertical Curve Length
0.5 - 1.0 %	50 feet	100 feet
1.0 - 3.0 %	100 feet	100 feet
3.0 - 5.0 %	200 feet	150 feet
5.0 - 7.0 %	300 feet	200 feet
7.0 - 8.0 %	300 feet	300 feet
Min. Vert. Sight Distance	N/A	250 feet

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(4) **Vertical Sight Distance:** Vertical curve sight distance shall equal or exceed 250 feet. Greater vertical sight distance may be required by the Director to ensure safe travel and street crossings for all transportation modes.

(F) Sight Distance

All streets and alleys shall provide adequate sight distance as set forth under Section 9-9-7, "Sight Triangles," B.R.C. 1981.

- (1) **Design Sight Distance for Separated Bike Lanes:** Departure sight triangles shall be used to provide adequate sight distance for a stopped driver on a minor roadway to depart from the intersection.
 - (a) **Parking Restrictions**: Separated bike lanes and access driveways shall be designed so that parking is prohibited within 20 feet of a driveway in locations where a parking lane is designated between bike lane motor vehicle lane.
 - (b) **Two Stage Crossing**: Where side streets intersect the separated bike lane, intersections shall be designed as two-stage crossings for motor vehicles.
 - (c) **Departure Sight Triangle:** Use the following equation to compute the departure sight triangle between a passenger vehicle and user of the bike lane.

$ISD_{bike} = 1.47 V_{bike} t_g$				
Where:				
$\mathit{ISD}_{\mathit{bike}}$	=	intersection sight distance (length of the leg of sight triangle along the bikeway) (ft)		
V_{bike}	=	design speed of bikeway (mph)		
t_g	=	time gap for passenger vehicle to cross bikeway (s), use 5.5 seconds		

Table 26a, "Separated Bike Lane Minimum Horizontal Curve Specifications," shall be used to establish the V_{bike} value.

AASHTO *Green Book* Case B sight distance shall be used to calculate the departure sight triangle between the motorist and the intersecting motorist travel lanes.

(G) Medians

Raised medians are required on new arterial streets. Raised medians, where feasible, shall extend past the pedestrian crosswalk to allow for a pedestrian refuge zone.

(1) **Median Widths:** Medians shall be at least 4 feet wide, curb face to curb face. If left turn lanes are installed in the median, the median width adjacent to the left turn storage lanes shall be 4 feet and the median width at the start of the left turn lane bay taper shall be at least 14 feet wide, curb face to curb face. Median design widths shall conform to Table 2-11, "Median Width Design Standards," of these Standards.

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Table 2-12: Median Width Design Standards

Function	Minimum Width	Recommended Width
Separation of Opposing Traffic	4 feet*	10 feet*
Pedestrian Refuge or Traffic Control Device Location	6 feet*	14 feet
Medians Separating Left Turn Lanes	14 feet	20 feet

^{*} NOTE: Cannot accommodate left-turn lanes

(2) **Landscaping in Medians:** Landscaping in medians shall comply with the requirements of Chapter 3, "Streetscaping," of these Standards.

(H) Vertical Clearance of Structures

At least 17.5 feet of vertical clearance shall be provided for all overhead structures. Vertical clearance is measured from the crown of the street to the lowest portion of the structure on all streets and alleys.

2.08 Sidewalks

(A) Required

Sidewalks are required on both sides of all new streets, except for residential streets that were approved without required sidewalks pursuant to Chapter 9-12, "Subdivision," B.R.C. 1981, and Section 2.09, "Residential Streets."

(B) Conformance with the Transportation Master Plan

Off-street sidewalks may be required as part of any project or development proposal in conformance with the TMP.

(C) Compliance with Americans with Disabilities Act (ADA)

All public sidewalks shall comply with the requirements of the ADA's "Standards for Accessible Design," which includes without limitation sidewalk widths, grades, locations, markings, surface treatments, and access ramps.

(D) Minimum Widths

Sidewalk widths shall conform to the dimensions shown in Table 2-12, "Minimum Sidewalk Widths," of these Standards.

Table 2-13: Minimum Sidewalk Widths

Minimum Sidewalk Width				
	Adjacent Land Use			
Street Type	Commercial/Retail	Commercial/Industrial	Residential	
Local	12	5	4	
Collector	12	5	5	

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Afterial 12 8 8

Note: All off-street multi-use/bike paths designated in the Transportation Master Plan shall be 12 feet wide.

(E) Vertical Grades

The vertical grade of a sidewalk shall not exceed 8.33 percent, a ratio of 12 feet horizontal to 1 foot vertical (12:1).

At sidewalk locations adjacent to transit stops or transfer points, the Director may require wider sidewalk sections to provide for adequate passenger storage areas.

(F) Vertical Clearance

A minimum 8-foot vertical clearance shall be provided between all sidewalk and multi-use path surfaces and any overhead encroachments.

2.09 Residential Streets

(A) Purpose

- (1) The residential street standards were developed to allow a variety of choices in the creation of new transportation corridors within the urban environment under conditions that will not compromise the safety and function of the city street system. Traditionally streets have provided the following:
 - (a) Corridors for pedestrian, bicycle, transit, and motor vehicle movement;
 - (b) Parking for vehicles;
 - (c) Fire, police, and emergency access;
 - (d) Locations for public utilities networks including water supply, sewage, electricity, telecommunications and gas services, and refuge disposal; and
 - (e) Postal and other delivery services.
- (2) These Standards recognize that streets, if appropriately designed, may provide additional community amenities including landscape buffers, attractive public gathering spaces, opportunities for neighborhood interaction, public art, view corridors, and potential avenues for new technologies.

(B) Scope

(1) Location of Streets

- (a) These standards are intended to be used for new streets in undeveloped areas of the city.
- (b) Where infill development in the existing developed portions of the city requires the creation of new streets, these alternative standards may be used if the Director finds, after completing the review process described in Section (C) below, that the new streets will not impair the functions of the surrounding transportation system nor negatively impact the character of the surrounding existing development.

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(c) Further, the Director may determine that these standards are appropriate for redesigning and reconfiguring existing streets. Because the public cost of retrofitting, reconfiguring, or redesigning existing streets is often expensive, decisions about reconstruction of individual streets in accordance with these standards shall be made pursuant to the city's Capital Improvements Program process.

(2) Methods of Review

- (a) <u>Permitted</u>: The following street types may be developed without review:
 - (i) Residential collector street
 - (ii) Residential street
 - (iii) Residential alley
- (b) <u>By Director Review</u>: Residential streets listed in paragraph (B)(2)(a) and the street types listed below may be developed upon approval by the Director under the criteria outlined in Section (C) below.
 - (i) Rural residential street
 - (ii) Access street
 - (iii) Access lane
- (c) <u>By Site Review</u>: Those <u>underlined</u> criteria and specifications in the following residential street standards may be appropriate for modification under certain limited circumstances. Developments requesting such modifications shall meet all of the requirements of Section 9-2-14, "Site Review," B.R.C. 1981, in addition to the criteria outlined in Subsection (C), "Director Review," below.
- (3) **Cumulative Standards:** These street standards are intended to be used in combination with Section 2.07, "Street Geometric Design," of these Standards. Where the standards in this section are silent, the criteria or specifications contained in Section 2.07 shall control.

(C) Director Review

- (1) **Application:** As part of a subdivision application, the applicant for residential street construction approval shall include plans that depict the building envelopes of all proposed structures, and the location of proposed trees, street furniture, fire hydrants, meter pits, utility cabinets, or pedestrians in the right-of-way.
- (2) **Criteria:** The Director will consider the following factors in determining whether an alternative street design is appropriate in a particular location:
 - (a) <u>Urban Design</u>: The street should contribute to the creation of an attractive community and to a clearly defined sense of place. Streets shall be designed with due attention to building spacing and setbacks, green spaces, attractive materials, plantings, and landscaping. Pavement and right-of-way widths that are less than

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the Residential Street standard should provide a benefit to the community that includes improved safety, improved site design, the creation of street canopies through landscaping, and secondary lot access through the use of alleys. Rural Residential streets shall be consistent with the existing character of the area, or with an approved subcommunity or area plan.

- (b) <u>Street Function</u>: The street should be designed according to its function. This may require a diversity of street types, each serving a role in a hierarchical system. The street pattern and any reduced pavement or right-of-way widths should provide acceptable levels of accessibility, safety and convenience for all street users, including emergency service providers. The pattern shall discourage residential streets from operating as pass through traffic routes for externally generated traffic, while minimizing the length of time local drivers need to spend in a low-speed environment.
- (c) <u>Connectivity</u>: The neighborhood street pattern should be simple, and logical, with the following characteristics:
 - (i) "No outlet" streets will be highly discouraged and allowed only when street connectivity is unachievable:
 - (ii) The street pattern provides for safe and convenient movements for pedestrians, bicycles, and motor vehicles, including transit.
- (d) <u>Design Speed</u>: The design of the streets will control vehicular speeds under normal driving conditions to that specified in the residential street standards, while maintaining reasonable access for emergency vehicles.
- (e) <u>Minimize Maintenance Costs</u>: The street will not create additional city obligations for maintenance and repair that exceed a standard street section.
- (f) <u>Adequate Parking</u>: The site design provides for adequate onstreet and offstreet parking to serve the area.
- (g) <u>Infill Streets</u>: In the case of infill development, the residential street design will not impair the functioning of, and will have a compatible transition to, the surrounding street system and will not negatively impact the character of the surrounding existing development. No additional density may result from approval of the reduced rights-of-way provided for in the case of Access Streets, Access Lanes, or Residential Alleys.

(D) Residential Street Sections

Five residential street sections and a residential alley may be applied to the design of residential neighborhoods as part of subdivisions approved pursuant to Chapter 9-12, "Subdivision," B.R.C. 1981. Residential streets shall be designed in compliance with the standards outlined in Table 2-13, "Residential Street Design Standards," "Technical Drawings 2.63 - 2.68," Chapter 11, of these Standards, and the requirements of this Section.

(1) **Residential Collector Street:** The residential collector street collects and distributes neighborhood traffic from residential streets to community collector and arterial

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transportation systems and provides access to individual properties. The residential collector street is designed for residential streets where anticipated traffic volumes range from 1,000 to 2,500 vehicle trips per day. In addition to the requirements outlined in Table 213, "Residential Street Design Standards," and "Technical Drawing 2.63," Chapter 11, the residential collector street shall be designed to meet the following minimum standards:

- (a) <u>Parking</u>: On-street parking is allowed on both sides.
- (b) <u>Bicycle Facilities</u>: Additional street and right-of-way width shall be provided where on-street bicycle lanes are required by a city-adopted subcommunity or area plan, the TMP, or the BVCP.
- (c) <u>Provision of Alleys</u>: Where alleys are provided or required to be provided under a City-adopted subcommunity or area plan, onsite parking spaces shall be accessed from the alley and not the street.
- (d) <u>Emergency Response</u>: Residential collectors exceeding 500 feet in length from any intersection shall provide a secondary emergency access at 500-foot intervals.
- (3) **Residential Street:** The residential street is designed to provide access to individual properties as well as access to the higher classification street network. The residential street provides for neighborhood circulation and may carry neighborhood traffic and through movements. The residential street shall be designed to meet the minimum standards shown in Table 2-13, "Residential Street Design Standards," and "Technical Drawing 2.64," Chapter 11, of these Standards.

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Table 2-14: Residential Street Design Standards

Design Standards	Residential Collector	Residential Street	Rural-Type Residential Street	Access Street	Access Lane	Residential Alley
Design Speed	25 mph	25 mph	20 mph	15 mph	10 mph	10 mph
Design Traffic Volumes (Vehicle Trips Per Day)	1,000 -2,500	500 - 1,000	500 - 1,000	400	250	N/A
Minimum Right-of-Way	60'	60'	60'	40'	30'	16'
Minimum Pavement Section	32'	<u>30'</u>	22' plus 2' gravel shoulders	26'	20'	12'
Sidewalk	5'	<u>4'</u>	4' where required	4'	N/A	N/A
Streetscape Planting Strip	8'	<u>8'</u>	N/A	N/A	N/A	N/A
Minimum Centerline Radius	300'	150'	150'	100'	100'	100'
Minimum Curb Radius	20'	20'	20'	10'	10'	10'
Maximum Length Between Connecting Streets	<u>500'</u>	500'	500'	<u>350'</u>	350'	<u>N/A</u>
Maximum Street Length - No Outlet	500'	500'	500'	<u>150'</u>	<u>150'</u>	500'
Maximum Street Length - Loop or Circle Street	<u>500'</u>	<u>500'</u>	<u>500'</u>	<u>500'</u>	500'	<u>500'</u>
Minimum Turn-Around Area	35' Radius	35' Radius	30' Radius or "Y" or "T" Turn	30' Radius or "Y" or "T" Turn	25' Radius or "Y" or "T" Turn	25' Radius or "Y" or "T" Turn
Emergency Response Set Up Area Intervals	N/A	N/A	N/A	150'	150'	N/A
Sidewalk Placement	Detached Required	Detached Required	Adjacent to Property Line Where Required	Attached	N/A	N/A
Curb and Gutter	Required	Required	N/A	Required	N/A	N/A
On-Street Parking	Allowed	Allowed	Allowed	Allowed	Allowed	Not Allowed
Minimum Lot Frontages	N/A	N/A	60' no alley 40' w/ alley	60' no alley 40' w/alley	<u>60'</u>	N/A
Maximum Number of Units to be Accessed NOTE: Residential street	N/A	N/A	N/A	25 single family	15 single family	N/A

NOTE: Residential street standards that are <u>underlined</u> may be varied through Section 9-2-14, "Site Review," B.R.C. 1981.

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- (a) Parking: Parking is allowed both sides or, on residential streets where parking is restricted or prohibited, offstreet parking courts providing parking spaces at a ratio of 0.5 spaces per dwelling unit shall be provided.
- (b) <u>Bicycle Facilities</u>: Additional street and right-of-way width shall be provided where on-street bicycle lanes are required by a City-adopted subcommunity or area plan, the TMP, or the BVCP.
- (c) <u>Provision of Alleys</u>: Where alleys are provided or required to be provided under a City-adopted subcommunity or area plan, onsite parking spaces shall be accessed from the alley and not the street.
- (d) <u>Emergency Response</u>: Residential streets exceeding 500 feet from any intersection shall provide a secondary emergency access at 500-foot intervals.
- (3) **Rural Residential Street:** The rural residential street is designed to provide access to individual properties as well as access to the higher classification street network. The rural residential street provides for neighborhood traffic and through movements and is designed to carry traffic volumes in the range of 500 to 1,000 vehicles per day. The rural residential street shall be provided where prescribed by a city-adopted subcommunity or area plan to maintain the rural character of an area or neighborhood. The rural residential street is a curbless paved street section, with gravel shoulders for parking and open roadside ditches for drainage. In addition to the requirements outlined in Table 213, "Residential Street Design Standards," and "Technical Drawing 2.65," Chapter 11, the rural residential street shall be designed to meet the following standards:
 - (a) Parking: Allowed on both sides of the street.
 - (b) <u>Turnaround Standard (No Outlet Streets)</u>: If a "Y" or "T" turnaround is proposed in place of a standard cul-de-sac bulb turnaround, the "Y" or "T" turnaround shall be designed 60 feet long and 20 feet wide. The turnaround area (including sidewalks if required) shall be contained within the dedicated right-of-way.
 - (c) <u>Provision for Future Sidewalks</u>: If sidewalks are not required at the time of initial street construction, adequate space in the right-of-way shall be reserved for a future sidewalk and commitments from adjacent property owners to participate in assessment districts shall be obtained, so that sidewalks can be added and funded in the future when they are appropriate.
 - (d) <u>Sidewalk Placement (Where Required)</u>: Sidewalks shall be required where vehicular traffic volumes are anticipated to exceed 1,000 trips per day, on routes to school, and as prescribed by a city-adopted subcommunity or area plan. Sidewalks shall be placed outside of the paved roadway and drainage ditch, and inside the right-of-way line.
 - (e) <u>Roadside Drainage Ditches</u>: Side slopes along roadside drainage ditches shall be 4:1, and driveway culverts, at least 12 inches in diameter with flared end sections or headwalls, shall be installed by owners at driveways.

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- (f) <u>Land Use Requirements</u>: Lot frontages shall be at least <u>60 feet</u> wide, unless alley access is provided. Lot frontages with alley access shall be at least <u>40 feet</u> wide. Two onsite parking spaces, meeting all city requirements, shall be provided on each singlefamily lot.
- (g) <u>Provision of Alleys</u>: Where alleys are provided or required to be provided under a city-adopted subcommunity or area plan, onsite parking spaces shall be accessed from the alley and not the street.
- (h) <u>Emergency Response</u>: Rural residential streets exceeding 500 feet from any intersection shall provide a secondary emergency access at 500-foot intervals.
- (4) Access Street: The access street provides public access to no more than 25 single-family dwelling units, where anticipated vehicular volumes would not exceed 400 trips per day. The access street is narrow, to ensure slower speeds for vehicular travel, and provides sidewalks along both sides of the street. In addition to the requirements outlined in Table 2-13, "Residential Street Design Standards," and "Technical Drawing 2.66," Chapter 11 of these Standards, the access street shall comply with the following minimum standards:
 - (a) Parking: Parking is allowed on both sides of the street or, if parking is not provided on street, a parking court at a ratio of 0.5 spaces per dwelling unit is required.
 - (b) "L" Intersections: "L" intersections may be permitted as part of subdivision and are subject to approval by the Director. Where permitted, "L" intersections shall have at least a 150-foot-long tangent street section from the intersection to the closest curvature and a minimum corner radius of 50 feet.
 - (c) <u>Circle or Loop Street</u>: If a circle or loop street is proposed as part of subdivision, the street shall connect to a higher classification street, or connect to two separate perpendicular or offset higher classification streets.
 - (d) <u>Turnaround Standard (No outlet streets)</u>: If a "Y" or "T" turnaround is proposed in place of a standard cul-de-sac bulb turnaround, the "Y" or "T" turnaround shall be designed with a 60-foot length, 20-foot width. The turnaround area (including sidewalks if required) shall be contained within dedicated right-of-way.
 - (e) <u>Land Use Requirements</u>: A residential access street shall connect to a higher classification street. Lot frontages shall be at least <u>60 feet</u> wide, unless alley access is provided. Lot frontages with alley access shall be at least <u>40 feet</u> wide. Two onsite parking spaces, meeting all city requirements, shall be provided on each single family lot.
 - (f) <u>Provision of Alleys</u>: Where alleys are provided or required to be provided under a city-adopted subcommunity or area plan, onsite parking spaces shall be accessed from the alley and not the street.

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- (g) <u>Emergency Response</u>: Access streets exceeding 175 feet from any intersection shall provide a fire apparatus setup area at 150-foot intervals. The setup area shall provide at least 30 foot long, 25-foot-wide clear zone, and is subject to approval by the Fire Department.
- (5) Access Lane: The access lane provides public access to no more than 15 single family dwelling units, where anticipated vehicular traffic volumes would not exceed 250 trips per day. The access lane is a narrow "shared street" for all modes of travel (vehicular, bicycle, and pedestrian), without curb and gutter or sidewalks, and must connect with a higher classification street. In addition to the requirements outlined in Table 213, "Residential Street Design Standards," and "Technical Drawing 2.67," Chapter 11, the access lane shall comply with the following minimum standards:
 - (a) <u>Parking</u>: Parking is allowed.
 - (b) "L" Intersections: "L" intersections shall have a minimum 150-foot long tangent street section from the intersection to the closest curvature and a minimum corner radius of 50 feet.
 - (c) <u>Circle or Loop Street</u>: A circle or loop street shall connect to a higher classification street or connect to two separate perpendicular or offset higher classification streets.
 - (d) <u>Turnaround Standard (No outlet streets)</u>: A "Y" or "T" turnaround shall be designed with a 60-foot length, 20-foot width. The turnaround area (including sidewalks if required) shall be contained within dedicated right-of-way.
 - (e) <u>Land Use Requirements</u>: An access lane shall connect to a higher classification street. Lot frontages shall be at least <u>60 feet</u> wide. Two onsite parking spaces, meeting all city requirements, shall be provided on each single family lot. If the minimum lot frontage requirement is not met, additional parking spaces shall be provided at a ratio of 0.5 spaces per dwelling unit as a part of the subdivision. These required spaces shall be located on private property.
 - (f) <u>Right-of-Way Landscaping</u>: Landscaping other than ground cover or low shrubbery shall be placed outside of the right-of-way.
 - (g) <u>Emergency Response</u>: Access streets exceeding 175 feet from any intersection shall provide a fire apparatus setup area at 150-foot intervals. The setup area shall provide a minimum 30-foot long, 25-foot-wide clear zone, and is subject to approval by the Fire Department.
- (6) **Residential Alley:** The residential alley is to provide secondary vehicular access to the rear of lots in detached single-family dwelling subdivisions with narrow street frontages, in order to limit curb cuts from the street and increase on-street parking. Alleys are most beneficial when lot widths are narrower than 50 feet. In addition to the requirements outlined in Table 2-13, "Residential Street Design Standards," and "Technical Drawing 2.68," Chapter 11 of these Standards, the residential alley shall be designed to meet the following minimum land use requirements: Backup distance for parking and garage

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access from the alley shall be 24 feet, including the 16-foot alley right-of-way width, and the remaining backup distance shall be provided on the lot being served.

2.10 Emergency Access Lanes

(A) Emergency Access Required

All industrial, commercial, and residential developments shall provide adequate emergency vehicle access. Adequate emergency access is a minimum 20-foot-wide unobstructed fire apparatus access road with an unobstructed vertical clearance of 15 feet, and meets all applicable standards as set forth in Chapter 10-8, "Fire Prevention Code," B.R.C. 1981.

(B) When Emergency Access Lane is Required

When adequate emergency access is not available from a public street, an applicant for construction approval shall construct an emergency access lane. Emergency access lanes must accommodate all emergency vehicles, including fire equipment.

(C) Secondary Emergency Access

Secondary emergency access lanes shall be provided to structures whenever the distance to the nearest public street equals or exceeds 500 feet. Secondary access lanes shall conform to all design requirements specified for emergency access lanes.

(D) Local Emergency Access Lane Standards

In addition to the emergency access standards set forth in Chapter 10-8, "Fire Prevention Code," B.R.C. 1981, an emergency access lane shall equal or exceed the following standards:

- (1) **Direct Route:** Emergency access lanes shall provide the shortest practical direct access to points of concern, and be entirely contained within a minimum, continuous 20-footwide emergency access easement or public right-of-way.
- (2) **Distance From Structure:** Emergency access lanes shall be provided whenever a structure is located more than 150 feet from fire apparatus access.
- (3) **Surface:** An emergency access lane shall consist of either of the following:
 - (a) Two concrete strips at least 4 feet wide, with a 4-foot separation between them. Vegetation other than grass shall not be permitted in the separation area.
 - (b) A minimum continuous paved surface width of 12 feet.
- (4) **Radius:** An emergency access lane shall provide a minimum turning radius of 25 feet, or the radius needed to accommodate an SU-30 vehicle.
- (5) **Turnarounds:** If the length of the emergency access lane exceeds 150 feet (without an outlet accessible to emergency vehicles), then a turnaround with a minimum radius of 45 feet shall be provided.
- (6) **Grade:** The grade for an emergency access lane shall not exceed five percent. Exceptions may be allowed with specific approval from the City of Boulder Fire Chief where this standard cannot be met due to topographical conditions.

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(7) Vertical Clearance: Vertical clearance from the surface of the emergency access lane shall be at least 15 feet.

(E) Unobstructed Access

Emergency access lanes shall be kept free and clear of all obstructions. If the Director or Fire Chief determines that barriers are needed to prevent automobile traffic from using an emergency access lane, then the applicant for construction approval shall install traffic bollards. Traffic bollard designs shall provide for immediate access of emergency vehicles, without requiring these vehicles to stop and maneuver around, or unlock, any structures. The Director and Fire Chief shall have final approval of all bollard designs.

(F) Access Identification

Signs and pavement markings will be required if necessary, by the Director and Fire Chief to delineate and identify emergency access lanes. All signage for emergency access lanes shall conform with the specifications in the MUTCD.

2.11 Bicycle Facilities and Multi-Use Path Design

Conformance with Low-Stress Walk and Bike Network Plan (A)

The arrangement, type, and location of all bike lane and multi-use path facilities and routes shall conform with the "Low-Stress Walk and Bike Network Plan" section in the TMP. The Director shall specify the standards for design and construction of new bike lane and multi-use path facilities consistent with these Standards and considering public health, safety, and welfare and generally accepted engineering principles. The Director may refer to the Transportation References in these Standards. These Standards shall also apply to marked and signed contraflow bike lanes to meet bicycle connectivity goals identified in the Low-Stress Walk and Bike Network Plan where the right-of-way is constrained.

(B) On-Street Bike Lanes - Streets Without On-Street Parking

An on-street bike lane is separated from the motor vehicle travel lane by a single white line. Onstreet bike lanes on new streets without on-street parking shall be at least 5 feet wide, exclusive of the curb pan, or 6.5 feet from the face of any curb. On existing streets where on-street bike lanes are being added and available right-of-way or improvements space is restricted, the Director may approve a reduced width of the bike lane; the reduced width shall be at least 5 feet wide, inclusive of the curb pan.

(C) On-Street Bike Lanes - Streets With On-Street Parking

An on-street bike lane on a street with on-street parking is separated from the motor vehicle travel lane or parking lane by a single white line. On-street bike lanes on new streets with on-street parking shall be at least 6 feet wide, exclusive of the parking lane. On existing streets where onstreet bike lanes are being added and available right-of-way or improvements space is restricted, the Director may approve a reduced width of the bike lane; the reduced width shall be at least 5 feet wide, exclusive of the parking lane.

(D) Buffered Bike Lanes

A buffered bike lane is separated from the motor vehicle travel lane by a painted buffer space creating a greater separation between the bike lane and adjacent travel lane. The buffer shall be

DESIGN AND CONSTRUCTION STANDARDS Effective: TBDJune 3, 2024 2-37 marked with 2 solid white lines, and the markings shall otherwise conform with MUTCD standards. The buffered space shall be at least 2 feet wide. On streets without on-street parking the bike lane shall be at least 5 feet wide, or 6.5 feet from the face of the curb. Bike lanes on new streets with on-street parking shall be at least 5 feet wide, exclusive of the parking lane. On existing streets where buffered bike lanes are to be added and right-of-way or improvement space is limited, the Director may modify this standard considering safety concerns or approve an on-street bike lane.

(E) Separated Bike Lanes (One-Way and Two-Way)

A separated bike lane is physically separated from the motor vehicle travel lane through vertical or horizontal elements and is distinct from the sidewalk. Separated bike lanes have different forms but all share common elements. Where on-street parking is allowed, the separated bike lane shall be located to the curb side of the parking (in contrast to on-street and buffered bike lanes). Separated bike lanes may be one-way or two-way and may be at street level, at sidewalk level, or at an intermediate level. If located at sidewalk level, a curb or median shall separate the separated bike lane from the motor vehicle travel lane, and different pavement color or type shall separate the separated bike lane from the sidewalk. If located at sidewalk level, the separation may include a landscaped area. If located at street level, the separated bike lane shall be separated from the motor vehicle travel lane by raised medians, on-street parking, or flexible delineators. Flexible delineators shall conform with MUTCD standards. Raised medians shall conform to "Technical Drawing 2.42C," Chapter 11 of these Standards. The Director may require additional markings, signage, and other improvements to ensure safe and efficient operation of the city's transportation system.

On streets without on-street parking, a vertical separation shall create a buffer between the bike lane and the travel lane that is at least 3 feet wide, and the bike lane shall be at least 5 feet wide, or 6.5 feet from the face of the curb. On streets with on-street parking, the separation shall be a 3-foot-wide horizontal buffer between the bike lane and the parking lane, and the bike lane shall be at least 5 feet wide.

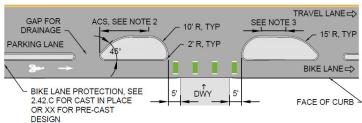
On existing streets where separated bike lanes are to be added and right-of-way or improvement space is limited, the Director may modify this standard considering safety concerns and the efficient operation of the city's transportation system.

(F) Typical Bicycle Facility Layouts

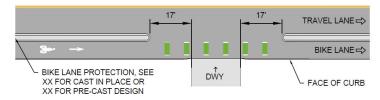
The following are examples of typical bicycle facility layouts and shall be used as guidance for separated bike lane facilities. The existing street context and site constraints of each location shall be taken into account when designing these facilities and engineering judgement may be used to implement the intent of these example bicycle facility layouts.

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(1) One-Way Street Level Separated Bike Lanes at Driveways

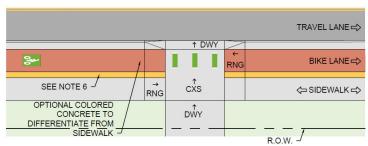


STREET LEVEL BIKE LANE AT DRIVEWAY/CURB CUT WITH PARKING

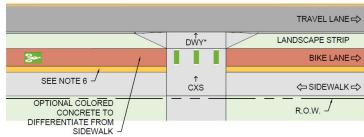


STREET LEVEL BIKE LANE AT DRIVEWAY/CURB CUT WITHOUT PARKING

(2) Sidewalk Level One-Way Separated Bike Lanes at Driveways



SIDEWALK LEVEL BIKE LANE AT DRIVEWAY/CURB CUT (CONSTRAINED)



SIDEWALK LEVEL BIKE LANE AT DRIVEWAY/CURB CUT

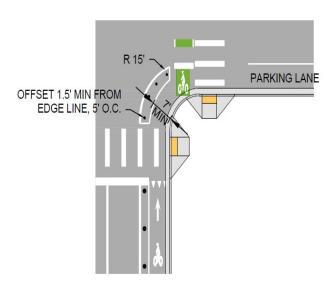
- (a) Typical approach clear space (ACS) for driveways and alleys shall be 20 feet as shown; in constrained locations the approach clear space may be measured from edge of driveway.
- (b) In constrained locations the far-side buffer tangent may be reduced to 5 feet.
- (c) See Section 2.07, Table 2.5 of these Standards for standard lane widths.
- (d) Bike lane tapers preferred at 7:1 shift, minimum 3:1 shift in constrained locations where speed is \leq 13 mph.

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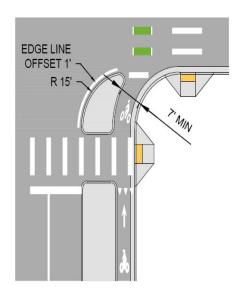
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- (e) For bike lanes at sidewalk elevation without buffer treatment, 1-foot minimum directional indicator strip required within the sidewalk; typically located 1 foot from the edge of the bike lane.
- (f) Accessible ramp slope (RMP) = 7.8% (8.3% max).
- (g) Accessible cross slope (CXS) = 0.5-1.5% (2% max).
- (h) Accessible running slope (RNG) = 5% max.
- (i) Driveway slope (DWY) = 12% max.

(3) Street Level Separated Bike Lanes at Intersection in Retrofit Conditions





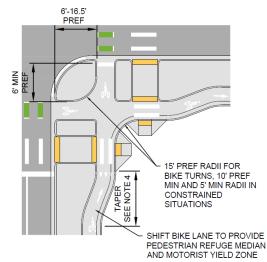


RETROFIT PROTECTED CORNER
TREATMENT WITH CONCRETE

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(4) Street Level Separated Bike Lanes at Intersections in New or Retrofitted Conditions



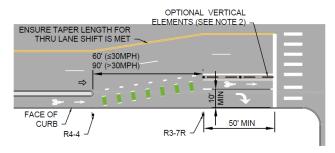


RECONSTRUCTED PROTECTED CORNER TREATMENT WITH CONCRETE

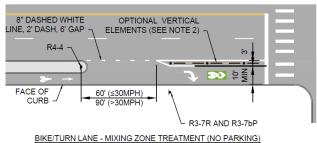
RECONSTRUCTED PROTECTED CORNER TREATMENT WITH CONCRETE (INTERSECTION BIKE FACILITIES)

- (a) Design plans shall be consulted for variations.
- (b) Size and shape of corner treatments are dependent on intersection characteristics.
- (c) See Section 2.07, Table 2.5 of these Standards for standard lane widths.
- (d) Bike lane tapers preferred at 7:1 shift, minimum 3:1 shift in constrained locations here speed is \leq 13 mph.

(5) One-Way Separated Bike Lane and Right Turn Lane



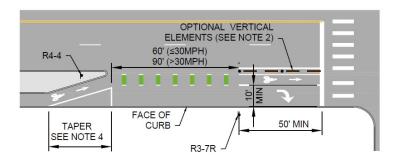
BIKE/TURN LANE - EXCLUSIVE TREATMENT (NO PARKING)



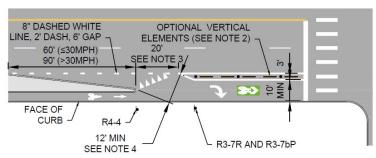
BIRE/TURN LANE - MIXING ZONE TREATMENT (NO PARKING

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(6) One-Way Separated Bike Lane and Right Turn Lane



BIKE/TURN LANE - EXCLUSIVE TREATMENT (WITH PARKING)



BIKE/TURN LANE - MIXING ZONE TREATMENT (WITH PARKING)

- (a) Design plans shall be consulted for variations
- (b) Vertical elements may be excluded or modified as needed to accommodate truck and/or transit vehicles, with a 13-foot minimum where high bus volume is anticipated.
- (c) Bike lane tapers preferred at 7:1 shift, minimum 3:1 shift in constrained locations where speed is \leq 13 mph.
- (d) See Section 2.07, Table 2.5 of these Standards for standard lane widths.
- (e) A ramp up to sidewalk may be provided for people on bicycles prior to vehicular mixing zone to provide a low stress alternative.

(G) Off-Street Multi-Use Paths

Design for off-street multi-use paths shall conform to Chapter 5 of the AASHTO Guide for the Development of Bicycle Facilities, 4th edition. The paths shall be at least 10 feet wide with an inside edge radius of at least 15 feet and shall conform to "Technical Drawing 2.02D," Chapter 11, of these Standards.

(H) Bicycle Parking

Bicycle parking shall be located in a visible and prominent location that is lit at night and physically separated from automobile parking to prevent vehicles from intruding into the bike parking area. All bicycle parking constructed in the City of Boulder shall conform to the provisions in the Section 9-9-6(g), "Bicycle Parking," B.R.C. 1981 or as adopted in any subcommunity or area improvement plan.

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- (1) **Bicycle Parking in Sidewalk Area of Public Right-of-Way:** Bicycle parking racks located in the sidewalk area of the public right-of-way shall be designed using either the inverted "U" rack standard or the inverted "U" racks on rails standard. A minimum aisle of 5 feet shall be provided for bikes to maneuver in when accessing the rack. All racks shall be attached to a concrete base using a high security tamper proof anchor such as a mushroom head carbon steel expansion anchor "spike" #5550 as manufactured by Rawl or an equivalent theft-proof device.
 - (a) <u>Inverted "U" Rack:</u> The inverted U rack is designed to park two bicycles, facing opposite directions, parallel to the rack. For the rack to meet its design specification of parking two bikes, it must be installed according to the specifications below, otherwise it will be considered to provide parking for one bike. The inverted "U" standard may be installed with the following conditions:
 - (i) Where the "U" rack is installed oriented parallel to a wall or curb, at least 3.0 feet shall be provided between the parallel wall or curb and the center of the rack. Where a bike rack is located near a curb with "head-in" automobile parking, a minimum distance of 5 feet from the curb to the center of the rack is required to avoid damage to bicycles or racks by automobiles extending across the curb over the sidewalk.
 - (ii) Where the "U" rack is installed oriented perpendicular to a wall or curb, a minimum distance of 4 feet from the wall or curb to the center of the rack will be provided to allow two bikes to access and use the rack.
 - (iii) Where placed side-by-side, "U" racks shall be placed at least 3.5 feet apart to accommodate ease of access to the racks.
 - (iv) Where placed in a series of 2 or more and parallel to a wall, inverted "U" racks will be separated by a minimum distance of 10 feet between the centers of the racks to allow access to both sides of the rack.
 - (v) The location of a bike rack shall maintain a minimum unobstructed sidewalk width of 6 feet from any bicycle parked properly in the rack.
 - (vi) The location of a "U" rack shall maintain a minimum unobstructed distance of 3 feet from any pedestrian curb ramp to any bicycle parked properly in the rack.
 - (b) <u>Inverted "U" Racks on Rails</u>: The inverted "U" racks on rails are designed to park four to ten bicycles, with two bikes facing opposite directions parked on either side and parallel to each inverted "U" rack. These racks allow locking of frame and wheel with a U-lock and support bikes with two points of contact. For the rack to meet its design specifications of parking bikes from both sides, it must be installed according to the conditions of the inverted "U" rack listed above; otherwise it will be considered to provide no more than half of its designed parking capacity.
- Onsite Bicycle Parking: Bicycle parking should generally be provided within 50 feet of the main building entrance. Racks must be installed according to the guidelines in (1) above to reach their designed parking capacity. Otherwise, they shall be credited with no more than half their design capacity. Bicycle parking racks or lockers located on development or project sites or in parking lots outside of public right-of-way shall generally be selected from the following standards:

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- (a) <u>Inverted "U" Rack</u>: The inverted "U" rack is recommended for most bike rack installations and is one of the standards for bicycle parking in public rights-of-way as required in Subsection G.(1) above. Each rack provides space for two bicycles and allows flexibility in parking by providing two supports for attaching locks. The "U" rack may be used individually where space is limited, or, in circumstances requiring a larger amount of bike parking, inverted "U" racks on rails may be used to park four to ten bikes. Inverted "U" racks and inverted "U" racks on rails shall meet the specifications for the dimensions and installation shown in Chapter 11, "Technical Drawings," of these Standards
- (b) Other Bike Rack Styles: Another rack style may be approved by the Director if it meets the following criteria:
 - (i) Provides at least two contact points between the rack and the bike to securely support the bike;
 - (ii) Provides at least a 2 foot by 6-foot parking space for each bike without the need to lift the handlebars of one bike over those of another to park;
 - (iii) Allows the frame and one wheel to be locked to the rack with a standard high security, U-shaped shackle lock; and
 - (iv) The rack is uncomplicated and intuitively simple for the bicyclist to use.
- (c) <u>Lockers</u>: Bicycle lockers provide secure weatherproof storage for bike parking. Lockers are recommended for employee and longer-term parking and require adequate space, since they require more area than bicycle racks. <u>Lockers must meet the following standards:</u>
 - (i) The locker must be securely anchored to the ground using tamperresistant anchors.
 - (ii) There must be an aisle at least 5 feet wide behind all bicycle lockers to allow room for bicycle maneuvering.
 - (iii) All bicycle lockers must meet one of the following dimensions:
 - (1) The locker space has a minimum depth of 6 feet and an access door that is a minimum of 3 feet wide. 85
 - (2) A locker provided in a triangle locker layout for two bicycle parking spaces must have a minimum depth of 6 feet and an access door that is a minimum of 3 feet wide on each end.
- (3) On-Street Bike Parking (Bike Parking Corrals): The Director may approve onstreet bike corrals in commercial areas where sidewalk space is limited and in locations with high pedestrian volumes. In approving the design and construction of bike corrals, the Director shall consider public safety and the efficient operation of the city's transportation system.

2.12 Street Lighting

(A) Scope

The provisions of this section shall apply to streetlighting in public streets and alleys.

(B) Private Development

Installation, relocation, or removal of streetlighting may be proposed by an applicant or may be required by the Director as part of a development approval under Title 9, "Land Use Code," B.R.C.1981.

(C) City Projects

The Director decides whether and where streetlighting may be provided, relocated, or removed considering the standards in this Section 2.12.

(D) Street Types

In determining whether streetlighting shall be installed or relocated in or removed from the public right-of-way, the Director shall consider the ANSI/IES RP-8-22, Illuminating Engineering Society Recommended Practice: Lighting Roadway and Parking Facilities (IES), as modified by the following standards:

- (1) Arterial Streets: Corridor lighting may be required or provided based on IES standard practices.
- (2) Collector Streets: Streetlighting may be required or provided only at intersections and identified pedestrian crossings.
- (3) Other Streets (Local): Streetlighting may be required or provided only at identified pedestrian crossings.
- (4) Alleys: Streetlighting may be required or provided in alleys in commercial areas with significant night-time pedestrian activity. Streetlighting is not provided in other alleys.

(E) Design Standards

- (1) **Design:** Streetlighting shall have an LED light bulb within a full cut-off fixture that is installed in a horizontal position as designed. Streetlight poles shall be steel poles or wood poles. The pole material shall be determined by the Director and shall be generally consistent with the poles in the surrounding area. Relocation of a pole requires installation of a current pole design of the Citycity.
- (2) Location: Poles shall be located so that the center of the pole is three feet behind the face of the curb. The Director may approve a different pole location that is between three feet and six feet behind the face of the curb where necessary to accommodate the needs of other public right-of-way uses in the sidewalk area. Streets with a detached multi-use path or sidewalk may have streetlighting between the curb and multi-use path or sidewalk provided there are two feet of horizontal clearance between the nearest face of the pole and the edge of the multi-use path or sidewalk. Where a multi-use path or sidewalk are

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attached to the street's curb and gutter, streetlighting shall be placed with two feet of horizontal clearance between the nearest face of the pole and the edge of the multi-use path or sidewalk.

(F) Installation

The <u>Citycity</u> will acquire, own, and install all streetlighting that is to be installed in public streets or alleys as part of a private development or a <u>Citycity</u> project. The <u>c</u>City also performs relocation and removal of streetlighting. An applicant shall coordinate any construction of improvements in the public street or alley with the City's installation, relocation, or removal of the streetlighting.

(G) Easements

Adequate rights-of-way, public access easements, or utility easements shall be dedicated to the City to allow the City to install, access, maintain, repair, and reinstall streetlighting and their associated facilities, such as cables, conduit, and pull boxes. The Director will determine the type and size of dedication based on the location of the streetlighting.

(H) Fees

An applicant for a private development including new installation, relocation, or removal of streetlighting in a public street or alley shall pay the applicable streetlighting fee prescribed by Section 4-20-77, "Streetlighting Fee," B.R.C. 1981, at the time of submittal of construction plans for approval under Section 1.03, "Submittal Requirements for Construction Approval" or, if no such submittal is required, prior to issuance of a building permit.

2.13 Transit Stop Facilities

New transit stops and enhancements to existing transit stops shall be designed in accordance with RTD's "Bus Infrastructure Standard Drawings" and with consideration of NACTO's "Transit Street Design Guide."

2.14 Traffic Calming Design

(A) Scope

This section includes guidelines for the implementation of traffic calming elements on public streets. All elements shall be designed and installed in accordance with the provisions of Chapter 2 of this document and in conformance with the MUTCD. The Vision Zero Action Plan shall be consulted when determining if and what traffic calming measures are implemented.

Traffic calming measures are intended to slow motorized vehicles and increase safety for bicycle and pedestrian users. Measures may also prioritize the movement of bicycles and pedestrians at crossing or conflict points.

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(B) Traffic Circles

The Director may require the installation of a traffic circle where the Director finds that the operations or safety of the intersection or the adjoining streets would benefit from such device.

Figure 2-4 illustrates the typical layout and standard dimensions of a traffic circle and Table 2-14 Offset and Opening Width Dimensions and Table 2-15 Center Island Diameter Dimensions shall guide the design of the traffic circle. Final dimensions shall be approved by the Director based up site specific considerations for the safety of all users, the ability for all modes to traverse the intersection, and the efficient operation of the transportation system.

In locations where crossing streets are not the same width, curb extensions may be used on the wider street to create consistent approach widths.

In locations where the circulating width is less than 20 feet, the Director may require a mountable truck apron if the director finds that the expected truck traffic at the intersection will negatively impacts safety or intersection operations.

Any objects, including plantings and trees, in the traffic circle shall provide a clear zone of visibility between 36 inches high and 80 inches high from the top of the travel path surface.

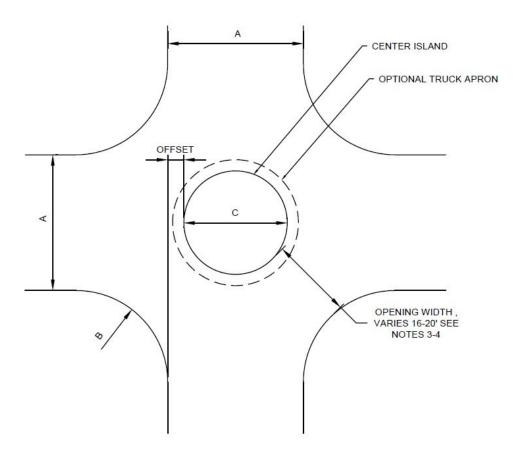


Figure 2-4: Typical Layout and Standard Dimensions of Traffic Circle

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Table 2-15: Offset and Opening Width Dimensions

Offset	Opening Width
5.5' (Max)	16' (Min)
5.0'	17'
4.5'	18'
4.0'	19'
3.5' or less	20' (Max)

Table 2-16: Center Island Diameter Dimension for Different Street Widths and Curb Return Radii

Α.	В	С
A Street Width	Curb Return	Center Island
Street Width	Radius	Diameter
	15'	18'
28'	20'	20'
	25'	22'
	15'	20'
30'	20'	22'
	25'	24'
	15'	27'
36'	20'	29'
	25'	33'
	15'	32'
40'	20'	34'
	25'	38'

(C) Raised Crossings

The Director may require the installation of a raised crossing where the Director finds that the crossing meets the criteria from the city's Pedestrian Crossing Treatment Installation Guidelines for additional crossing treatments.

Figure 2-5 through 2-7 illustrate typical layouts for raised crossings, Figure 2-8 illustrates typical section of a raised crossing, and Table 2-XXX Dimensions of Approach Ramp Length For Various Roadway Longitudinal Slopes and Target Grade Breaks and Table 2-16 Target Grade Breaks For Different Roadway Classifications shall guide the design of the raised crossing. Final dimensions and geometry shall be approved by the Director based up site specific considerations for the safety of all users, the ability for all modes to traverse the intersection, and the efficient operation of the transportation system.

The width of the top of raised crosswalks should match the width of the connecting sidewalk, shared use path, or desired crosswalk, and in no case be less than 10-feet in width.

Installation of a raised crossing shall include modifications to existing street paving, cold plane and overlay asphalt, or reconstruction of paving to provide a smooth transition and street crown and shall match adjacent paving materials and thickness.

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In locations where positive drainage cannot be achieved the design shall include drain inlet(s) as

necessary to convey stormwater drainage and meet street drainage requirements of Chapter 7.

All crosswalks shall have a minimum of 2 feet spacing from poles, hydrants, and other vertical obstructions.

Crosswalk cross slopes should be no greater than 2%, however, at mid-block locations the cross slope may match the existing street grade. Crosswalk cross slope may be 0% if longitudinal slope is sufficient to self-drain

Crosswalk longitudinal slopes should not exceed 5%

Grade breaks should be determined based on existing roadway speeds and desired speed reduction and should conform with Table 2-17. Generally, higher grade breaks correspond to higher speed reduction.

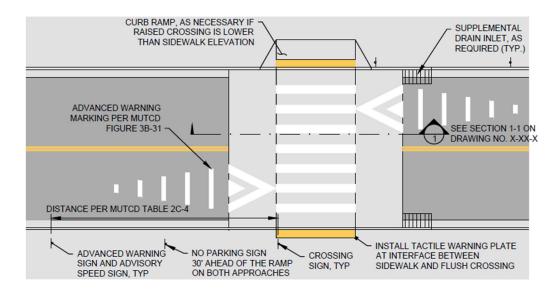


Figure 2-5: Typical Layout of Raised Crossing at Mid-Block Location

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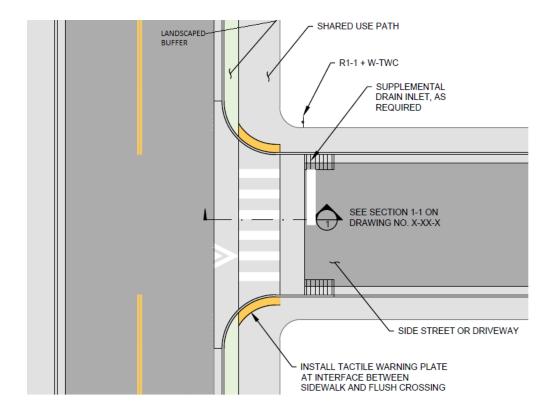


Figure 2-6: Typical Layout of Raised Crossing at Intersection Leg Location

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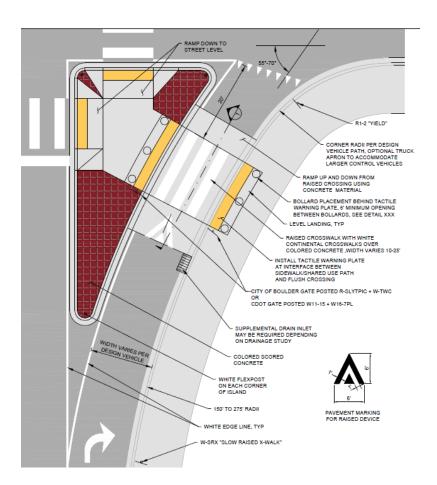


Figure 2-7: Typical Layout of Raised Crossing at Channelized Right Turn Location

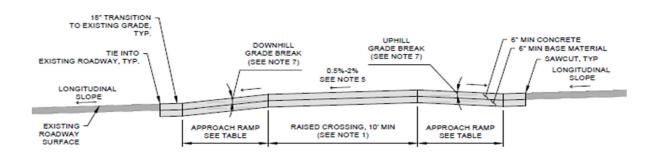


Figure 2-8: Raised Crossing Typical Section

Table 2-17: Dimensions of Approach Ramp Length For Various Roadway Longitudinal Slopes and Target Grade Breaks

	Approach Ramp Length			
Roadway	5-6% Grade Break		8-10% Grade Break	
Longitudinal Slope	Uphill	Downhill	Uphill	Downhill
0%	5.0-5.5'	5.0-5.5	3.0-3.5'	3.0-3.5'
0%	(3.0'-4.0')	(3.0'-4.0')	(2.0'-2.5')	(2.0'-2.5')
2%	5.0-5.5'	5.0-5.5'	3.0-3.5	3.0-3.5'
270	(3.0'-4.0')	(3.0'-4.0')	(2.0'-2.5')	(2.0'-2.5')
4%	5.0-5.5'	8.0-10.0'	3.0-3.5'	5.0'-6.0'
470	(3.0'-4.0')	(6.5'-7.5')	(2.0'-2.5')	(4.0'-5.0')
60/	5.0-5.5'	11.0-13.5'	3.0-3.5	6.5'-8.5'
6%	(3.0'-4.0')	(9.5'-11.5')	(2.0'-2.5')	(5.5'-7.0')

Note: Primary ramp lengths assume a 6-inch tall raised crossing. Ramp lengths in parenthesis assume a 4-inch tall raised crossing.

Table 2-18: Target Grade Breaks For Different Roadway Classifications

Roadway	Grade Break Range		
Classification	Min	Max	
Local	8%	10%	
Collector	5%	6%	
Arterial	5%	6%	

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COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Introduction, first reading and consideration of a motion to order published by title only Ordinance 8703 designating the property at 3375 16th St., City of Boulder, Colorado, to be known as the Orchard House, as an individual landmark under Chapter 9-11, "Historic Preservation," B.R.C. 1981; and setting forth related details

PRIMARY STAFF CONTACT

Clare Brandt, City Planner

REQUESTED ACTION OR MOTION LANGUAGE

Motion to order published by title only Ordinance 8703 designating the property at 3375 16^{th} St., City of Boulder, Colorado, to be known as the Orchard House, as an individual landmark under Chapter 9-11, "Historic Preservation," B.R.C. 1981; and setting forth related details

ATTACHMENTS:

Description

1 Item 3F - 1st Rdg Ord 8703 3375 16th St. Individual Landmark Designation



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Introduction, first reading and consideration of a motion to order published by title only Ordinance 8703 designating the property at 3375 16th Street, City of Boulder, Colorado, to be known as the Orchard House, as an individual landmark under Chapter 9-11, "Historic Preservation," B.R.C. 1981; and setting forth related details.

Owner / Applicant: Mikhail and Sidra Burshteyn

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Mark Woulf, Assistant City Manager
Brad Mueller, Director of Planning and Development Services
Kristofer Johnson, Comprehensive Planning Senior Manager
Chris Reynolds, Deputy City Attorney, City Attorney's Office
Marcy Gerwing, Principal Historic Preservation Planner
Clare Brandt, Historic Preservation Planner

EXECUTIVE SUMMARY

The purpose of this agenda item is for City Council to consider first reading of an ordinance designating the property at 3375 16th St. as an individual landmark under the city's Historic Preservation Ordinance. The council must determine whether the proposed individual landmark designation of the property meets the purposes and standards of the Historic Preservation Ordinance (Sections 9-11-1 and 9-11-2, B.R.C. 1981). This includes that the landmark designation:

1. Will promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past.

- 2. Will develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.
- 3. Will draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.

The property owner is in support of the designation. If approved, this ordinance (see **Attachment A**), would result in the designation of the property as an individual landmark. The findings are included in the ordinance. A second reading for this designation will be a quasi-judicial public hearing.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only Ordinance 8703 designating the property at 3375 16th St., City of Boulder, Colorado, to be known as the Orchard House, as an individual landmark under the City of Boulder Historic Preservation Ordinance; and setting forth related details.

RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE

LANDMARKS BOARD ACTIONS & FEEDBACK

On May 7, 2025, the Landmarks Board voted unanimously (5-0) to recommend that the City Council designate the property at 3375 16th St. as a local historic landmark, to be known as the Orchard House, finding that it meets the standards for individual landmark designation in Sections 9-11-1 and 9-11-2, B.R.C. 1981.

PUBLIC FEEDBACK

Two members of the public spoke in support of the designation.

ANALYSIS

Code Criteria for Review

Section 9-11-6(b), *Council Ordinance Designating Landmark or Historic District*, of the historic preservation ordinance specifies that in its review of an application for local landmark designation, the council must consider "whether the designation meets the purposes and standards in Subsections 9-11-1(a) and Section 9-11-2, *City Council May Designate Landmarks*

and Historic Districts, B.R.C. 1981, in balance with the goals and policies of the Boulder Valley Comprehensive Plan." The City Council shall approve by ordinance, modify and approve by ordinance, or disapprove the proposed designation.

9-11-1, Legislative Intent, B.R.C. 1981 states:

- (a) The purpose of this chapter is to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this chapter to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.
- (b) The City Council does not intend by this chapter to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.
- (c) The City Council intends that in reviewing applications for alterations to and new construction on landmarks or structures in a historic district, the Landmarks Board shall follow relevant city policies, including, without limitation, energy-efficient design, access for the disabled, and creative approaches to renovation.

9-11-2, City Council may Designate Landmarks and Historic Districts, B.R.C. 1981 states:

- (a) Pursuant to the procedures in this chapter the City Council may by ordinance:
 - (1) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;
 - (2) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;
 - (3) Designate as a discontiguous historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas, having a special character and historical, architectural, or aesthetic interest or value that are united together by historical, architectural, or aesthetic characteristics; and
 - (4) Amend designations to add features or property to or from the site or district.

Upon designation, the property included in any such designation is subject to all the requirements of this code and other ordinances of the city.



Figure 1. East elevation (façade) of the house from 16th Street showing the side gable roof with central shed roof dormer and full width front porch with square porch supports. Provided by applicant.

Summary of Significance

To assist in the interpretation of the historic preservation ordinance, the Landmarks Board adopted an administrative regulation in 1975 establishing <u>Significance Criteria for Individual Landmarks</u> (link). For additional information on the history of the property, see the <u>May 7, 2025 Landmarks Board Memorandum</u> (link).

ANALYSIS:

A. Would the designation protect, enhance, and perpetuate a property reminiscent of a past era(s), event(s), and person(s) important in local, state, or national history in Boulder or provide a significant example of architecture of the past?

Staff considers, and the Landmarks Board found, that the proposed designation of the property at 3375 16th St. will protect, enhance, and perpetuate a property reminiscent of a past era of history and preserve an important example of Boulder's historic architecture.

B. Does the proposed application develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the City's living heritage?

Staff considers, and the Landmarks Board found, that the proposed designation will maintain an appropriate setting and environment for the building and site, and enhance property values, stabilize the neighborhood, promote tourist trade and interest, and foster knowledge of the city's living heritage.

HISTORIC SIGNIFICANCE:

Summary: The building located at 3375 16th St. meets the following historic significance criteria:

1. Date of Construction: c. 1917

Elaboration: Boulder County records list the year of construction of 1925. However, a Dickensheets family photograph dated April 1917 clearly shows the windows at the façade. Additionally, George and Mary Minks changed their address in the Boulder City Directory when they purchased the property in 1918, so they moved into the house.

- **2. Association with Persons or Events**: Association with Persons or Events: George and Mary Minks (1918 1929), Warren family (1929 2003)
 - **Elaboration:** The house at 3375 16th Ave. has had only five owners since the house was constructed around 1917. Roland Dickensheets likely commissioned the house but never lived there. The Minks were long-time residents of Superior where they were fruit farmers from the 1870s. They retired to the property in Boulder where they "truck farmed" the land. James Warren was a successful miner in Boulder County. His wife, Pearl Warren, raised their three children on the property. Members of the Warren family lived in the house from 1929 until 2003 (74 years), although they sold most of the surrounded land after the death of James in 1965.
- **3. Distinction in the Development of the Community:** Remnant of Parsons Park, a fruit farming and truck garden area in north Boulder.
 - **Elaboration:** Parsons Park was platted in 1907 by Charles Parsons. Parsons owned most of the area and grew fruit trees throughout Parsons Park. George and Mary Minks purchased the property as a "truck garden" in 1918. The house was one of the first to be built within Parsons Park. The property remained undeveloped and a significant part of Parsons Park until it was subdivided and developed in the 1970s.
- **4. Recognition by Authorities:** 1995 Survey¹ considered the house significant as a " ... well preserved example of the Bungalow style, as reflected in the gabled roof with exposed rafters

¹ Front Range Research Associates. "3375 16th Street historic building inventory record." 1995. Call No. 780 16th 3375. Carnegie Library for Local History, Boulder. https://localhistory.boulderlibrary.org/islandora/object/islandora/3A43795

and braces; the shed roofed front dormer; the prominent porch; and the tapered door and window surrounds."

ARCHITECTURAL SIGNIFICANCE:

Summary: The building at 3375 16th St. meets the following architectural significance criteria.

- 1. Recognized Period or Style: Bungalow with vernacular expressions of the Craftsman style Elaboration: The Bungalow form was popular was popular in Colorado from about 1900 to the 1930s due to its simplicity and utility. Characteristic elements of this form include the gently pitched side gable roof, overhanging eaves, broad front porch supported by thick columns, the central shed roof dormer, and exposed rafter ends.²
- 2. Architect or Builder of Prominence: Currently unknown Elaboration: Although neither the architect nor builder are currently known, Roland Dickensheets likely commissioned the house. The cost of the house (per the deed) was more than \$1,500.
- 3. Artistic Merit: Vernacular expressions of the Craftsman style Elaboration: The artistic features include the Craftsman-inspired tapered window and door trim and simplified knee braces and use of combined wood shingle in the gable ends and on the dormer with the narrow horizontal wood siding on the main part of the house.
- **4. Example of the Uncommon:** One of the earliest houses built within Parsons Park. Additionally, one of the few houses constructed in Boulder during the First World War (1914-1918).
- **5. Indigenous Qualities:** None observed.

ENVIRONMENTAL SIGNIFICANCE:

Summary: The building located at 3375 16th St. meets the following environmental significance criteria.

- 1. Site Characteristics: The house was constructed as the farmhouse for a larger area of truck garden and included accessory buildings c. 1941-1958. The site includes mature trees and gravel driveway that reflects the historic rural characteristics of the site.
- 2. Compatibility with Site: Although the larger area was subdivided in the 1970s, the corner lot retains some of the landscaping and rural feel from before the 1970s. The massing and scale of the house and the property's mature vegetation is compatible with its residential setting.
- **3. Geographic Importance:** The property is located on the southwest corner of 16th Street and Iris Avenue. Although a fence separates the property from Iris Avenue, the building is a familiar visual landmark within the neighborhood.

² "Colorado's Historic Architecture & Engineering Guide." 2008. History Colorado, https://www.historycolorado.org/bungalow

- 4. Environmental Appropriateness: None observed.
- **5. Area Integrity:** The property is not located in an identified potential historic district, and the surrounding residential area has an eclectic mix of architectural styles and building ages. The area's open and agricultural character was somewhat lost with the subdivision of the property.

Landmark Name

Staff recommends the property be known as the **Orchard House** to recognize the unique and character-defining design of the original front porch and the fine detailing of the house. This is consistent with the Landmark Board's Guidelines for Names of Landmarked Structures and Sites (1988) and the National Register of Historic Places Guidelines for Designation. See <u>Guidelines</u> for Names of Landmarked Structures and Sites (link).

Boundary Analysis

Staff recommend that the boundary be established to follow the property lines of the lot, consistent with current and past practices and the National Register Guidelines for establishing landmark boundaries. This boundary is supported by the property owner.

ALTERNATIVES

Modify the Application: The City Council may modify the landmark boundary and landmark name.

Deny the Application: If the City Council finds the application does not meet the criteria for landmark designation, it would vote to deny the application.

ATTACHMENTS

Attachment A – Ordinance 8703

Attachment B – Significance Criteria for Individual Landmarks (1975) (link)

Attachment C – May 7, 2025 Landmarks Board Memorandum (link)

ORDINANCE 8703

AN ORDINANCE DESIGNATING THE PROPERTY AT 3375 16TH ST., CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE ORCHARD HOUSE, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The City Council enacts this ordinance pursuant to its authority under Chapter 9-11, "Historic Preservation," B.R.C. 1981, to designate as a landmark a property having a special character or special historic, architectural, or aesthetic interest or value.

Section 2. The City Council finds that: 1) on Dec. 20, 2024, the property owner submitted a landmark designation application for the property; 2) the Landmarks Board held a public hearing on the proposed designation on May 7, 2025, and recommended that the City Council approve the proposed designation.

Section 3. The City Council also finds that upon public notice required by law, the City Council held a public hearing on the proposed designation on June 26th, 2025, and upon the basis of the presentations at that hearing finds that the property at 3375 16th St. possesses special historic and architectural value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance for its date of construction around 1917 by the Dickensheets family and its association with George and Mary Minks (1918 - 1929) and the Warren family (1929 - 2003). George and Mary Minks were long-time residents of Superior where they were fruit farmers from the 1870s until they retired to Boulder where they "truck farmed" the land. James Warren was a successful miner in Boulder County. His wife, Pearl Warren, raised their three children on the property. Members of the Warren family lived in the house from 1929 until 2003 (74 years), although

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they sold most of the surrounded land after the death of James in 1965. Also as a remnant of Parsons Park, platted in 1907 by Charles Parsons. Parsons owned most of the area and grew fruit trees throughout Parsons Park. The house was one of the first to be built within Parsons Park. The property remained undeveloped and a significant part of Parsons Park until it was subdivided and developed in the 1970s. 2) For its architectural significance as an example of a Bungalow with vernacular expressions of the Craftsman style, popular in Colorado from about 1900 to the 1930s due to its simplicity and utility. Characteristic elements of this form include the gently pitched side gable roof, overhanging eaves, broad front porch supported by thick columns, the central shed roof dormer, and exposed rafter ends. The character-defining features include the one-and-one-half story side gabled form with overhanging eaves and exposed rafter tails and the inset front porch with substantial square porch posts and wood decking. Other character-defining features include the non-symmetrical window and door openings, the low shed roof dormer clad in painted wood shingle at the façade, the combination of wood shingle in the gable ends and on the dormer with the narrow horizontal siding on the main part of the house, and the Craftsman-style tapered trim and knee braces. The surroundings, including multiple mature trees on the property, the gravel drive, and the rural feel of the property also contribute to the character; and 3) For its environmental significance with site characteristics that include includes mature trees and gravel driveway that reflects the historic rural characteristics.

<u>Section 6</u>. The City Council further finds that the foregoing landmark designation is necessary to promote the public health, safety, and welfare of the residents of the city.

Section 7. There is hereby created as a landmark the property located at 3375 16th St., also known as the Orchard House, whose legal landmark boundary encompasses the legal lots upon which it sits:

LEGAL DESCRIPTION

LOTS 17-18 BLK 4 PARSONS PARK

1	as depicted in the proposed landmark boundary map, attached hereto as Exhibit A.		
2	Section 8. The City Council directs that the Planning and Development Services		
3	Department give prompt notice of this designation to the property owner and cause a copy of this		
4	ordinance to be recorded as described in Subsection 9-11-6(d), B.R.C. 1981.		
5	Section 9. The City Council deems it appropriate that this ordinance be published by title		
6	only and orders that copies of this ordinance be made available in the office of the City Clerk for		
7	public inspection and acquisition.		
8	INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY		
9	TITLE ONLY this 5th day of June, 2025.		
10			
11	Aaron Brockett,		
12	Mayor		
13 14	Attest:		
15			
16	City Clerk		
17	READ ON SECOND READING, PASSED AND ADOPTED, this 25th day of June		
18	2025.		
19			
20	Aaron Brockett,		
21	Mayor		
22	Attest:		
23			
24	City Clerk		
25			

Exhibit A – Landmark Boundary Map for 3375 16TH ST.

3375 16TH ST., Boulder, Colorado LOTS 17-18 BLK 4 PARSONS PARK

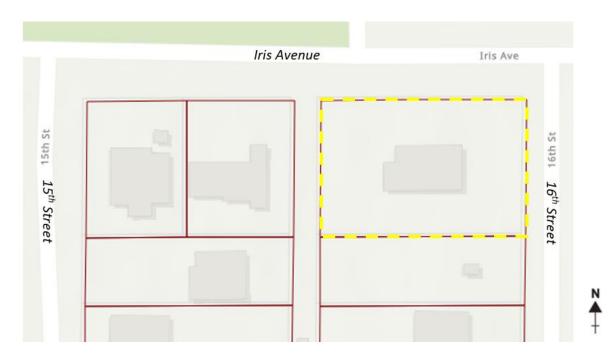


Figure 1. 3375 16th St., proposed Landmark boundary (dotted yellow line).



COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8704 vacating and authorizing the city manager to execute a deed of vacation for a 20-foot wide alley right-of-way extending east approximately 98.37 feet from 17th Street, generally located north of 1729 Athens Street and southerly of 1328 17th Street and 1712 Marine Street (LUR2024-00060).

AND

Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8705 vacating and authorizing the city manager to execute a deed of vacation for 18th Street right-of-way extending south approximately 313.88 feet from Athens Street, generally located east of 1950 Colorado Avenue and 1234 18th Street and west of 950 Regent Drive (LUR2024-00060).

PRIMARY STAFF CONTACT

Julie Defoe, Revocable Lease Administrator

REQUESTED ACTION OR MOTION LANGUAGE

Motion to order published by title only, Ordinance 8704 vacating and authorizing the city manager to execute a deed of vacation for a 20-foot wide alley right-of-way extending east approximately 98.37 feet from 17th Street, generally located north of 1729 Athens Street and southerly of 1328 17th Street and 1712 Marine Street (LUR2024-00060).

AND

Motion to order published by title only, Ordinance 8705 vacating and authorizing the city manager to execute a deed of vacation for 18th Street right-of-way extending south approximately 313.88 feet from Athens Street, generally located east of 1950 Colorado Avenue and 1234 18th Street and west of 950 Regent Drive (LUR2024-00060).

ATTACHMENTS:

Description

Item 3G - 1st Rdg Ord 8704 to vacate 20-foot wide alley east of 17th St. AND ORD. 8705 to vacate 18th Street south of Athens St



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8704 vacating and authorizing the city manager to execute a deed of vacation for a 20-foot-wide alley right-of-way extending east approximately 98.37 feet from 17th Street, generally located north of 1729 Athens Street and southerly of 1328 17th Street and 1712 Marine Street (LUR2024-00060).

AND

Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8705 vacating and authorizing the city manager to execute a deed of vacation for 18th Street right-of-way extending south approximately 313.88 feet from Athens Street, generally located east of 1950 Colorado Avenue and 1234 18th Street and west of 950 Regent Drive (LUR2024-00060).

Applicant: The Regents of the University of Colorado Owner: The Regents of the University of Colorado

PRESENTERS

Nuria Rivera-Vandermyde, City Manager Mark Woulf, Assistant City Manager Brad Mueller, Planning and Development Services Director Mark Garcia, Civil Engineering Senior Manager Julie DeFoe, City Planner/Revocable Lease Administrator

EXECUTIVE SUMMARY

The purpose of this item is for City Council to consider the vacation of two rights-of-way: a 20-foot-wide alley right-of-way east of 17th Street and 18th Street right-of-way

south of Athens Street. The 20-foot-wide alley east of 17th Street is between Athens Street to the south and Marine Street to the north. The vacation of the alley is necessary for the development of a new parking garage to serve the CU Boulder North of Boulder Creek (NBC) district. The 18th Street right-of-way south of Athens Street is between two properties currently owned by CU and currently functions as an access drive and parking for the Faculty Staff Apartments and unpaved access to Boulder Creek. Vacation of the 18th Street right-of-way will allow for the construction of a 350-bed student housing facility after the demolition of the Faculty Staff Apartments. Two easement interests will be reserved: a utility easement over the entire area of the proposed 18th Street right-of-way vacation and a flood control easement over the southerly portion of the proposed 18th Street right-of-way vacation. Currently both rights-of-way provide access to and parking for CU-owned facilities. The public purpose for which the rights-of-way were originally dedicated are no longer valid or necessary for public use. The proposed vacations would provide a greater public benefit than retaining the current site conditions. The vacations would facilitate the development of additional student housing and parking.

Rights-of-way can only be vacated by ordinance, with City Council approval. Refer to **Attachment C and D** for the draft ordinances and **Attachment E and F** for the draft deeds of vacation.

STAFF RECOMMENDATION

Staff finds that the criteria of Section 8-6-9, "Vacation of Public Rights-of-Way and Public Access Easements," B.R.C. 1981 can be met and recommends that the City Council take the following action:

Suggested Motion Language:

Motion to introduce on first reading and order published by title only Ordinance 8704 vacating and authorizing the City Manager for a 20-foot-wide alley right-of-way extending east approximately 98.37 feet from 17th Street, generally located north of 1729 Athens Street and southerly of 1328 17th Street and 1712 Marine Street.

AND

Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8705 vacating and authorizing the city manager to execute a deed of vacation for 18th Street right-of-way extending south approximately 313.88 feet from Athens Street, generally located east of 1950 Colorado Avenue and 1234 18th Street and west of 950 Regent Drive.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

• Economics: None identified.

- Environmental: By creating student housing near the main campus and improved access to the Boulder Creek Trail allows for easy pedestrian and multi-modal access to the main campus.
- Social: None identified.

OTHER IMPACTS

- Fiscal: No impact.
- Staff time: The vacation application has been processed through the provisions of a standard public right-of-way or public easement vacation process and is within normal staff work plans.

BOARD AND COMMISSION FEEDBACK

Notification will be sent to the Planning Board on June 3, 2025, in conformance with Section 79 of the Boulder City Charter.

PUBLIC FEEDBACK

All notice requirements of Section 9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. Public notice of this proposed vacation was sent to property owners within 600 feet of the project on October 28, 2024. Staff has received no written or verbal comments opposed to the vacation.

BACKGROUND

The two rights-of-way to be vacated are both located east of 17th Street, south of Marine Street and north of Boulder Creek. Refer to **Figure 1** below.

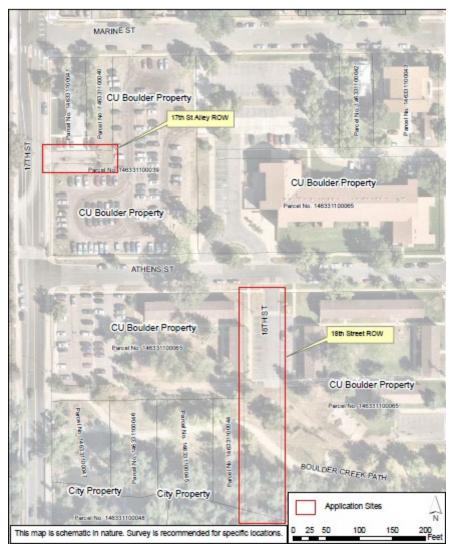


Figure 1: Vicinity Map

The 20-foot-wide alley east of 17th Street **in Figure 2** formerly provided access to the College Inn which opened in 1965 as a privately-owned dormitory. CU Boulder bought the building in 1976 and used it for housing needs until it was demolished in 2013. The alley currently provides access to a CU Boulder housing unit located at 1328 17th Street. The vacation of this 20-foot-wide alley right-of-way and the demolition of the housing unit will allow for the proposed development of a future parking garage to serve the CU Boulder North of Boulder Creek (NBC) district.

The 18th Street right-of-way **in Figure 3** is located between two CU properties that are known as the Faculty Staff Apartments and currently house graduate students. The apartments were constructed in 1954, and prior to construction, 18th Street likely functioned as a typical city street that dead-ended at Boulder Creek. Since the construction of the apartments, this portion of 18th Street has solely functioned as an access dive and parking lot for the apartments and unpaved access to Boulder Creek. The demolition of the Faculty Staff Apartments and vacation of the 18th Street right-of-way will facilitate the proposed development of a new 350-bed student housing facility.



Figure 2: Subject Right of Way Vacation



Figure 3: Subject Right-of-Way Vacation

ANALYSIS

Although the City was unable to locate specific deeds of dedication, the subject rights-of-way have been historically open to the public carrying vehicular and pedestrian traffic. As such, each of the subject rights-of-way must be vacated by an ordinance approved by City Council. In order for the subject rights-of-way to be vacated, the council must conclude that the criteria under Subsection 8-6-9(c), B.R.C. 1981 are met. Staff has reviewed this vacation request and has concluded that the criteria have been met as follows:

(1) The applicant must demonstrate that the public purpose for which an easement or right-of-way was originally acquired or dedicated is no longer valid or necessary for public use;

The 20-foot-wide alley right-of-way east of 17th Street formerly provided access to the College Inn that was purchased by CU in 1976 to provide additional housing

needs, but the building was demolished in 2013. Currently the alley provides access to a CU housing property at 1328 17th Street, which is scheduled for demolition in 2025. This alley right-of-way is no longer necessary for use by the general public.

The portion of 18th Street right-of-way likely functioned as a city street that deadended at Boulder Creek until the construction of the Faculty Staff Apartments in 1954. Since construction, the 18th Street right-of-way has solely functioned as an access drive and parking lot for the apartments and unpaved access to Boulder Creek. The access drive will no longer be necessary for public use as the new development of the housing building site will incorporate new vehicular access points. Parking for the residents of the building will be provided in existing CU permitted parking lots and in the future parking garage. Pedestrian access to the Boulder Creek Trail will be maintained and improved. Two easements will be reserved: a utility easement over the entire area of the proposed 18th Street right-of-way vacation and a flood control easement over the southerly portion of the proposed 18th Street right-of-way vacation. Therefore, the original public purpose for the 18th Street right-of-way is no longer valid or necessary for public use.

(2) All agencies and departments having a conceivable interest in the easement or right-of-way must indicate that no need exists, either at present or conceivable in the future, to retain the property as an easement or right-of-way, either for its original purpose or for some other public purpose unless the vacation ordinance retains the needed utility or right-of-way easement;

The proposed 20-foot-alley right-of-way vacation east of 17th Street has been evaluated by the Planning, Fire, and Transportation Departments and it has been collectively concluded that the public entities would have no conceivable future interest in the alley right-of-way. CenturyLink, Comcast, and Xcel have also approved the request.

The proposed 18th Street right-of-way vacation has been evaluated by the Planning, Fire and Transportation Departments. The vacation ordinance will reserve two easements, one utility easement and one flood control easement as described in **Attachment D**. CenturyLink/Lumen, Comcast, and Xcel have approved the request.

- (3) The applicant must demonstrate, consistent with the Boulder Valley Comprehensive Plan and the City's land use regulations, either:
 - (A) That failure to vacate an existing right-of-way or easement on the property would cause a substantial hardship to the use of the property consistent with the Boulder Valley Comprehensive Plan and the City's land use regulations; or

Not applicable.

(B) That vacation of the easement or right-of-way would actually provide a greater public benefit than retaining the property in its present status.

The proposed 20-foot-wide alley right-of-way east of 17th Street currently only benefits the residents of the 1328 17th Street housing unit. The proposed vacation would allow for the construction of a parking garage that will create more neighborhood parking for CU residents. The added parking will benefit CU Boulder residents, off-campus residents, city of Boulder residents and the Boulder High School community.

The proposed 18th Street right-of-way vacation would provide the ability for the development of much needed additional student housing in close proximity to the main campus and improved access to Boulder Creek Trail. The site design would create more usable open space and encourage pedestrian and multi-modal access to the main campus and surrounding amenities and services.

ATTACHMENTS

Attachment A: Vacation Exhibit (20-foot-wide alley ROW east of 17th St)

Attachment B: Vacation Exhibit (18th St ROW)

Attachment C: Proposed Ordinance 8704 Attachment D: Proposed Ordinance 8705

Attachment E: Proposed Deed of Vacation (20-foot-wide alley ROW east of 17th St)

Attachment F: Proposed Deed of Vacation (18th St ROW)

EXHIBIT "A" LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6^{TH} P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO SHEET 1 OF 2

A PARCEL OF LAND BEING THE 20 FOOT ALLEY LYING NORTHERLY OF PARCEL A (ASSESSOR'S PARCELS NO. 14633100039) AND SOUTHERLY OF PARCEL K (ASSESSOR'S PARCEL NO. 146331100041) AND PARCEL L (ASSESSOR'S PARCEL NO. 146331100040 AS DEPICTED ON THE ALTA/NSPS LAND TITLE SURVEY PREPARED BY FLATIRONS INC., JOB NO. 21-78,447 DATED AUGUST 08, 2022 AND RECORDED IN THE COUNTY OF BOULDER LAND SURVEY OFFICE AT PLAT NO. 23-0432 LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31, THENCE ALONG THE WESTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 31, S00°19′13″E A DISTANCE OF 530.04 FEET; THENCE ALONG THE NORTHERLY LINE EXTENDED OF SAID ALLEY, N89°35′58″E A DISTANCE OF 30.27 FEET TO THE NORTHWEST CORNER OF SAID 20 FOOT ALLEY AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 17TH STREET SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY, EASTERLY, SOUTHERLY AND WESTERLY LINES OF SAID 20 FOOT ALLEY THE FOLLOWING FOUR (4) CONSECUTIVE COURSES:

- 1) N89°35′58″E A DISTANCE OF 98.37 FEET TO THE NORTHEAST CORNER OF SAID 20.00 FOOT ALLEY ALSO BEING ON THE WESTERLY LINE OF THE ALLEY VACATION BY ORDINANCE 2827;
- 2) THENCE ALONG SAID WESTERLY LINE, S00°18'59"E A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF SAID 20.00 FOOT ALLEY:
- 3) THENCE S89°35'58"W A DISTANCE OF 98.36 FEET TO THE SOUTHWEST CORNER OF SAID 20.00 FOOT ALLEY;
- 4) THENCE N00°21'14"W A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.045 ACRES OR 1,967 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN ASSUMED TO BEAR S89°32′56″W AND BEING MONUMENTED BY A FOUND #5 REBAR WITH 1-1/2″ ALUMINUM CAP IN RANGE BOX "CITY OF BOULDER SURVEY POINT PLS 20134" AT THE INTERSECTION OF 20TH STREET AND SAID NORTHERLY LINE AND A FOUND #6 REBAR WITH 2-1/2″ ALLOY CAP, "BOULDER LAND CONSULTANTS INC. T1N|R70W|1/4|S30|S31|2014 PLS 20134" AT THE NORTH QUARTER CORNER.

PREPARED BY SCOTT A. AREHART, PLS FOR AND ON BEHALF OF MARTIN/MARTIN, INC. 12499 WEST COLFAX AVENUE LAKEWOOD, CO. 80215 OCTOBER 23, 2024 303-431-6100 PROJECT NO. 23.0352



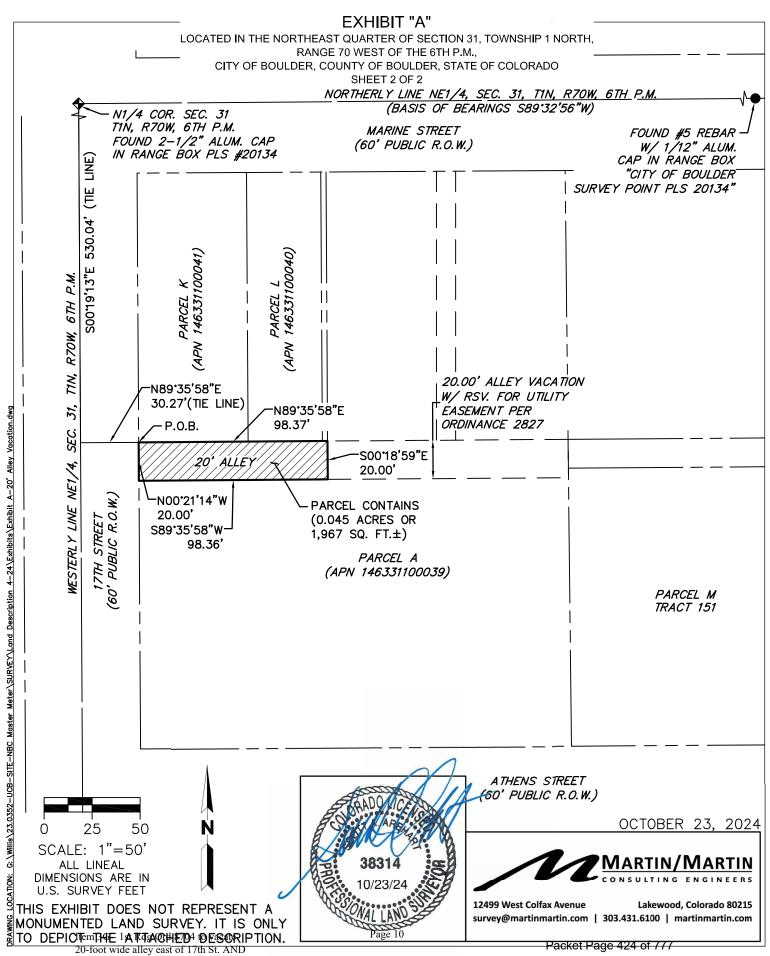


EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6^{TH} P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF 18TH STREET LYING SOUTHERLY OF ATHENS STREET AND NORTHERLY OF THE BOULDER CREEK AS DEPICTED ON THE ALTA/NSPS LAND TITLE SURVEY PREPARED BY FLATIRONS INC., JOB NO. 21-78,447 DATED AUGUST 08, 2022 AND RECORDED IN THE COUNTY OF BOULDER LAND SURVEY OFFICE AT PLAT NO. 23-0432 LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31, THENCE ALONG THE WESTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 31, S00°19′13″E A DISTANCE OF 749.71 FEET; THENCE ALONG THE SOUTHERLY LINE EXTENDED OF SAID ATHENS STREET, N89°37′46″E A DISTANCE OF 324.43 FEET TO THE NORTHWEST CORNER OF SAID 18TH STREET SAID POINT BEING THE <u>POINT OF BEGINNING</u>;

THENCE ALONG THE NORTHERLY, EASTERLY, SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINES THE FOLLOWING FIVE (5) CONSECUTIVE COURSES:

- 1) N89°37'46"E A DISTANCE OF 49.00 FEET TO THE NORTHEAST CORNER OF SAID RIGHT-OF-WAY;
- 2) THENCE S00°24'12"E A DISTANCE OF 313.88 FEET TO THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY;
- 3) THENCE N89°36′50"W A DISTANCE OF 32.25 FEET;
- 4) THENCE N79°52'44"W A DISTANCE OF 17.04 FEET TO THE SOUTHWEST CORNER OF SAID RIGHT-OF-WAY;
- 5) THENCE N00°24'12"W A DISTANCE OF 310.35 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.352 ACRES OR 15,340 SQUARE FEET MORE OR LESS.

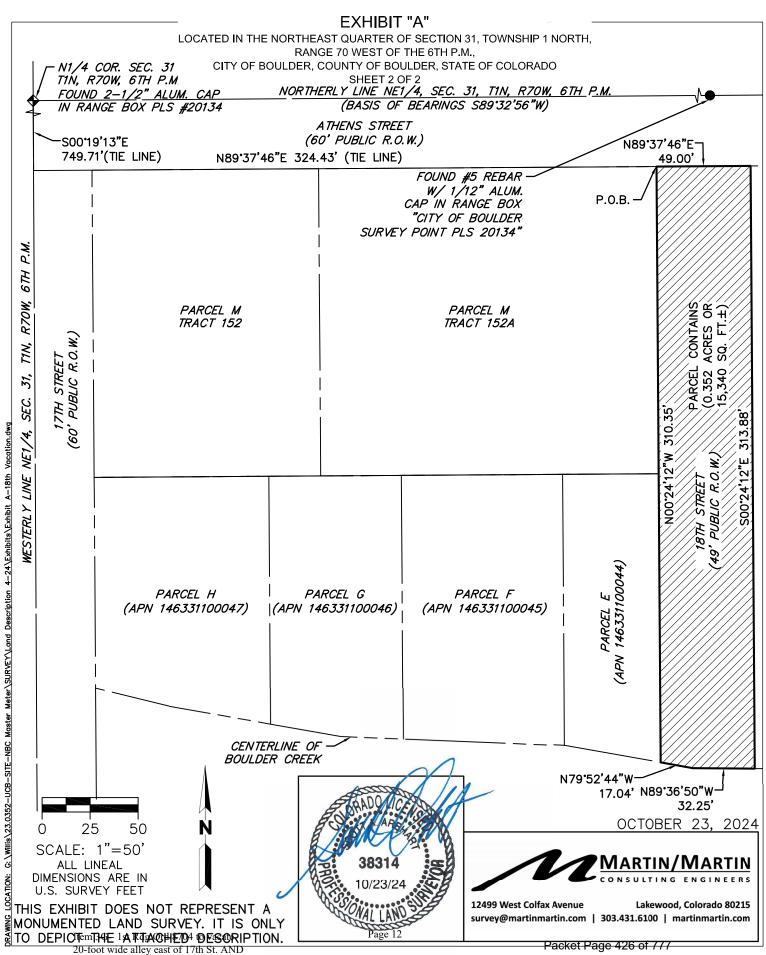
ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN ASSUMED TO BEAR S89°32′56″W AND BEING MONUMENTED BY A FOUND #5 REBAR WITH 1-1/2″ ALUMINUM CAP IN RANGE BOX "CITY OF BOULDER SURVEY POINT PLS 20134" AT THE INTERSECTION OF 20^{TH} STREET AND SAID NORTHERLY LINE AND A FOUND #6 REBAR WITH 2-1/2″ ALLOY CAP, "BOULDER LAND CONSULTANTS INC. T1N|R70W|1/4|S30|S31|2014 Pts 20134" AT THE NORTH QUARTER CORNER.

PREPARED BY SCOTT A. AREHART, PLS FOR AND ON BEHALF OF MARTIN/MARTIN, INC. 12499 WEST COLFAX AVENUE LAKEWOOD, CO. 80215 OCTOBER 23, 2024 303-431-6100 PROJECT NO. 23.0352





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ORDINANCE 8704

AN ORDINANCE VACATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF VACATION FOR A 20-FOOT-WIDE ALLEY RIGHT-OF-WAY EXTENDING EAST APPROXIMATELY 98.37 FEET FROM 17TH STREET, GENERALLY LOCATED NORTH OF 1729 ATHENS STREET, AND SOUTHERLY OF 1328 17th STREET AND 1712 MARINE STREET, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER FINDS AND RECITES THAT:

A. The Regents of the University of Colorado, a body corporate, on behalf of the University of Colorado at Boulder ("CU Boulder"), the owner of Boulder County Assessor's Parcel No. 14633100039 ("1729 Athens Street"), Boulder County Assessor's Parcel No. 146331100041 ("1328 17th Street"), and Boulder County Assessor's Parcel No. 146331100040 ("1712 Marine Street") has requested that the city vacate a 20-foot-wide alley right-of-way extending east approximately 98.37 feet east from 17th Street, and generally located north of 1729 Athens Street, and southerly of 1328 17th Street and 1712 Marine Street; and

B. The City Council is of the opinion that the requested vacation is in the public interest and that said right-of-way is not necessary for the public use.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The City Council vacates and authorizes the city manager to execute a deed of vacation for a 20-foot wide alley right-of-way extending east approximately 98.37 feet from 17th Street, and generally located north of 1729 Athens Street, and southerly of 1328 17th Street and 1712 Marine Street, more particularly described in **Exhibit A** attached hereto.

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

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ORD. 8705 to vacate 18th Street south of Athens St

1	Section 3. The City Council deems it appropriate that this ordinance be published by titl			
2	only and orders that copies of this ordinance be made available in the office of the city clerk for			
3	public inspection and acquisition.			
4	INTRODUCED, READ ON FIRST	READING, AND ORDERED PUBLISHED BY		
5	TITLE ONLY this 5th day of June, 2025.	,		
6	TITLE ONLY this 5th day of June, 2025.			
7				
8		Aaron Brockett,		
9		Mayor		
10				
11 12	Attest:			
13	Elesha Johnson,			
14	City Clerk			
15				
16				
17	READ ON SECOND READING, PA	SSED, ADOPTED this 26th day of June, 2025.		
18				
19				
20		Aaron Brockett, Mayor		
21				
22	Attest:			
23				
24	Elesha Johnson, City Clerk			
25				
26				
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28				

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6^{TH} P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO SHEET 1 OF 2

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COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31, THENCE ALONG THE WESTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 31, S00°19′13″E A DISTANCE OF 530.04 FEET; THENCE ALONG THE NORTHERLY LINE EXTENDED OF SAID ALLEY, N89°35′58″E A DISTANCE OF 30.27 FEET TO THE NORTHWEST CORNER OF SAID 20 FOOT ALLEY AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 17TH STREET SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY, EASTERLY, SOUTHERLY AND WESTERLY LINES OF SAID 20 FOOT ALLEY THE FOLLOWING FOUR (4) CONSECUTIVE COURSES:

- 1) N89°35′58″E A DISTANCE OF 98.37 FEET TO THE NORTHEAST CORNER OF SAID 20.00 FOOT ALLEY ALSO BEING ON THE WESTERLY LINE OF THE ALLEY VACATION BY ORDINANCE 2827;
- 2) THENCE ALONG SAID WESTERLY LINE, S00°18′59″E A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF SAID 20.00 FOOT ALLEY;
- 3) THENCE S89°35′58"W A DISTANCE OF 98.36 FEET TO THE SOUTHWEST CORNER OF SAID 20.00 FOOT ALLEY;
- 4) THENCE N00°21′14″W A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.045 ACRES OR 1,967 SQUARE FEET MORE OR LESS.

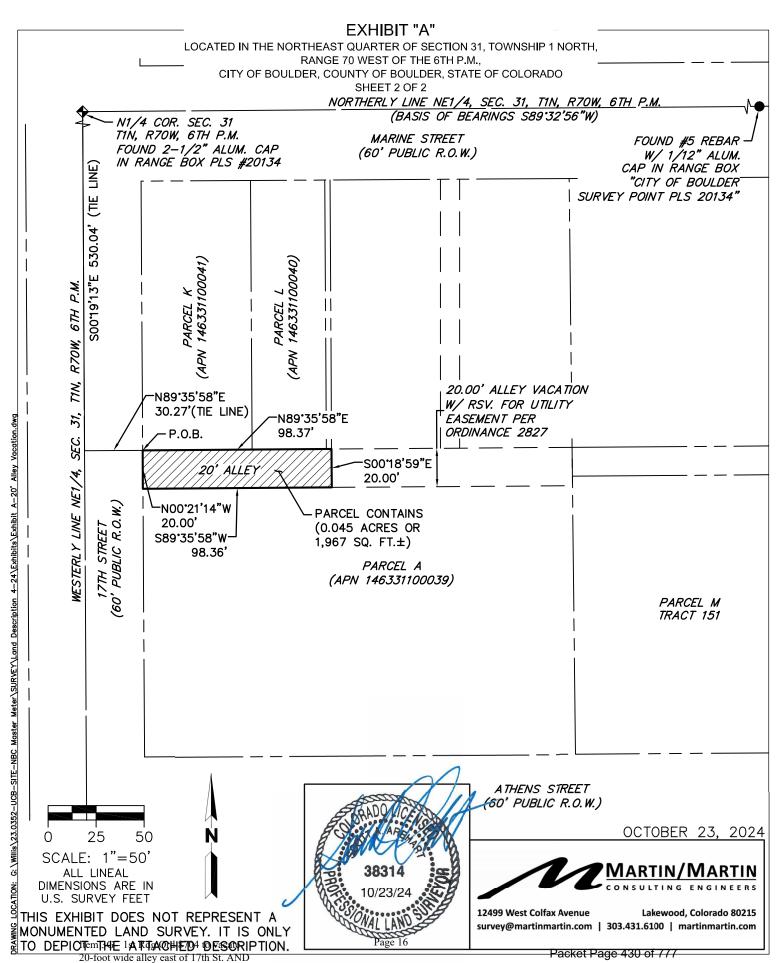
ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN ASSUMED TO BEAR S89°32′56″W AND BEING MONUMENTED BY A FOUND #5 REBAR WITH 1-1/2″ ALUMINUM CAP IN RANGE BOX "CITY OF BOULDER SURVEY POINT PLS 20134" AT THE INTERSECTION OF 20TH STREET AND SAID NORTHERLY LINE AND A FOUND #6 REBAR WITH 2-1/2″ ALLOY CAP, "BOULDER LAND CONSULTANTS INC. T1N|R70W|1/4|S30|S31|2014 PLS 20134" AT THE NORTH QUARTER CORNER.

PREPARED BY SCOTT A. AREHART, PLS FOR AND ON BEHALF OF MARTIN/MARTIN, INC. 12499 WEST COLFAX AVENUE LAKEWOOD, CO. 80215 OCTOBER 23, 2024 303-431-6100 PROJECT NO. 23.0352





ORDINANCE 8705

AN ORDINANCE VACATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF VACATION FOR 18th STREET RIGHT-OF-WAY EXTENDING SOUTH APPROXIMATELY 313.88 FEET FROM ATHENS STREET, GENERALLY LOCATED EAST OF 1950 COLORADO AVENUE AND 1234 18TH STREET AND WEST OF 950 REGENT DRIVE, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER FINDS AND RECITES THAT:

A. The Regents of the University of Colorado, a body corporate, on behalf of the University of Colorado at Boulder ("CU Boulder"), the owner of Boulder County Assessor's Parcel No. 146331100065 ("1950 Colorado Avenue"), Boulder County Assessor's Parcel No. 146331100044 ("1234 18th Street"), and Boulder County Assessor's Parcel No. 146332300008 ("950 Regent Drive") has requested that the city vacate the 18th Street right-of-way extending south approximately 313.88 feet from Athens Street, and generally located east of 1950 Colorado Avenue and 1234 18th Street, and west of 950 Regent Drive; and

B. The City Council is of the opinion that the requested vacation is in the public interest and that said right-of-way is not necessary for the public use.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The City Council vacates and authorizes the city manager to execute a deed of vacation for 18th Street right-of-way extending south approximately 313. 88 feet from Athens Street, and generally located east of 1950 Colorado Avenue and 1234 18th Street, and west of 950 Regent Drive, more particularly described in **Exhibit A** attached hereto, reserving the following easement interests:

a) an easement for access to and the installation, construction, repair, maintenance and reconstruction of utilities and appurtenances to such utilities, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the real property described in **Exhibit A**

attached hereto.

b) a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure

conveyance as determined by the City of Boulder, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and

to, over, under and across the real property described in **Exhibit B** attached hereto.

No permanent structure or improvement shall be placed or authorized to be placed on said

easements by the present owner of the subservient land or its successors and assigns, and the use

of such easements shall not otherwise be obstructed or interfered with.

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of

the residents of the city, and covers matters of local concern.

Section 3. The City Council deems it appropriate that this ordinance be published by title

only and orders that copies of this ordinance be made available in the office of the city clerk for

public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY

TITLE ONLY this 5th day of June, 2025.

Aaron Brockett, Mayor

Attest:

Elesha Johnson,

City Clerk

Page 18

READ ON SECOND READING, PASSED, ADOPTED this 26th day of June, 2025.

	Aaron Brockett, Mayor	
Attest:		
Elesha Johnson, City Clerk		

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6^{TH} P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF 18TH STREET LYING SOUTHERLY OF ATHENS STREET AND NORTHERLY OF THE BOULDER CREEK AS DEPICTED ON THE ALTA/NSPS LAND TITLE SURVEY PREPARED BY FLATIRONS INC., JOB NO. 21-78,447 DATED AUGUST 08, 2022 AND RECORDED IN THE COUNTY OF BOULDER LAND SURVEY OFFICE AT PLAT NO. 23-0432 LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31, THENCE ALONG THE WESTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 31, S00°19′13″E A DISTANCE OF 749.71 FEET; THENCE ALONG THE SOUTHERLY LINE EXTENDED OF SAID ATHENS STREET, N89°37′46″E A DISTANCE OF 324.43 FEET TO THE NORTHWEST CORNER OF SAID 18TH STREET SAID POINT BEING THE <u>POINT OF BEGINNING</u>;

THENCE ALONG THE NORTHERLY, EASTERLY, SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINES THE FOLLOWING FIVE (5) CONSECUTIVE COURSES:

- 1) N89°37'46"E A DISTANCE OF 49.00 FEET TO THE NORTHEAST CORNER OF SAID RIGHT-OF-WAY;
- 2) THENCE S00°24'12"E A DISTANCE OF 313.88 FEET TO THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY;
- 3) THENCE N89°36′50"W A DISTANCE OF 32.25 FEET;
- 4) THENCE N79°52'44"W A DISTANCE OF 17.04 FEET TO THE SOUTHWEST CORNER OF SAID RIGHT-OF-WAY;
- 5) THENCE N00°24'12"W A DISTANCE OF 310.35 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.352 ACRES OR 15,340 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN ASSUMED TO BEAR S89°32′56″W AND BEING MONUMENTED BY A FOUND #5 REBAR WITH 1-1/2″ ALUMINUM CAP IN RANGE BOX "CITY OF BOULDER SURVEY POINT PLS 20134" AT THE INTERSECTION OF 20^{TH} STREET AND SAID NORTHERLY LINE AND A FOUND #6 REBAR WITH 2-1/2″ ALLOY CAP, "BOULDER LAND CONSULTANTS INC. T1N|R70W|1/4|S30|S31|2014 Pts 20134" AT THE NORTH QUARTER CORNER.

PREPARED BY SCOTT A. AREHART, PLS FOR AND ON BEHALF OF MARTIN/MARTIN, INC. 12499 WEST COLFAX AVENUE LAKEWOOD, CO. 80215 OCTOBER 23, 2024 303-431-6100 PROJECT NO. 23.0352



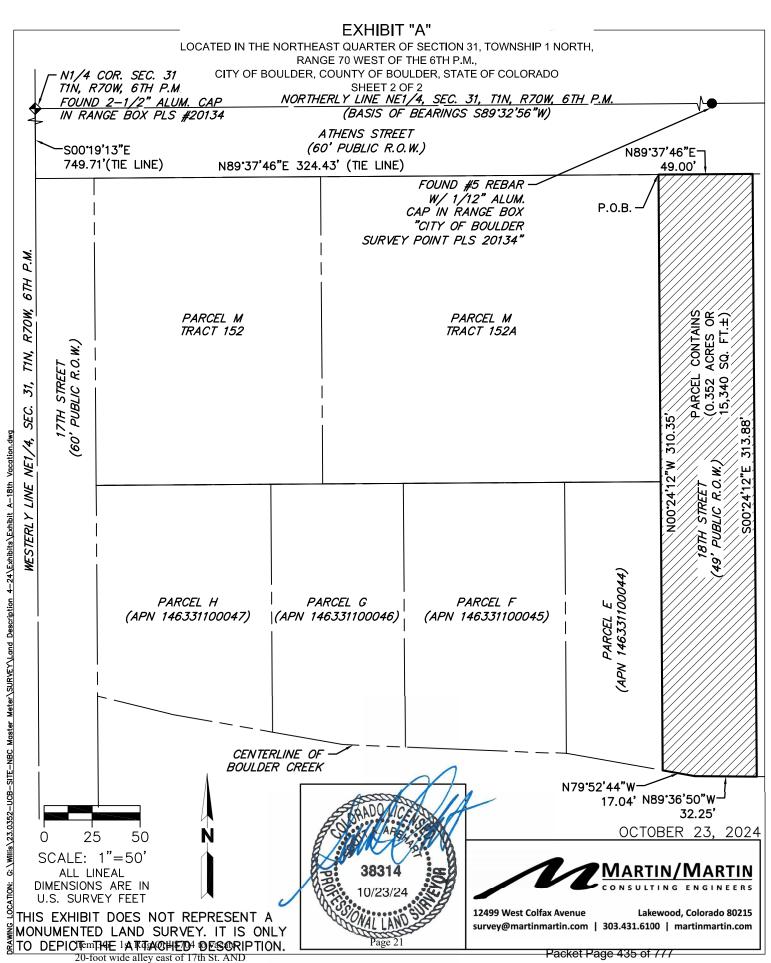


EXHIBIT "B"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6^{TH} P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF 18TH STREET RIGHT-OF-WAY LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF 18TH STREET, S00°24'12"E A DISTANCE OF 199.25 FEET TO A POINT ON THE NORTHERLY ZONE AE REGULATORY FLOODWAY LINE, SAID POINT BEING THE <u>POINT OF BEGINNING</u>; THENCE ALONG SAID NORTHERLY FLOODWAY LINE, S84°45'41"E A DISTANCE OF 49.24 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID 18TH STREET;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, S00°24'12"E A DISTANCE OF 109.81 FEET TO THE CENTERLINE OF BOULDER CREEK;

THENCE ALONG SAID CENTER LINE OF BOULDER CREEK THE FOLLOWING TWO (2) CONSECUTIVE COURSES:

- 1) N89°36′50"W A DISTANCE OF 32.25 FEET;
- 2) THENCE N79°52'44"W A DISTANCE OF 17.04 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF 18TH STREET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, N00°24'12"W A DISTANCE OF 111.10 FEET TO THE <u>POINT OF</u> BEGINNING.

SAID PARCEL CONTAINS 0.125 ACRES OR 5,459 SQUARE FEET MORE OR LESS.

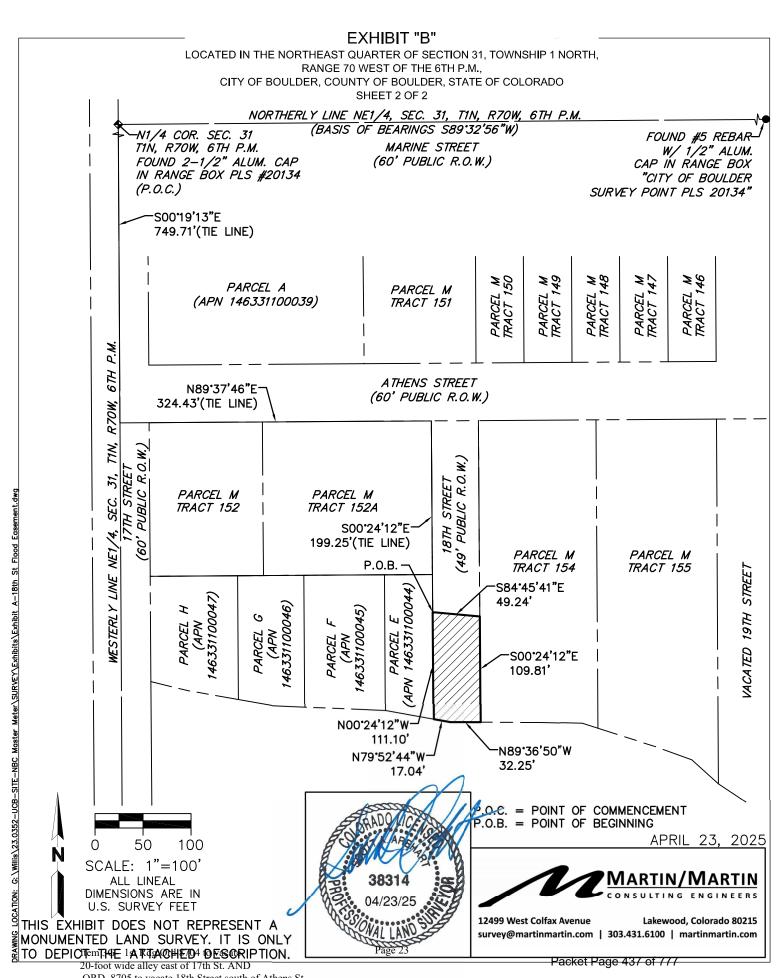
ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN ASSUMED TO BEAR S89°32′56″W AND BEING MONUMENTED BY A FOUND #5 REBAR WITH 1-1/2″ ALUMINUM CAP IN RANGE BOX "CITY OF BOULDER SURVEY POINT PLS 20134" AT THE INTERSECTION OF 20TH STREET AND SAID NORTHERLY LINE AND A FOUND #6 REBAR WITH 2-1/2″ ALLOY CAP, "BOULDER LAND CONSULTANTS INC. T1N|R70W|1/4|S30|S31|2014 PLS 20134" AT THE NORTH QUARTER CORNER.

PREPARED BY SCOTT A. AREHART, PLS FOR AND ON BEHALF OF MARTIN/MARTIN, INC. 12499 WEST COLFAX AVENUE LAKEWOOD, CO. 80215 APRIL 23, 2025 303-431-6100 PROJECT NO. 23.0352





For Administrative Purposes Only Vacation Area: 20' Alley ROW east of 17th St, north of 1729 Athens St, south of 1328 17th St and south of 1712 Marine St Case No. LUR2024-00060

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owner of the subservient land, in the manner prescribed by Section 43-2-302, C.R.S., a 20-foot-wide alley right-of-way extending east approximately 98.37 feet from 17th Street, and generally located north of 1729 Athens Street, and southerly of 1328 17th Street and south of 1712 Marine Street and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The above alley right-of-way vacation and release of said right-of-way extending east of 17th Street and generally located north of 1729 Athens Street, and southerly of 1328 17th Street and 1712 Marine Street shall extend only to the portion of right-of-way specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of right-of-way. _____, 2025, by the City Manager after having received Executed this day of authorization from the City Council of the City of Boulder, Colorado, pursuant to Ordinance 8704, adopted by the City Council of the City of Boulder, Colorado. CITY OF BOULDER, COLORADO Nuria Rivera-Vandermyde, City Manager Attest: City Clerk Approved as to form: City Attorney's Office

Date

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6^{TH} P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO SHEET 1 OF 2

A PARCEL OF LAND BEING THE 20 FOOT ALLEY LYING NORTHERLY OF PARCEL A (ASSESSOR'S PARCELS NO. 14633100039) AND SOUTHERLY OF PARCEL K (ASSESSOR'S PARCEL NO. 146331100041) AND PARCEL L (ASSESSOR'S PARCEL NO. 146331100040 AS DEPICTED ON THE ALTA/NSPS LAND TITLE SURVEY PREPARED BY FLATIRONS INC., JOB NO. 21-78,447 DATED AUGUST 08, 2022 AND RECORDED IN THE COUNTY OF BOULDER LAND SURVEY OFFICE AT PLAT NO. 23-0432 LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31, THENCE ALONG THE WESTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 31, S00°19′13″E A DISTANCE OF 530.04 FEET; THENCE ALONG THE NORTHERLY LINE EXTENDED OF SAID ALLEY, N89°35′58″E A DISTANCE OF 30.27 FEET TO THE NORTHWEST CORNER OF SAID 20 FOOT ALLEY AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 17TH STREET SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY, EASTERLY, SOUTHERLY AND WESTERLY LINES OF SAID 20 FOOT ALLEY THE FOLLOWING FOUR (4) CONSECUTIVE COURSES:

- 1) N89°35′58″E A DISTANCE OF 98.37 FEET TO THE NORTHEAST CORNER OF SAID 20.00 FOOT ALLEY ALSO BEING ON THE WESTERLY LINE OF THE ALLEY VACATION BY ORDINANCE 2827;
- 2) THENCE ALONG SAID WESTERLY LINE, S00°18′59″E A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF SAID 20.00 FOOT ALLEY;
- 3) THENCE S89°35′58"W A DISTANCE OF 98.36 FEET TO THE SOUTHWEST CORNER OF SAID 20.00 FOOT ALLEY;
- 4) THENCE N00°21′14″W A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.045 ACRES OR 1,967 SQUARE FEET MORE OR LESS.

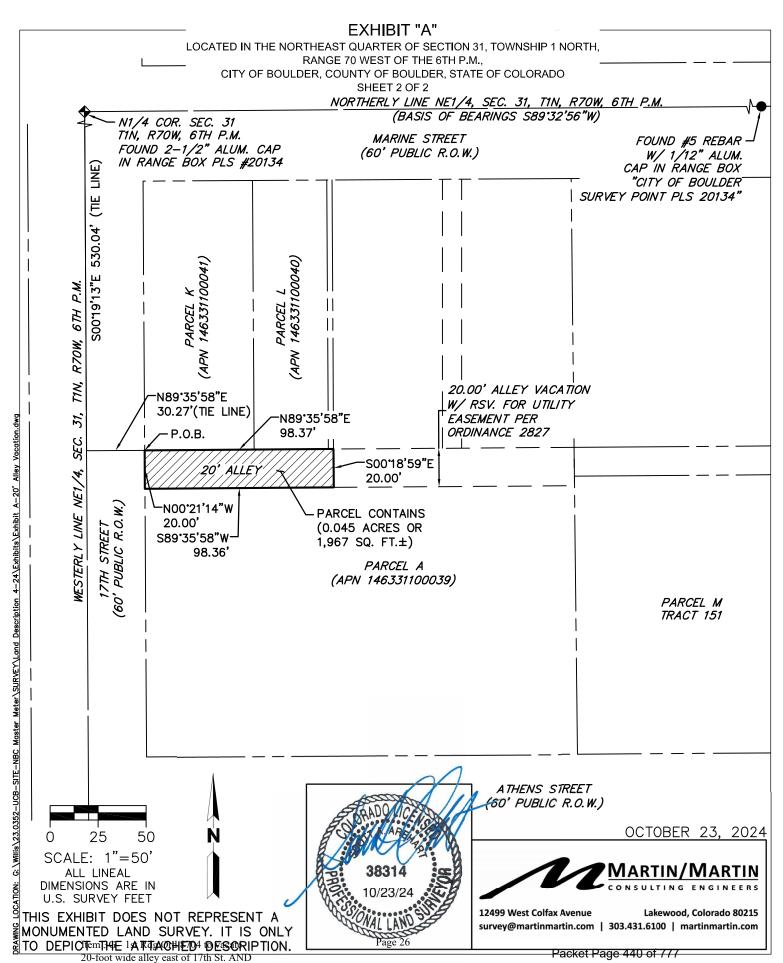
ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN ASSUMED TO BEAR S89°32′56″W AND BEING MONUMENTED BY A FOUND #5 REBAR WITH 1-1/2″ ALUMINUM CAP IN RANGE BOX "CITY OF BOULDER SURVEY POINT PLS 20134″ AT THE INTERSECTION OF 20TH STREET AND SAID NORTHERLY LINE AND A FOUND #6 REBAR WITH 2-1/2″ ALLOY CAP, "BOULDER LAND CONSULTANTS INC. T1N|R70W|1/4|S30|S31|2014 PLS 20134″ AT THE NORTH QUARTER CORNER.

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For Administrative Purposes Only Vacation Area: 18th Street ROW Address: south of Athens Street, east of 1950 Colorado Ave and 1234 18th Street and west of 950 Regent Drive Case No. LUR2024-00060

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owner of the subservient land, in the manner prescribed by Section 43-2-302, C.R.S., an 18th Street right-of-way located south of Athens Street, east of 1950 Colorado Ave and 1234 18th Street and west of 950 Regent Drive and more particularly described in Exhibit A attached hereto and incorporated herein by reference.

Notwithstanding the foregoing, the City reserves the following:

- 1) an easement for access to and the installation, construction, repair, maintenance and reconstruction of utilities and appurtenances to such utilities, together with all rights and privileges as are necessary or incidental to the reasonable and property use of such easement in and to, over, under and across the real property described in Exhibit A.
- 2) a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance as determined by the City of Boulder, together with all rights and privileges as are necessary or incidental to the reasonable and property use of such easement in and to, over, under and across the real property described in Exhibit B.

No permanent structure or improvement shall be placed or authorized to be placed on said easements by the owner of the subservient land or its successors and assigns, and the use of such easements shall not otherwise be obstructed or interfered with.

The above right-of-way vacation and release of said right-of-way located south of Athens Street, east of 1950 Colorado Ave and 1234 18th Street and west of 950 Regent Drive shall extend only to the portion of right-of-way specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of right-of-way nor as vacating the within reserved easements referenced above.

Executed this _	day of	, 2025, by the City Manager after having received
authorization fr	om the City Council of	the City of Boulder, Colorado, pursuant to Ordinance 8705.
adopted by the	City Council of the Cit	y of Boulder, Colorado.

CITY OF BOULDER, COLORADO
By:
Attest:
City Clerk
Approved as to form:
City Attorney's Office
Date

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6^{TH} P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO SHEET 1 OF 2

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THENCE ALONG THE NORTHERLY, EASTERLY, SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINES THE FOLLOWING FIVE (5) CONSECUTIVE COURSES:

- 1) N89°37'46"E A DISTANCE OF 49.00 FEET TO THE NORTHEAST CORNER OF SAID RIGHT-OF-WAY;
- 2) THENCE S00°24'12"E A DISTANCE OF 313.88 FEET TO THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY;
- 3) THENCE N89°36′50"W A DISTANCE OF 32.25 FEET;
- 4) THENCE N79°52'44"W A DISTANCE OF 17.04 FEET TO THE SOUTHWEST CORNER OF SAID RIGHT-OF-WAY;
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SAID PARCEL CONTAINS 0.352 ACRES OR 15,340 SQUARE FEET MORE OR LESS.

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BASIS OF BEARINGS

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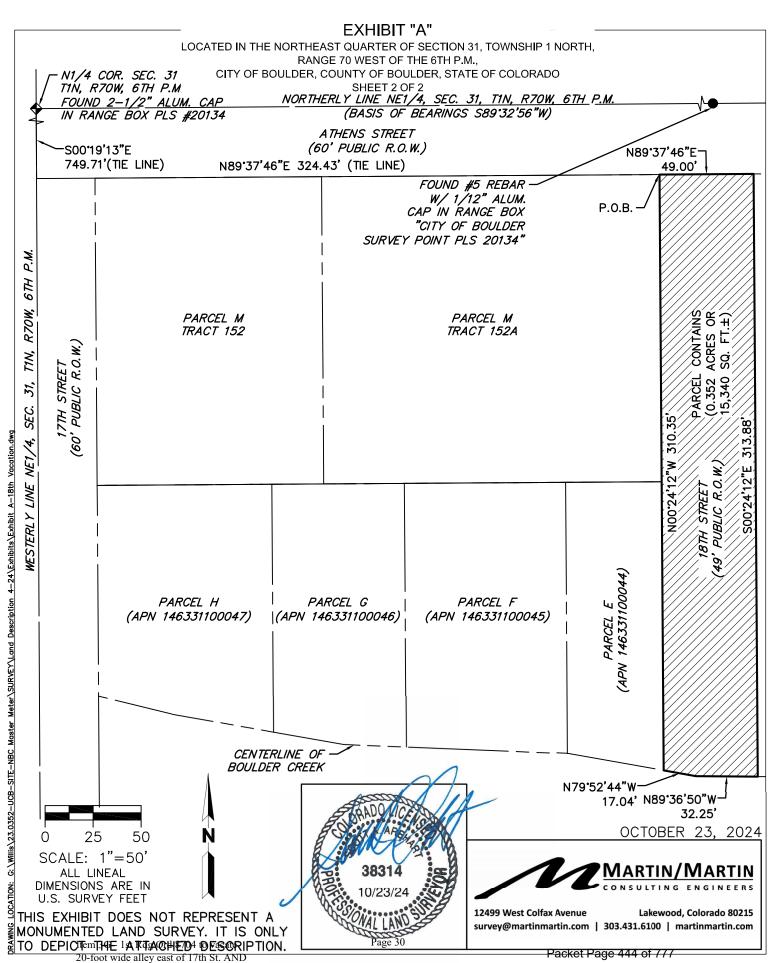


EXHIBIT "B"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6^{TH} P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO SHEET 1 OF 2

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THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF 18TH STREET, S00°24'12"E A DISTANCE OF 199.25 FEET TO A POINT ON THE NORTHERLY ZONE AE REGULATORY FLOODWAY LINE, SAID POINT BEING THE <u>POINT OF BEGINNING</u>; THENCE ALONG SAID NORTHERLY FLOODWAY LINE, S84°45'41"E A DISTANCE OF 49.24 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID 18TH STREET;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, S00°24'12"E A DISTANCE OF 109.81 FEET TO THE CENTERLINE OF BOULDER CREEK;

THENCE ALONG SAID CENTER LINE OF BOULDER CREEK THE FOLLOWING TWO (2) CONSECUTIVE COURSES:

- 1) N89°36′50"W A DISTANCE OF 32.25 FEET;
- 2) THENCE N79°52'44"W A DISTANCE OF 17.04 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF 18TH STREET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, N00°24'12"W A DISTANCE OF 111.10 FEET TO THE POINT OF BEGINNING.

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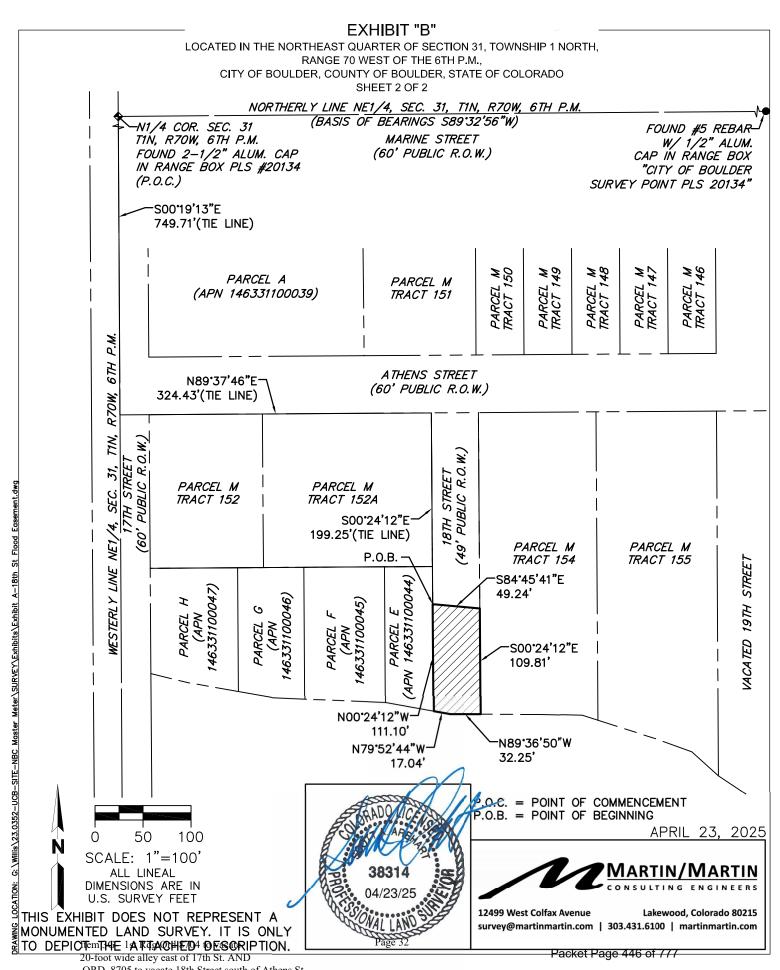
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COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Second reading and consideration of motion to adopt Ordinance 8698 relating to the financial affairs of the City of Boulder, Colorado, making supplemental appropriations for the fiscal year ending December 31, 2024

PRIMARY STAFF CONTACT

Charlotte Huskey, Budget Officer

REQUESTED ACTION OR MOTION LANGUAGE

Motion to adopt Ordinance 8698 relating to the financial affairs of the City of Boulder, Colorado, making supplemental appropriations for the fiscal year ending December 31, 2024

ATTACHMENTS:

Description

Item 3H Final Packet



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Second reading and consideration of a motion to adopt Ordinance 8698 relating to the financial affairs of the City of Boulder, Colorado, making supplemental appropriations for the fiscal year ending December 31, 2024, to the Medical Self-Insurance Fund; and setting forth related details.

PRESENTERS

Nuria Rivera-Vandermyde, City Manager Chris Meschuk, Deputy City Manager Krista Morrison, Chief Financial Officer David Bell, Chief Human Resources Officer Joel Wagner, Deputy Finance Director Charlotte Huskey, Budget Officer Erin Williams, Total Rewards Senior Manager

EXECUTIVE SUMMARY

The attached supplemental appropriation ordinance (**Attachment A**) appropriates \$312,800 to the Medical Self-Insurance Fund from fund balance and additional unbudgeted revenue. Staff recommends the appropriation increases as a response to unanticipated needs where existing appropriation was not sufficient.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to adopt Ordinance 8698 relating to the financial affairs of the City of Boulder, Colorado, making supplemental appropriations for the fiscal year ending December 31, 2024, to the Medical Self-Insurance Fund; and setting forth related details

COMMUNITY SUSTAINABILITY ASSESSMENTS IMPACTS

- **Economic** None.
- Environmental None.
- Social None.

OTHER IMPACTS

- Fiscal None.
- Staff time None.

RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE

None.

BOARD AND COMMISSION FEEDBACK

None.

PUBLIC FEEDBACK

None.

BACKGROUND AND ANALYSIS

The city established the self-insurance plan, and subsequent Medical Self-Insurance Fund, in 2022 for the purpose of paying medical claims of eligible city employees and their covered dependents. The Medical Self-Insurance Fund is an internal service fund, which is a governmental fund that receives revenues from internal charges of other operating funds. The city has a self-insurance plan with Cigna Healthcare, whereby the city pays for administrative costs and claims.

As part of the self-insurance plan, staff utilize HUB International Insurance Company (HUB) to help inform anticipated expenses throughout the fiscal year. In 2024, self-insurance plan costs exceeded 2024 fund appropriation by \$312,800. Actual costs exceeded the revised budget primarily due to two reasons: 1) increased employee enrollment and usage of the plan, including heightened utilization of services, and 2) increased medical and health care expenses.

Employee healthcare plans, which contribute to the revenues of the medical self-insurance plan, are reviewed on an annual basis and adjusted as necessary to ensure stability of the health of the fund. Fund revenues, generated by employee and employer healthcare contributions, are intended to offset all employee claims and administrative costs of the plan. In the first three years of the establishment of the fund, the General Fund transferred \$800,000 to build fund reserves. As part of this Special ATB, staff recommends a total of \$312,800 in 2024 supplemental appropriation to the Medical Self-Insurance Fund, with \$134,774 supported by additional revenues from employee and employer contributions and \$178,026 from fund balance supported by a reserve established within the fund. After accounting for the \$178,026 draw from fund balance, the fund balance remains at \$1.7M at the end of 2024.

In addition, staff reviewed other city budgeting practices for internal service funds, as well as language within the Colorado Revised Statute § 29-1-102(13), (CRS), which enables local governments to consider insurance pools as unbudgeted funds. Currently, in the annual appropriations ordinance, internal service funds double-count appropriation levels due to the transfers of all revenues coming from other operating funds. Due to the administrative nature of appropriating internal service fund budgets within the annual appropriations ordinance, and home rule municipalities ability to remove line-item appropriation for insurance funds within the appropriations ordinance, staff has reviewed the CRS, City Charter, and related city ordinances, and is recommending removing the Medical Self-Insurance Fund and the Dental Self-Insurance Fund from the current fiscal year 2025 appropriations ordinance. This proposed change is incorporated for council consideration in ATB1 2025 Item 5A.

It is important to note that this removal is administrative in nature only; the removal of appropriation to these two internal service funds will not remove the operational and budgetary transfer of revenues from other operating funds and expenses from the internal service fund to perform direct payment on medical and dental claims and administrative costs. Additionally, all operating funds will remain included in the appropriations ordinances, which is the originating source of revenue for the internal service funds.

NEXT	STEPS
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None.

ATTACHMENT

A – Proposed Ordinance 8698

1	ORDINANCE 8698
2	
3	AN ORDINANCE RELATING TO THE FINANCIAL AFFAIRS OF THE CITY OF BOULDER, COLORADO, MAKING
4	SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL
5	YEAR ENDING DECEMBER 31, 2024, TO THE MEDICAL SELF-INSURANCE FUND; AND SETTING FORTH RELATED
6	DETAILS
7	
8	THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND
9	RECITES THE FOLLOWING:
10	WHEREAS, Section 102 of the Charter of the City of Boulder provides that the City
11	Council may transfer unused balances appropriated for one purpose to another purpose, and may
12	by ordinance appropriate available revenues not included in the annual budget;
13	
14	WHEREAS, the transfer must be for a lawful purpose and the funds otherwise
15	unencumbered;
16	WHEREAS, the City Council now desires to make certain supplemental appropriations for
17	
18	purposes not provided for in the 2024 annual budget; and
19	WHEREAS, required public notice has been given.
20	
21	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
22	BOULDER, COLORADO, that the following amounts are appropriated from additional projected
23	revenues and from unused fund balances to the listed funds:
24	Section 1. 7140 Medical Self Insurance Fund
25	

o-

1	Appropriation from Fund Balance: \$178,026
2	Appropriation from Additional Revenues: \$134,774
3	
4	Section 2. This Ordinance is necessary to protect the public health, safety, and welfare of
5	the residents of the city, and covers matters of local concern.
6	Section 3. The City Council deems it appropriate that this Ordinance be published by title
7	only and orders that copies of this Ordinance be made available in the office of the city clerk for
8	public inspection and acquisition.
9	
10	INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
11	TITLE ONLY this 15 th day of May 2025.
12	
13	
14	Aaron Brockett, Mayor
15	Attest:
16	
17	City Clerk
18	
19	READ ON SECOND READING, PASSED AND ADOPTED this 5 th day of June 2025.
20	
21	Aaron Brockett,
22	Mayor
23	Attest:
24	
25	City Clerk

Item 3H - Special ATB O8698

o-



COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Third reading and consideration of a motion to adopt Ordinance 8695, amending Chapter 10-8.5, "Wildland Code," B.R.C. 1981, to adopt by reference the 2024 edition of the International Wildland-Urban Interface Code of the International Code Council with certain amendments, and setting forth related details

PRIMARY STAFF CONTACT

Lisa Houde

REQUESTED ACTION OR MOTION LANGUAGE

Motion to adopt Ordinance 8695, amending Chapter 10-8.5, "Wildland Code," B.R.C. 1981, to adopt by reference the 2024 edition of the International Wildland-Urban Interface Code of the International Code Council with certain amendments, and setting forth related details

ATTACHMENTS:

Description

Item 3I - 3rd Rdg Ord 8695 WUI Code Update



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Third reading and consideration of a motion to adopt Ordinance 8695, amending Chapter 10-8.5, "Wildland Code," B.R.C. 1981, to adopt by reference the 2024 edition of the International Wildland-Urban Interface Code of the International Code Council with certain amendments, and setting forth related details.

REQUESTING DEPARTMENT / PRESENTERS

Nuria Rivera-Vandermyde, City Manager Mark Woulf, Assistant City Manager Pam Davis, Assistant City Manager

Planning & Development Services

Brad Mueller, Director of Planning & Development Services Rob Adriaens, Chief Building Official Charles Ferro, Senior Planning Manager Karl Guiler, Senior Policy Advisor Lisa Houde, Principal City Planner

Fire-Rescue

Mike Calderazzo, Fire Chief David Lowrey, Division Chief - Fire Marshal

EXECUTIVE SUMMARY

City Council identified Wildfire Hardening & Waterwise Landscaping Policies & Regulation as one of its 2024-2025 work program priorities. The proposed changes in Ordinance 8695 represent the first step in changes for the wildfire hardening project. There is already significant work being done throughout the city organization to mitigate

wildfire risk, which is summarized in the <u>Dec. 12, 2024 study session memo</u>. This code change focuses solely on the building code regulatory changes that could further support wildfire hardening of buildings and properties in the Wildland-Urban Interface (WUI) area of the city.

For 11 years, Boulder has had special building regulations for the WUI area. To regulate this, Boulder has adopted the 2012 and 2018 International Wildland Urban Interface Codes with local amendments; the 2018 code is currently in effect. The International Code Council (ICC) updates the International Wildland Urban Interface Code (IWUIC) every three years through a collaborative and consensus-based process involving experts, stakeholders and public comment throughout the country. ICC's approach to code development ensures that building codes are robust, adaptable, and reflective of current safety and construction standards.

The proposed code change includes adoption of the ICC's 2024 edition of the IWUIC as well as new local amendments designed to address specific wildfire concerns in the City of Boulder. The proposed ordinance is available in **Attachment A**.

On <u>April 17</u>, City Council introduced, read on first reading, and ordered published by title only Ordinance 8695. There were no questions at the council meeting.

On May 15, City Council amended and passed Ordinance 8695. The amendments included a few clerical and clarifying changes explained in the second reading addendum memo (Attachment B). Additionally, council passed an amendment to the proposed "Fuels planted in defensible space" provision in Section 603.25 to apply only to properties subject to Class 1 and Class 2 ignition-resistant construction requirements, with the intent to revisit the provision when the planned landscaping changes are made to the land use code later this year.

If the ordinance is adopted, the 2024 IWUIC would go into effect on August 1, 2025 along with the other ICC codes, and apply to the newly designated WUI area.

WUI Area Map

Also at the May 15 meeting, council declared the revised Wildland-Urban Interface (WUI) area for Boulder, to which the Wildland Code applies, as recommended in the May 15 staff memorandum. The map is available in **Attachment** C or online.

Future Work Direction

Council members expressed interest both in the meeting and in Hotline messages for staff to address the following at the next Council check-in on the project, currently scheduled for late July:

- Cite scientific research supporting noncombustible zone for all types of vegetation, including vegetable growing.
 - O Note that staff has already contacted Ian Giammanco, PhD, the Managing Director of Standards and Data Analytics & Lead Research Meteorologist at the Insurance Institute for Business and Home Safety (IBHS), who has confirmed "There is no research to support [the allowance of vegetable growing in the noncombustible zone], and we continue to maintain the

noncombustible 0-5 in all of our standards. Raised beds can be outside the 5'zone and spaced properly, but not in."

- Introduce detailed Boulder-specific plant list that would identify low-flammability plants along with changes for waterwise landscaping. (In the interim, the Colorado State Forest Service Low-Flammability Plant List would apply, but only in Class 1 and Class 2 per Council's recommendation on May 15.)
- Provide status on research into resourcing needs and legal implications for potential to require compliance with WUI standards at time of building permit or rental license.
- Provide photo examples of wildfire hardened landscaped on multi-unit properties.
- Provide update on any additional necessary changes to align with state wildfire resiliency code (rulemaking to be complete by July 1).

Future work plan items that council members indicated interest in, but are not within the scope of this council priority project:

- Applying requirements to properties independent of proposed development, such as requiring removal of junipers or establishing noncombustible zone for existing structures.
- Expanding city's curbside assessment program.
- Requiring Detailed Home Assessments for properties identified as high risk by Detailed Home Assessments, then requiring mitigation, and developing enforcement program to enforce mitigation work.
- Developing incentive programs for property owners completing wildfire hardening work, perhaps more so in Class 1 and 2 areas, and voluntary compliance and education.
- Developing funding mechanism to support financial assistance for community members to complete improvements.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motions:

Motion to adopt Ordinance 8695, amending Chapter 10-8.5, "Wildland Code," B.R.C. 1981, to adopt by reference the 2024 edition of the International Wildland-Urban Interface Code of the International Code Council with certain amendments, and setting forth related details.

ATTACHMENTS

Attachment A: Ordinance 8695

Attachment B: May 15 Addendum Memo Describing Amendments

Attachment C: Adopted WUI Area Map

1	ORDINANCE 8695
2	
3	AN ORDINANCE AMENDING CHAPTER 10-8.5, "WILDLAND
4	CODE," B.R.C. 1981; TO ADOPT BY REFERENCE THE 2024 EDITION OF THE INTERNATIONAL WILDLAND-URBAN
5	INTERFACE CODE OF THE INTERNATIONAL CODE COUNCIL WITH CERTAIN AMENDMENTS; AND SETTING
6	FORTH RELATED DETAILS.
7	
8	BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER
9	COLORADO:
10	Section 1. Section 10-8.5-1, "Legislative Intent," B.R.C. 1981, is amended to read as
11	follows:
12	10-8.5-1. Legislative Intent.
13	The purpose of this chapter is to protect public health and safety by regulating the use,
14	condition, construction, alteration, repair, and maintenance of buildings, structures, and premises within the <u>defined</u> wildland-urban interface areas in the city in order to prevent the spread of fire
15	and risk of harm to persons and property from the intrusion of fire from wildland fire exposures and fire exposures from adjacent structures, as well as to prevent structure fires from spreading
16	to wildland fuels. The city council hereby adopts the <u>20242018</u> edition of the <i>International</i>
17	Wildland-Urban Interface Code with certain amendments, additions, and deletions thereto found to be in the best interests of the city.
18	Section 2. Section 10-8.5-2, "Legislative Intent," B.R.C. 1981, is amended to read as
19	follows:
20	10-8.5-2. Adoption of the International Wildland-Urban Interface Code With
21	Modifications.
22	(a) The <u>2024</u> 2018 edition of the <i>International Wildland-Urban Interface Code</i> of the International Code Council is adopted by reference as the City of Boulder Wildland Code
23	and has the same force and effect as though fully set forth in this chapter, except as specifically amended by the provisions of this chapter.

(b) Appendix B, "Vegetation Management Plan," and Appendix C, "Fire Hazard Severity Form," and sections contained therein are adopted.

24

25

1	<u>(c)</u>	Section 101.1, "Title," is repealed and reenacted to read:
2		101.1 Title. These regulations shall be known as the City of Boulder Wildland Code or Wildland Code or wildland code, hereinafter referred to as "this code."
3	(40)	Section 102.4.1, "Conflicts," is amended to read:
4	(<u>d</u> e)	
5		102.4.1 Conflicts. Where conflicts exist between provisions of this code and the referenced standards or the building, residential, or fire code, the most restrictive provisions shall govern.
6		
7	(<u>e</u> d)	Section 103.1, "Creation of an enforcement agency," is repealed and reenacted to read:
8		103.1 Division of Building Safety. "Division of Building Safety" means the administrative unit established by the city manager or the manager's delegates, and the
9		personnel assigned to the unit by the manager. The Division of Building Safety administers the City of Boulder Wildland Code assisted by a Community Risk Reduction.
10		established within the fire department, under the direction of the manager.
11	(<u>f</u> e)	Section 104. <u>8</u> 3, "Liability of the code official," is repealed and reenacted to read:
12		104.83 Liability. The Wildland Code shall not be construed to hold the City of Boulder
13		or any of its employees, officials, or agents responsible for any damage to persons or property by reason of inspection or reinspection or failure to inspect or reinspect as herein
14		provided or by reason of the approval or disapproval of any equipment as herein provided. No employee, official, or agent of the city who enforces, attempts to enforce,
15		or is authorized to enforce the Wildland Code renders him or herself or the city liable to third parties for any damage or injury to the person or property of such third parties as a
16		result of enforcement or nonenforcement of the fire code Wildland Code. The city assumes no duty of care by virtue of the adoption of the Wildland Code. No person is
17		justified in relying upon the approval of a plan, the results of an inspection, or the issuance of a certificate of inspection or occupancy, and such approvals, inspections, and
18 19		certificates are not a guarantee that the plan or work so approved, inspected, or certificated in fact complies with all requirements of the Wildland Code. It is the duty of
		the person owning, controlling, or constructing, altering, or maintaining any building, or structure, or premises to ensure that the work is done in accordance with the requirements
20 21		of the fire code Wildland Code, and it is such persons and not the city who are responsible for damages caused by negligent breach of such duty.
22	(f) —	Section 106, "Appeals," is repealed and reenacted to read:
23		SECTION 106 APPEALS
24		106.1 Appeals.
25		(a) Any appeal under this section shall be heard by the Board of Building Appeals

established under Section 2-3-4, "Board of Building Appeals," B.R.C. 1981, unless the city manager determines, due to the nature of the issues in a particular appeal, to appoint a hearing officer under Section 1-3-5, "Hearings and Determinations," B.R.C. 1981.

- (b) Any person directly affected by a decision of the code official or an order issued under this code may appeal the decision or order on the ground that:
 - 1. The decision or order was based on an error of fact or an erroneous interpretation of this code or the rules legally adopted thereunder;
 - 2. The code official erroneously failed to approve an alternative material or method pursuant to Section 105.3 prior to its installation or use. In determining such an appeal, the board shall apply the standards of Section 105.3, but the board shall have no jurisdiction to consider if a material or method expressly prohibited by this code is an acceptable alternative; or
 - 3.— The code official has erroneously failed to grant a modification pursuant to Section 105.1. In determining such an appeal, the board or hearing officer shall apply the standards of Section 105.1.

The code official has the burden of proof under paragraph 1. The appellant has the burden of proof on appeals brought pursuant to paragraphs 2 and 3. The board or hearing officer shall determine the appeal and decide whether the code official's interpretation or application of such code was correct or in error at a hearing under the procedures described in Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.

- (a) An application for appeal must be filed in writing with the city manager within fourteen days after the date the decision or order was served.
- (b) An applicant for an appeal shall pay the fee prescribed by Section 4-20-47,
 "Zoning Adjustment and Buildings Appeals Filing Fees," B.R.C. 1981. The fee
 for an appeal heard by a hearing officer shall be the same as the fee for an appeal
 heard by the Board of Building Appeals.
- (c) The city manager may apply to the Board of Building Appeals, without fee, for an advisory opinion concerning alternative methods, applicability of specific requirements, approval of equipment and materials, and granting of special permission as contemplated in Section 105.1, Practical difficulties, or Section 105.3, Alternative materials or methods, of the Wildland Code.
- (d)(b) The board or hearing officer has no authority to interpret chapter 1 (the administrative requirements) of this code except as expressly provided in this section, nor, because this code sets minimum standards, to waive any requirement of this code.

1	(g)	A new section 104.11, "Compliance with Federal and State Law," is added to read as
2	follow	<u>'s:</u>
3		104.11 Compliance with Federal and State Law.
4		The code official may modify for individual cases the provisions of this code to allow a
5		design, installation, construction, use, or maintenance not in compliance with the provisions of this code, if otherwise the provisions of this code would result in a violation
6		of federal or state law, legislation, or regulation, and the modification would be the minimum modification that provides relief.
7	(<u>h</u> g)	Section 10 <u>5</u> 7, "Permits," is repealed and reenacted to read as follows:
8		1057 Permits. The provisions of Section 105, "Permits," of the City of Boulder Building
9		Code, Section 105, "Permits," of the City of Boulder Fire Code, and Section 105, "Permits," of the City of Boulder Residential Code, apply, as otherwise applicable to the
10		work requiring the permit.
11	(<u>i</u> h)	Section 10 <u>68</u> .1, "General," is repealed and reenacted to read as follows:
12 13		10<u>6</u>8.1 General. The requirements of Section 107.1, "General," of the City of Boulder Building Code apply.
14	(j)	Section 106.2, "Information on plans and specifications," is repealed and reenacted to read as follows:
15		106.2. Information on plans and specifications. Plans and specifications shall be
16		drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and show in detail that it will conform to the provisions of this
17		code and relevant laws, ordinances, rules, and regulations.
18	(<u>k</u> i)	Section 1 <u>09.3.6</u> 10.4.6, "Prosecution of violation," is repealed and reenacted to read as follows:
19		
20		<u>109.3.6</u> 10.4.6 Violations.
21		(a) General Provisions.
22		(1) No person shall erect, construct, enlarge, alter, extend, repair, move, remove, improve, convert, demolish, equip, use, occupy, or maintain any
23		building, or structure, or premises in the city or cause or permit the same
24		to be done except in conformity with all of the provisions of this code and in conformity with the terms and conditions of approval issued under this
25		code, or of any directive of the code official. No person shall violate the

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provisions of this code, fail to comply with any requirements thereof, or fail to comply with any order issued by the code official under this code.

- (2) In accordance with the provisions of Section 5-2-11, "Prosecution of Multiple Counts for Same Act," B.R.C. 1981, each day during which illegal construction, alteration, maintenance, occupancy, use, or violation continues constitutes a separate offense remediable through the enforcement provisions of this code.
- (3) The owner, tenant, and occupant of a structure or land and the agents of each of them are jointly and severally liable for any violation of this code with respect to such structure or land.
- (4) The remedies for any violation of any provision of this code or of any permit, certificate, or other approval issued under this code or other City of Boulder codes or of any directive of the code official may be pursued singly or in combination.
- (5) If any person fails or refuses to pay when due any charge imposed under this section, the code official may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.
- (6) The code official may charge the cost of any action taken to correct or abate a violation, as authorized by this code, plus up to fifteen percent of such cost for administration, to the property owner. If any property owner fails or refuses to pay when due any charge imposed under this section, the code official may, in addition to taking other collection remedies, certify due any unpaid charges, including interest, to the Boulder County Treasurer, to be levied against the person's property for collection by the county in the same manner as delinquent general taxes upon such property are collected, under the procedures described by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.
- (b) Administrative Procedures and Remedies.
 - (1) If the code official finds that a violation of any provision of this code or any approval granted under this code exists, the city manager, after notice and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:
 - (A) Impose a civil penalty according to the following schedule:

1			(i) For the first violation of the provision or approval, \$100;
2			(ii) For the second violation of the same provision or approval, \$300; and
3			(iii) For the third violation of the same provision or approval, \$1,000;
4		(B)	For a violation concerning the use of a residential building under a rental license, revoke such license;
5		(C)	Require the filing of a declaration of use as provided in subsection
6		(0)	(e); or
7 8		(D)	Issue an order reasonably calculated to ensure compliance with the provisions of this code or any approval granted under this code.
9		` '	to the hearing, the code official may issue an order that no person
10		violati	perform any work on any structure or land, except to correct any ion found by the code official to exist with respect to such structure
11		or land	d.
12		* *	ice is given to the code official at least forty-eight hours before the and date set forth in the notice of hearing on any violation that the
13		violati	ion has been corrected, the code official will reinspect the structure d. If the code official finds that the violation has been corrected, the
14			ger may cancel the hearing.
15		•	erson shall fail to comply with any action taken by the code official this section.
16	(c)	Criminal Pena	alties. Violations of this code are punishable as provided in Section
17	(-)		ral Penalties," B.R.C. 1981.
18	(d)		lies. The city attorney may maintain an action for damages,
19		in the District	elief, specific performance, injunction, or any other appropriate relief t Court in and for the County of Boulder for any violation of any
20		provision of the	this code or any approval granted under this code.
21	(e)		of Use. If the code official determines that a person is using a way that might mislead a reasonable person to believe that such use
22		is a use by rig	ght or otherwise authorized by this title, the code official may require to sign under oath a declaration of use that defines the limited nature
23		of the use and	d to record such declaration in the office of the Boulder County Clerk
24		actions that th	against the title to the land. In addition to all other remedies and he code official is authorized to use under the Boulder Revised Code
25			icable federal, state, or local laws to enforce the provisions of this e official is authorized to withhold any approval affecting such

1		structure or land, including, without limitation, a building permit, use review, site review, subdivision, floodplain development permit, or wetland permit, until such
2		time as the person submits a declaration of use that is in a form acceptable to the code official.
3	(<u>l</u> j)	Section 109.34.7, "Violation penalties," is repealed and reserved.
4 5		<u>109.3.7 Reserved.</u>
6	<u>(m)</u>	Section 112, "Means of Appeals," is repealed and reenacted to read as follows:
7		SECTION 112- MEANS OF APPEALS
8		112.1 Appeals.
9		(a) Any appeal under this section shall be heard by the Board of Building Appeals established under Section 2-3-4, "Board of Building Appeals," B.R.C. 1981,
10		unless the city manager determines, due to the nature of the issues in a particular appeal, to appoint a hearing officer under Section 1-3-5, "Hearings and
11 12		Determinations," B.R.C. 1981.
13		(b) Any person directly affected by a decision of the code official or an order issued under this code may appeal the decision or order on the ground that:
14		(1) The decision or order was based on an error of fact or an erroneous interpretation of this code or the rules legally adopted thereunder;
15		(2) The code official erroneously failed to approve an alternative material, design, or method pursuant to Section 104.2.2, Alternative materials,
16 17		design and methods, prior to its installation or use. In determining such an appeal, the board or hearing officer shall apply the standards of Section
18		104.2.2, but the board or hearing officer shall have no jurisdiction to consider if a material, design, or method expressly prohibited by this code
19		is an acceptable alternative; or
20		(3) The code official has erroneously failed to grant a modification pursuant to Section 104.2.3, Modifications. In determining such an appeal, the
21		board or hearing officer shall apply the standards of Section 104.2.3, Modifications.
22		The code official has the burden of proof under paragraph 1. The appellant has the burder of proof on appeals brought pursuant to paragraphs 2 and 3. The board or hearing officer
23		shall determine the appeal and decide whether the code official's interpretation or application of such code was correct or in error at a hearing under the procedures
24 25		described in Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.
-		

1		(c) An application for appeal must be filed in writing with the city manager within
2		fourteen days after the date the decision or order was served.
3		(d) An applicant for an appeal shall pay the fee prescribed by Section 4-20-47, "Zoning Adjustment and Buildings Appeals Filing Fees," B.R.C. 1981. The fee
4		for an appeal heard by a hearing officer shall be the same as the fee for an appeal heard by the Board of Building Appeals.
5		(e) The city manager may apply to the Board of Building Appeals, without fee, for an
6		advisory opinion concerning alternative methods, applicability of specific requirements, approval of equipment and materials, and granting of special
7		permission as contemplated in Section 104.2.2, Alternative materials, designs and methods, or Section 104.2.3, Modifications, of the Wildland Code.
8		(f) The board or hearing officer has no authority to interpret Chapter 1 (the
9		administrative requirements) of this code except as expressly provided in this section, nor, because this code sets minimum standards, to waive any requirement
10		of this code.
11	(<u>n</u> k)	The definition of "Code Official" in Section 202, "Definitions," is amended in that the
12		<u>definition of "Code Official" and "Defensible Space" are</u> repealed and reenacted <u>and in</u> that a definition for "Noncombustible Zone" is added to read:
13		CODE OFFICIAL. Code official means the city manager or the city manager's delegate.
14		DEFENSIBLE SPACE . An area that has been modified and is maintained to reduce fire
15		risk, intensity, and spreading by disconnecting fuel loads both vertically and horizontally. In this area, natural and manmade fuels are treated, removed, and reduced to slow the
16		spread of wildfire and alter fire behavior.
17		NONCOMBUSTIBLE ZONE. A five-foot area around a building or other structure having no vegetation and no combustible material.
18	(<u>o</u> l)	Section 403.2, "Driveways," is repealed and reenacted to read as follows:
19		
20		403.2 Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 100 feet (30,480 mm) from a fire
21		apparatus access road.
22	(<u>p</u> m)	Section 403.2.1, "Dimensions," is repealed and reenacted to read as follows:
23		403.2.1 Dimensions. Driveways shall be provided as defined in Section 503.2.1, "Dimensions," of the City of Boulder Fire Code, as locally amended in Paragraph 10-8-
24		2(b)(1 <u>1</u> 6), B.R.C. 1981, for an "accessible private drive" and with a minimum unobstructed height of 15 feet (4572 mm).
25		

1	(<u>q</u> n)	Section 403.2.4, "Turnarounds," is repealed and reenacted to read as follows:
2		403.2.4 Turnarounds. Driveway turnarounds shall have a turning radius to
3		accommodate an SU-30 vehicle. Driveways that connect with a road or roads at more than one point shall be considered as having a turnaround if all changes in direction meet
4		the radii requirements for driveway turnaround.
5	(<u>r</u> e)	Section 403.3, "Fire apparatus access road," is repealed and reenacted to read as follows:
6		403.3 Fire apparatus access road. When required, fire apparatus access roads shall meet the requirements of the City of Boulder Design and Construction Standards.
7	(<u>sp</u>)	Section 404.2, "Water sources," is repealed and reenacted to read as follows:
8		404.2 Water sources. Water sources shall be designed and installed in accordance with the City of Boulder Design and Construction Standards.
10	<u>(t)</u>	Section 502.1, "General," is repealed and reenacted to read as follows:
11		502.1 General. The fire hazard severity of building sites for buildings hereafter
12		constructed, modified or relocated into wildland-urban interface areas shall be established by the code official based on the class of ignition-resistant construction identified for the
13		building site on the wildland-urban interface area mapping or, alternatively, in accordance with Table 502.1. See also Appendix C.
14	<u>(u)</u>	Section 503.1, "General," is repealed and reenacted to read as follows:
15		503.1 General. Buildings and structures hereafter constructed, modified or relocated into
16		or within the wildland-urban interface areas shall meet the construction requirements for Class 1, Class 2, or Class 3 ignition-resistant construction based on the class identified for
17		the building site on the wildland-urban interface area mapping or, alternatively, in
18		accordance with Table 503.1. Class 1, Class 2 or Class 3, ignition-resistant construction shall be in accordance with Sections 504, 505 and 506, respectively. Materials required
19		to be ignition-resistant building materials shall comply with the requirements of Section 503.2.
20	(<u>v</u> q)	503.2 Ignition-resistant building material. Add the following, as option 5:
21		5. Deck surface. Approved wood thermoplastic composite lumber with an
22		ASTM E84 flame-spread index no greater than 200, or any approved Class A roof assembly.
23		A new section 503.2.4.4, "Appendages and projections," is added to read as follows:
24		503.2.4.4 Appendages and projections. <u>Unenclosed accessory structures attached to</u>
25		buildings with habitable spaces and projections, such as decks, shall be constructed of a

1		material meeting the following:
2		503.2.4.4.1 Surface. The surface shall be constructed of ignition-resistant building material meeting the requirements of Section 503.2 or of approved wood thermoplastic
3		composite lumber with a flame-spread index no greater than 200 or any approved Class A roof assembly.
5		503.2.4.4.2 Framing. Framing shall be constructed with one of the following methods:
6		 1. 1-hour fire resistance-rated construction. 2. Heavy timber construction.
7		3. Approved noncombustible materials.4. Fire-retardant-treated wood labeled for exterior use.
8	(w)	Section 504.2, "Roof assembly," but not including, Section 504.2.1, "Roof valleys," is repealed and reenacted to read as follows:
10		504.2 Roof covering . Roofs shall be installed in accordance with the requirements of the City of Boulder Building Code and the City of Boulder Residential Code, as applicable.
12	(<u>x</u> f)	Section 505.2, "Roof <u>eovering assembly</u> ," <u>but not including Section 505.2.1, "Roof valleys,"</u> is repealed and reenacted to read <u>as follows</u> :
14		505.2 Roof covering. Roofs shall be installed in accordance with the requirements of the City of Boulder Building Code and the City of Boulder Residential Building Code, as applicable.
16	(<u>y</u> s)	Section 506.2, "Roof eovering assembly," but not including Section 506.2.1, "Roof valleys," is repealed and reenacted to read as follows:
17 18 19		506.2 Roof covering. Roofs shall be installed in accordance with the requirements of the City of Boulder Building Code and the City of Boulder Residential Building Code, as applicable.
20	(z)	A new Section 506.6, "Appendages and projections," is added to read as follows:
21		506.6 Appendages and projections. The surface of unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be constructed of material that complies with Section 503.2, "Ignition-resistant building material".
23 24	<u>(aa)</u>	A new Section 506.6.1, "Screening," is added to read as follows:
25		506.6.1 Screening. Unenclosed accessory structures attached to buildings with habitable

1		spaces and projections, such as decks, that are 48 inches or less above the ground,
2		measured from the lowest point of the appendage or projection to the ground, shall have a
2		noncombustible corrosion-resistant mesh with openings not to exceed 1/8 inch around the perimeter or shall be designed and approved to prevent flame or ember penetration under
3		the unenclosed accessory structure or projection.
4		Exception: The framing material meets the ignition-resistant building material
5		requirements of Section 503.2, "Ignition-resistant building material."
6	(1.1.1)	
	(<u>bb</u> ŧ)	Section 507.1, "Replacement or repair of roof coverings," is repealed and reenacted to read as follows:
7		read as follows:
8		507.1 Replacement or repair of roof coverings. Replacement or repair of any wood
0		roof shall meet the requirements of Section 10-5-5, "Wood Roof Covering Materials
9		Prohibited," B.R.C. 1981.
10	(cc)	A new Section "508 - FENCING" is added to read as follows:
11		CECTION 500 EENICING
11		SECTION 508 – FENCING
12		508.1 Installation and replacement of fences. All fence and gate sections within 8 feet
		(2.4 m) of any structure shall be constructed of noncombustible materials in accordance
13		with Section 503.2.1, "Noncombustible material."
14		
	(u)	Section 601.1, "Scope," is repealed and reenacted to read:
15		601.1 Scope. The provisions of this chapter establish general requirements for new
16		buildings, structures, and premises located within wildland-urban interface areas. Only
10		the requirements of Sections 607.1, "General," and 607.2, "Storage for off-site use," shall
17		apply to new and existing buildings, structures, and premises located within wildland-
		urban interface areas.
18	(dd v)	Section 603.2, "Fuel modification," is repealed and reenacted to read as follows:
19	(<u>uu</u> v)	Section 605.2, Tuel modification, is repeated and rechacted to read as follows.
30		603.2 Fuel modification. Buildings and structures constructed in compliance with the
20		conforming defensible space category (moderate hazard, high hazard, or extreme hazard)
21		as identified within the wildland urban interface area by the code official shall comply with the applicable fuel modification distance established in Table 603.2 or with fuel
		modification to the lot line, whichever is less. The distances specified in Table 603.2
22		shall be measured on a horizontal plane from the perimeter or projection of the building
23		or structure as shown in Figure 603.2
دے		
24	<u>(ee)</u>	A new Section 603.2.4, "Noncombustible Zone," is added to read as follows:
3.5		603.2.4 Noncombustible Zone. All new buildings with habitable space and all new
25		

1	structures shall have a noncombustible zone.
2	(ff) A new Section 603.2.5, "Fuels planted within defensible space," is added to read as follows:
3	603.2.5 Fuels planted within defensible space. In areas identified for Class 1 or Class 2
4	ignition-resistant construction on the wildland-urban interface area mapping, fuels planted within the defensible space, in the area that is between 5 feet (1.5 m) from the
5	building or structure and the property lot line, but not to exceed 30 feet (9.1 m) in width, shall be low-flammability plants with a rating score between 7.5 and 10 as identified by
7	the Colorado State Forest Service.
8	(gg) A new Section 603.2.6, "Junipers," is added to read as follows:
9	603.2.6 Junipers. No species of Junipers (Juniperus spp) shall be planted.
10	(hh) The first sentence of Appendix C, "Fire Hazard Severity Form," is repealed and reenacted to read as follows:
l 1	The appendix may be used in place of Table 502.1 to determine the fire hazard severity.
12	Section 3. The city council deems it appropriate to repeal the adoption of the 2018 edition
13	of the International Wildland-Urban Interface Code and adopt by reference the 2024 edition of
14	the International Wildland-Urban Interface Code. The International Wildland-Urban Interface
15	Code prescribes standards of construction, alternation, movement, repair, maintenance, and use
16	of any building, structure, and premises within the wildland-urban interface areas of the City of
17 18	Boulder. The city council orders that at least one copy of the International Wildland-Urban
19	Interface Code being considered for adoption by reference in this ordinance be on file with the
20	city clerk, Municipal Building, 1777 Broadway, City of Boulder, County of Boulder, State of
21	Colorado, and open for public inspection during the business hours of the city. Such copy shall
22	be certified to be true by the mayor and the clerk.
23	Section 4. Unless expressly provided otherwise, any violation of the provisions of the
24	code adopted by reference herein shall be punishable as provided in Section 5-4-2, "General
25	Penalties." B.R.C. 1981.

Section 5. The city council orders and directs the city manager to make any additional citation and reference changes not included in this ordinance that are necessary to properly implement the adoption of the 2024 edition of the International Wildland-Urban Interface Code and all related local amendments.

Section 6. This ordinance shall take effect on August 1, 2025. It shall be applied to building permit applications submitted on or after the effective date. Building permits applied for before the effective date shall be considered under the code in effect at the time of application.

Section 7. The city council intends that the sections, paragraphs, clauses, phrases, items, and compliance options of this ordinance and the code adopted herein by reference be severable. If any compliance option, item, phrase, clause, sentence, paragraph or section of this ordinance or the code adopted herein by reference is declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity does not affect any of the remaining compliance options, items, phrases, clauses, sentences, paragraphs and sections of this ordinance or the code adopted herein, unless it appears to the court that the valid provisions of the section or ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed the council would have enacted the valid provisions without the void one; or unless the court determines that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent. If the provision of an exception invalidates a prohibition, but the prohibition without the exception would be valid, then it is council's intent in such cases that the exception be severed, and the prohibition upheld.

Section 8. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city and covers matters of local concern. Section 9. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

1	INTRODUCED, READ ON FIRST	READING, AND ORDERED PUBLISHED BY
2	TITLE ONLY this 17 th day of April 2025.	
3		
4		
5		Aaron Brockett, Mayor
6	Attest:	•
7		
8	Elesha Johnson, City Clerk	
9		MENDED AND PASSED this 15 th day of May 2025.
10	READ ON SECOND READING, AN	HENDED AND FASSED tills 15 day of May 2023.
11		
12		Aaron Brockett,
13	Attest:	Mayor
14	Attest:	
15		
16	Elesha Johnson, City Clerk	
17	READ ON THIRD READING, PASS	SED, AND ADOPTED this 5 th day of June 2025.
18		
19		Aaron Brockett,
20	Attest:	Mayor
21		
22	Elesha Johnson,	
23	City Clerk	
24		
25		

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CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: May 15, 2025

AGENDA ITEM

Item 5A – 2nd Rdg Ord 8695 WUI Code Updates

Second reading and consideration of a motion to adopt Ordinance 8695, amending Chapter 10-8.5, "Wildland Code," B.R.C. 1981, to adopt by reference the 2024 edition of the International Wildland-Urban Interface Code of the International Code Council with certain amendments; and setting forth related details;

AND

Consideration of a motion to declare the revised Wildland-Urban Interface area for Boulder, to which the Wildland Code applies, as recommended in the staff memorandum.

PAGE NUMBERS

Page 9 of amended Ordinance 8695, lines 10 to 19

Page 9 of amended Ordinance 8695, lines 23 to 25

Page 10 of amended Ordinance 8695, lines 2 to 3

Page 10 of amended Ordinance 8695, lines 21 to 25

Page 11 of amended Ordinance 8695, lines 1 to 3

Page 11 of amended Ordinance, lines 12 to 13

DESCRIPTION

Proposed Ordinance 8695 has been revised to clarify and correct the following based on council feedback received through HOTLINE:

- Clarify that the ignition-resistant construction classes are identified by the code official on the Wildland Urban Interface map, but that Table 502.1 and 503.1 or Appendix C can be alternatively used to identify a specific class.
- Modifies language in 503.2.4.4, 506.5, and 506.6.1 related to appendages and projections to align with terminology used throughout the IWUIC.
- Corrects language in 503.2.4.4.1 related to surface of decks, appendages, and projections to apply as an alternative to other identified ignition-resistant materials.
- Corrects a cross-reference in 506.6 to a more general section about ignition-resistant materials.
- Specifies in 506.6.1 that only appendages and projections that are 48 inches in height or lower are required to be screened.
- Corrects clerical error in proposed 508.1 regarding fences.

All new amendments are highlighted in yellow within the proposed amended Ordinance 8695 (**Attachment F**). The amended Ordinance 8695 (**Attachment F**) is intended to replace the **Attachment B** proposed version. If the amended version is passed on second reading, it would trigger a third reading for Ordinance 8695 due to the substantive changes proposed. Staff also recommends that the motion language be amended to read as follows.

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motions:

Motion to **amend and pass** Ordinance 8695, amending Chapter 10-8.5, "Wildland Code," B.R.C. 1981, to adopt by reference the 2024 edition of the International Wildland-Urban Interface Code of the International Code Council with certain amendments, and setting forth related details:

AND

Motion to declare a revised Wildland-Urban Interface area for Boulder, to which the Wildland Code applies, as recommended in the staff memorandum.

<u>ATTACHMENT</u>

Attachment F – Proposed Amended Ordinance 8695

Attachment C - Proposed WUI Area Map Wildland Urban Interface Code Area S Yarmouth Ave Violet Ave Jay Rd Quince Ave Diagonal Hwy 19th Iris Ave Glenwood Dr Valmont Rd Pearl St Spruce St Walnut St Canyon Blvd Arapahoe Ave Arapahoe Rd St College Ave ゟ Baseline Rd Legend Tenino Ave Manhattan Dr Proposed WUI Class 1 Ignition Resistant Construction Class 2 Ignition Ramp Resistant Construction Class 3 Ignition Resistant Construction Existing WUI Class 1 Ignition Resistant Construction Class 2 Ignition Resistant Construction Class 3 Ignition Resistant Construction City Limits

Packet Page 475 of 777

Item 3I - 3rd Rdg Ord 8695 WUI Code Update



COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Consideration of a motion to adopt Resolution 1359 approving the HOME Consortium Intergovernmental Agreement for the distribution of HOME Funds

PRIMARY STAFF CONTACT

Corina Marin/Grants Administrator

REQUESTED ACTION OR MOTION LANGUAGE

Motion to adopt Resolution 1359 approving the HOME Consortium Intergovernmental Agreement for the distribution of HOME Funds

ATTACHMENTS:

Description

Item 3J: Consideration of a motion to adopt Resolution 1359 approving the HOME Consortium Intergovernmental Agreement for the distribution of HOME Funds.



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Consideration of a motion to adopt Resolution **1359** approving the HOME Consortium Intergovernmental Agreement for the distribution of HOME funds.

PRESENTER(S)

Nuria Rivera-Vandermyde, City Manager Mark Woulf, Assistant City Manager Kurt Firnhaber, Housing and Human Services Director Deshawna Zazueta, Assistant City Attorney II Vicki Ebner, HHS Operations and Homelessness Strategy Sr. Manager Shelly Conley, Housing Senior Compliance Manager

EXECUTIVE SUMMARY

Since 2004, staff from the City of Boulder, Boulder County, City of Longmont, and the City/County of Broomfield have worked cooperatively with the U.S Department of Housing and Urban Development (HUD) to develop a Regional Home Investment Partnerships Grant (HOME) Consortium. This was accomplished in June of 2006 with the HOME Consortium Intergovernmental Agreement (IGA).

A new HOME Consortium Intergovernmental Agreement is being executed to address:

- 1. Resolution of Support for a new HOME Consortium Intergovernmental Agreement (Attachment A); and
- 2. To add additional jurisdictions to the HOME Consortium Intergovernmental Agreement (Attachment B).

These two documents must be submitted to HUD by June 30, 2025.

Participation in the Boulder-Broomfield Regional HOME Consortium (HOME Consortium) enhances regional cooperation between jurisdictions and maximizes the use of resources available to local governments to affect housing-related problems of lower-income people.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council's consideration of this matter and action in the form of the following motion:

Motion to <u>adopt</u> Resolution 1359 authorizing the city manager to approve the HOME Consortium Intergovernmental in substantially the same form shown in Attachment B.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** The availability of workforce housing serves as a community asset that enhances employers' ability to attract and retain employees.
- **Environmental** Providing more affordable housing options in the region may allow employees and current commuters to live closer to where they work, thereby mitigating traffic, congestion, pollution and urban sprawl.
- **Social** The Boulder-Broomfield Regional HOME Consortium expands and enhances the affordability of housing in the region for its residents and workers through regional cooperation.

OTHER IMPACTS

• **Fiscal** – While the City of Boulder, as a HUD entitlement community, will not see any impact to the allocation of funds it receives as part of this process, the Consortium as a whole will see an increase in funding received. This is related to the amounts allocated to the smaller member jurisdictions who have provided resolutions authorizing the Consortium to act on their behalf. This amount is estimated to be \$119,000.

Staff time - The City of Boulder will receive \$93,582 of 2025 HOME funds to administer the Boulder-Broomfield Regional HOME Consortium. This work is included in the Department of Housing and Human Services 2025-2026 workplan.

RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE

None

BOARD AND COMMISSION FEEDBACK

While not an official Board or Commission of the city, the Technical Review Group (TRG) reviewed and discussed the formation of the Boulder-Broomfield Regional HOME Consortium in 2006. The TRG recognized the importance of working in partnership with other communities in the region in support of more regional planning and coordination efforts, and the TRG supported staff's recommendation to form the Consortium.

PUBLIC FEEDBACK

None

BACKGROUND

HUD allocates Home Investment Partnerships Grant (HOME) funds to local communities, based on Congressional Appropriations and use of a formula. With HOME funds, communities are allowed to combine their allocations and form a HOME Consortium. The City of Boulder is considered an entitlement community because its allocation is over a certain threshold and, therefore, the City of Boulder is entitled to receive these funds.

The formation of a HOME Consortium is subject to certain requirements, one of which is the execution of an IGA by all communities involved with the Consortium. One community, in this case the City of Boulder, due to its entitlement status, is considered the Participating Jurisdiction, or Consortium Lead Entity. The City of Longmont, Boulder County, City/County of Broomfield and the smaller communities are considered Consortium Members. It is in the interest of the Consortium Members to work within a Consortium, as they would not receive individual allocations that would justify the administrative lift of managing these funds.

Generally, the Boulder-Broomfield Regional HOME Consortium is structured as to allow the pooling of funding, with Boulder providing administrative work on behalf of the Consortium. The allocation of the pooled funds, after subtracting administrative funding and reserved funds for Community Housing Development Organizations (CHDOs), is based on population. During a four-year period, Boulder receives the allocation for two of the years, Boulder County receives one year's allocation, and the City of Longmont also receives one year's allocation. The City/County of Broomfield opted for an annual allocation of funding to support its Tenant Based Rental Assistance program rather than taking a pooled allocation. Boulder County's share is based on the population of

unincorporated areas and that of the other member communities. As such, Boulder County uses its share of funding to support the needs of the member communities.

HUD requires that the IGA either be renewed every three years or enter into a new IGA. The most recent HOME Consortium IGA was executed on September 12, 2024, and the IGA was accepted by HUD. On or before June 30, 2025, the city must submit to HUD the following documents:

- State of Colorado Certification
- City of Boulder Legal Opinion
- Resolutions from all Consortium Members
- Signatures from City of Boulder, City of Longmont, Boulder County and the City and County of Broomfield, City of Lafayette, City of Louisville, Town of Lyons, and Town of Superior.

As part of the prior amendment process, it was determined that, rather than a 2025 renewal, a new IGA be approved which allows for the inclusion of new consortium members.

ANALYSIS

Under the new IGA, the City of Boulder will commit to be a participant in the Boulder-Broomfield Regional HOME Consortium for program years 2025 – 2027. HHS and City Attorney's Office staff have worked with the local HUD Community Planning and Development office and representatives from other jurisdictions to comply with the HUD-federal request. The amount of 2025 HOME funds received by the Consortium will be \$935,821.59.

NEXT STEPS

The City and County of Broomfield, Boulder County, City of Longmont, Lafayette, Louisville, Lyons and Superior are also requesting that their governing bodies approve resolutions of support and authorize the new IGA. Once signed by the participating communities, and upon authorization by the Boulder City Council, the Consortium will submit the new IGA and all resolutions of support prior to the statutory deadline.

ATTACHMENTS

Attachment A Proposed Resolution 1359 Authorizing the HOME Consortium Intergovernmental Agreement

Attachment B 2025 - 2027 HOME Consortium Intergovernmental Agreement

City of Boulder Resolution No. 1359

A RESOLUTION OF SUPPORT OF HOME CONSORTIUM INTERGOVERNMENTAL AGREEMENT

WHEREAS, the United States Government, through the National Affordable Housing Act of 1990, has established the HOME Investment Partnerships Act Program ("HOME" or "HOME Program"); and

WHEREAS, the City and County of Broomfield, Boulder County, the City of Longmont, and the City of Boulder agreed to participate in the HOME Investment Partnership Act Program ("HOME Program") and entered into a HOME Consortium Intergovernmental Agreement dated June 27, 2006 ("Intergovernmental Agreement") to bring additional funds to the region for the purpose of expansion and rehabilitation of the supply of decent, safe, sanitary and affordable housing to strengthen partnership among all levels of government and the private sector; and

WHEREAS, HUD CPD 13-002, Notice of Procedures for Designation of Consortia as a Participating Jurisdiction for the HOME program, issued April 9, 2013, requires that the Intergovernmental Agreement be amended to add incorporated cities and towns by name into the Intergovernmental Agreement; and

WHEREAS, participation in the HOME Consortium will enhance cooperation between jurisdictions and will maximize the use of resources available to local governments to affect the housing-related problems of lower-income people; and

NOW THEREFORE, be it resolved that the City Council of Boulder, Colorado authorizes the City Manager to sign the HOME Consortium Intergovernmental Agreement and any future amendments, in substantially the same form now before the City Council.

ADOPTED this	day of	, 2025.	
	1	Aaron Brockett, Mayor	
ATTEST:			
City Clerk			

HOME CONSORTIUM INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT ("IGA") is made and entered into this ____ day of ______ 2025 by and between the City and County of Broomfield, Boulder County, the cities of Boulder, Longmont, Lafayette, and Louisville, and the towns Lyons and Superior (each a "Consortium Member," or collectively, the "Consortium Members") and the City of Boulder, a Colorado home rule city, (as the "Lead Entity"), to form a Consortium for the purpose of participating in the HOME Investment Partnership Program of the United States Department of Housing and Urban Development ("HUD").

RECITALS

WHEREAS, the United States Government, through the National Affordable Housing Act of 1990, has established the HOME Program and has designated the Lead Entity as a Participating Jurisdiction ("PJ") to administer such federal funds, subject to certain conditions, for the purpose of expansion and rehabilitation of the supply of decent, safe, sanitary, and affordable housing and to strengthen partnerships among all levels of government and the private sector; and

WHEREAS, Section 216 (2) of the Act, as defined in "Definitions", 42 U.S.C. 12746, provides that a consortium of geographically contiguous or overlapping geographical areas within which separate legal governmental subdivisions operate can be considered to be a single unit of general local government for the purposes of receiving an allocation and participating in the HOME Program and a determination has been made by HUD that the Lead Entity and Consortium Members are geographically contiguous or overlapping geographical areas within which separate legal governmental subdivisions operate and are eligible to participate in the HOME Program; and

WHEREAS, the Lead Entity and Consortium Members recognize the need to address the regional issues of increasing the supply of permanent affordable housing for lower income households, and develop affordable and supportive housing opportunities for lower-income persons and families and the homeless in Boulder and Broomfield counties and have determined that it will be mutually beneficial and in the public interest to enter into an intergovernmental agreement regarding regional participation in the HOME Program; and

WHEREAS, the Lead Entity desires to enter into this IGA with the Consortium Members to participate in a Consortium for the purpose of implementing a regional HOME Program authorized by the Act to enhance cooperation between jurisdictions and to maximize the use of resources available to local governments to affect the housing-related problems of lower-income people; and

WHEREAS, the Lead Entity has elected to administer such federal funds for itself and the Consortium Members through its Department of Housing and Human Services; and

WHEREAS, the City and County of Broomfield, Boulder County, the City of Longmont, and the City of Boulder agreed to participate in the HOME Investment Partnership Act Program ("HOME Program") and entered into a HOME Consortium Intergovernmental Agreement dated June 27, 2006; and

WHEREAS, the City and County of Broomfield, Boulder County, the City of Longmont, and the City of Boulder now wish to execute this IGA to also include the cities of Lafayette and Louisville, and the towns of Lyons and Superior as Consortium Members; and

WHEREAS, participation in the HOME Consortium enhances cooperation between jurisdictions and maximizes the use of resources available to local governments to affect the housing-related problems of lower-income people; and

WHEREAS, the Lead Entity and Consortium Members are authorized to enter into cooperative agreements pursuant to the Colorado Constitution, Article XIV § 18, and § 29-1-203, C.R.S.; and

WHEREAS, the Lead Entity and Consortium Members desire to enter into this IGA to continue the HOME Consortium.

NOW THEREFORE, in consideration of the mutual covenants and promises contained in this IGA, the parties mutually agree to the following terms and conditions:

I. **DEFINITIONS**

For the purpose of this IGA, the terms defined in this section have the meanings given to them:

"Act" means Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, 42 U.S.C. 12701, et seg.

"Consolidated Plan" is a HUD required document. It serves as a planning document for the Consortium and a funding application under the Community Planning and Development formula grant programs (Community Development Block Grant ("CDBG"), and HOME Investment Partnership Program.

"Consortium" means the Consortium Members and Lead Entity acting pursuant to this IGA.

"HOME Consortium" means Units of General Local Government (UGLGs) that separately do not quality to receive HOME funds. The UGLGs may join together to form a consortium for the purpose of receiving a HOME allocation and administering the HOME program as a single participating Jurisdiction (PJ).

"HUD" means the United States Department of Housing and Urban Development.

"Participating Jurisdiction" means the City of Boulder as Lead Entity.

"Regulations" means the rules and regulations promulgated pursuant to the Act, including but not limited to 24 CFR Parts 91 and 92, as amended.

II. **PURPOSE**

The purpose of this IGA is to form a Consortium of units of general local government for designation as a PJ under the Act, said PJ is to be known and hereinafter referred to as the Boulder-Broomfield Regional HOME Consortium or the Consortium, as defined herein.

III. GENERAL PROVISIONS

- 1. Term. The term of this IGA commences October 1, 2025, and runs through September 30, 2027. This IGA shall remain in effect during the period necessary to complete all eligible activities funded during federal fiscal years 2026 and 2027. These three federal fiscal years comprise the Consortium's qualification period, and the Consortium Members are prohibited from withdrawing from the IGA during this period. Pursuant to 24 CFR 92.101(e), no member of the Consortium may withdraw from this IGA while this IGA remains in effect.
- 2. Renewal. This IGA shall automatically be renewed for the Consortium's participation in successive qualification periods of three federal fiscal years each. No later than the date specified by HUD's consortia designation notice or HOME consortia web page, the Lead Entity shall notify each Consortium Member in writing of its right to decide not to participate in the Consortium for the next qualification period and the Lead Entity shall send a copy of each notification to the HUD Field Office. If a Consortium Member decides not to participate in the Consortium for the next qualification period, the Consortium Member shall notify the Lead Entity, and the Lead Entity shall notify the HUD Field Office, before the beginning of the new qualification period.
- 3. Notices. The Lead Entity shall provide a minimum of 30 days advance written notice to each Consortium Member of the program requirements to be in effect for subsequent federal fiscal years or qualifying periods. Notice shall be sent by the Lead Entity to the following:

Housing Policy Manager City and County of Broomfield One Descombes Drive Broomfield, CO 80020

Director Boulder County Housing Division P.O. Box 471 Boulder, CO 80306

Housing and Community Investment Manager Civic Center Complex 350 Kimbark Street Longmont, CO 80501

Principal Planner City of Lafayette 1290 S. Public Road Lafayette, CO 80026

Planning Manager City of Louisville 749 Main St. Louisville, CO 80027

Town Clerk/Court Administrator Town of Superior 124 E. Coal Creek Dr. Superior, CO 80027

Town Administrator Town of Lyons 432 5th Ave. Lyons, CO 80540

4. Termination.

- a. This IGA shall terminate if: (i) any one of the Consortium Members or the Lead Entity provides written notice of its decision not to participate in a subsequent three-year qualification period, or (ii) the Lead Entity fails to adopt, and submit to HUD an amendment to this IGA that incorporates all changes necessary to meet "Cooperation Agreement Requirements" as prescribed by HUD in the Consortia Qualification Notice that is applicable to any subsequent qualification period beyond the original three-year term. The Lead Entity shall, by the date specified in HUD's Consortia Qualification Notice for the next qualification period, notify the Consortium Members in writing of their right not to participate in the Consortium. All Consortium Members that are members of the Consortium will be on the same program year (January 1 to December 31) for the CDBG, HOME, ESG and HOPWA grant programs. Notices to the Consortium Members shall be sent to the addresses above in Section 3. Notices to the Lead Entity shall be sent to: Deputy Director of Housing, City of Boulder Housing and Human Services, PO Box 791, Boulder, CO, 80306. In the event this IGA is terminated its provisions must remain in effect until the HOME Program funds from each of the federal fiscal years of the qualification period are expended on eligible activities or returned to HUD.
 - b. **Termination Notices.** Termination notices, if any, shall be sent by any nonrenewing Consortium Member to the Lead Entity.
- 5. **Execution.** This IGA shall be executed by the appropriate officers of each Consortium Member and the Lead Entity pursuant to authority granted them by their respective governing bodies, and a copy of the authorizing action and executed IGA shall be filed promptly at the offices of the Lead Entity.

- **6. Consolidated Plan.** The Lead Entity and Consortium Members shall cooperate in the implementation of the HOME Program and shall cooperate in the preparation of the Consolidated Plan by providing funds proportionately to the annual funding percentage break down as allocated in **Exhibit A** to this IGA for the development of the Consolidated Plan, by providing input to the Consolidated Plan, and by holding any required public meetings during the preparation of the Consolidated Plan. Each Consortium Member must fully approve each Consolidated Plan for such Consolidated Plan to be considered to be approved and ready for submission to HUD.
- 7. Allocating HOME Program Funding. Program Funding will be allocated as set forth in Exhibit A.
- **8. Matching Funds**. Each Consortium Member and the Lead Entity shall be responsible for providing matching funds required by federal regulations for any HOME Program funds allocated and accepted for use by that local government. As required by law, Consortium Members and Lead Entity allocations are subject to annual federal appropriations of HOME Program funds. No matching funds will be required from a Consortium Member that chooses not to participate for a particular program year.

All use of matching funds by Consortium Members must be reported to the Lead Entity, in a format to be determined by the Lead Entity, by the end of each federal fiscal year of this IGA.

- 9. **Distribution of HOME Funds**. Each Consortium Member will be responsible for deciding how to distribute its portion of HOME Program funds among eligible activities within its jurisdiction, subject to the HOME Program requirements for a 15 percent set aside of funds for CHDO activities. It is the intent of the Consortium Members to meet the CHDO requirements jointly in the distribution of funds. In addition, each jurisdiction may choose to allocate some or all of its portion of HOME Program funds for one or more projects outside its jurisdiction, but within the Consortium boundaries, if the project is regional in scope and the jurisdiction determines that the project(s) benefits its residents.
- 10. Administrative Set Aside. As reflected below, each Consortium Member will be entitled to a percentage of the allowable HOME Program administrative set aside reflective of the HUD defined HOME Consortium Share, adjusted annually by HUD. The Consortium Members agree to provide a portion of their administrative fee to the Lead Entity. All administrative fees given to the Lead Entity shall be used to pay a portion of the administrative expenses of the entire Consortium. Furthermore, Consortium Member agree to provide an additional portion of their administrative fee to the government receiving the primary allocation each year.

Consortium Members		set aside	% of Admin Set Aside allocated to the Lead Entity
City of Boulder	Determined Annually by HUD	Determined Annually	n/a

City of Longmont	Determined Annually by HUD	Determined Annually	15%
Boulder County	Determined Annually by HUD	Determined Annually	100%
City and County of Broomfield	Determined Annually by HUD	Determined Annually	100%
CHDO Reserve	15%	-	-
Consortium Member receiving the annual primary allocation	-	10% of project costs	-

- 11. Affirmatively Furthering Fair Housing. The Consortium Members certify that they will affirmatively further fair housing with all distributed HOME Program funds under this IGA in compliance with 24 CFR 92.350. Each Consortium Member will be responsible for compliance with HUD regulations and, if applicable, for its own preparation and submission to HUD of the Impediments to Fair Housing Plan. The parties agree that the Lead Entity is prohibited from funding activities in or in support of a PJ that does not affirmatively further fair housing within its jurisdiction or that impedes the Lead Entity's actions to comply with the Consortium's fair housing certification. The Consortium Members acknowledge that noncompliance by the Consortium Members may constitute noncompliance by the Lead Entity which may provide cause for funding sanctions or remedial actions by HUD.
- **12. Citizen Participation**. The Consortium Members certify that they will, with the Lead Entity, develop and adhere to a Citizen Participation Plan, concerning the use of HOME Program funds and low-income housing needs.
- 13. Program Income. "Program Income" as defined at 24 CFR 92.2 generated by a Consortium Member will be held by each Consortium Member in a separate account specific to the HOME Program. Program Income received by a Consortium Member shall be retained by that Consortium Member for additional eligible activities. Program Income must be disbursed before that Consortium Member requests funds from the Consortium. Appropriate documentation of the receipt and use of Program Income will be provided to the Lead Entity in a format to be determined by the Lead Entity.

IV. LEAD ENTITY RESPONSIBILITIES

1. Legal Liability and Responsibilities. The parties hereto recognize and understand that the Lead Entity will be the governmental entity required to execute all grant agreements received from HUD pursuant to the Lead Entity's request for HOME Program funds. The Lead Entity will thereby become and will be held by HUD to be legally liable and have full responsibility for the execution of the HOME Program. The Lead Entity will be responsible for the Consortium's annual Action Plan or Five-Year Consolidated Plan with an annual Action Plan component, when required, and for meeting the requirements of other applicable laws, overall administration, and performance of the HOME Program, including the HOME Program projects and activities to be conducted by the

Consortium Members. The Lead Entity assumes overall responsibility for ensuring the Consortium's HOME Program is carried out in compliance with the requirements of the Act, including requirements concerning a Consolidated Plan as set forth in the HOME Program regulations.

- 2. Eligibility Review and Compliance Monitoring. The Lead Entity's supervisory, program and administrative obligations to the Consortium Members shall be limited to the performance of the administrative and program tasks necessary to make HOME Program funds available to the Consortium Members and to provide monitoring to various projects funded with HOME Program funds to ensure that they comply with applicable federal laws and regulations. The Lead Entity shall be responsible for determining eligibility and confirming the compliance of the HOME Program projects with applicable federal laws and regulations.
- **3. Reporting Requirements.** The Consortium Members will provide the Lead Entity with an annual HOME Program activity report of HOME Program funded projects. The Consortium Members will also, on a quarterly reporting cycle, provide the Lead Entity with reports that capture and identify program income derived from the HOME Program funded activities.

V. CONSORTIUM MEMBERS' RESPONSIBILITIES

1. Action Plan/Consolidated Plan Submissions. The Consortium Members shall prepare and submit to the Lead Entity their own separate annual Action Plan for the CDBG program, if applicable. The Consortium Members will submit their Action Plan and/or Consolidated Plan and/or information on proposed annual use of HOME Program funds, as applicable, to the Lead Entity within a time frame established by the Lead Entity to enable the Consortium's Annual Action or Consolidated Plan to be submitted as a joint submission to HUD.

The Consortium Members shall submit reporting information called for by the Citizen Participation Plan to Lead Entity staff for inclusion into the report or plan. The Consortium Members are also responsible for informing their citizens of the impact of and proposed use of HOME Program funds (and/or CDBG funds) within the Consortium Members' jurisdiction.

- 2. Reporting Requirements. The Consortium Members shall prepare and submit applicable information on the use of HOME Program funding to the Lead Entity for consolidation into the HOME Program report, the following reports, if applicable, for submission to HUD according to applicable deadlines are Impediments to Fair Housing, Citizen Participation Plan, Minority Business Enterprise/Women's Business Enterprise reports, and federal cash transaction reports. The annual HOME Consolidated Action Plan Evaluation Report (CAPER) will be a joint effort with the Consortium Members providing information on their annual use of HOME Program funds as applicable. The Consortium Members will also prepare and submit any other reporting requirements required by HUD.
- 3. Lead Entity and Consortium Member Cooperation. The Lead Entity shall cooperate and work with the Consortium Members in the preparation of detailed projects and other activities to be conducted or performed within the Consortium Member during the federal program years

this IGA is in effect. The Consortium Members agree to cooperate with the Lead Entity to undertake or to assist in undertaking housing assistance activities for the HOME Program.

4. Disallowed Expenditures. The Consortium Members assume full responsibility for payment of HOME Program expenditures made in their jurisdictions that are disallowed by HUD.

VI. **SPECIAL PROVISIONS**

- 1. **Indemnification**. Each party assumes responsibility for the actions and omissions of its agents and its employees in the performance or failure to perform work under this IGA. It is agreed that such liability for actions or omissions of its own agents and employees is not intended to increase the amounts set forth in the Colorado Governmental Immunity Act, now existing, or as may be amended. By agreeing to this provision, the parties do not waive nor intend to waive the limitations on liability which are provided to the parties under the Colorado Governmental Immunity Act § 24-10-101, et seq., C.R.S., as amended.
- 2. Compliance with the Act. In the event there is a revision of the Act and/or regulations that would cause this IGA to be out of compliance with the Act or regulations, all parties to this IGA shall review this IGA to reasonably and in good faith renegotiate those items necessary to bring this IGA into compliance.

All parties understand that the refusal to renegotiate this IGA may result in the loss of the effective use of this IGA as of the date it is out of compliance with the Act and/or regulations as amended.

3. Monitoring and Accounting. The Lead Entity shall maintain financial, project, and other records and accounts for the Consortium in accordance with the requirements of the Act and regulations.

All Consortium Members agree to make available all records and accounts pertaining to HOME Program funded projects covered by this IGA at all reasonable times to their respective personnel and duly authorized federal officials.

4. Other Applicable Laws. All projects undertaken pursuant to this IGA shall be subject to any relevant state statutes, home rule charter provisions, assessment, planning, zoning, sanitary and building laws, ordinances and regulations applicable to each Consortium Member or smaller municipality in which a project receiving HOME Program funds is situated.

5. **Authority to Amend IGA.**

The Lead Entity is authorized to amend the IGA to add new members or to a. incorporate automatic renewal provisions, or for other reasons approved by HUD on behalf of the entire consortium, unless otherwise specified in its IGA. This IGA is an integration of the entire understanding of the parties, and any amendment must be signed by the authorized representatives of the parties.

- b. Before the beginning of each new qualification period, the Lead Entity shall submit to the HUD Field Office a statement of whether or not any amendments have been made to this IGA, a copy of each amendment to this IGA, and, if the Consortium's membership has changed, the state certification required under 24 C.F.R. § 92.101(a)(2)(i). The Consortium shall adopt any amendments to this IGA that are necessary to meet HUD requirements for consortium agreements in successive qualification periods. The automatic renewal of the IGA will be void if: the Lead Entity fails to notify a Consortium member, or the HUD field office as required under this automatic renewal provision; a new Consortium member is added for the first year of a new qualification period; or the Lead Entity fails to submit a copy of each amendment to this IGA as required under this automatic renewal provision.
- **6. Lead Entity**. Subject to the provisions of this IGA, the Lead Entity is authorized to act in a representative capacity for all of the Consortium Members for the purpose of the Act, and the Lead Entity assumes overall responsibility for ensuring that the Consortium's HOME Program is carried out in compliance with the Act including requirements concerning a Consolidated Plan. The lead entity for the Consortium shall be the City of Boulder.
- 7. Severability. Invalidation of any one or more of the provisions of this IGA shall in no way affect any of the other provisions thereof, which shall remain in full force and effect.
- **8. Financial Obligations of the Parties**. Each party's financial obligations under this IGA are contingent upon appropriation, budgeting, and availability of specific funds to discharge those obligations. Nothing in this IGA constitutes a debt, a direct or indirect multiple fiscal year obligation, a pledge of the credit of either party, or a payment guarantee by either party to the other party.
- 9. Execution by Counterparts; Electronic Signatures. This Agreement may be executed in multiple counterparts, each of which will be deemed an original, but all of which will constitute one agreement. The parties approve the use of electronic signatures, governed by the Uniform Electronic Transactions Act, C.R.S. §§ 24 71.3 101 to 121.

EXECUTED as of the date first set forth above.

SIGNATURE PAGES TO FOLLOW

CITY AND COUNTY OF BROOMFIELD	
Mayor	
Date	
ATTEST:	
City Clerk, City and County of Broomfield	
APPROVED AS TO FORM:	
City Attorney, City and County of Broomfield	

BOULDER COUNTY	
Chair of the Board of County Commissioners	
Date	
ATTEST:	
Clerk to the Board	

CITY OF LONGMONT	
MAYOR	
ATTEST:	
CITY CLERK	DATE
APPROVED AS TO FORM:	
ASSISTANT CITY ATTORNEY	DATE
PROOFREAD	DATE
APPROVED AS TO FORM AND SUBSTANCE:	
ORIGINATING DEPARTMENT	DATE

CITY OF LAFAYETTE	
Mayor, City of Lafayette	-
Date	-
ATTEST:	
Clerk to the City Council	-

CITY OF LOUISVILLE		
Mayor, City of Louisville		
Date		
ATTEST:		
Clerk to the City Council		

TOWN OF SUPERIOR	
Mayor, Town of Superior	
Date	
ATTEST:	
Clerk to the City Council	

TOWN OF LYONS	
Mayor, Town of Lyons	_
Date	_
ATTEST:	
Clerk to the City Council	_

CITY OF BOULDER, a Colorado home rule city	
Nuria Rivera-Vandermyde City Manager	
Date:	
ATTEST:	
City Clerk	_
Date:	
APPROVED AS TO FORM:	
City Attorney's Office	<u> </u>
Date:	_

EXHIBIT A

Allocation of Funding

The intention of the Consortium is to provide the majority of the annual HOME fund allocation to support a single project where possible. This annual allocation does not include the funds required to be set aside to support Community Housing Development Organization ("CHDO") development activities (15 percent), the program administration portion (10 percent), or Broomfield's annual allocation (13 percent). Funds will rotate to different Consortium Members each year with the exception of the City of Boulder which will receive allocations for two consecutive years. The proposed multi-year rotation cycle is intended to be comparable to the HOME Consortium shares set forth in the HUD HOME Consortium Builder or other HUD estimating tool. The estimated annual funding will be adjusted according to actual funding allocated by HUD.

Funds will generally rotate according to the following schedule:

Consortium Members & Lead Entity	Year 1	Year2	Year 3	Year4
	and 5	and 6		
City of Boulder (PJ or Lead Entity)			X	X
City of Longmont	X			
Boulder County		X		
City and County of Broomfield*	X	X	X	X
CHDO Reserve	X	X	X	X

^{*}Broomfield is electing to maintain its annual allocation to support its ongoing TBRA program.

Funding priority will be guided by the agreed upon schedule. Each Consortium Member referenced above is in line to receive an allocation.

There is an exception to having a fixed position in the fund rotation if a Consortium Member elects to receive an annual program allocation. While this election excludes the Consortium Member from a fixed position in the rotation, it does not eliminate the possibility of this Consortium Member being considered for the allocation when another project is not identified. The cities of Lafayette, and Louisville, and the towns of Lyons and Superior may access funds through Boulder County, who is the designated "fiscal agent" within the consortium for the smaller municipalities.

It is the intent of the Consortium Members to meet the CHDO requirements jointly in the distribution of funds. Annually, the CHDO set aside allocation will be distributed based on the location of a CHOO-eligible project. Priority will be given to a CHOO project located in the Consortium Member receiving the primary allocation in each year. If that Participating Jurisdiction cannot identify a CHDO-eligible project within their geographic boundary(ies) that will meet the HOME requirements (timeliness, set aside, etc.), it will be the responsibility of all Consortium Members to seek non-profit agencies that are eligible to receive CHDO funds.

Potential HOME projects will be presented, reviewed, prioritized and selected jointly by the Consortium Members. Following approval by the Consortium Members, if a governing body

exists in the jurisdiction receiving the HOME funding, the project(s) will be presented to the governing body for local approval. The City of Longmont Housing and Community Investment staff receives funding recommendations from two advisory groups with their City Council approving projects. The Broomfield County Commissioners approve projects located in the City and County of Broomfield. Projects located within the City of Boulder will be reviewed and recommended by the City Manager appointed Technical Review Group. The Board of County Commissioners approve projects located throughout Boulder County. Following local approval where applicable, as the Lead Entity assigned the fiduciary responsibility of the HOME Consortium, the City of Boulder City Manager will approve all HOME funding allocations.



COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Consideration of a motion to amend the Council Rules of Procedure Sec. X. Research and Study Sessions and Sec. XVI. Rules of Decorum

PRIMARY STAFF CONTACT

Teresa Taylor Tate, City Attorney, 303-441-3020

REQUESTED ACTION OR MOTION LANGUAGE

Motion to amend the Council Rules of Procedure Sec. X. Research and Study Sessions and Sec. XVI. Rules of Decorum

ATTACHMENTS:

Description

Item 3k - Consideration of a motion to amend the Council Rules of Procedure Sec. Sec. X. Research and Study Sessions and Sec. XVI. Rules of Decorum.



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Consideration of a motion to amend the Council Rules of Procedure Sec. X. Research and Study Sessions and Sec. XVI. Rules of Decorum.

PRESENTERS

Nuria Rivera-Vandermyde, City Manager Teresa Taylor Tate, City Attorney

EXECUTIVE SUMMARY

The drafted amendment related to changing the study session packet distribution date from ten days before a council meeting to seven days stems back to a council meeting held on September 5, 2024. During a staff presentation for item 6A, *Council Agenda Process Improvements Discussion*, staff made recommendations that certain process improvements be made in anticipation of a new agenda management system, and council approved those recommendations. Additionally, during a staff presentation on May 1, 2025, for item 6A, *Agenda Management and Boards & Commissions Program Actions*, these process improvements were again highlighted as we progress closer to the transition from Novus to OneMeeting as our agenda management software. The expected launch date for OneMeeting is July 24, 2025. This amendment is necessary to implement this process improvement and have it effective before July 24th. *The requested amendment is indicated by underline and strikeout in Section X. Research and Study Sessions Subsections(c)*.

Additionally, a recent administrative suspension hearing highlighted the need to have consistent language in regard to allowing signs and flags in chambers during council

meetings. Consistency will help staff and council continue addressing council disruptions and will help to strengthen enforcement efforts when suspensions are warranted. *The* requested amendment is indicated by underline and strikeout in Section XVI. Rules of Decorum Subsections(b)(10).

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to amend the Council Rules of Procedure Sec. X. Research and Study Sessions and Sec. XVI. Rules of Decorum.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** None.
- **Environmental** None.
- **Social** None.

OTHER IMPACTS

- Fiscal None.
- Staff time None.

RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE

None.

BOARD AND COMMISSION FEEDBACK

None.

PUBLIC FEEDBACK

None.

BACKGROUND

The drafted amendment changing a study session packet publishing date from ten to seven days before a meeting is one of three process improvements staff is implementing after council approval last September, as part of the change from Novus to OneMeeting as our agenda management system software. Additionally, a recent suspension hearing highlighted the need for consistent language related to limiting signs and flags in chambers during a council meeting to strengthen enforcement efforts.

ANALYSIS

The drafted amendments to the Council Rules of Procedure Sec. X and XVI are necessary to implement already approved process improvements and create more consistency in language within the council rules of procedure.

NEXT STEPS

Council may adopt the proposed changes to the Council Rules of Procedure or not. If adopted, the amendments will go into effect on the day of adoption.

ATTACHMENT

Attachment A – Proposed Amendments Council Rules of Procedure Sec. X. and Sec. XVI.

Appendix: Council Procedure

	T		
Adopted:	February 21, 1982 (by Council motion		
ret	only)		
Effective:	January 1, 1983		
Amended:	June 21, 1983		
Adopted:	February 21, 1984		
Amended:	September, 1984		
Amended:	June, 1986		
Amended:	March, 1988		
Amended:	May, 1990		
Amended:	May, 1992		
Amended	June, 1992		
Amended:	February, 1994		
Amended:	June, 1994		
Amended:	February, 1996		
Amended:	January, 1999		
Amended:	March, 1999		
Amended:	May, 2003		
Amended:	July, 2003		
Amended:	April, 2004		
Amended:	November, 2007		
Amended:	February, 2011		
Amended:	January, 2012		
Amended:	May, 2012		
Amended:	September, 2012 (Effective January 1, 2013)		
Amended	February, 2013		
Amended	November, 2014		
Amended	February, 2017		
Amended:	September 19, 2017		
Amended:	March 20, 2018		
Amended	March 3, 2020		
Amended	April 21, 2020		
Amended	May 26, 2020		
Amended	June 16, 2020		
Amended	July 13, 2021		
Amended	June 7, 2022		
Amended	November 3, 2022		
Amended	March 16, 2023		
Amended	September 7, 2023		
Amended	October 19, 2023		
Amended	June 20, 2024		
Amended	Julic 20, 2027		

Boulder, Colorado, Municipal Code (Supp. No. 161)

TITLE 2 - GOVERNMENT ORGANIZATION Appendix: Council Procedure

Amended	January 16, 2025
Amended	June 5, 2025

COUNCIL PROCEDURE

This procedure is intended to govern the actions of the city council in the general conduct of its business and to serve as a reference in settling parliamentary disputes. In handling routine business, the council may by general consent use a more informal procedure than that set forth in this procedure.

This procedure may be suspended at any time by vote of five council members or of two-thirds of the council members present, whichever is the greater.

I. Presiding Officers: Mayor and Mayor Pro Tem.

Council members shall be selected to serve as mayor pro tem. The mayor pro tem shall fulfill the position identified as "acting mayor" in Charter Section 15. All council members are equal; the mayor and mayor pro tem have no additional authority except as set forth in the City Charter, the City Code, or in these procedures. The mayor, or the mayor pro tem in the mayor's absence, shall serve as the chair of the council at all regular council meetings. The mayor or the mayor pro tem are responsible for conducting meetings in an orderly and democratic manner and assuring that minority opinion may be expressed and that the majority is allowed to rule. At the same time, the mayor and mayor pro tem retain all of the prerogatives of a duly elected council member: The mayor or mayor pro tem may make and second motions and take part in discussions and may vote on all matters not an interest prohibited pursuant to Section 2-7-2, B.R.C. 1981. In addition to chairing council meetings, the mayor is frequently called upon to perform certain ceremonial duties or to serve on intergovernmental committees. Whenever possible, the mayor shall attempt to share these responsibilities equitably among the other council members, including the mayor pro tem.

In the instance when both the mayor and mayor pro tem are not available to serve as the chair at a regular council meeting, the most recently retired mayor pro tem still serving on council shall serve as the chair for the meeting. If the retired mayor pro tem is also not available then the third council person who is then serving on the council agenda committee shall chair the meeting. If the business meeting is scheduled as an in-person meeting, whomever chairs the meeting must also participate in-person.

II. Communication with Council.

It is very important for the council to hear the views of members of the public. There are several ways in which a person can participate.

- (a) City phone numbers and email addresses are provided to reach all council members.
- (b) Electronic means of communication with and from council members as a group is provided through Hotline and Council Correspondence on the city's website. The Hotline is an electronic means for council members to ask questions of staff and convey information to the public that is posted in a manner that is available to the public on the city's website. Staff responses to Hotline questions of council members are posted on Hotline in order to be available to the public. The city's website contains a Council Correspondence email which directs the comment of the person to each council member and many staff members. The city manager's office directs questions from Council Correspondence to the appropriate staff member for response. All correspondence to Council is published online.

Boulder, Colorado, Municipal Code (Supp. No. 161)

- (c) Open Comment. At the beginning of every regular council meeting, up to forty-five minutes are set aside for open comment. During that time, twenty randomly selected members of the public are invited to express their views on any issue, except those set for public hearing later in the meeting.
- (d) Public Hearings. Public hearings are held to seek input on a particular ordinance or policy decision. These hearings provide an organized forum to address a particular subject. Statements made during a public hearing become part of the record for council's decision on the issue. Quasi-judicial hearings shall be conducted pursuant to Chapter 1-3, "Quasi-Judicial Hearings, B.R.C. 1981. Provided, however, witnesses shall not be required to testify under oath.
- (e) Comment on Motions Made Under Matters. The council will consider motions arising from matters raised by the mayor, members of council, the city manager, or the city attorney. No vote will be taken on these motions until the public has been given an opportunity to comment.

III. Agenda.

- a. Notice. The agenda is generally distributed to council members no later than the Thursday preceding the council meetings, whether regular, special, or continued meetings. Items will generally not be added but may be added or deleted by the agenda committee or by a majority of council. Whenever practicable, notice shall be given of all agenda items by publication of the title or a general description thereof in the Boulder Daily Camera on the weekend preceding the council meeting. However, failure to give such notice shall not invalidate any action taken by the council, and such provision shall not apply at all to items adopted by emergency.
- b. Council Agenda Committee (CAC). Items are placed on the agenda by the staff, with the approval of the members of an agenda committee in attendance at a meeting called by the mayor to review the agenda. In addition to the mayor and the mayor pro tem, the council designates a third council member for six to seven weeks at a time (depending on the council meeting cycle) to serve on the agenda committee. A sign-up list is circulated to council members. Replacements are solicited from all remaining council members whenever an agenda committee member cannot attend a meeting. If more council members wish to attend then there are vacancies, the mayor makes the appointment. Meetings of the agenda committee are open to the public and the press/media but are not advertised. No more than four council members may attend an agenda committee meeting at any time. "Drop-ins" should notify the mayor in advance whenever possible. Presence of staff members at agenda committee meetings is subject to the discretion of the city manager.
- c. Agenda Review. The agenda committee holds an agenda review to review the successes and the difficulties of the council in dealing with agenda items during the preceding calendar quarter and to schedule agenda items for the next calendar quarter, when such items are known in advance. Council members who wish to have the entire council address an agenda issue should identify the issue and ask the agenda committee to schedule a discussion under Matters.
- d. CAC Mission. Representing the views of the entire city council, the agenda committee: 1) sets the agenda for council meetings and study sessions; 2) comments on written agenda materials to assure that all reasonable questions anticipated from the public and any member of the council are answered; 3) acts as a sounding board for staff; 4) informs the city council and staff of emerging issues; 5) requests that staff supply information to the council concerning emerging issues; and 6) discusses correspondence and email to the mayor and the city council and responses to open comment. The agenda committee assigns the responsibility for drafting and signing such responses. But individual council members may respond as well, at their discretion. The agenda committee determines when boards and commissions should be requested to address the council concerning their deliberations, and when matters should be referred back to a board or commission before council action is scheduled. Generally, it is expected that boards and commissions with an adopted mission statement that includes a certain area of concern will be asked to advise council about any agenda item dealing with that area of concern. The agenda committee also establishes check points for

council input on important staff projects. Agenda committee minutes are made available to the council by email. Approved draft agendas and the council calendar for the upcoming meeting agendas are attached to the minutes.

e. CAC Ground Rules.

- 1. No Decisions. The agenda committee should not make a "decision" on anything except for specific decisions relating to the council agenda and assignment of correspondence for a response. If a scheduling item is controversial, the CAC shall bring the matter to the entire council.
- 2. No References. Agenda committee members should avoid reference to the meeting in debate, as by statements such as: "This was discussed in the agenda committee meeting," or "We dealt with that question in the agenda committee meeting." Above all, there should be no reference to any "decision" having been made by the agenda committee.
- 3. CAC Communications with Council. If, as a result of an agenda committee meeting, the committee determines that it is necessary to contact the remaining council members to convey information or to obtain advice about proposed staff action, staff should contact each available council member. Council members, including agenda committee members, generally should not be involved in such communications. But this does not restrict any council member from contacting other council members and conveying any information or requesting any advice or action. Agenda committee members and other council members may communicate with other council members about any matter, but such process should not substitute for staff action as set forth above and is subject to the "open meeting" requirements of state law (§ 24-6-402(2)(d)(III), C.R.S.).
- 4. CAC to Focus on Council Concerns Rather Than Personal Point of View. It is not appropriate for agenda committee members to use the agenda committee meeting to advance their own political agendas or points of view. This is conceded to be difficult to avoid, especially when three council members are discussing an upcoming decision, but it is essential.
- 5. CAC Not to Indicate Council Support. Prior to approval by the council, the agenda committee and staff are prohibited from indicating any city commitment to city sponsorship or support of an event or to city support for a development proposal.
- 6. Questions to CAC. Council members are urged to send questions, comments, and suggestions to the staff or to members of the agenda committee prior to its meeting. The agenda committee will endeavor to discuss all such questions, comments, and suggestions at its meeting.
- 7. Postponement of Issues. It is acceptable for members of the city council to ask for postponement of issues to accommodate a brief absence, when the rescheduling will not inconvenience other council members and the individual council member has a significant interest in the particular issue being decided. However, no council member has a right to require such a change, and the decision of the CAC is generally treated as final, although the council is, as always, the final decision maker.
- 8. No Rule of Three. Meetings of the CAC shall not be used to indicate a "rule of three" for information/research requests. See Section X, Research and Study Sessions, Subsection A, Information/Research Requests/Rule of Three.
- 9. Thursday Meetings. CAC shall not schedule council meetings on dates other than Thursdays without polling all council members for their availability. CAC shall not schedule meetings on the fifth Thursday of any month without the prior consent of council.
- 10. Consent Items, Urgent Items, Time Budget, and Order of Agenda. The CAC designates potential consent items, so that they can be dealt with in a summary fashion. The CAC also designates urgent items, for which delay is not possible or inadvisable, so that the council can deal with such items prior to adjournment. The CAC sets the order of the agenda and sets a time budget for each item. Based on the

estimated time budget, CAC shall make every effort not to schedule any meeting with an expected adjournment time after 10:30 p.m.

IV. Council Meeting Agenda.

- Council meetings shall be conducted as follows:
 - Call to Order and Roll Call. Meetings are generally called to order at 6 p.m. sharp.
 - Open Comment. 2.
 - Time for open comment on any subject not scheduled for public hearing is provided for at each regular business meeting of the council. Up to forty-five minutes is provided at the beginning of the meeting at the conclusion of the COVID-19 briefing and response. Speaking shall be limited as set forth in subsection (C) below. During open comment, an individual speaker can speak for up to two minutes.
 - В. Only one person is permitted at the podium at a time, unless a speaker brings one companion for physical, linguistic, or moral support.
 - A speaker shall begin by stating their name and may state their connection to Boulder such as neighborhood, residency, employment, school or business ownership. If a speaker believes that providing such information would put the speaker at risk, the speaker need not state their name.
 - The sign-up form for speakers will be available via the internet, beginning at 8:00 a.m. on the Friday after the day that the agenda for the meeting is made available (Thursday). Speakers will designate in the form if they wish to speak "in-person" or "virtually". Online sign up shall end at 2:00 p.m. on the Wednesday preceding a meeting, even if the day is a holiday. No later than 5:00 p.m. on the day prior to the meeting (Wednesday) or noon on the day of the meeting, if the day prior to the meeting is a city holiday, the city clerk shall post on the internet a list of no more than twenty individuals who will be invited to speak at the meeting. If more than twenty people register to speak, the city clerk shall select twenty names at random from among those who have registered. The clerk shall exclude speakers who spoke during open comment at the meeting immediately preceding the current meeting unless less than twenty people have registered to speak. In that situation, the clerk will randomly select from the group of speakers who spoke at the prior meeting during open comment to fill the remaining slots.
 - Any person selected to speak who requires a city-provided interpreter shall be invited to speak first. Any person wishing to use an electronic presentation as part of their comments shall provide the presentation to the city clerk no later than 2:00 p.m. on the day of the meeting. The presentation will be provided to members of council to review. No presentation will be shown during a council meeting.
 - At the conclusion of Open Comment, the presiding officer may ask city staff for any response to matters raised during Open Comment. At the conclusion of the staff response, any council member may ask that the original speaker be recalled to reply to the staff response. Such comment shall be limited to one minute.
 - 3. Consent Agenda. Including generally, but not strictly limited to:
 - Minutes. Minutes of previous meetings are approved as made available beforehand, and as corrected by the city clerk, in response to council suggestions, at the discretion of the clerk. This procedure should not be used to alter remarks to express a more considered point of view. Such remarks should be made under item 8, Matters from the Mayor and Members of Council. A

- motion to approve the minutes is deemed to include such corrections, as well as any corrections made at the meeting.
- B. First Readings. Although generally calendared as part of the consent agenda, the city manager may request that a particular first reading be scheduled early on the agenda when staff/council interaction on the item is important on first reading. See Section V, Procedure in Handling Ordinances, Resolutions and Important Motions, Subsection C, First Reading.
- C. Second Readings. Second Readings shall generally be scheduled for a public hearing. The Council Agenda Committee may schedule second reading of ordinance on consent only for the following:
 - 1. The Quarterly Supplement codifying previously adopted ordinances.
 - 2. Ordinances for which the council has previously held a public hearing.
 - 3. Other ordinances that are routine in nature, which do not elicit public interest and to which no council member objects.
 - 4. Call-Up Check-In. Call-ups (typically appeals to council) are considered during item 4. If the decision about whether to exercise the council's call-up authority is a matter of substantial public interest, the agenda committee shall schedule a public hearing for consideration of the potential call-up. Call-ups scheduled for public hearing shall not be considered as part of a call-up check-in.
 - 5. Public Hearings. Expected substantial public comment items are generally placed first on the agenda, in the order of public interest in the item, as anticipated by the council agenda committee, but critical short items may be placed first when deemed appropriate by the agenda committee. Items from the city manager, city attorney, or mayor and members of council which are of substantial public interest are placed in this section of the agenda, in the order of public interest. Provided however, that CAC may place matters of significant public interest at the beginning of the meeting before open comment. CAC shall not schedule more than two substantive public hearings at any council meeting. The sign-up form for speakers will be available via the internet, beginning at 8:00 a.m. on the Friday after the day that the agenda for the meeting is made available (Thursday). Speakers will designate in the form if they wish to speak "in-person" or "virtually". Online sign-up shall end at 2:00 p.m. on the Wednesday preceding a meeting, even if the day is a holiday. A speaker shall begin by stating their name and address. If a speaker believes that providing such information would put the speaker at risk, the speaker need not disclose their name or address but should say whether or not they reside in the City of Boulder. During a public hearing an individual speaker can speak for up to three minutes. However, a speaker's time may be limited to two minutes if more than fifteen people have signed up to speak. Three or more people can pool their time so one speaker can speak for five minutes, if all of the people pooling time have signed up to speak when the spokesperson is called to speak and are in the council chambers or present virtually when the speaker is called. The five minutes of pooled time can be reduced to four minutes by the presiding officer if the time for individuals has been reduced to two minutes. Speakers will need to designate on the form if they are pooling with 2 other speakers and indicate who the primary speaker will be and provide the names of the individuals they are pooling with. An applicant may request additional time as reasonably required to present their case. In response, the mayor may designate a longer time period for applicants, generally not to exceed fifteen minutes and to occur immediately upon the opening of the public hearing, in order to give the public an opportunity to respond. Additional support for applicant's positions should come from individual witnesses. Board or commission members, whose board or commission acted on a matter and who have been designated to speak by the board or commission, will be

Attachment A – Proposed Amendments Council Rules of Procedure Sec. X. & Sec. XVI.

- allowed to speak during staff presentation or at the beginning of the public hearing. A board or commission may designate a person who voted with the majority or a person who voted with the minority or one speaker from each side.
- 6. Matters from the City Manager. No final decision may be made under this item, or item 7, Matters from the City Attorney, or item 8, Matters from the Mayor and Members of Council. All decisions shall be made either after a public hearing or on the consent agenda. Matters items are for informational purposes only. No actionable items shall be raised under Matters.
- 7. Matters from the City Attorney.
- Matters from the Mayor and Members of Council. At this point, any council member may place before the council matters which are not included in the formal agenda. This item is generally limited to responses to open comment, appointments to boards and commissions, sharing of information, and requests for advice concerning matters pending before other bodies, requests for staff work, and requests for scheduling future agenda items. Responses to open comment shall be limited to two minutes per council member. Matters requiring a formal council vote, such as motions to sponsor an event or to allocate funds, are normally placed on the agenda through the regular agenda review process, rather than dealt with under this item. If a council member wishes to reconsider a prior council decision, the council member shall request that the Council Agenda Committee schedule a discussion under item 8. Prior council decisions shall be reconsidered only after a material change in law or fact. A material change in law or fact means a change that if having occurred before the prior council decision would have made it unlikely that a majority of council would have supported the prior decision. If five or more council members support reconsidering a prior decision, the Council Agenda Committee shall be directed to schedule substantive consideration at a later meeting. No discussion of revisiting a prior decision shall exceed fifteen minutes.
- 9. Debrief. Council will have a brief discussion of no more than five minutes for council members to discuss issues regarding that evening's meeting. The discussion is intended to identify issues to be addressed by the Council Agenda Committee or by the council at a future meeting. This time should not be used to revisit arguments raised earlier in the meeting. The intent is to improve council's process by identifying issues concerning process, scheduling, and meeting implementation while fresh in council members' minds to allow for later discussion and resolution.
- 10. Adjournment. The council's goal is that all meetings be adjourned by 10:30 p.m. An agenda check will be conducted at or about 9:00 p.m., and no later than at the end of the first item finished after 9:00 p.m. Generally, absent a deadline which the council cannot affect, no new substantial item will be addressed after 10:30 p.m. At the 9:00 p.m. agenda check council will make a realistic assessment of the items remaining on the agenda. Council will table and ask the Council Agenda Committee to reschedule any item that council members reasonably believe will prevent adjournment by 10:30 p.m. The Debrief is not a substantial item. No new item shall be introduced after 10:30 p.m. unless a majority of the council members in attendance at that time agree. All council meetings shall be adjourned at or before 11:00 p.m., unless the meeting is extended by a vote of two-thirds of the council members present. Council shall attempt to schedule any matter not heard before adjournment as the first item at the next study session. If necessary, the council shall schedule a special meeting to coincide with the scheduled study session. It is assumed that council will reschedule items previously scheduled for the study session to accommodate any newly added items.

V. Rules of Speaking.

- a. Mayor Directs Meeting. To obtain the floor, a council member or staff member addresses the mayor.
- b. Assignment of Floor. To assign the floor, the mayor recognizes by calling out the council member's name. Only one council member may have the floor at a time. A council member shall not speak while another has the floor, except to make a point of order. The mayor generally next recognizes the council member who first asks for the floor after it has been relinquished. The mayor may, in their sole discretion, temporarily suspend the rules of speaking in order to permit a direct colloquy between council members with respect to an issue or motion properly before the council. All council members and staff members are requested to direct their remarks to the council action under consideration.
- c. Outline of Decisions. The staff and the mayor should attempt to focus discussion of agenda items in accordance with the materials, which should contain a proposed outline of decisions.
- d. Minimize Debates Prior to Public Hearings. Council members should minimize debate prior to public hearings and use the period prior to public hearings to ask questions for clarification rather than to lecture, give speeches, score debating points, or ask rhetorical questions. The mayor may intervene to avoid extended debate prior to public hearings.
- e. Minimize Debates After Decisions. Council members should minimize debate after decisions and move on to the next item.
- f. Motions to Table. Tabling motions are generally discussed before they are made, in order to allow for a reasonable amount of council discussion prior to making a non-debatable motion.
- g. Early Warning Process. Council members should give early warning to the mayor and the city manager whenever substantial opposition is anticipated to an agenda item, so that an appropriate staff and council response can be prepared.
- h. Rotation of Questions. Questions are rotated so that, to the extent practicable, different council members are given the lead on each agenda item and questions are grouped by subject matter whenever it is practicable to do so.
- i. Mayor May Intervene. The mayor may intervene in council debate in order to solicit a motion after five to ten minutes of debate, seek to wrap-up discussion when debate seems to be proceeding longer than warranted, determine whether council wishes to postpone council action when more information or staff work appears warranted to facilitate a council decision, and ask council to group follow-up questions by topic.
- j. No Surprises. Council members will make every effort not to surprise each other by bringing up something new at a meeting, and rather will give notice of their intention to do so as soon as practical before the meeting.

VI. Procedure in Handling Motions.

- a. Making a Motion. A council member, after obtaining the floor, makes a motion. (If long or involved, it should be in writing.) The council member may state reasons briefly before making the motion; but may argue the motion only after it has been seconded; and having spoken once may not speak again until everyone who wishes to be heard has had the opportunity to speak, except to answer questions asked by other council members. Having made a motion, a council member may neither speak against it nor vote against it.
- b. Seconding a Motion. Another council member seconds the motion. All motions require a second, to indicate that more than one member is interested in discussing the question. The seconder does not, however, have

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- to favor the motion in order to second it, and may both speak and vote against it. If there is no second, the mayor shall not recognize the motion.
- c. Stating the Motion. The mayor states the motion and asks for discussion.
- d. Debate. General debate and discussion follow, if desired. Council members, the city manager, the city attorney or the city clerk, when wishing to speak, follow the rules of speaking outlined above. The speaker's position on the motion should be stated directly: "I favor this motion because...," "I am opposed to this because...," etc. Remarks should be addressed to the mayor.
- e. Question. The mayor restates the motion and puts the question. Negative as well as affirmative votes are taken.
 - If the mayor is in doubt of the result of a voice vote, the mayor may call for raising of hands or a roll call vote.
 - 2. If any council member is in doubt of the result of a voice vote, the council member may obtain a vote by raising of hands or by roll call by calling for it (without need to be recognized by the mayor).
 - 3. In case of a tie vote, the motion is lost.
- f. Result. The mayor announces the result. The motion is not completed until the result is announced.

VII. Procedure in Handling Ordinances, Resolutions and Important Motions.

- a. Two Readings. All ordinances require at least two readings, because the city charter requires ten days' advance publication in final form. The agenda committee may require similar publication of complex or important motions and resolutions, in order to assure informed public participation.
- b. Notice. All documents delivered to council members' residences or electronically prior to any meeting shall be deemed to have been received and read, unless a council member indicates to the contrary during consideration of the matter. In the event that a council member has not received and read the document in question, the mayor shall determine an appropriate course of action, which may consist of an explanation of the substance of the document by a person familiar with its contents, or a recess. Abstentions are not permitted by the city charter under these circumstances.
- c. First Reading. On first reading, the clerk reads the title or the general description of the item set forth on the agenda, and the council has an opportunity to ask questions of the staff. Whenever practicable, council members ask first reading questions in writing or by email to "Hotline" in advance of the meeting no later than 5:00 p.m. on the Sunday preceding the meeting. Any remaining questions are asked at the meeting. The deadline for first reading questions is noon on the day following the meeting. Complex questions are subject to the "rule of five" for information and research requests set forth in Section X, Research and Study Sessions, Subsection A, Information/Research Requests/Rule of Three. The mayor then requests an appropriate motion. However phrased, an affirmative motion is construed as one to order the item published. Unless otherwise stated in the motion, all publication shall be by title only. The mayor then states the question, followed by proposal of amendments, if any, restates the question if necessary, and puts the question to a vote. After the conclusion of the vote, the mayor declares the item to have been ordered published or to have been rejected for publication. Publication does not constitute substantive approval of an item.
- d. Second Reading. On second reading, the clerk reads the title, or the general description of the item set forth on the agenda, followed by the staff presentation, and then the council has an opportunity to ask questions of the staff. Thereafter, the mayor opens a public hearing and supervises the public hearing. If any council member wishes, questions may be asked of persons testifying. Council may consider a response to public testimony at the meeting, and the agenda committee may consider a response the following week, but the

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normal response is in the council members' actions on the agenda. The mayor then requests an appropriate motion. The motion should be one to adopt the ordinance, and, however phrased, an affirmative motion shall be so construed. Unless otherwise stated in the motion, all publication shall be by title only. The mayor then states the question, followed by discussion by the council, the city manager and the city attorney and dialogue with staff in response to questions raised by the council, followed by debate, proposal of amendments, if any, and consideration thereof in the form of motions. After debate, the mayor restates the question and requests that the clerk conduct a roll call vote. After the conclusion of the roll call vote, the mayor declares the ordinance adopted or defeated.

- e. Resolutions. Resolutions are handled in the same manner as the second reading of an ordinance, except that the vote need not be by roll call.
- f. Emergencies. Ordinances may be passed by emergency on first or second reading, upon appropriate findings of urgency and need. In the event of passage by emergency on first reading, the first reading is handled in the same manner as the second reading of an ordinance, and the second reading is omitted. Council should endeavor to limit emergency ordinances to the quarterly supplement, matters in which there is a deadline, and matters affecting life, health or safety.
- g. Amendments. Non-emergency ordinances which are amended in substance rather than in form on second reading are republished in the same form originally published (either in full or by title only), as amended, and voted on again at a third reading, without further staff presentation or public hearing. The council retains the discretion to set a public hearing on third reading by majority vote. The same procedure applies to later substantive amendments as well.

VIII. Voting.

Voting ultimately decides all questions. The council may use any one of the following ways of voting:

- a. Voice Vote. All in favor say "aye," and all opposed say "no." The mayor rules on whether the "ayes" or the "nos" predominate, and the question is so decided.
- b. Raising of Hands. All in favor raise their hands, and then all opposed raise their hands. The mayor decides which side predominates and notes dissents for the record.
- c. Roll Call. The clerk calls the roll of the council members, and each member present votes "aye" or "no" as each name is called. The roll is called in alphabetical order, with the following special provision: On the first roll call vote the clerk shall begin with the first name on the list; on the second vote, the clerk shall begin with the second and end with the first; and so on, continuing thus to rotate the order. This rotation shall continue from meeting to meeting.

IX. Nominations and Elections.

The mayor pro tem shall be selected in the following manner:

- a. Swearing in of newly elected mayor and council members. The newly elected mayor and new council members shall be sworn in pursuant to Section 9 of the Charter at the first business meeting in December. At that time, the council shall hold a public hearing on the selection of the mayor pro tem.
- Mayor pro tem. The mayor pro tem shall serve for a period of one year. No later than the first business meeting in December, any council member with an unexpired term or council member elect may express their interest in serving as acting mayor (generally referred to as mayor pro tem). Any person expressing an interest shall post a Hotline message regarding their interest in and qualifications for the position.

- c. Nominations. At the first business meeting in December, at the conclusion of public testimony, council will consider nominations for mayor pro tem. Any council member may nominate anyone that expressed an interest on Hotline or made a speech during the meeting including themself. Nominations are made orally. No second is required, but the consent of the nominee should have been obtained in advance. Any person so nominated may at this time withdraw their name from nomination. Silence by the nominee shall be interpreted as acceptance of candidacy.
- d. Order of Vote. A motion then is made and seconded to close the nominations and acted on as any motion. The voting is accomplished by raising of hands unless there is only one nomination and a unanimous vote for the candidate. The names shall be called in alphabetical order or reverse alphabetical order depending upon a flip of a coin by the clerk, who shall thereafter alternate the order for all further election ballots during the same meeting.
- e. Ballots. If it is the desire of the council to use paper ballots rather than a voice vote, such a procedure is proper. However, since there is no provision for a secret vote, each ballot must be signed by the council member casting the vote.
- f. Elimination Process. If any of the candidates nominated receives five votes on the first ballot, such person is declared elected. If none of the candidates receives five votes on the first ballot, the candidate (plus ties) receiving the lowest number of votes is dropped as a candidate unless this elimination would leave one candidate or less for the office. If this elimination would leave one candidate or less for the office, another vote is taken, and once again the candidate (plus ties) receiving the lowest number of votes is dropped as a candidate unless this elimination would leave one candidate or less for the office. In the event that one candidate or less is left for the office after the second vote, a flip of a coin shall be used in order to eliminate all but two candidates for the office.
- g. Impasse Process. In the event that neither of the two final candidates receives five votes on the first ballot on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives such a majority vote, the meeting shall be adjourned for a period not to exceed twenty-four hours, and new nominations and new ballots shall be taken. If no candidate receives five votes on the first ballot at the adjourned meeting on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives a majority vote on the second such ballot at the adjourned meeting, a flip of a coin shall be used to determine which of the two final candidates shall be declared elected as mayor pro tem.
- h. Appointment of Board Alternates. In the event that the Boulder Revised Code provides for the appointment of temporary alternate board members, such members shall be appointed as follows: The most recently departed member of the board needing a temporary alternate, who is eligible and able to serve, shall be appointed. In the event that more than one member departed at the same time, alternates shall be chosen in reverse alphabetical order, with appointments alternating between the eligible and able former members who departed at the same time. In the event that the most recently departed member is not eligible or able to serve, the next previously departed member shall be chosen, applying the procedure above if there is more than one potential appointee. No person shall be eligible for a temporary alternate appointment if they were removed from the board by the council. A temporary alternate shall be appointed only when a member's absence either results in the lack of a quorum or may prevent the board from taking action. No person appointed as a temporary alternate shall serve at two consecutive meetings of the board to which they are appointed unless it is necessary to complete an agenda item that has been continued to another meeting.
- i. Boards and Commissions. Elections to fill positions on boards or commissions shall be conducted in the same manner. However, a majority of the council members present rather than a majority of the full

- council is sufficient to decide an election of this nature. Each board or commission vacancy shall be voted on separately.
- j. Advertising of Vacancies After Partial Terms. Prior to advertising board and commission vacancies, when a person has already served on the board or commission and is seeking reappointment, council should make the decision of whether or not to advertise that particular vacancy.

X. Research and Study Sessions.

- a. Information/Research Requests/Rule of Three. Requests for information should be directed to "Hotline," or, if a public request is not appropriate, directly to the city manager or the city attorney. Requests for a briefing should be directed to the city manager or the city attorney. A single council member may require the city manager or the city attorney to provide available information at any time or to answer any question concerning an agenda item. The concurrence of three council members is required to assign a matter for research by staff. For staff to spend more time than the city manager or the city attorney considers reasonable in light of other staff time commitments, the concurrence of five council members is required. In such case, the manager or attorney shall report the results of the preliminary research and an estimate of the time required to complete the task as the manager or attorney proposes. In any case, a vote shall be taken at a council meeting, but work may proceed in an emergency pending such vote. The council shall be informed of any such emergency work. Requests for information relating to an agenda item should be made sufficiently in advance to allow staff time to assemble the requested information. Requests for information relating to a quasi-judicial matter before the council are permitted provided that staff shall inform the applicant of the request and shall provide the applicant with a copy of any response.
- b. Budget Rule. A matter shall be placed before the council for decision during the deliberation of the budget by a vote equal to or greater than the number of council members remaining at the meeting after deduction of the majority thereof.
- c. Study Sessions. The chair of each study session shall be selected through rotation of council members who have expressed an interest in chairing study sessions. The Mayor and Mayor Pro Tem may be included in the rotation. The order of the rotation shall follow generally the rotation of members at the Council Agenda Committee, with the Mayor or Mayor Pro Tem presiding when a member is not available, has not expressed an intent to chair a study session or the member agrees to defer to the Mayor or Mayor Pro Tem. Materials for study sessions generally will be made available to the council and the public at least ten seven days before the date of the study session. Notice will be given as for other council meetings. Written comments received by staff prior to noon on the Thursday preceding study sessions will be forwarded to all council members that evening. Testimony of persons other than staff or consultants or subject-matter experts designated by the city manager is not permitted at study sessions unless a majority of the council members present votes to suspend this rule. The council will give direction to staff at study sessions for the presentation of action items at future regular council meetings. Full summaries of study sessions shall be placed on a later council agenda for approval, including the direction given, any remaining issues and any staff reaction or proposed work plan in response to the study session.

XI. Procedure in Handling Major Capital Improvement Projects.

Major capital improvement projects shall be handled, to the extent practicable, in accordance with the City Plans and Projects Handbook, dated November 2007. Failure to follow any aspect of such processes shall not be grounds for any challenge to any city project. Prior to a development review decision by the planning board or approval of the community and environmental assessment process by an advisory board, the council may determine by motion to review the project prior to the decision on the concept review or community and environmental assessment process. If so, the manager will schedule a public hearing and consideration of a motion directing staff concerning: 1) the goals and objectives of the program which will be served by the project, and 2)

the conceptual design of the project. For those projects requiring development review, the council will deal only indirectly with the factors which may ultimately be entailed in a development review application under Chapter 9-4, "Land Development Review," B.R.C. 1981, in recognition that it may later be called upon to adjudicate such questions on a call-up of a planning board decision.

XII. Council Calendar.

The city publishes a calendar of meetings set by city staff and boards and commissions. Any council member may attend such meetings and events, but council members may not publicly speak at a board or commission meeting unless give prior permission by council to speak on behalf of council as a whole and may be disinvited from ceremonial events by the host.

XIII. Council Member Appointments.

The council may appoint council members to serve on ad hoc and ongoing intergovernmental committees, such as the Colorado Municipal League Policy Committee, the Denver Regional Council of Governments, the National League of Cities, or the Boulder County Consortium of Cities. Council members may be appointed for staff activities on an ad hoc basis. Appointments shall be made at council meetings, after notice to the council that the appointment will be considered as part of the agenda of the meeting. The mayor appoints one of the members to the Housing Authority and one to the Urban Renewal Authority, in conformity with state law, but council is notified at a council meeting of each such appointment, and the Urban Renewal Authority appointment is subject to council ratification. The council appoints one of its members to the board of directors of the Boulder Museum of Contemporary Art, the Boulder Convention and Visitors Bureau, the Colorado Chautauqua Association, the Downtown Business Improvement District Board, the Rocky Flats Stewardship Council, the Commuting Solutions Committee, the Mile High Flood District, the Boulder County Resource Conservation Advisory Board, and the board of directors of the Dairy Arts Center. The mayor will serve on the Metro Mayor's Caucus and the US 36 Mayors and Commissioners Coalition. Council members are expected to inform the council of their committee activities and to request advice on important policy issues.

Council may appoint alternates for (intergovernmental) committees as council deems necessary. The alternate shall serve in place of the council appointee as requested by the council appointee and when the person is not able to participate. Appointments shall be made using the same process noted above.

XIV. Parliamentary Procedure.

Except as otherwise provided herein or as advised by the city attorney, all matters of procedure are governed by the then current Robert's Rules of Order Newly Revised.

XV. Declarations and Resolutions.

- a. Mayor to Screen. All matters proposed for council or mayoral action which commemorate a period of time or commend the actions of a person or a group or endorse a position or an idea not directly related to the affairs of the city shall be screened by the mayor.
- b. Mayoral Declarations. If a group with substantial local support requests such action, and the mayor determines that there is no substantial political issue concerning such action, the proposed declaration shall be included in the agenda for the Council Agenda Committee. Any council member who would prefer that the declaration be issued by the entire council, read out loud at a council meeting or discussed by the entire council shall inform the Council Agenda Committee. Depending on the specific request the Committee can decide to issue the declaration from the entire council (not just the mayor), schedule a time for reading at a future council meeting or schedule consideration of whether to issue, amend, or deny the declaration at a

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- future council meeting. If no council member seeks full council consideration, the mayor may sign the declaration. All signed declarations shall be posted on the city's website.
- c. Council Resolutions. In extraordinary circumstances, if the group supporting the action determines that it wishes council action rather than a mayoral declaration, and the action otherwise meets the criteria set forth above, the mayor may, if the mayor considers such action appropriate in light of the importance of the action and the additional business on the council agenda, place a resolution on the agenda for council action.
- d. Resolutions. Resolutions are appropriate for legislative concerns, including, without limitation, conveyances of positions or ideas to other legislative and administrative bodies. But all legislative actions must be by ordinance.
- e. Political Questions. In the event that a substantial political issue is determined to be presented by a proposed declaration, the mayor shall not act or place the matter on the agenda, but instead will inform the group supporting the action that the matter will be placed on the agenda only if a majority of the council members present at a meeting of the council so directs. The burden shall be on such group to present the issue to the council. The mayor may request council advice at any time concerning proposed mayoral or council action.
- f. Foreign Policy and National Policy Questions. Council shall not act on a foreign policy or national policy issue on which no prior official city policy has been established by the council or the people, unless sufficient time and resources can be allocated to assure a full presentation of the issue.
- g. Fund-Raising. Publicity for fund-raising efforts and community events will be deemed inappropriate for council action, although major efforts and events may be commemorated if the majority of the council members present at a meeting of the council so directs.

XVI. Rules of Decorum.

- a. Council Intent for Rules of Decorum. The city's business is conducted at city council meetings by the elected officials of the city. All council meetings are open to the public, but the public's participation is permitted only at formal council business meetings during the time and in the manner set forth in these rules. Public participation is generally not permitted during study sessions and other informal council meetings, although the council may permit public participation and provide reasonable time and manner restrictions. The public is encouraged to express comments in writing or other communication prior to those meetings. In order for the council to conduct its business in a manner completely open to the public by video, rules of decorum are necessary. Historically, council meetings have lasted numerous hours which may limit the practical ability for the public to participate and the effectiveness of staff to make presentations and elected officials to discuss issues and make decisions. The intent of these rules is to:
 - 1. Provide a safe and secure setting for council and the public to attend to the city's business.
 - 2. Enable council to conduct its deliberative process without disruption in a manner that can be heard and viewed by all viewing and recorded for the simultaneous or later viewing by the public.
 - 3. Ensure that the public has a full opportunity to be heard during public hearings and open comment periods of council meetings.
 - 4. Facilitate transparency in the conduct of council meetings so that all persons have the opportunity to observe and hear all of the council discussion and votes.
 - 5. State specific rules so that all may know the rules in advance and be subject to the same rules.
 - 6. Limit interruptions, unreasonable delay, or duplication of comments, presentations, or discussion.

- 7. Develop an atmosphere of productive civic discourse that is respectful of diverse opinions and allows presentation of positions that vary from the position of others at the meeting without insults or intimidation.
- 8. Balance the need for the council to conduct effective meetings without the meetings extending late into the night or early morning with the need to give a full opportunity for the public to be heard.
- 9. Facilitate council meetings as business meetings, therefore public comments should relate to the business of the city and, as such, be addressed to the council as a whole, which conducts the business of the city.
- 10. Adopt these rules of decorum as the standard for conduct of meetings of the city council and staff of the city.
- 11. Protect city property from damage.
- b. Rules of Decorum for the Public. During all times a meeting of the city council is being conducted, the following rules shall apply:
 - 1. Prior to addressing council, a person shall sign-up providing information for the council record.
 - 2. All remarks to the council shall be only after the speaker is acknowledged by the presiding officer.
 - 3. While in attendance at a council meeting, no attendee shall disrupt, disturb, or otherwise impede the orderly conduct of any council meeting in a manner that obstructs the business of the meeting. This includes any means, including but not limited to, speech that creates an actual disruption or conversation with other audience members that interferes with the council members ability to hear and focus on the business or other audience members ability to hear the proceedings. Disorderly conduct also includes failing to obey any lawful order of the presiding officer to leave the meeting room or refrain from addressing the council.
 - 4. No attendee shall make threats or other forms of intimidation against any person in the council chambers or meeting room.
 - 5. All persons participating in a council meeting, including, without limitation, council members, staff, and attendees, shall silence all cell phones, pagers, and other electronic devices to prevent disruption at the meeting.
 - 6. No person participating in any council meeting shall be in a state of intoxication caused by the person's use of alcohol or drugs.
 - 7. All remarks shall be limited to matters related to the business of the city. Obscenity, racial, national origin, gender, sexual orientation, or religious epithets, and other epithets, and other disruptive speech and behavior are prohibited.
 - 8. Only one person shall be the podium during public comment or public hearings unless a companion is needed for physical, linguistic, or moral support.
 - 9. No one shall stand in the aisles in violation of the fire code or in a way that obstructs the vision or audio of other audience members.
 - 10. No signs or flags shall be permitted in council chambers except for one sign or one flag held by a person measuring no more than 11x17 inches which is held no higher than the person's face.
 - 11. No items shall be affixed to or propped against any surface in the council chambers except for laying a sign down against a person's own chair legs, without the permission of the city manager.

12. Clapping, snapping, shouts, lights, lasers, noisemaking devices and the like shall be considered disruptive and are prohibited except for following a declaration or as invited by the mayor or

chairperson to celebrate special events such as retirement.

- c. Enforcement of Decorum. The mayor or other presiding officer of the council, with the assistance of city staff shall be responsible for maintaining the order and decorum of meetings. The mayor or presiding officer may order that any person who fails to observe these rules of decorum be muted and/or removed from the meeting, may call a recess, and may order all persons to leave council chambers:
 - 1. The mayor or presiding officer may interrupt any speaker who is violating these rules of decorum if they are causing an actual disruption.
 - 2. The mayor or presiding officer shall attempt to provide a verbal warning to any attendee or particular speaker that may be violating these rules of decorum, but such verbal warning shall not be required as a condition of removing an offender from the council chambers or meeting room, or taking a recess, ordering attendees to vacate the chambers, or moving to a virtual meeting.
 - 3. These enforcement provisions are in addition to the authority held by the sergeant-at-arms or any other peace officer in attendance, to maintain order pursuant to the officer's lawful authority.
 - 4. Any person removed from the council chambers or meeting room shall be excluded from further attendance at the meeting from which the person has been removed, unless permission to attend is granted upon the motion adopted by a majority vote of the council.
 - 5. Any person who has been removed from a meeting may be charged with violation of the applicable provision of the Boulder Revised Code.
 - 6. A person removed from a council meeting may request a hearing to dispute prohibition under the provisions of Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, if the appeal is filed with the manager within ten days of the date of prohibition. The hearing will be before a hearing officer that is appointed by the city manager. The scope of the hearing will be limited to the following: (1) whether there was a prior removal in the past twenty-four months, and (2) the nature and extent of the behavior resulting in the suspension. The hearing officer will forward a recommendation to the council to affirm the sanction, modify the sanction, or to remove the sanction to the city council for its consideration at a subsequent meeting of the council.
 - 7. In addition to any other authority of the mayor or presiding officer, the presiding officer may call a recess during which time the members of the council shall leave the meeting room.
 - 8. In addition to any other authority of the mayor or presiding officer, the presiding officer may make or entertain a motion to move the meeting to a virtual forum.
- d. Rules of Decorum for Council. Members of the council shall attempt to balance the right of the public to know positions of the elected and appointed officials and rationale for decisions with the need for balanced discussion and timely adjournment of the meeting. In order to realize this balance, members shall endeavor to:
 - 1. Articulate questions, opinions, comments and reasons for votes succinctly;
 - 2. Exercise self-discipline by avoiding repeating statements of others, being verbose in expressing opinions or straying off the topic;
 - 3. Allow the presiding officer to manage the meeting and call on members before speaking;
 - 4. Support the presiding officer in enforcement of these rules;
 - 5. Permit other members an opportunity to speak once on an issue before speaking a second time on the same issue;

- 6. Focus on the issue being discussed rather than disagreement of ideas by using "I" statements and avoiding personal attacks or assuming motives of another;
- Consider the adopted council goals, staff work plans and limited resources when making requests for delay or additional information;
- 8. Acknowledge that new topics raised during a meeting by a member of the public or of the council may not have the benefit of all of the necessary background information, may not be presented from a balanced perspective, and decisions in such situations are more often emotionally driven. New topics raised during a meeting are most often best resolved by deferring the decision to the city manager or to a future agenda with direction to staff to provide background materials before the matter is considered at a future meeting. If council desires to take up a matter raised during a meeting, the request should be made and additional information requested under "Matters from the Mayor and Members of Council" portion of the agenda.
- e. Interpretation of Rules. These rules are intended to support the intent of the council set forth above. These rules are not to be used to limit public participation or council debate, but to enable the effective functioning of the council. These rules are not intended to restrict an individual's right to constitutionally protected speech. Either the council or the presiding officer may temporarily suspend these rules or grant exceptions in order to effectuate their intent.

XVII. Record Retention for Executive Sessions.

Between November 5, 2014 and December 31, 2017, the city council was authorized to conduct executive sessions for the purpose of obtaining and receiving legal advice, including negotiation strategy regarding the creation of a municipal electric utility. The following rules shall remain in effect to govern retention and disclosure.

- a. Any recording of an executive session shall be maintained in a secure place within the city and may not be accessed by anyone, other than the City Manager or City Attorney, their authorized delegate or a Member of the City Council, except upon order of a court of competent jurisdiction.
- b. Any recording of an executive session shall be maintained until December 31, 2022, unless litigation relating to matters discussed is initiated or pending during that time in which case the recording shall be maintained until the conclusion of the litigation. The council shall be required to approve the destruction of any such recording of an executive session.
- c. Council may, by unanimous vote, release all or part of a recording of an executive session.



COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Consideration of a motion to accept the April 24, 2025 Study Session Summary regarding Economic Development Plan and Program Enhancements

PRIMARY STAFF CONTACT

Jennifer Pinsonneault, Economic Vitality Manager

REQUESTED ACTION OR MOTION LANGUAGE

Motion to accept the April 24, 2025 study session summary regarding Economic Development Plan and Program Enhancements.

ATTACHMENTS:

Description

Item 3L - Consideration of a motion to accept the April 24, 2025 Study Session Summary regarding Economic Development Plan and Program Enhancements



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Consideration of a motion to accept the April 24, 2025 Study Session Summary regarding Economic Development Plan and Program Enhancements.

PRESENTERS

Nuria Rivera-Vandermyde, City Manager Mark Woulf, Assistant City Manager Jennifer Pinsonneault, Economic Vitality Manager, City Manager's Office

EXECUTIVE SUMMARY

During the April 24, 2025 Study Session, staff provided City Council with a draft Economic Vitality Strategy related to Council's priority of "Economic Development Plan and Program Enhancements" and received Council feedback on the proposed strategic plan.

Staff specifically requested City Council's input on the following topics:

- 1. Does City Council have any questions or feedback on the draft strategies and/or actions within the Economic Vitality Strategy?
- 2. Does City Council have any guidance on implementation priorities related to the draft planned initiatives?

STAFF RECOMMENDATIONS

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to <u>accept</u> the April 24, 2025 study session summary regarding Economic Development Plan and Program Enhancements.

SUMMARY OF PRESENTATION AND COUNCIL DISCUSSION

The presentation was introduced by Mark Woulf, Assistant City Manager, who provided a high-level summary of the work and its alignment with City Council's 2024-2025 priority of "Economic Development Plan and Program Enhancements." The presentation was led by Jennifer Pinsonneault, Economic Vitality Manager in the City Manager's Office, who outlined the goals, background, focus areas and process that informed the draft Economic Vitality Strategy departmental strategic plan to support a healthy, accessible, resilient and sustainable economy.

Key discussion points and feedback from City Council included the following:

- Overall, council members generally supported the approach outlined in the draft plan.
- Council members generally expressed interest in more detail including specific actions, priorities, timelines and the city's role in implementing the strategy.
- Some council members expressed interest in moving more quickly to address economic challenges.
- Council members expressed concern about the local economic impact of changes in federal funding, priorities and funding.
- A majority of council members emphasized the need to be adaptable to changing business and economic conditions, continue to support small local businesses and consider community values and needs in developing and implementing strategies to retain existing businesses and attract new businesses.
- Questions from council members included whether the list of programs, projects and
 initiatives outlined in the strategy might be too ambitious for a three-year plan, how the
 work would be prioritized and what programs or initiatives might be paused, delayed or
 adapted if unexpected constraints or challenges were to arise.

NEXT STEPS

Staff will incorporate feedback from council members and finalize the Economic Vitality Strategy by the end of June. The final plan will be shared with council and a summary will be published on the city's website. Staff will provide council with updates on progress made on implementation of the plan throughout 2025 and 2026.



COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Consideration of a motion to convert the June 12th, 2025 Study Session to a Special Meeting of City Council for the purpose of holding 2 executive sessions

PRIMARY STAFF CONTACT

NA

REQUESTED ACTION OR MOTION LANGUAGE

Motion to convert the June 12th, 2025 Study Session to a Special Meeting of City Council for the purpose of holding 2 executive sessions

ATTACHMENTS:

Description

No Attachments Available



COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Consideration of a Site Review Amendment to develop a vacant parcel south of Winchester Cir. in the Gunbarrel Tech Center, currently addressed as 0 Homestead Way. The proposed two-story building will be about 66,000 square feet and will have future industrial and office uses. Reviewed under case no. LUR2024-00006

PRIMARY STAFF CONTACT

Alison Blaine, City Planner Senior

ATTACHMENTS:

Description

- 1 of 3 Item 4A 0 Homestead Way Site Review Amendment
- 2 of 3 Item 4A 0 Homestead Way Site Review Amendment
- **a** 3 of 3 Item 4A 0 Homestead Way Site Review Amendment



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE: Site Review Amendment to develop a vacant parcel south of Winchester Cir. in the Gunbarrel Tech Center, currently addressed as 0 Homestead Way. The proposed two-story building will be 66,000 square feet and will have future industrial and office uses. Reviewed under case no. LUR2024-00006.

Applicant: Robert Van Pelt, RVP Architecture, P.C.

Owners: FM 0 Homestead Way LLC et al

Element 27, LLC

REQUESTING DEPARTMENT / PRESENTERS

Nuria Rivera-Vandermyde, City Manager

Brad Mueller, Planning & Development Services Director

Charles Ferro, Senior Planning Manager

Alison Blaine, Senior Planner

EXECUTIVE SUMMARY

The purpose of this item is for the City Council to consider whether to call up the Planning Board's decision on an application for a Site Review Amendment to develop an existing vacant site with a future office and industrial building located within the IM zoning district. On May 6, 2025, the Planning Board held a public hearing and voted 7-0 to approve the application with conditions. The Planning Board decision is subject to a 30-day City Council call up period, which concludes on June 5, 2025. City Council is scheduled to consider this application for call-up at its meeting on **June 5, 2025**.

The staff memorandum to Planning Board and the applicant's submittal materials along with other related background materials are available on the Records Archive for the Planning Board. The applicant's plan set and written statement is provided in Attachment A. The recorded video from the hearing can be found here (item begins 2 hours 25 minutes into the video). The draft meeting minutes from the Planning Board meeting are provided in Attachment C.

REVIEW PROCESS

The purpose of this item is for the City Council to consider whether to call up the above-referenced application for review and comment at a public hearing.

A Site Review Amendment is required because the proposal includes the development of a site within the Gunbarrel Tech Center PUD. Site Review Amendments are subject to the Site Review criteria in Section 9-2-14(h), B.R.C. 1981. Per Section 9-2-14(g), B.R.C. 1981, Site Review Amendments are subject to call-up by the Planning Board. The Site Review Amendment application was received prior to the adoption of Ordinance 8515. Review and approval is subject to the Site Review criteria in place at the time.

This item was called up by Planning Board at the March 18, 2025 meeting, and as such, Planning Board approval of the application was required at a public hearing.

BOARD AND COMMISSION FEEDBACK

At the public hearing on May 6, 2025, the Planning Board held a quasi-judicial hearing to review the proposed Site Review Amendment described above. Following staff and application presentations and a public hearing, the Planning Board approved with conditions the application by a 7-0 vote with the following motions:

On a motion by K. Nordback and seconded by M. McIntyre, the Planning Board voted 7-0 to approve Site Review Amendment application #LUR2024-00006, adopting the staff memorandum as findings of fact, including the attached analysis of review criteria, and subject to the conditions of approval recommended in the staff memorandum and as amended by Planning Board in the conditions below.

On a motion by M. McIntyre and seconded by K. Nordback, the Planning Board voted 7-0 to amend condition #5 to state that prior to certificate of occupancy, the Applicant shall submit a financial guarantee, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing eco-passes to the employees of the development for three years after the issuance of a certificate of occupancy.

On a motion by K. Nordback and seconded by M. McIntyre, the Planning Board voted 7-0 that the plans will be amended to show construction of a 10' wide paved multiuse path on the west-side access easement outside the extents of the ditch easement to the satisfaction of staff at the time of Tec. Doc and including any necessary adjustments to the existing site plan to accommodate this connection.

On a motion by C. Hanson Thiem and seconded by M. McIntyre, the Planning Board voted 7-0 that the final plans shall be revised to show a long-term bike parking area that provides weather protection, horizontal parking, and charging infrastructure for

E-bikes to the satisfaction of staff at the time of Tec. Doc. to satisfy Site Review criteria 9-2-14(h)(2)(D)(iv) (promoting alternatives to the automobile),

On a motion by K. Nordback and seconded by C. Hanson Thiem, the Planning Board voted 7-0 that the plans will be revised to show detached 5' sidewalks on both sides of the private vehicular access to the site, to the satisfaction of staff at time of Tec. Doc.

The Planning Board Disposition can be found in **Attachment B**. Refer to **Attachment C** for the draft meeting minutes from the Planning Board meeting.

PUBLIC FEEDBACK

Consistent with <u>Section 9-4-3, "Public Notice Requirements," B.R.C. 1981</u>, staff provided notification to all property owners within 600 feet of the subject location of the application, and signs have been posted by the applicant. Staff received public comments several neighbors expressing concern over increased traffic, ditch impacts, and protection of open space and natural habitats. Comments are included in the <u>Records Archive for the Planning Board</u>

BACKGROUND & ANALYSIS

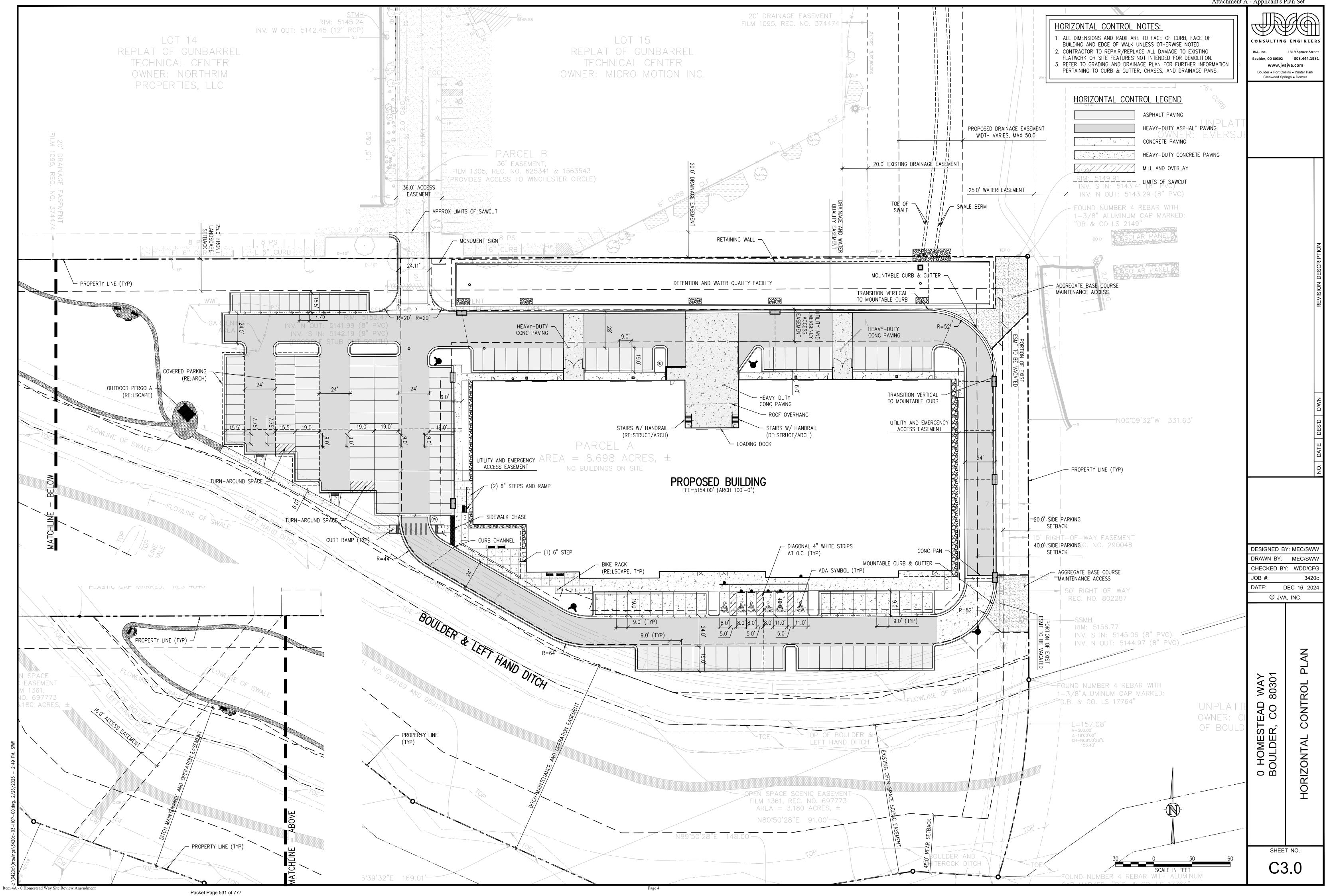
The staff memorandum to Planning Board that includes staff analysis and the applicant's submittal materials are available on the Records Archive for the Planning Board.

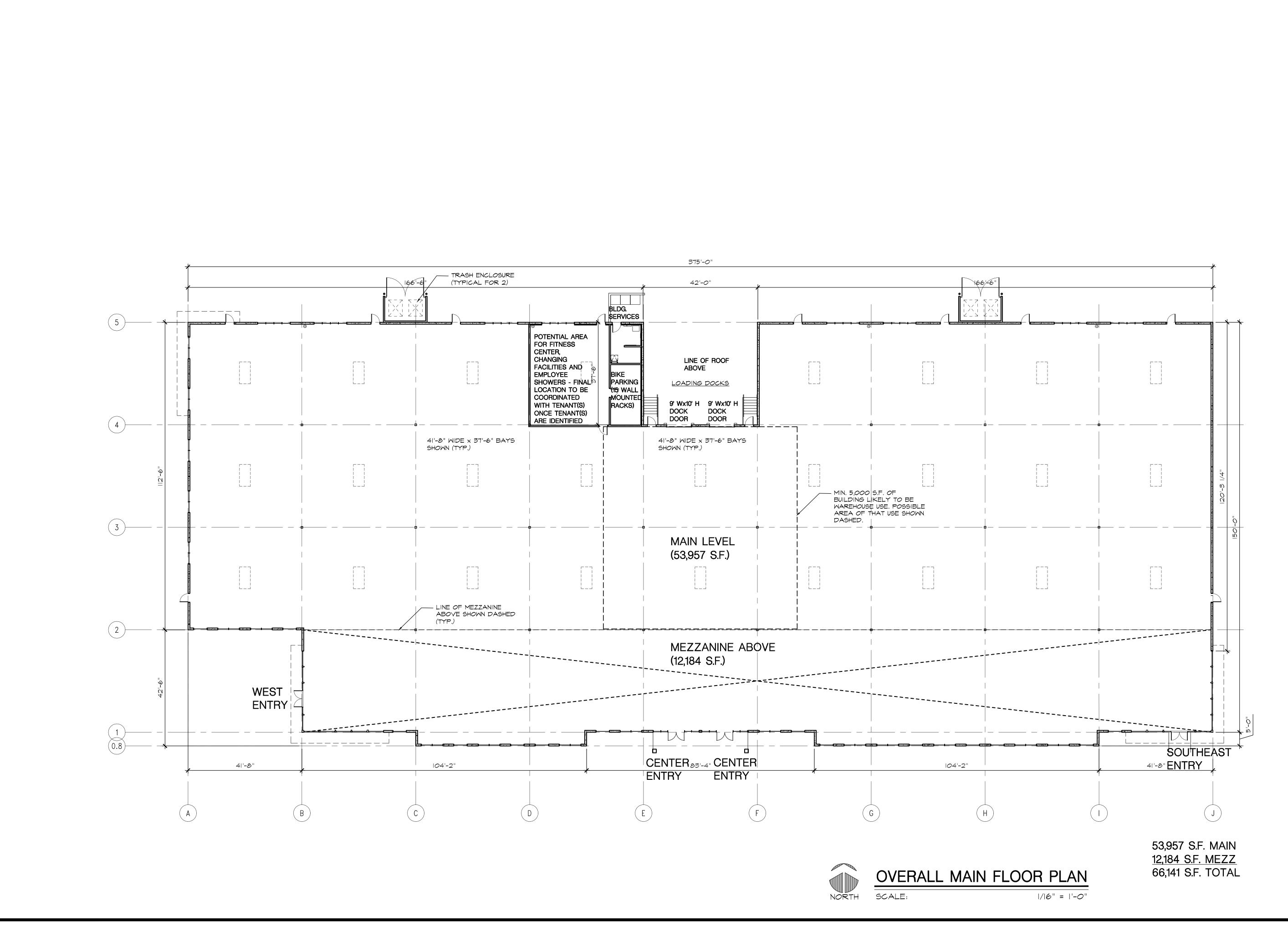
MATRIX OF OPTIONS

The City Council may call up the Site Review Amendment application within thirty days of the Planning Board's review. Any application that it calls up, the City Council will review at a public meeting within sixty days of the call-up vote, or within such other time as the city and the applicant mutually agree. The City Council is scheduled to consider this application for call-up at its meeting on **June 5**, **2025**.

ATTACHMENTS

Attachment A: Applicants Plans and Written Statement Attachment B: Planning Board Notice of Disposition Attachment C: Draft Planning Board Minutes 05.06.25





Page 5

architecture/planning/cons a colorado professional corpo 5377 Manhattan Circle, Suite Boulder, Colorado

New Building
O Homestead Way

Gunbarrel Technical Center **Boulder**,

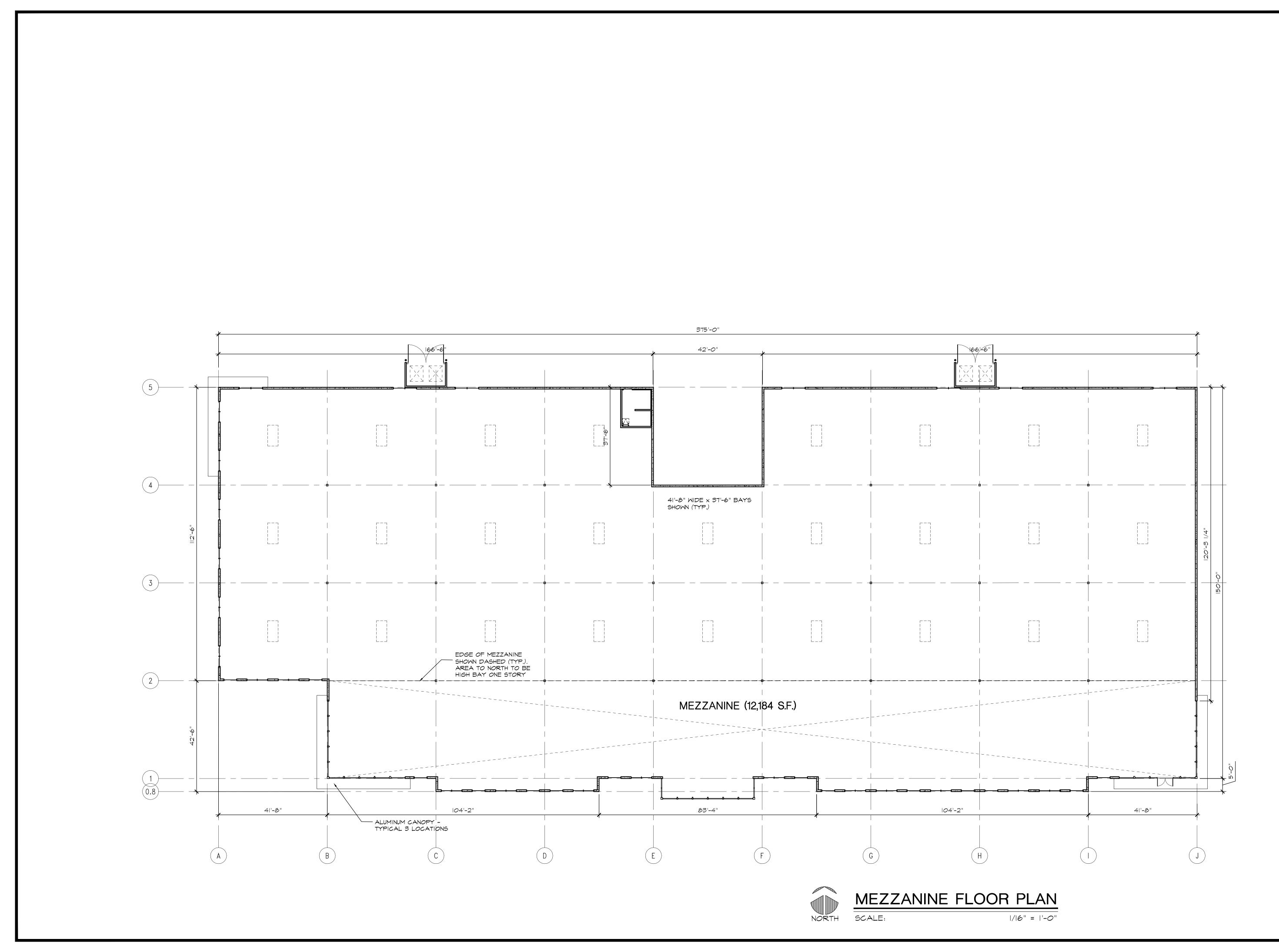
PROJ NO: 21-03
DATE: JUNE 9, 2023
REV: JANUARY 18, 2024
APRIL 09, 2024
JUNE 13, 2024
FEB. 25, 2025

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A1.0 FLOOR PLANS

Item 4A - 0 Homestead Way Site Review Amendment
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Page 6

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ew Building
O Homestead Way

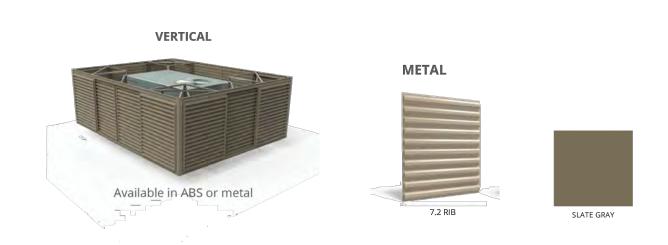
Gunbarrel Technical Center **Boulder**,

PROJ NO: 21-03
DATE: JUNE 9, 2023
REV: JANUARY 18, 2024
APRIL 09, 2024

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A2.U FLOOR PLANS

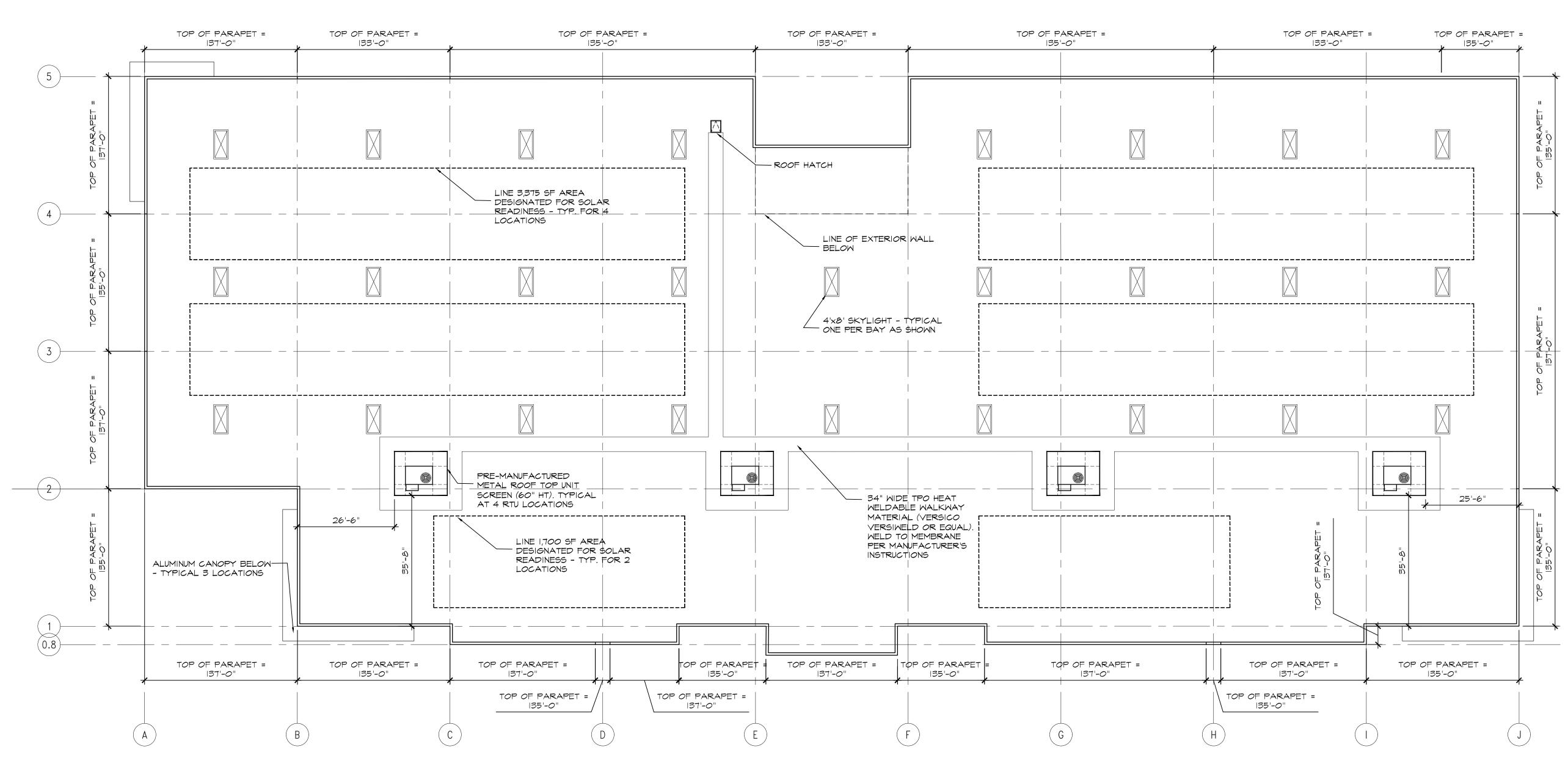
Item 4A - 0 Homestead Way Site Review Amendment
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ROOF SCREEN DETAILS

SOLAR READINESS AREA NOTES:

- 1. TOTAL ROOF AREA = 53,957 SF.
- 2. SOLAR READINESS AREA (40% MIN.) = 21,438 SF.
- 3. AREA PROVIDED ON ROOF: 4 AREAS AT 3,375 SF EACH = 13,500 SF AND 2 AREAS AT 1,700 SF = 16,900 SF.
- 4. 1 COVERED PARKING AREA AT 1,293 SF. AND 1 AT 3,300
- 5. TOTAL AREA PROVIDED = 21,493 SF.





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Homestead Way

barrel Technical Center

Gunbarrel Techr

PROJ NO: 21-03
DATE: JUNE 9, 2023
REV: JANUARY 18, 2024
APRIL 09, 2024
JUNE 13, 2024

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A3.0 ROOF PLAN

Item 4A - 0 Homestead Way Site Review Amendment

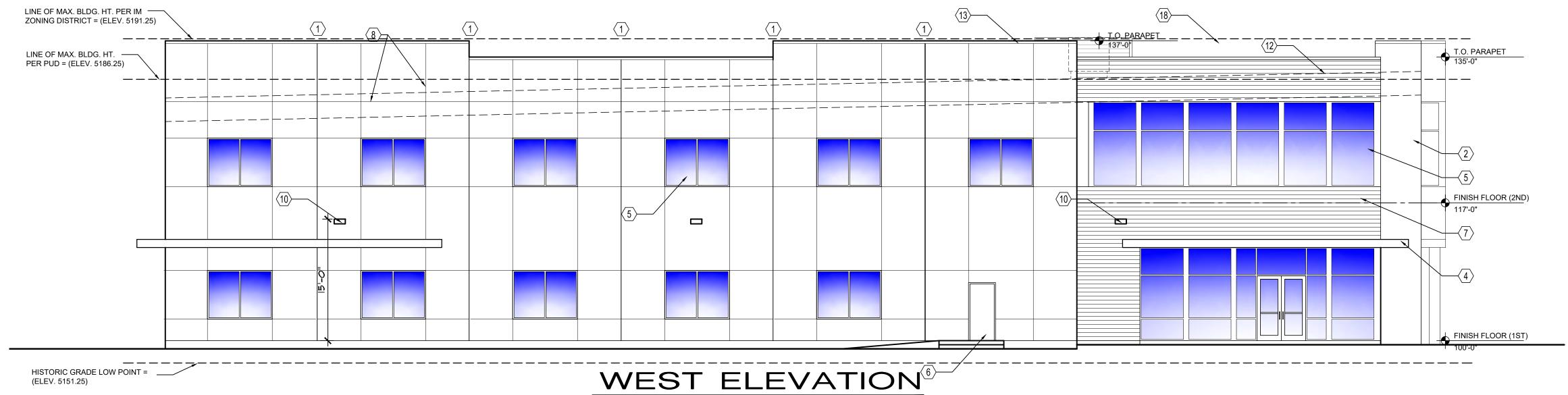
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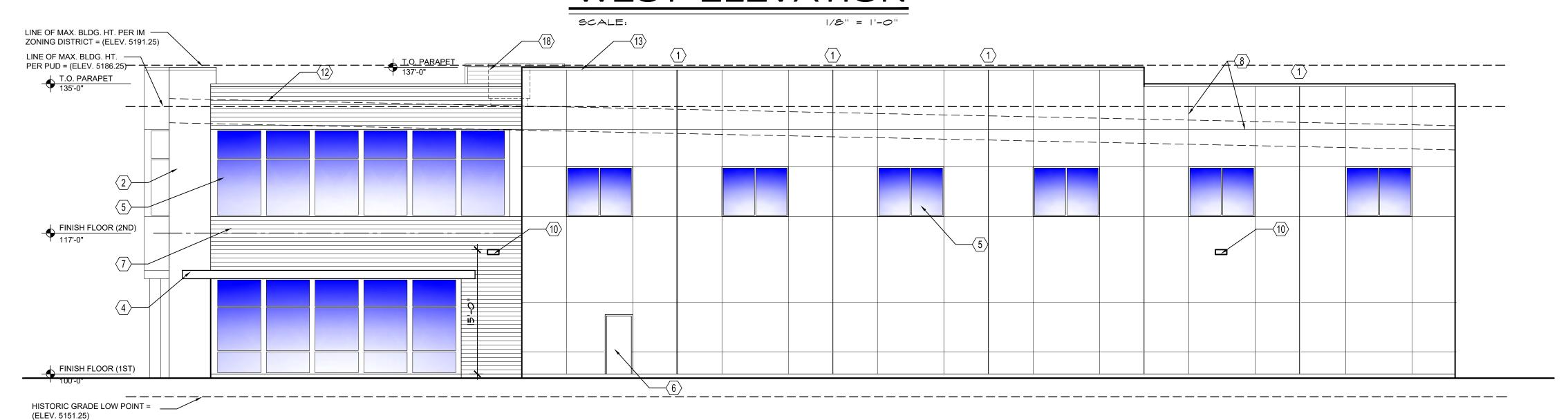
Page 7

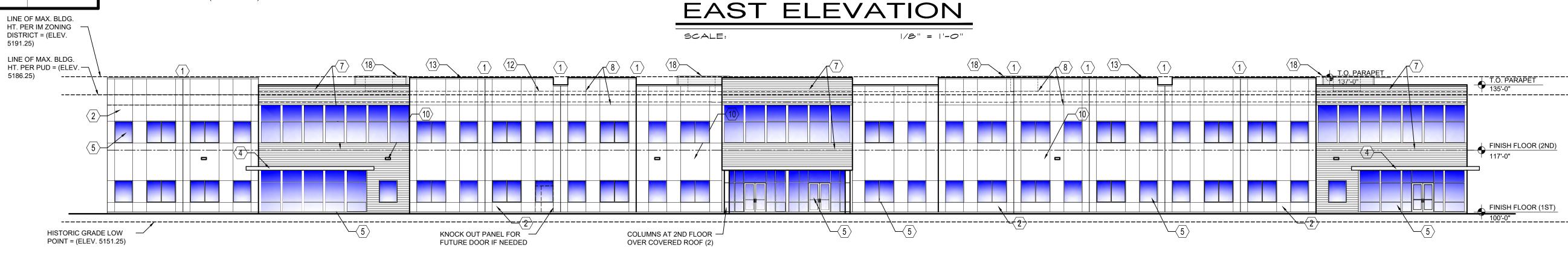
ELEVATION NOTES

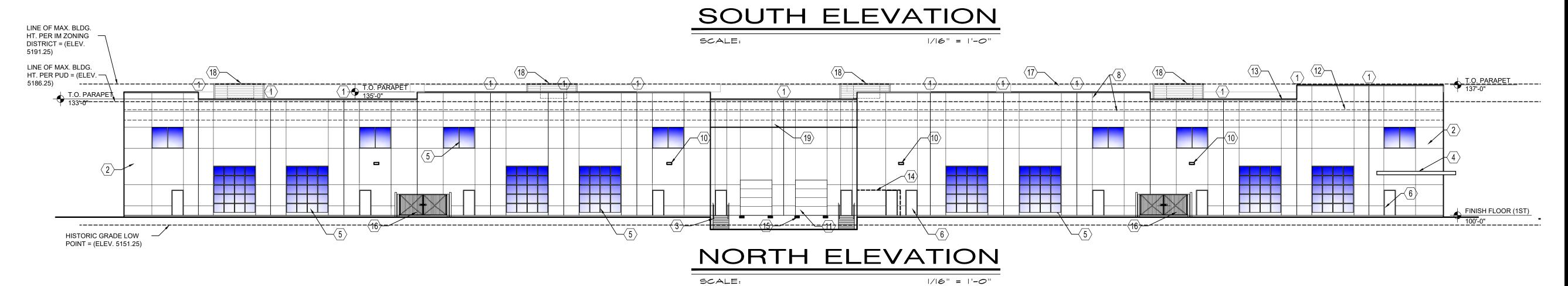
- PANEL JOINT
- 2. TEXTURED & PAINTED PRE-CAST CONC. **EXTERIOR WALL PANELS - TYPICAL**
- 3. METAL STAIR
- 4. METAL/ALUMINUM CANOPY
- 5. ALUMINUM STOREFRONT WINDOWS AND DOORS (NATURAL ANODIZED FINISH)
- 6. STEEL MAN DOOR
- 7. CORRUGATED METAL SIDING (COR-RIB PROFILE).
- 8. HORIZONTAL AND VERTICAL REVEALS
- 9. BOLLARD
- 10. WALL LIGHT (RE: ELECTRICAL)
- 11. METAL INSULATED OVERHEAD DOOR
- 12. LINE OF ROOF BEHIND PARAPET (DASHED)
- 13. PAINTED METAL PARAPET CAP
- 14. PRE-CAST CONCRETE SCREEN WALL AT METERS SHOWN DASHED
- 15. DOCK BUMPERS
- 16. TRASH ENCLOSURE
- 17. PARAPET WALL AT FRONT (BEYOND)
- 18. METAL RTU SCREEN (COLOR TO MATCH BUILDING)
- 19. COVERED DOCK

GLASS COVERAGE					
FACADE	FACADE AREA	GLASS AREA	PERCENT		
WEST	5,740 S.F.	1,157 S.F.	20.2%		
EAST	5,740 S.F.	940 S.F.	16.3%		
SOUTH	13,786 S.F.	4,535 S.F.	32.9%		
NORTH	13,042 S.F.	1,587 S.F.	12.2%		
TOTAL:	38,308 S.F.	8,219 S.F.	21.5%		









PROJ NO: 21-03 JUNE 9, 2023 JANUARY 18, 2024 APRIL 09, 2024 JUNE 13, 2024

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ELEVATIONS

👗 Sherwin Williams

🍐 Sherwin-Williams



WEST ELEVATION

SCALE:



EAST ELEVATION

SCALE:

NOT TO SCALE



NORTH ELEVATION

SCALE: NOT TO SCALE



Page 9

SOUTH ELEVATION

SCALE:

NOT TO SCALE

Way

Gunbarrel Technical

21-03 JUNE 9, 2023 REV: JANUARY 18, 2024 APRIL 09, 2024 JUNE 13, 2024

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ELEVATIONS



NOT TO SCALE

SCALE:

SCALE:



BIRDS EYE LOOKING NORTHWEST

SCALE:

SCALE:

NOT TO SCALE



SOUTHWEST CORNER ENTRY PLAZA

NOT TO SCALE



EMPLOYEE BREAK AREA

NOT TO SCALE

RENDERINGS

Item 4A - 0 Homestead Way Site Review Amendment Packet Page 537 of 777

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ENTRY DRIVE LOOKING SOUTH

SCALE

NOT TO SCALE



VIEW FROM WINCHESTER CIRCLE

SCALE:

NOT TO SCALE

architecture/planning/consultance a colorado professional corpora 5377 Manhattan Circle, Suite Boulder, Colorado 803

Homestead Way

Way New Bull

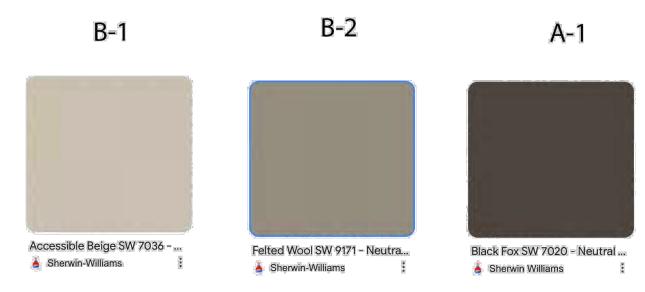
Inbarrel Technical Center

NO: 2°

PROJ NO: 21-03
DATE: JUNE 9, 2023
REV: JANUARY 18, 2024
APRIL 09, 2024
JUNE 13, 2024

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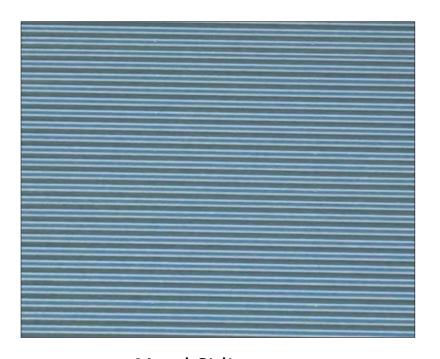
A/.U RENDERINGS



Concrete Wall Panel Paint Colors



Metal Canopy



Metal Siding



Aluminum Storefront Windows and Doors

1/18/2024

MATERIAL BOARD

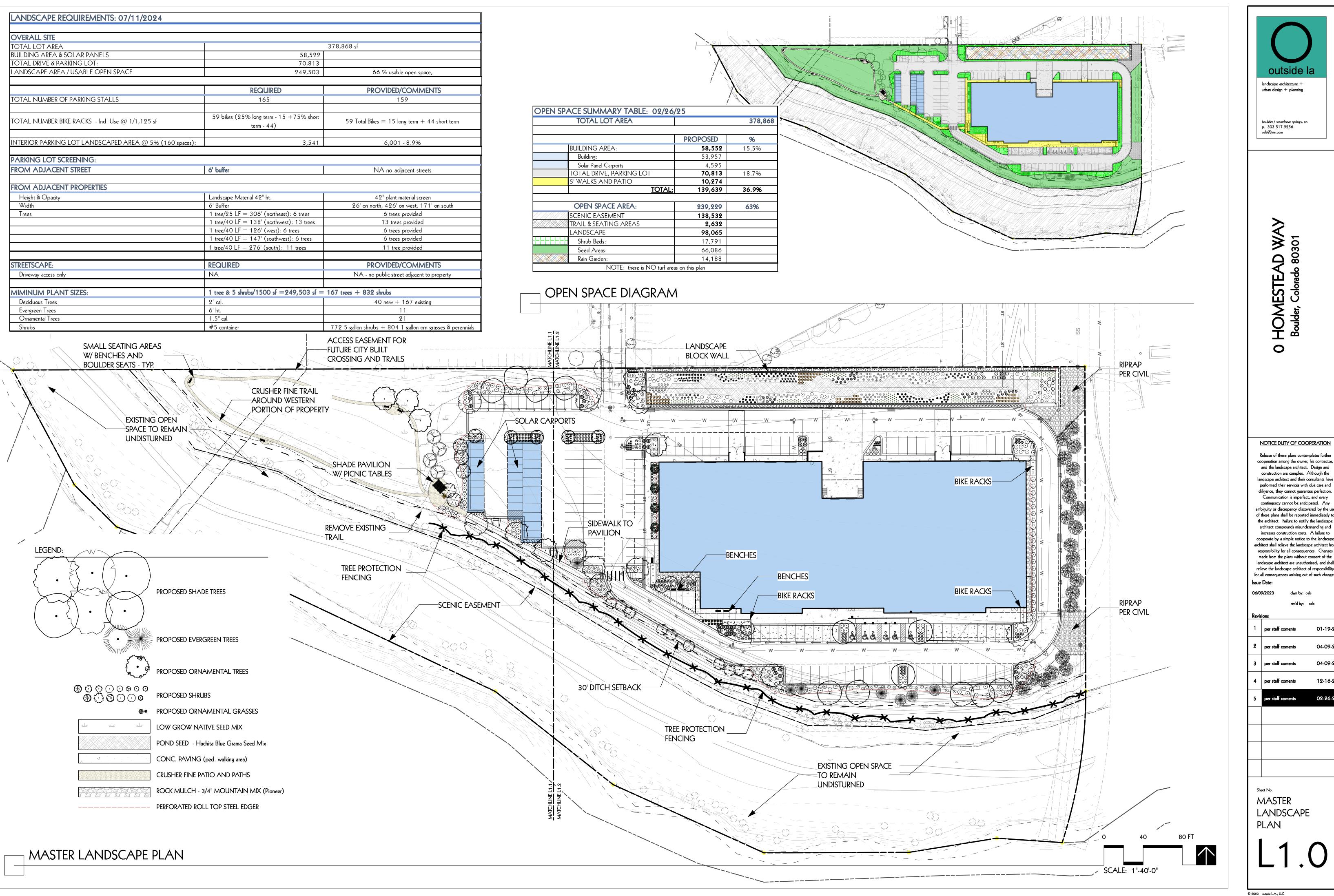


Proposed New Building

0 Homestead Gunbarrel Tech CenterBoulder, Colorado

ID# Common Name Scientific Name DBH Condition Comments ID# Common Name Scientific Name ID# Condition Comments ID# Common Name Scientific Name ID# Condition Comments ID# Common Name ID# Condition Comments ID# Condition ID#	ID# Common Name Scientific Name DBH Condition Comments ID# Common Name Scientific Name ID# Common Name	outside la landscape architecture + urban design + planning
Plains cottonwood Populus deltoides ssp. monilifera 10.0 Good S4 Russian olive Elaeagnus angustifolia 6.0 Good S5 Russian olive Elaeagnus angustifolia 6.0 Good S6 Russian olive Elaeagnus angustifolia 6.0 Good S7 Plains cottonwood Populus deltoides ssp. monilifera 6.0 Good S8 Russian olive Elaeagnus angustifolia 6.0 Good S9 Plains cottonwood Populus deltoides sp. monilifera 6.0 Good S9 Plains cottonwood Populus deltoides sp. monilifera 6.0 Good S9 Plains cottonwood Populus deltoides sp. monilifera 6.0 Good S9 Plains cottonwood Populus deltoides sp. monilifera 6.0 Good S9 Plains cottonwood Populus deltoides sp. monilifera 6.0 Good S9 Plains cottonwood Populus deltoides sp. monilifera 6.0 Good S9 Plains cottonwood Populus deltoides sp. monilifera 6.0 Good S9 Plains cottonwood Populus deltoides sp. monilifera 6.0 Good S9 Plains cotton	Second S	boulder / steamboat springs, co p. 303.517.9256 osla@me.com
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SCENIC EASEMENT 93 96 96 149 145 144 147 146 149 149 146 143	33 52 50 W W W W W W W W W W W W W W W W W W	responsibility for all consequences. Changes made from the plans without consent of the landscape architect are unauthorized, and shall relieve the landscape architect of responsibility for all consequences arriving out of such changes. Issue Date: 06/09/2023 dwn by: osla rev'd by: osla Revisions 1 per staff coments 01-19-24
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EXISTING TREE SURVEY	139 128 116 113 121 119 117 113 124 125 129 120 118 SCALE: 1"-40'-0"	Sheet No. EXISTING TREE SURVEY LO.O

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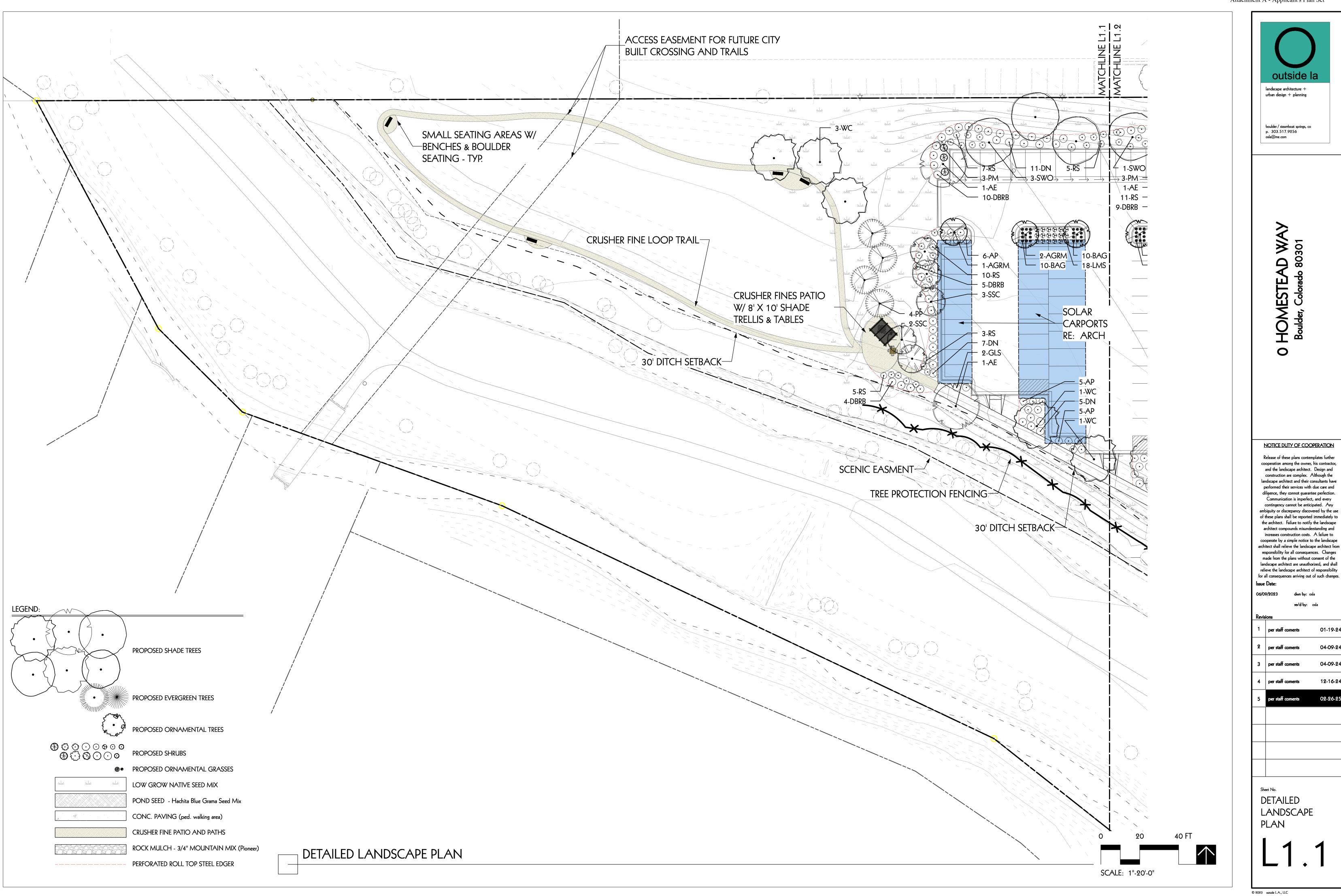
boulder / steamboat springs, co р. 303.517.9256

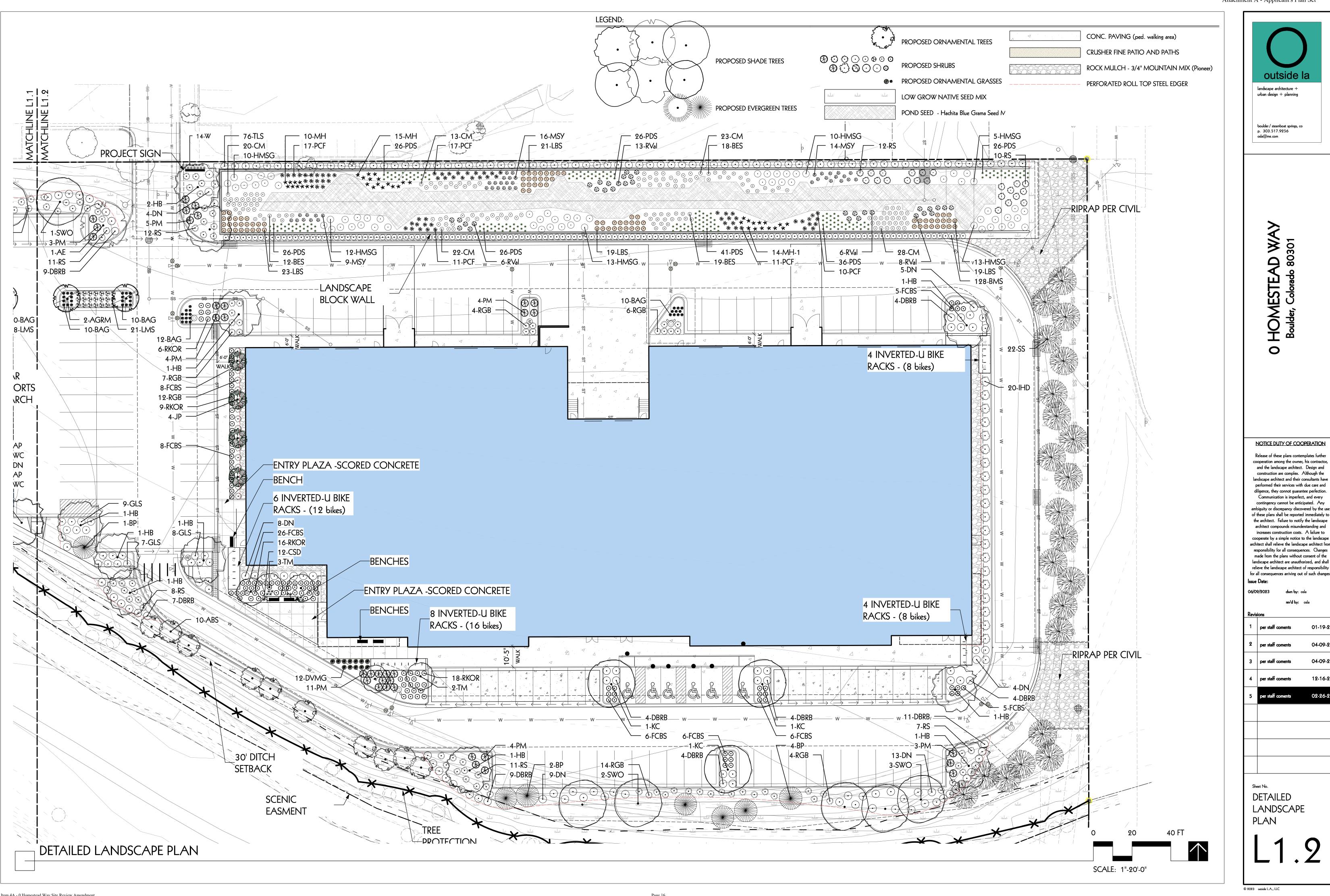
NOTICE DUTY OF COOPERATION

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per staff coments

Page 14





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urban design + planning

boulder / steamboat springs, co р. 303.517.9256 osla@me.com

PLANT LIS	ST: 04/0!	5/24					
KEY	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	o.c. SPACING	WATER USAGE	% of SPECIES
SHADE TRE	ES:						
AE	3	Ulmus x Accolade'	Accolade Elm	2" dp.	as shown	LOW	4%
AGEM	5	Acer rubrum 'ARMSTRONG GOLD'	Armstrong Gold Red Maple	2" dp.	as shown	LOW	7%
НВ	11	Celtis occidentalis	Hackberry	2" dp.	as shown	LOW	15%
JP	4	Pyrus JAVELIN	Javelin Pear	2" dp.	as shown	LOW	6%
KC	3	Gymnocladus dioicus	Kentucky Coffeetree	2" dp.	as shown	LOW	4%
SWO	9	Quercus bicolor	Swamp White Oak	2" dp.	as shown	LOW	13%
WC	5	Catalpa speciosa	Northern Catalpa	2" dp.	as shown	LOW	7%
TOTAL:	<u>40</u>				<u> </u>		
EVERGREEN	N TREES:						
BP ERGREEI	7	Pinus leucodermis	Bosnian Pine	6' ht.	as shown	LOW	10%
PP	4	Pinus edulis	Pinon Pine	6' ht.	as shown	LOW	6%
TOTAL:	11	i iius edulis	I mon i me	U III.	as SHOWII	LOW	
ORNAMEN A B C	•	Amelanchier x grandiflora'Autumn Brilliance'	Autumn Brilliance Serviceberry	1.5" clp.	as shown	LOW	15%
ABS SSC	11 5	Malus 'Spring Snow'	Spring Snow Crabapple	1.5 clp.	as shown	LOW	7%
TM	5	Acer tataricum Pattern Perfect	Pattern Perfect Tatarian Maple	1.5" clp.	as shown	LOW	7%
TOTAL:	<u>21</u>	/ ter tataricum rattem renect	rattem remett i ataman iviapie	1.5 сір.	ds silowii	LOW	72
	<u> </u>						
SHRUBS:	1				1 .		
BMS	128	Caryopteris x clandonensis 'Dark Knight'	Dark Knight Bluebeard	5 gallon	4' o.c.	LOW	_
DBRB	75	Chrysothamnus nausoesus nauseosus	Dwarf Blue Rabbitbrush	5 gallon	4' o.c.	LOW	_
DN	66	Physocarpus opulifolius 'Nanus'	Dwarf Ninebark	5 gallon	5' o.c.	LOW	_
FCBS	70	Caaryopteris x clandonensis 'First Choice'	First Choice Blue Spirea	5 gallon	3' o.c.	LOW	_
GLS	42	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	5 gallon	5' o.c.	LOW	_
IHD	20	Cornus alba 'Bailhalo'	Ivory Halo Dogwood	5 gallon	7' o.c.	LOW	_
LMS	39	Spiraea japonica Limemound	Limemound Spirea	5 gallon	3' o.c.	LOW	_
PM RGB	37	Arctostaphylos x coloradoensis Panchito	Panchito Manzanita	5 gallon	5' o.c.	LOW	_
RKOR	47	Berberis thunbergii 'Rose Glow' Rosa x 'Radcor'	Rose Glow Japanese Barberry	5 gallon	5' o.c.	LOW	4
rkor RS	49		Rainbow Knock Out Rose	5 gallon	4' o.c.	LOW	4
SS	101 22	Perovskia atriplicifolia Amelanchier canadensis	Russian Sage	5 gallon	3.5' o.c.	LOW	_
TLS	76	Rhus trilobata	Shadblow Serviceberry Three-Leaf Sumac	5 gallon 5 gallon	15' o.c. 7' o.c.	LOW	_
TOTAL:	772	Kilus tillooata	THIEE-Leaf Sumac	2 Ballou	/ O.C.	LOW	
	_	SSES & PERENNIALS:	In. A. C.	1 . "		1.000	1
BAG	62	Helictotrichon sempervirens	Blue Avena Grass	1 gallon	24" o.c.	LOW	
BES	69	Rudbeckia hirta	Black Eyed Susan	1 gallon	24" o.c.	LOW	
CCD	106	Nepeta 'Psfike'	Little Trudy Catmint	1 gallon	24" o.c.	LOW	
csd DVMG	26	Leucanthemum x superbum 'Silver Princess'	Compact Shasta Daisy	1 gallon	24" o.c.	LOW	+
DVMG HMSG	12	Miscanthus sinensis 'Dixieland'	Dwarf Variegated Maiden Grass	1 gallon	24" o.c.	LOW	+
LBS	63 82	Panicum virgatum 'Heavy Metal'	Heavey Metal Switch Grass Little Bluestem	1 gallon	36" o.c.	LOW	+
MH LBS		Schizachyrium scoparium(Andropogon scoparius) Ratibida columnifera	Mexican Hat	1 gallon	24" o.c.	LOW	+
MH MSY	39			1 gallon	24" o.c.		+
PCF	39	Achillea x 'Moonshine'	Moonshine Yarrow	1 gallon	24" o.c.	LOW	+
PDS	66	Echinacea purpurea	Purple Coneflower	1 gallon	24" o.c.	LOW	+
RVal	207 33	Sorobolus heterolepis Centranthus ruber	Prairie Dropseed Red Valerian	1 gallon	24" o.c.	LOW	+
IV V dI	_ <u>_</u>	Centralitius rubei	NEU V dielidii	1 gallon	24" o.c.	LOW	

CITY OF BOULDER STANDARD LANDSCAPE NOTES

1. LANDSCAPING SCHEDULE: (A) NOTHING SHALL BE PLANTED BETWEEN OCTOBER 15 AND MARCH 1 WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY. STOCK, OTHER THAN CONTAINER-GROWN STOCK, SHALL NOT BE PLANTED BETWEEN JUNE 1 AND SEPTEMBER 1 WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY. BARE ROOT STOCK SHALL NOT BE PLANTED AFTER APRIL 30 OR IF PLANTS HAVE BEGUN TO LEAF OUT. (B) NOTHING SHALL BE PLANTED DURING FREEZING OR EXCESSIVELY WINDY, HOT, OR WET WEATHER OR WHEN THE GROUND CONDITIONS CANNOT BE PROPERLY WORKED FOR DIGGING, MIXING, RAKING, OR GRADING. (C) NOTHING SHALL BE PLANTED UNTIL THE ADJACENT SITE IMPROVEMENTS, PAVEMENTS, IRRIGATION INSTALLATION AND FINISH GRADING IS COMPLETED. THE CONTRACTOR SHALL TEST THE IRRIGATION SYSTEM IN THE PRESENCE OF THE DIRECTOR. THE IRRIGATION SYSTEM SHALL BE IN APPROVED, OPERATING CONDITION PRIOR TO ANY PLANTING.

2. SITE PREPARATION AND ALL PLANTING SHALL BE COMPLETED, AT A MINIMUM, IN ACCORDANCE WITH THE CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS. SITE PREPARATION SHALL INCLUDE TILLING THE SOIL TO A MINIMUM DEPTH OF SIX INCHES BELOW THE FINISHED GRADE, TOGETHER WITH SOIL AMENDMENTS THAT ARE APPROPRIATE TO ENSURE THE HEALTH AND SUSTAINABILITY OF THE LANDSCAPING TO BE PLANTED.

3. TURF GRASS SHALL BE LIMITED TO A MAXIMUM OF 25 PERCENT OF ALL LANDSCAPE AREAS ON THE SITE.

4. ALL PLANTING BEDS AND A 3-FOOT DIAMETER RING AT THE BASE OF EACH TREE WITHIN SOD OR SEEDED AREAS SHALL BE MULCHED WITH ORGANIC MULCH AT LEAST 4"

5. GRAVEL, ROCK MULCH, OR CRUSHER FINES SHALL NOT BE USED UNDER TREES OR ANY PLANTING AREAS. ROCK OR GRAVEL MAY ONLY BE USED AS A SPECIFIC ORNAMENTAL FEATURE IN LIMITED AREAS (SUCH AS AT THE BOTTOM OF A DRAINAGE SWALE OR DRY RIVER BED) OR AS A PEDESTRIAN PATH OR PATIO.

6. WEED BARRIER FABRIC SHALL NOT TO BE USED IN ANY PLANTING AREAS.

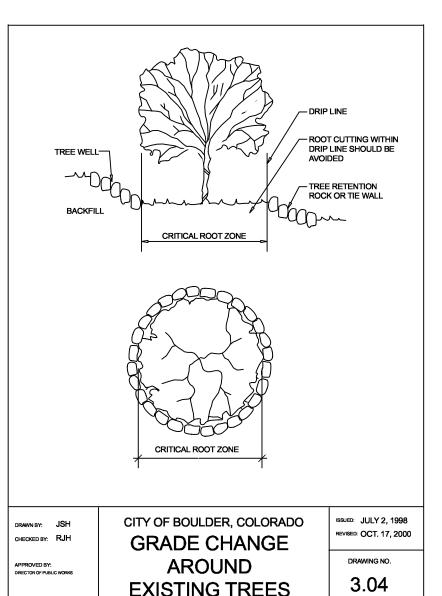
7. ALL PLANTS SHALL BE GROUPED BY WATER NEEDS. A MINIMUM OF 75 PERCENT OF ALL LANDSCAPED AREAS (INCLUDING ANY TURF GRASS) MUST USE LOW TO MODERATE WATER DEMAND PLANTS. THE LANDSCAPE SHALL BE DESIGNED SO THAT, AT MATURITY,

NOT MORE THAN 10 PERCENT OF THE LANDSCAPED AREA IS EXPOSED MULCH. 8. ALL LANDSCAPE AREAS SHALL BE WATERED BY AN AUTOMATIC IRRIGATION SYSTEM. THE IRRIGATION SYSTEM MUST BE ZONED TO DELIVER DIFFERENT APPROPRIATE AMOUNTS OF WATER TO DIFFERENT PLANT ZONES. THE SITE SHOULD BE IRRIGATED WITH DRIP IRRIGATION, BUBBLER, OR MICRO-SPRAY SYSTEMS. ALL TREES WILL BE ZONED SEPARATELY FROM TURF GRASS. ALL IRRIGATION ZONES SHALL USE A SMART SYSTEM THAT ADJUSTS FOR RAINFALL, SOIL MOISTURE, AND OTHER WEATHER FACTORS. 9. PROTECTIVE MAINTENANCE: AN APPLICANT FOR CONSTRUCTION APPROVAL SHALL PROVIDE MAINTENANCE AND CARE FOR ALL EXISTING TREES REQUIRED TO BE PROTECTED IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO ANY PROJECT OR CONSTRUCTION SITE DURING CONSTRUCTION ACTIVITIES AND THE PUBLIC IMPROVEMENT WARRANTY PERIOD TO ENSURE THAT EXISTING TREES SURVIVE AND ARE NOT DAMAGED. REFER TO CHAPTER 3 OF THE DESIGN AND CONSTRUCTION STANDARDS FOR ALL TREE PROTECTION REQUIREMENTS. (ONLY APPLICABLE TO EXISTING PUBLIC STREET TREES OR EXISTING

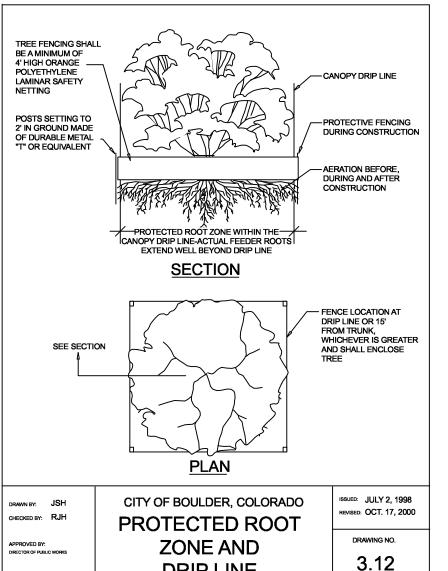
PRIVATE TREES THAT WILL MEET THE STREET TREE REQUIREMENTS OF SECTION 9-9-13 BRC 1981) 10. ALL NEW TREES SHALL BE LOCATED A MINIMUM OF 10' FROM ANY EXISTING WATER OR SEWER UTILITY LINES OR FROM LIGHT POLES OR OVERHEAD UTILITY POLES. ALL NEW UTILITY LINES SHALL BE LOCATED A MINIMUM OF 10' FROM ANY EXISTING PUBLIC

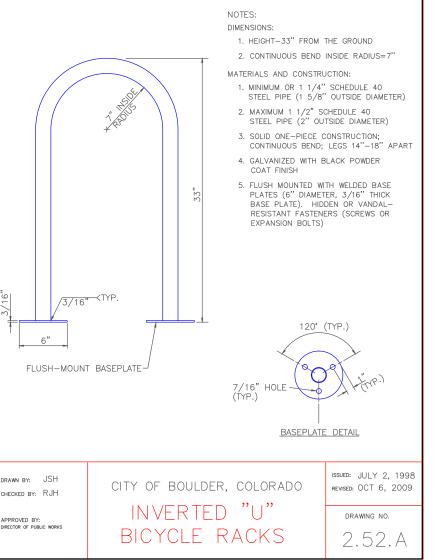
STREET TREE.

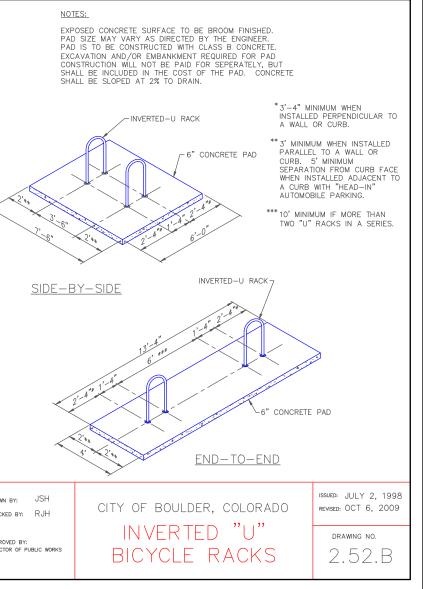
TREES 3" CLP AND UP TREES UNDER 3" CLP EVERGREEN TREE STAKING PLAN OPPOSITE SIDE SAN 1. WRAP TRUNK WITH 4" TREE 2. SEE SPECS FOR PLANTING OF 8" GREEN STEEL TEE POSTS WITH BLADE ON TREE SIDE 3. DETAIL IS TYPICAL IN INTENT ONLY. NYLON STRAP, RUN WIRE TO MULCHED, SOD-FREE BASE AROUN TREES PER SPECIFICATIONS PLANT PIT TWO TIMES LARGER THAN BALL DIAMETER ROOT BALL TO BE 2* ABOVE FINISHED GRADE REMOVE ALL FOREIGN MATERIALS FROM TRUNK AND BALL FOLD BACK TOP HALF OF UNTREATED BURLAP ISSUED: JULY 2, 1998 JSH CITY OF BOULDER, COLORADO REVISED: OCT. 17, 2000 TREES AND SHRUBS DRAWING NO. 3.02 PLANTING DETAIL

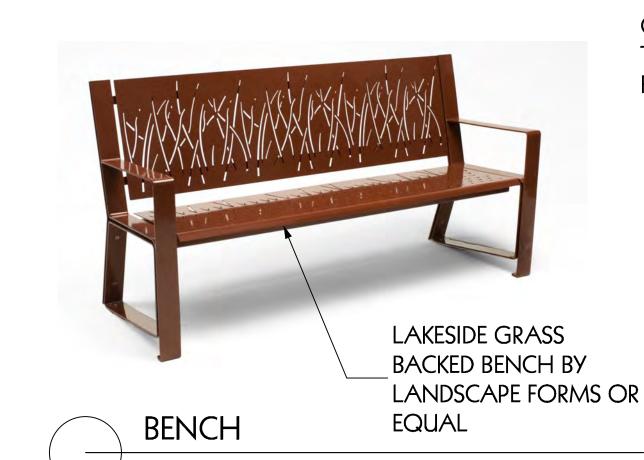


EXISTING TREES

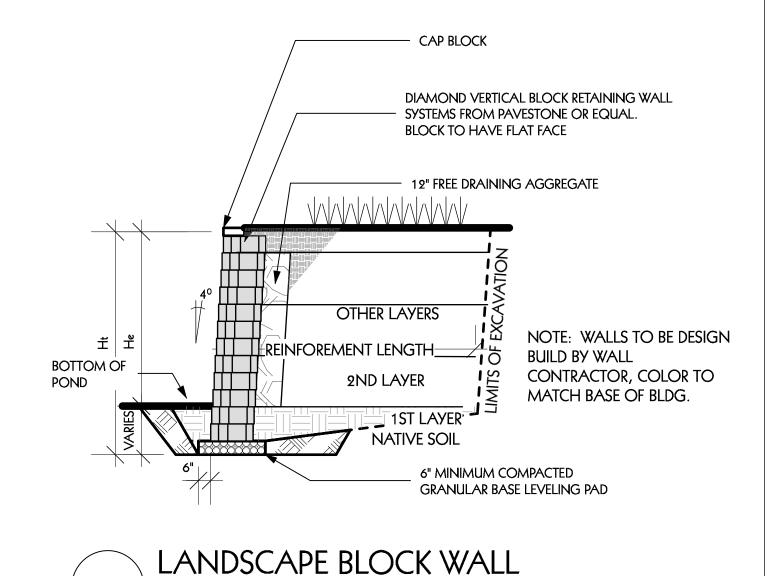


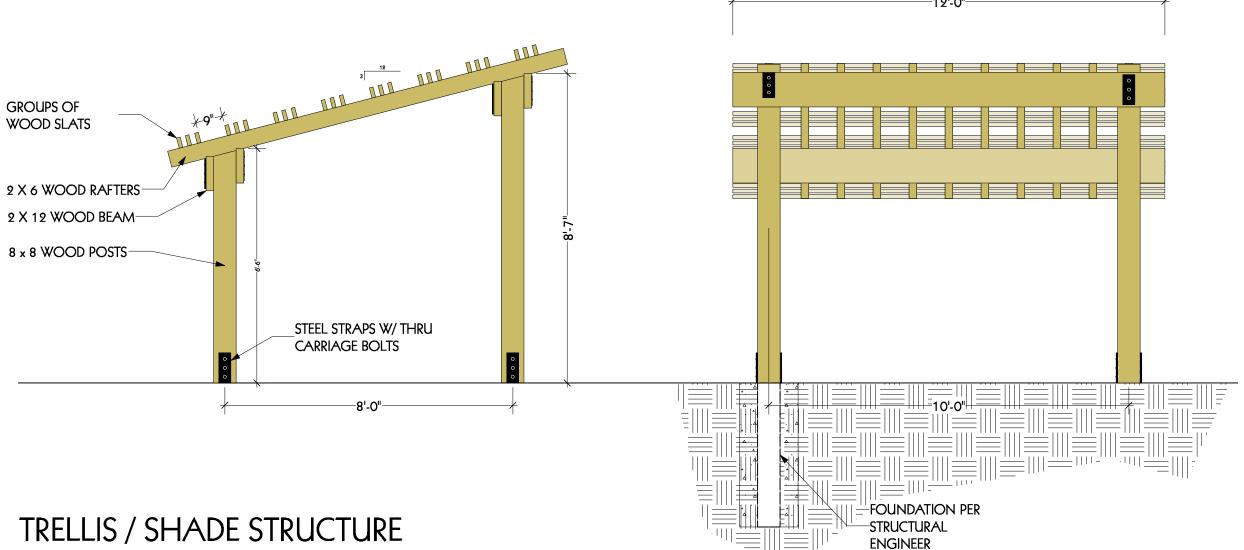




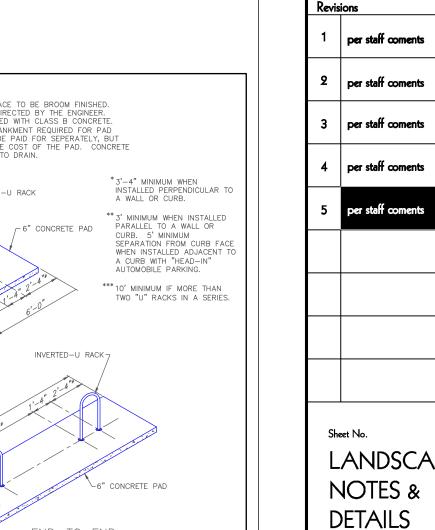






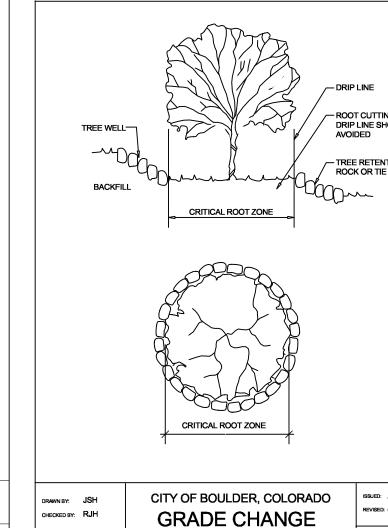


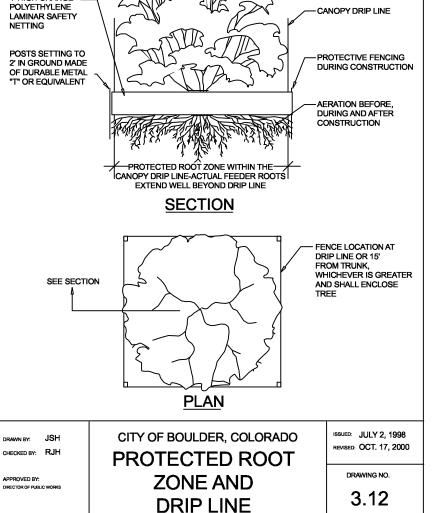




TRELLIS / SHADE STRUCTURE

SCALE: 3/8" = 1'-0"





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NOTICE DUTY OF COOPERATION

Release of these plans contemplates further cooperation among the owner, his contractor, construction are complex. Although the landscape architect and their consultants have performed their services with due care and diligence, they connot guarantee perfection. Communication is imperfect, and every contingency cannot be anticipated. Any ambiguity or discrepancy discovered by the use of these plans shall be reported immediately to the architect. Failure to notify the landscape architect compounds misunderstanding and increases construction costs. A failure to cooperate by a simple notice to the landscape architect shall relieve the landscape architect from responsibility for all consequences. Changes made from the plans without consent of the landscape architect are unauthorized, and shall relieve the landscape architect of responsibility for all consequences arriving out of such changes. Issue Date: 06/09/2023

rev'd by: osla

01-19-24

04-09-24 12-16-24 per staff coments

LANDSCAPE

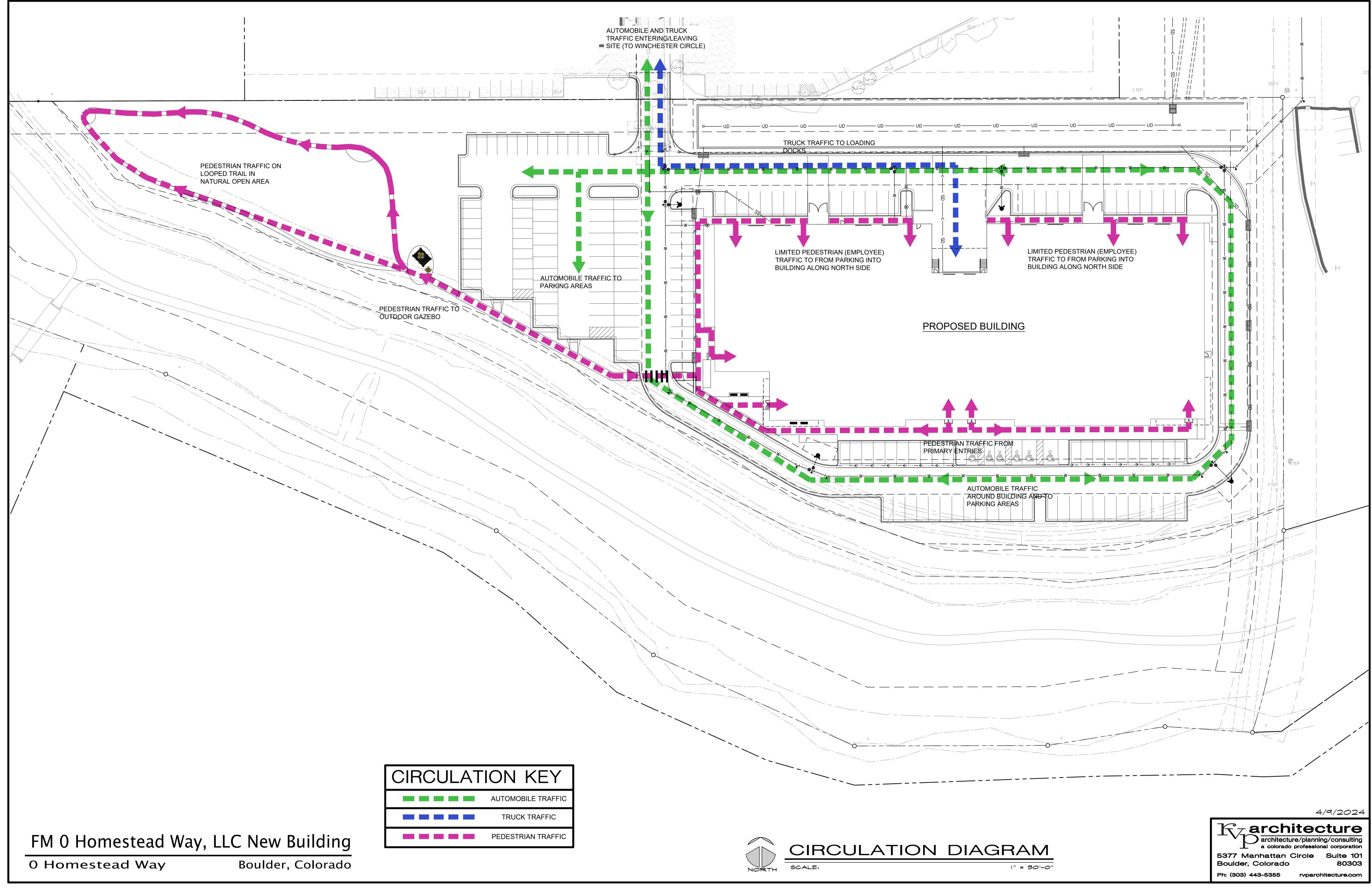
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OPEN SPACE SCENIC EASEMENT-

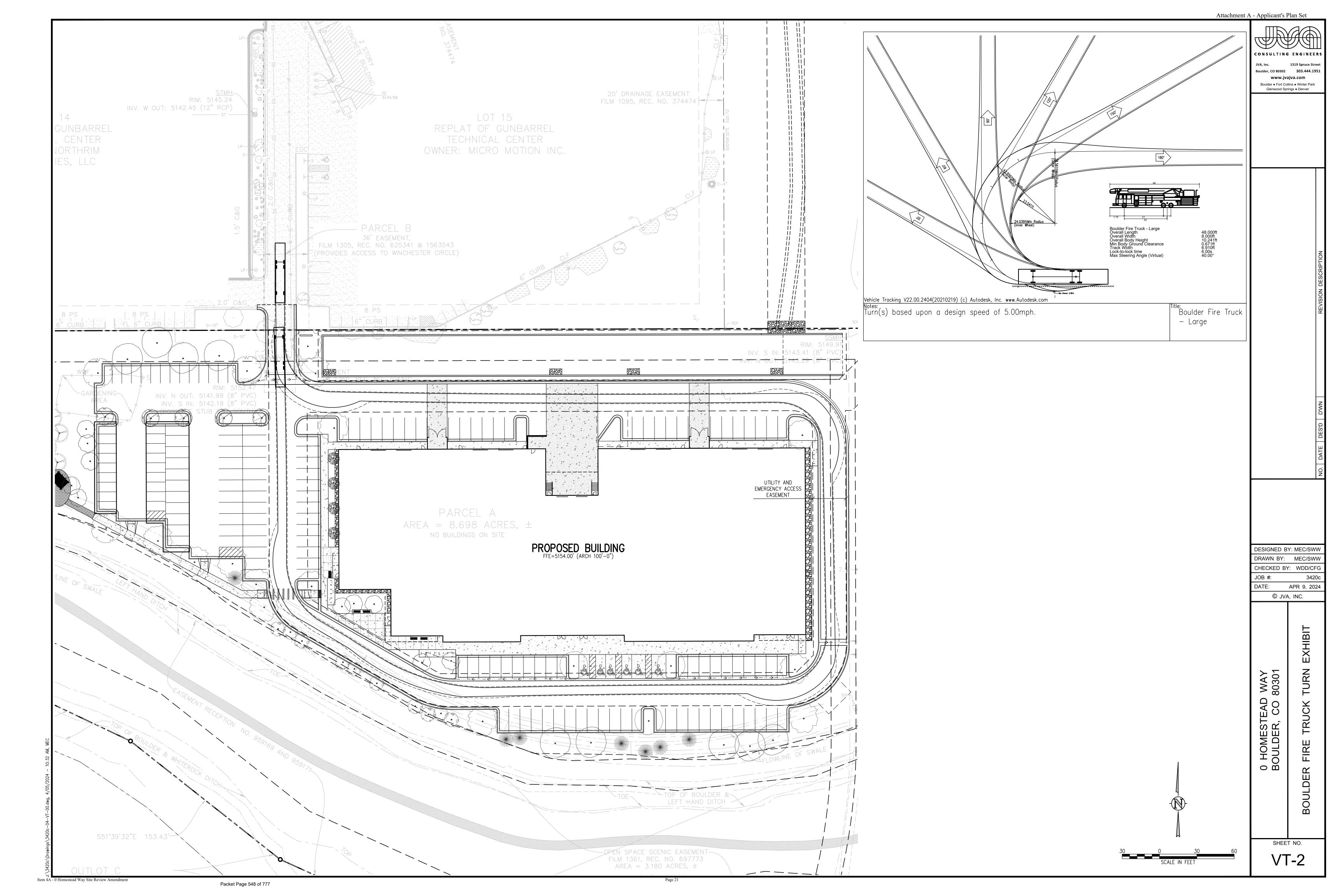
FILM 1361, REC. NO. 697773 AREA = 3.180 ACRES, ±

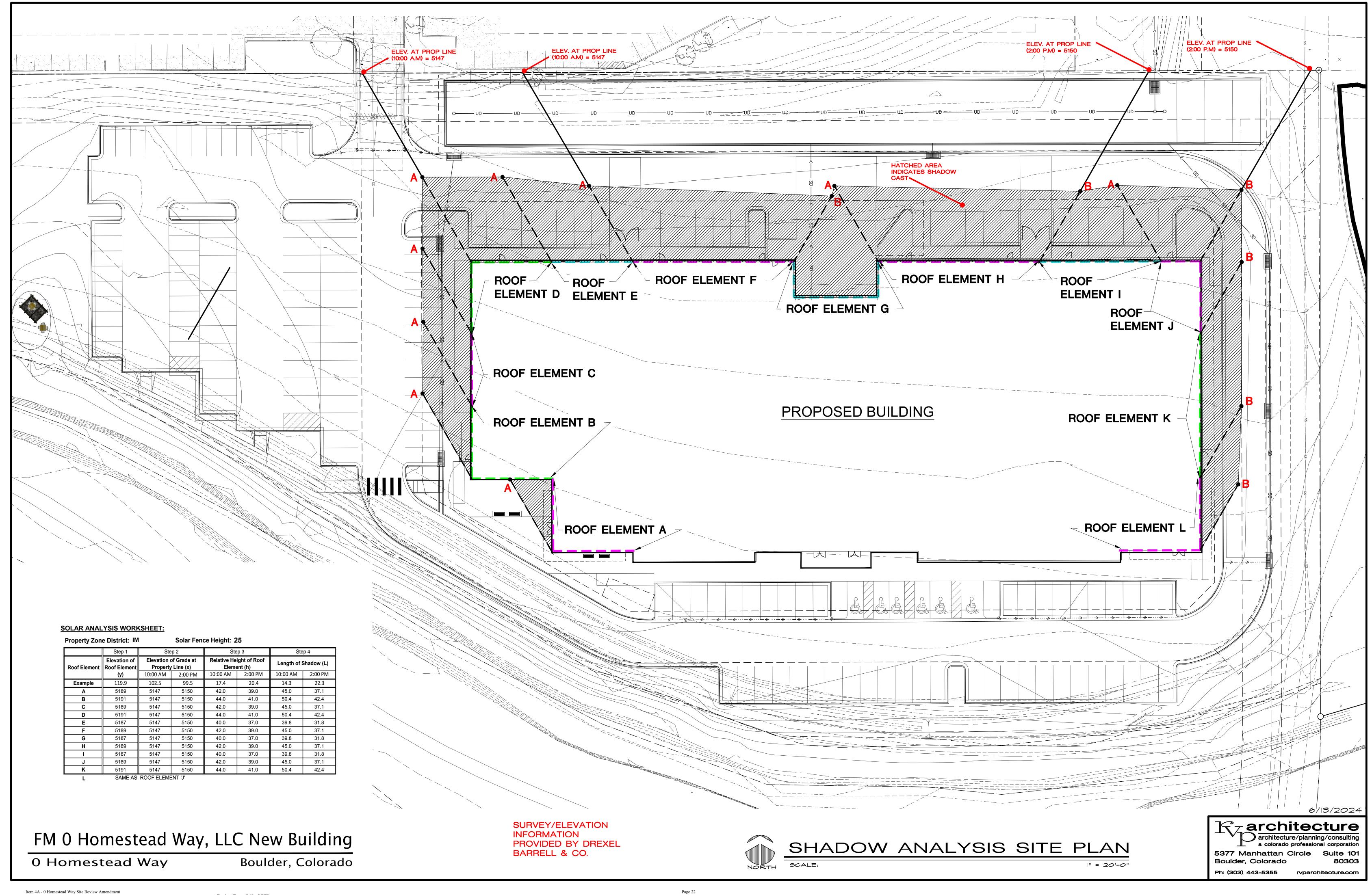


Attachment A - Applicant's Plan Set Boulder, CO 80302 303.444.1951 Boulder ● Fort Collins ● Winter Park Glenwood Springs ● Denver 20' DRAINAGE EASEMENT FILM 1095, REC. NO. 374474 <u>STMH</u>~ RIM: 5145.24 INV. W OUT: 5142.45 (12" RCP) LOT 14 LOT 15 TECHNICAL CENTER OWNER: MICRO MOTION INC. OPERTIES, LLC SU-30 - Single Unit Truck Overall Length Overall Width Overall Body Height Min Body Ground Clearance Track Width Lock-to-lock time Max Steering Angle (Virtual) 36' EASEMENT, FILM 1305, REC. NO. 625341 & 1563543 (PROVIDES ACCESS TO WINCHESTER CIRCLE) Vehicle Tracking V22.00.2404(20210219) (c) Autodesk, Inc. www.Autodesk.com Turn(s) based upon a design speed of 5.00mph. SU-30 -Single Unit Truck INV. S IN: 15143.41 (8" PV <u> FILM 1366, REC. NO 704410 ________</u> PARCEL A $AREA = 8.698 ACRES, \pm$ NO BUILDINGS ON SITE PROPOSED BUILDING
FFE=5154.00' (ARCH 100'-0") DESIGNED BY: MEC/SWW DRAWN BY: MEC/SWW CHECKED BY: WDD/CFG DATE: © JVA, INC. 0 HOMESTEAD BOULDER, CO 8 S51°39'32"E 153.43'-SHEET NO. -OPEN SPACE SCENIC EASEMENT-FILM 1361, REC. NO. 697773 AREA = 3.180 ACRES, ± VT-1

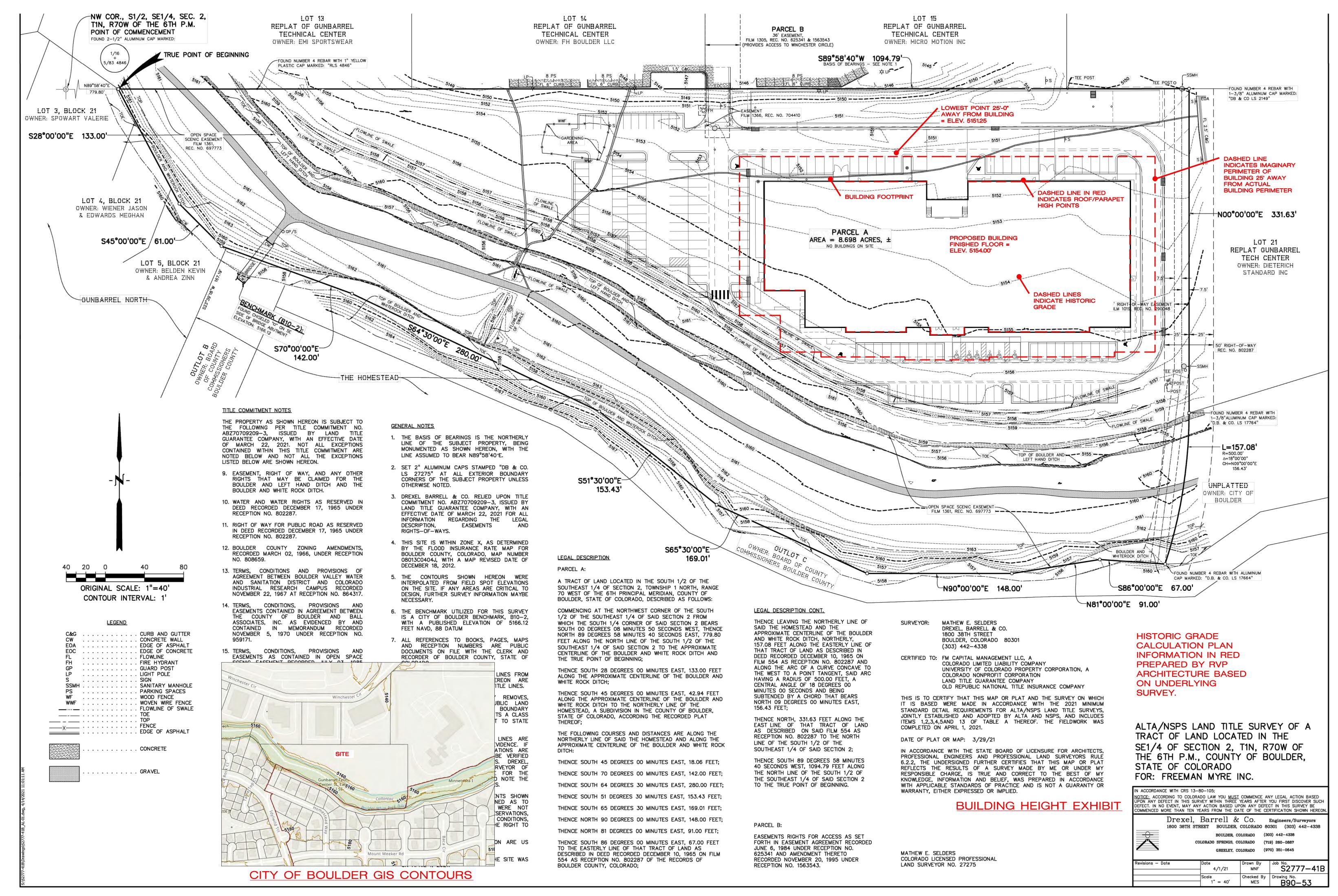
Packet Page 547 of 777

APR 9, 2024





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March 3, 2025

Revised Written Statement

Site Review Amendment – 0 Homestead Way

Ownership: FM Capital Management, LLC c/o Andrew Freeman

4875 Pearl Circle East Boulder, CO 80301

Project Description and Objectives:

FM Capital Management is seeking approval to build a flex industrial building on an existing vacant lot that is part of the Gunbarrel Technical Center (GTC). The GTC was approved in 1979 and contained 21 lots all abutting Winchester Circle. This lot was approved for inclusion in the PUD in 1986 with access to Winchester Circle through an easement located along Lots 14 and 15 of the GTC. This lot is 8.698 acres, with 3.18 acres along the south side being an Open Space Scenic Easement that contains a bike/pedestrian trail through the site. Adjacent to and partially in that easement is the Boulder and Lefthand Ditch.

This property was purposely designed to meet the demands from companies in the highend manufacturing and or research and design industries. Over the last twenty years there has been over 10 million square feet of demand based designed industrial flex developments serving industries that include aerospace, life science and other high-end R&D design and manufacturing firms that occupy a large portion of this type of space in the Boulder market area.

Key Factors:

<u>Building Dimension</u> – the building has a depth of 150 feet and length of 315 feet. The 150' depth allow for a tenant to build out an office area in front or south side of property to have multiple private offices along the window line, an open area for administrative, conference rooms and bathrooms, and a manufacturing and or R&D area with enough circulation for machinery, lab space and staging areas to load and unload. If the depth of the property is decreased, it will compromise the efficient flow a perspective user will need.

The depth also allows for a demising plan the separates the building into four 15,000 to 20,000 SF units, each with two loading doors and demising walls on the column lines.

5377 Manhattan Circle, Suite 101 Boulder, Colorado 80303

(303) 443-5355 rvparchitecture.com

Site Review Amendment – 0 Homestead Way 5th Submittal March 3, 2025
Page 2

Adequate Truck Loading - another important amenity is the loading area. While it's not anticipated there will be a significant amount of truck traffic, most of the companies considering this property will require at least two dock high doors to allow for larger equipment to be shipped in and out of the property. The location of the two dock high doors at the northwest corner of the property is the only area that will allow enough room for trucks to back into the dock area.

<u>Building Position</u> – Since the north lot line faces the truck loading area behind the rear portion of a 36,000 square foot neighboring industrial building, the front or office portion of the property faces south or towards the 3.7 acres open space buffer, creek trail and residential area. The neighboring building to the north also blocks the view of the loading area from Winchester Circle.

The building is largely a single story but will have just under 20% of the space on a second floor/mezzanine located on the south side of the building. It's anticipated the south side will house the bulk of the office and administration spaces for potential users. The north side will be the flex industrial side and will have 2 loading docks and larger windows which allow flexibility to accommodate 8 smaller drive-in doors if needed at a future time. Approval of those doors is not being sought as part of this submittal. Due to the unique access to the site, the site does not front a public street. Based on the language in the PUD, the front yard is defined as that facing the street, so for setback purposes we are using the north side as the front yard. However, from a building siting standpoint we chose to orient the employee/pedestrian areas to the south. We did this as the building will be more visible to the public from the existing open space easement and trail. The north side is more conducive to truck areas as it is adjacent to those types of areas on the buildings that front Winchester Circle.

Building plans and elevations are included in the application which identify these areas. The building is being designed as a speculative venture and will be set up to accommodate between one and four tenants. The potential building uses will be in conformance with the PUD and IM Zoning.

Gunbarrel Tech Center PUD Permitted Uses

"The permitted uses could include but are not limited to: engineering or scientific facilities, laboratories, light industrial uses, distribution or warehousing facilities and industrial related office uses."

The uses per the City of Boulder IM zoning could include but are not limited to:

- Government Facility
- Commercial Kitchen and Catering

Site Review Amendment – 0 Homestead Way 5th Submittal March 3, 2025
Page 3

- Administrative Office
- Research and Development
- Accessory Sales
- Cold Storage Locker
- Warehouse or Distribution Facility
- Wholesale Business
- Light Manufacturing

It is anticipated that a maintenance agreement with the Boulder and White Rock Ditch Company will be created during the project approval process. There is an existing open space scenic easement adjacent to the ditch. Agreements associated with this easement and other easements encumbering the property will remain in place.

As this is being developed as a speculative building, the use may not be known until time of construction. All proposed uses in the IM zoning district have a parking ratio of 1 space per 400 square feet except for warehousing and distribution facilities, which have a parking ratio of 1 space per 1000 square feet. If either of those two types of users were to occupy the building, parking would be eliminated on the north side of the building to allow for enhanced truck access. The related reduction in parking would then move the building in line with the 1 space per 1000 square feet ratio associated with those uses.

Review Criteria (GTC PUD):

As outlined above, this site was incorporated into the GTC PUD in 1986. The project is in conformance with the development concepts and guidelines as set forth on Sheet 2 of the approved PUD as outlined below. The areas that we are requesting variances are described in the relevant sections below.

- PROJECT CONCEPT The expected uses are light industrial, and the PUD remains consistent with the underlying IM Zoning district.
- 2. BUILDING DEVELOPMENT LIMITS All setbacks are in conformance. The major parking areas are located to the side and rear of the building. Less than 20% of the parking is in the front (Winchester Circle) side of the building. The FAR of the building is less than the .35 FAR established for the original lots in the PUD.
- 3. LANDSCAPE INTENT Landscaping will meet the PUD as well as the current landscape quantity requirements of Boulder code.
- 4. ARCHITECTURAL INTENT The PUD has a 35' height limit. We are proposing 40', which is in conformance with the IM zoning district. Roof top mechanical units will be screened as outlined in the PUD. The building is to have concrete exterior walls painted with natural earth colors.
- 5. DRAINAGE AND FLOOD CONTROL Drainage will meet the PUD as well as the

Site Review Amendment – 0 Homestead Way 5th Submittal March 3, 2025
Page 4

- current requirements of Boulder code. This site is not in a flood plain.
- 6. SIGNS One monument sign will be provided where the access road enters the site. It will be in conformance with the 40 s.f. maximum allowed in the PUD. Through the approval process we will work with the property owners of Lots 14 and 15 to determine if directional signage can be installed in the access easement or on one of those lots.
- 7. TRUCK LOADING FACILITIES The truck loading areas are on the north side of the building and as such are oriented to the loading areas on the buildings abutting Winchester Circle to the north. The PUD does not allow loading areas in the front yard, but we are requesting a variance to the PUD given the unique situation of this lot's layout.
- 8. FENCES AND SCREENS No fencing is proposed. Two trash enclosures are provided and will be screened with materials matching the building. No outdoor storage is being proposed.
- 9. ILLUMINATION OF BUILDING GROUNDS Lighting will be a combination of on building lights and parking lot pole lights. All lighting will meet the current Boulder code requirements.
- 10. RADIOACTIVITY AND ELECTRICAL DISTURBANCE N/A.
- 11. WASTES All waste discharge will be in conformance with the current Boulder code requirements.
- 12. ROADS Parking areas to be asphalt. The truck loading dock will be concrete.
- 13. UTILITIES All utilities will be underground and terminate within the building.
- 14. CONSTRUCTION PROCEDURES PUD construction procedures with be followed.
- 15. CODES All applicable codes will be followed.
- 16. SUBDIVISION PLATTING No re-platting is proposed.
- 17. PUBLIC TRANSPORTATION N/A
- 18. SPECIAL USE REVIEWS No special use review is requested.
- 19. EMERGENCY/SECONDARY ACCESS No secondary access is requested.
- 20. PARKING AND SERVICE REQUIREMENTS A parking reduction of 3.6% (6 spaces) is being requested. The reduction is based on current trends towards less employees working on site full-time and the ability to make use of alternative modes of transportation.
- 21. AMENDMENT No amendment to the overall PUD is requested. Three variances are requested for this site as outlined above.

Review Criteria (Site Review):

See attached sheets for comments on conformance to Site Review Criteria Checklist.

CRITERIA FOR REVIEW

Submit with Application.

Initial (6/8/23) Applicant responses in red below. As this is Site Review Amendment, reference to the Gunbarrel Tech Center (GTC) PUD is provided where believed relevant.

1-18-24 re-submittal #1 Additional/Revised comments based on City review provided in green.

4-8-24 resubmittal #2. Parking reduction clarified to eliminate the option for a deferral. Parking reduction still being requested.

12-16-24 resubmittal #4. Parking reduction revised from 3% to 3.6% to correct an error in the parking count.

2-28-2025 Additional clarification provided per staff request

No site review application shall be approved unless the approving agency finds that:

(1) Boulder Valley Comprehensive Plan:

- X_(A) The proposed site plan is consistent with the land use map and the service area map and, on balance, the policies of the Boulder Valley Comprehensive Plan. The parcel and the Gunbarrel Technical Center in which the site is part of are designated for Light Industrial Use (LI). The use of this site will continue to incorporate the characteristics of this BVCP designation as it is part of an established industrial park located in the Gunbarrel area where the LI uses are concentrated.
- N/A (B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation. Additionally, if the density of existing residential development within a three-hundred-foot area surrounding the site is at or exceeds the density permitted in the Boulder Valley Comprehensive Plan, then the maximum density permitted on the site shall not exceed the lesser of:
 - ___(i) The density permitted in the Boulder Valley Comprehensive Plan, or,
 - ___(ii) The maximum number of units that could be placed on the site without waiving or varying any of the requirements of <u>chapter 9-8</u>, "Intensity Standards," B.R.C. 1981.
- X_(C) The proposed development's success in meeting the broad range of BVCP policies considers the economic feasibility of implementation techniques require to meet other site review criteria. The development is consistent with meeting the policies and characteristics associated with the established industrial area and existing PUD.
- (2) <u>Site Design:</u> Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design techniques which are consistent with the purpose of site review in subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:
- X (A) Open Space: Open space, including, without limitation, parks, recreation areas, and playgrounds:
 - X_(i) Useable open space is arranged to be accessible and functional and incorporates quality landscaping, a mixture of sun and shade and places to gather; Two employee gathering areas are provided in addition to a large amount of unstructured open space. The primary employee gathering area has a gazebo/trellis to provide shade. and is located where it provides close proximity to the 33,500 s.f area of undisturbed natural open space and access to the future multi-use path connection.
 - N/A (ii) Private open space is provided for each detached residential unit;
 - X (iii) The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas and species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (Cynomys ludiovicianus), which is a species of local concern, and their habitat; Approximately 45% of the site will

remain undisturbed open space.

- X__(iv) The open space provides a relief to the density, both within the project and from surrounding development; 63% of the site (253,132 s.f.) is open space, which is a much higher percentage than other buildings in the GTC. Over 210,000 s.f. is area that will be left largely undisturbed. Approximately 138,000 s.f. of the undisturbed open space is in an open space easement which buffers the residential uses to the south and west of the building.
- X__(v) Open space designed for active recreational purposes is of a size that it will be functionally useable and located in a safe and convenient proximity to the uses to which it is meant to serve; The area designated for recreational purposes is to the east of the parking on the east side of the building and contains a looped crusher fine trail connecting to the shade pavilion and small seating area. The trail and related amenities are located in an approximate 34,000 square foot naturally vegetated area which is connected to the building via a sidewalk and is buffered from the surrounding parking with landscaping.
- <u>X</u> (vi) The open space provides a buffer to protect sensitive environmental features and natural areas; and (see vii below)
- X__(vii) If possible, open space is linked to an area- or city-wide system. The undisturbed open space in the easement contains a trail connecting adjacent properties as well as the Boulder and White Rock ditch. It was determined during the review process that there is no record of the existing bridge that connects the site across the ditch. Therefore, that bridge will be removed, and an easement will be provided for a possible future connection. During the review process staff determined that as a connection would not benefit a commuting use due to the surface material and limited maintenance of the trail, no replacement connection is required. However, should the situation change, the easement will be in place to provide a connection. Due to the land locked nature of the site and lack of public access, other connection options remain very limited.

<u>N/A</u> (B) Open Space in Mixed Use Developments (Developments that contain a mix of residential and non-residential uses)

- __(i) The open space provides for a balance of private and shared areas for the residential uses and common open space that is available for use by both the residential and non-residential uses that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property; and
- ___(ii) The open space provides active areas and passive areas that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property and are compatible withthe surrounding area or an adopted plan for the area.
- X_(C) Landscaping: All landscaping is in accordance with Boulder code. Existing landscaping in the open space easement results in quantities on the site exceeding what's required.
 - <u>X</u> (i) The project provides for aesthetic enhancement and a variety of plant and hard surface materials, and the selection of materials provides for a variety of colors and contrasts and the preservation or use of local native vegetation where appropriate;

Please review the landscape plan and plant list to see the use of materials and the extensive list of native/adaptive plant materials used on this project. Please note that the more native plants are used on the edges where we are approaching the existing open space on the lot. Furthermore, the raingarden is enriched with pollinator species making for a rich environment for the area birds and attract bees and butterflies.

X_(ii) Landscape design attempts to avoid, minimize, or mitigate impacts to important native species, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;

Please review the landscape plan as you will note that we have limited our work in the western half of the lot to protect the existing native seed. There are no native species of concern on this lot and note we are removing dead and weed trees (as listed on the City of Boulder Weed Tree list) from the edge of the drainage area.

X_(iii) The project provides significant amounts of plant material sized in excess of the landscaping requirements of sections 9-9-12, "Landscaping and Screening Standards" and 9-9-13, "Streetscape Design Standards," B.R.C. 1981; and

Please review the Landscape Requirements chart on L1.0 as well as the plant list on L2.0 to see the extent of the landscape counts. As noted on L1.0 chart – we are required to have 167 trees on the site. We have that many existing plus an additional 40 new trees to be planted. We are far exceeding the tree requirements. As for the shrub requirements, we need 832 and we have 77s shrubs with an additional 804 ornamental grasses and perennials – almost doubling the minimum amount.

X_(iv) The setbacks, yards, and useable open space along public rights-of-way are landscaped to provide attractive streetscapes, to enhance architectural features, and to contribute to the development of an attractive site plan.

Please review the landscape plan and open space diagram on L1.0. You will notice that we have gone out of our way to have a compact development (not sprawling into the western ½ of the site) as well as positioned the valuable outdoor seating @ the main entrance as well as break area on the western edge of the parking lot to have views into the drainage /scenic easement on our site.

- **X** (D) Circulation: Circulation, including, without limitation, the transportation system that serves the property, whether public or private and whether constructed by the developer or not:
 - <u>X</u> (i) High speeds are discouraged or a physical separation between streets and the project is provided; There is physical separation between the site and closest street as the project does not directly abut a street and is connected via an access easement.
 - <u>X</u> (ii) Potential conflicts with vehicles are minimized; The site is set up to separate automobile traffic from truck traffic. A clear pedestrian path from the building through the internal sidewalks to the employee break area is provided which minimizes pedestrian and vehicular interactions.
 - X_(iii) Safe and convenient connections are provided that support multi-modal mobility through and between properties, accessible to the public within the project and between the project and the existing and proposed transportation systems, including, without limitation, streets, bikeways, pedestrian ways and trails; Pedestrian connections are provided to the existing open space easement and trail which passes through the site.
 - X (iv) Alternatives to the automobile are promoted by incorporating site design techniques, land use patterns, and supporting infrastructure that supports and encourages walking, biking, and other alternatives to the single-occupant vehicle; The existing trail through the site will allow for convenient non-automobile access.
 - X_(v) Where practical and beneficial, a significant shift away from single-occupant vehicle use to alternate modes is promoted through the use of travel demand management techniques; Attempts have been made to promote alternate travel modes. See the TDM plan for specific details.
 - N/A (vi) On-site facilities for external linkage are provided with other modes of transportation, where applicable;
 - N/A (vii) The amount of land devoted to the street system is minimized; and
 - X (viii) The project is designed for the types of traffic expected, including, without limitation, automobiles, bicycles, and pedestrians, and provides safety, separation from living areas, and control of noise and exhaust. Multiple types of traffic are accounted for.

X_(E) Parking:

X (i) The project incorporates into the design of parking areas measures to provide safety, convenience, and separation of pedestrian movements from vehicular movements; The parking and related vehicle areas have been isolated from pedestrian movements as best possible for an industrial development.

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- <u>X</u> (ii) The design of parking areas makes efficient use of the land and uses the minimum amount of land necessary to meet the parking needs of the project; The parking is in as close proximity to the building as possible and preserves open space buffering to the surrounding properties.
- X_(iii) Parking areas and lighting are designed to reduce the visual impact on the project, adjacent properties, and adjacent streets; and Parking areas are located well away from the adjacent properties and lighting will be as minimal as possible.
- X_(iv) Parking areas utilize landscaping materials to provide shade in excess of the requirements in Subsection 9-9-6 (d), "Parking Area Design Standards," and Section 9-9-14, "Parking LotLandscaping Standards." B.R.C. 1981.

X_(F) Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area:

- X (i) The building height, mass, scale, orientation, and configuration are compatible with the existing character of the area or the character established by an adopted plan for the area; The character of the area is defined by the existing buildings within the GTC PUD. This building will be consistent with those in terms of the use of the materials adopted in the PUD. However, as many of those buildings were constructed over 20 or more years ago, this building is more contemporary in its supplemental use of glass, metal and other materials more consistent with today's architecture. This building will be bigger in footprint size than most of the existing buildings, but due to the site size will only cover 14% of the lot. As the height will be consistent with most of the buildings in the center, its scale and mass will fit into the area. Due to the unique access and the lack of street frontage, the building is being oriented so the rear/loading and truck areas face the truck and loading areas of the adjacent buildings on Winchester Circle. This orientation also allows for the more aesthetically interesting side to be oriented to the multi-use path and residential areas to the south. Note that we are not seeking any additional height or density through the site review process. The goal is to build a building on one of the few remaining vacant lots in the GTC that is consistent with the existing buildings.
- X (ii) The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans for the immediate area; The building height is in conformance with the IM zone and other buildings within the Gunbarrel Tech Center. As stated above, we are not seeking additional height to add additional stories or square footage from that allowed in the GTC PUD.
- <u>X</u> (iii) The orientation of buildings minimizes shadows on and blocking of views from adjacent properties; No shadows will be cast on neighboring properties.
- X_(iv) If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs, and lighting; The character of the area is defined by the existing buildings that have been built under the GTC PUD. This building is compatible with those, while also incorporating the more current requirements of The City of Boulder Land Use Code and other currently adopted codes.
- N/A __(v) Projects are designed to a human scale and promote a safe and vibrant pedestrian experience through the location of building frontages along public streets, plazas, sidewalks and paths, and through the use of building elements, design details and landscape materials that include, without limitation, the location of entrances and windows, and the creation of transparency and activity at the pedestrian level; This section is largely non-applicable as the building does not front a public street or sidewalks and is landlocked by private property on three sides. As outlined elsewhere, the building and it's opens space is sited and positioned to tie into the recreational path to the south should that opportunity present itself. As an industrial building that will likely house private companies, it's not intended to function in a way that promotes a high level of transparency and activity at the pedestrian level.
- N/A (vi) To the extent practical, the project provides public amenities and planned public facilities; No public amenities are provided as this is a private facility and will not be used by the general public. However, we are providing exterior open space and recreational areas for the users as well as an interior workout area and related showers, lockers, and changing rooms.

- <u>N/A</u> (vii) For residential projects, the project assists the community in producing a variety of housing types, such as multifamily, townhouses and detached single family units, as well as mixed lot sizes, number of bedrooms and sizes of units:
- <u>N/A</u> (viii) For residential projects, noise is minimized between units, between buildings, and from either on- site or off-site external sources through spacing, landscaping, and building materials;
- X (x) A lighting plan is provided which augments security, energy conservation, safety, and aesthetics;. The sight lighting is in conformance with Section 9-9-16 of the Boulder Land Use Code and uses energy efficient light fixtures to provide light near the building and related parking areas. The light levels drop to zero at the property lines without compromising site security and safety.
- X__(xi) The project incorporates the natural environment into the design and avoids, minimizes, or mitigates impacts to natural systems; The large amount of open space being left undisturbed will mitigate impacts. The existing scenic open space and pedestrian trail on the south side of the site will be left undisturbed and in its natural state.
- X (xii) 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 heatisland effects; and the project reasonably mitigates or minimizes water use and impacts on water quality. The building will be designed to the recently adopted 2024 version of the Boulder Energy Code.
- X (xiii) Exteriors or buildings present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing; The building utilizes long lasting materials including concrete and metal as governed by the existing PUD.
- <u>X</u> (xiv) Cut and fill are minimized on the site, the design of buildings conforms to the natural contours of the land, and the site design minimizes erosion, slope instability, landslide, mudflow or subsidence, and minimizes the potential threat to property caused by geological hazards; The building has been oriented to have the least impact on the natural grades. Locating the truck access on the north (lower) side allows for a more natural transition and less parking lot grading.
- <u>N/A</u>(xv) In the urbanizing areas along the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the building and site design provide for a well-defined urban edge; and
- <u>N/A</u>(xvi) In the urbanizing areas located on the major streets shown on the map in Appendix A of this title near the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the buildings and site design establish a sense of entry and arrival to the City by creating a defined urban edge and a transition between rural and urban areas.
- N/A_(G) Solar Siting and Construction: For the purpose of ensuring the maximum potential for utilization of solar energy in the City, all applicants for residential site reviews shall place streets, lots, open spaces, and buildings so as to maximize the potential for the use of solar energy in accordance with the following solar siting criteria:
 - _(i) Placement of Open Space and Streets: Open space areas are located wherever practical to protect buildings from shading by other buildings within the development or from buildings on adjacent properties. Topography and other natural features and constraints may justify deviations from this criterion.
 - ___(ii) Lot Layout and Building Siting: Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building. Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical, buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading.
 - ___(iii) Building Form: The shapes of buildings are designed to maximize utilization of solar energy. Buildings shall meet the solar access protection and solar siting requirements of <u>section 9-9-17</u>, "Solar Access," B.R.C. 1981.
 - ___(iv) Landscaping: The shading effects of proposed landscaping on adjacent buildings are minimized.

N/A (H) Additional Criteria for Poles Above the Permitted Height: No site review application for a pole above the permitted height will be approved unless the approving agency finds all of the following:
(i) The light pole is required for nighttime recreation activities, which are compatible with the surrounding neighborhood, or the light or traffic signal pole is required for safety, or the electrical utility pole is required to serve the needs of the City; and
(ii) The pole is at the minimum height appropriate to accomplish the purposes for which the pole wa erected and is designed and constructed so as to minimize light and electromagnetic pollution.

N/A (I) Land Use Intensity Modifications:

- (i) Potential Land Use Intensity Modifications:
 - (a) The density of a project may be increased in the BR-1 district through a reduction of the lot area requirement or in the Downtown (DT), BR-2, or MU-3 districts through a reduction in the open space requirements.
 - (b) The open space requirements in all Downtown (DT) districts may be reduced by up to one hundred percent.
 - (c) The open space per lot requirements for the total amount of open space required on the lot in the BR-2 district may be reduced by up to fifty percent.
 - (d) Land use intensity may be increased up to 25 percent in the BR-1 district through a reduction of the lot area requirement.
- ___(ii) Additional Criteria for Land Use Intensity Modifications: A land use intensity increase will be permitted up to the maximum amount set forth below if the approving agency finds that the criteria in paragraph (h)(1) through subparagraph (h)(2)(H) of this section and following criteria have been met:
 - (a) Open Space Needs Met: The needs of the project's occupants and visitors for high quality and functional useable open space can be met adequately;
 - (b) Character of Project and Area: The open space reduction does not adversely affect the character of the development or the character of the surrounding area; and
 - (c) Open Space and Lot Area Reductions: The specific percentage reduction in open space or lot area requested by the applicant is justified by any one or combination of the following site design features not to exceed the maximum reduction set forth above:
 - (i) Close proximity to a public mall or park for which the development is specially assessed or to which the project contributes funding of capital improvements beyond that required by the parks and recreation component of the development excise tax set forth in chapter 3-8, "Development Excise Tax," B.R.C. 1981: maximum one hundred percent reduction in all Downtown (DT) districts and ten percent in the BR-1 district;
 - (ii) Architectural treatment that results in reducing the apparent bulk and mass of the structure or structures and site planning which increases the openness of the site: maximum five percent reduction;
 - (iii) A common park, recreation, or playground area functionally useable and accessible by the development's occupants for active recreational purposes and sized for the number of inhabitants of the development, maximum five percent reduction; or developed facilities within the project designed to meet the active recreational needs of the occupants: maximum five percent reduction;
 - (iv) Permanent dedication of the development to use by a unique residential population whose needs for conventional open space are reduced: maximum five percent reduction;

- (v) The reduction in open space is part of a development with a mix of residential and non-residential uses within an BR-2 zoning district that, due to the ratio of residential to non-residential uses and because of the size, type, and mix of dwelling units, the need for open space is reduced: maximum reduction fifteen percent; and
- (vi) The reduction in open space is part of a development with a mix of residential and non-residential uses within an BR-2 zoning district that provides high quality urban design elements that will meet the needs of anticipated residents, occupants, tenants, and visitors of the property or will accommodate public gatherings, important activities, or events in the life of the community and its people, that may include, without limitation, recreational or cultural amenities, intimate spaces that foster social interaction, street furniture, landscaping, and hard surface treatments for the open space: maximum reduction 25 percent.

N/A (J) Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1 District:

- __(i) *Process:* For buildings in the BR-1 district, the floor area ratio ("FAR") permitted under table 8-2, section 9-8-2, "Floor Area Ratio Requirements," B.R.C. 1981, may be increased by the city manager under the criteria set forth in this subparagraph.
- ___(ii) Maximum FAR Increase: The maximum FAR increase allowed for buildings thirty-five feet and over in height in the BR-1 district shall be from 2:1 to 4:1.
- ___(iii) Criteria for the BR-1 District: The FAR may be increased in the BR-1 district to the extent allowed in subparagraph (h)(2)(J)(ii) of this section if the approving agency finds that the following criteria are met:
 - (a) Site and building design provide open space exceeding the required useable open space by at least ten percent: an increase in FAR not to exceed 0.25:1.
 - (b) Site and building design provide private outdoor space for each office unit equal to at least ten percent of the lot area for buildings 25 feet and under and at least 20 percent of the lot area for buildings above 25 feet: an increase in FAR not to exceed 0.25:1.
 - (c) Site and building design provide a street front facade and an alley facade at a pedestrian scale, including, without limitation, features such as awnings and windows, well-defined building entrances, and other building details: an increase in FAR not to exceed 0.25:1.
 - (d) For a building containing residential and non-residential uses in which neither use comprises less than 25 percent of the total square footage: an increase in FAR not to exceed 1:1.
 - (e) The unused portion of the allowed FAR of historic buildings designated as landmarks under_<u>chapter 9-11</u>, "Historic Preservation," B.R.C. 1981, may be transferred to other sites in the same zoning district. However, the increase in FAR of a proposed building to which FAR is transferred under this paragraph may not exceed an increase of 0.5:1.
 - (f) For a building which provides one full level of parking below grade, an increase in FAR not to exceed 0.5:1 may be granted.
- **X**_(K) Additional Criteria for Parking Reductions: The off-street parking requirements of section 9-9-6,, "Parking Standards," B.R.C. 1981, may be modified as follows:
 - X_(i) *Process:* The city manager may grant a parking reduction not to exceed fifty percent of the required parking. The planning board or city council may grant a reduction exceeding fifty percent.
 - X (ii) *Criteria:* Upon submission of documentation by the applicant of how the project meets the following criteria, the approving agency may approve proposed modifications to the parking requirements of section 9-9-6, "Parking Standards," B.R.C. 1981 (see tables 9-1, 9-2, 9-3 and 9-4), if it finds that:

- (a) For residential uses, the probable number of motor vehicles to be owned by occupants of and visitors to dwellings in the project will be adequately accommodated;
- (b) The parking needs of any non-residential uses will be adequately accommodated through onstreet parking or off-street parking; A parking reduction of 3.6% is being requested.
- (c) A mix of residential with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking;
- (d) If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; and
- (e) If the number of off-street parking spaces is reduced because of the nature of the occupancy, the applicant provides assurances that the nature of the occupancy will not change.

	tional Criteria for Off-Site Parking: The parking required under section 9-9-6, ards," B.R.C. 1981, may be located on a separate lot if the following conditions are
(i)	The lots are held in common ownership;
it serves	The separate lot is in the same zoning district and located within three hundred feet of the lot that s; and The property used for off-site parking under this Subsection continues under common ownership

or control.



June 13, 2024

Site Review Minor Amendment – 0 Homestead Way (LUR2023-00030)

Gunbarrel Tech Center Design Review Board Statement

When originally developed in the late 1970's, the Gunbarrel Tech Center established a Design Review Board to review all proposed buildings and provide written approval of each project. That review board is no longer active, so no letter of approval is being provided.

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CITY OF BOULDER PLANNING BOARD NOTICE OF DISPOSITION

You are hereby advised that on May 6, 2025 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Code as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: APPROVED WITH CONDITIONS
PROJECT NAME: GUNBARREL TECH CENTER

DESCRIPTION: Site Review Amendment to develop a vacant parcel south of Winchester Cir. in

the Gunbarrel Tech Center, currently addressed as 0 Homestead Way. The two-story building will be about 66,000 square feet and will have future

industrial and office uses.

LOCATION: 0 HOMESTEAD WAY

LEGAL DESCRIPTION: See Exhibit A

APPLICANT: ROBERT VAN PELT, RVP ARCHITECTURE, P.C.

OWNER: FM 0 HOMESTEAD WAY LLC AND ELEMENT 27, LLC

APPLICATION: Site Review Amendment, LUR2024-00006

ZONING: Industrial – Manufacturing (IM)

CASE MANAGER: Alison Blaine

VESTED PROPERTY RIGHT: No; the owner has waived the opportunity to create such right under Section 9-2-

20, B.R.C. 1981

APPROVED MODIFICATIONS FROM THE LAND USE CODE: NONE

This decision may be called up by the City Council on or before **June 5**, **2025**. If no call-up occurs, the decision is deemed final on **June 6**, **2025**.

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS. IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Code (B.R.C. 1981), the Applicant must obtain applicable building permit approvals and start construction within three years from the date of final approval. Failure to comply with the three year rule or approved phasing may cause this development approval to expire.

Physical Address 1101 Arapahoe Ave Boulder, CO 80302 Mailing Address PO Box 791 Boulder, CO 80306-0791 BoulderPlanDevelop.net P: 303-441-1880 F: 303-441-4241 On May 6, 2025, the Planning Board approved the request with the following motions:

On a motion by K. Nordback and seconded by M. McIntyre, the Planning Board voted 7-0 to approve Site Review

Amendment application #LUR2024-00006, adopting the staff memorandum as findings of fact, including the attached analysis of review criteria, and subject to the conditions of approval recommended in the staff memorandum and as amended by Planning Board in the following conditions:

On a motion by M. McIntyre and seconded by K. Nordback, the Planning Board voted 7-0 to amend condition #5 to state that prior to certificate of occupancy, the Applicant shall submit a financial guarantee, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing eco-passes to the employees of the development for three years after the issuance of a certificate of occupancy.

On a motion by K. Nordback and seconded by M. McIntyre, the Planning Board voted 7-0 that the plans will be amended to show construction of a 10' wide paved multiuse path on the west-side access easement outside the extents of the ditch easement to the satisfaction of staff at the time of Tec. Doc and including any necessary adjustments to the existing site plan to accommodate this connection.

On a motion by C. Hanson Thiem and seconded by M. McIntyre, the Planning Board voted 7-0 that the final plans shall be revised to show a long-term bike parking area that provides weather protection, horizontal parking, and charging infrastructure for E-bikes to the satisfaction of staff at the time of Tec. Doc. to satisfy Site Review criteria 9-2-14(h)(2)(D)(iv) (promoting alternatives to the automobile),

On a motion by K. Nordback and seconded by C. Hanson Thiem, the Planning Board voted 7-0 that the plans will be revised to show detached 5' sidewalks on both sides of the private vehicular access to the site, to the satisfaction of staff at time of Tec. Doc.

CONDITIONS OF APPROVAL

- 1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant on January 2, 2025 and the Transportation Demand Management ("TDM") Plan dated January 2, 2025**, all on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
- 2. The Applicant shall **comply with all previous conditions contained** in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following:
 - Gunbarrel Technical Center PUD (P-78-63)
 - 1984 Annexation Agreement (Rec. No. 00639426)
 - Gunbarrel Technical Center PUD Amendment (P-85-37)
- 3. Prior to a building permit application, the Applicant shall submit, and obtain City Manager approval of, a Technical Document Review application for the following items:
 - a. **Final architectural plans,** including material samples and colors, to ensure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the plans prepared by the Applicant on January 2, 2025 is acceptable. Planning staff will review plans to assure that the architectural intent is performed.
 - b. A **final site plan** which includes detailed floor plans and section drawings and which includes the following:

Physical Address 1101 Arapahoe Ave Boulder, CO 80302 Mailing Address PO Box 791 Boulder, CO 80306-0791 BoulderPlanDevelop.net P: 303-441-1880 F: 303-441-4241

- i. The plans will show construction of a 10' wide paved multiuse path on the west-side access easement outside the extents of the ditch easement to the satisfaction of staff and including any necessary adjustments to the existing site plan to accommodate this connection.
- ii. The final plans will show a long-term bike parking area that provides weather protection, horizontal parking, and charging infrastructure for E-bikes to the satisfaction of staff to satisfy Site Review criteria set forth in Section 9-2-14(h)(2)(D)(iv), B.R.C. 1981 (promoting alternatives to the automobile).
- iii. The plans will show detached 5' sidewalks on both sides of the private vehicular access to the site, to the satisfaction of staff.
- c. A **final utility plan** meeting the City of Boulder Design and Construction Standards.
- d. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.
- e. **Final transportation plans** meeting the City of Boulder Design and Construction Standards for all transportation improvements. These plans must include, but are not limited to: street plan and profile drawings, street cross-sectional drawings, signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, transportation detail drawings, geotechnical soils report, and pavement analysis.
- f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to ensure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.
- g. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981.
- h. A **detailed shadow analysis** to ensure compliance with the City's solar access requirements of section 9-9-17, B.R.C. 1981.
- i. An **address plat** following the city's addressing policy to create a new address.
- 4. Prior to a building permit application, the Applicant shall dedicate to the City, at no cost, the easements necessary to serve the development, including but not limited to the following easements as shown on the plans prepared by the Applicant on January 2, 2025, meeting the City of Boulder Design and Construction Standards, as part of Technical Document Review applications, the form and final location of which shall be subject to the approval of the City Manager:
 - a. A 24-foot-wide **Utility and Emergency Access Easement** from the northern access point to the property and around the proposed building;
 - b. A 40-foot-wide **Drainage and Water Quality Easement** to the north of the site;
 - c. Variable width **Ditch Maintenance and Operation Easement** on the south of the site containing both Left Hand Ditch and Whiterock Ditch; and
 - d. A 16-foot-wide **Public Access Easement** for a future planned connection as identified on the TMP.
- 5. Prior to issuance of a certificate of occupancy, the Applicant shall submit a **financial guarantee**, **in a form** acceptable **to the Director of Public Works**, in an amount equal to the cost of providing eco-passes to the employees of the development for three years.
- 6. The Applicant agrees that it shall not extinguish the private Easement Agreement recorded at Film 1305, Reception No. 625341 on June 6, 1984, as amended in the Amendment to Easement Agreement recorded at

Physical Address 1101 Arapahoe Ave Boulder, CO 80302 Mailing Address PO Box 791 Boulder, CO 80306-0791 BoulderPlanDevelop.net P: 303-441-1880 F: 303-441-4241 Film 2090, Reception No. 01563543 on November 20, 1995, which allows for ingress and egress and utility installation through the property located to the north described as Lots 14 and 15, Replat of Gunbarrel Technical Center.

- 7. The Applicant shall be responsible for maintaining all stormwater quality improvements and stormwater detention improvements, including but not limited to permeable parking lot paving.
- 8. Prior to a building permit issuance, the Applicant shall be responsible for removal of the existing and unpermitted bridge over the Boulder and Left Hand Ditch.

Approved On: May 6, 2025

By:

Brad Mueller, Secretary of the Planning Board

Date

EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

A TRACT OF LAND LOCATED IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 2 FROM WHICH THE SOUTH 1/4 CORNER OF SAID SECTION 2 BEARS SOUTH 00 DEGREES 08 MINUTES 50 SECONDS WEST, THENCE NORTH 89 DEGREES 58 MINUTES 40 SECONDS EAST, 779.80 FEET ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 2 TO THE APPROXIMATE CENTERLINE OF THE BOULDER AND WHITE ROCK DITCH AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 28 DEGREES 00 MINUTES EAST, 133,00 FEET ALONG THE APPROXIMATE CENTERLINE OF THE BOULDER AND WHITE ROCK DITCH:

THENCE SOUTH 45 DEGREES OO MINUTES EAST, 42.94 FEET ALONG THE APPROXIMATE CENTERLINE OF THE BOULDER AND WHITE ROCK DITCH TO THE NORTHERLY LINE OF THE HOMESTEAD, A SUBDIVISION IN THE COUNTY OF BOULDER, STATE OF COLORADO, ACCORDING THE RECORDED PLAT THEREOF;

THE FOLLOWING COURSES AND DISTANCES ARE ALONG THE NORTHERLY LINE OF SAID THE HOMESTEAD AND ALONG THE APPROXIMATE CENTERLINE OF THE BOULDER AND WHITE ROCK DITCH:

THENCE SOUTH 45 DEGREES 00 MINUTES EAST, 18.06 FEET;

THENCE SOUTH 70 DEGREES 00 MINUTES EAST, 142.00 FEET;

THENCE SOUTH 64 DEGREES 30 MINUTES EAST, 280.00 FEET;

THENCE SOUTH 51 DEGREES 30 MINUTES EAST, 153.43 FEET;

THENCE SOUTH 65 DEGREES 30 MINUTES EAST, 169.01 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES EAST, 148.00 FEET;

THENCE NORTH 81 DEGREES 00 MINUTES EAST, 91.00 FEET;

THENCE SOUTH 86 DEGREES OO MINUTES EAST, 67.00 FEET TO THE EASTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED DECEMBER 10, 1965 ON FILM 554 AS RECEPTION NO. 802287 OF THE RECORDS OF BOULDER COUNTY, COLORADO;

THENCE LEAVING THE NORTHERLY LINE OF SAID THE HOMESTEAD AND THE APPROXIMATE CENTERLINE OF THE BOULDER AND WHITE ROCK DITCH, NORTHERLY, 157.08 FEET ALONG THE EASTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED DECEMBER 10, 1965 ON FILM 554 AS RECEPTION NO. 802287 AND ALONG THE ARC OF A CURVE CONCAVE TO THE WEST TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 18 DEGREES 00 MINUTES 00 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 09 DEGREES 00 MINUTES EAST, 156.43 FEET;

THENCE NORTH, 331.63 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 554 AS RECEPTION NO. 802287 TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 2;

THENCE SOUTH 89 DEGREES 58 MINUTES 40 SECONDS WEST, 1094.79 FEET ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 2 TO THE TRUE POINT OF BEGINNING.

CITY OF BOULDER PLANNING BOARD ACTION MINUTES May 6, 2025 Hybrid Meeting

A permanent set of these minutes and an audio recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

PLANNING BOARD MEMBERS PRESENT:

Mark McIntyre, Chair Laura Kaplan, Vice Chair Kurt Nordback Claudia Hason Thiem Mason Roberts ml Robles (virtual) Jorge Boone

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT:

Alison Blaine
Shannon Moeller
Charles Ferro
Brad Mueller
Laurel Witt
Vivian Castro-Wooldridge
Thomas Remke

1. CALL TO ORDER

M. McIntyre called the meeting to order at 6:00 PM and the following business was conducted.

2. PUBLIC PARTICIPATION

In Person: Kim Lord Virtual: Lynn Segal

3. APPROVAL OF MINUTES

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

A. Call-Up Item: Minor Subdivision review to combine two lots, and dedicate a ditch easement on the 9,427 square foot property at 1576 Hawthorn Ave. This approval is subject to call-up on or before May 6, 2025.

This item was not called up by the board.

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Concept Plan Review and Comment Request for a proposed multifamily project consisting of approximately 203 units and 4,000 square-feet of amenity space across seven (7) three- and four-story buildings. Reviewed under case no. LUR2025-00011.

Staff Presentation:

Shannon Moeller presented the item to the board.

Board Questions:

Shannon Moeller and Brad Mueller answered questions from the board.

Applicant Presentation:

Jeff Winger and Bill Hollicky presented the item to the board.

Applicant Questions:

Jeff Winger and Bill Hollicky answered questions from the board.

Public Hearing:

Virtual: Lynn Segal

Board Discussion (01.53.00):

Key Issue #1: Is the proposed concept plan compatible with the goals, objectives, and recommendations of the Boulder Valley Comprehensive Plan (BVCP)?

Key Issue #2: Does Planning Board have feedback for the applicant on the conceptual site plan and architecture?

Key Issue #3: Other Key Issues identified by the board?

The Planning Board discussed the Key Issues and provided feedback to the applicant on the conceptual site plan and architecture.

B. AGENDA TITLE: Public hearing and consideration of a Site Review Amendment develop a vacant parcel south of Winchester Cir. in the Gunbarrel Tech Center, currently addressed as 0 Homestead Way. The proposed two-story building will be 66,000 square feet and will have future industrial and office uses. Reviewed under case no. LUR2024-00006.

Staff Presentation:

Alison Blaine presented the item to the board.

Board Questions:

Alison Blaine answered questions from the board.

Applicant Presentation:

Bob Van Pelt presented the item to the board.

Applicant Questions:

Bob Van Pelt answered questions from the board.

Public Hearing:

Virtual: Lynn Segal

Board Discussion (*03:48:45*)

<u>MAIN MOTION:</u> K. Nordback made a motion seconded by M. McIntyre to approve Site Review Amendment application #LUR2024-00006, adopting the staff memorandum as findings of fact, including the attached analysis of review criteria, and subject to the conditions of approval recommended in the staff memorandum and as amended by Planning Board in the conditions below. Planning Board voted 7-0. **Motion passed.**

<u>CONDITION:</u> M. McIntyre made a motion to condition seconded by K. Nordback that prior to certificate of occupancy, the Applicant shall submit a financial guarantee, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing eco-passes to the employees of the development for three years after the issuance of a certificate of occupancy. Planning Board voted 7-0. **Motion passed.**

CONDITION: K. Nordback made a motion to condition seconded by that the plans will be amended to show construction of a 10' wide paved multiuse path on the west-side access easement outside the extents of the ditch easement to the satisfaction of staff at the time of TecDoc and including any necessary adjustments to the existing site plan to accommodate this connection. Planning Board voted 7-0. **Motion passed.**

CONDITION: C. Hanson Thiem made a motion to condition that, to satisfy Site Review criteria 9-2-14(h)(2)(A)(iii) and 9-2-14(h)(F)(x) (minimizing adverse effects on natural features and systems); as well as 9-2-14(h)(2)(E)(iii) (reducing visual impacts of parking and lighting), the final plans shall be revised to remove the southernmost row of parking stalls on the south building frontage. Parking may be relocated to other sides of the building, or removed in conjunction with an additional parking reduction to be approved by staff. The motion did not receive a second.

<u>CONDITION:</u> C. Hanson Thiem made a motion to condition seconded by M. McIntyre that, to satisfy Site Review criteria 9-2-14(h)(2)(D)(iv) (promoting alternatives to the automobile), the final plans shall be revised to show a long-term bike parking area that provides weather protection, horizontal parking, and charging infrastructure for E-bikes to the satisfaction of staff at the time of TecDoc. Planning Board voted 7-0. **Motion passed.**

CONDITION: K. Nordback made a motion to condition seconded by C. Hanson Thiem that the plans will be revised to show detached 5' sidewalks on both sides of the private vehicular access to the site, to the satisfaction of staff at time of TEC Doc. Planning Board voted 7-0. **Motion passed.**

- 6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY
- 7. DEBRIEF MEETING/CALENDAR CHECK
- 8. ADJOURNMENT

a. ADJOURNMENT		
The Planning Board adjourned the me	eting at 10:52 PM.	
APPROVED BY		
Board Chair		
DATE		



COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Concept Plan Review and Comment Request for a proposed multi-family project consisting of approximately 203 units and 4,000 square-feet of amenity space across seven (7) three- and four-story buildings at 5600 Airport Blvd., 0 Airport Blvd., and 0 Valmont Dr. Reviewed under case no. LUR2025-00011

PRIMARY STAFF CONTACT

Shannon Moeller, Planning Manager

ATTACHMENTS:

Description

Item 4B - 5600 Airport Concept Plan



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE: Call-up consideration of a Concept Plan Review and Comment Request for a proposed multi-family project consisting of approximately 203 units and 4,000 square-feet of amenity space across seven (7) three- and four-story buildings at 5600 Airport Blvd., 0 Airport Blvd., and 0 Valmont Dr. Reviewed under case no. LUR2025-00011.

PRESENTERS

Nuria Rivera-Vandermyde, City Manager Mark Woulf, Assistant City Manager Brad Mueller, Director Planning & Development Services Charles Ferro, Senior Planning Manager Shannon Moeller, Planning Manager

EXECUTIVE SUMMARY

The purpose of this item is for the City Council to consider whether to call up the above-referenced application for review and comment at a public hearing. On **May 6, 2025**, the Planning Board held a meeting and reviewed and commented on the proposal. The 30-day call up period concludes on **June 5, 2025**. City Council is scheduled to consider this application for call-up at its **June 5, 2025** meeting.

The staff memorandum to Planning Board, recorded video, and the applicant's submittal materials along with other related background materials are available in the <u>city archives</u> <u>for Planning Board</u>. The recorded video from the hearing can be found <u>here</u>. The applicant's submittal package is provided in **Attachment A**. The draft meeting minutes from the Planning Board meeting are provided in **Attachment B**.

REVIEW PROCESS

In a concept plan review, no formal action is required on behalf of City Council. Public, staff, Planning Board, and Council comments will be documented for the applicant's use in a future Site Review application.

A Concept Plan Review and subsequent Site Review are required because the proposal is greater than 5 acres or 100,000 square-feet of floor area in the IG or IM zoning districts. (Table 2-2 of Section 9-2-14, B.R.C. 1981).

The purpose of the Concept Plan review is to determine the general development plan for a particular site and to help identify key issues in advance of a site review submittal. This step in the development process is intended to give the applicant an opportunity to solicit comments from the Planning Board, City Council (if called up) as well as the public early in the development process as to whether a development concept is consistent with the requirements of the city as set forth in its adopted plans, ordinances, and policies (Section 9-2-13, B.R.C. 1981).

In addition to a public hearing at City Council, City Council has authority to refer Concept Plan Review proposals to the Design Advisory Board (DAB) and/or Transportation Advisory Board (TAB) for their respective opinions. The purpose of such a review by DAB is to encourage thoughtful, well-designed development projects that are sensitive to the existing character of an area, or the character established by adopted design guidelines or plans for the area. TAB's opinion can be requested by council on transportation matters implicated in a Concept Plan Review proposal.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** None noted.
- **Environmental** None noted.
- **Social** None noted.

OTHER IMPACTS

- **Fiscal** The review of this application and a potential Site Review application fall within staff's normal scope of work, and as such do not present any unusual fiscal impacts.
- **Staff time** The application was completed under standard staff review time. If the proposal moves forward, staff anticipates that the review will also be completed under standard staff review time.

BOARD AND COMMISSION FEEDBACK

At the public hearing on May 6, 2025, the Planning Board heard presentations by staff and the applicant, and asked questions following each presentation. One member of the public spoke in opposition to the proposal during the public comments portion of the hearing.

The Planning Board discussed two key issues at the public hearing:

- 1. Is the proposed concept plan compatible with the goals, objectives, and recommendations of the Boulder Valley Comprehensive Plan (BVCP)?
- 2. Does Planning Board have feedback to the applicant on the conceptual site plan and architecture?

Regarding Key Issue One, board members expressed a range of views on whether the proposal was compatible with BVCP goals and policies. Several board members supported the provision of infill housing in this location in support of BVCP policies toward improving the city's jobs:housing balance, providing compact infill development, and providing multi-unit housing adjacent to open space. However, some board members also expressed concerns regarding a 100% residential project due to the lack of resident-serving amenities and transportation options in the area.

Board members encouraged additional attention at the time of Site Review to go beyond just the provision of housing and consider how the site can provide a mix of uses such as neighborhood-serving uses like a bodega or café, live-work, or light manufacturing uses; improve connectivity, walkability, and mobility options; meet environmental goals; demonstrate how the site is appropriate for housing; and consider more comprehensively the range of people that would live at the site.

Regarding Key Issue Two, the Planning Board provided helpful feedback on the proposed site and building design, including:

- Make sure the site is designed to address the Residential in Industrial Use Review criteria, including buffering from noise and other externalities, such as by making stronger use of parking and building form to create separation and provide a transition to adjacent industrial land uses.
- Consider ways to improve the interior open spaces such as locating spaces in relation to views and opening up the site toward prominent views toward the south.
- Ensure that multi-modal transportation options are enhanced including key multiuse path connections, provide a complete streets design through the site, and include a strong TDM (Transportation Demand Management) plan with infrastructure improvements to address transportation, connectivity, and mobility concerns at this location.
- Consider orienting inviting facades and entrances along the places people will be in transit, such as the cul-de-sac, bike path, and internal open space.
- Take advantage of the unique topography of the site and provide a creative site design and architecture that addresses the surrounding natural setting. Ensure that topography is clearly shown in the site review submittal due to the significant grade on the site.

PUBLIC FEEDBACK

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property. A sign was posted on the property a minimum of 10 days prior to the hearing. No written comments were received.

ANALYSIS

The staff memorandum to Planning Board that includes staff analysis along with the meeting audio, and the applicant's submittal materials are available on the <u>Records</u> Archive for Planning Board.

MATRIX OF OPTIONS

The City Council may call up a Concept Plan application within thirty days of the Planning Board's review. Any application that it calls up, the City Council will review at a public meeting within sixty days of the call-up vote, or within such other time as the city and the applicant mutually agree. The City Council is scheduled to consider this application for call-up at its **June 5**, **2025** meeting.

ATTACHMENTS

Attachment A – Applicant's Proposed Plans and Written Statement Attachment B – Draft May 6, 2025 Planning Board Meeting Minutes

Attachment A - Applicant's Proposed Plans and Written Statement



2718 Pine Street, Suite 100 Boulder, CO 80302

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February 12, 2025

Airport Blvd 5600 Airport Blvd, Boulder, CO Concept Plan Review – Written Statement

Introduction

This new development for Boulder is located along Airport Blvd., it is bordered by Light Industrial to the North and West and Public Open Space to the East and immediate South. The site is currently occupied by two office buildings and associated parking with a majority of the site being undeveloped. The land is owned by The W.W. Reynolds Companies and is currently occupied. The intent of this development is to transform the largely vacant land into housing that takes advantage of the proximity to open space and the adjacent bike path and transit to promote a less car-centric lifestyle that is well connected to central Boulder.

Project Site

The parcel is located in East Boulder, East of Foothills Parkway South of the Boulder Municipal Airport. It has frontage on the South end of Airport Boulevard and is near the Valmont Bike Park. The North Boulder Farmer's Ditch extends along the southern portion of the site. Adjacent uses are a mix of manufacturing, municipal and office uses along Airport Boulevard, open space to the East and South, and residential development for Manufactured Homes to the Southwest. The open space and adjacent residential fall outside of Boulder city limits and are not part of city zoning however the future land use notes these as 'Open Space – Acquired' and 'Manufactured Housing'. A portion of the parcel was annexed into the City of Boulder in 2020.

Site Plan

The 9.9 acres / 431,378 sf site is proposed to include an arrangement of 7 buildings containing 203 units around a central gathering area which would include a park space, pool area, and dog run. This gathering space connects to the larger bike network via access points that radiate out from the center of the site. These access points break apart the buildings, tying the central spaces to the greater open space beyond, and include their own pocket parks to further blend the two zones. The bike path is situated along a steep slope on site, with the side farthest from the buildings having well-established trees and vegetation that we would propose remain. Parking is handled along streets and in tuck under parking around the site and large parking areas have been avoided.

Buildings

The apartments will be comprised of studios, 1-, 2- and 3-bedroom units with the final mix and counts to be determined as the demands evolve. The buildings are proposed to be a mixture of 3



Attachment A - Applicant's Proposed Plans and Written Statement



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and 4 stories with the 4 story buildings occurring on the site where the slope is greatest to keep the perceived height low. While the design is still in the concept stage the desire for gabled roofs on site make it likely that we will be seeking some additional height through Site Review beyond the code limit of 40'

Community Benefits

This project will satisfy a host of city goals. It will provide additional residential units for the general population near employers, mass transit and existing bike connections, providing commercial uses with needed employees and customers in turn. The project more efficiently utilizes an existing developed parcel that is well situated to take advantage of existing alternative modes of transportation, thereby providing existing vehicular traffic with an opportunity to become bike and bus traffic.

Parking

The parking on site is tertiary to creating a great central gathering space and then creating great streets. We're avoiding the large parking areas for vehicles and through a combination of tuck-under and street parking have worked to deemphasize the cars on site as much as possible. Overall, the project is parked at a rate of 1.08 parking spaces per unit.

East Boulder Subcommunity Plan - 2022

The project site is partially within the East Boulder Subcommunity Plan, with the Northern-most parcel included within that plan, and the Southern two parcels not. Although a majority of the site is not within the Subcommunity plan we are looking at it for guidance and paying attention to some of the key concepts:

 The East Boulder Subcommunity Plan maintains and enhances the subcommunity's industrial energy while integrating new uses to prepare for the changing dynamics of a work/life balance in Boulder.

We are integrating a variety of housing options along a bikeway that's adjacent to the light industrial uses that would employ people within the site.

 East Boulder is the least populated subcommunity in the city and looks to be home to new and affordable housing that complements existing uses, includes a diverse mix of housing types and ownership models and extends live-work-play choices in the community.

We propose to bring a mix of housing options to an area that needs it, making it easier for people to live where they work.





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 Arapahoe Avenue is planned for significant investment and bus rapid transit in the future. East Boulder is also bisected by Boulder Creek and the creek path, which connects to downtown Boulder and beyond.

This area is quickly becoming a hub for alternative modes of transportation, making it an excellent location for housing and making a car-free lifestyle more attractive and attainable.

Appropriateness for Residential

East Boulder needs housing. It needs homes that are well connected to existing infrastructure, homes that allow residents easy access to multi-modal transportation options, homes that promote an active and enriched lifestyle and that do this close to work so we can give people an option not to drive their cars. The proximity to open space and a well-established bike path connection alone would make this an excellent location for residential. The proximity to many businesses where potential tenants would be able to work close to home only adds to the argument in favor of this site becoming housing. The fact that this site is partially developed and would be able to utilize existing infrastructure, reducing the new load on resources makes this location beneficial to residents and to the city they want to live in.

When we zoom out and take another look at the open space adjacent to the site, we begin to see another argument in favor of this location. The site is located next to a large swath of open space. When we color residential yellow, as shown in the diagram here, we start to see that this open space is largely surrounded by residential. If this site were to becoming housing it would continue this pattern, placing people in close proximity to the open space they want to occupy, and giving them easy access to a network connecting the site to other spaces nearby, like the Valmont Bike Park, and other parks just a short bike ride away.





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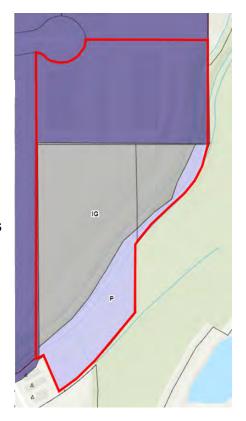
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Code Compliance for Residential in Industrial Zones

The portion of the site that's within the East Boulder Subcommunity Plan is zoned for Light Industrial; however, as noted in the plan itself:

The East Boulder Subcommunity Plan (EBSP)... is not intended, in the near term, to prevent property owners and users from improving or using the property in a manner that is consistent with the underlying zoning until the property is rezoned or redeveloped.

The zoning of this site allows a majority of commercial and industrial uses by right but there is a specific allowance in the code for residential uses on sites where open space is located along more than 1/6th of the site perimeter. This site exceeds that 1/6th requirement and would be eligible to pursue residential uses on site with a Use Review process. The strip along the South portion of the site which is zoned P for Public Use was conveyed to the City of Boulder as part of an Annexation agreement recorded in 2020 (LUR2018-00059). Additionally, there is open space that runs along the Eastern and Southern edge of the site perimeter.



Concept Plan Written Statement Requirements

(A) Techniques and Strategies for environmental impact avoidance, minimization, or mitigation:

The project site is an already developed site, and the current plan utilizes the already flattened areas, leaving a significant portion of the site undeveloped and preserving existing well-established vegetation that runs along the bike path. Parking on the site has been minimized as much as possible and has been tucked under buildings or run adjacent to streets to avoid large parking areas and maximize interspersed green space.

(B) Techniques and strategies for practical and economically feasible travel demand management techniques, including without limitation, site design, land use, covenants, transit passes, parking restrictions, information or education materials, or programs that may reduce single-occupant vehicle trip generation to and from the site.

The site plan includes multiple multi-use path connections that converge on the inside of the site at a central green space. This makes for easy access to the path which connects to all the neighborhood services once could require with 15 minutes or less of biking. Should biking not be preferred there's also easy access to the 208 bus line adjacent to



Attachment A - Applicant's Proposed Plans and Written Statement



2718 Pine Street, Suite 100 Boulder, CO 80302

coburnpartners.com

the site. Ample bike parking facilities will be provided throughout the site. It is possible that Eco-passes will be provided to residents to encourage use of the bus system.

(C) Proposed land uses and, if it is a development that includes residential housing type, mix, sizes, and anticipated sale prices, the percentage of affordable units to be included; special design characteristics that may be needed to assure affordability:

The project is currently proposed to be a mix of unit sizes from 3 bedrooms to studio apartments. Sale prices would be set to be competitive and would be based on the Boulder market.

Specific examples of consistency with the purposes and policies of the **Boulder Valley Comprehensive Plan** have been added below:

- 1.11 Jobs: Housing Balance: This project creates housing where there are jobs needing support, and adds residential uses to an area that has alt modes where there would not have the scattered residential, but continues it along the bike path, creating housing in a location where employees might not have had the option previously.
- 1.22 Channeling Development to Areas with Adequate Infrastructure: This development is planned in an area that already has excellent infrastructure of all types.
- 2.14 Mix of Complementary Land Uses: The proposal would add needed residential units to East Boulder. It will help balance the retail, office, and light industrial uses adjacent and nearby with customers and employees who live within walking and biking distance and the proximity of open space will be a benefit to the residents.
- 2.24 Commitment to a walkable city: The project will add and create walkable paths through the site and allow connections to the bike path at the East and South.
- 2.33 Sensitive Infill & Redevelopment: The proposed project will be an infill project building on partially vacant land near the airport with excellent access to open space.
- 2.38 Importance of Urban Canopy, Street Trees, and Streetscapes: The site has many well-established existing trees along the bike path that would remain, and the new streetscapes and central gathering areas utilize plantings to enhance these spaces. The connections to the existing bike path are further enhanced by the trees and pocket parks situated between the buildings.



Attachment A - Applicant's Proposed Plans and Written Statement



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2.41 Enhanced Design for All Projects:

- Context: the project will infill a largely undeveloped vacant parcel surrounded by open space and developed land and adjacent to the Commercial uses in this part of Boulder.
- Transportation connections: the project is located adjacent to transit and a bike network, providing the possibility of bike and pedestrian friendly connections to the larger Boulder bike and transit network.
- Parking: Parking has been designed to be tucked under buildings and along streets in order to avoid large parking areas. It defers to the central gathering spaces and more pedestrian focused streets.
- Permeability: the site will allow multiple opportunities for connection through the property to the adjacent open space and bike path.
- On-site open spaces: the arrangement of buildings on the site creates multiple interior focused open spaces to benefit the residents and neighbors.
- Buildings: the buildings will be designed around the central gathering spaces and oriented towards the open space adjacent to the site, enhancing the connection with the open areas and drawing users toward the bike path.
- 4.07 Energy Efficient Land Use: The project will create a compact development pattern in an area well served by businesses and alternative transportation. It is ideal for sustainable land use.
- 6.05 Reduction of Single Occupancy Auto Trips: This project's location is near to existing transit and proposed transit areas and proximate to biking trails and bus lines. It is ideally located for sustainable transportation options.
- 7.07 Mixture of Housing Types: This project will contain a mixture of studio, one-, two- and three-bedroom apartments.
- 7.11 Balancing Housing Supply with Employment Base: This project meets the goal of increased housing for Boulder workers in proximity to transit, employment, and services.



CONCEPT PLAN REVIEW REYNOLDS AIRPORT

SCOPE OF WORK

SCOPE OF WORK: APPROXIMATELY 203 RESIDENTIAL UNITS
WITH ASSOCIATED COMMUNITY AMENITIES, STUDIO, 1BED,2BED
AND 3 BED UNITS AND A LARGE OUTDOOR OPEN SPACES
ZONING: IM / IG / P
SETBACK MINIMUMS: 5'-10'
BUILDING TYPE: MULTI-FAMILY RESIDENTIAL
NUMBER OF BUILDINGS: 7
PROPOSED BUILDING AREA: APPROXIMATELY 243,881 SF

SHEET INDEX

COVER SHEET
CONTEXT / RESIDENTIAL FABRIC DIAGRAM
CONNECTIONS TO BOULDER

A3 ILLUSTRATIVE SITE PLAN
A4 BUILDING MASSING DIAGRAM

A5 BUILDING USE DIAGRAM

A6 PARKING & OPEN SPACE DIAGRAM

A7 PRECEDENTS

PRECEDENTS

A9 RENDERINGS A10 RENDERINGS

A11 RENDERINGS A12 RENDERINGS

A13 RENDERINGS A14 RENDERINGS

A15 RENDERINGS

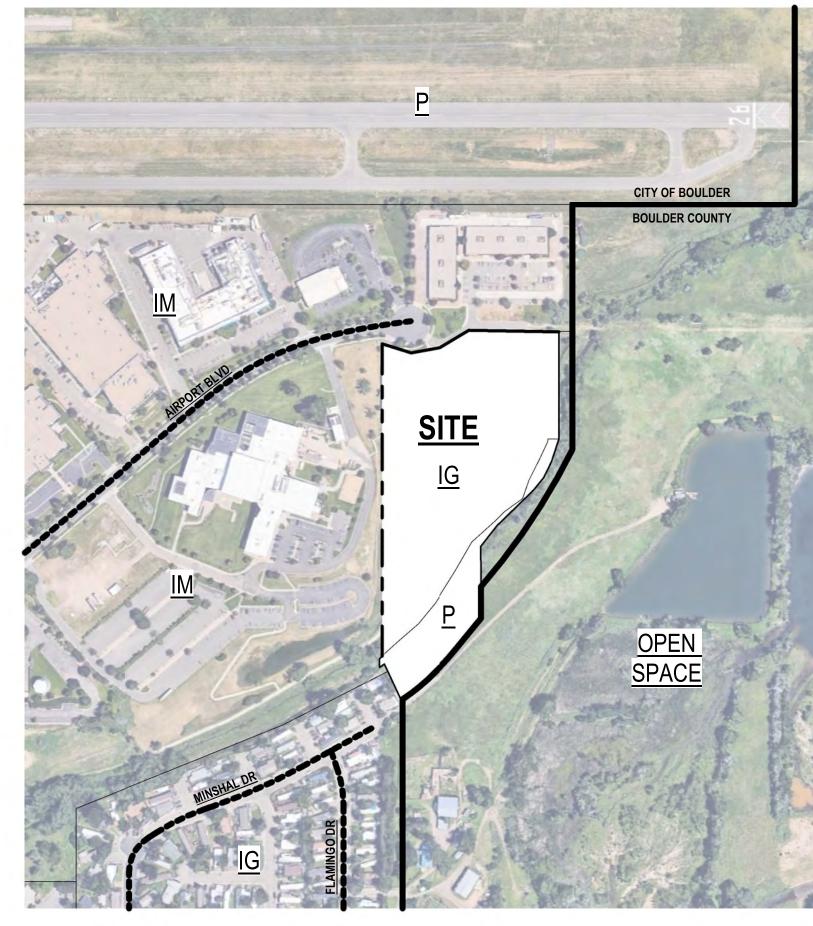
ARCHITECT

COBURN ARCHITECTURE 2718 PINE ST #100 BOULDER, COLORADO 80302 P: (303) 442-3351

OWNER

W.W. RENYOLDS COMPANIES 1320 PEARL ST THIRD FLOOR, BOULDER, COLORADO 80302 P: (303) 442-8687





VICINITY MAP

1" = 200'-0"



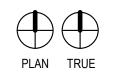


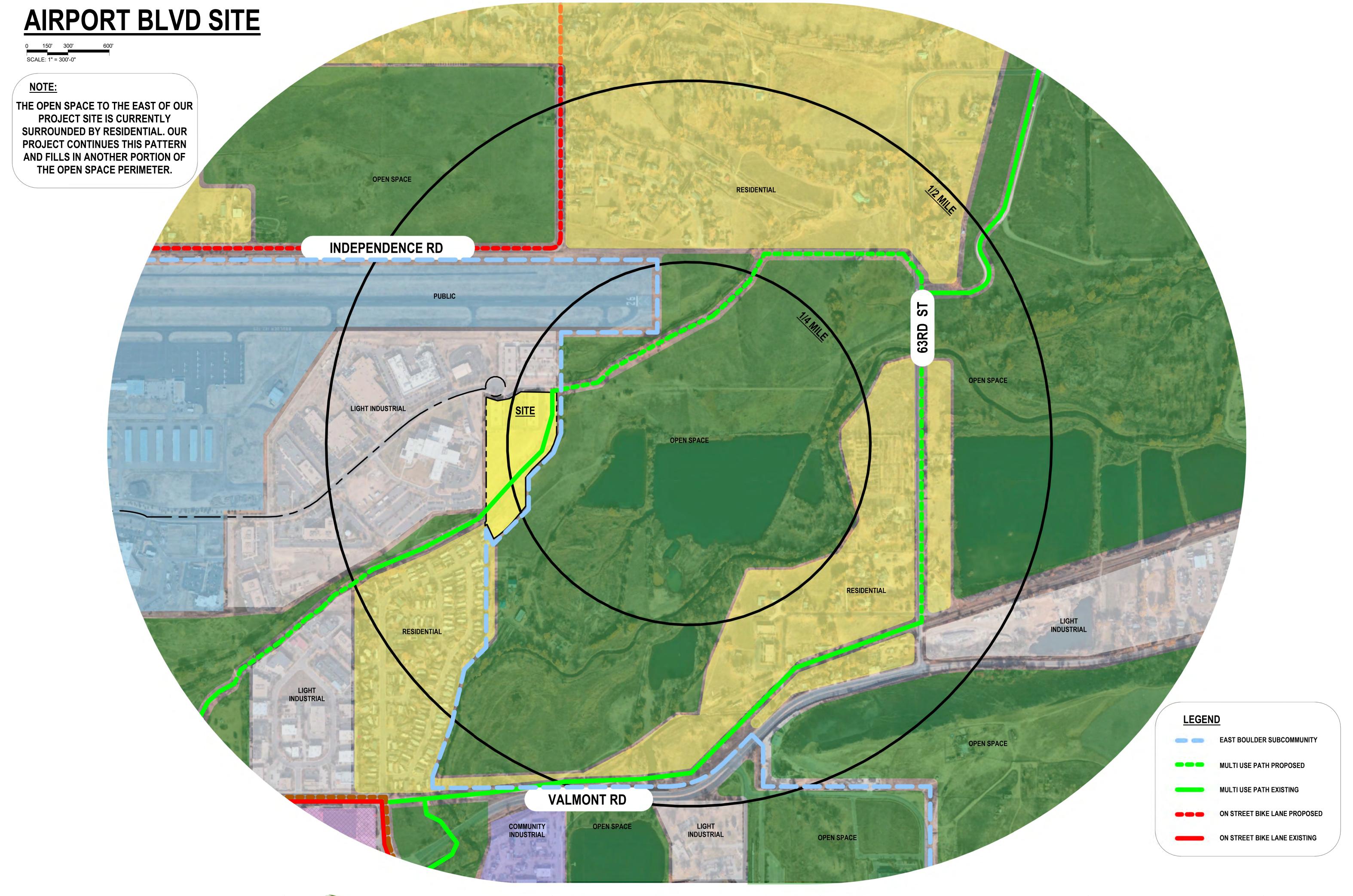
Packet Page 584 of 777



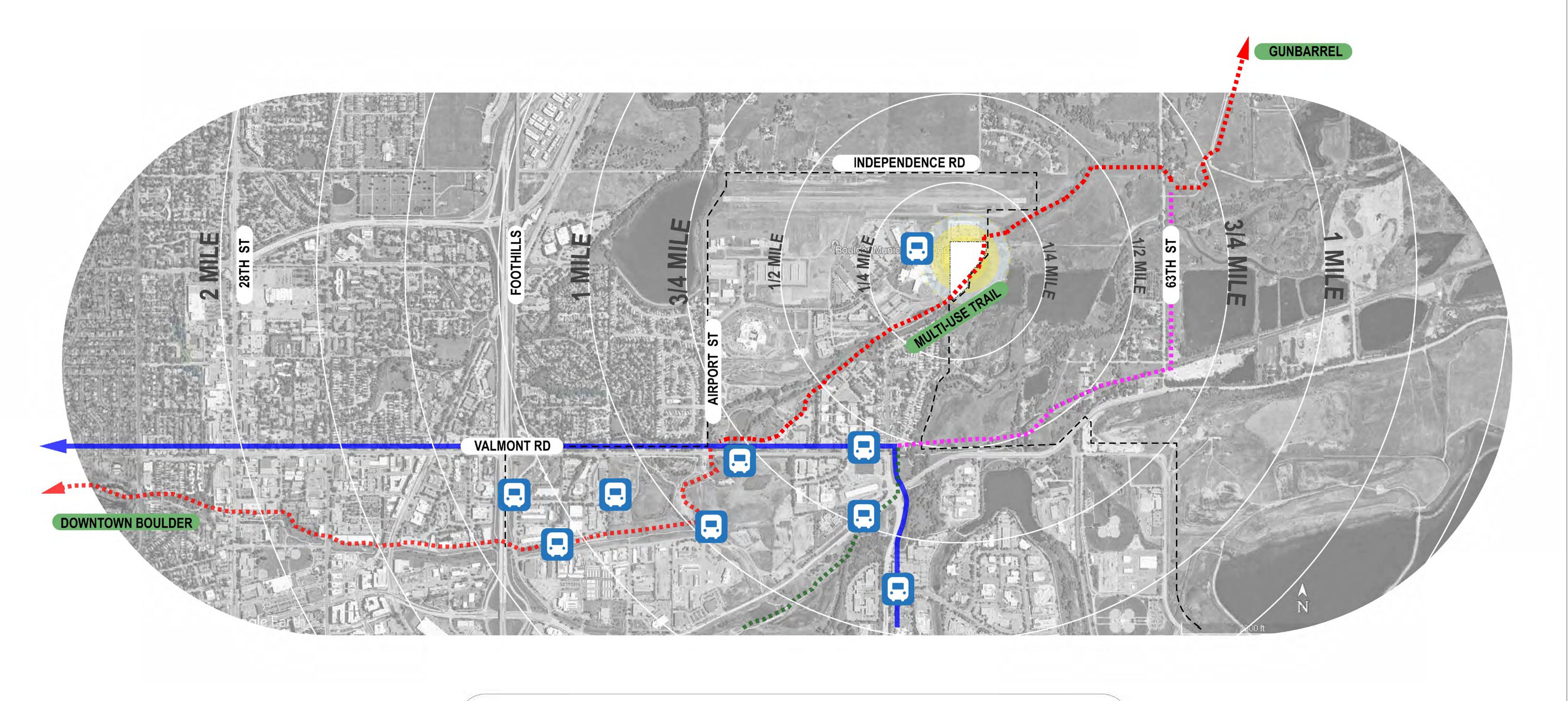


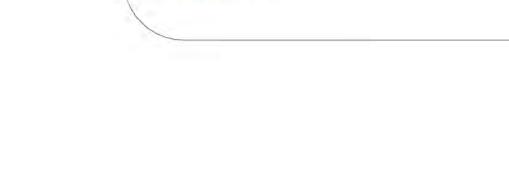






AIRPORT BLVD SITE

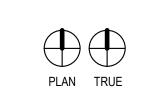




EAST COMMUNITY MOBILITY HUB

LEGEND

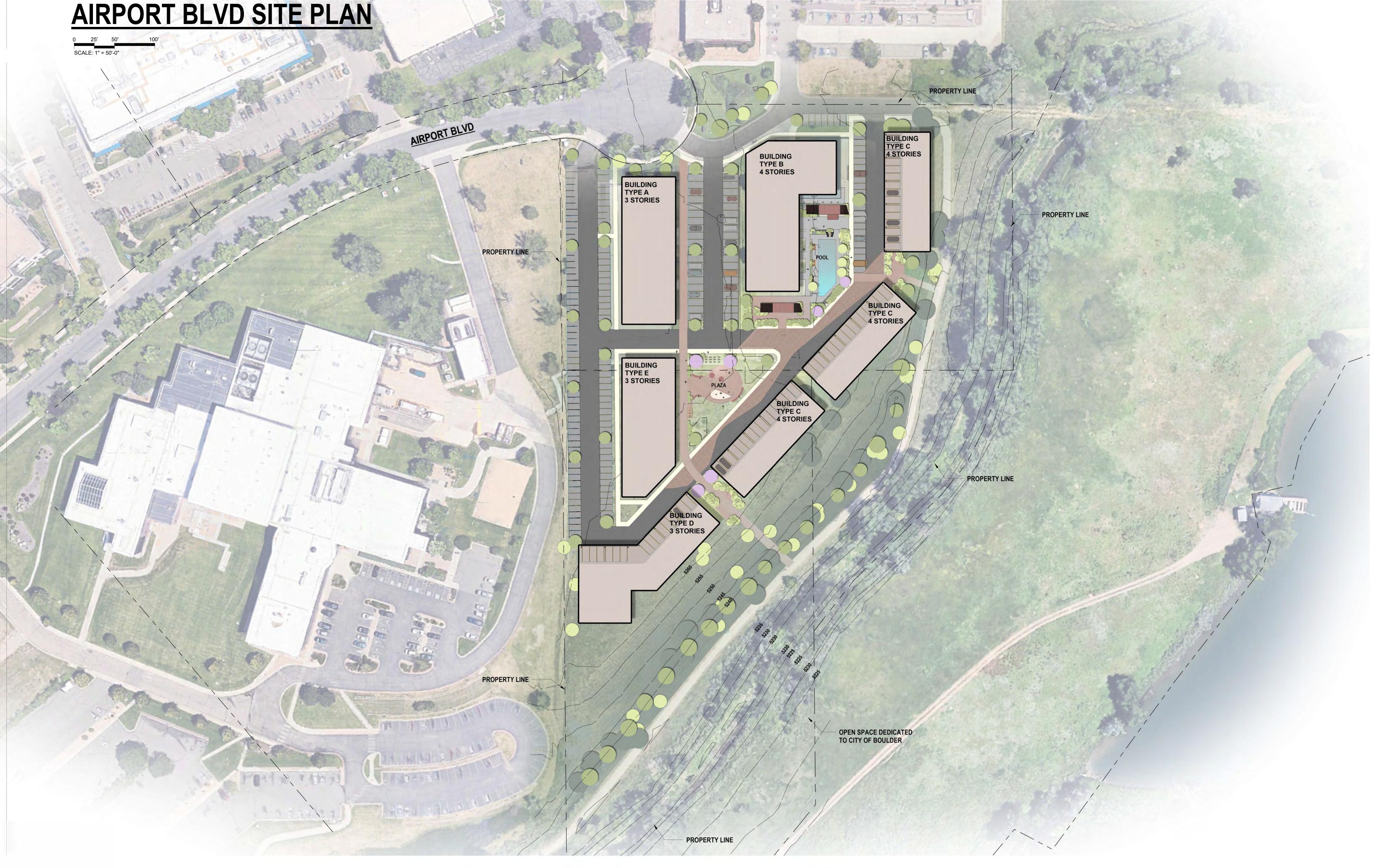




BIKEABLE SHOULDER

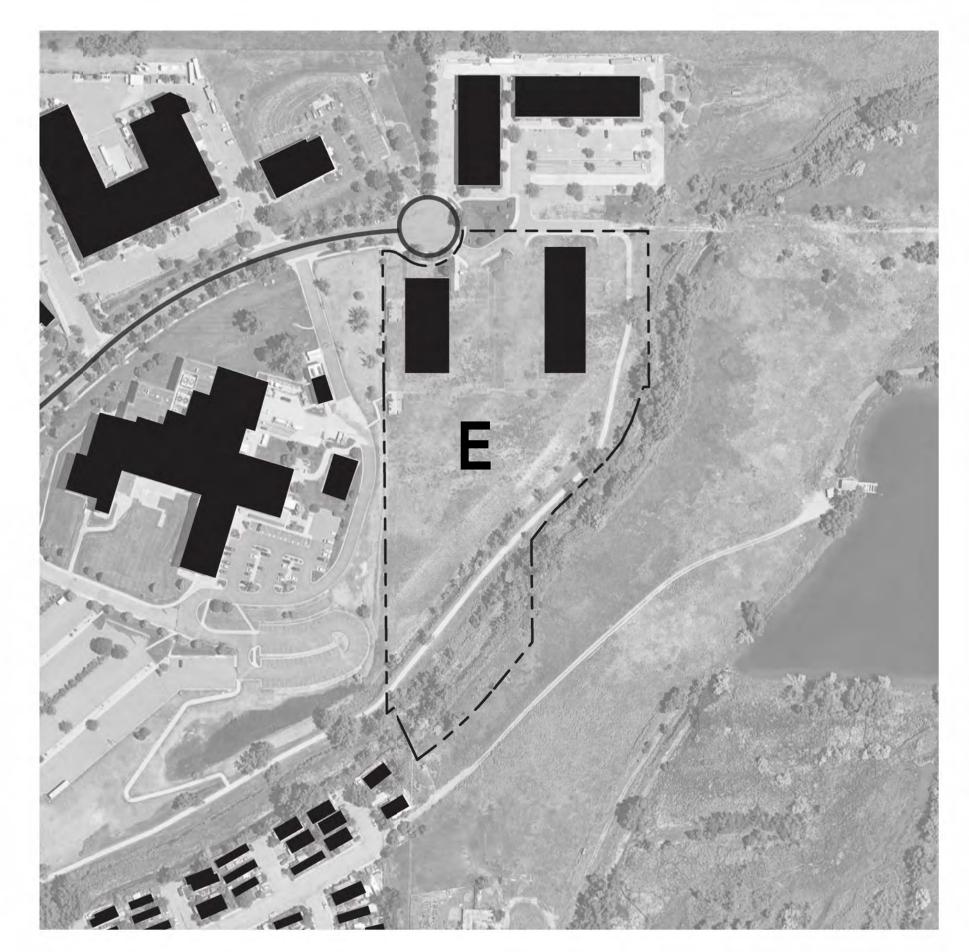
CONCEPT PLAN REVIEW

2025.02.12

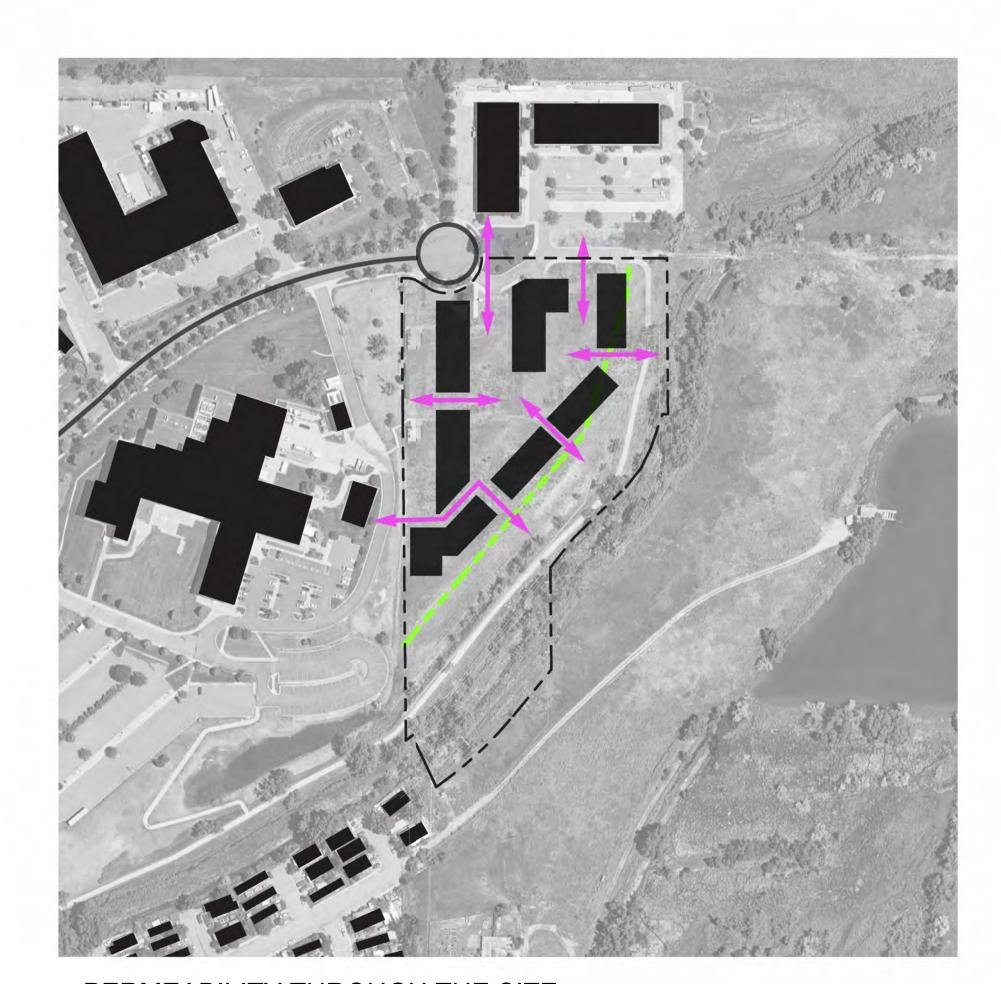




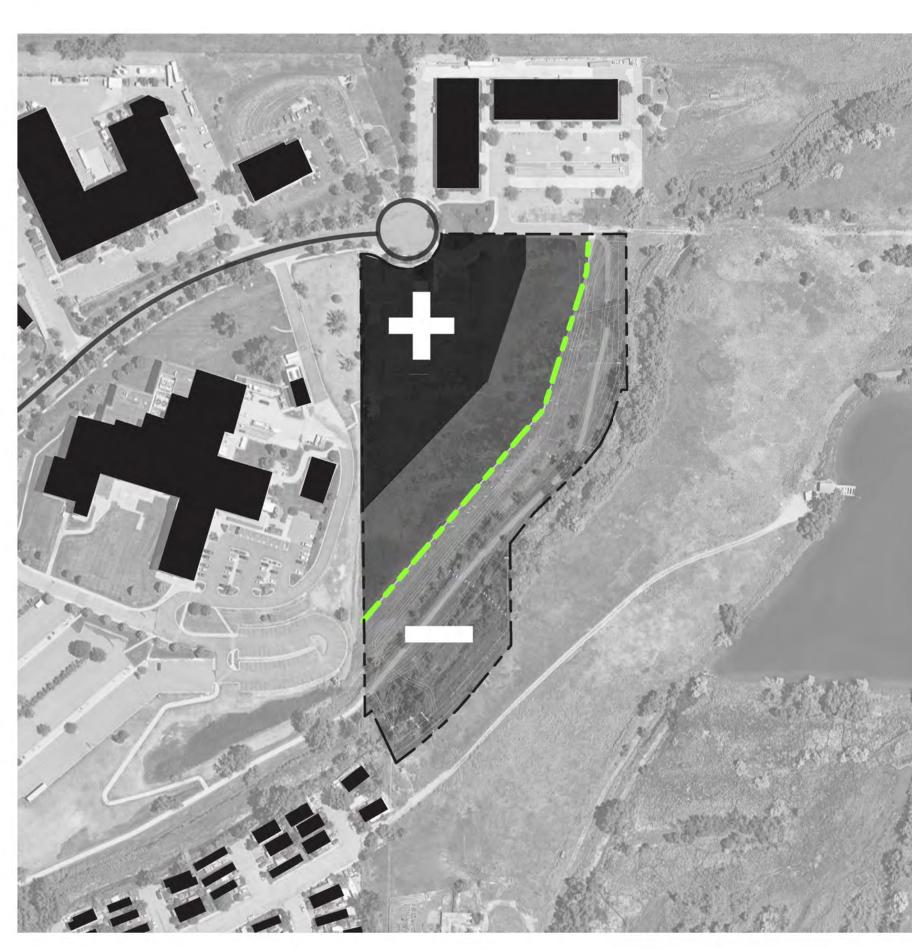




EXISTING SITE



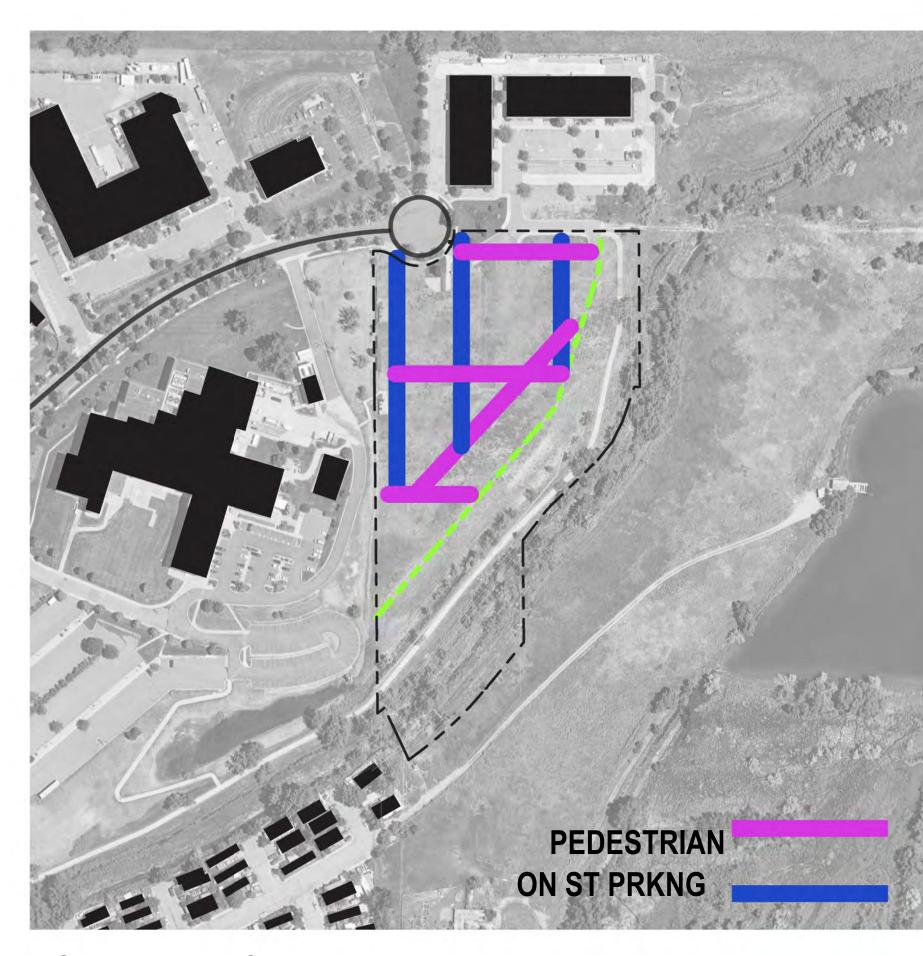
PERMEABILITY THROUGH THE SITE



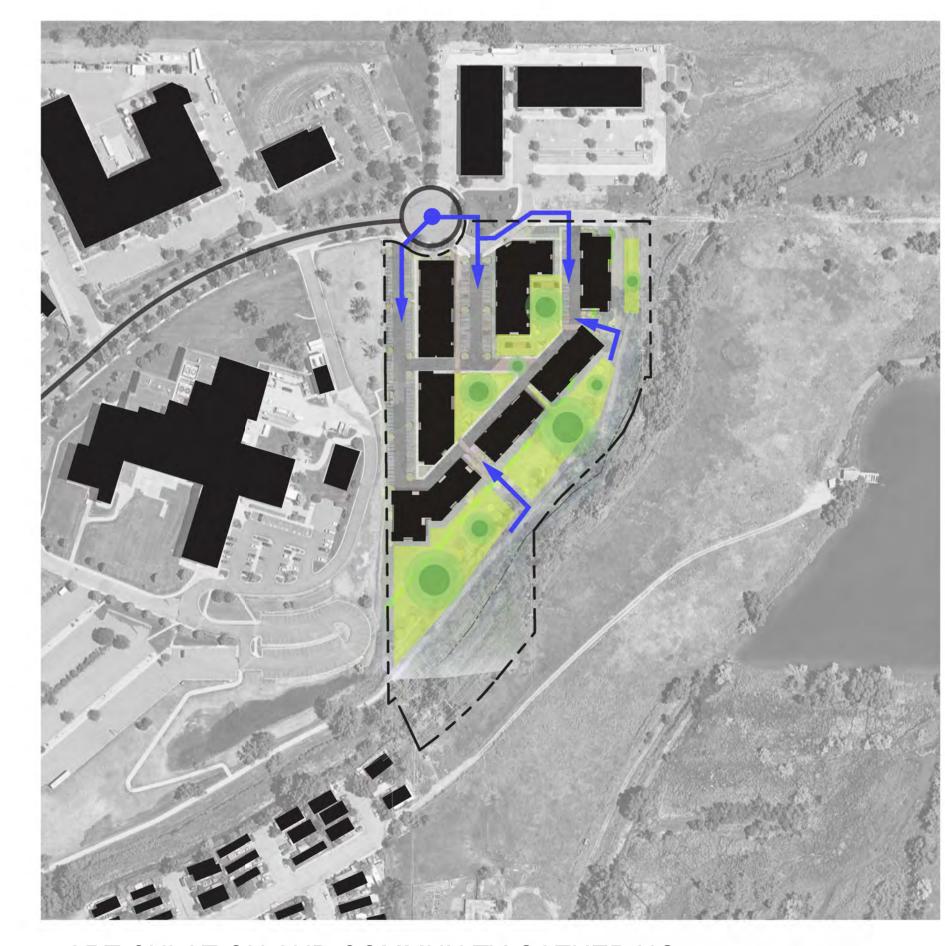
LOW AND HIGH TOPOGRAPHY CONDITION



OPEN SPACE



STREET TYPES



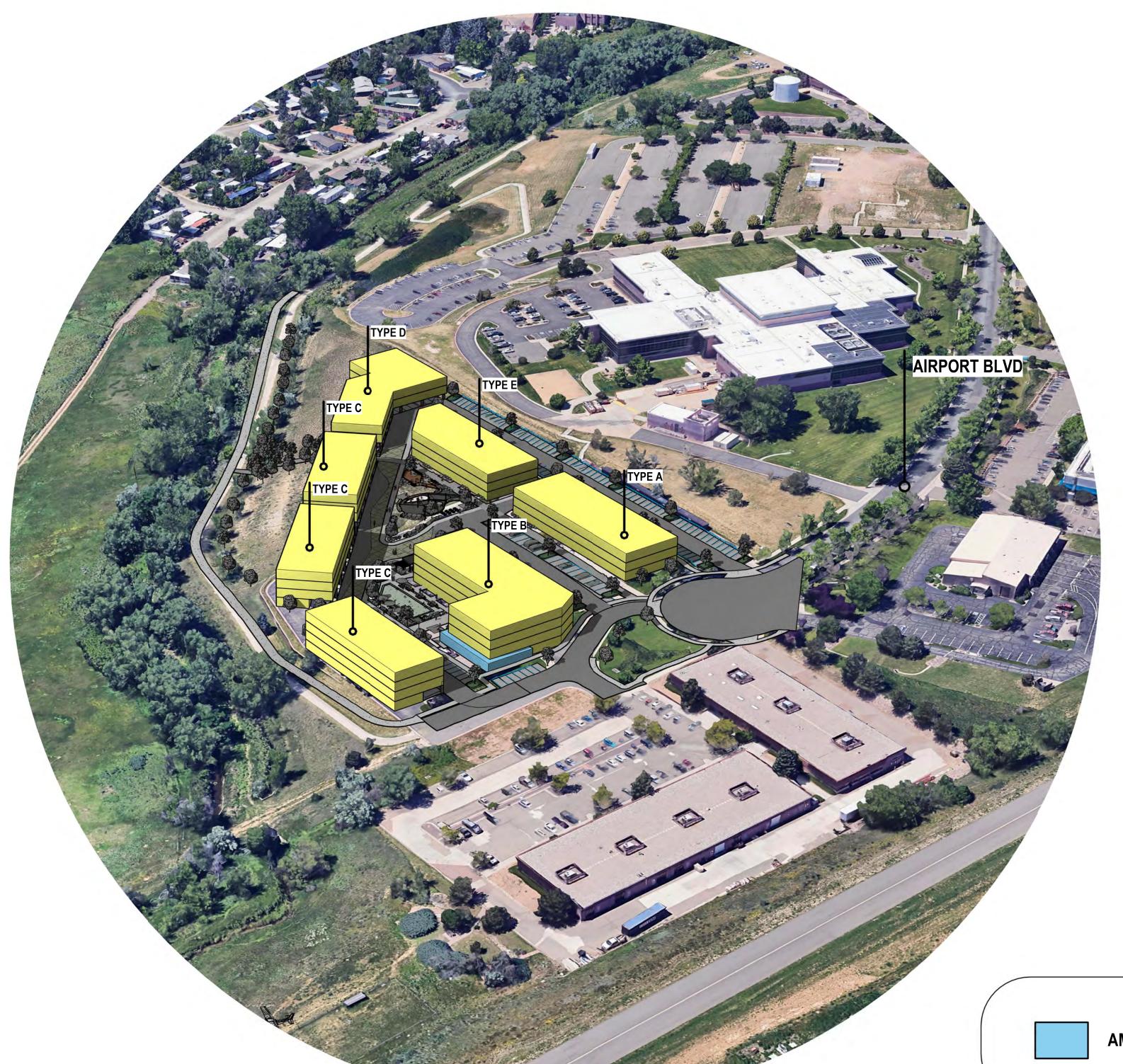
ARTICULATION AND COMMUNITY GATHERING







AIRPORT BLVD SITE USES & BUILDING METRICS



BUILDING TYPE A			
TYPE	GROSS SQ. FOOTAGE		
LEVEL 1			
RESIDENTIAL	11700	SF	
LEVEL 2			
RESIDENTIAL	11700	SF	
LEVEL 3			
RESIDENTIAL	11700	SF	
TOTALS PER BUILDING			
TOTAL BUILDING SQUARE FOOTAGE	35,100	SF	
TOTAL RESIDENTIAL SQUARE FOOTAGE ASSUMING 15% CIRC)	29,835	SF	
TOTAL UNITS	35	DU	
AVERAGE UNIT SIZE(ASSUMING 15% CIRC)	852	SF	

BUILDING TYPE C		
TYPE	GROSS SQ. FOOTAGE	
LEVEL 1		
RESIDENTIAL	4661	SF
LEVEL 2		
RESIDENTIAL	8012	SF
LEVEL 3		
RESIDENTIAL	8012	SF
LEVEL 4		
RESIDENTIAL	8012	SF
TOTALS		
TOTAL BUILDING SQUARE FOOTAGE	28,697	SF
TOTAL RESIDENTIAL SQUARE FOOTAGE ASSUMING 15% CIRC)	24,392	SF
TOTAL UNITS	16	Di
AVERAGE UNIT SIZE(ASSUMING 15% CIRC)	851	SF

BUILDING TYPE E		
TYPE	GROSS SQ. FOOTAGE	
LEVEL 1		
RESIDENTIAL	10400	S
LEVEL 2		
RESIDENTIAL	10400	S
LEVEL 3		
RESIDENTIAL	10400	S
TOTALS PER BUILDING		
TOTAL BUILDING SQUARE FOOTAGE	31,200	5
TOTAL RESIDENTIAL SQUARE FOOTAGE ASSUMING 15% CIRC)	26,520	S
TOTAL UNITS	30	
AVERAGE UNIT SIZE(ASSUMING 15% CIRC)	884	

BUILDING TYPE B		
TYPE	GROSS SQ. FOOTAGE	
LEVEL 1		
RESIDENTIAL	12044	SF
INTERIOR OPEN SPACE	4000	SF
LEVEL 2		
RESIDENTIAL	15034	SF
LEVEL 3		
RESIDENTIAL	15034	SF
LEVEL 4		
RESIDENTIAL	15034	SF
TOTALS PER BUILDING		
TOTAL BUILDING SQUARE FOOTAGE	57,146	SF
TOTAL RESIDENTIAL SQUARE FOOTAGE ASSUMING 15% CIRC)	48,574	SF
TOTAL UNITS	56	DU
AVERAGE UNIT SIZE(ASSUMING 15% CIRC)	867	SF

BUILDING TYPE D		
TYPE	GROSS SQ. FOOTAGE	
LEVEL 1		
RESIDENTIAL	8816	SF
LEVEL 2		
RESIDENTIAL	12764	SF
LEVEL 3		
RESIDENTIAL	12764	SF
TOTALS PER BUILDING		
TOTAL BUILDING SQUARE FOOTAGE	34,344	SF
TOTAL RESIDENTIAL SQUARE FOOTAGE ASSUMING 15% CIRC)	29,192	SF
TOTAL UNITS	34	DU
AVERAGE UNIT SIZE(ASSUMING 15% CIRC)	859	SF

OVERALL SITE

GROSS SITE AREA (ACRES)	8,4	AC
GROSS SITE AREA (SF)	363,881	SF
GROSS FAR	0.67	
DWELLING UNITS	203	DU
DENSITY	24.3	DU/A
TOTAL COMMERCIAL SQUARE FOOTAGE	0	SF
TOTAL RESIDENTIAL SQUARE FOOTAGE	243,881	SF
TOTAL RESIDENTIAL SQUARE FOOTAGE(15% CIRC)	207,299	SF
TOTAL BUILDING SQUARE FOOTAGE	243,881	SF

UNIT MIX

%	UNIT TYPE	SIZE	14
10%	3 BED	1,800	2
42%	2 BED	1,100	8
38%	1 BED	825	-7
10%	STUDIO	625	2



REYNOLDS AIRPORT

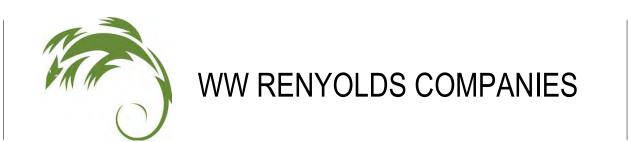
BOULDER, COLORADO

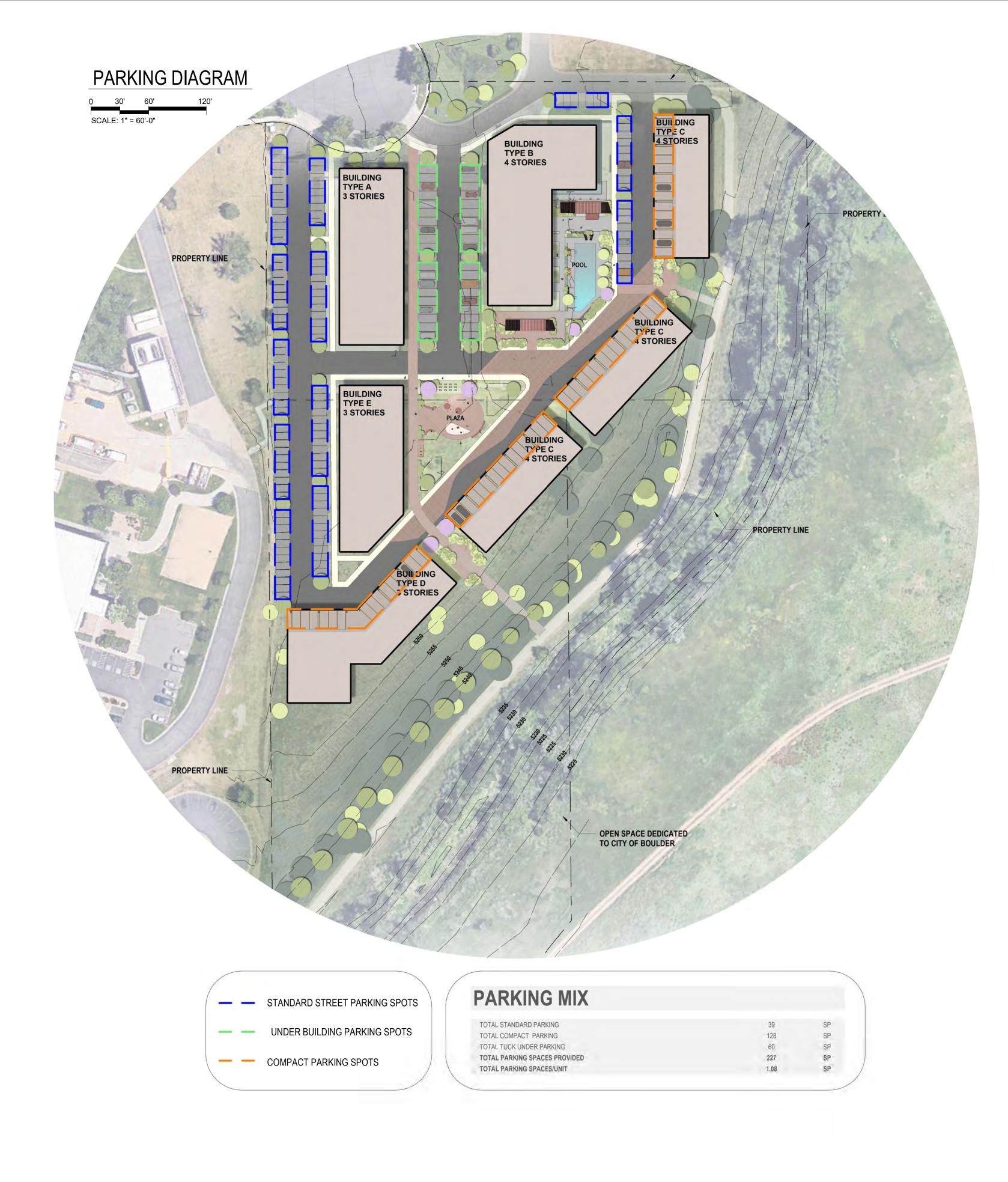
AMENITY - LIGHT BLUE



RESIDENTIAL - YELLOW



























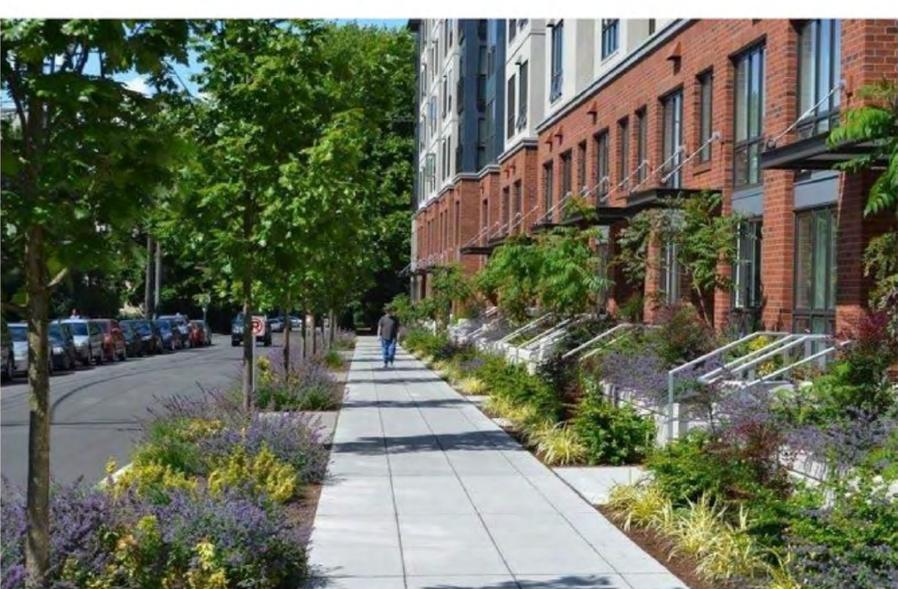






































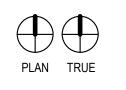












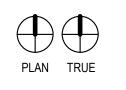








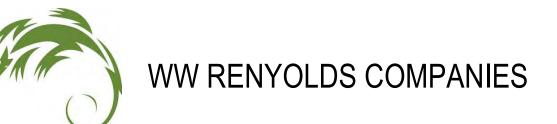


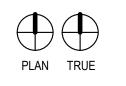




REYNOLDS AIRPORT BOULDER, COLORADO





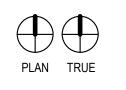












CITY OF BOULDER PLANNING BOARD ACTION MINUTES May 6, 2025 Hybrid Meeting

A permanent set of these minutes and an audio recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

PLANNING BOARD MEMBERS PRESENT:

Mark McIntyre, Chair Laura Kaplan, Vice Chair Kurt Nordback Claudia Hason Thiem Mason Roberts ml Robles (virtual) Jorge Boone

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT:

Alison Blaine
Shannon Moeller
Charles Ferro
Brad Mueller
Laurel Witt
Vivian Castro-Wooldridge
Thomas Remke

1. CALL TO ORDER

M. McIntyre called the meeting to order at 6:00 PM and the following business was conducted.

2. PUBLIC PARTICIPATION

In Person: Kim Lord Virtual: Lynn Segal

3. APPROVAL OF MINUTES

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

A. Call-Up Item: Minor Subdivision review to combine two lots, and dedicate a ditch easement on the 9,427 square foot property at 1576 Hawthorn Ave. This approval is subject to call-up on or before May 6, 2025.

This item was not called up by the board.

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Concept Plan Review and Comment Request for a proposed multifamily project consisting of approximately 203 units and 4,000 square-feet of amenity space across seven (7) three- and four-story buildings. Reviewed under case no. LUR2025-00011.

Staff Presentation:

Shannon Moeller presented the item to the board.

Board Questions:

Shannon Moeller and Brad Mueller answered questions from the board.

Applicant Presentation:

Jeff Winger and Bill Hollicky presented the item to the board.

Applicant Questions:

Jeff Winger and Bill Hollicky answered questions from the board.

Public Hearing:

Virtual: Lynn Segal

Board Discussion (01:53:00):

Key Issue #1: Is the proposed concept plan compatible with the goals, objectives, and recommendations of the Boulder Valley Comprehensive Plan (BVCP)?

Key Issue #2: Does Planning Board have feedback for the applicant on the conceptual site plan and architecture?

Key Issue #3: Other Key Issues identified by the board?

The Planning Board discussed the Key Issues and provided feedback to the applicant on the conceptual site plan and architecture.

B. AGENDA TITLE: Public hearing and consideration of a Site Review Amendment develop a vacant parcel south of Winchester Cir. in the Gunbarrel Tech Center, currently addressed as 0 Homestead Way. The proposed two-story building will be 66,000 square feet and will have future industrial and office uses. Reviewed under case no. LUR2024-00006.

Staff Presentation:

Alison Blaine presented the item to the board.

Board Questions:

Alison Blaine answered questions from the board.

Applicant Presentation:

Bob Van Pelt presented the item to the board.

Applicant Questions:

Bob Van Pelt answered questions from the board.

Public Hearing:

Virtual: Lynn Segal

Board Discussion (*03:48:45*)

<u>MAIN MOTION:</u> K. Nordback made a motion seconded by M. McIntyre to approve Site Review Amendment application #LUR2024-00006, adopting the staff memorandum as findings of fact, including the attached analysis of review criteria, and subject to the conditions of approval recommended in the staff memorandum and as amended by Planning Board in the conditions below. Planning Board voted 7-0. **Motion passed.**

<u>CONDITION:</u> M. McIntyre made a motion to condition seconded by K. Nordback that prior to certificate of occupancy, the Applicant shall submit a financial guarantee, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing eco-passes to the employees of the development for three years after the issuance of a certificate of occupancy. Planning Board voted 7-0. **Motion passed.**

CONDITION: K. Nordback made a motion to condition seconded by that the plans will be amended to show construction of a 10' wide paved multiuse path on the west-side access easement outside the extents of the ditch easement to the satisfaction of staff at the time of TecDoc and including any necessary adjustments to the existing site plan to accommodate this connection. Planning Board voted 7-0. **Motion passed.**

CONDITION: C. Hanson Thiem made a motion to condition that, to satisfy Site Review criteria 9-2-14(h)(2)(A)(iii) and 9-2-14(h)(F)(x) (minimizing adverse effects on natural features and systems); as well as 9-2-14(h)(2)(E)(iii) (reducing visual impacts of parking and lighting), the final plans shall be revised to remove the southernmost row of parking stalls on the south building frontage. Parking may be relocated to other sides of the building, or removed in conjunction with an additional parking reduction to be approved by staff. The motion did not receive a second.

<u>CONDITION:</u> C. Hanson Thiem made a motion to condition seconded by M. McIntyre that, to satisfy Site Review criteria 9-2-14(h)(2)(D)(iv) (promoting alternatives to the automobile), the final plans shall be revised to show a long-term bike parking area that provides weather protection, horizontal parking, and charging infrastructure for E-bikes to the satisfaction of staff at the time of TecDoc. Planning Board voted 7-0. **Motion passed.**

<u>CONDITION:</u> K. Nordback made a motion to condition seconded by C. Hanson Thiem that the plans will be revised to show detached 5' sidewalks on both sides of the private vehicular access to the site, to the satisfaction of staff at time of TEC Doc. Planning Board voted 7-0. **Motion passed.**

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

7	DEBBIEF	MEETING	CALENDAR	CHECK
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8. A	DJ	OUF	NN	ENT

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The Planning Board adjourned the meeting	ng at 10:52 PM.	
APPROVED BY		
Board Chair		
DATE		



COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

Second reading and consideration of a motion to adopt Ordinance 8699 approving annual carryover and supplemental appropriations to the 2025 Budget

PRIMARY STAFF CONTACT

Charlotte Huskey, Budget Officer

REQUESTED ACTION OR MOTION LANGUAGE

Motion to adopt Ordinance 8699 approving supplemental appropriations to the 2025 Budget and setting forth related details

ATTACHMENTS:

Description

Item 5A Final Packet



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Second reading and consideration of a motion to adopt Ordinance 8699, appropriating money to defray expenses and liabilities of the City of Boulder, Colorado, for the 2025 fiscal year; and setting forth related details

PRESENTERS:

Nuria Rivera-Vandermyde, City Manager Chris Meschuk, Deputy City Manager Krista Morrison, Chief Financial Officer Charlotte Huskey, Budget Officer

EXECUTIVE SUMMARY

Each year at least two supplemental appropriation ordinances known as adjustments-to-base (ATB), or budget supplementals, are presented to City Council for review and approval. City Council receives the First Budget Supplemental, or ATB1, in May and June and the Second and Final Budget Supplemental, or ATB2, in November and December.

Mid-year adjustments to the original budget are necessary for governmental operations as Colorado law requires an annual budget appropriation by December 31st of each year, however government business continues year-round. Given that mid-year adjustments are performed outside of the annual budget cycle, staff performs careful review prior to advancing recommended adjustments. There are common instances when adjustments are required, such as appropriating new grant funds received mid-year. In special circumstances, unplanned investments may be necessary due to emergencies, voter-approved changes, and emerging community needs. These special circumstances are generally presented as one-time investments and adjustments to the original budget.

In the 2025 ATB1, staff recommends a total of \$11.6M in adjustments, including \$6.4M from fund balance, \$2.6M from grants received mid-year and those not yet appropriated, and \$2.6M from additional unbudgeted revenue, including revenue from donations, interlocal agreements, or

additional anticipated revenue above forecast that was not captured in the original budget. Staff recommends the below appropriation increases to respond to unanticipated needs and citywide priorities where it is projected that existing appropriation is not sufficient, including unbudgeted city building maintenance issues and advancing key city projects.

A proposed ordinance is provided in **Attachment A** and an itemized list of appropriations by fund and department is included in **Attachment B**.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to adopt Ordinance 8699, appropriating money to defray expenses and liabilities of the City of Boulder, Colorado, for the 2025 fiscal year; and setting forth related details

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** None.
- **Environmental** None.
- **Social** None.

OTHER IMPACTS

- **Fiscal** This ordinance will appropriate a total of \$11,591,502 across funds.
- In the **General Fund**, this ordinance will appropriate a total of \$3,818,558; \$1,176,154 from additional revenues, \$2,305,347 from fund balance, and \$337,057 from grant revenues.
- In **restricted funds**, this ordinance will appropriate a total of \$7,772,944; \$1,405,347 from additional revenues, \$4,110,261 from fund balance, and \$2,257,336 from grant revenues.
- Appropriation authority for capital projects, grant projects, and encumbrances that cross fiscal years is included in the annual adoption of the budget and therefore are not included in this adjustment.
- Staff also is performing an amendment to the budget appropriations ordinance to remove the Medical and Dental Self-Insurance Funds from the ordinance language in alignment with Colorado Revised Statute § 29-1-102(13), (CRS), which enables local governments to consider insurance pools as unbudgeted funds. This is included as part of the ATB packet, with additional detail provided below.
- Staff time None.

OVERVIEW

In the 2025 ATB1, staff recommends a total of \$11.6M in adjustments across all funds, including \$6.4M from fund balance, \$2.6M from grants received mid-year and those not yet appropriated, and \$2.6M from additional unbudgeted revenue, including revenue from donations, interlocal agreements, or additional anticipated revenue above forecast that was not captured in the original budget.

Staff is also recommending an amendment to the budget appropriations ordinance to remove the Medical and Dental Self-Insurance Funds from the ordinance language in alignment with Colorado Revised Statute § 29-1-102(13), (CRS), which enables local governments to consider insurance pools as unbudgeted funds. This is included as part of the ATB packet, with additional detail provided below.

RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE None.

BOARD AND COMMISSION FEEDBACK

None.

PUBLIC FEEDBACK

None.

BACKGROUND

ANALYSIS

There are three types of supplemental appropriations:

Supplemental appropriations from fund balance are the most common and are only for one-time expenses as fund balance is a one-time source of funds. Fund balance arises when revenue exceeds budget or expenditures are under budget. Interfund transfers, including the expense appropriation between funds, are included in this category, when applicable.

Supplemental appropriations from additional revenues include unanticipated funds received for city programs and services, including donations, reimbursements for services, fundraisers, or cooperative agreements between municipalities as well as additional revenues above forecasted amounts based on revised revenue projections.

Supplemental appropriations from grant revenues are required throughout the year when a grant award was not anticipated and was therefore not included in the original budget. In 2024, City Council approved an amended budget appropriations ordinance to allow for multi-year carryover of grant funds until the grant has been fully expended or the grant period ends. This has allowed for greater flexibility and continuity for grant expenses and reimbursements.

Table 1: Type of Supplemental Request – All Funds

Source of Funds	Amount
Additional Revenues	\$2,581,501
Grant Revenues	\$2,594,393
Fund Balance	\$6,415,608
Total	\$11,591,502

Supplemental appropriation requests can also be categorized according to fund and source. **Table 2** provides a summary of all supplementals in this 1st ATB totaling \$11,591,502 across funds.

Table 2: 1st ATB Supplemental Appropriations by Fund and Source

	Additional	Grant	Fund	
Fund	Revenue	Revenue	Balance	Total
General Fund	\$1,176,154	\$337,057	\$2,305,347	\$3,818,558
Governmental Capital Fund	\$200,000	\$0	\$0	\$200,000
Capital Development Fund	\$0	\$0	\$925,000	\$925,000
Lottery Fund	\$0	\$0	\$287,000	\$287,000
Planning and Development Svc Fund	\$563,937	\$0	\$0	\$563,937
Affordable Housing Fund	\$0	\$0	\$573,000	\$573,000
.25 Cent Sales Tax Fund	\$187,393	\$0	\$0	\$187,393
Recreation Activity Fund	\$0	\$380,231	\$0	\$380,231
Climate Tax Fund	\$0	\$0	\$250,000	\$250,000
Open Space Fund	\$289,601	\$651,198	\$189,037	\$1,129,836
Arts, Culture and Heritage Fund	\$0	\$0	\$150,000	\$150,000
Transportation Fund	\$0	\$1,225,907	\$1,571,224	\$2,797,131
Permanent Parks & Recreation Fund	\$20,825	\$0	\$0	\$20,825
Workers Compensation Ins Fund	\$140,000	\$0	\$0	\$140,000
Facility Renovation & Replace Fund	\$143,591	\$0	\$0	\$143,591
CAGID			\$25,000	\$25,000
Total	\$2,581,501	\$2,594,393	\$6,415,608	\$11,591,502

Overview of Select Supplemental Appropriations

The recommended adjustment of \$11,591,502 includes several investments to address emerging community needs and inflationary pressures.

Below are several highlights of specific initiatives and programming proposed through the supplemental appropriation. A line-item summary table of the supplemental requests by fund and type can be found in **Attachment B**.

<u>Capital Maintenance Needs and Infrastructure Replacement – \$155,000</u>

■ Radio Shop Renovation and Radio Tower Electrical Service Upgrades: One-time request of \$115,000 to appropriate funding from cellular tower lease revenues towards the relocation

- and renovation of the radio shop, and for the upgrade of electrical services at radio tower sites that require 200amp service in connection to recent radio infrastructure upgrades.
- Alpine-Balsam Garage Fire Suppression: One-time request of \$40,000 to appropriate unbudgeted revenue to address maintenance issues with the fire suppression system at the Alpine-Balsam garage.

Public Safety and Emergency Response - \$1.95M

- Emergency Medical Ambulance Transport Renewal. One-time amount of \$1.45M to support renewal of an existing emergency medical services contract with American Medical Rescue for living wage implementation. This mid-year contract renewal extends through December 31, 2025, and will be reviewed again for the upcoming the 2026 renewal period.
- Fire Engine Replacement. One-time request of \$250,000 for additional appropriation to replace an aging type 6 fire engine at Fire Station 7. This will expand capabilities for wildfire response coverage for the eastern parts of the response system and enhance the move to closest unit dispatching county wide.
- **Police Vehicles.** One-time request of \$251,500 to reappropriate operating funds previously approved for vehicle purchases and associated upfitting. Due to nationwide police vehicle supply issues, the vehicles and their upfit costs were not able to be purchased in 2024. This request appropriates the amount to purchase in Spring 2025.

Transportation Improvements – \$2.5M

- 28th Street Valmont to Iris Transportation Project. The 28th Project has incurred additional costs of \$1.5M due to existing private utility relocations taking longer than expected. Xcel Gas and Power lines have been relocated, along with Comcast, Century Link (Lumen), Zayo, AT&T Fiber and Telecom Lines. While the relocation of these facilities is not a city expense, the city has paid for relocation coordination, traffic control, stormwater control and perform some demolition and removal work to accommodate the removals.
- Highway Safety Improvement Program (HSIP) Boulder Traffic Signal Upgrades. One-time additional grant funding of \$947,400 from the Colorado Department of Transportation to support the HSIP Boulder Traffic Signal Upgrades Project due to cost escalations. Cost escalations were attributed to price increases in traffic signal equipment, poles, and technology.

Other Select Grants and Donations Funding - \$171,800

■ **Primos Park** – **Safe Routes to Park.** The Safe Routes to Parks Colorado Activating Communities Program donations for Primos Park (\$9,500) to develop and initiate an action-oriented strategy to make local parks safer and more accessible. This one-time amount will support temporary transportation activations surrounding Primos Park.

- EXPAND Boulder County Developmental Disability Grant. One-time grant award of \$22,200. This request appropriates extension funding from the Boulder County Developmental Disability Grant used to help fund EXPAND's efforts for inclusion support for 2025 summer programming which assists individuals with disabilities to be successful in recreation programs.
- Peace Officer Mental Health Grant. One-time grant of \$30,000 from the Department of Local Affairs (DOLA) to promote officer wellness. This grant will provide funding for Peer Support Team training and various wellness events.
- Edward Byrne Justice Assistance Grant (JAG). Recurring grant from the U.S. Department of Justice for the FY2024 Edward Byrne Justice Assistance Grant (JAG) for a joint submission with the Longmont Police Department. The grant will provide \$58,100 for the Boulder Police Department to purchase equipment and supplies and to fund the Longmont Ending Violence Initiative (LEVI).
- Colorado State Forest Service Restoration and Wildfire Risk Mitigation Grant. OSMP was awarded a Forest Restoration & Wildfire Risk Mitigation Grant by Colorado State Forest Service in partnership with Four Mile Fire Protection District. The work, supported by \$52,000 in grant funding, will form a strategic fuel break next to the City of Boulder, the Knollwood and Canyonside neighborhoods, various private properties in the Sunshine and Boulder Canyon areas, and a wide variety of Open Space and Mountain Parks recreational resources.

Finally, as part of ATB1 2025, staff recommends an amendment to the budget appropriations ordinance to remove the Medical and Dental Self-Insurance Funds in alignment with the Colorado Revised Statute § 29-1-102(13), (CRS), which enables local governments to consider insurance pools as unbudgeted funds. Currently, in the annual appropriations ordinance, internal service funds double-count appropriation levels due to the transfers of all revenues coming from other operating funds. Due to the administrative nature of appropriating internal service fund budgets within the annual appropriations ordinance, and home rule municipalities ability to remove line-item appropriation for insurance funds within the appropriations ordinance, staff has reviewed the CRS, City Charter, and related city ordinances, and is recommending removing the Medical Self-Insurance Fund and the Dental Self-Insurance Fund from the current fiscal year 2025 appropriations ordinance. This proposed change is incorporated for council consideration within **Attachment A**.

The Medical Self-Insurance Fund and Dental Self-Insurance Fund are internal service funds, which are governmental funds that receive revenues from internal charges and transfers from other operating funds. It is important to note that this removal is administrative in nature only; all operating funds will remain included in the appropriations ordinances, which is the originating source of revenue for the internal service funds. The removal of appropriation to these two internal service funds will not remove the operational and budgetary transfer of revenues from other operating funds and expenses from the internal service fund to perform direct payment on medical and dental claims and administrative costs.

NEXT STEPS

None.

ATTACHMENTS

- A Proposed Ordinance 8699
- B Supplemental Appropriations to the 2025 Budget by Fund and Department

I	OPPNIANCE 0600
2	ORDINANCE 8699
3	AN ORDINANCE APPROPRIATING MONEY TO DEFRAY
4	EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, COLORADO, FOR THE 2025 FISCAL YEAR; AND SETTING FORTH RELATED DETAILS
5	
6	THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND
7	RECITES THE FOLLOWING:
8	
9	WHEREAS, Section 102 of the Charter of the City of Boulder provides that the City
10	Council may transfer unused balances appropriated for one purpose to another purpose, and may
11	by ordinance appropriate available revenues not included in the annual budget;
12	WHEREAS, the transfer must be for a lawful purpose and the funds otherwise
13	
14	unencumbered; and
15	WHEREAS, the City Council now desires to make certain supplemental appropriations to
16	the 2025 annual budget.
17	
18	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
19	OF BOULDER, COLORADO:
20	Section 1. The following appropriations are made for the City of Boulder's 2025 fiscal
21	year for payment of 2025 city operating expenses, capital improvements, and general obligation
22	and interest payments:
23	.25 Cent Sales Tax Fund Appropriation from Additional Revenue \$ 187,393
24	
25	

1	Affordable Housing Fund Appropriation from Fund Balance	\$ 573,000
2		\$ 373,000
3	Arts, Culture & Heritage Fund Appropriation from Fund Balance	\$ 150,000
4	Capital Development Fund Appropriation from Fund Balance	\$ 925,000
5	11 1	Ψ 723,000
6	Climate Tax Fund Appropriation from Fund Balance	\$ 250,000
7	Dental Self-Insurance Fund	
8	Unappropriate from Additional Revenue	-\$1,230,684
9	Facility Renovation and Replacement Fund Appropriation from Additional Revenue	\$ 143,591
10	General Fund	
11	Appropriation from Additional Revenue	\$ 1,513,211
12	Appropriation from Fund Balance	\$ 2,305,347
13	Governmental Capital Fund Appropriation from Additional Revenue	\$ 200,000
14	Lottery Fund	
15	Appropriation from Fund Balance	\$ 287,000
16	Medical Self-Insurance Fund Unappropriate from Additional Revenue	-\$18,555,804
17		-\$10,555,004
18	Open Space Fund Appropriation from Additional Revenue	\$ 940,799
19	Appropriation from Fund Balance	\$ 189,037
20	Permanent Parks and Recreation Fund Appropriation from Additional Revenue	\$ 20,825
21	Planning and Development Services Fund	
22	Appropriation from Additional Revenue	\$ 563,937
23	Recreation Activity Fund Appropriation from Additional Revenue	\$ 380,231
24		+
25	Transportation Fund Appropriation from Additional Revenue	\$ 1,225,907

1	Appropriation from Fund Balance \$ 1,571,224
2	Worker's Compensation Insurance Fund
3	Appropriation from Fund Balance \$ 140,000
4	Section 2. Appropriations for individual capital projects or encumbrances or any grant-
5	funded projects in the above-mentioned funds for fiscal year 2025 shall not lapse at year end but
6	continue until the project is completed or cancelled.
7	
8	Section 3. Pursuant to Section 18 of the Boulder City Charter, this Ordinance shall take
9	effect immediately upon publication after final passage.
10	Section 4. These appropriations are necessary for the protection of the public peace,
11	
12	property, and welfare of the residents of the city and cover matters of local concern.
13	Section 5. The City Council deems it appropriate that this Ordinance be published by
14	title only and orders that copies of this Ordinance be made available in the office of the city clerk
15	for public inspection and acquisition.
16	
17	INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
18	TITLE ONLY this 15 th day of May 2025.
19	
20	Aaron Brockett, Mayor
21	
22	Attest:
23	
24	City Clerk
25	

1	READ ON SECOND READING, PASS	SED AND ADOPTED this 5 th day of June 2025.
2		
3		Aaron Brockett,
4		Mayor
5	Attest:	
6		
7	City Clerk	
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2025 ADJUSTMENT to BASE | ATB1 CITY OF BOULDER | COLORADO

	ADDITIONAL			ONATION		GRANT	FUND			GRAND
REQUEST by FUND		EVENUE		REVENUE		REVENUE		BALANCE		TOTAL
1100FD - General Fund	\$	1,052,087	\$	124,067	\$	337,057	\$	2,305,347	\$	3,818,558
City Manager's Office SBDC (Small Business Development Center) - Cash not declared as match/reserves	\$	543,422							\$	543,422
FLEX Regional Bus Route to Fort Collins Rebate	•	343,422					\$	603,825	\$	603,825
TELA Regional bus Noute to Fort Collins Repate							Ф	003,023	٩	003,023
Climate Initiatives										
Renewable Energy Program: Solar Grants	\$	45,114							\$	45,114
Renewable Energy Program: Solar Rebates	\$	131,750							\$	131,750
Facilities and Fleet										
Alpine Balsam Garage Maintenance and Fire Suppression System	\$	40,000							\$	40,000
Purchase and Upfit of 3 Police Vehicles							\$	251,517	\$	251,517
Finance										
CityWide Security Facility Assessment	\$	140,000							\$	140,000
Fire Decemb										
Fire-Rescue							d d	1,450,005	4	1 450 005
Emergency Ambulance Service and Transport Contract Increase							\$	1,450,005	\$	1,450,005
Fundwide / Citywide										
Insurance Payment - Cherryvale Eligible Project	\$	126,801							\$	126,801
insulative rayment cherry vale English Project	*	120,001							1	120,001
Housing and Human Services										
Family Resource Schools (FRS) Basic Needs Donation			\$	50,000			1		\$	50,000
Silver Sneakers Program for Older Adult Services (OAP) Support	\$	25,000					400		\$	25,000
Police										
2025 Click It Or Ticket Grant (CIOT)					\$	7,000			\$	7,000
A Coordinated Response to Homelessness Grant					\$	204,517			\$	204,517
Additional Grant Funding for DUI Enforcement					\$	10,232			\$	10,232
FY2024 Edward Byrne Justice Assistance Grant (JAG)					\$	58,119			\$	58,119
New Canine Costs to be funded from Police Foundation			\$	55,000					\$	55,000
Peace Officer Mental Health (POMH) Grant					\$	30,000			\$	30,000
Police Foundation Donation			\$	19,067					\$	19,067
BATTLE (Beating Auto theft Through Law Enforcement) FY2025 Grant					\$	27,189			\$	27,189
1300FD - Governmental Capital Fund	\$	200,000							\$	200,000
Facilities and Fleet Alaina Palam Floodynay Project - PUSH (Paylder Heban Stream Health) Program Cront	\$	200,000							\$	200,000
Alpine-Balsam Floodway Project - BUSH (Boulder Urban Stream Health) Program Grant	Þ	200,000	10						Þ	200,000
2100FD - Capital Development Fund			F				\$	925,000	\$	925,000
Parks and Recreation							Ψ.	323,000	_	323,000
Tom Watson Park Renovation and Redesign							\$	925,000	\$	925,000
·										
2110FD - Lottery Fund							\$	287,000	\$	287,000
Parks and Recreation										
Tom Watson Park Renovation and Redesign							\$	287,000	\$	287,000
2120FD - Planning and Development Svc Fund	\$	563,937							\$	563,937
Planning and Development Services										
Four new utility trucks supporting four new P&DS Inspector positions.	\$	224,800							\$	224,800
Four new P&DS ROW (Right-of-Way) Inspector positions.	\$	339,137							\$	339,137
244050 4% 11111										
2140FD - Affordable Housing Fund							\$	573,000	\$	573,000
Housing and Human Services								F72.000	,	F72 000
Ponderosa Development Carryover							\$	573,000	\$	573,000
2180FD25 Cent Sales Tax Fund	\$	163,073	¢	24,320					\$	187,393
Parks and Recreation	Ą	103,073	Ą	24,320					Ţ	101,333
Tree Mitigation and Forestry Donations	\$	163,073							\$	163,073
Bill Bower Park Donation for Interpretive Garden Design	*	.00,013	\$	24,320					\$	24,320
5 55 Not 1 till 55 hadden for interpretive duracti 563igil			۳ ا	L -1 ,320					,	£ 1 ,3£0
2300FD - Recreation Activity Fund					\$	380,231			\$	380,231
Parks and Recreation						,== •				,== .
Mobile Rec Van SSBDT Grant (YSI)					\$	50,000			\$	50,000
Scholl Foundation					\$	25,000			\$	25,000
Recquity Program- Recreation Center Visits SSBDT Grant					\$	150,000			\$	150,000
Boulder County Developmental Disability Grant (EXPAND)					\$	122,986			\$	122,986
Boulder County Developmental Disability Grant (EXPAND - Enhancing the lives of people wi	th disal	oilities)			\$	22,245			\$	22,245
	1				\$	10,000			\$	10,000
Colorado Respite Coalition Grant (EXPAND - Enhancing the lives of people with disabilities)					T	/				,
Colorado Respite Coalition Grant (EXPAND - Enhancing the lives of people with disabilities) 12						acket Page				,

Attachment B - Table of Supplemental Appropriations by Fund										
2400FD - Climate Tax Fund							\$	250,000	\$	250,000
Fire-Rescue										
Fire-Rescue Brush Truck Type 6 Replacement							\$	250,000	\$	250,000
2500FD - Open Space Fund	\$	126,801	\$	162,800	\$	651,198	\$	189,037	\$	1,129,836
Open Space and Mountain Parks										
FEMA Marshall Mesa Trailhead Eligible Project					\$	71,000			\$	71,000
FEMA/Insurance Cherryvale Eligible Expenses	\$	126,801			\$	338,886	\$	189,037	\$	654,724
St Vrain & Left Hand Water Conservancy District Grant Crocker Ditch					\$	22,500			\$	22,500
Arthur Moss Estate Donation to Support Wetland Restoration and Vegetation Management	Project	S	\$	102,800					\$	102,800
BOSC (Boulder Open Space Conservancy) Donation for Trail Repairs			\$	60,000	١.				\$	60,000
Cherryvale Electrification Grant for Fleet Charging Ports, HVAC, and Heat Pumps					\$	166,812			\$	166,812
Colorado State Forest Service Forest Restoration & Wildfire Risk Mititgation Grant					\$	52,000			\$	52,000
2620FD - Arts, Culture and Heritage Fund							\$	150,000	\$	150,000
Community Vitality										
Additional Arts and Culture Grants Program Funding							\$	150,000	\$	150,000
2800FD - Transportation Fund					\$	1,225,907	\$	1,571,224	\$	2,797,131
Transportation and Mobility										
28th St - Valmont to Iris Project							\$	1,500,000	\$	1,500,000
CDOT Geocoding 2025 Grant					\$	17,400			\$	17,400
Highway Safety Improvement Program Boulder Traffic Signal Upgrades Award -additonal fu	nding				\$	974,407			\$	974,407
Culvert Lining Project					\$	234,100			\$	234,100
Highway Safety Improvement Program Boulder Traffic Signal Upgrades Award							\$	71,224	\$	71,224
3300FD - Permanent Parks & Recreation Fund	\$	11,325	\$	9,500					\$	20,825
Parks and Recreation										
Harbeck House Lease Revenue to Support General O&M	\$	11,325							\$	11,325
Primos Park- Safe Routes to Park Grant to Fund Temporary Transportation Improvements			\$	9,500			1		\$	9,500
6300FD - Stormwater & Flood Mgt Utility Fund							\$	_	\$	_
Facilities and Fleet							i i		i i	
BUSH (Boulder Urban Stream Health) Program Grant Interfund Transfer							\$	-/-	\$	-
6400FD - CAGID							\$	25,000	\$	25,000
Facilities and Fleet										
Pearl Street Mall Restrooms Security (Fleet & Facilities)							\$	25,000	\$	25,000
7120FD - Workers Compensation Ins Fund							\$	140,000	\$	140,000
Finance							1			
CityWide Security Facility Assessment							\$	140,000	\$	140,000
7500FD - Facility Renovation & Replace Fund	\$	143,591							\$	143,591
Facilities and Fleet			1							
Gunbarrel Emergency Generator Reimbursement	\$	28,591							\$	28,591
Radio Shop Renovation	\$	40,000	1						\$	40,000
Radio Tower Site Electrical	\$	75,000							\$	75,000
Grand Total	\$	2,260,814	\$	320,687	\$	2,594,393	\$	6,415,608	\$	11,591,502



COVER SHEET

MEETING DATE June 5, 2025

AGENDA ITEM

CONTINUED TO THE 6/12 MEETING - Second reading and consideration of a motion to adopt Ordinance 8697, amending Title 4, "Licenses and Permits," Title 9, "Land Use Code," and Title 10, "Structures," B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development restrictions to allow flexibility in project design and in certain locations; and setting forth related details

PRIMARY STAFF CONTACT

Geoff Solomonson

REQUESTED ACTION OR MOTION LANGUAGE

Motion to adopt Ordinance 8697, amending Title 4, "Licenses and Permits," Title 9, "Land Use Code," and Title 10, "Structures," B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development restrictions to allow flexibility in project design and in certain locations; and setting forth related details

ATTACHMENTS:

Description

Item 5B - 2nd Rdg Ord 8697 2025 Code Cleanup



CITY OF BOULDER CITY COUNCIL AGENDA ITEM

MEETING DATE: June 5, 2025

AGENDA TITLE

Second reading and consideration of a motion to adopt Ordinance 8697, amending Title 4, "Licenses and Permits," Title 9, "Land Use Code," and Title 10, "Structures," B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development restrictions to allow flexibility in project design and in certain locations; and setting forth related details.

REQUESTING DEPARTMENT / PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Brad Mueller, Director of Planning & Development Services
Charles Ferro, Senior Planning Manager
Karl Guiler, Senior Policy Advisor
Geoff Solomonson, City Planner

EXECUTIVE SUMMARY

Staff has identified a list of proposed changes to clarify the Land Use Code, fix errors, simplify language, update graphics, clarify intent, remove certain restrictions, and codify existing practices. The city periodically corrects technical errors to avoid confusion and to ensure that the Land Use Code is administered and enforced in a manner consistent with the intent and department practices. The last ordinance addressing similar "cleanup" issues was adopted in 2024.

The ordinance is found in **Attachment A**. An annotated version of the ordinance with footnotes describing the purpose of each change is in **Attachment B**.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to adopt Ordinance 8697, amending Title 4, "Licenses and Permits," Title 9, "Land Use Code," and Title 10, "Structures," B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development restrictions to allow flexibility in project design and in certain locations; and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** Ordinance 8697 is intended to clarify code language and correct errors in the code, which may ease processing of development review applications.
- **Environmental** These updates are not anticipated to have direct environmental impacts.
- Social The changes are not expected to have direct social impact.

OTHER IMPACTS

- **Fiscal** This project is being completed using existing resources.
- **Staff time** This project is being completed using existing staff resources. Clarifying and correcting these parts of the code may reduce staff time by ensuring the code language is accurate and interpretations are more predictable for applicants.

BOARD AND COMMISSION FEEDBACK

Planning Board – Ordinances changing the Land Use Code require Planning Board recommendation to City Council. Due to a clerical error in the posting of a Planning Board packet, Planning Board voted to move its public hearing and consideration of a recommendation regarding the proposed ordinance from its original schedule on April 15, 2025 to May 27, 2025 to give board members adequate time to review the proposed changes. On May 27, 2025, Planning Board reviewed Ordinance 8697 and recommended approval of the ordinance, with a number of recommended amendments, to City Council with the following motion:

C. Hanson Thiem made a motion seconded by M. McIntyre that Planning Board recommends that City Council adopt Ordinance 8697, amending Title 4, "Licenses and Permits," Title 9, "Land Use Code," and Title 10, "Structures," B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development

restrictions to allow flexibility in project design and in certain locations, as amended by Planning Board below; and setting forth related details. Planning Board voted 7-0. Motion passed.

Proposed Amendment: L. Kaplan made a motion seconded by J. Boone to amend the ordinance to edit section 9-2-14(h)(4)(B)(i)(b)(4)(i) to include, "an inviting outdoor garden or landscaped courtyard is provided, at or close to grade level" and strike, "and is not elevated above the building's first story" from (vii) in the same section. Planning Board voted 5-2. Motion passed. C. Hanson-Thiem and M. McIntyre opposed.

Proposed Amendment: L. Kaplan made a motion seconded by ml Robles to amend the ordinance to read: "Subcommunity and Area Plans or Design Guidelines: If the project is subject to an adopted subcommunity or area plan or adopted design guidelines, the project is consistent with the applicable site-specific guidance such as a transportation network plan, place type, character district, area development guidelines, or similar. The project is generally consistent with overarching plan goals, policies, or guidelines that apply to all sites covered by the applicable plan." Planning Board voted 4-3. Motion passed. C. Hanson-Thiem, K. Nordback, M. McIntyre opposed.

Proposed Amendment: L. Kaplan made a motion seconded by ml Robles to amend the ordinance regarding 9-2-16 Form Based Code exceptions to make the section consistent with the previous change "the project is consistent with the applicable site-specific guidance such as a transportation network plan, place type, character district, area development guidelines, or similar. The project is generally consistent with overarching plan goals, policies, or guidelines that apply to all sites covered by the applicable plan.". Planning Board voted 4-3. Motion passed. C. Hanson-Thiem, K. Nordback, M. McIntyre opposed.

Proposed Amendment: Ml Robles made a motion seconded by M. McIntyre to amend the ordinance to retain the original language on Appendix C of the IPMC (c 101.1 Scope #3) to retain the SmartRegs exception of attached accessory dwelling units as detailed in Section 9-6-3, "Specific Use Standards Residential Uses," B.R.C. 1981. Planning Board voted 7-0. Motion passed.

Proposed Amendment: J. Boone made a motion seconded by M. McIntyre to remove the addition of (ix) under 9-2-14 Site Review. Planning Board voted 7-0. Motion passed. This proposed amendment would remove a code change proposed by staff that would allow a building in the public zoning district exclusively used for hospital and medical office uses and parking structures

serving those uses obtain a height modification, regardless of proposed number of stories and without a requirement for community benefit.

Planning Board members also added additional suggestions to City Council.

- K. Nordbeck suggested that Section 9-8-3(a)(2)(A) be modified to allow for the conversion of a building to a duplex that does not meet the setback standards. Planning Board held a straw vote with 7-0 in agreement.
- K. Nordbeck also suggested removing the definition in Section 9-16-1 of *Boarding House* and incorporate the use into other existing uses. This suggestion was not fully supported by all board members, some advised staff to take this into consideration and revisit at a later time. City Staff has specified there are still current *Boarding House* uses in the City that would be necessary to regulate and while there could be further modifications to the definition, Staff would need to determine and analyze any possible impacts of removing the definition from the land use code to enforcement and rental licensing of existing boarding houses.
- L. Kaplan suggested modifying the proposed change in Section 9-2-14(h)(6)(A)(i)(a) regarding the one hundred percent reduction of required open space to include the language "where existing development remains." This suggestion was not supported by other Planning Board members as the applicable areas predate auto-oriented development and already have a rich public realm that makes up for less open space. Staff also noted that this allowance had been in the code previously and is proposed to be readded to the code for flexibility in development.
- L. Kaplan made a suggestion to the proposed change in Section 9-2-14(h)(1)(F) to modify the language to read "and bedroom type shall mean units with different numbers of bedrooms (e.g., studios, one-and-two bedroom units are different types)."
- L. Kaplan suggested replacing "horseshoe pits" with "lawn games" in Section 9-2-14(h)(4)(B)(i)(b)(4)(v).
- L. Kaplan made a suggestion to modify the proposed language of Section 9-10-3(b)(1) to read "Vacant lots or parcels". (This language has already been reflected in the attached ordinance.)

Due to the timing of Planning Board's analysis and the second reading of this proposed ordinance for City Council, Staff has not had the opportunity to analyze all proposed Planning Board amendments and suggestions in detail. Therefore, Staff has not made any modifications to the attached proposed ordinance based on the Board's recommendations. The ordinance is presented for second reading as originally presented to the Planning Board.

PUBLIC FEEDBACK

As the changes are primarily focused on clarifying existing language, fixing errors, and aligning the code with existing practices, this code change project is implementing an "inform" level of public engagement.

BACKGROUND

The proposed changes were identified during previous land use review processes where implementation of the code raised questions about interpretation and issues of clarity, where code language resulted in unintended consequences, or where mistakes were found. Staff accumulates a list of these issues and compiles an ordinance to update the code accordingly.

SUMMARY OF PROPOSED CHANGES IN ORDINANCE 8697

The ordinance can be found in **Attachment A**. Footnotes are provided in the ordinance in **Attachment B** to describe the purpose of each change in more detail. The updates generally consist of:

- Corrections. Corrects inaccuracies, such as incorrect citations or typographical errors.
- Clarifications. Updates that make the code language clearer.
- **Graphics.** Changes to graphics to address common misunderstandings.
- **Consistency.** Updates to ensure consistency with state or other requirements or existing city practices.

Title 4, Chapter 4 – "Building Contractor License"

• Section 4-4-2, "Definition of Contractor"

Clarifies the homeowner exception to the contractor licensing requirements, consistently with similar exceptions under state law.

Title 9, Chapter 2 – "Review Processes"

- Section 9-2-1, "Types of Reviews"
 Changes "Site access variance" to "Site access exception" to clarify the type of review requested and for continuity with Section 9-9-5, "Site Access Control".
- Section 9-2-6, "Development Review Application"

 Adds a waiver to the survey requirements for minor review procedures where the city manager has the option to determine that surveys are not needed for more minor scopes of work such as a use review with no site changes or minor modifications to prior approvals.
- Section 9-2-14, "Site Review"

The following updates to the Site Review section are proposed:

- Adds a height modification option for hospitals or medical office in a P (Public) zoning district to account for necessary operational floor heights in those type of uses.
- Adds language for development projects to be 'generally' consistent with subcommunity and area plans or design guidelines consistent with current and past practice.

- Clarifies currently ambiguous language on housing types in the Site Review criteria to include a greater variety of dwelling unit types and bedroom quantities.
- Clarifies application of the additional open space requirements for height bonus requests.
- Modifies the open space reduction for more flexibility of design in more urban situations in the DT, BMS, and MU-3 zoning districts.

• Section 9-2-16, "Form-Based Code Review"

Adds subcommunity plans for form-based code exceptions along with the existing exception for area plans and adds language for exceptions to be generally consistent with goals and intents of a subcommunity or area plan.

• Section 9-2-21, "Required Improvements and Financial Guarantees"

Adds language to make the requirements, expiration, and renewal of letters of credit for financial guarantee requirements consistent with other code sections that require financial guarantees (e.g., subdivision).

Title 9, Chapter 5 – "Modular Zone System"

• Section 9-5-2, "Zoning Districts"

Removes reference to Boulder Urban Renewal Plan, which is no longer applicable to this section.

Title 9, Chapter 6 – "Use Standards"

- Section 9-6-2, "Specific Use Standards General"

 Clarifies conditional uses in Appendix N for the BC zoning district.
- Section 9-6-3, "Specific Use Standards Residential Uses"
- The following updates to the Specific Use Standards (Residential Uses) section are proposed:
 - Removes an erroneous reference to allowed residential uses in IS-1 and IS-2 districts, which were removed as allowed uses to protect service industrial uses as part of the Use Standards and Table project. Live/work uses are still allowed.
- Removes the separation requirement for congregate, custodial, and residential care facilities as it was deemed too restrictive for these types of uses.
- Section 9-7-1, "Schedule of Form and Bulk Standards"
 The following updates to the Specific Use Standards (Residential Uses) section are proposed:
 - O Clarifies the maximum percentage of floor area in floors above the third floor to account for fourth or fifth floor building designs. Adds footnotes as a row to the table to be consistent with other tables.
 - Clarifies that a property, not part of a subdivision, will not have its nonstandard setbacks modified as a result of an adjacent subdivision if the property changes the platting pattern of the block.
- Section 9-7-2, "Setback Standards"

The following updates to the Setback Standards section are proposed:

- Adds a reference to the definition of "yard" in Chapter 9-16,
 "Definitions," B.R.C. 1981 to this section for greater visibility and continuity.
- Updates and moves setbacks relative to building height diagram from Appendix B to this section for greater visibility and continuity.

Title 9, Chapter 8 – "Intensity Standards"

• Section 9-8-3, "Density in the RH-1, RH-2, and RH-7 Districts"

Clarifies the eligibility of allowing duplexes and two detached dwelling units on nonstandard lot based upon the minimum lot size requirements and fixes an incorrect code reference.

Title 9, Chapter 9 – "Development Standards"

Section 9-9-2, "General Provisions"

Clarifies the zoning standard language for lots in two or more zoning districts by determining use based upon majority of building and a separate category for building additions or site improvements based upon form, bulk and intensity. Also, clarifies language about entire uses located on one lot.

• Section 9-9-5, "Site Access Control"

Clarifies language whether site access and curb cuts are modified under Site Review or granted exceptions under an administrative review.

• Section 9-9-6, "Parking Standards"

Corrects reference in table to parking reductions for religious assembly.

• Section 9-9-11, "Useable Open Space"

Adds language for useable, countable open space to include outdoor short term bicycle parking areas for greater flexibility in accommodating bicycle storage in active open space areas.

Title 9, Chapter 10 – "Nonconformance Standards"

• Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses"

Clarifies the code language related to development requirements of vacant nonstandard lots or parcels in residential districts for detached dwelling units, duplexes, and two detached dwelling units.

Title 9, Chapter 12 – "Subdivision"

Section 9-12-5, "Minor Subdivision"

Clarifies the section is for residentially zoned properties only. Combines the standards and limitations for a minor subdivision and clarifies the standards required for minor subdivision, including language that any required public improvement, including streets, alleys, sidewalks, water mains or sewer mains, will not be considered a minor subdivision.

Title 9, Chapter 14, "Form-Based Code"

• Section 9-14-8, "Definitions

Adds new definitions of "Impervious Coverage", "Semi-Pervious Coverage", "Permeable Surface", "Semi-Pervious Surface", and "Impervious Surface". Removes definitions of "Impervious Site Coverage", "Permeable Surface" and "Semi-Pervious Surface or Material" for clarity on the differences of the types of coverages and surfaces.

Section 9-14-10, "Streetscape and Paseo Design Requirements", Section 9-14-11, "Site Design Requirements", Section 9-14-12, "Outdoor Space Requirements"

Clarifies language of impervious, semi-pervious, and permeable surface area in place of coverage area for trees, landscape, and open areas for continuity and consistency with definition terms throughout the form-based code.

- Section 9-14-14, "Requirements Applicable to All Building Types"

 Removes the section for particular modifications due to difficulty measuring how they substantially meet intent of the requirement and considering that any modification can already be requested through the existing exception process.
- Section 9-14-16, "Main Street Storefront Building Type", Section 9-14-17,
 "Commercial Storefront Building Type", Section 9-14-18, "General Building
 Type", Section 9-14-19, "Row Building Type", Section 9-14-20, "Workshop
 Building Type", Section 9-14-21, "Civic Building Type"
 Clarifies impervious coverage instead of site impervious coverage for consistency with the definition terms and clarifies additional semi-pervious coverage as a maximum percentage.
- Section 9-14-26, "Measurement of Building Type Requirements" Clarifies impervious coverage instead of site impervious coverage for consistency with the definition terms.

Title 9, Chapter 16, "Definitions"

- Clarifies "Boarding House" is subject to regulations in the International Building Code and does not include detached dwelling units.
- Clarifies "Hostel" from a residence to offering temporary lodging, as consistent with code definition of "Hotel or motel"
- Updates diagrams of "Yard" to Section 9-7-2, B.R.C 1981, for improved clarity.

Title 9, Appendix B

• Moves and updates diagram from Appendix B to Section 9-7-2, B.R.C for greater visibility and continuity. Renames Appendix B to "Reserved".

Title 9, Appendix I

• Updates diagram for consistency in design with other appendix items.

Title 10, Chapter 2, "Property Maintenance Code"

• Section 10-2-2, "Adoption of International Property Maintenance Code with Modifications"

Removes the exception of the application of rental dwelling unit energy efficiency to attached accessory dwelling units following adoption of Ordinance 8650.

ANALYSIS

Staff has identified the following key issues for the City Council's consideration:

- 1. Does the City Council find that the proposed ordinance implements the adopted policies of the Boulder Valley Comprehensive Plan?
- 2. Does the City Council suggest any modifications to the proposed ordinance?

Staff finds that the proposed ordinance implements the adopted policies of the comprehensive plan. The following analysis is provided to demonstrate how the project objective is met through the proposed ordinance. **Attachment A** includes the ordinance and includes detailed footnotes that describe the rationale of each proposed change.

What is the reason for the ordinance and what public purpose will be served?

This ordinance fixes errors in the code, clarifies common issues of interpretation, and updates graphics to improve communication of code requirements. The changes will improve the accuracy of the code by correcting typographical errors and by providing clarity where existing provisions have been misinterpreted.

How is the ordinance consistent with the purpose of the zoning districts or code chapters being amended?

The ordinance would affect many different code sections. The changes will improve the comprehension of the code overall, both for customers and code administrators and may ease review of development applications.

Are there consequences in not passing this ordinance?

If this ordinance is not passed, clerical errors in the code would not be corrected and improvements in code clarity would not be adopted.

What adverse effects may result with the adoption of this ordinance?

Adverse effects are not anticipated as a result of this amendment. Staff has intentionally included only minor changes like fixing errors, clarifying existing language, or ensuring consistency with state or other requirements or existing city practices.

What factors are influencing the timing of the proposed ordinance? Why?

While many of the proposed code corrections are relatively minor fixes, the ordinance does include corrections that should be completed as soon as practical to avoid confusion among code users. Some of the changes involve issues with recently adopted ordinances. Staff aims to ensure these corrections are adopted prior to code change projects that may be more comprehensive and substantive.

How does the ordinance compare to practices in other cities?

As the limited changes are primarily minor clarifications and corrections, comparisons to other communities are not instructive in this circumstance. All communities have an interest in keeping their code updated, clear, and accurate.

How will this ordinance implement the comprehensive plan?

The ordinance will implement the following applicable policy from the Boulder Valley Comprehensive Plan.

Local Governance & Community Engagement Policy 10.01: High-Performing Government

The city and county strive for continuous improvement in stewardship and sustainability of financial, human, information and physical assets. In all business, the city and county seek to enhance and facilitate transparency, accuracy, efficiency, effectiveness and quality customer service. The city and county support strategic decision-making with timely, reliable and accurate data and analysis.

ATTACHMENTS

Attachment A: Ordinance 8697

Attachment B: Ordinance 8697 with annotations

ORDINANCE 8697

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AN ORDINANCE AMENDING TITLE 4, "LICENSES AND PERMITS," TITLE 9, "LAND USE CODE," AND TITLE 10, "STRUCTURES," B.R.C. 1981, TO CORRECT ERRORS, GRAPHICS AND SUBSECTION UPDATE FORMATS CREATING CONSISTENCY, IMPROVE THE CLARITY OF THE CODE AND UPDATE TO REFLECT CURRENT REVIEW PROCEDURES ALREADY IN USE, CLARIFY SECTION INTENT, COMPLY WITH STATE REGULATIONS AND TO REMOVE CERTAIN DEVELOPMENT RESTRICTIONS PROVIDING FLEXIBILITY IN PROJECT DESIGN AND IN CERTAIN LOCATIONS; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,

COLORADO:

follows:

Section 1. Section 4-4-2, "Definition of Contractor," B.R.C. 1981, is amended to read as

4-4-2. Definition of Contractor.

- (a) For purposes of this chapter, a contractor has the same meaning as contractor in Subsection 1-2-1(b), "Definitions," B.R.C. 1981, and includes without limitation any person who undertakes with or for another person to inspect pursuant to Chapter 10-3, "Rental Licenses," B.R.C. 1981, any building or structure, or any portion thereof.
- (b) The following persons are not contractors within the meaning of this chapter:
 - (1) Subcontractors working for and under the supervision of a general contractor licensed under this chapter;
 - (2) Plumbers, electricians, mechanical, and fire or other specialized tradespeople for whom another license is required by the city; and
 - (3) A homeowner who builds, constructs, alters, repairs, adds to, moves, or wrecks any building or structure <u>regulated by the Residential Code of the City of Boulder</u>, or any portion thereof, that constitutes the owner's residence or a building or

1		structure accessory thereto, that is intended for the owner's personal use. This exception is available only as to one such building or structure during a calendar
2		year. This exception does not apply to such activities on a building or structure intended to be used or used as a long-term or short-term rental property, owned by
3		a business entity, or intended to be used for a home occupation that includes visits by customers or other visitors related to the home occupation.
4		
5		Section 2. Footnote 15 to Section 4-8-1, "Legislative Intent," B.R.C. 1981 is amended to
6	read as	follows:
7		[15]§ <u>12-115-101</u> 12-23-101 , et seq., C.R.S.; Century Electric Service and Repair, Inc. v. Stone, 193 Colo. 181, 564 P.2d 953 (1977).
8		Section3. Section 4-8-2, "Registration Required," B.R.C. 1981, is amended to read as
10	follows	s:
11	4-8-2.	Registration Required.
12	(a)	No person required by § 12-115-10912-23-105, C.R.S., to be licensed shall perform any services covered by such license in the city or any building outside the city that is served
13 14		by city sewer or water utility service or subject to city building inspection without registering with the city manager on forms provided thereby and filing the evidence of insurance required by Section 4-1-8, "Insurance Required," B.R.C. 1981.
		insurance required by Section 1 1 0, insurance required, Bittle: 1701.
15 16	•••	Section 4. Section 4-15-3, "License Required," B.R.C. 1981, is amended to read as
17	follows	S:
18	4-15-3.	. License Required.
19	(a)	No person shall conduct the business of a plumbing contractor in the city without first
20		obtaining a license under this chapter from the city manager.
21	(b)	No person required by § 12-155-10812-58-105, C.R.S., to be licensed shall perform any work as a master, journeyman or residential plumber in the city unless such person holds
22		a valid state license to perform such work.
23		Section 5. Section 4-15-9, "Revocation or Suspension of License," B.R.C. 1981, is
24	amendo	ed to read as follows:
25	4-15-9.	. Revocation or Suspension of License.

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(b) No person engaged in the plumbing contractor business shall employ or continue to employ for work in the city covered by the city plumbing code an apprentice who is not licensed under this chapter or a person required to be licensed under § 12-155-10812-58-105, C.R.S., who is not so licensed.

Section 6. Section 9-2-1, "Types of Reviews," B.R.C. 1981, is amended to read as

follows:

9-2-1. Types of Reviews.

(a) Purpose: This section identifies the numerous types of administrative and development review processes and procedures. The review process for each of the major review types is summarized in Table 2-1 of this section.

(b) Summary Chart:

TABLE 2-1: REVIEW PROCESSES SUMMARY CHART

I. ADMINISTRATIVE REVIEWS	II. DEVELOPMENT REVIEW AND BOARD ACTION
Affordable housing design review pursuant to Section 9-13-4, B.R.C. 1981	Annexation/initial zoning
	BOZA variances
Building permits	
	Concept plans
Change of address	
Change of street name	Demolition, moving, and removal of buildings with potential historic or architectural significance, per Section 9-11-
Conditional uses, as noted in Table 6-1: Use	23, "Review of Permits for Demolition, On-
Table	Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981
Demolition, moving, and removal of	
buildings with no historic or architectural significance, per Section 9-11-23, "Review of	Form-based code review
Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not	Geophysical exploration permit
Designated," B.R.C. 1981	Landmark alteration certificates other than those that may be approved by staff per
Easement vacation	Section 9-11-14, "Staff Review of Application for Landmark Alteration
Extension of development approval/staff level	Certificate," B.R.C. 1981

1	Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of	Lot line adjustments
2	Application for Landmark Alteration	Lot line elimination
3	Certificate," B.R.C. 1981)	Minor Subdivisions
4	Landscape standards variance	Out of city utility permit
5	Minor modification to approved site plan	, , ,
6	Minor modification to approved form-based	Rezoning
	code review	Site review
7	Noise barriers along major streets per	Subdivisions
8	Paragraph 9-9-15(c)(7), B.R.C. 1981	Use review
9	Nonconforming use extension	Vacations of street, alley, or access easement
10	Parking deferral per Subsection 9-9-6(e),	v acations of street, ancy, of access casement
11	B.R.C. 1981	
12	Parking reduction of up to twenty-five percent per Subsection 9-9-6(f), B.R.C. 1981	
13	Parking reductions and modifications for	
14	bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981	
15	Parking stall variances	
16	Public utility	
17		
18	Rescission of development approval	
19	Revocable permit	
20	Right-of-way lease	
21	Setback variance	
22	Site access variance exception	
23	Substitution of a nonconforming use	
24	Solar exception	
25	Zoning verification	

1		Sectio	n 7. Section 9-2-6, "Development Review Application," B.R.C. 1981, is amended
2	to read	d as foll	ows:
3	9-2-6.	Develo	opment Review Application.
4	(a)	Applio	cation Requirements for Use Review, Site Review, and Form-Based Code Review:
5		review	son having a demonstrable property interest in land to be included in a development way file an application for approval on a form provided by the city manager that include the following:
6			
7		(1)	The written consent of the owners of all property to be included in the development;
8		(2)	An improvement survey of the land. The city manager may waive this application
9			requirement for a minor modification, minor amendment, use review, or minor use review;
10		(3)	Development plans including site, landscaping, building plans, and building
11			elevations as applicable;
12		(4)	A written statement addressing the criteria for approval;
13		(5)	All information required in Sections 9-2-14, "Site Review," 9-2-15, "Use Review," and 9-2-16, "Form-Based Code Review," B.R.C. 1981, for the type of review requested;
15		(6)	Any other information that the applicant wishes to submit; and
6		(7)	The fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981, for the type of review requested.
17			
18			
19	(e)	Inactiv	ve Applications:
20		(1)	If, at any point in a development review process, the city manager has notified the applicant that additional or corrected materials are required, and the applicant has
21			not submitted those materials within sixty days after the date of such notification, the application will be considered withdrawn. The city manager may extend the
22			sixty-day period if requested by the applicant prior to its expiration and upon the applicant's demonstrating good cause for the additional delay.
23		(2)	Any re-submittalresubmittal of the application after the sixty daysixty-day
24			deadline will be treated as a new application for purposes of review, scheduling, public notice, and payment of application fees.
25			

Section 8. Section 9-2-14, "Site Review, "B.R.C. 1981, is amended to read as follows:

9-2-14. Site Review.

(a) Purpose: The purpose of site review is to allow flexibility in design, to encourage innovation in land use development, to promote the most appropriate use of land, to improve the character and quality of new development, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic features of open space, to ensure compatible architecture, massing and height of buildings with existing, approved, and known to be planned or projected buildings in the immediate area, to ensure human scale development, to promote the safety and convenience of pedestrians, bicyclists and other modes within and around developments and to implement the goals and policies of the Boulder Valley Comprehensive Plan and other adopted plans of the community. Review criteria are established to achieve the following:

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(b) Scope: The following development review thresholds apply to any development that is eligible or that otherwise may be required to complete the site review process:

(1) Development Review Thresholds:

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(E) Height Modifications: A development which exceeds the permitted height requirements of Section 9-7-5, "Building Height," or 9-7-6, "Building Height, Conditional," B.R.C. 1981, or of Paragraph 9-10-3(b)(2), "Maximum Height," B.R.C. 1981, to the extent permitted by that paragraph for existing buildings on nonstandard lots, is required to complete a site review and is not subject to the minimum threshold requirements. No standard other than height may be modified under the site review unless the project is also eligible for site review. A development that exceeds the permitted height requirements of Section 9-7-5 or 9-7-6, B.R.C. 1981, must meet any one of the following circumstances in addition to the site review criteria:

The building is in the public zoning district and is exclusively used for hospital or medical office uses or is a parking structure serving

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(h) Criteria: No site review application shall be approved unless the approving agency finds that the project is consistent with the following criteria:

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(ix)

those uses.

1		(1)	Boulder Va	ılley Comprehensive Plan (BVCP) criteria:					
2									
3			` /	community and Area Plans or Design Guidelines: If the project is ject to an adopted subcommunity or area plan or adopted design					
4			guio	delines, the project is generally consistent with the applicable plan and delines.					
5	•••		C						
6 7			RL-	using Diversity and Bedroom Unit Types: Except in the RR, RE and 1 zoning districts, projects that are more than 50 percent residential by					
8			foll	sure of floor area, not counting enclosed parking areas, meet the owing housing and bedroom unit type requirements in					
9			subj	<u>paragraphsections</u> (i) through (vi). For the purposes of this paragraph, qualifying housing type shall mean duplexes, attached elling units, townhouses, live-work units, or efficiency living units, and					
10			bed bed	room type shall mean studios; or units with different numbers of rooms such as one-bedroom units; and two-bedroom units, or three-					
11			bed	room units.					
12	•••								
13		(4)		Criteria for Buildings Requiring Height Modification or Exceeding the Floor Area Ratio: Any building exceeding the by-right or conditional					
14			zoning dist	theight as permitted by Section 9-2-14(b)(1)(E), B.R.C. 1981, and exceeding the by-right floor area limits as permitted by Section 9-2					
15), B.R.C. 1981, shall meet the following requirements:					
16				lding Form and Massing: The building's form and massing are					
17			guio	sistent with the character established in any adopted plans or delines applicable to the site or, if none apply, are compatible with the					
18			inte	racter of the area or improves upon that character, consistent with the nt of paragraph (3), Building Design Criteria. The building's form,					
19				sing and length are designed to a human scale and to create visual meability into and through sites. In determining whether this is met, the					
20			app	roving authority will consider the following factors:					
21 22			(i)	The building does not exceed 200 feet in length along any public right-of-way.					
23			(ii)	All building facades exceeding 120 feet in length along a public					
24				street, excluding alleys, are designed to appear as at least two distinct buildings. To achieve this, façade segments vary in at least					
25				two of the following design elements:					

1		a.			nant material or color, scale, or orientation of
2		b.		naterial; e recess	ions and projections;
3		C.	Locati	ion of e	ntrance and window placements;
		d. e.		forms; a ing heig	
4	(B) Bui	ilding and	Site De	sign Re	quirements for Height Modifications:
5	, ,				-
6	(i)		ings req rements:		height modification shall meet the following
7		a.	Heigh	t Modif	ication Other than Height Bonus: For
8			buildi	ngs no t	aller than three stories and subject to a height pursuant to Subparagraph 9-2-14(b)(1)(E)(i)
9			throug	gh (vii) <u>a</u>	and (ix), the building's height, mass, and scale with the character of the surrounding area.
10				-	_
11		b.	_		: For buildings taller than three stories subject odification pursuant to Subparagraph 9-2-
12				_	iii), B.R.C. 1981:
13					
			3.	Additi	onal Requirements for a Height Bonus -
14				Views	: The project preserves and takes advantage minent mountain views from public spaces
15					om common areas within the project. In
16					nining whether this is met, the approving ity will consider the following factors:
17					
18				i.	If there are prominent mountain views from the site, usable open spaces on the site or
19					elevated common areas on the building are located and designed to allow users of the
20					site access to such views;
21				ii.	If the proposed building is located adjacent
22					to a <u>city managed city-managed</u> public park, plaza, or open space, buildings are sited or
23					designed in a manner that avoids or minimizes blocking of prominent public
24					views of the mountains from these spaces;
25			4.	Additi Space	onal Requirements for a Height Bonus - Open

1 2 3 4 5 6	i.	If the project site is greater than one acre in size, an inviting grade-level-outdoor garden or landscaped courtyard is provided, designed as a gathering space for the building users. In determining whether this requirement is met, the approving authority will consider the following factors as The following are considered elements of successful design elements for such a space, as practicable considering site conditions and location;
7 8	i i .	The width-horizontal dimensions of the space is are no less than the height of building walls enclosing the space;
9	ii i .	Seating and other design elements are
10		integrated with the circulation pattern of the project;
11 12	i <u>ii</u> ∗	<u> </u>
		sunlight;
13 14	V <u>i</u> .	Hard surface areas are paved with unit pavers, such as bricks, quarry tiles, or
15		porous pavers, or poured-in-place materials. If poured-in-place materials are used, they are of decorative color or textures;
16	V i .	Amenities, such as seating, tables, grills,
17	,	planting, shade, horseshoe pits, playground equipment, and lighting are incorporated
18		into the space;
19	Vi i .	The space is visible from an adjoining public sidewalk and is not elevated above
20		the builder's first story; and
21	Viii	1 1 1
22		feet of space. The trees are planted in the ground or, if over parking garages, in tree vaults.
23		vauits.
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1		(6)			-	nd Height Modifications: Modifications to minimum open rea ratio (FAR), maximum height, and number of dwelling
2			units p		require	ments will be approved pursuant to the standards of this
3			виориг	agrapii.		
4			(A)	Land U	Jse Inte	ensity Modifications with Open Space Reduction:
5				(i)	space 1 1981, 1	DT, BMS, BR-2, and MU-3 Zoning Districts: The open requirements in Chapter 9-8, "Intensity Standards," B.R.C. may be reduced in all DT districts and the BR-2, BMS, and
					MU-3	districts subject to the following standards:
7 8					a.	In the DT, BMS, or MU-3 zoning districts, the reduction in open space is necessary to avoid siting of open space that is
9						inconsistent with the urban context of neighborhood buildings or the character established in adopted
10						design guidelines or plans for the area, such as along a property line next to zero-setback buildings or along alleys:
11						maximum <u>one hundred</u> fifty percent reduction.
12	•••					
13		Section	<u>n 9.</u> Sec	ction 9-	2-16, "I	Form-Based Code Review, "B.R.C. 1981, is amended to read
14	as follo	ows:				
15	9-2-16	. Form	-Based	Code F	Review.	
16	(a)					n-based code review, is to improve the character and quality ote the health, safety and welfare of the public and the users
17			-			n-based code review regulations are established to create a ng developed or redeveloped and ensure a site and building
18		design				
19	•••					
20	(d)			_		an application for approval of a form-based code review,
21		in a fo	rm-base	ed code		aving a demonstrable property interest in land to be included on a form provided by the city manager that includes,
22		withou	ıt limita	tion:		
23	•••					
24		(4)			-	with a north arrow showing the major details of the
25					-	nt, prepared on a scale of not less than one inch equals one ng sufficient detail to evaluate the features of the

1				-	required by this section. The site plan shall contain, insofar as e information set forth as follows:
2			(A)		raphy. The existing topographic character of the land, showing
3					ars at two-foot intervals;
5			(B)	<u>hundre</u>	Areas. If applicable, the areas subject to the one hundred year one- ed-year flood as defined in Chapter 9-16, "Definitions," B.R.C. and any area of the site that is within a designated space conveyance
6					or high hazard high-hazard zone;
7	•••				
8		(14)	Archi	tectural	Plans. Detailed architectural plans that include the following:
9			(A)		ng Schematic Floor plans. Building floor plans shall be included for loor, illustrating the location of uses, common spaces, doors, and
10				windo	ws;
11			(B)		ng Details. Plans, sections, and elevations illustrating compliance ections M-1-13 through M-1-28 of Appendix M, "Form-Based
12				Code,'	' to this title;
13			(C)		ng Elevations. Building elevations, at a scale of one sixteenthonenth inch equals one foot or larger, illustrating the following:
14					
15					
16	(i)	-		-	ns to the requirements of Appendix M, "Form-Based Code," may be orm-based code review process pursuant to the following standards:
17					
18		(2)	Excep	otions:	
19			(A)	An exc	ception may be granted by the approving authority if the following
20				criteria	a are met:
21				(i)	The proposed exception is <u>generally</u> consistent with the goals and intents of the adopted <u>subcommunity or</u> area plan applied to the
22					area, and
23					
24		Section	on 10.	Section !	9-2-21, "Required Improvements and Financial Guarantees," B.R.C.
25	1981,	is amen	ded to	read as f	follows:

1	9-2-21	. Required Improvements and Financial Guarantees.											
2													
3	(g)	Letter of Credit: If any letter of credit is due to expire before the end of the guarantee											
4		period and is not replaced no less than sixty days before its expiration with another letter of credit which is valid until the end of the guarantee period or for an additional year,											
5		whichever is less, the city manager shall call the letter of credit and shall hold the funds thereby received in a separate account, and shall return such funds as are not expended or											
6		to be expended for guarantee work to the applicant at the end of the guarantee period.											
7	(<u>h</u> g)	<u>Additional Requirements</u> <u>In Addition</u> : The requirements of this section are in addition to any requirements for financial guarantees under any other provision of this code.											
8		Section 11. Section 9-5-2, "Zoning Districts," B.R.C. 1981, is amended to read as											
9	follow	rs:											
10	0.5.2	Zoning Districts											
11	9-3-2.	Zoning Districts.											
12	(a)	Classification: Zoning districts are classified according to the following classifications based on the predominant character of development and current or intended use in an area of the accountable.											
13		of the community:											
14		 (1) R: Residential; (2) M: Mixed Use, a mix of residential and business; 											
15		(3) B: Business;(4) DT: Downtown business zones;											
16		(5) I: Industrial;(6) P: Public;											
17		(7) A: Agricultural.											
18													
19	(c)	Zoning District Purposes:											
20													
21		(3) Business Districts:											
22		(E) Business - Regional 1 and Business - Regional 2: Business centers of the											
23		Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve											
24		outlying residential development; and where the goals of the Boulder Urban Renewal Plan are implemented.											
25													
	I												

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1		Sectio	on 12. S	Section	5-2, "Specific Use Standards-General," B.R	C. 1981, is amended								
2	to read as follows:													
3														
4	9-6-2.	Specifi	ic Use S	Standa	- General.									
5	(a)	uses o		The rec	f this chapter is to set forth additional requirements are intended to ensure that the use i	-								
6		Surrou	mumg a	arca.										
7														
8	(c)	Specific Use Standards that Apply to Several Use Types: The specific use standards in this chapter are generally organized by use classification, use category, and use type. Some specific use standards apply to several use types that are part of different use												
9		classifications and use categories. Such standards that apply to use types within different classifications are set forth within this subsection (c).												
11														
12		(1) Specific Use Standards for Uses in the BC Zoning Districts:												
13			(A)		Process: In the BC-1 and BC-2 zoning distress apply to the uses listed in Table 6-2:	icts, the following								
14														
15				(i)	Allowed Use: The uses listed in Table 6-2 a	re allowed by right								
16				(1)	Inless the use is located within an area design Business Community (BC) Areas Subject t	gnated in Appendix N								
17				(ji)	Restrictions." Conditional Use: If located in one of the ma	nned areas in								
18				(ii)	Appendix N, the use may be approved as a	L 1								
19					neets all of the following standards:									
20					. The use shall not be located on the g exception of minimum necessary gro									
21					The combined floor area of any nonr	esidential uses in								
22					Table 6-2 shall be limited to ten percarea on the lot or parcel except that i	f the use is located								
23					within an approved site review or pla development, the combined floor are									
24					uses subject to this section shall be li the total floor area within the bounda	mited to ten percent of								
25														

1					or planned unit development approval in the BC zoning district.
2				c.	A principal use of any automobile parking lot or garage shall be a park and ride facility.
4					
5		Sectio	on 13. S	Section 9-6-3, "	Specific Use Standards-Residential Uses," B.R.C. 1981, is
6	amend	led to re	ead as fo	ollows:	
7	9-6-3.	Specifi	ic Use S	Standards - Re	sidential Uses.
8		•			
9	HOUS	SEHOI	LD LIV	INC	
10		EHOL	JD LIV	ING	
11		.			
12	(d)		O	it, Attached:	
13		(1)	In the	RH-6 Zoning I	District:
14 15			(A)	development	oning district, attached dwelling units shall be located in a that includes townhouse dwelling units. Attached dwelling y be located on a corner that has street frontage on two sides.
16		(2)	In the	BT-1, and BT-	2 , IS-1, and IS-2 Zoning Districts:
17			(A)		ess: In the BT-1, and BT-2, IS-1, and IS-2 zoning districts, ling units are allowed by right if the use is not located on the
18				ground floor f	facing a street, with the exception of minimum necessary access. Attached dwelling units that are not allowed by right
19					ved only pursuant to a use review.
20					
21	(f)	Efficie	ency Li	iving Unit:	
22		(3)	In the	IS-1 and IS-2 7	Zoning Districts:
23			(A)		ess: In the IS-1 and IS-2 zoning districts, efficiency living
24				building are e	ved by right if less than 40 percent of total units in the fficiency living units and the use is not located on the ground
25				tloor facing a	street, with the exception of minimum necessary ground

1		level access. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.
2	(<u>3</u> 4)	In the IMS Zoning District:
3		(A) Review Process: In the IMS zoning district, efficiency living units are
4		allowed by right if less than 40 percent of total units in the building are
5		efficiency living units and at least fifty percent of the floor area of the building is for nonresidential use. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.
6		unio med ely ingni ininy ee upprementally possessimily to a use it is in
7	•••	
8	GROUP LIV	VING
9		
10	(j) Cong	regate Care Facility, Custodial Care Facility, and Residential Care Facility:
11	(1)	Applicability: This subsection (j) sets forth standards for congregate care facilities, custodial care facilities, and residential care facilities that are subject to
12		specific use standards pursuant to Table 6-1, Use Table.
13	(2)	Standards: The following standards apply to any such facility that may be
14		approved as a conditional use or pursuant to a use review:
15		(B) In order to prevent the potential creation of an institutional setting by concentration of custodial, residential or congregate care facilities in a
16		neighborhood, no custodial, residential, or congregate care facility may locate within seven hundred fifty feet of another custodial, residential, or
17		congregate care facility, but the approving agency may permit two such facilities to be located closer than seven hundred fifty feet apart if they are
18		separated by a physical barrier, including, without limitation, an arterial collector, a commercial district or a topographic feature that avoids the
19		need for dispersal. The planning department will maintain a map showing the locations of all custodial, residential, or congregate care facilities in
20		the city.
21		
22	Section	on 14. Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, is
23	amended to r	ead as follows:
24		
25		

9-7-1. Schedule of Form and Bulk Standards.

The purpose of this chapter is to indicate the requirements for lot dimensions and building form, bulk, location and height for all types of development. All primary and accessory structures are subject to the dimensional standards set forth in Table 7-1 of this section with the exception of structures located in an area designated in Appendix L, "Form-Based Code Areas," subject to the standards of Appendix M, "Form-Based Code." No person shall use any land within the City authorized by Chapter 9-6, "Use Standards," B.R.C. 1981, except according to the following form and bulk requirements unless modified through a use review under Section 9-2-15, "Use Review," B.R.C. 1981, or a site review under Section 9-2-14, "Site Review," B.R.C. 1981, or as approved under the provisions of Section 9-2-16, "Form-based code review," B.R.C. 1981.

TABLE 7-1: FORM AND BULK STANDARDS

Zoning District	A R	R R-	R H-	RL-	B T-	B T-	R L-	R H-	M U-	R M-	RM X-2	R H-	B CS	M U-	B M	D T-	D T-	M U-	M H
	R- 1	2 R E	2 R H- 5 P	RM -2 RM X-1	2	1 B C B R IS -1 IS -2 IG I	2 R M- 1	4	1	3 R H- 1 R H- 6		3 R H- 7		3	S M U- 4	1 D T- 2 D T- 3 D T- 5	4	2 IM S	
Form module	a	ь	c	d	е	f	g	h	i	j	k	1	m	n	0	p	q	r	S
					BU	J ILD	ING	DES	IGN I	REQU	JIREN	IENT	S ⁽ⁿ⁾						
Maxi mum % of 3rd story floor area that can be in any story above the 3rd story		Ī	n/a			n	/a			n/a		70 % (j)	n/ a	n/ a		n/a		n/ a	n/ a
Footno	Footnotes to Table 7-1, Form and Bulk Standards:																		

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	the foregoing, the following miscellaneous form and bulk requirements apply
	ment in the city:
to all develop	ment in the city.
<u>(a)</u>	On corner lots, side yard must meet principal building front yard setback where adjacent lot fronts upon the street, unless the subject yard was platted as a side yard at a time when the adjacent lot did not front upon the street.
<u>(b)</u>	For zero lot line development, including side yard setbacks from interior lot lines for townhouses, see Subsection 9-7-2(b), B.R.C. 1981.
<u>(c)</u>	The permitted height limit may be modified only in certain areas and only under the standards and procedures provided in Sections 9-2-14, "Site Review," and 9-7-6, "Building Height, Conditional," B.R.C. 1981.
<u>(d)</u>	For buildings over 25 feet in height, see Subsection 9-9-11(c), B.R.C. 1981.
<u>(e)</u>	For other setback standards regarding garages, open parking areas, and flagpoles, see Paragraph 9-7-2(d), B.R.C. 1981.
<u>(f)</u>	Where a rear yard backs on a street, see Paragraph 9-7-2(c), B.R.C. 1981.
(g)	This maximum height limit applies to poles that are light poles at government-owned recreation facilities but not to other poles. Other poles have a maximum height of 55 feet in all zones. For additional criteria regarding poles, see Section 9-2-14, "Site Review," B.R.C. 1981.
(h)	For front yard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981.
(i)	For side yard setback requirements based on building height, see Section 9-7-2 (b)(8), "Setback Relative to Building Height," B.R.C. 1981.
<u>(j)</u>	The maximum percentage of the third story floor area that can be in any story above the third story standard may not be modified as part of a site review.
<u>(k)</u>	For properties located in the DT-5 and P zoning districts and shown in Appendix I, the minimum setback shall be as required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, Table 7-1, Form and Bulk Standards or sixty-five feet measured from the centerline of Canyon Boulevard right-of-way.
(1)	For buildings on nonstandard lots within the RMX-1, RL-1, RE, RR-1, and RR-2 zoning districts, refer to Table 10-1, Maximum Height Formulas, within Section 9-10-3, "Changes to Nonstandard Buildings, Structures and Lots and Nonconforming Uses."
<u>(m)</u>	For setback requirements on corner lots in the DT-5 zoning district, refer to Subsection 9-7-6(c), B.R.C 1981.
<u>(n)</u>	For principal and accessory buildings or structures located on a lot or parcel designated in Appendix L, "Form-Based Code Areas," and subject to the standards of Appendix M, "Form-Based Code," refer to Appendix M, "Form-Based Code," for design standards applicable to such lot or parcel. With the exception of Charter Section 84, "Height limit," and Sections 9-7-3, "Setback Encroachments," and 9-7-5, "Building Heights," 9-7-7, "Building Height,"
	(b) (c) (d) (e) (f) (g) (h) (i) (i) (k) (l)

Appurtenances," B.R.C. 1981, the form and bulk standards of this chapter are 1 superseded by the requirements of Appendix M, "Form-Based Code." 2 Building heights in areas designated in Appendix L are not subject to the height limits of Table 9-7, Form and Bulk Standards. 3 4 Footnotes to Table 7-1, Form and Bulk Standards: In addition to the foregoing, the following miscellaneous form and bulk requirements apply to all 5 development in the city: (a) On corner lots, use principal building front yard setback where adjacent lot fronts 6 upon the street. 7 For zero lot line development, including side yard setbacks from interior lot lines for townhouses, see Subsection 9-7-2(b), B.R.C. 1981. 8 The permitted height limit may be modified only in certain areas and only under 9 the standards and procedures provided in Sections 9-2-14, "Site Review," and 9-7-6, "Building Height, Conditional," B.R.C. 1981. 10 (d) For buildings over 25 feet in height, see Subsection 9-9-11(c), B.R.C. 1981. 11 For other setback standards regarding garages, open parking areas, and flagpoles, see Paragraph 9-7-2(d), B.R.C. 1981. 12 Where a rear yard backs on a street, see Paragraph 9-7-2(c), B.R.C. 1981. 13 This maximum height limit applies to poles that are light poles at governmentowned recreation facilities but not to other poles. Other poles have a maximum 14 height of 55 feet in all zones. For additional criteria regarding poles, see Section 9-2-14, "Site Review," B.R.C. 1981. 15 For front yard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981. 16 For side yard setback requirements based on building height, see Appendix B, (i) "Setback Relative to Building Height," of this title. 17 The maximum percentage of the third floor area that can be in a fourth story (i) 18 standard may not be modified as part of a site review. For properties located in the DT-5 and P zoning districts and shown in Appendix 19 I, the minimum setback shall be as required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, Table 7-1, Form and Bulk Standards or sixty-20 five feet measured from the centerline of Canyon Boulevard right-of-way. 21 For buildings on nonstandard lots within the RMX-1, RL-1, RE, RR-1, and RR-2 zoning districts, refer to Table 10-1, Maximum Height Formulas, within Section 22 9-10-3, "Changes to Nonstandard Buildings, Structures and Lots and Nonconforming Uses." 23 For setback requirements on corner lots in the DT-5 zoning district, refer to 24 Subsection 9-7-6(c), B.R.C 1981. For principal and accessory buildings or structures located on a lot or parcel 25 designated in Appendix L, "Form-Based Code Areas," and subject to the

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follows: 7

9-7-2. Setback Standards.

Front, Rear, and Side Yards: Front, rear, and side yards shall be identified consistent with the yard definition in Section 9-16-1, B.R.C. 1981.

Section 15. Section 9-7-2, "Setback Standards," B.R.C. 1981, is amended to read as

Table 9-7, Form and Bulk Standards.

standards of Appendix M, "Form-Based Code," refer to Appendix M, "Form-

exception of Charter Section 84, "Height limit," and Sections 9-7-3, "Setback Encroachments," and 9-7-5, "Building Heights," 9-7-7, "Building Height,

Appurtenances," B.R.C. 1981, the form and bulk standards of this chapter are superseded by the requirements of Appendix M, "Form-Based Code." Building

heights in areas designated in Appendix L are not subject to the height limits of

Based Code," for design standards applicable to such lot or parcel. With the

Front Yard Setback Reductions: The front yard setback required in Section 9-7-1, (ba) "Schedule of Form and Bulk Standards," B.R.C. 1981, may be reduced for a principal structure on any lot if more than fifty percent of the principal buildings on the same block face or street face do not meet the required front yard setback. The setback for the adjacent buildings and other buildings on the block face shall be measured from the property line to the bulk of the building, excluding, without limitation, any unenclosed porches, decks, patios or steps. The bulk of the building setback shall not be less than the average bulk of the building setback for the principal buildings on the two adjacent lots. Where there is only one adjacent lot, the front yard setback reduction shall be based on the average of the principal building setbacks on the two closest lots on the same block face. (See Figure 7-1 of this section.)

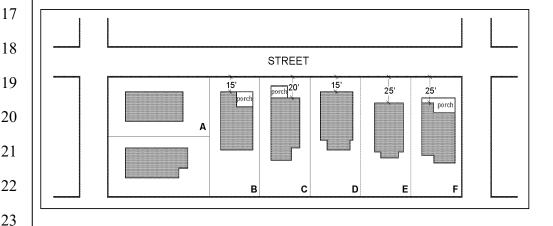


Figure 7-1: Setback Averaging Example

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In this example, lots "B" through "F" are the face block. Lot "A" is not included in the face block, as the front of this lot is on a different street. Setback averaging is measured to the bulk of the buildings and does not include porches.

Assuming this block is zoned RL-1, the minimum required front yard setback would be twenty-five feet. The block face shown would qualify for setback averaging, as more than fifty percent of the principal buildings do not meet the required front yard setback. An addition to the front of lot "E" would require the averaging of the setbacks of lots "D" and "F", the two closest buildings on the same block face. In this example the resulting setback would be 20 feet - the average of lot "D" (fifteen feet) and lot "F" (twenty-five feet). An addition to the front of lot "F" would be based on the average of the two closest buildings on the same block face; in this case, lots "D" and "E."

(cb) Side Yard Setback Standards:

| ..

(8) Setback Relative to Building Height: For buildings subject to the side yard setback requirements based on building height, the setback shall be determined consistent with Figure 7-3

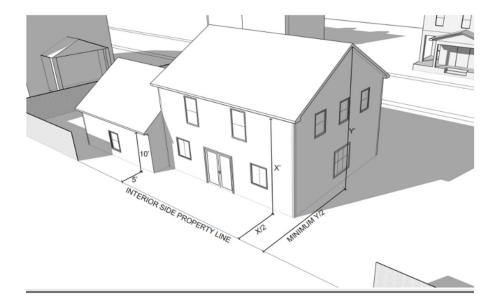


Figure 7-3: Setback Relative to Building Height

- (de) Rear Yard Setbacks: Where a rear yard backs on a street, the rear yard shall have a minimum landscaped setback equal to the minimum front yard landscaped setback from a street for all buildings and uses required for that zone.
- (ed) Open Parking Areas, Flagpoles, and Detached Garages and Carports: Open parking areas, flagpoles, and detached garages and carports may be located in compliance with either the required principal building setbacks or accessory building setbacks.

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1	5	
1	6	
1	7	
1	8	
1	9	
2	0	
2	1	
2	2	
2	3	
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(<u>fe</u>) Swimming Pools, Spas, and Hot Tubs: Swimming pools, spas, and hot tubs shall be located according to the applicable accessory structure setbacks on a lot except that pools, spas, or hot tubs may be located in compliance with the required front yard principal building setback.

(gf)Oil and Gas Operations and Other Uses: Oil and gas operations shall be set back from any residential use, residential zone, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but not including trails or City of Boulder open space, in accordance with the standards of Section 9-6-7(b)(2), B.R.C. 1981. No residential use, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but not including trails or City of Boulder open space, shall be located closer than two thousand feet from any single-well well pad of an oil and gas operation in preproduction, closer than two thousand five hundred feet from any multi-well well pad of an oil and gas operation in pre-production, closer than five hundred feet from any well pad of an oil and gas operation in production, and closer than two hundred fifty feet from an oil and gas operation that has been capped and abandoned pursuant to the requirements of Section 9-6-7(b)(16), B.R.C. 1981.

Section 16. Section 9-7-5, "Building Height," B.R.C. 1981, is amended to read as

follows:

9-7-5. Building Height.

| | . .

(b) Measurement of Height: Height shall be measured as the vertical distance from the lowest point within twenty-five horizontal feet of the tallest side of the structure to the uppermost point of the roof or structure. The lowest point shall be calculated using the natural grade. The tallest side shall be that side whose lowest exposed exterior point is lower in elevation than the lowest exposed exterior point of any other side of the building (see Figure 7-43 Measurement of Height).

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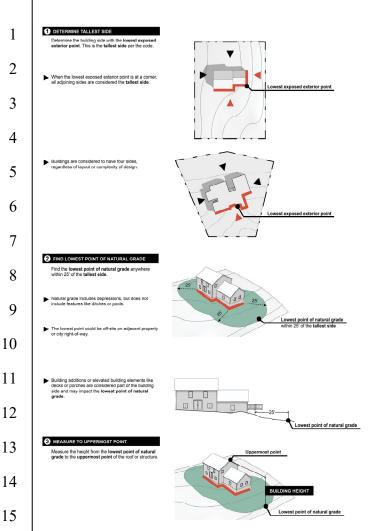


Figure 7-43: Measurement of Height

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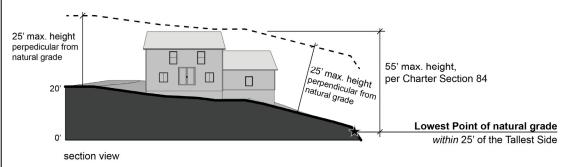
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Slopes Greater Than Twenty Degrees: On a slope measured within the building envelope created by the required setbacks from property lines that is greater than twenty degrees (36.4 percent slope), the building height may not exceed twenty-five feet measured perpendicular from the natural grade below. (See Figure 7-54 of this section.) However, under no circumstances shall a structure exceed fifty-five feet as measured under charter section 84 except as provided for poles in Section 9-2-14, "Site Review," B.R.C. 1981. The slope percentage shall be calculated by measuring the difference between the high point and the low point within the building envelope and dividing it by the distance between the high and low points.



See section 9-7-5(b)(2), Slopes Greater than Twenty Degrees.

Figure 7-<u>5</u>4: Building Height on a Slope Greater than Twenty Degrees

(e) Height Calculations for Attached Buildings:

- (1) The following shall be considered separate buildings for the purposes of calculating building height:
 - (A) Buildings that are connected only below grade (see Figure 7-65 of this section).
 - (B) Separate abutting buildings that may have an internal connection (see Figure 7-76 of this section).
 - (C) Buildings built to the common property line that may have an internal connection (see Figure 7-<u>76</u> of this section).
 - (D) Buildings attached by an at-grade open or enclosed connection not more than fifteen feet high and twelve feet deep (see Figure 7-87 of this section).

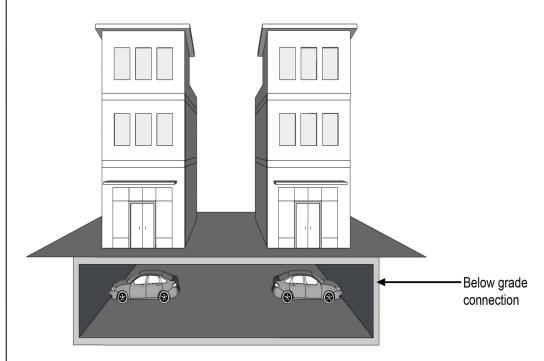


Figure 7-65: Below Grade Connection





plan view

Figure 7-76: Internal Connection

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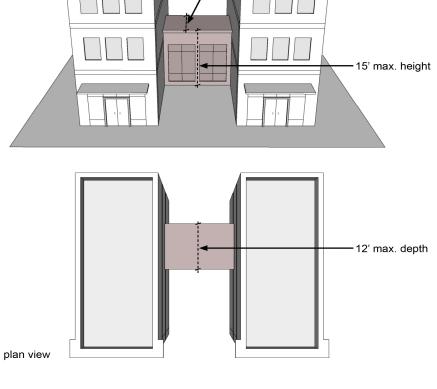
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22



12' max. depth

Figure 7-87: At-Grade Open or Enclosed Connection

Section 17. Section 9-7-8, "Accessory Buildings in Residential Zones," B.R.C. 1981, is amended to read as follows:

9-7-8. Accessory Buildings in Residential Zones.

...

(1)

20 ...

(c) Breezeway Connections Between Accessory and Principal Buildings: In a residential zoning district, a single-family detached dwelling unit may be connected to an accessory building which is located partially or entirely within principal building rear yard setback by a breezeway if the breezeway meets the following standards:

is attached, whichever is less. (See Figure 7-98 of this section.)

No portion of the roof shall exceed a height of twelve feet, measured to the

finished grade directly below it, or the height of the accessory building to which it

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- 24

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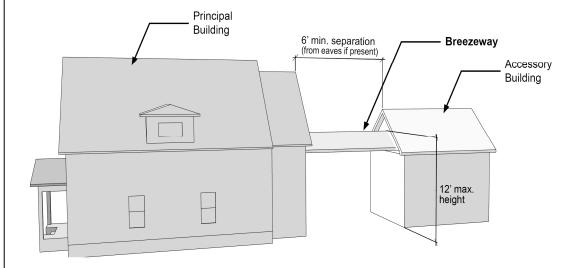


Figure 7-<u>9</u>8: Breezeway

Section 18. Section 9-7-9, "Side Yard Bulk Plane," B.R.C. 1981, is amended to read as follows:

9-7-9. Side Yard Bulk Plane.

| ...

(c) Measurement standards: The bulk plane is a plane that begins twelve feet above the side lot lines of a lot or parcel, then rises over a slope at a forty-five-degree angle until it reaches the permitted height in the zoning district or intersects with the plane that is created by the lot line on the opposite side of the lot or parcel. See Figure 7-109.

Property Side Yard Line Setback Setback Line

Figure 7-109: Side Yard Bulk Plane

The bulk plane begins at a point twelve feet above the side yard property line and then angles forty-five degrees until the bulk plane reaches the maximum building height or intersects with the plane that is created by the lot line on the opposite side of the lot or parcel.

The bulk plane shall be measured from the points described in Paragraph (1) or (2) below using one of the following methods:

(1) Grade level point method: The bulk plane shall be measured from the grade level elevation points, which are found along the side property lines, that coincide with location of the midpoint of the lot or parcel, described as points that are equal distance between the front and rear yards. The grade level points shall be as close as possible to the natural grade, and in case a retaining wall is located on the side property line, the ground level point shall be taken from the base of the wall. See Figure 7-110. An applicant may request that the city manager determine the location of the grade level points and corresponding bulk plane for irregularly shaped lots or parcels, including flag lots; or

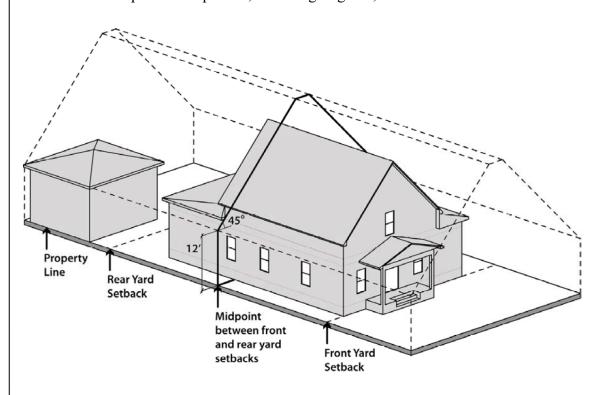


Figure 7-110: Side Yard Bulk Plane Measurement Using the Grade Level Point Method

Using the grade level point method, the bulk plane is measured from the midpoint between the front and rear yard setbacks.

(2) Parallel points method: The bulk plane shall be measured from a series of measurement points that are separated horizontally by ten feet along the side yard property line. The measurement points shall be as close as possible to the natural

grade, and in case a retaining wall is located on the side property line, the measurement point shall be taken from the base of the wall. See Figure 7-121.

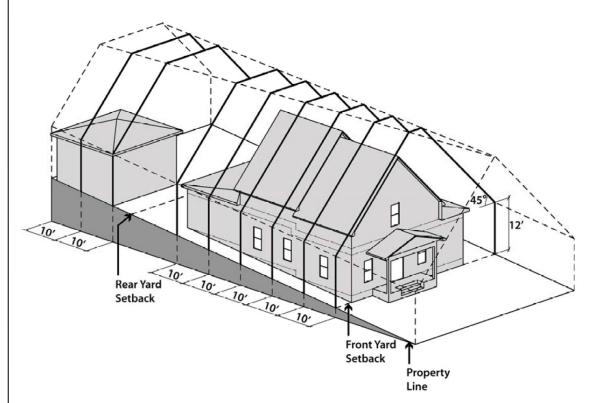
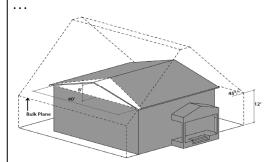


Figure 7-121: Side Yard Bulk Plane Measurement Using the Parallel Point Method

Using the parallel point method, the bulk plane is measured from a series of measurement points that are separated by ten feet along the side yard property line.

- (d) Encroachments: No building or portion thereof shall be constructed or maintained beyond the required bulk plane except as provided for below:
 - (4) The gable end of a sloping roof form (see Figure 7-1 $\underline{32}$), provided that:



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Figure 7-132: Gable Roof End Encroachment into the Side Yard Bulk Plane

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The gable end of a sloping roof form may project through the side yard bulk plane by up to eight feet. Gable ends that project through the side yard bulk plane may be no more than forty feet wide.

(5) Dormers (see Figure 7-1<u>4</u>3), provided that:

(A) The highest point of any dormer is at or below the height of the primary roof ridge.

(B) The portion of any dormer that extends beyond the bulk plane limit does not exceed a maximum width of eight feet, including any roof overhang, and does not extend beyond the bulk plane more than six feet, measured as shown in Figure 7-143.

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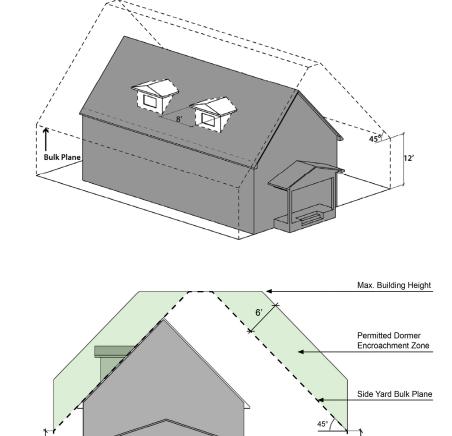


Figure 7-143: Dormer Encroachment beyond the Side Yard Bulk Plane

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Section 19. Section 9-7-10, "Side Yard Wall Articulation," B.R.C. 1981, is amended to

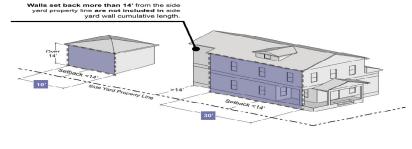
3 read as follows:

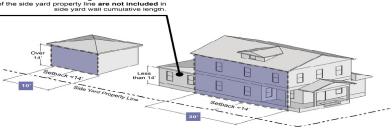
9-7-10. Side Yard Wall Articulation.

5 ...

(c) Side Yard Wall Standards: Along each side yard property line, the cumulative length of any walls that exceed a height of fourteen feet shall not exceed forty feet in length, unless they are set back at least fourteen feet from the side property line (see Figure 7-154). For the purposes of this section, wall height shall be measured from finished grade as follows:

9 | ...





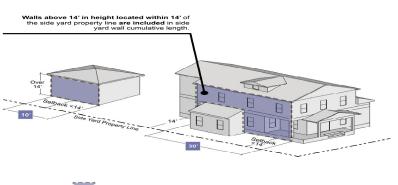


Figure 7-154: Side Yard Wall Length Articulation Examples

Section 20. Section 9-7-13, "Mobile Home Park Form and Bulk Standards," B.R.C.

1981, is amended to read as follows:

9-7-13. Mobile Home Park Form and Bulk Standards.

No person shall establish or maintain a mobile home park or mobile home on a lot within a mobile home park except in accordance with the following standards:

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(D) 2' min. from tongue to edge of sidewalk (A) Setbacks from Mobile Home Park Adjacent Property Exterior Perimeter Property Lines: 25' in RM-2 and RH-5 zones 20' in RL-2, RM-1, RM-3, MH, RH-1, \widehat{B} 20' or 25' A Private Drives or Internal (A) Public Streets Adjacent Property Sidewalks or Pedestrian Walkways A Public Right of Way

Figure 7-165: Mobile Home Park Setback & Separation Standards

See Table 7-2: Mobile Home Park Design Standards for additional

The minimum setback from the exterior perimeter property lines of the mobile home park depends on the zoning district. All other setback requirements apply in all mobile home parks. The required setback from a private drive or internal public street is measured from the edge of pavement. The required tongue setback is measured to the edge of the sidewalk or pedestrian walkway. See Table 7-2 for corresponding setbacks and separation standards.

Section 21. Section 9-8-3, "Density in the RR-1, RR-2, RL-1, RMX-1, and RH-7

Districts," B.R.C. 1981, is amended to read as follows:

1	9-8-3. Density in the RR-1, RR-2, RL-1, RMX-1 AND RH-7 Districts				
2	(a) Duplexes or Two Detached Dwelling Units in the RR-1, RR-2, and RL-1 zoning districts: A duplex or two detached dwelling units may be developed in the RR-1, RR-2, and RL-1 zoning districts if the lot or parcel meets the following standards:				
4					
5	(2) Minimum Lot Area: The lot or parcel meets the minimum lot area of the				
6	applicable zoning district established in Table 8-1, "Intensity Standards," for the zoning district or the lot or parcel is a nonstandard lot that is smaller than meets				
7	the minimum lot area established in Table 8-1 for the zoning district and size established for development of such lot in Subsection 9-10-3(b), "Changes to				
8	Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981. the following requirements are met:				
9	(A) The building or buildings meet the setback requirements of Section 9-7-1,				
10	(A) The building or buildings meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and				
11 12	(B) In the RR-1 and RR-2 zoning districts, the lot or parcel is at least 7,500 square feet, or				
13	(C) In the RL-1 zoning district, the lot or parcel is at least 3,500 square feet.				
14					
15	Section 22. Section 9-9-2, "General Provisions," B.R.C. 1981, is amended to read as				
16	follows:				
17	9-9-2. General Provisions.				
18	No person shall use or develop any land within the city except according to the following				
19	standards, unless modified through a use review under Section 9-2-15, "Use Review," B.R.C. 1981, or a site review, Section 9-2-14, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-14, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-14, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-15, "Use Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Use Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Use Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Use Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Use Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-16, "Site Review," B.R.C. 1981, or a variance grante				
20	Section 9-2-3, "Variances and Interpretations," B.R.C., 1981.				
21					
22	(d) Zoning Standards for Lots in Two or More Zoning Districts:				
23	(1) Uses: Existing buildings located in more than one zoning district shall be				
24	regulated according to the meet the applicable use standards for the zoning district in which the majority of the existing building is located. Any building additions or				
25	site improvements shall be regulated according to the zoning district in which such additions or improvements are located. In the event that If an existing				

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follows:

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Figure 9-1: Driveway Width

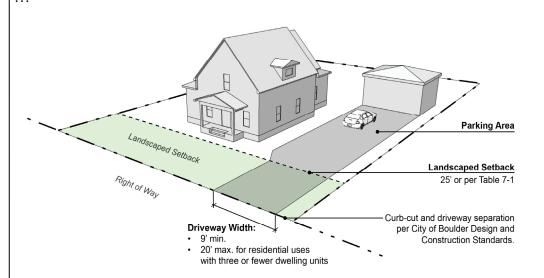
building is split in half between two zoning districts, the city manager shall determine which zoning district's use standards shall apply based upon the historic use of the building and the character of the surrounding area.

- (2) Form, Bulk, and Intensity: On lots or parcels located in two or more zoning districts, any building additions or site improvements shall meet the form, bulk, and intensity standards of the zoning district where additions or improvements are located.
- (e) Entire Use Located on One Lot: All lot area, open space, off-street parking area, or yard requirements must be met on the lot or parcel creating the requirement for each building and use No person shall include as part of a lot area, open space, off-street parking area, or yard required by this title for any building or use any part of a lot area, open space, off-street parking area, or yard required by this title for any other building or use, unless modified approved under the provisions of Section 9-2-14, "Site Review," B.R.C. 1981.

Section 23. Section 9-9-5, "Site Access Control," B.R.C. 1981, is amended to read as

9-9-5. Site Access Control.

(c) Standards and Criteria for Site Accesses and Curb Cuts: Any access or curb cut to public rights of way shall be designed in accordance with the City of Boulder Design and Construction Standards and the following standards and criteria:



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- (9) <u>Modification: The standards of this section may be modified under the process of Section 9-2-14, "Site Review," B.R.C. 1981.</u>
- (10) Exceptions: The city manager may grant an exception to the requirements of this section may be modified under the provisions of Section 9-2-142, "Site Administrative Review," B.R.C. 1981, to provide for safe and reasonable access. Exceptions to this section may be made if the city manager determines that following criteria are met:

Section 24. Section 9-9-6, "Parking Standards," B.R.C. 1981, is amended to read as

follows:

9-9-6. Parking Standards.

(a) Rationale: The intent of this section is to provide adequate off-street parking for all uses, to prevent undue congestion and interference with the traffic carrying capacity of city streets, and to minimize the visual and environmental impacts of excessive parking lot paving.

TABLE 9-4: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR NONRESIDENTIAL USES IN ALL ZONES

Use	Parking Requirement
Large daycare (less than 50 children)	Determined through review; parking needs of the use must be adequately served through on-street or off-street parking
Nonresidential uses in General Improvement Parking Districts	No parking required
Restaurant, brewpub, or tavern - outside of retail centers greater than 50,000 square feet	Indoor Seats: 1 space per 3 seats.
	Outdoor Seats:
	1. If outdoor seats do not exceed 20% of the indoor seats, no additional parking is required.
	2. For the portion of the outdoor seats exceeding 20% of indoor seats: 1 space per 3 seats.
	3. Notwithstanding the requirements of (1) and (2) above, the following applies to uses that are

	nonconforming as to parking for indoor seats and the sole principal use of the site: No additional parking is required if the number of outdoor seats does not exceed 60% of the existing number of parking spaces on the site.
Retail centers over 50,000 square feet of floor area that: i) Are under common ownership, or	Less than 30 percent of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 250 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
ii) management, or	30 percent or more and less than 60 percent of the total floor area is occupied by restaurants, taverns, or
iii) Are approved through a common site review approval, and	brewpubs: 1 space per 175 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
iv) Contain a mix of some or all of the following uses: retail, commercial, office, restaurants, brewpubs, and taverns, which	•
v) together comprise more than 50 percent of the total floor area, and	60 percent or more of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 100 squar feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
vi) Where written consent of all property owners within the retail center are included with the application.	This use-specific parking standard shall not apply to other uses for which a use-specific parking standard is created in this Table 9-4 or to uses other than retail, commercial, and office uses, restaurants, brewpubs, and taverns. For those uses, parking shall be provided as required for each such use under this Section 9-9-6, B.R.C. 1981, and in addition to the requirement above.
Restaurants in a regional park	Determined through review; parking needs of the use must be adequately served through on-street or off-stree parking.
Motels, hotels, and bed and breakfasts	1 space per guest room or unit, plus required spaces for nonresidential uses at 1 space per 300 square feet of floor area
Theater	Greater of 1 parking space per 3 seats, or the parking ratio for the zone district
Fuel service station	General ratio for the use zone plus storage of 2 vehicles per service bay
Religious assembly:	(See Paragraph $(f)(\underline{38})(\underline{C})$ of this section for permitted parking reductions)
a. Religious assemblies created prior to 9/2/1993	1:300
b. Religious assemblies created after 9/2/1993	1 space per 4 seats, or 1 per 50 square feet of assembly area if there are no fixed seats - assembly area includes

1		the largest room plus any adjacent rooms that could be used as part of the assembly area
3	c. Uses accessory to a religious assembly and created after 9/2/1993	Uses accessory to the religious assembly shall meet the standards applicable to the use as if the use is a principal use
5	d. Total parking of a religious assembly and accessory uses created after 9/2/1993	Parking for the religious assembly use and any accessory use shall be for the use which has the greatest parking requirement
6	Small recycling collection facility	1 space for attendant if needed
7 8	Large recycling collection facility	General parking ratio for the zone plus 1 space for each commercial vehicle operated by the facility
9	Recycling processing facility	Sufficient parking spaces for a minimum of 10 customers, or the peak load, whichever is greater, plus 1 space for each commercial vehicle operated by the facility
11 12 13	Warehouse or distribution facility or uses in industrial zones with accessory warehouse spaces	1 space per 1,000 square feet of floor area used for warehousing or storage of goods, merchandise, or equipment. Parking for floor area used for associated office space or production areas and not for warehousing or storage as outlined above shall be provided consistent with Table 9-3.
14 15	Self-service storage facility	3 spaces for visitor parking, plus parking for any floor area used as office space or otherwise not used for self-service storage shall be provided consistent with Table 9-3.
16	Airport and aircraft hangers	1 space per outside airplane or glider tie down space;
17 18		1 space per 1,000 square feet of floor area of private airplane hangar space (with or without external or internal walls);
19		1 space per 2,000 square feet of floor area of commercial or executive airplane hangar space; and
20 21		Parking for floor area used as office space or otherwise not used for airport hanger shall be provided consistent with the requirements of Table 9-3.
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(d) Motor Vehicle Parking Design Standards:

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1		(3)	Drive .	Aisles:			
2			(A)	There is a definite and logical system of drive aisles to serve the entire			
3				parking area. Drive aisles shall have a minimum eighteen-foot width clearance for two-way traffic and a minimum ten foot ten-foot width			
4				clearance for one-way traffic unless the city manager finds that the parking stalls to be served require a greater or lesser width. A physical separation or barrier, such as vertical curbs, may be required in order to			
5				separate parking areas from the travel lanes. (See Figure 9-4 of this section.)			
7	•••						
8		Section	<u>n 25.</u> S	ection 9-9-11, "Useable Open Space," B.R.C. 1981, is amended to read as			
9	follows	s:					
	9-9-11	. Useab	ole Ope	n Space.			
10	(a)	-	_	pen Space: The purpose of useable open space is to provide indoor and			
11		outdoor areas for passive and active uses to meet the needs of the anticipated residents, tenants, employees, customers and visitors of a property, and to enhance the environment					
12		of a de	evelopm	ent or building. Open space can be used to:			
13	•••						
14 15	(b)	-	-	equirements: Open space shall be provided in the quantities specified in "Intensity Standards," B.R.C. 1981.			
16	•••						
17	(e)	Types	of Usea	able Open Space: Useable open space includes:			
18	•••						
19		(5)		or paved surfaces, except public sidewalks less than five feet in width and			
20				baved areas specifically prohibited in subsection (i) of this section, may be sopen space subject to meeting the following additional standards:			
21							
22			(B)	The paved areas shall be accessible and open for use by the tenants,			
23			(-)	occupants or visitors of the building. To enhance the use of such areas, the paved areas shall include passive recreation amenities which include,			
24				without limitation, benches, tables, <u>outdoor short-term bicycle parking</u> <u>areas</u> , ornamental lighting, sculpture, landscape planters or movable			
25				planting containers, trees, tree grates, water features, or active recreation			

1	amenities which include, without limitation, areas for basketball, volleyball or racquet sports.
2	(f) Special Open Space Requirements Applicable to Residential Uses: Useable open space
3	for residential uses also includes:
4	
5	(6) In the BMS, MU, IMS, and BR-2, and DT zoning districts, individual balconies,
6	decks, porches and patio areas that will not be enclosed count one hundred percent toward the private open space requirement, provided that such balcony,
7	deck, porch or patio is not less than seventy-two inches in any dimension nor less than sixty square feet in total area. In the BR-2 zoning district, the dimensions and
8	locations of private open space may be varied if the private open space adequately meets the needs of the occupants of the dwelling units and is approved as part of a
9	site review pursuant to section 9-2-14, "Site Review," B.R.C. 1981.
10	
11	Section 26. Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots
12	and Nonconforming Uses," B.R.C. 1981, is amended to read as follows:
13	9-10-3. Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses.
1415	Changes to nonstandard buildings, structures, or nonstandard lots and nonconforming uses shall comply with the following requirements:
16	(a) Nonstandard Buildings and Structures:
17	
18	(2) Maintaining a Nonstandard Setback: If a foundation and the exterior walls above
19	it that encroach into a required setback are removed and replaced, such foundation and wall shall be reconstructed in compliance with Chapter 9-7, "Form and Bulk
20	Standards," B.R.C. 1981. As part of any activity requiring a building permit, in order to maintain a nonstandard setback, at a minimum, the applicant shall:
21	(A) Retain the exterior wall and the existing foundation that it rests upon. The
22	exterior wall shall, at a minimum, retain studs and retain either the inner or exterior sheathing of the exterior wall. Interior sheathing includes, without
23	limitation, plaster, dry walldrywall, or paneling; or
24	
25	

1	(b)	Nonstandard Lots or Parcels:
2		(1) Development Requirements: Vacant lots <u>and parcels</u> in all residential districts except RR-1 and RR-2 which that are smaller than the <u>minimum</u> lot sizes area
4		indicated in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, but larger than one-half of the required zoning district minimum lot size, may be
5		developed with a detached dwelling unit or, <u>if in the RR and RL-1 zoning</u> <u>districts</u> , pursuant to the standards in Subsection 9-8-3(<u>ab</u>), "Density in the RR-1, RR-2, RL-1, RMX-1, and RH-7 Districts," B.R.C. 1981, with a duplex or two
6		detached dwelling units, if the <u>following criteria are met:</u>
7		 a. The building or buildings meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981-; and
9		b. In RR-1 and RR-2 districts, the lots or parcels is at least 7,500 square feet or which are smaller than the minimum lot size but larger than one fourth
10		of the minimum lot size may be developed with a detached dwelling unit or, pursuant to the standards in subsection 9-8-3(b), with a duplex or two
11		detached dwelling units, if the building or buildings meet the setback requirements.
12		c. In all other zoning districts, the vacant lots which are is below at least one-half of the required minimum lot size area for the zoning district shall not be eligible for construction of principal buildings.
14 15 16	 follow	Section 27. Section 9-12-5, "Minor Subdivision," B.R.C. 1981, is amended to read as
18	9-12-5	5. Minor Subdivision.
19	(a)	Scope: A minor subdivision is a division of <u>residentially zoned</u> land that is already served by city services, will not require the extension of streets or <u>any</u> public improvements and will not result in more than one additional lot.
20 21	(b)	Standards for Minor Subdivisions: The approving authority will approve a minor subdivision after finding that the following standards have been met: Limitations: The
22		provisions of this section shall not apply to a replat that:
23		(1) The land is in a residential zoning district described in Section 9-5-2, "Zoning Districts," B.R.C. 1981;
24 25		(2) The resulting lots will contain either no more than two detached dwelling units or one duplex per lot as allowed under this title;

1		(3)	The division of land will create no more than one additional lot;
2		(<u>4</u> 1)	The subdivision does not requires any modifications waivers pursuant to Subsection 9-12-12(b), "Standards for Lots and Public Improvements Waiver of Lot Standards," B.R.C. 1981;
4		(52)	
5		(<u>5</u> 2)	The subdivision does not requires the dedication of public or private access easements or public right-of-way for new streets, alleys or shared access driveways;
6		(<u>6</u> 3)	The subdivision does not rRequires the extension of a construction of any public
7		(<u>=</u> -)	improvement such as a street, alley, sidewalk, water main or sewer main; or requires any engineering plans, including but not limited to drainage reports for any public or private improvement;
9		(7)	The subdivision does not require a drainage report for any public or private improvement;
10		(<u>8</u> 4)	The subdivision is not Is- located on lands containing slopes of fifteen percent or
1		(<u>o</u> +)	greater;
12		(<u>9</u> 5)	The subdivision does not rRequires the removal of an existing principal building;
13			Of
14		(10)	If the minor subdivision is a replat of a previously approved subdivision, the document is named with the same name as that part of the original subdivision
15 16			and indicates that it is a replat of the original subdivision. Newly adjusted or created lots are designed to adequately indicate that original lot lines have been adjusted with a similar lot name;
17		(11)	The lots and existing structures will comply with the lot standards of Section 9-
18			12-12, "Standards for Lots and Public Improvements," B.R.C. 1981, and the solar access requirements of Section 9-9-17, 'Solar Access," B.R.C. 1981; and
19		(12)	No portion of the property is located in the high-hazard zone or the conveyance
20			<u>zone.</u>
21		(6)	Is located in a nonresidential zone district described in Section 9-5-2, "Zoning Districts," B.R.C. 1981.
22	(c)	Applic	ation Requirements: The subdivider shall submit to the City the following items:
23		(1)	An application for a minor subdivision on a form provided by the city manager
24			and the fee prescribed by <u>S</u> section 4-20-43, "Development Application Fees," B.R.C. 1981;
25			

1		(2)	A preliminary plat meeting all of the requirements of <u>S</u> section 9-12-6, "Application Requirements for a Preliminary Plat," B.R.C. 1981;
2		(3)	A final plat meeting all of the requirements of <u>S</u> section 9-12-8, "Final Plat," B.R.C. 1981;
4 5		(4)	A title commitment or attorney memorandum based upon an abstract of title, current as of the date of submitting the minor subdivision;
6 7		(5)	A lot line and boundary verification required by <u>S</u> section 9-12-9, "Lot Line and Boundary Verification," B.R.C. 1981, if the requirements of <u>S</u> section 9-12-9, "Lot Line and Boundary Verification," B.R.C. 1981, have not been met on the original plat; and
9		(6)	A shadow analysis for any existing buildings that is drawn in compliance with Section 9-9-17, "Solar Access," B.R.C. 1981, and any other standards as may be required by the city manager.
1011	(d)		Requirements: The subdivider shall satisfy the notice requirements in section 9- 'Staff Review and Approval of Preliminary Plat," B.R.C. 1981.
12 13	(e)		ards for Minor Subdivisions: The city manager will approve the minor subdivision inding that the following standards have been met:
14		(1)	The land is in a residential zoning district described in Section 9-5-2, "Zoning Districts," B.R.C. 1981;
15 16		(2) (3)	The division of land will create no more than one additional lot; The division of land will not require the extension of any public improvements, including, without limitation, the extension of roads or utilities to serve the
17 18		(4)	property; If the minor subdivision is a replat of a previously approved subdivision, the document shall be named with the same name as that of the original subdivision and shall indicate thereon that it is a replat of the original subdivision. Newly
19			adjusted or created lots shall be designated to adequately indicate that original lot lines have been adjusted with a similar lot name; and
20		(5)	The lots and existing structures will comply with the lot standards of section 9-12-12, "Standards for Lots and Public Improvements," B.R.C. 1981, and the solar
21			access requirements of section 9-9-17, "Solar Access," B.R.C. 1981.
22	(f)——	necess	ng Streets or Alleys, Dedication and Vacation of Easements: Right-of-way ary to bring an existing street or alley up to a current City standard, or public
23			ents for utilities or sidewalks may be dedicated on a minor subdivision plat. The hay approve the vacation of City utility easements on the replat.
24	(<u>e</u> g)		Subdivision Review Procedure: If the final plat and the required plans,
25		specifi	ications, agreements, and guarantees meet the requirements of this code, the City of

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Boulder Design and Construction Standards, and other ordinances of the <u>c</u>City or requirements determined by the city manager to be necessary to protect the public health, safety, or welfare, the manager shall approve the final plat in accordance with the procedure set forth in <u>S</u>section 9-12-10, "Final Plat Procedure," B.R.C. 1981. <u>If there are no public improvements associated with the minor subdivision, the city manager can waive the requirements for a subdivision agreement. A subdivision agreement is not required for a minor subdivision.</u>

Section 28. Section 9-14-8, "Definitions," B.R.C. 1981, is amended to read as follows:

9-14-8, DEFINITIONS

The definitions in Chapter 1-2, "Definitions," and Chapter 9-16, "Definitions, B.R.C. 1981, apply to this chapter unless a term is defined different in this chapter or the context clearly indicates otherwise. For the purposes of this chapter, the following terms shall have the following meanings:

(c) Coverage, Impervious. Impervious coverage means the percentage of a lot or parcel developed with principal or accessory structures or other impervious surfaces.

(d) Coverage, Semi-pervious. Semi-pervious coverage means the percentage of a lot or parcel developed with semi-pervious surfaces.

(ee) Expression Line. Expression line means an architectural feature consisting of a decorative, three-dimensional, linear element, horizontal or vertical, protruding or recessed at least two inches from the exterior facade of a building. Vertical elements may include a column, pilaster, or other vertical ornamentation. Horizontal elements may include a cornice, belt course, molding, string courses, canopy, balcony, or other horizontal ornamentation and projections. Expression lines are typically utilized to delineate the top or bottom of floors or stories of a building or divide a facade into smaller sections. Expression lines are also subject to the following:

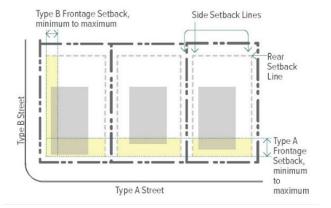


Figure 14-10. Minimum and Maximum Frontage Setback Lines



Figure 14-11. Facade Definition

- (<u>fd</u>) **Facade.** Facade means the exterior walls of a building exposed to public view and includes walls as shown in Figure 14-11. Facade Definition.
- (ge) Frontage Setback. Frontage setback means a minimum and maximum setback and is the area in which the facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The frontage setback dictates the minimum and maximum distance a structure may be placed from a lot or parcel line, easement, or outdoor space in accordance with the measurement requirements of Subsection 9-14-2(b), Frontage Setback," B.R.C. 1981. Refer to Figure 14-10. Minimum and Maximum Frontage Setback Lines, and Figure 14-11. Facade Definition.
- (f) Impervious Site Coverage. Impervious site coverage means the percentage of a lot or parcel developed with principal or accessory structures and other surfaces that prevent the absorption of stormwater into the ground, including without limitation, driveways, sidewalks, and patios.
- (hg) **Major Material.** Major material means a façade material meeting the standards for major materials established in Section 9-14-28 "Façade Materials," B.R.C. 1981.
- (<u>i</u>h) **Minor Material.** Minor material means a façade material meeting the standards for minor materials established in Section 9-14-28, "Façade Materials," B.R.C. 1981.
- (ji) **Mobility Hub.** Mobility hub means a designated, easily accessible outdoor space where people can access and transfer between multiple transportation modes, such as public transit, bike share, ride-share, taxis, and micromobility devices.

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- Occupied Building Space. Occupied building space means interior building spaces regularly occupied by the building users. It does not include storage areas, utility space, vehicle service areas, parking, or other uninhabitable spaces.
- (<u>lk</u>) **Parking Yard.** Parking yard means an area extending from the rear building facade to the rear property line between the side yards or, on a corner property, between the street adjacent side and side yards. Parking yards are fully screened from Type A frontages by the building and do not extend to any side lot line or street lot line.
- (ml) Paseo. Paseo means a path designed for use by pedestrians and by vehicles that may generally be operated on a sidewalk in the city. The paseo is located mid-block, allowing pedestrian movement through the block from one street to another without traveling along the block's perimeter.
- (m) Permeable Surface. Permeable surface means a surface that allows water and air to permeate through it, for example, soil or a semi-pervious material.
- (n) **Porch.** Porch means a roofed, raised structure at the entrance to the building, providing a transition between the interior of the building and the exterior yard or adjacent sidewalk. Refer to Figure 14-12. Example of a Porch.
- (o) **Public Way.** Public way means streets, paseos, and multi-use paths, but not alleys.
- (p) Semi-Pervious Surface or Material. Semi-pervious surface or material means a material such as pervious pavers, permeable asphalt and concrete, or a green roof that allows for absorption of water into the ground or roof.

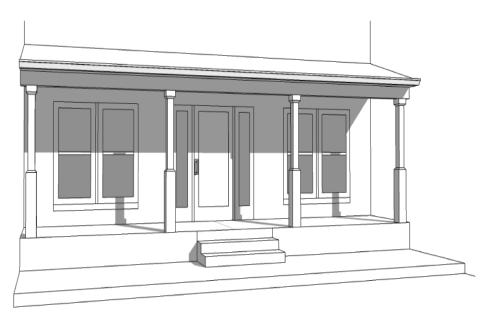


Figure 14-12. Example of a Porch



Figure 14-13. Example of a Stoop

- (pq) Stoop. Stoop means an elevated or at grade platform entranceway at the door to a building, providing a transition between the interior of the building and the sidewalk outside the building. A stoop may be covered by a canopy or awning. Refer to Figure 14-13. Example of a Stoop.
- (qr) **Story, Ground.** Ground story means the first floor of a building that is level to or elevated above the finished grade on the front and corner facades. The ground story excludes basements or cellars. Refer to Section 9-16-1, "General Definitions," B.R.C. 1981, for a definition for basement.
- (<u>rs</u>) **Story, Half.** Half story means either a story in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with windows or doors facing the street.
- (st) **Story, Upper.** Upper story means a story located one story or more above the ground story of a building.
- (tu) **Streetwall.** Streetwall means the portion of the building façade that is located generally parallel to and facing the street right-of-way line. Refer to definition of facade.
- (<u>u</u>+) **Street Yard.** Street yard means any yard located between the principal building and a street right-of-way.
- (v) Surface, Permeable. Permeable surface means a non-paved, landscape surface that allows water and air to freely permeate to the ground including, without limitation, soil, mulch, turf, and planting areas.

1	(w)	Surface, Semi-Pervious. Semi-pervious surface means a porous surface or material that			
2	1,,,	allows for water to pass through the soil including, without limitation, permeable pavers, permeable concrete, and a green roof.			
3	(x)	Surface, Impervious. Impervious surface means solid surface or material that prevents			
4		the absorption of water into the soil including, without limitation, asphalt, concrete, and building elements designed to shed water.			
5	(<u>y</u> w)	Transparency. Transparency means the measurement of the percentage of a facade that			
6		has highly transparent, low reflectance windows with			
7		(1) on a storefront base, a minimum sixty percent transmittance factor and a reflectance factor of not greater than 0.25, and			
8		on any façade other than a storefront base, a minimum fifty percent transmittance factor and a reflectance factor of not greater than 0.25.			
9	(<u>z</u> x)	Type A Frontage. Type A frontage means a frontage along a Type A street or other			
10		feature as defined in this chapter that receives priority over other frontages in terms of locating principal entrances, prioritizing facade design elements, and incorporating			
11		design requirements associated with pedestrian orientation.			
12	(<u>aay</u>)	Type A Street. Type A street means a street designated on the regulating plan that receives priority over other streets in terms of setting front lot lines and locating building entrances.			
13					
14	(<u>ab</u> z)	Type B Frontage. Type B frontage means a frontage along a Type B street or other feature as defined in this chapter that allows for a lower level of facade treatment as we as permits limited locations for garage and parking lot driveway entrances.			
15					
16	(a <u>c</u> a)	Type B Street. Type B street means a street designated on the regulating plan that			
17	(u <u>e</u> u)	receives lower priority than Type A street in terms of building frontage and facade requirements; it allows for a lower level of facade treatment as well as permits locations			
18		for garage and parking lot driveways entrances.			
19	(a <u>d</u> b)	Type C Frontage. Type C frontage means a frontage along a Type C street or other			
20		feature as defined in this chapter that allows for a lower level of façade treatment as well as typically permits limited locations for multiple garage and parking lot driveway			
21		entrances.			
22	(a <u>e</u> e)	Type C Street . Type C street means a street designated on the regulating plan that receives lower priority than Type A and Type B street in terms of building frontage and			
23		facade requirements.			
24	(a <u>f</u> d)	Visible Basement. Visible basement means a half story partially below grade and partially exposed above.			
25		partially exposed above.			

1 2	(age)	For the purp	oses of t	ard is defined in Section 9-16-1, "General Definitions," B.R.C. 1981 his chapter, the following standards shall supplement and, where de the definition of Section 9-16-1, B.R.C. 1981:	
3			. 1		
4		Section 29.	Section	9-14-10, "Streetscape and Paseo Design Requirements," B.R.C.	
5	1981,	is amended to	o read as	follows:	
6	9-14-1	0. STREET	SCAPE A	AND PASEO DESIGN REQUIREMENTS	
7	(a)		-	ents. In addition to the requirements of the Boulder Revised Code der Design and Construction Standards, the streetscape of all new	
8		and existing streets, and the design of all paseos and enhanced paseos shall meet the standards of this section.			
9					
10		(2)			
11		* *		Design Requirements. The streetscape and paseo design shall meet standards:	
12					
13		(D)		eable Surface Area for Trees. For each tree planted, permeable	
14			establ	ce area shall be provided meeting the minimum size requirements lished in Table 14-1. Permeable surface means the ground surface	
15				the tree's critical root area that allows water and air to penetrate to the roots.	
1617			(i)	Per Tree. Permeable <u>surface</u> area for one tree shall not count towards that of another tree.	
18			(ii)	Suspended Pavement System. When the required permeable	
19				surface area of a tree extends below any non-permeable impervious hardscape, a modular suspended pavement system,	
20				such as (Silva Cells, Root Space, or an approved equivalent system.) shall be used below that hardscape to ensure root growth	
21				and access to air and water.	
22					
23		Section 30.	Section	9-14-11, "Site Design Requirements," B.R.C. 1981, is amended to	
24	read as	s follows:			
25					

1	9-14-1	1. SITE	E DESIGN REQUIREMENTS	
2	(a)		ccess. Site access locations shall be consistent with Section 9-9-5, "Site Access l," B.R.C. 1981, except as modified below:	
3				
4	(b)		Yard Design. Street yards, including courtyards and streetscape plazas designed	
5			t the requirements of Subsection 9-14-14(h), "Required Streetwall Variation," 1981, shall be designed consistent with the following:	
6	•••			
7		(3)	Trees. At least one tree is planted for every 1,000 square feet of any street yard, courtyard, or streetscape plaza area, located in planting areas or tree wells. Street yard trees meet the minimum permeable <u>surface</u> area requirements in Paragraph	
8		,		
9			9-14-10(a)(3)(D), B.R.C. 1981.	
10				
11	(c)		and Setbacks. Setbacks and yards, with the exception of street yards, courtyards,	
12		•	vard plazas, parking areas, driveways, loading zones, mechanical equipment, and and recycling areas, shall meet the following standards:	
13		(1)	Trees. To the extent practical and achievable, trees shall be planted at a	
14			minimum of one per 1,500 square feet, located in planting areas or tree wells.	
15		(2)	Landscape Areas. Yards and setbacks shall be designed for a mix of paved and	
16			landscaped areas, consistent with the maximum impervious and semi-pervious coverage areas-allowed per the building type.	
17				
18		Section	131. Section 9-14-12, "Outdoor Space Requirements," B.R.C. 1981, is amended	
19	to read	as follo	wwe.	
20				
21	9-14-1	2. OUT	DOOR SPACE REQUIREMENTS	
22	(a)	spaces	The intent of the outdoor space requirements is the provision of common outdoor for gathering and socializing between neighbors as well as to provide breaks in the	
23			fabric of the area buildings. Outdoor spaces are intended to be directly accessible ne street and other public ways.	
24				
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(k) **Improvements.** When determining the specific improvement standards applicable to each outdoor space type, the following shall apply:

• • •

(6) **Maximum Impervious and Semi-Pervious Surface.** Limitations on impervious and semi-pervious surfaces are provided separately for each open outdoor space type to allow an additional amount of semi-pervious surface area, such as permeable paving, above the maximum permitted impervious surfaces area permitted, including, but not limited to, sidewalks, paths, and structures as permitted.

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Table 14-3. PLAZA REQUIREMENTS

Dimensions	
Minimum Size	0.10 acres
Maximum Size	1 acre
Minimum Dimension	80 feet
Minimum Percentage of Street or Public Way Frontage Required	25%
Improvements	<u>I</u>
Designated Sports Fields	Not permitted
Playgrounds	Not permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Permitted; may cover maximum 5% of plaza area
Maximum Percentage of Outdoor Space That Is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface	60%+ 20%
Maximum Percentage of Open Water	30%

(n) **Green.** The intent of the green is to provide an informal outdoor space of medium scale for active or passive recreation located within walking distance for building occupants and visitors. The green is intended to be fronted mainly by streets. Greens shall be

designed to meet the standards of Table 14-4. See Figure 14-20. Example of Green.

Table 14-4. GREEN REQUIREMENTS

Dimensions	
Minimum Size	0.25 acres
Maximum Size	2 acres
Minimum Dimension	45 feet
Minimum Percentage of Street or Public Way Frontage Required	100% for greens less than 1.25 acres; 50% for greens 1.25 or more acres in size
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Not permitted
Maximum Percentage of Outdoor Space That Is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Impervious Surface + Semi Pervious Surface	20% + 15%
Maximum Percentage of Open Water	30%

(o) **Commons.** The intent of the commons is to provide an informal, small to medium scale outdoor space for active or passive recreation. Commons are typically internal to a block and tend to serve adjacent building occupants. Commons shall be designed to meet the standards of Table 14-5. See Figure 14-21. Example of Commons.

Table 14-5. COMMONS REQUIREMENTS

Dimensions	
Minimum Size	0.25 acres
Maximum Size	1.5 acres
Minimum Dimension	45 feet

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Minimum Percentage of Street or Public Way	0%; requires a minimum of two access points
Frontage Required	(minimum 20 feet wide)
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Mobility Hub	Not permitted
Fully Enclosed Structures	Not permitted
Maximum Percentage of Outdoor Space that is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface Impervious Surface + Semi- Pervious Surface	30% + 10%
Maximum Percentage of Open Water	30%

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(p) **Pocket Park.** The intent of the pocket park is to provide a small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance. Pocket parks shall be designed to meet the standards of Table 14-6. See Figure 14-22. Example of Plaza.

Table 14-6. POCKET PARK REQUIREMENTS

Dimensions	
Minimum Size	0.10 acres
Maximum Size	1
Minimum Dimension	None
Minimum Percentage of Street Frontage Required	30%
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Required
Mobility Hub	Permitted
Fully Enclosed Structures	Not permitted

Maximum Percentage of Outdoor Space That Is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface Impervious Surface + Semi- Pervious Surface	30% + 10%
Maximum Percentage of Open Water	30%

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(q) **Park/Greenway.** The intent of the park/greenway is to provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees. Parks/greenways shall be designed to meet the standards of Table 14-7. See Figure 14-23. Example of Parks/Greenways.

Table 14-7. PARK/GREENWAY REQUIREMENTS

Dimensions	
Minimum Size	2 acres
Maximum Size	None
Minimum Dimension	30 feet; minimum average width of 80 feet
Minimum Percentage of Street Frontage Required	30% for parks less than 5 acres; 20% for parks 5 or
	more acres in size
Improvements	
Designated Sports Fields	Permitted
Playgrounds	Permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Permitted in parks 5 acres or larger in size
Maximum Percentage of Outdoor Space That Is	20% + 10%
<u>Impervious Surface + Maximum Additional Percentage</u>	
of Semi-Pervious Surface Impervious Surface + Semi-	
Pervious Surface	
Maximum Percentage of Open Water	50%

Section 32. Section 9-14-14, "Requirements Applicable to all Building Types," B.R.C.

1981, is amended to read as follows:

BUILDING TYPES

9-14-14. REQUIREMENTS APPLICABLE TO ALL BUILDING TYPES

(a) **Purpose.** The purpose of the building type requirements is to establish standards for building design, building form, siting of buildings, and specific uses based on the building type that may be utilized on a property pursuant to the applicable regulating plan or as otherwise authorized.

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- (m) Modifications. The approving authority may approve the following modifications to building type requirements if it finds the proposed design substantially meets the intent of the requirement being modified:
 - (1) **Building Location.** The location of the building within up to one foot from any minimum setback or frontage setback width or location requirement.
 - (2) Impervious Coverage. Up to a ten percent increase in total impervious coverage, not to exceed the total amount of allowed impervious plus semi-pervious coverage.
 - (3) Type A Frontage Streetwall. For the commercial storefront building only, up to ten percent decrease in Type A frontage streetwall requirements.
 - (4) **Story Height.** An additional height of any floor to floor story height up to two feet, provided the overall building height does not exceed the maximum permitted height.
 - (5) Transparency. Up to two percent reduction of the required transparency on a non-Type A frontage facade; and up to four square feet increase of the blank wall area limitation of paragraph 9-14-26(g)(2) on a non-Type A frontage facade.
- Section 33. Section 9-14-16, "Main Street Storefront Building Type," B.R.C. 1981, is amended to read as follows:

9-14-16. MAIN STREET STOREFRONT BUILDING TYPE

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

		BOULDER JUNCTION PHASE I	REFERENCES/ ADDITIONAL REQUIREMENTS
BUIL	DING SITING Refer to Fig	gure 14-25.	
1	Type A Frontage Streetwall, minimum	90%	Refer to Subsection 9-14-14(g), B.R.C. 1981, for courtyard allowance.
2	Type A Frontage Setback, minimum to maximum	0 ft. to 5 ft.	Refer to Subsection 9-14-26(b), B.R.C. 1981, for measuring minimum and maximum setbacks.

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3	Type B Frontage Setback, minimum to maximum	0 ft. to 5 ft.				
4	Side Yard Setback, minimum	5 ft.; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for			
5	Rear Yard Setback, minimum	10 ft.; minimum 25 ft. if no alley; 0 ft. required at paseo or multi-use path	locations and details.			
6	Building Length along any Type A & B Frontage, maximum	150 ft.	Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.			
0	Site-Impervious Coverage, maximum Additional Semi- Pervious Coverage, maximum	70% 25%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.			
8	Surface or Accessory Parking Location	Parking yard only	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.			
HEIG	HEIGHT Refer to Figure 14-26.					
9	Overall: Minimum Height Maximum Height	2 stories minimum 3 stories maximum and up to 40' in height north of Goose Creek and west of Junction Place; 5 stories maximum elsewhere up to 55' Heights shown may be otherwise regulated by Section 9-14-6, "Regulating Plans," and/or Section 9-14- 7, "View Corridors," B.R.C. 1981	Refer to subsection 9-14-26(e) for height measuring requirements and section 9-14-31 for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.			

2	m Height m Height	9' 12'	Refer to subsection 9-14-26(f) for explanation of measurement.
3		Refer to allowed base types for story height requirements in the ground story.	

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Section 34. Section 9-14-17, "Commercial Storefront Building Type," B.R.C. 1981, is

amended to read as follows:

9-14-17. COMMERCIAL STOREFRONT BUILDING TYPE

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

		BOULDER JUNCTION PHASE I	REFERENCES/ ADDITIONAL REQUIREMENTS				
BUIL	BUILDING SITING Refer to Figure 14-28.						
0	Type A Frontage Streetwall, minimum	60% required					
2	Type A Frontage Setback, minimum to maximum	12 ft. to 20 ft. along Valmont and 30th Street; 0 ft. to 10 ft. along new streets					
3	Type B Frontage Setback, minimum to maximum	0 ft. to 10 ft.					
4	Side Yard Setback, minimum	5 ft.; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.				
5	Rear Yard Setback, minimum	15 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path					
6	Building Length any Type A & B Frontage, maximum	90 ft.	Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.				

0	Site-Impervious Coverage, maximum Additional Semi-Pervious Coverage, maximum	70% 25%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.
8	Surface or Accessory Parking	Parking yard & interior side yard	Refer to Sections 9-9-12 and 9- 9-14, B.R.C. 1981, for
	- ····································	7	landscaping and screening requirements.
			Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway
			access. Refer to Subsections 9-14-14 (j),
			(k), and (l), B.R.C. 1981, for trash & recycling, garage
шеге	HITD C . F. 1122		entrances, and loading.
HEIG	HT Refer to Figure 14-29.		
9	Overall: Minimum Height	1 story	Refer to Subsection 9-14-26(e), B.R.C. 1981, for height
	Maximum Height	3 stories, 35 ft.	measuring requirements and Section, B.R.C. 1981, for
			building massing requirements. Subsection 9-14-25(g),
			"Towers," B.R.C. 1981, allows additional height in a limited
			footprint.9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14-
			25(g), "Towers," B.R.C. 1981,
			allows additional height in a limited footprint.
10	Ground Story: Minimum Height Maximum Height	12 ft. 18 ft.	Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.
0	Story Height: Minimum Height Maximum Height	9 ft. 14 ft.	Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.

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Section 35. Section 9-14-18, "General Building Type," B.R.C. 1981, is amended to read

as follows:

9-14-18. GENERAL BUILDING TYPE

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

		BOULDER JUNCTION PHASE I	ALPINE- BALSAN		REFERENCES/ ADDITIONAL REQUIREMENTS
BUIL	DING SITING Refer to FIGURI	E 14-31.			
1	Type A Frontage Streetwall, minimum	90%	80%	80%	Refer to 9-14-14(g) for allowed courtyards in the streetwall and 9-
2	Streetwall Variation for Type A and Type B Frontages			Required for buildings over 180 ft. in width	14-14(h) for definition of required streetwall variation.
3	Type A Frontage Setback, minimum to maximum	5 ft. to 10 ft.	5 ft. to 20 ft.	10 ft. to 25 ft.	Refer to Section 9- 14-26, B.R.C. 1981, for
4	Type B Frontage Setback, minimum to maximum	5 ft. to 10 ft.	5 ft. to 20 ft.	5 ft. to 20 ft.	measuring minimum and maximum setbacks.
5	Type C Frontage Setback, minimum to maximum			0 to 15 ft.	
6	Side Yard Setback, minimum	5'; 0' required path	l at paseo o	r multi-use	For paseos and multi- use path locations, refer to the regulating
0	Rear Yard Setback, minimum	10 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path		15 ft.; 0 ft. required at paseo or multi-use path	plans and the connections plans for the form-based code area.
8	Building Length along Type A & B Frontage, maximum	150 ft.	65 ft. in Gener al Mix 2 area; none in General		Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.

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9	Site Impervious Coverage, maximum Additional Semi-Pervious Coverage, maximum	70% 25%	Mix 1 area; refer to map, Figure 14-2.	65% 25%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.
10	Surface or Accessory Parking Location	Parking yard only	No surface parking allowed	Parking yard only except limited side yard parking allowed in Valmont Park West, Valmont Park East, and Flatiron Business Park	Refer to Sections 9-9- 12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading. Refer to Subsection 9- 14-26(c) for limited side yard parking.
HEI	GHT Refer to FIGURE 14-32.				
•	Overall: Minimum Height Maximum Height	2 stories 3 stories, 40 ft. north of Goose Creek and west of Junction Place; 5 stories, 55 ft. elsewhere	2 stories 3 stories and 35' without pitched roof; 3 stories and 55'with pitched roof; or 4 stories and 55'; see regulati	2 stories 5 stories, 55 ft.	Refer to Subsection 9-14-26(e), B.R.C. 1981, for height measuring requirements and Section 9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.

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1				ng plan for		
2				maximu		
3				m height location		
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5		Location-Specific Maximum Height	Heights shown regulated by S "Regulating P	Section 9-14	l-6, B.R.C.,	
6			14-7, "View C			
7	12	All Stories:	0.0	0.0	0.0	Stories are measured floor to floor. Refer to
8		Minimum Height Maximum Height	9 ft. 18 ft.	9 ft. 	9 ft. 18 ft.	Subsection 9-14-26(f), B.R.C. 1981, for
9		-				explanation of
10	'		Base Types: S additional heigh			measurement.
11			types allowed	_	•	

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Section 36. Section 9-14-19, "Row Building Type," B.R.C. 1981, is amended to read as

14 follows:

9-14-19. ROW BUILDING TYPE

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

		BOULDE R JUNCTIO N PHASE I	ALPINE- BALSAM	EAST BOULDER	REFERENCES/ADDITIONAL REQUIREMENTS
	LDING SITING Refer all tiple vertical units.	to FIGURE 14	-34. For the p	urposes of the F	Row Building, a building consists
0	Type A Frontage Streetwall, minimum	80%	80%	65%	Each unit shall have a facade located within the frontage setback, except 1 of every 2 units may front a courtyard or outdoor space type. Courtyards, minimum 30 feet wide and 30

					feet deep, may count towards Type A streetwall.
2	Type A Frontage Setback, minimum to maximum	5 ft. to 15 ft.	5 ft. to 15 ft.	5 ft. to 25 ft.	Frontage setbacks are measured from the outside edge of any public access easement for sidewalk or the right-of-way, if
3	Type B Frontage Setback, minimum to maximum	5 ft. to 15 ft.	5 ft. to 15 ft.	5 ft. to 25 ft.	no public access easement for sidewalk and streetscape is required or exists, or from the outside edge of any flood or drainage easement, where the frontage is along a flood or drainage area. Refer to subsections 9-14-26(b) for additional information.
4	Side Yard Setback, minimum	7.5 ft.; 0 ft.	required at pa use path	aseo or multi-	
5	Rear Yard Setback, minimum	20 ft.; 30 ft.	if no alley; 5 garage	ft. for detached	
6	Building Length, minimum to maximum	3 to 6 units or 120 ft., whichever is less		ichever is less	
	Space between Buildings, minimum		10 ft.		
•	Site-Impervious Coverage, maximum Additional Semi- Pervious Coverage, maximum	60% 20%	60% 20%	60% 20%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.
8	Yard Area, minimum	225 square feet rear yard required for each unit not fronting a courtyard or outdoor space type.		•	
9	Surface or Accessory Parking Location	Parking yard only	Parking yard only	Parking yard only	Refer to Sections 9-9-12 and 9- 9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14

1			(j), (k), and (l), B.R.C. 1981, for trash & recycling, garage
2			entrances, and loading.
3			louding.

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Section 37. Section 9-14-20, "Workshop Building Type," B.R.C. 1981, is amended to

read as follows:

9-14-20 WORKSHOP BUILDING TYPE

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

		EAST BOULDER	REFERENCES/ADDITIONA L REQUIREMENTS				
BUII	BUILDING SITING Refer to FIGURE 14-37.						
1	Type A Frontage Streetwall, minimum	65%	Refer to 9-14-14(g) for allowed courtyards in the streetwall and				
2	Streetwall Variation for Type A Frontages	Required	9-14-14(h) definition of require streetwall variation.				
3	Type A Frontage Setback, Minimum to maximum	5 ft. to 25 ft.	Refer to Section 9-14-26, B.R.C. 1981, for measuring				
4	Type B Frontage Setback, minimum	5 ft.	minimum and maximum setbacks.				
5	Type C Frontage Setback, minimum	5 ft.					
6	Side Yard Setback, minimum	5 ft.; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and section 9-14-6 for locations and				
0	Rear Yard Setback, minimum	10 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path	details.				
8	Site Impervious Coverage, maximum	70%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.				
	Additional Semi-Pervious Coverage <u>, maximum</u>	25%	per reals conductors.				
9	Surface or Accessory Parking Location	Limited side yard & parking yard only	Refer to Sections 9-9-12 and 9- 9-14, B.R.C. 1981, for landscaping and screening				

1 2					requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway
3					access. Refer to Subsections 9-14-14 (j),
4					(k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.
5					Refer to Subsection 9-14-26(c) for limited side yard parking.
6	HEI	GHT Refer	to FIGURE 14-38.		, , ,
7	10	Overall:	Minimum Height	1 story	Refer to Subsection 9-14-26(e), B.R.C. 1981, for height
8 9 10			Maximum Height	3 stories, 55 ft.	measuring requirements and Section 9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.
12	0	All Storie	s: Minimum Height	9 ft.	Stories are measured floor to
13			Maximum Height	18 ft.	floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for
14				Base Types: See allowances for additional	explanation of measurement.
15				height within specific base types allowed, line of this table	
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Section 38. Section 9-14-21, "Civic Building Type," B.R.C. 1981, is amended to read as

follows:

9-14-21. CIVIC BUILDING TYPE

The Civic building type is not mapped on the regulating plans. It is permitted in any location in any of the form-based code areas except it is prohibited in East Boulder. The uses permitted in this building type are very limited. Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981.

	BOULDER JUNCTION PHASE I	ALPINE- BALSAM	REFERENCES/ADDITIONAL REQUIREMENTS
BUILDING SITING Refe	er to FIGURE 14-40.		

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0	Minimum Type A Streetwall, minimum	None required	None required	
2	Type A Frontage Setback, minimum	20'	20'	
3	Type B Frontage Setback, minimum	15'	15'	
4	Side Yard Setback, minimum	15'; 0' required at pa path	seo or multi-use	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections
6	Rear Yard Setback, minimum	15'; 0' required at pa path	seo or multi-use	Plan for locations and details.
6	Building Length, maximum	None required	None required	Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.
7	Site-Impervious Coverage, minimum	50%	50%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi- pervious coverage.
	Additional Semi- Pervious Coverage, maximum	20%	20%	
8	Surface or Accessory Parking Location	Parking yard only	No surface parking allowed	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.
HEI	GHT Refer to FIGUR	E 14-41.		
9	Overall: Minimum Height Maximum Height	1 story 5 stories up to 55'	1 story 5 stories up to55'	Refer to Subsection 9-14-26(2), B.R.C. 1981, for height measuring requirements and Section 9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14- 25(g), "Towers," B.R.C. 1981,

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				allows additional height in a limited footprint.
•	All Stories: Minimum Height Maximum Height	9' 18'; 24' on single story building	9' 18'; 24' on single story building	Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.

Section 39. Section 9-14-26, "Measurement of Building Type Requirements," B.R.C.

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1981, is amended to read as follows:

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9-14-26. MEASUREMENT OF BUILDING TYPE REQUIREMENTS

The standards outlined in the tables in Sections 9-14-16 through 9-14-21, B.R.C. 1981, applicable to each building type, shall be measured and calculated consistent with the following standards:

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Maximum Site-Impervious and Additional Semi-Pervious Coverage. Site ilmpervious and additional semi-pervious coverage shall be calculated and measured as follows. Refer to Figure 14-53. Site-Impervious and Semi-Pervious Coverage.

- (1) Maximum Site Impervious Coverage. The maximum site impervious coverage is the maximum percentage of a lot permitted to be covered by structures, pavement, and other impervious surfaces.
- (2) **Additional Semi-Pervious Coverage.** In addition to the allowable impervious coverage on a site, a maximum amount of additional semi-pervious coverage is permitted.

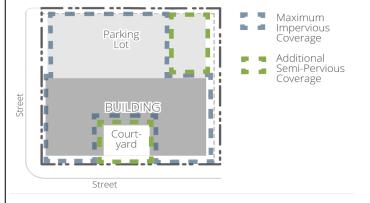


Figure 14-53. Site-Impervious and Semi-Pervious Coverage

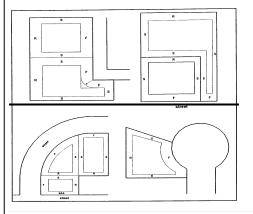
1	•••	
2		Section 40. Section 9-16-1, "General Definitions," B.R.C. 1981, is amended to read as
3	follow	s:
4	9-16-1	. General Definitions.
5	(a)	The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title unless a term is defined differently in this chapter.
7	(b)	Terms identified with the references shown below after the definition are limited to those specific sections or chapters of this title:
89101112		 Airport influence zone (AIZ). Floodplain regulations (Floodplain). Historic preservation (Historic). Inclusionary housing (Inclusionary Housing). Solar access (Solar). Wetlands Protection (Wetlands). Signs (Signs).
13	(c)	The following terms as used in this title have the following meanings unless the context clearly indicates otherwise:
14151617	 A—E 	
18 19 20		Boarding house means an establishment subject to the City of Boulder Building Code for direct or indirect compensation, lodging, with or without meals, is offered for one or more. A boarding house does not include a fraternity, or sorority, or detached dwelling
21	 <i>F—J</i>	
2223		
24 25	recreat	Hostel means a facility for residence that offers temporary lodging of under one month ovides simple dormitory or sleeping rooms and common rooms for cooking, meeting, tional, and educational use; that is chartered or approved by the International Hostel tion or its national or regional officiency or similar organizations; and that is supervised by
43	redera	tion or its national or regional affiliates, or similar organizations; and that is supervised by

resident house-parents or managers who direct the guests' participation in the domestic duties and activities of the hostel.

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Yard, front, rear, and side means the open space between the buildings and the property lines at the front, rear, and sides of the property, respectively and consistent with Figures 16-4 and 16-5 of this section. On a corner lot, the open space adjacent to the shorter street right-of-way shall be considered the front yard. The rear yard is opposite the front yard, and the side yard is between the rear yard and the front yard. (See Figures 16-4 and 16-5 of this section.)



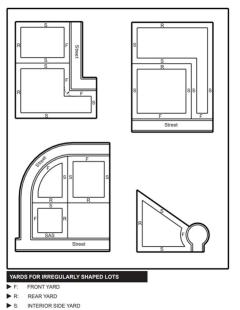


Figure 16-4: Yards for Irregularly Shaped Lots

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► SAS: SIDE ADJACENT STREET

S=F: SIDE EQUALS FRONT

2 street 3 4 5 6 7 8 9 SAS street 10 11 12 13 14 15 Alley 16 17 18 19 20 21 FRONT, REAR, AND SIDE YARDS 22 FRONT YARD REAR YARD 23 INTERIOR SIDE YARD SAS: SIDE ADJACENT STREET ► S=F: SIDE EQUALS FRONT 24

1

To the extent possible, setbacks of irregular lots will match the setbacks of adjacent lots.

Figure 16-5: Front, Rear, and Side Yards

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F: FRONT YARD

R: REAR YARD

S: INTERIOR SIDE YARD

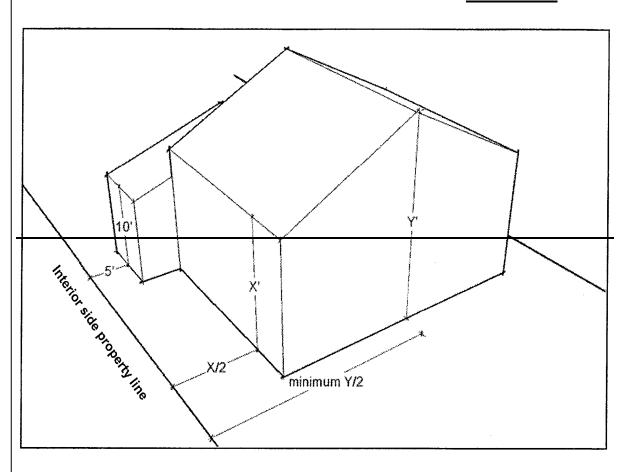
SAS: SIDE ADJACENT STREET

S=F: SIDE EQUALS FRONT

Section 41. Appendix B in Chapter 16, "Definitions," B.R.C. 1981, is repealed and

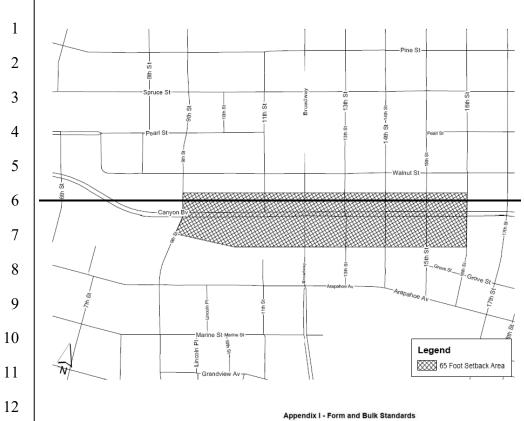
reserved as follows:

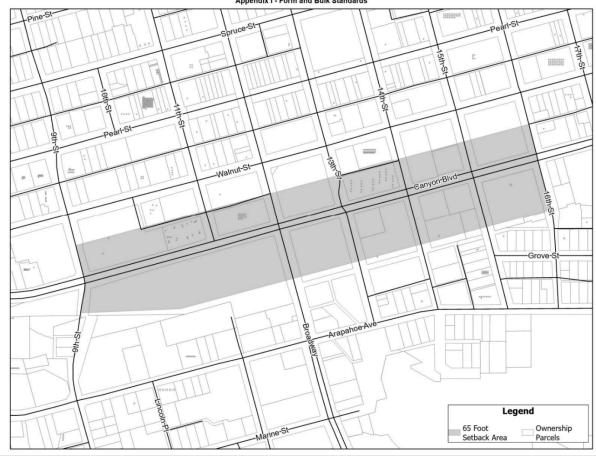
APPENDIX B. SETBACK RELATIVE TO BUILDING HEIGHT RESERVED



Section 42. Appendix I in Title 9, "Land Use Code," B.R.C. 1981, is amended to read as follows:

Appendix I – FORM AND BULK STANDARDS





1	Section 43. Section 10-2-2, "Adoption of International Property Maintenance Code With
2	Modifications," B.R.C. 1981, is amended to read as follows:
3	10-2-2. Adoption of International Property Maintenance Code With Modifications.
4	(a) The 2024 edition of the <i>International Property Maintenance Code</i> (IPMC) of the
5	International Code Council is hereby adopted by reference as the City of Boulder Property
6	Maintenance Code and has the same force and effect as though fully set forth in this chapter,
7	except as specifically amended for local application by this chapter.
8	
9	APPENDIX C
10	ENERGY EFFICIENCY REQUIREMENT EXISTING RESIDENTIAL RENTAL STRUCTURES
11	ENERGY CONSERVATION
12	C101
13	SCOPE
14	C101.1 Scope. Appendix C sets standards for residential rental dwelling unit energy
15	efficiency. Effective January 2, 2019, tThe energy efficiency requirements of this section shall apply to all residential rental dwelling units licensed according to Chapter 10-3,
16	"Rental Licenses," B.R.C. 1981, except:
17	1. Buildings that can be verified as meeting or exceeding the energy efficiency requirements of the Energy Conservation Code, Chapter 10-7, B.R.C. 1981; and
18	2. Any manufactured home.; and
19	
20	3. Attached accessory dwelling units as detailed in Section 9-6-3, "Specific Use Standards Residential Uses," B.R.C. 1981.
21	
22	Section 44. This ordinance removes an exception in Section C101.1, Scope, of Chapter
23	10-2, "Property Maintenance Code, Appendix C – Energy Efficiency Requirements," B.R.C
24	1981, for attached accessory dwelling units. The exception exempted attached accessory
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1	dwelling units licensed under Chapter 10-3, "Rental Licenses," B.R.C. 1981, from the energy
2	efficiency requirements for residential rental dwelling units. Upon the effective date of this
3	ordinance, issuance of any new or renewal license under Chapter 10-3, "Rental Licenses,"
4	B.R.C. 1981, for an attached accessory dwelling unit requires meeting the energy efficiency
5	requirements of Chapter 10-2, "Property Maintenance Code, Appendix C – Energy Efficiency
6	Requirements," B.R.C 1981. Attached accessory dwelling units with a current valid rental
7	license on the effective date of this ordinance are not required to comply with the energy
8	efficiency requirements for residential dwelling units during the remaining term of such license,
9	but issuance of a new or renewal license for the unit requires meeting the energy efficiency
10	requirements.
11	Section 45. This ordinance is necessary to protect the public health, safety, and welfare
12	of the residents of the city and covers matters of local concern.
13	Section 46. The city council deems it appropriate that this ordinance be published by title
14	only and orders that copies of this ordinance be made available in the office of the city clerk for
15	only and orders that copies of this ordinance be made available in the office of the city clerk for
16	public inspection and acquisition.
17	

1	INTRODUCED, READ ON FIRST R	EADING, AND ORDERED PUBLISHED BY
2	TITLE ONLY this 15th day of May, 2025.	
3		
4		
5		Aaron Brockett, Mayor
6	Attest:	
7		
8	Elesha Johnson, City Clerk	
9		
10	READ ON SECOND READING, PASS	SED AND ADOPTED this 5 th day of June 2025.
1		
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13		Aaron Brockett,
14	Attest:	Mayor
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16	Elesha Johnson,	
17	City Clerk	
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ORDINANCE 8697, **AMENDING TITLE** "LICENSES AND PERMITS," TITLE 9, "LAND USE CODE," AND TITLE 10, "STRUCTURES," B.R.C. 1981, RELATED TO DEVELOPMENT ACTIVITES, CORRECT TO ERRORS AND OMISSIONS. UPDATE **GRAPHICS** AND FORMATTING. CLARIFY STANDARDS AND PROCEDURES. CREATE CONSISTENCY WITH CERTAIN STATE REGULATIONS, AND **REMOVE CERTAIN** DEVELOPMENT RESTRICTIONS TO ALLOW FLEXIBILITY IN PROJECT DESIGN AND IN CERTAIN LOCATIONS; AND SETTING FORTH RELATED DETAILS.

4-4-2. Definition of Contractor.

...

- (b) The following persons are not *contractors* within the meaning of this chapter:
 - (1) Subcontractors working for and under the supervision of a general contractor licensed under this chapter;
 - (2) Plumbers, electricians, mechanical, and fire or other specialized tradespeople for whom another license is required by the city; and
 - (3) A homeowner who builds, constructs, alters, repairs, adds to, moves, or wrecks any building or structure regulated by the Residential Code of the City of Boulder. or any portion thereof, that constitutes the owner's residence or a building or structure accessory thereto, that is intended for the owner's personal use. This exception is available only as to one such building or structure during a calendar year. This exception does not apply to such activities on a building or structure intended to be used or used as a long-term or short term rental property, owned by a business entity, or intended to be used or used for a home occupation that includes visits by customers or other visitors related to the home occupation.

9-2-1. Types of Reviews.

- (a) Purpose: This section identifies the numerous types of administrative and development review processes and procedures. The review process for each of the major review types is summarized in Table 2-1 of this section.
- (b) Summary Chart:

I. ADMINISTRATIVE REVIEWS	II. DEVELOPMENT REVIEW AND BOARD ACTION
Affordable housing design review pursuant to Section 9-13-4, B.R.C. 1981	Annexation/initial zoning

¹ The intent of the additional language is to be consistent with the type of work excepted by state licensing requirements for electricians and plumbers for both long-term and short-term rental properties. CRS 12-115-109, CRS 12-115-101 and CRS 12-155-108

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(Supp. No. 160, Update 2)

Building permits

Change of address

Change of street name

Conditional uses, as noted in Table 6-1: Use Table

Demolition, moving, and removal of buildings with no historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981

Easement vacation

Extension of development approval/staff level

Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981)

Landscape standards variance

Minor modification to approved site plan

Minor modification to approved form-based code review

Noise barriers along major streets per Paragraph 9-9-15(c)(7), B.R.C. 1981

Nonconforming use extension

Parking deferral per Subsection 9-9-6(e), B.R.C. 1981

Parking reduction of up to twenty-five percent per Subsection 9-9-6(f), B.R.C. 1981

Parking reductions and modifications for bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981

Parking stall variances

Public utility

Rescission of development approval

BOZA variances

Concept plans

Demolition, moving, and removal of buildings with potential historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981

Form-based code review

Geophysical exploration permit

Landmark alteration certificates other than those that may be approved by staff per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981

Lot line adjustments

Lot line elimination

Minor Subdivisions

Out of city utility permit

Rezoning

Site review

Subdivisions

Use review

Vacations of street, alley, or access easement

Revocable permit	
Right-of-way lease	
Setback variance	
Site access variance exception ²	
Substitution of a nonconforming use	
Solar exception	
Zoning verification	

9-2-6. Development Review Application.

- (a) Application Requirements for Use Review, Site Review, and Form-Based Code Review: A person having a demonstrable property interest in land to be included in a development review may file an application for approval on a form provided by the city manager that shall include the following:
 - (2) An improvement survey of the land. The city manager may waive this application requirement for a minor modification, minor amendment, use review, or minor use review; ³

9-2-14. Site Review.

. . .

- (b) Scope: The following development review thresholds apply to any development that is eligible or that otherwise may be required to complete the site review process:
 - (1) Development Review Thresholds:

•••

(E) Height Modifications: A development which exceeds the permitted height requirements of Section 9-7-5, "Building Height," or 9-7-6, "Building Height, Conditional," B.R.C. 1981, or of Paragraph 9-10-3(b)(2), "Maximum Height," B.R.C. 1981, to the extent permitted by that paragraph for existing buildings on nonstandard lots, is required to complete a site review and is not subject to the minimum threshold requirements. No standard other than height may be modified under the site review unless the project is also eligible for site review. A development that exceeds the permitted height

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(Supp. No. 160, Update 2)

² The change from variance to exception is to be consistent with language proposed in 9-9-5, "Site Access Control" with the intent to distinguish the review process that is not handled through the standard variance procedure of the Board of Zoning Adjustment (BOZA).

³ Staff has found that requiring a survey of the project for minor development procedures has been unnecessary and cumbersome to applicants. This proposed change is to be consistent with process changes that staff is already undertaking.

requirements of Section 9-7-5 or 9-7-6, B.R.C. 1981, must meet any one of the following circumstances in addition to the site review criteria:

...

(ix) The building is in the public zoning district and is exclusively used for hospital or medical office uses or is a parking structure serving those uses.⁴

...

- (h) Criteria: No site review application shall be approved unless the approving agency finds that the project is consistent with the following criteria:
 - (1) Boulder Valley Comprehensive Plan (BVCP) criteria:

...

(B) Subcommunity and Area Plans or Design Guidelines: If the project is subject to an adopted subcommunity or area plan or adopted design guidelines, the project is generally consistent with the applicable plan and guidelines.

•••

(F) Housing Diversity and Bedroom Unit Types: Except in the RR, RE and RL-1 zoning districts, projects that are more than 50 percent residential by measure of floor area, not counting enclosed parking areas, meet the following housing and bedroom unit type requirements in Subparagraphssections (i) through (vi). For the purposes of this subparagraph, qualifying housing type shall mean duplexes, attached dwelling units, townhouses, live-work units, or efficiency living units, and bedroom type shall mean studios; or units with different numbers of bedrooms such as one-bedroom units; and two-bedroom units. or three-bedroom units.

...

(4) Additional Criteria for Buildings Requiring Height Modification or Exceeding the Maximum Floor Area Ratio: Any building exceeding the by-right or conditional zoning district height as permitted by Section 9-2-14(b)(1)(E), B.R.C. 1981, and any building exceeding the by-right floor area limits as permitted by Section 9-2-14(h)(6)(B), B.R.C. 1981, shall meet the following requirements:

...

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(Supp. No. 160, Update 2)

⁴ The Community Benefit requirements apply when a building is over the by-right height limit (typically 35 or 38 feet) up to 55 feet and for buildings that have a 4th or 5th story. The bonus floor area used to determine the amount of community benefit is based on the floor area within 4th or 5th stories. Buildings that are over the height and less than 4 stories are only permitted if the criteria for angled roof pitch, restrictive topography near the building, or if a building has to be raised above a minimum flood elevation. This is problematic for the hospital and associated buildings because hospitals often require higher floor to floor heights for medical apparatuses and ventilation. This new criterion would permit buildings up to 55 feet that are less than 4 stories that are for the hospital or medical office use in the public zone. The hospital in and of itself is considered a community benefit and therefore, no additional community benefit would be required for the hospital use to expand.

⁵ Compliance with adopted subcommunity or area plans or adopted design guidelines are not expected to meet every policy or guideline and is often a balancing of issues and different degrees of compliance. This addition of "generally" is intended to make that clear and be consistent with how the city has administered plans and guidelines for years.

⁶ Issues have been brought up previously about four-bedroom units or larger not being considered under this section. This language is to clarify that the original intent was to cover all bedroom unit sizes. A correction of paragraph language is also proposed for consistency.

- (B) Building and Site Design Requirements for Height Modifications:
 - (i) Buildings requiring a height modification shall meet the following requirements:

... a.

- a. Height Modification Other than Height Bonus: For buildings no taller than three stories and subject to a height modification pursuant to Subparagraph 9-2-14(b)(1)(E)(i) through (vii) and (ix), the building's height, mass, and scale is compatible with the character of the surrounding area.
- b. Height Bonus: For buildings taller than three stories subject to a height modification pursuant to Subparagraph 9-2-14(b)(1)(E)(viii), B.R.C. 1981:
 - 4. Additional Requirements for a Height Bonus Open Space:
 - i. If the project site is greater than one acre in size, an inviting grade level outdoor garden or landscaped courtyard is provided, designed as a gathering space for the building users. In determining whether this requirement is met, the approving authority will consider the following factors as

The following are considered elements of successful design elements for such a space, as practicable considering site conditions and location;

- ii. The width horizontal dimensions of the space is are no less than the height of building walls enclosing the space; 7
- iii. Seating and other design elements are integrated with the circulation pattern of the project;

iv.iii The space has southern exposure and sunlight;

- vi. Hard surface areas are paved with unit pavers, such as bricks, quarry tiles, or porous pavers, or poured-in-place materials. If poured-in-place materials are used, they are of decorative color or textures;
- vi. Amenities, such as seating, tables, grills, planting, shade, horseshoe pits, playground equipment, and lighting are incorporated into the space;
- vii. The space is visible from an adjoining public sidewalk and is not elevated above the building's first story; and
- viii. At least one tree is planted per 500 square feet of space. The trees are planted in the ground or, if over parking garages, in tree vaults.

...

(6) Land Use Intensity and Height Modifications: Modifications to minimum open space on lots, floor area ratio (FAR), maximum height, and number of dwelling units per acre requirements will be approved pursuant to the standards of this subparagraph:

⁷ This section is slightly reorganized to follow the pattern of other code criteria sections where the criteria are meant as best practices and administered in "on balance" with others. Language is also clarified about the size and made more flexible as to not require the space "at grade", as before, but close to grade level.

- (A) Land Use Intensity Modifications with Open Space Reduction:
 - (i) In the DT, BMS, BR-2, and MU-3 Zoning Districts: The open space requirements in Chapter 9-8, "Intensity Standards," B.R.C. 1981, may be reduced in all DT districts and the BR-2, BMS, and MU-3 districts subject to the following standards:
 - a. In the DT, BMS, or MU-3 zoning districts, the reduction in open space is necessary to avoid siting of open space that is inconsistent with the urban context of neighborhood buildings or the character established in adopted design guidelines or plans for the area, such as along a property line next to zero-setback buildings or along alleys: maximum fifty-one hundred⁸ percent reduction.

...

9-2-16. Form-Based Code Review.

...

- (i) Exceptions: Exceptions to the requirements of Appendix M, "Form-Based Code," may be approved under the form-based code review process pursuant to the following standards:
 - (1) Application Requirements: If an application includes a request for an exception to the requirements of Appendix M, "Form-Based Code," the requested exceptions shall be noted on the plans and the application shall include a written statement describing how the standards applicable to the exception are being met.
 - (2) Exceptions:
 - (A) An exception may be granted by the approving authority if the following criteria are met:
 - (i) The proposed exception is <u>generally</u> consistent with the goals and intents of the adopted <u>subcommunity or</u> ⁹ area plan applied to the area, and

..

9-2-21. Required Improvements and Financial Guarantees.

. . .

- (f) Collection: If the improvements are not completed within the required time, the city manager may cause them to be completed and collect against the financial guarantee, or, if the guarantee is exhausted, against the developer for their full cost of completion.
- (g) Letter of Credit: If any letter of credit is due to expire before the end of the guarantee period and is not replaced no less than sixty days before its expiration with another letter of credit which is valid until the end of the guarantee period or for an additional year, whichever is less, the city manager shall call the letter of credit

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⁸ Staff has found situations where the open space requirement, even after the existing reduction, cannot be met due to the building's construction being prior to development code standards, such as downtown buildings with no setbacks. The intent is to provide flexibility to development projects for open spaces in these areas.

⁹ Compliance with adopted subcommunity or area plans or adopted design guidelines are not expected to meet every policy or guideline and is often a balancing of issues and different degrees of compliance. This addition of "generally" is intended to make that clear and be consistent with how the city has administered plans and guidelines for years.

and shall hold the funds thereby received in a separate account, and shall return such funds as are not expended or to be expended for guarantee work to the applicant at the end of the guarantee period.¹⁰

(<u>hg</u>) <u>In AdditionAdditional Requirements</u>: The requirements of this section are in addition to any requirements for financial guarantees under any other provision of this code.

9-5-2. Zoning Districts.

•••

(c) Zoning District Purposes:

...

(3) Business Districts:

...

(E) Business - Regional 1 and Business - Regional 2: Business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development.; and where the goals of the Boulder Urban Renewal Plan are implemented. 11

...

9-6-2. Specific Use Standards - General.

...

- (c) **Specific Use Standards that Apply to Several Use Types:** The specific use standards in this chapter are generally organized by use classification, use category, and use type. Some specific use standards apply to several use types that are part of different use classifications and use categories. Such standards that apply to use types within different classifications are set forth within this subsection (c).
 - (1) Specific Use Standards for Uses in the BC Zoning Districts:
 - (A) Review Process: In the BC-1 and BC-2 zoning districts, the following standards apply to the uses listed in Table 6-2:
 - (i) Allowed Use: The uses listed in Table 6-2 are allowed by right unless the use is located within an area designated in Appendix N "Business Community (BC) Areas Subject to Special Use Restrictions."
 - (ii) Conditional Use: If located in one of the mapped areas in Appendix N, the use may be approved as a conditional use if it meets all of the following standards:

•••

b. The combined floor area of any nonresidential uses in Table 6-2 shall be limited to ten percent of the total floor area on the lot or parcel except that if the use is located within an approved site review or planned unit development, the combined floor area of any nonresidential uses subject to this section shall be limited to ten percent of the total floor area

¹⁰ This section was rewritten to align the financial guarantees with Section 9-12-14(c) for consistency. It was also to address the situation where a letter of credit will expire. The section was renumbered and added additional requirements as a new header to accommodate the additional descriptive language.

¹¹ The reference to the Boulder Urban Renewal Plan is proposed to be removed as it is no longer applicable to this section of code.

within the boundaries of the site review or planned unit development approval in the BC zoning district. 12

...

9-6-3. Specific Use Standards - Residential Uses.

• • •

(d) Dwelling Unit, Attached:

...

- (2) In the BT-1, and BT-2, IS 1, and IS 2. Zoning Districts:
 - (A) Review Process: In the BT-1, and BT-2, IS-1, and IS-2 zoning districts, attached dwelling units are allowed by right if the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Attached dwelling units that are not allowed by right may be approved only pursuant to a use review.

...

(f) Efficiency Living Unit:

•••

- (3) In the IS 1 and IS 2 Zoning Districts:
 - (A) Review Process: In the IS-1 and IS-2 zoning districts, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units and the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Efficiency living units that are not allowed by right may be approved only pursuant to a use review. 13
- (<u>34</u>) In the IMS Zoning District:
 - (A) Review Process: In the IMS zoning district, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units and at least fifty percent of the floor area of the building is for nonresidential use. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.

GROUP LIVING

- (j) Congregate Care Facility, Custodial Care Facility, and Residential Care Facility:
 - (1) Applicability: This subsection (j) sets forth standards for congregate care facilities, custodial care facilities, and residential care facilities that are subject to specific use standards pursuant to Table 6-1, Use Table.
 - (2) Intensity: The number of dwelling units or sleeping rooms or accommodations shall be consistent with Section 9-8-6, "Density Equivalencies for Group Residences and Hostels," B.R.C. 1981.
 - (B) In order to prevent the potential creation of an institutional setting by concentration of custodial, residential or congregate care facilities in a neighborhood, no custodial, residential, or congregate

 $^{^{12}}$ This is a clarification that a use may be approved as a conditional use in the mapped area of Appendix N area if it is in the BC zoning District.

¹³ As a part of the Use Standards and Table updates, certain dwelling types were removed from the IS districts in Section 9-7-1. This is correcting an erroneous section from that change. Live/work units are still allowed in these zoning districts.

care facility may locate within seven hundred fifty feet of another custodial, residential, or congregate care facility, but the approving agency may permit two such facilities to be located closer than seven hundred fifty feet apart if they are separated by a physical barrier, including, without limitation, an arterial collector, a commercial district or a topographic feature that avoids the need for dispersal. The planning department will maintain a map showing the locations of all custodial, residential, or congregate care facilities in the city. ¹⁴

9-7-1. - Schedule of Form and Bulk Standards.

•••

TABLE 7-1: FORM AND BULK STANDARDS

Zoning Distric t	A R R- 1	R R- 2 R E	R H- 2 R H- 5 P	RL- 1 RM -2 RM X-1	B T- 2	B T- 1 B C B R IS -1 IS -2 IG - M	RL -2 R M- 1	R H- 4	M U- 1	R M- 3 R H- 1 R H- 6	RM X-2	RH -3 RH -7	BC S	M U- 3	BM S M U- 4	D T- 1 D T- 2 D T- 3 D T- 5	D T- 4	M U- 2 IM S	МН
Form modul e	а	b	С	d	е	f	g	h	i	j	k	ι	m	n	0	р	q	r	S
						BUI	LDIN	G DES	SIGNI	REQU	REME	NTS ⁽ⁿ⁾							
Maxim um % of 3 rd story floor area that can be in a 4 th story any story above the 3 rd story ¹⁵		r	n/a			n	/a			n/a		70 % (j)	n/ a	n/ a		n/a		n/ a	n/ a

¹⁴ The seven hundred fifty foot separation requirement for custodial, residential, or congregate care facilities was deemed severely restricting for adequate locations. The intent is to provide more flexible locations.

¹⁵ This language closes a loophole where a fifth story, or rarely higher, does not need to follow the standards listed. The intent of this language was for any story above the third story in the RH-3 and RH-7 zoning districts to provide a visual wedding cake building style. This language is proposed to be matched in footnote (j) below.

Footnotes to Table 7-1, Form and Bulk Standards:

In addition to the foregoing, the following miscellaneous form and bulk requirements apply to all development in the city:

- (a) On corner lots, side yard must meet principal building front yard setback where adjacent lot fronts upon the street, unless the subject yard was platted as a side yard at a time when the adjacent lot did not front upon the street. 16
- (b) For zero lot line development, including side yard setbacks from interior lot lines for townhouses, see Subsection 9-7-2(b), B.R.C. 1981.
- (c) The permitted height limit may be modified only in certain areas and only under the standards and procedures provided in Sections 9-2-14, "Site Review," and 9-7-6, "Building Height, Conditional," B.R.C. 1981.
- (d) For buildings over 25 feet in height, see Subsection 9-9-11(c), B.R.C. 1981.
- (e) For other setback standards regarding garages, open parking areas, and flagpoles, see Paragraph 9-7-2(d), B.R.C. 1981.
- (f) Where a rear yard backs on a street, see Paragraph 9-7-2(c), B.R.C. 1981.
- (g) This maximum height limit applies to poles that are light poles at government-owned recreation facilities but not to other poles.

 Other poles have a maximum height of 55 feet in all zones. For additional criteria regarding poles, see Section 9-2-14, "Site Review," B.R.C. 1981.
- (h) For front yard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981.
- (i) For side yard setback requirements based on building height, see Section 9-7-2 (b)(8), "Setback Relative to Building Height," B.R.C. 1981. 17
- (j) The maximum percentage of the third story floor area that can be in any story above the third story standard may not be modified as part of a site review. ¹⁸
- (k) For properties located in the DT-5 and P zoning districts and shown in Appendix I, the minimum setback shall be as required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, Table 7-1, Form and Bulk Standards or sixty-five feet measured from the centerline of Canyon Boulevard right-of-way.
- (I) For buildings on nonstandard lots within the RMX-1, RL-1, RE, RR-1, and RR-2 zoning districts, refer to Table 10-1, Maximum Height Formulas, within Section 9-10-3, "Changes to Nonstandard Buildings, Structures and Lots and Nonconforming Uses."
- (m) For setback requirements on corner lots in the DT-5 zoning district, refer to Subsection 9-7-6(c), B.R.C 1981.
- (n) For principal and accessory buildings or structures located on a lot or parcel designated in Appendix L, "Form-Based Code Areas," and subject to the standards of Appendix M, "Form-Based Code," refer to Appendix M, "Form-Based Code," for design standards applicable to such lot or parcel. With the exception of Charter Section 84, "Height limit," and Sections 9-7-3, "Setback Encroachments," and 9-7-5, "Building Heights," 9-7-7, "Building Height, Appurtenances," B.R.C. 1981, the form and bulk standards of this chapter are superseded by the requirements of Appendix M, "Form-Based Code." Building heights in areas designated in Appendix L are not subject to the height limits of Table 9-7, Form and Bulk Standards.¹⁹

Footnotes to Table 7-1, Form and Bulk Standards:

In addition to the foregoing, the following miscellaneous form and bulk requirements apply to all development in the city:

- (a) On corner lots, use principal building front yard setback where adjacent lot fronts upon the street.
- (b) For zero lot line development, including side yard setbacks from interior lot lines for townhouses, see Subsection 9-7-2(b), B.R.C. 1981.

¹⁶ Staff has encountered situations where the combination of lots on a corner lot has changed the existing lot platting pattern of the block, moving the front yard to the other frontage. This puts an unnecessary burden on the adjacent property owner as it changes their side yard setback to a front yard setback affecting the buildable area and potentially creating a non-standard building. This proposal is to protect the development rights of adjacent property owners in this situation.

¹⁷ The reference to Appendix B is changed to Section 9-7-2 for continuity with side yard setback standards and to raise visibility with the added diagram.

¹⁸ Additional language was added to match the proposed condition in the table above.

¹⁹ To be consistent with other tables in Title 9, the existing footnotes are proposed to be moved into a row within the table.

- (c) The permitted height limit may be modified only in certain areas and only under the standards and procedures provided in Sections 9-2-14, "Site Review," and 9-7-6, "Building Height, Conditional," B.R.C. 1981.
- (d) For buildings over 25 feet in height, see Subsection 9-9-11(c), B.R.C. 1981.
- (e) For other setback standards regarding garages, open parking areas, and flagpoles, see Paragraph 9-7-2(d), B.R.C. 1981.
- (f) Where a rear yard backs on a street, see Paragraph 9-7-2(c), B.R.C. 1981.
- (g) This maximum height limit applies to poles that are light poles at government-owned recreation facilities but not to other poles. Other poles have a maximum height of 55 feet in all zones. For additional criteria regarding poles, see Section 9-2-14, "Site Review," B.R.C. 1981.
- (h) For front vard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981.
- (i) For side yard setback requirements based on building height, see Appendix B, "Setback Relative to Building Height," of this title.
- (j) The maximum percentage of the third floor area that can be in a fourth story standard may not be modified as part of a site review.
- (k) For properties located in the DT-5 and P zoning districts and shown in Appendix I, the minimum setback shall be as required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, Table 7-1, Form and Bulk Standards or sixty-five feet measured from the centerline of Canyon Boulevard right of way.
- (I) For buildings on nonstandard lots within the RMX 1, RL 1, RE, RR 1, and RR 2 zoning districts, refer to Table 10 1, Maximum Height Formulas, within Section 9 10 3, "Changes to Nonstandard Buildings, Structures and Lots and Nonconforming Uses."
- (m) For setback requirements on corner lots in the DT-5 zoning district, refer to Subsection 9-7-6(c), B.R.C 1981.
- (n) For principal and accessory buildings or structures located on a lot or parcel designated in Appendix L, "Form Based Code Areas," and subject to the standards of Appendix M, "Form Based Code," refer to Appendix M, "Form Based Code," for design standards applicable to such lot or parcel. With the exception of Charter Section 84, "Height limit," and Sections 9-7-3, "Setback Encroachments," and 9-7-5, "Building Heights," 9-7-7, "Building Height, Appurtenances," B.R.C. 1981, the form and bulk standards of this chapter are superseded by the requirements of Appendix M, "Form Based Code." Building heights in areas designated in Appendix L are not subject to the height limits of Table 9-7, Form and Bulk Standards.

9-7-2. Setback Standards.

- (a) Front, Rear, and Side Yards: Front, rear, and side yards shall be identified consistent with the yard definition in Section 9-16-1, B.R.C²⁰
- (ba) Front Yard Setback Reductions: The front yard setback required in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, may be reduced for a principal structure on any lot if more than fifty percent of the principal buildings on the same block face or street face do not meet the required front yard setback. The setback for the adjacent buildings and other buildings on the block face shall be measured from the property line to the bulk of the building, excluding, without limitation, any unenclosed porches, decks, patios or steps. The bulk of the building setback shall not be less than the average bulk of the building setback for the principal buildings on the two adjacent lots. Where there is only one adjacent lot, the front yard setback reduction shall be based on the average of the principal building setbacks on the two closest lots on the same block face. (See Figure 7-1 of this section.)

(cb) Side Yard Setback Standards:

...

²⁰ An added reference to the definition of yard list in Section 9-16-1 is intended to help raise visibility about the diagrams connected to the definition. The sections are subsequently relabeled to accommodate the proposed refrence.

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(8) Setback Relative to Building Height: For buildings subject to the side yard setback requirements based on building height, the setback shall be determined consistent with Figure 7-3.²¹



Figure 7-3: Setback Relative to Building Height

- (de) Rear Yard Setbacks: Where a rear yard backs on a street, the rear yard shall have a minimum landscaped setback equal to the minimum front yard landscaped setback from a street for all buildings and uses required for that zone.
- (ed) Open Parking Areas, Flagpoles, and Detached Garages and Carports: Open parking areas, flagpoles, and detached garages and carports may be located in compliance with either the required principal building setbacks or accessory building setbacks.
- (fe) Swimming Pools, Spas, and Hot Tubs: Swimming pools, spas, and hot tubs shall be located according to the applicable accessory structure setbacks on a lot except that pools, spas, or hot tubs may be located in compliance with the required front yard principal building setback.
- (gf) Oil and Gas Operations and Other Uses: Oil and gas operations shall be set back from any residential use, residential zone, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but not including trails or City of Boulder open space, in accordance with the standards of Section 9-6-7(b)(2), B.R.C. 1981. No residential use, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but not including trails or City of Boulder open space, shall be located closer than two thousand feet from any single-well well pad of an oil and gas operation in pre-production, closer than two thousand five hundred feet from any multi-well well pad of an oil and gas operation in production, and closer than two hundred fifty feet from an oil and gas operation that has been capped and abandoned pursuant to the requirements of Section 9-6-7(b)(16), B.R.C. 1981.

²¹ The updated diagram below is proposed to be moved from Appendix B to this section for continuity with side yard setback standards and to raise visibility and to be consistent with the other diagrams of this section. A new reference to the figure is added. This matches footnote (i) of Table 7-1. The addition of this diagram and reference adjusts the numbering of the existing figures and references to the existing figures.

9-7-5. Building Height.

...

- (b) Measurement of Height: Height shall be measured as the vertical distance from the lowest point within twenty-five horizontal feet of the tallest side of the structure to the uppermost point of the roof or structure. The lowest point shall be calculated using the natural grade. The tallest side shall be that side whose lowest exposed exterior point is lower in elevation than the lowest exposed exterior point of any other side of the building (see Figure 7-43 Measurement of Height).
 - (1) Modifications to Natural Grade: If there is evidence that a modification to the natural grade has occurred since the adoption of Charter section 84, "Height limit." B.R.C. 1981, on November 2, 1971, the city manager can consider the best available information to determine the natural grade. This may include, without limitation, interpolating what the existing grade may have been using the grade along property lines, topographic information on file with the City, or other information that may be presented to the city manager.

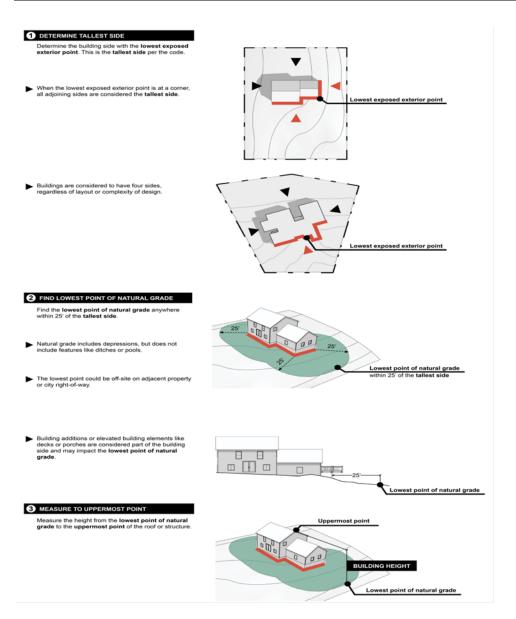


Figure 7-43: Measurement of Height

(2) Slopes Greater Than Twenty Degrees: On a slope measured within the building envelope created by the required setbacks from property lines that is greater than twenty degrees (36.4 percent slope), the building height may not exceed twenty-five feet measured perpendicular from the natural grade below. (See Figure 7-54 of this section.) However, under no circumstances shall a structure exceed fifty-five feet as measured under charter section 84 except as provided for poles in Section 9-2-14, "Site Review," B.R.C. 1981. The slope percentage shall be calculated by measuring the difference between the high point and the low point within the building envelope and dividing it by the distance between the high and low points.

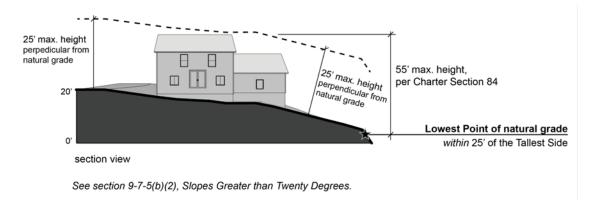


Figure 7-54: Building Height on a Slope Greater than Twenty Degrees

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- (e) Height Calculations for Attached Buildings:
 - (1) The following shall be considered separate buildings for the purposes of calculating building height:
 - (A) Buildings that are connected only below grade (see Figure 7-65 of this section).
 - (B) Separate abutting buildings that may have an internal connection (see Figure 7-76 of this section).
 - (C) Buildings built to the common property line that may have an internal connection (see Figure 7-76 of this section).
 - (D) Buildings attached by an at-grade open or enclosed connection not more than fifteen feet high and twelve feet deep (see Figure 7-87 of this section).



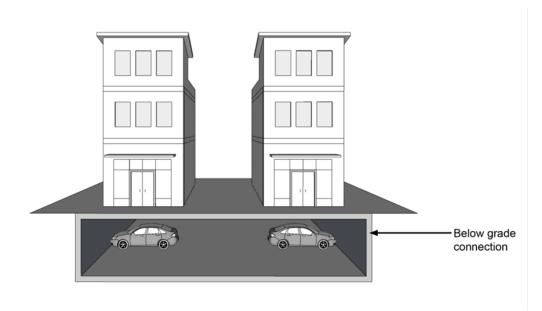


Figure 7-65: Below Grade Connection

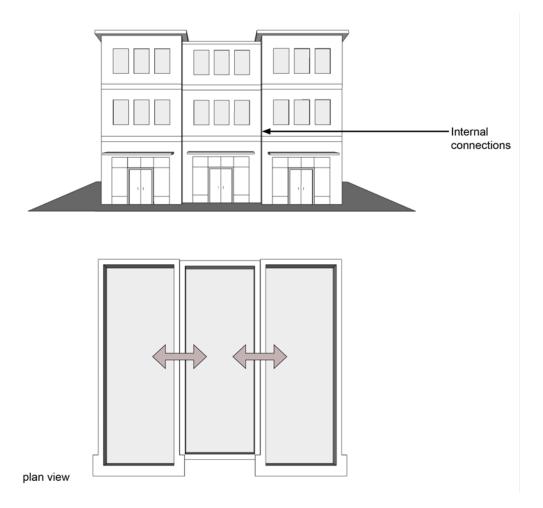


Figure 7-76: Internal Connection

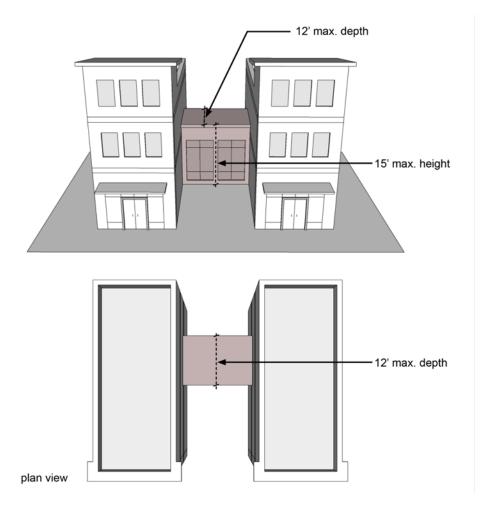


Figure 7-87: At-Grade Open or Enclosed Connection

9-7-8. Accessory Buildings in Residential Zones.

•••

- (c) Breezeway Connections Between Accessory and Principal Buildings: In a residential zoning district, a single-family detached dwelling unit may be connected to an accessory building which is located partially or entirely within principal building rear yard setback by a breezeway if the breezeway meets the following standards:
 - (1) No portion of the roof shall exceed a height of twelve feet, measured to the finished grade directly below it, or the height of the accessory building to which it is attached, whichever is less. (See Figure 7-98 of this section.)

..

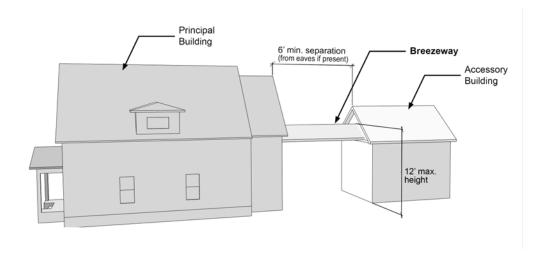


Figure 7-28: Breezeway

9-7-9. Side Yard Bulk Plane.

• • •

(c) Measurement standards: The bulk plane is a plane that begins twelve feet above the side lot lines of a lot or parcel, then rises over a slope at a forty-five-degree angle until it reaches the permitted height in the zoning district or intersects with the plane that is created by the lot line on the opposite side of the lot or parcel. See Figure 7-109.

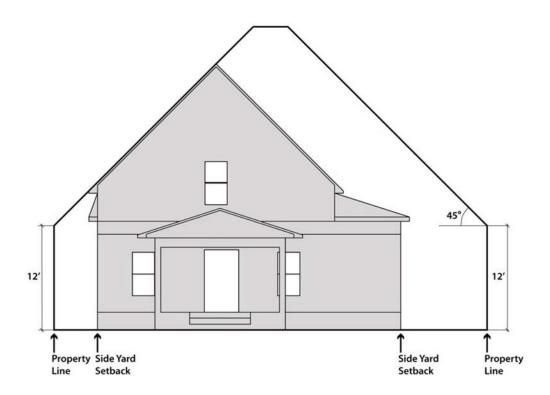


Figure 7-109: Side Yard Bulk Plane

The bulk plane shall be measured from the points described in Paragraph (1) or (2) below using one of the following methods:

(1) Grade level point method: The bulk plane shall be measured from the grade level elevation points, which are found along the side property lines, that coincide with location of the midpoint of the lot or parcel, described as points that are equal distance between the front and rear yards. The grade level points shall be as close as possible to the natural grade, and in case a retaining wall is located on the side property line, the ground level point shall be taken from the base of the wall. See Figure 7-110. An applicant may request that the city manager determine the location of the grade level points and corresponding bulk plane for irregularly shaped lots or parcels, including flag lots; or

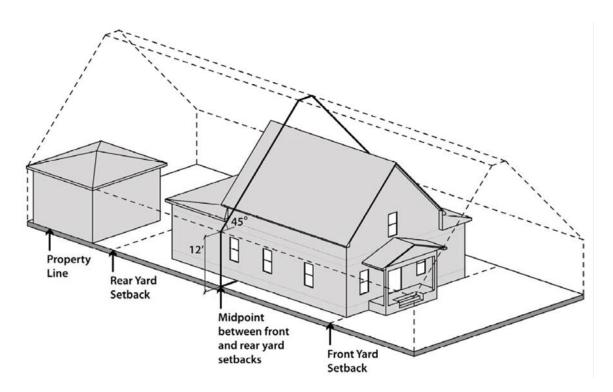


Figure 7-110: Side Yard Bulk Plane Measurement Using the Grade Level Point Method

(2) Parallel points method: The bulk plane shall be measured from a series of measurement points that are separated horizontally by ten feet along the side yard property line. The measurement points shall be as close as possible to the natural grade, and in case a retaining wall is located on the side property line, the measurement point shall be taken from the base of the wall. See Figure 7-124.

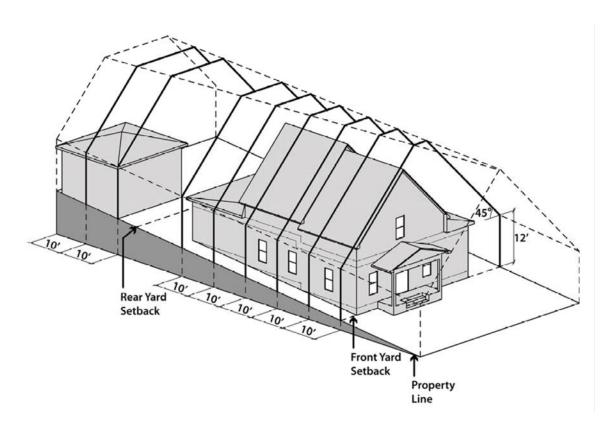


Figure 7-121: Side Yard Bulk Plane Measurement Using the Parallel Point Method

- (d) Encroachments: No building or portion thereof shall be constructed or maintained beyond the required bulk plane except as provided for below:
 - (4) The gable end of a sloping roof form (see Figure 7-1 $\underline{32}$), provided that:

•••

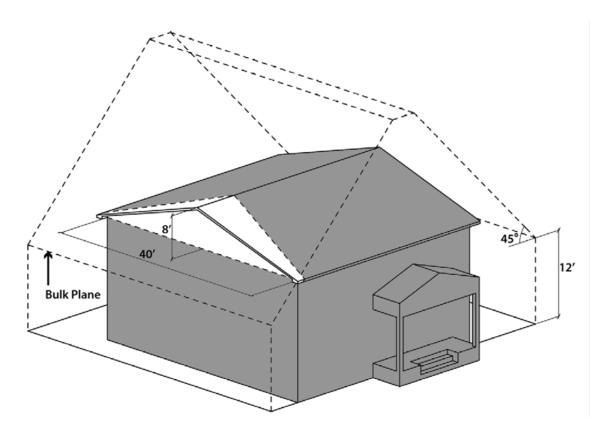


Figure 7-132: Gable Roof End Encroachment into the Side Yard Bulk Plane

- (5) Dormers (see Figure 7-1<u>4</u>3), provided that:
 - (B) The portion of any dormer that extends beyond the bulk plane limit does not exceed a maximum width of eight feet, including any roof overhang, and does not extend beyond the bulk plane more than six feet, measured as shown in Figure 7-143.

...

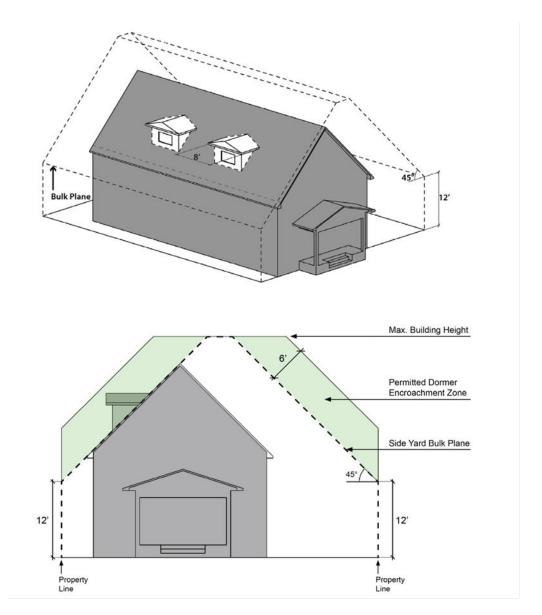


Figure 7-143: Dormer Encroachment beyond the Side Yard Bulk Plane

9-7-10. Side Yard Wall Articulation.

(c) Side Yard Wall Standards: Along each side yard property line, the cumulative length of any walls that exceed a height of fourteen feet shall not exceed forty feet in length, unless they are set back at least fourteen feet from the side property line (see Figure 7-154). For the purposes of this section, wall height shall be measured from finished grade as follows:

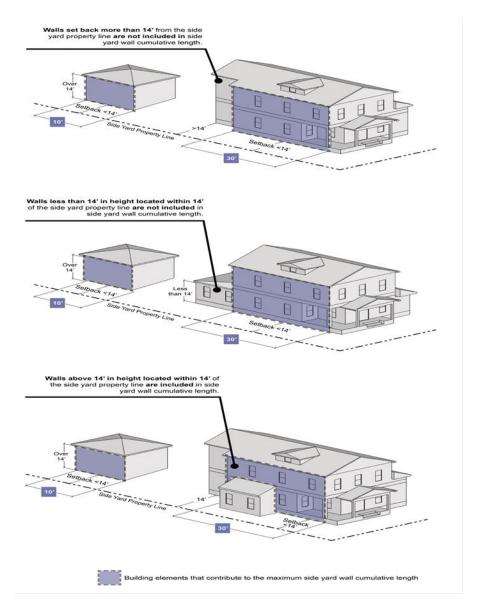


Figure 7-154: Side Yard Wall Length Articulation Examples

9-7-13. Mobile Home Park Form and Bulk Standards.

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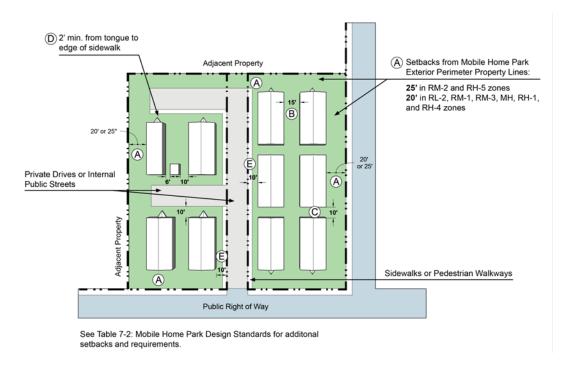


Figure 7-165: Mobile Home Park Setback & Separation Standards

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9-8-3. Density in the RR-1, RR-2, RL-1, RMX-1, and RH-7 Districts.

- (a) Duplexes or Two Detached Dwelling Units in the RR-1, RR-2, and RL-1 zoning districts: A duplex or two detached dwelling units may be developed in the RR-1, RR-2, and RL-1 zoning districts if the lot or parcel meets the following standards:
 - (1) Location Near Transit Corridors: The lot or parcel is located within 350 feet of a transit corridor identified in Appendix J, "Duplexes Along Transit Corridors," B.R.C. 1981. The distance shall be measured on an official city map, identified by the city manager, from the closest point on the perimeter of the applicant's property to the closest point on the edge of the public right-of-way of the transit corridor; and
 - (2) Minimum Lot Area: The lot or parcel meets the minimum lot area of the applicable zoning district established in Table 8-1, "Intensity Standards," for the zoning district or the lot or parcel is a nonstandard lot that is smaller than meets the minimum lot area established in Table 8-1 for the zoning district and size established for development of such lot in Subsection 9-10-3(b)," Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981.

the following requirements are met:

- (A) The building or buildings meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and
- (B) In the RR-1 and RR-2 zoning districts, the lot or parcel is at least 7,500 square feet, or

(C) In the RL-1 zoning district, the lot or parcel is at least 3,500 square feet.²²

9-9-2. General Provisions.

• • •

- (d) Zoning Standards for Lots in Two or More Zoning Districts:
 - Uses: Existing buildings located in more than one zoning district shall be regulated according to themeet the applicable use_standards for the zoning district in which the majority of the existing building is located. Any building additions or site improvements shall be regulated according to the zoning district in which such additions or improvements are located. In the event that If an existing building is split in half between two zoning districts, the city manager shall determine which zoning district's use standards shall apply based upon the historic use of the building and the character of the surrounding area.
 - (2) Form, Bulk, and Intensity: On lots or parcels located in two or more zoning districts, any building additions or site improvements shall meet the form, bulk, and intensity standards of the zoning district where additions or improvements are located.²³

9-9-5. Site Access Control.

...

- (c) Standards and Criteria for Site Accesses and Curb Cuts: Any access or curb cut to public rights of way shall be designed in accordance with the City of Boulder Design and Construction Standards and the following standards and criteria:
 - Number of Access Points Permitted: One access point or curb cut per property will be permitted, unless a site plan or traffic study, approved by the city manager, demonstrates that additional access points and curb cuts are required to adequately address accessibility, circulation, and driveway volumes, and only where additional accesses and curb cuts would not impair any public use of any public right-of-way, or create safety or operational problems, or be detrimental to traffic flow on adjacent public streets.
 - (2) Access Restrictions: On arterial and collector streets, or if necessary for the safe and efficient movement of traffic, all accesses shall be designed and constructed with physical improvements and appropriate traffic control measures to assist or restrict turning movements, including, without limitation, acceleration or deceleration lanes, access islands, street medians, and signage, as may be required of the development if the city manager finds that they are necessary to preserve the safety or the traffic-

²² This language from the Family-Friendly Vibrant Neighborhoods ordinance created confusion since the eligibility section referred to a section of the code that references "vacant" lots where it was erroneously interpreted to only apply to vacant lots, which was never the intent. The language here and in section 9-10 has been updated to be clearer. For instance, language saying "one fourth of the minimum lot size" or "one half of the minimum lot size" has simply been updated to be the exact size a lot must be to be developed.

²³ The proposed changes are meant to clarify the language for lots on two zoning districts by uses and form, bulk, and intensity. Staff had identified this paragraph as confusing and difficult to enforce based upon the different standards.

- carrying capacity of the existing street. The city manager shall determine the length and degree of the required access restriction measures for the property.
- (3) Residential Access to Arterial and Collector Streets Restricted: No residential structures shall have direct access onto an arterial. However, if no alternative street access is possible, an access may be permitted subject to the incorporation of any design standards determined to be necessary by the city manager to preserve the safety and the traffic-carrying capacity of the arterial or collector.
- (4) Access From Lowest Category Street Required: A property that has frontage on more than one street, alley or public access shall locate its access or curb cut on the lowest category street, alley or public access frontage. If more than one access point or curb cut is necessary, an additional access or curb cut will be permitted only where the proposed access or curb cut satisfies the requirements in this section.
- (5) Property Right to Access: If a property cannot be served by any access point or curb cut that satisfies this section, the city manager will designate the access point or curb cut for the subject property based on optimal traffic safety.
- (6) Multiple Access Points for Single-Family Residential: The city manager will permit multiple access points on the same street for single-family residential lots upon finding that there is at least one hundred linear feet of lot frontage adjacent to the front yard on such street, the area has a limited amount of pedestrian activity because of the low density character, and there is enough on-street parking within three hundred feet of the property to meet the off-street parking needs of such area. The total cumulative width of multiple curb cuts shall not exceed the maximum permitted width of a single curb cut. The minimum spacing between multiple curb cuts on the same property shall not be less than sixty-five feet.
- (7) Shared Driveways for Residential Structures: A detached single-family residential lot that does not have frontage on the street from which access is taken may be served by a shared driveway that meets all of the standards and criteria for shared driveways set forth in the City of Boulder Design and Construction Standards.
- (8) Driveway Width: Driveways shall meet the following standards (see Figure 9-1 of this section):
 - (A) Minimum driveway width: The width of a driveway leading to an off-street parking space shall not be less than nine feet. A driveway, or portion of a driveway, may be located on an adjacent property if an easement is obtained from the impacted property owner.
 - (B) Maximum Driveway Width: For any property with three or fewer dwelling units, the driveway width within a landscaped setback, including any associated circulation or turnarounds, shall not exceed 20 feet.

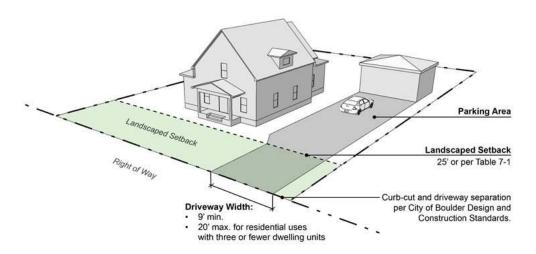


Figure 9-1: Driveway Width

- (9) <u>Modification: The standards of this section may be modified under the process of Section 9-2-14, "Site Review," B.R.C. 1981.</u>
- (10) Exceptions: The city manager may grant an exception to the requirements of this section may be modified under the provisions of Section 9-2-142, "Site-Administrative Review," B.R.C. 1981, to provide for safe and reasonable access. Exceptions to this section may be made if the city manager determines that following criteria are met: 24
 - (A) The topography, configuration of a lot, or other physical constraints makes taking access from the lowest category street, alley or public access frontage impractical, or the character of the existing area is such that a proposed or existing access to the street, alley or public access frontage is compatible with the access of properties in such area;
 - (B) The site access and curb cuts would not impair public use of the public right-of-way; create safety or operational problems or be detrimental to traffic flow on adjacent public streets; and
 - (C) The site access and curb cuts will minimize impacts to the existing on-street parking patterns.

...

9-9-6. Parking Standards.

•••

TABLE 9-4: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR NONRESIDENTIAL USES IN ALL ZONES

Use Parking Requirement

²⁴ Previously there was confusion in this section based upon the language of the request of a modification of site access under the site review process and specific exception granted under an administrative review. This proposal separates the review processes based upon either a general modification or specific criteria for an exception.

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Religious assembly:	(See Paragraph (f)(83)(C) of this section for permitted parking reductions) ²⁵

•••

9-9-11. Useable Open Space.

...

(e) Types of Useable Open Space: Useable open space includes:

...

(5) Exterior paved surfaces, except public sidewalks less than five feet in width and those paved areas specifically prohibited in subsection (i) of this section, may be used as open space subject to meeting the following additional standards:

•••

- (B) The paved areas shall be accessible and open for use by the tenants, occupants or visitors of the building. To enhance the use of such areas, the paved areas shall include passive recreation amenities which include, without limitation, benches, tables, <u>outdoor short-term bicycle parking areas</u>, ²⁶ornamental lighting, sculpture, landscape planters or movable planting containers, trees, tree grates, water features, or active recreation amenities which include, without limitation, areas for basketball, volleyball or racquet sports.
- (f) Special Open Space Requirements Applicable to Residential Uses: Useable open space for residential uses also includes:

...

(6) In the BMS, MU, IMS, and BR-2, and DT ²⁷zoning districts, individual balconies, decks, porches and patio areas that will not be enclosed count one hundred percent toward the private open space requirement, provided that such balcony, deck, porch or patio is not less than seventy-two inches in any dimension nor less than sixty square feet in total area. In the BR-2 zoning district, the dimensions and locations of private open space may be varied if the private open space adequately meets the needs of the occupants of the dwelling units and is approved as part of a site review pursuant to section 9-2-14, "Site Review," B.R.C. 1981.

9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses", B.R.C. 1981

(b) Nonstandard Lots or Parcels:

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²⁵ This is a correction of an erroneous paragraph reference.

²⁶ Staff has encountered situations within a development review where outdoor short-term bicycle parking was proposed as open space, which were determined to meet the intent of the section by encouraging flexibility in design. Staff also determined that this particular type of bicycle parking was not unlike other passive recreation amenities listed.

²⁷ Adding flexibility to design projects in the downtown zoning districts by counting unenclosed balconies, decks, porches, and patio areas as the downtown area is limited in open space area and designs are not unlike the other zoning districts listed.

- (1) Development Requirements: Vacant <u>or parcels</u> in all residential districts <u>except RR 1 and RR-2 which that</u> are smaller than the <u>minimum</u> lot <u>sizes area</u> indicated in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, <u>but larger than one half of the required zoning district minimum lot size</u>, may be developed with a detached dwelling unit or, <u>if in the RR and RL-1 zoning districts</u>, pursuant to the standards in Subsection 9-8-3(<u>ba</u>), "Density in the RR-1, RR-2, RL-1, RMX-1, and RH-7 Districts," B.R.C. 1981, with a duplex or two detached dwelling units, if the following criteria are met:
- a. <u>building The building</u> or buildings meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981—; and
- b. In RR-1 and RR-2 districts, the lots or parcels are is no less than at least 7,500 square feet in size, or and which are smaller than the minimum lot size but larger than one fourth of the minimum lot size may be developed with a detached dwelling unit or, pursuant to the standards in subsection 9-8-3(b), with a duplex or two detached dwelling units, if the building or buildings meet the setback requirements.
- a.c. In all other zoning districts, the vacant lots which that are is below at least one-half of the required minimum lot size area. for the zoning district shall not be eligible for construction of principal buildings. 28

9-12-5. Minor Subdivision.

- (a) Scope: A minor subdivision is a division of <u>residentially zoned</u>²⁹ land that is already served by city services, will not require <u>the extension of streets or any</u> public improvements and will not result in more than one additional lot.
- (b) <u>Standards for Minor Subdivisions: The approving authority will approve a-minor subdivision after finding that the following standards have been met:Limitations: The provisions of this section shall not apply to a replat that: ³⁰</u>
 - (1) The land is in a residential zoning district described in Section 9-5-2, "Zoning Districts," B.R.C. 1981;
 - (2) The resulting lots will contain either no more than two detached dwelling units or one duplex per lot as allowed under this title;
 - (3) The division of land will create no more than one additional lot;
 - (4) The subdivision does not rRequires any modifications waivers pursuant to Subsection 9-12-12 (b), "Standards for Lots and Public Improvements Waiver of Lot Standards," B.R.C. 1981;
 - (52) The subdivision does not rRequires the dedication of public or private access easements or public right-of-way for new streets, alleys or shared access driveways;

²⁸ As with the edit in Section 9-8-5, the language here is confusing. Further, there is an incorrect code reference here that required updating. The language has been made clearer by changing the language from "one fourth of the minimum lot size" or "one half of the minimum lot size" to the exact size a lot must be to be developed.

²⁹ This is clarifying language that minor subdivisions only apply to residentially zoned land.

³⁰ The standards section is proposed to be rewritten to take duplicate information in the limitations section and combining existing language with standards that limit the minor subdivision process to the original intent of dividing a residential property into two lots with no public improvements required.

- (36) The subdivision does not rRequires the extension of a construction of any public improvement such as a street, alley, sidewalk, water main, or sewer main; or requires any engineering plans, including but not limited to drainage reports for any public or private improvement;
- (7) The subdivision does not require a drainage report for any public or private improvement;
- (84) The subdivision is not Is located on lands containing slopes of fifteen percent or greater;
- (95) The subdivision does not requires the removal of an existing principal building; or
- (10) If the minor subdivision is a replat of a previously approved subdivision, the document is named with the same name as that of the original subdivision and indicates that it is a replat of the original subdivision. Newly adjusted or created lots are designated to adequately indicate that original lot lines have been adjusted with a similar lot name;
- (11) The lots and existing structures will comply with the lot standards of Section 9-12-12, "Standards for Lots and Public Improvements," B.R.C. 1981, and the solar access requirements of Section 9-9-17, "Solar Access," B.R.C. 1981; and
- (12) No portion of the property is located in the high hazard zone or the conveyance zone.
- (6) Is located in a nonresidential zone district described in Section 9-5-2, "Zoning Districts," B.R.C. 1981.
- (c) Application Requirements: The subdivider shall submit to the City the following items:
 - (1) An application for a minor subdivision on a form provided by the city manager and the fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981;
 - (2) A preliminary plat meeting all of the requirements of Section 9-12-6, "Application Requirements for a Preliminary Plat," B.R.C. 1981;
 - (3) A final plat meeting all of the requirements of Section 9-12-8, "Final Plat," B.R.C. 1981;
 - (4) A title commitment or attorney memorandum based upon an abstract of title, current as of the date of submitting the minor subdivision;
 - (5) A lot line and boundary verification required by <u>S</u>section 9-12-9, "Lot Line and Boundary Verification," B.R.C. 1981, if the requirements of <u>S</u>section 9-12-9, "Lot Line and Boundary Verification," B.R.C. 1981, have not been met on the original plat; and
 - (6) A shadow analysis for any existing buildings that is drawn in compliance with Section 9-9-17, "Solar Access," B.R.C. 1981, and any other standards as may be required by the city manager.
- (d) Notice Requirements: The subdivider shall satisfy the notice requirements in <u>Section 9-12-7</u>, "Staff Review and Approval of Preliminary Plat," B.R.C. 1981.
- (e) Standards for Minor Subdivisions: The city manager will approve the minor subdivision after finding that the following standards have been met:
 - (1) The land is in a residential zoning district described in Section 9-5-2, "Zoning Districts," B.R.C. 1981;
 - (2) The division of land will create no more than one additional lot;
 - (3) The division of land will not require the extension of any public improvements, including, without limitation, the extension of roads or utilities to serve the property;
 - (4) If the minor subdivision is a replat of a previously approved subdivision, the document shall be named with the same name as that of the original subdivision and shall indicate thereon that it is a replat of the original subdivision. Newly adjusted or created lots shall be designated to adequately indicate that original lot lines have been adjusted with a similar lot name; and

- (5) The lots and existing structures will comply with the lot standards of section 9-12-12, "Standards for Lots and Public Improvements," B.R.C. 1981, and the solar access requirements of section 9-9-17, "Solar Access." B.R.C. 1981. 31
- (f) Existing Streets or Alleys, Dedication and Vacation of Easements: Right of way necessary to bring an existing street or alley up to a current City standard, or and public easements for utilities or sidewalks may be dedicated on a minor subdivision plat. The City may approve the vacation of City utility easements on the replat. 32
- (ge) Minor Subdivision Review Procedure: If the final plat and the required plans, specifications, agreements, and guarantees meet the requirements of this code, the City of Boulder Design and Construction Standards, and other ordinances of the City or requirements determined by the city manager to be necessary to protect the public health, safety, or welfare, the manager shall approve the final plat in accordance with the procedure set forth in Section 9-12-10, "Final Plat Procedure," B.R.C. 1981. If there are no public improvements associated with the minor subdivision, the city manager can waive the requirements for a subdivision agreement. A subdivision agreement is not required for a minor subdivision.

9-14-1. Form Based Code

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9-14-8. DEFINITIONS

The definitions in Chapter 1-2, "Definitions," and Chapter 9-16, "Definitions, B.R.C. 1981, apply to this chapter unless a term is defined different in this chapter or the context clearly indicates otherwise. For the purposes of this chapter, the following terms shall have the following meanings:

- (a) **Balcony.** Balcony means a platform that projects from a facade of a building above grade and is enclosed by a parapet or railing but excludes false balconies False balconies consist of a rail and door, and any outdoor platform less than eighteen inches in depth.
- (b) **Courtyard.** A courtyard means any street-level area that is generally enclosed by a building or multiple buildings on three sides, is open to the sky, and includes landscape and pedestrian pathways, and may include patio, terrace, or deck space. Sides may be enclosed by buildings on abutting lots or lots across a street.
- (c²) Coverage, Impervious. Impervious coverage means the percentage of a lot or parcel developed with principal or accessory structures or other impervious surfaces.

³¹ This language has been combined into the previous limitations section to create a new standards section, removing duplicate language.

³² Removal of this language is to restore the original intent of the minor subdivision process, which is to divide a residentially zoned property into two lots with no public improvements required.

³³ With the intention of this section to restore the original intent of the minor subdivision process, replacement language is proposed not requiring a subdivision agreement as there would be no public improvements. Any public improvements needed would move the proposal to the full plat process.

- (d?) Coverage, Semi-pervious. Semi-pervious coverage means the percentage of a lot or parcel developed with semi-pervious surfaces.³⁴
- (ee) Expression Line. Expression line means an architectural feature consisting of a decorative, threedimensional, linear element, horizontal or vertical, protruding or recessed at least two inches from the exterior facade of a building. Vertical elements may
- include a column, pilaster, or other vertical ornamentation. Horizontal elements may include a cornice, belt course, molding, string courses, canopy, balcony, or other horizontal ornamentation and projections. Expression lines are typically utilized to delineate the top or bottom of floors or stories of a building or divide a facade into smaller sections. Expression lines are also subject to the following:
 - (1) Expression lines must extend continuously the full length of the facade. Breaks may occur in the expression line provided that they are no more than two feet in length and the cumulative length of the breaks does not exceed twenty percent of the facade length.
 - (2) The minimum protrusion or recession of an expression line in brick masonry may be achieved through the use of up to three consecutively vertically stacked bricks that are corbeled or racked.

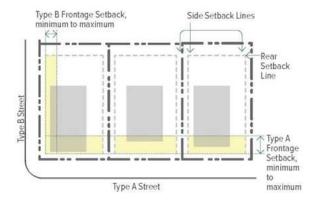


Figure 14-10. Minimum and Maximum Frontage Setback Lines

³⁴ In the most recent adopted version of the form-based code, it was discovered that terminology for impervious, semi-pervious, permeable surfaces, coverage and material were being used inconsistently. This proposal is to create concise definitions of impervious coverage, semi-pervious coverage, impervious surface, semi-pervious surface, and permeable surface. The definitions were also relabeled for consistency.

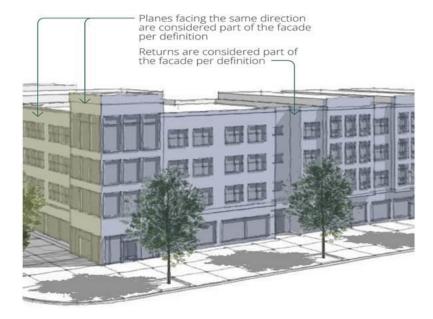


Figure 14-11. Facade Definition

- (<u>fd</u>) **Facade.** Facade means the exterior walls of a building exposed to public view and includes walls as shown in Figure 14-11. Facade Definition.
- (ge) Frontage Setback. Frontage setback means a minimum and maximum setback and is the area in which the facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The frontage setback dictates the minimum and maximum distance a structure may be placed from a lot or parcel line, easement, or outdoor space in accordance with the measurement requirements of Subsection 9-14-2(b), Frontage Setback," B.R.C. 1981. Refer to Figure 14-10. Minimum and Maximum Frontage Setback Lines, and Figure 14-11. Facade Definition.
- (f) Impervious Site Coverage. Impervious site coverage means the percentage of a lot or parcel developed with principal or accessory structures and other surfaces that prevent the absorption of stormwater into the ground, including without limitation, driveways, sidewalks, and patios.
- (<u>he</u>) **Major Material.** Major material means a façade material meeting the standards for major materials established in Section 9-14-28 "Façade Materials," B.R.C. 1981.
- (<u>ih</u>) **Minor Material.** Minor material means a façade material meeting the standards for minor materials established in Section 9-14-28, "Façade Materials," B.R.C. 1981.
- (ji) Mobility Hub. Mobility hub means a designated, easily accessible outdoor space where people can access and transfer between multiple transportation modes, such as public transit, bike share, ride-share, taxis, and micromobility devices.

- (<u>k</u>j) **Occupied Building Space.** Occupied building space means interior building spaces regularly occupied by the building users. It does not include storage areas, utility space, vehicle service areas, parking, or other uninhabitable spaces.
- (lk) Parking Yard. Parking yard means an area extending from the rear building facade to the rear property line between the side yards or, on a corner property, between the street adjacent side and side yards. Parking yards are fully screened from Type A frontages by the building and do not extend to any side lot line or street lot line.
- (m²) Paseo. Paseo means a path designed for use by pedestrians and by vehicles that may generally be operated on a sidewalk in the city. The paseo is located mid-block, allowing pedestrian movement through the block from one street to another without traveling along the block's perimeter.
- (m) Permeable Surface. Permeable surface means a surface that allows water and air to permeate through it, for example, soil or a semi-pervious material.
- (n) **Porch.** Porch means a roofed, raised structure at the entrance to the building, providing a transition between the interior of the building and the exterior yard or adjacent sidewalk. Refer to Figure 14-12. Example of a Porch.
- (o) **Public Way.** Public way means streets, paseos, and multi-use paths, but not alleys.
- (p) Semi-Pervious Surface or Material. Semi-pervious surface or material means a material such as pervious pavers, permeable asphalt and concrete, or a green roof that allows for absorption of water into the ground or roof.

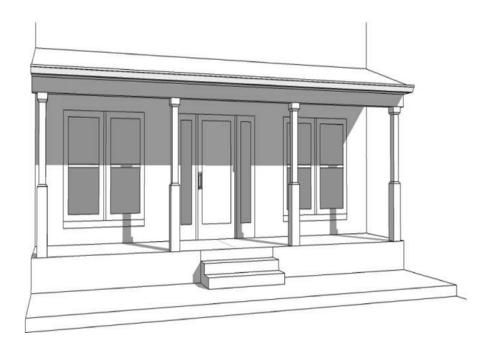


Figure 14-12. Example of a Porch



Figure 14-13. Example of a Stoop

- (pq) Stoop. Stoop means an elevated or at grade platform entranceway at the door to a building, providing a transition between the interior of the building and the sidewalk outside the building. A stoop may be covered by a canopy or awning. Refer to Figure 14-13. Example of a Stoop.
- (q#) Story, Ground. Ground story means the first floor of a building that is level to or elevated above the finished grade on the front and corner facades. The ground story excludes basements or cellars. Refer to Section 9-16-1, "General Definitions," B.R.C. 1981, for a definition for basement.
- (rs) Story, Half. Half story means either a story in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with windows or doors facing the street.
- (st) Story, Upper. Upper story means a story located one story or more above the ground story of a building.
- (<u>t</u>u) **Streetwall.** Streetwall means the portion of the building façade that is located generally parallel to and facing the street right-of-way line. Refer to definition of facade.
- (<u>uv</u>) Street Yard. Street yard means any yard located between the principal building and a street right-of-way.
- (v?) Surface, Permeable. Permeable surface means a non-paved, landscape surface that allows water and air to freely permeate to the ground including, without limitation, soil, mulch, turf, and planting areas.
- (w2) Surface, Semi-Pervious. Semi-pervious surface means a porous surface or material that allows for water to pass through to the soil including, without limitation, permeable pavers, permeable concrete, and a green roof.
- (x²) Surface, Impervious. Impervious surface means a solid surface or material that prevents the absorption of water into the soil including, without limitation, asphalt, concrete, and building elements designed to shed water. 35
- (yw) **Transparency.** Transparency means the measurement of the percentage of a facade that has highly transparent, low reflectance windows with
 - (1) on a storefront base, a minimum sixty percent transmittance factor and a reflectance factor of not greater than 0.25, and
 - on any façade other than a storefront base, a minimum fifty percent transmittance factor and a reflectance factor of not greater than 0.25.

³⁵ In the most recent adopted version of the form-based code, it was discovered that terminology for impervious, semi-pervious, permeable surfaces, coverage and material were being used inconsistently. This proposal is to create concise definitions of impervious coverage, semi-pervious coverage, impervious surface, semi-pervious surface, and permeable surface. The definitions were also relabeled for consistency.

- (zx) Type A Frontage. Type A frontage means a frontage along a Type A street or other feature as defined in this chapter that receives priority over other frontages in terms of locating principal entrances, prioritizing facade design elements, and incorporating design requirements associated with pedestrian orientation.
- (<u>aay</u>) **Type A Street.** Type A street means a street designated on the regulating plan that receives priority over other streets in terms of setting front lot lines and locating building entrances.
- (<u>ab</u>z) **Type B Frontage.** Type B frontage means a frontage along a Type B street or other feature as defined in this chapter that allows for a lower level of facade treatment as well as permits limited locations for garage and parking lot driveway entrances.
- (aca) Type B Street. Type B street means a street designated on the regulating plan that receives lower priority than Type A street in terms of building frontage and facade requirements; it allows for a lower level of facade treatment as well as permits locations for garage and parking lot driveways entrances.
- (adb) **Type C Frontage.** Type C frontage means a frontage along a Type C street or other feature as defined in this chapter that allows for a lower level of façade treatment as well as typically permits limited locations for multiple garage and parking lot driveway entrances.
- (aee) Type C Street. Type C street means a street designated on the regulating plan that receives lower priority than Type A and Type B street in terms of building frontage and facade requirements.
- (a<u>f</u>4) **Visible Basement.** Visible basement means a half story partially below grade and partially exposed above.
- (age) **Yard Definition.** Yard is defined in Section 9-16-1, "General Definitions," B.R.C. 1981. For the purposes of this chapter, the following standards shall supplement and, where inconsistent, supersede the definition of Section 9-16-1, B.R.C. 1981:
 - (1) **Side and Rear Yards.** On a property located in an area designated in Appendix L, "Form-Based Code Areas," only yards not abutting a Type A, B, or C frontage as designated on the regulating plan are considered side or rear yards.
 - (2) Front Yards, Side Adjacent Street Yards, and Side Equals Front Yards. Front yards, side adjacent street yards, and side equals front yards are regulated through the designation of Type A, Type B, and Type C frontages on the regulating plan.

9-14-10. STREETSCAPE AND PASEO DESIGN REQUIREMENTS

(a) **General Requirements.** In addition to the requirements of the Boulder Revised Code and the City of Boulder Design and Construction Standards, the streetscape of all new and existing streets, and the design of all paseos and enhanced paseos shall meet the standards of this section.

- (1) **Conformance to Plans.** The streetscape and paseos shall be designed and completed consistent with the streetscape guidelines of the connections plan of the applicable area or subcommunity plan.
- (2) **Compatible Design.** The design, including but not limited to paving patterns, seating areas, and bulb-outs, of all street frontages and paseos within the development shall be compatible in character.
- (3) **Additional Design Requirements.** The streetscape and paseo design shall meet the following standards:

- (D) Permeable Surface Area for Trees. For each tree planted, permeable surface area shall be provided meeting the minimum size requirements established in Table 14-1.
 Permeable surface means the ground surface above the tree's critical root area that allows water and air to penetrate down to the roots.
 - (i) Per Tree. Permeable <u>surface</u> area for one tree shall not count towards that of another tree.
 - (ii) Suspended Pavement System. When the required permeable surface area of a tree extends horizontally below any non permeable impervious hardscape, a modular suspended pavement system, such as (Silva Cells, Root Space, or an approved equivalent system,) shall be used below that hardscape to ensure root growth and access to air and water.

9-14-11. SITE DESIGN REQUIREMENTS

- (a) **Site Access.** Site access locations shall be consistent with Section 9-9-5, "Site Access Control," B.R.C. 1981, except as modified below:
 - (1) **Frontage Hierarchy.** For the purposes of this chapter and determining site access, Type C frontages are lower category streets than Type B frontages, and Type B frontages are lower category streets than Type A frontages.
 - (2) **Service Base Access.** Multiple access points will be allowed on a lot or parcel to serve a building with a service base, provided the requirements of Section 9-14-24, "Service Base," B.R.C. 1981, are met.
 - (3) **Driveways.** Driveways may not be located in any street yard or setback unless consistent with Section 9-9-5, "Site Access Control," B.R.C. 1981, to cross perpendicularly through the setback to access or connect to an adjacent parking lot per subsection (d), Inter-Lot Drives, of this section.

- (4) Trash and Recycling Areas. One mountable, rolled curb section is allowed at a Type B or C street per development, maximum ten feet in width, in order to roll receptacles out to the street.
- (b) Street Yard Design. Street yards, including courtyards and streetscape plazas designed to meet the requirements of Subsection 9-14-14(h), "Required Streetwall Variation," B.R.C. 1981, shall be designed consistent with the following:
 - (1) Coordinated Design. The combined streetscape and street yard area from building facade to the back of curb is coordinated and comprehensibly designed with a combination of hardscape and landscape areas, although differences in materials and functional areas may exist.
 - (2) **Shopfront Streetscape.** Where the shopfront base is required, hardscape is located within 24 inches or less of the shopfront windows and that hardscape is connected to the path between the public sidewalk and the building entrances.
 - Trees. At least one tree is planted for every 1,000 square feet of any street yard, courtyard, or (3) streetscape plaza area, located in planting areas or tree wells. Street yard trees meet the minimum permeable surface-area requirements in Paragraph 9-14-10(a)(3)(D), B.R.C. 1981.
 - (4) Hardscape. Hardscape areas are paved with unit pavers, such as bricks, quarry tiles, porous pavers, or poured-in-place materials. If poured-in-place materials are selected, they must be of decorative color or textures.
 - (5) Landscape Beds. A minimum of twenty-five percent of the street yard areas, including courtyards and streetscape plazas to meet the requirements in Subsection 9-14-14(h), B.R.C. 1981, include landscape beds with shrubs, perennials, grasses, and/or annual plants.
 - (6) Seating and Amenities. Seating and amenities shall be provided in courtyards and streetscape plazas required per Subsection 9-14-14(h), B.R.C. 1981, consistent with the following:
 - (A) Temporary or permanent seating is provided. Temporary seating shall be available or in place between March 15 and November 15.
 - (B) In addition to seating, at least one other amenity is provided, such as a pergola, multiple trellises, catenary or string overhead lighting, a fountain, or artwork (sculpture or mural).
- (c) Yards and Setbacks. Setbacks and yards, with the exception of street yards, courtyards, street yard plazas, parking areas, driveways, loading zones, mechanical equipment, and refuse and recycling areas, shall meet the following standards:
 - (1) Trees. To the extent practical and achievable, trees shall be planted at a minimum of one per 1,500 square feet, located in planting areas or tree wells.

- (2) **Landscape Areas.** Yards and setbacks shall be designed for a mix of paved and landscaped areas, consistent with the maximum impervious and semi-pervious areas-coverage allowed per the building type.
- (d) **Inter-Lot Drives.** Adjacent parking lots in a development shall be connected with a shared drive that perpendicularly crosses any side and/or rear setback.
- (e) **Mid-Block Pathways.** In East Boulder, mid-block pathways are required on longer blocks consistent with the following:
 - (1) Pathway Location. Mid-block pathways shall continuously connect the two opposite frontages specified in Paragraph 9-14-6(c)(2), B.R.C. 1981, and be located within 50 feet of the midpoint of the frontage.
 - (2) Pathway Width. The minimum width of the pathway area between building facades shall be ten feet with a minimum pathway of five feet. The unpaved areas shall be landscaped.
 - (3) Path Construction Standards. The pathway shall be constructed to accommodate pedestrians and vehicles that may generally be operated on a sidewalk in the city and shall meet the construction standards of a concrete walk and multi-use paths in the City of Design and Constructions Standards.
 - (4) Open-Air. Mid-block pathways shall be open to the sky, except buildings may bridge over the pathways for distances along the pathway of no more than thirty feet and covering no more than thirty percent of the length of the mid-block pathway. The clear opening under the bridge shall be at least fifteen feet in height.

9-14-12. OUTDOOR SPACE REQUIREMENTS

. . .

- (k) **Improvements.** When determining the specific improvement standards applicable to each outdoor space type, the following shall apply:
 - (1) **Designated Sports Fields.** Designated sports field shall mean sports fields or ball courts designated for one or more particular sports, including but not limited to baseball fields, softball fields, soccer fields, basketball courts, football fields, and tennis courts.
 - (2) **Playgrounds.** Playgrounds shall mean a defined area with play structures and equipment typically designed for children under twelve years of age, such as slides, swings, climbing structures, and skate parks. Where a playground is required, it shall include soft surfacing and structures and shall be a minimum of 1,800 square feet in total area.

- (3) Mobility Hub. Mobility hubs may be incorporated into an outdoor space if noted in the applicable outdoor space type table. Mobility hubs may range from pick-up locations for taxis or ride-share services to stations for bike-share systems and may range in size. A mobility hub incorporated into an outdoor space shall have a designated space and include paving, seating, and landscaping.
- (4) **Fully Enclosed Structures.** Where permitted, fully enclosed structures may include such uses as small cafes, kiosks, community centers, and restrooms. For some outdoor space types, fully enclosed structures are subject to a maximum building coverage limitation, limiting the building coverage to a percentage of the outdoor space area.
- (5) **Semi-Enclosed Structures.** Semi-enclosed structure shall mean open-air structure, such as a gazebo. Semi-enclosed structures are permitted in all outdoor space types.
- (6) **Maximum Impervious and Semi-Pervious Surface.** Limitations on impervious and semi-pervious surfaces are provided separately for each open-outdoor space type to allow an additional amount of semi-pervious surface area coverage, such as permeable paving, above the maximum permitted impervious surface areas permitted, including, but not limited to, sidewalks, paths, and structures as permitted.
- (7) **Maximum Percentage of Open Water Body.** Maximum percentage of open water body shall mean the maximum amount of area within the outdoor space that may be covered by an open water body, including but not limited to ponds, lakes, and pools.



Figure 14-19. Example of a Plaza

(m) Plaza. The intent of the plaza is to provide a formal outdoor space of medium scale that may serve as a gathering place for civic, social, and commercial purposes. The plaza may contain a greater amount of impervious coverage than any other type of outdoor space regulated in this section. Special features, such as fountains and public art installations, are encouraged. Plazas shall be designed to meet the standards of Table 14-3. Plaza Requirements. See Figure 14-19. Example of a Plaza.

Table 14-3. PLAZA REQUIREMENTS

Dimensions	
Minimum Size	0.10 acres
Maximum Size	1 acre
Minimum Dimension	80 feet
Minimum Percentage of Street or Public Way Frontage Required	25%
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Not permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Permitted; may cover maximum 5% of plaza area
Maximum <u>Percentage of Outdoor Space with That Is</u> Impervious Surface + <u>Maximum Additional Percentage</u> <u>of Semi-Pervious Surface-</u> 36	60%+ 20%
Maximum Percentage of Open Water	30%



Figure 14-20. Example of a Green

³⁶ Language was added to clarify what type and maximum percentages of impervious and semi-pervious surfaces.

(n) **Green.** The intent of the green is to provide an informal outdoor space of medium scale for active or passive recreation located within walking distance for building occupants and visitors. The green is intended to be fronted mainly by streets. Greens shall be designed to meet the standards of Table 14-4. See Figure 14-20. Example of Green.

Table 14-4. GREEN REQUIREMENTS

Dimensions	
Minimum Size	0.25 acres
Maximum Size	2 acres
Minimum Dimension	45 feet
Minimum Percentage of Street or Public Way Frontage Required	100% for greens less than 1.25 acres; 50% for greens 1.25 or more acres in size
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Not permitted
Maximum Percentage of Outdoor Space That Is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface + Semi-Pervious Surface 37	20% + 15%
Maximum Percentage of Open Water	30%

³⁷ Language was added to clarify what type and maximum percentages of impervious and semi-pervious surfaces.



Figure 14-21. Example of a Commons

(o) **Commons.** The intent of the commons is to provide an informal, small to medium scale outdoor space for active or passive recreation. Commons are typically internal to a block and tend to serve adjacent building occupants. Commons shall be designed to meet the standards of Table 14-5. See Figure 14-21. Example of Commons.

Table 14-5. COMMONS REQUIREMENTS

Dimensions	
Minimum Size	0.25 acres
Maximum Size	1.5 acres
Minimum Dimension	45 feet
Minimum Percentage of Street or Public Way Frontage Required	0%; requires a minimum of two access points (minimum 20 feet wide)
Improvements	1
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Mobility Hub	Not permitted
Fully Enclosed Structures	Not permitted
Maximum Percentage of Outdoor Space that is Impervious Surface + Maximum Additional Percentage	30% + 10%

of Semi-Pervious Surface-CoverageMaximum Impervious Surface + Semi-Pervious Surface-38	
Maximum Percentage of Open Water	30%



Figure 14-22. Example of a Pocket Park

(p) **Pocket Park.** The intent of the pocket park is to provide a small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance. Pocket parks shall be designed to meet the standards of Table 14-6. See Figure 14-22. Example of Plaza.

Table 14-6. POCKET PARK REQUIREMENTS

Dimensions		
Minimum Size	0.10 acres	
Maximum Size	1	
Minimum Dimension	None	
Minimum Percentage of Street Frontage Required	30%	
Improvements		
Designated Sports Fields Not permitted		
Playgrounds	Required	

³⁸ Language was added to clarify what type and maximum percentages of impervious and semi-pervious surfaces.

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Mobility Hub	Permitted
Fully Enclosed Structures	Not permitted
Maximum Percentage of Outdoor Space That is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface Maximum Impervious Surface + Semi Pervious Surface 39	30% + 10%
Maximum Percentage of Open Water	30%



Figure 14-23. Example of a Park/Greenway

(q) Park/Greenway. The intent of the park/greenway is to provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees. Parks/greenways shall be designed to meet the standards of Table 14-7. See Figure 14-23. Example of Parks/Greenways.

Table 14-7. PARK/GREENWAY REQUIREMENTS

Dimensions	
Minimum Size	2 acres
Maximum Size	None
Minimum Dimension	30 feet; minimum average width of 80 feet
Minimum Percentage of Street Frontage Required	30% for parks less than 5 acres; 20% for parks 5 or more acres in size

³⁹ Language was added to clarify what type and maximum percentages of impervious and semi-pervious surfaces.

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Improvements	
Designated Sports Fields	Permitted
Playgrounds	Permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Permitted in parks 5 acres or larger in size
Maximum Percentage of Outdoor Space That Is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface - Maximum Impervious Surface + Semi Pervious Surface 40	20% + 10%
Maximum Percentage of Open Water	50%

BUILDING TYPES

9-14-14. REQUIREMENTS APPLICABLE TO ALL BUILDING TYPES

. . .

- (m) Modifications. The approving authority may approve the following modifications to building type requirements if it finds the proposed design substantially meets the intent of the requirement being modified:
 - (1) **Building Location.** The location of the building within up to one foot from any minimum setback or frontage setback width or location requirement.
 - (2) Impervious Coverage. Up to a ten percent increase in total impervious coverage, not to exceed the total amount of allowed impervious plus semi-pervious coverage.
 - (3) Type A Frontage Streetwall. For the commercial storefront building only, up to ten percent decrease in Type A frontage streetwall requirements.
 - (4) **Story Height.** An additional height of any floor to floor story height up to two feet, provided the overall building height does not exceed the maximum permitted height.
 - (5) Transparency. Up to two percent reduction of the required transparency on a non Type A frontage facade; and up to four square feet increase of the blank wall area limitation of paragraph 9-14-26(g)(2) on a non Type A frontage facade. 41

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⁴⁰ Language was added to clarify what type and maximum percentages of impervious and semi-pervious surfaces.

⁴¹ Staff determined that these particular modifications were difficult to measure how they substantially meet the intent of the requirement and that any modification can already be requested through the existing exception process.

9-14-16. MAIN STREET STOREFRONT BUILDING TYPE

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

			REFERENCES/ ADDITIONAL REQUIREMENTS
BUIL	LDING SITING Refer to Fig	ure 14-25.	
0	Type A Frontage Streetwall, minimum	90%	Refer to Subsection 9-14-14(g), B.R.C. 1981, for courtyard allowance.
0	Type A Frontage Setback, minimum to maximum	0 ft. to 5 ft.	Refer to Subsection 9-14-26(b), B.R.C. 1981, for measuring minimum and maximum setbacks.
3	Type B Frontage Setback, minimum to maximum	0 ft. to 5 ft.	
4	Side Yard Setback, minimum	5 ft.; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations
5	Rear Yard Setback, minimum	10 ft.; minimum 25 ft. if no alley; 0 ft. required at paseo or multi-use path	and details.
6	Building Length along any Type A & B Frontage, maximum	150 ft.	Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.
0	Site-Impervious Coverage, maximum	70%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi- pervious coverage.
	Additional Semi- Pervious Coverage ₂ maximum ⁴²	25%	
8	Surface or Accessory Parking Location	Parking yard only	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to

⁴² This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

	Subsections <u>9-14-14</u> (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.
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9-14-17. COMMERCIAL STOREFRONT BUILDING TYPE

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

			REFERENCES/ ADDITIONAL REQUIREMENTS
BUIL	DING SITING Refer to Figure 1	4-28.	
0	Type A Frontage Streetwall, minimum	60% required	
0	Type A Frontage Setback, minimum to maximum	12 ft. to 20 ft. along Valmont and 30th Street; 0 ft. to 10 ft. along new streets	
3	Type B Frontage Setback, minimum to maximum	0 ft. to 10 ft.	
4	Side Yard Setback, minimum	5 ft.; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
6	Rear Yard Setback, minimum	15 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi- use path	
6	Building Length any Type A & B Frontage, maximum	90 ft.	Refer to Section <u>9-14-31</u> , B.R.C. 1981, for building massing requirements.
0	Site-Impervious Coverage, maximum	70%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.
		25%	

	Additional Semi-Pervious Coverage <u>, maximum</u> ⁴³		
8	Surface or Accessory Parking	Parking yard & interior side yard	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.

9-14-18. GENERAL BUILDING TYPE

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

BUILI	DING SITING Refer to FIGU	RE 14-31.			REFERENCES/ ADDITIONAL REQUIREMENTS
0	Type A Frontage Streetwall, minimum	90%	80%	80%	Refer to 9-14-14(g) for allowed courtyards in the streetwall and 9-14-14(h)
0	Streetwall Variation for Type A and Type B Frontages			Required for buildings over 180 ft. in width	for definition of required streetwall variation.
3	Type A Frontage Setback, minimum to maximum	5 ft. to 10 ft.	5 ft. to 20 ft.	10 ft. to 25 ft.	Refer to Section 9-14- 26, B.R.C. 1981, for measuring minimum
4	Type B Frontage Setback, minimum to maximum	5 ft. to 10 ft.	5 ft. to 20 ft.	5 ft. to 20 ft.	and maximum setbacks.
5	Type C Frontage Setback, minimum to maximum			0 to 15 ft.	

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 $^{^{43}}$ This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

6	Side Yard Setback, minimum	5'; 0' required a	t paseo or mul	ti-use path	For paseos and multi-use path locations, refer to the regulating plans and the
0	Rear Yard Setback, minimum	10 ft.; 25 ft. requalley; 0 ft. requirements or multi-use path	red at paseo	15 ft.; 0 ft. required at paseo or multi- use path	connections plans for the form-based code area.
8	Building Length along Type A & B Frontage, maximum	150 ft.	65 ft. in General Mix 2 area; none in General Mix 1 area; refer to map, Figure 14-2.		Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.
9	Site-Impervious Coverage, maximum Additional Semi- Pervious Coverage, maximum 44	70% 25%	65% 25%	65% 25%	Refer to Section <u>9-14-8</u> , "Definitions," B.R.C. 1981, for semi-pervious coverage.
•	Surface or Accessory Parking Location	Parking yard only	No surface parking allowed	Parking yard only except limited side yard parking allowed in Valmont Park West, Valmont Park East, and Flatiron Business Park	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading. Refer to Subsection 9-14-26(c) for limited side yard parking.

⁴⁴ This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

9-14-19. ROW BUILDING TYPE

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

					REFERENCES/ADDITIONAL REQUIREMENTS
	LDING SITING Refer to iple vertical units.	FIGURE 14-	34. For the pu	rposes of the Ro	w Building, a building consists of
0	Type A Frontage Streetwall, minimum	80%	80%	65%	Each unit shall have a facade located within the frontage setback, except 1 of every 2 units may front a courtyard or outdoor space type. Courtyards, minimum 30 feet wide and 30 feet deep, may count towards Type A streetwall.
2	Type A Frontage Setback, minimum to maximum	5 ft. to 15 ft.	5 ft. to 15 ft.	5 ft. to 25 ft.	Frontage setbacks are measured from the outside edge of any public access easement for sidewalk or the right-of-way, if no public access
3	Type B Frontage Setback, minimum to maximum	5 ft. to 15 ft.	5 ft. to 15 ft.	5 ft. to 25 ft.	easement for sidewalk and streetscape is required or exists, or from the outside edge of any flood or drainage easement, where the frontage is along a flood or drainage area. Refer to subsections 9-14-26(b) for additional information.
4	Side Yard Setback, minimum	7.5 ft.; 0 ft. 1	required at pas path	seo or multi-use	
5	Rear Yard Setback, minimum	20 ft.; 30 ft.	if no alley; 5 garage	ft. for detached	
6	Building Length, minimum to maximum	3 to 6 units	or 120 ft., wh	nichever is less	
	Space between Buildings, minimum		10 ft.		
0	Site-Impervious Coverage, maximum Additional Semi-	60%	60%	60%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.

	Pervious Coverage, maximum ⁴⁵	20%	20%	20%	
8	Yard Area, minimum		eet rear yard re fronting a cou e type.		
9	Surface or Accessory Parking Location	Parking yard only	Parking yard only	Parking yard only	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.

..

9-14-20 WORKSHOP BUILDING TYPE

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

			REFERENCES/ADDITIONAL REQUIREMENTS
BUI	LDING SITING Refer to FIGURE 1	4-37.	
0	Type A Frontage Streetwall, minimum	65%	Refer to 9-14-14(g) for allowed courtyards in the streetwall and 9-14-14(h) definition of required streetwall
2	Streetwall Variation for Type A Frontages	Required	variation.
3	Type A Frontage Setback, Minimum to maximum	5 ft. to 25 ft.	Refer to Section <u>9-14-26</u> , B.R.C. 1981, for measuring minimum and maximum setbacks.
4	Type B Frontage Setback, minimum	5 ft.	and maximum setoacks.
5	Type C Frontage Setback, minimum	5 ft.	
6	Side Yard Setback, minimum	5 ft.; 0 ft. required at paseo or multi-use path	

 $^{^{\}rm 45}$ This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

0	Rear Yard Setback, minimum	10 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and section 9- 14-6 for locations and details.
8	Site-Impervious Coverage, maximum Additional Semi-Pervious Coverage, maximum 46	70%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.
9	Surface or Accessory Parking Location	Limited side yard & parking yard only	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading. Refer to Subsection 9-14-26(c) for limited side yard parking.

..

9-14-21. CIVIC BUILDING TYPE

The Civic building type is not mapped on the regulating plans. It is permitted in any location in any of the form-based code areas except it is prohibited in East Boulder. The uses permitted in this building type are very limited. Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981.

BUI	LDING SITING Re	efer to FIGURE 14-4	10.	REFERENCES/ADDITIONAL REQUIREMENTS
0	Minimum Type A Streetwall, minimum	None required	None required	
2	Type A Frontage Setback, minimum	20'	20'	

⁴⁶ This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

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3	Type B Frontage Setback, minimum	15'	15'	
4	Side Yard Setback, minimum	15'; 0' required at paseo or multi-use path		For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
6	Rear Yard Setback, minimum	15'; 0' required at p path	paseo or multi-use	
6	Building Length, maximum	None required	None required	Refer to Section <u>9-14-31</u> , B.R.C. 1981, for building massing requirements.
0	Site-Impervious Coverage, minimum	50%	50%	Refer to Section <u>9-14-8</u> , "Definitions," B.R.C. 1981, for semi- pervious coverage.
	Additional Semi- Pervious Coverage, maximum ⁴⁷	20%	20%	
8	Surface or Accessory Parking Location	Parking yard only	No surface parking allowed	Refer to Sections 9-9-12 and 9- 9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.

9-14-26. MEASUREMENT OF BUILDING TYPE REQUIREMENTS

The standards outlined in the tables in Sections 9-14-16 through 9-14-21, B.R.C. 1981, applicable to each building type, shall be measured and calculated consistent with the following standards:

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⁴⁷ This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

. . .

- (d) **Maximum Site-Impervious and Additional Semi-Pervious Coverage.** Site i Impervious and additional semi-pervious coverage shall be calculated and measured as follows. Refer to Figure 14-53. Site Impervious and Semi-Pervious Coverage.
 - (1) **Maximum Site-Impervious Coverage.** The maximum site-impervious coverage is the maximum percentage of a lot permitted to be covered by structures, pavement, and other impervious surfaces. ⁴⁸
 - (2) **Additional Semi-Pervious Coverage.** In addition to the allowable impervious coverage on a site, a maximum amount of additional semi-pervious coverage is permitted.

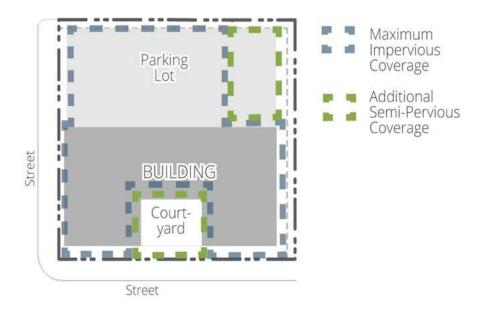


Figure 14-53. Site-Impervious and Semi-Pervious Coverage

. . .

9-16-1. General Definitions

⁴⁸ This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

А—Е

Boarding house means an establishment <u>subject to the City of Boulder Building Code</u> where, for direct or indirect compensation, lodging, with or without meals, is offered for one month or more. A boarding house does not include a fraternity, or or detached dwelling unit. ⁴⁹

F—J

Hostel means a facility for residence that offers temporary lodging of under one month that provides simple dormitory or sleeping rooms and common rooms for cooking, meeting, recreational, and educational use; that is chartered or approved by the International Hostel Federation or its national or regional affiliates, or similar organizations; and that is supervised by resident house-parents or managers who direct the guests' participation in the domestic duties and activities of the hostel. ⁵⁰

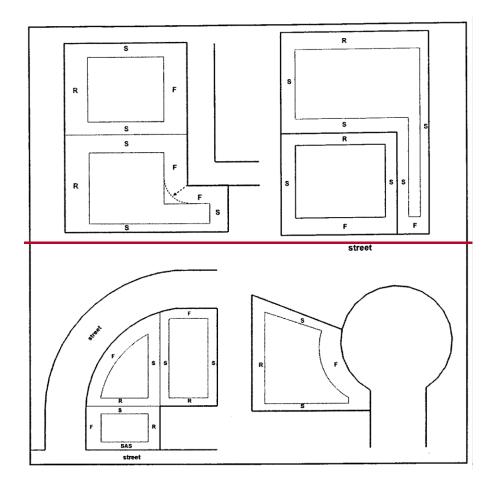
U-Z

Yard, front, rear, and side means the open space between the buildings and the property lines at the front, rear, and sides of the property, respectively and consistent with Figures 16-4 and 16-5 of this section.⁵¹ On a corner lot, the open space adjacent to the shorter street right-of-way shall be considered the front yard. The rear yard is opposite the front yard, and the side yard is between the rear yard and the front yard. (See Figures 16-4 and 16-5 of this section.)

⁵¹ This language is intended to incorporate the figures into the definition in a more visible way along with updated diagrams that are consistent with other diagrams from recent code changes.

⁴⁹ This proposed additional language is to address an issue about defining a boarding house due to the removal of occupancy requirements from state direction by making boarding houses subject to the building code and excluding detached dwelling units. The intent is for boarding houses to be treated to higher standard of building code and removing the possibility of conversion of any detached dwelling unit.

⁵⁰ The proposed replacement language is to align this definition with existing hotel and motel definition language and remove the potential for the conversion of any detached dwelling unit.



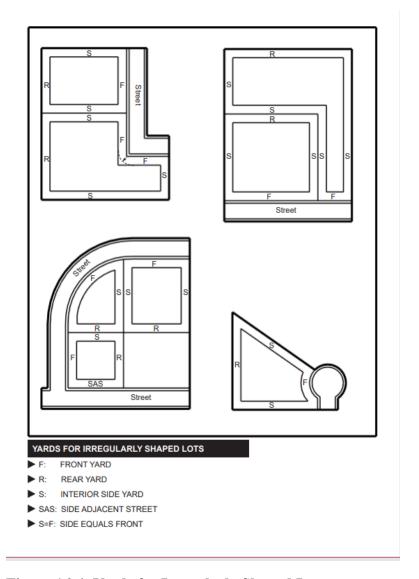
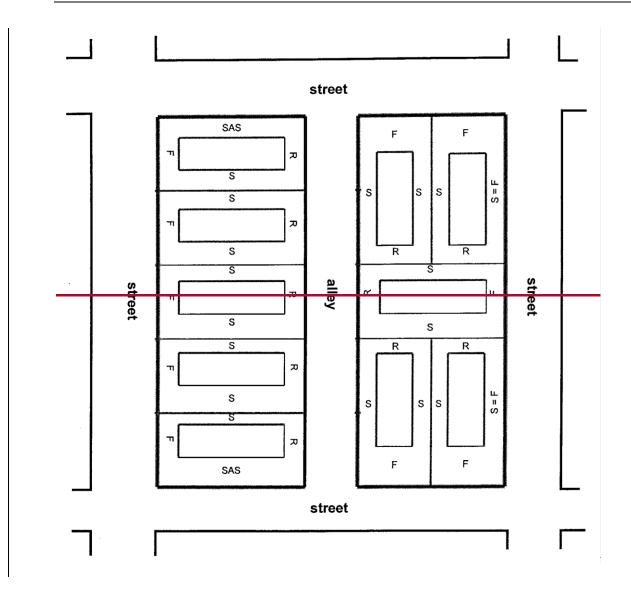


Figure 16-4: Yards for Irregularly Shaped Lots

To the extent possible, setbacks of irregular lots will match the setbacks of adjacent lots.



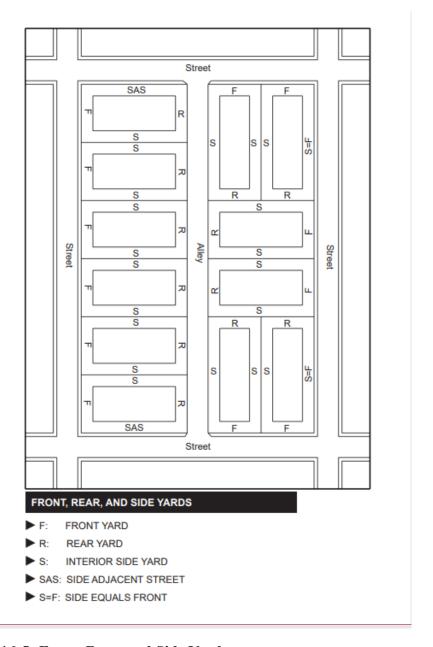


Figure 16-5: Front, Rear, and Side Yards

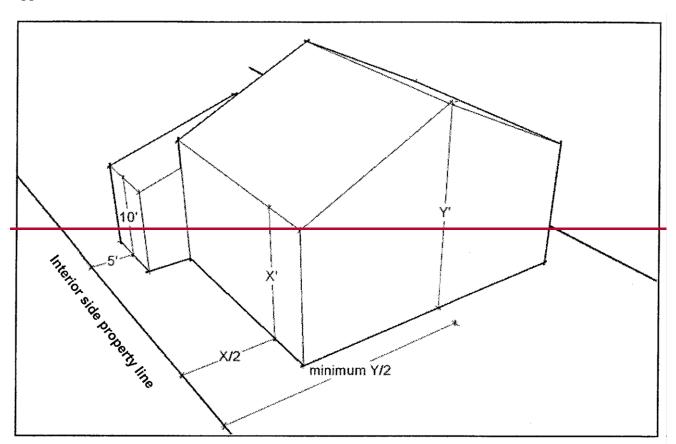
F: FRONT YARD

R: REAR YARD

S: INTERIOR SIDE YARD

SAS: SIDE ADJACENT STREET

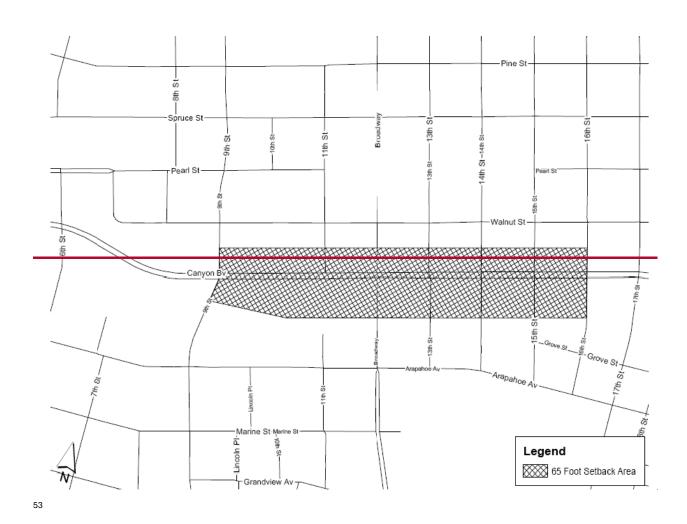
S=F: SIDE EQUALS FRONT



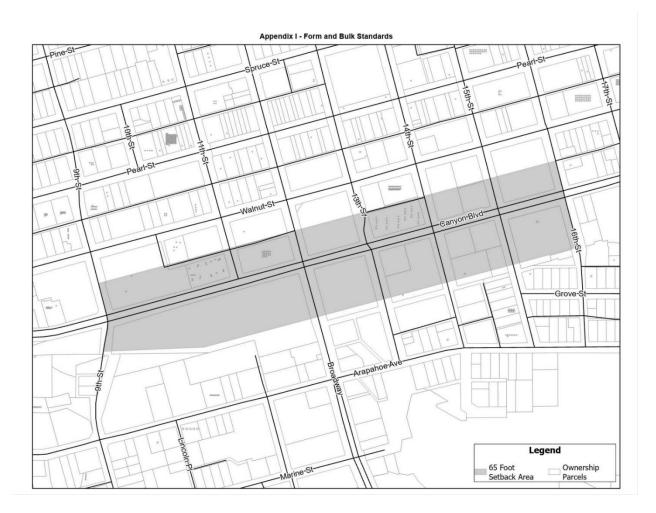
Appendix B - SETBACK RELATIVE TO BUILDING HEIGHT RESERVED⁵²

Appendix I – FORM AND BULK STANDARDS

⁵² This information is proposed to be moved from Appendix B to Section 9-7-2 for continuity with side yard setback standards and to raise visibility and to be consistent with the other diagrams of this section.



 $^{^{\}rm 53}$ The map has been updated to be consistent with other maps in this title.



10-2-2. Adoption of International Property Maintenance Code With Modifications.

APPENDIX C ENERGY EFFICIENCY REQUIREMENT EXISTING RESIDENTIAL RENTAL STRUCTURES ENERGY CONSERVATION

C101

SCOPE

C101.1 Scope. Appendix C sets standards for residential rental dwelling unit energy efficiency. Effective January 2, 2019, the energy efficiency requirements of this section shall apply to all residential rental dwelling units licensed according to Chapter 10-3, "Rental Licenses," B.R.C. 1981, except:

- 1. Buildings that can be verified as meeting or exceeding the energy efficiency requirements of the Energy Conservation Code, Chapter 10-7, B.R.C. 1981; and
- 2. Any manufactured home.; and

3. Attached accessory dwelling units as detailed in Section 9-6-3, "Specific Use Standards Residential Uses," B.R.C. 1981. 54

⁵⁴ The reason for this proposal is due to a change in rental licensing for detached dwellings away from owner-occupancy and those properties that have attached accessory dwelling units. A rationalization was made by Staff that the nature of rental detached dwellings with an attached accessory dwelling unit are treated similarly to a duplex, in which both units are rented and is subject to the energy efficiency requirements. This change is still being contemplated with the idea of imposing a future implementation date to bring existing attached accessory dwelling units into compliance or remove the full exception with this ordinance.



COVER SHEET

MEETING DATE June 5, 2025

BOARDS AND COMMISSIONS ITEM

01.27.25 WRAB Signed Minutes

PRIMARY STAFF CONTACT

Karen Sheridan, WRAB Secretary

ATTACHMENTS:

Description

D 01.27.25 WRAB Signed Minutes

CITY OF BOULDER, COLORADO BOARDS AND COMMISSIONS MEETING MINUTES

Name of Board / Commission: Water Resources Advisory Board

Date of Meeting: 27 January 2025

Contact Information for Person Preparing Minutes: Karen Sheridan, 303-441-3208

Board Members Present: John Berggren, Amy Broughton, Katie Bridges, Steve Maxwell

Staff Present: Joe Taddeucci, Director of Utilities

Joanna Bloom, Utilities Deputy Director of Policy and Planning

Chris Douville, Utilities Deputy Director of Operations Chris Douglass, Utilities Engineering Senior Manager

Jon Stoddard, Water Treatment Manager

Stephanie Klingman, Utilities Principal Budget Analyst

Andrew Walker, Utilities Budget Analyst Kim Hutton, Water Resources Manager

Krystle Morey, Water Resources Senior Engineer Meghan Wilson Outcalt, Water Quality Senior Manager Charles Ferro, Development Review Planning Senior Manager

Lisa Houde, Code Amendment Planner Principal Chris Ricciardicllo, Landscape Architect Principal D'Anne Koblick, Senior IT Applications Administrator Jody Jacobson, Public Works Deputy Director

Tanvir Iqbal, Utilities Senior Civil Engineer

Karen Sheridan, Board Secretary

Agenda Item 1 - Call to Order

[6:01 p.m.]

Agenda Item 2 - Approval of 11 November 2024 Meeting Minutes

[6:02 p.m.]

Motion to approve: Broughton Seconded by: Bridges Vote: 4:0

Agenda Item 3 - Public Participation and Comment

[6:55 p.m.]

Public comment followed Agenda Item 4 presentation while technical issues were being addressed.

Lynn Segal: Enjoying the discussion. I was concerned when I heard about the outages. You know if we have outages, it reminded me, you know, of that storm or whatever it was when we had the backup and one of the systems went down. It's just a scary thing, water. I'm really cold, so please bear with me. I'm at like 48 degrees for the last 25 years, except when someone's in my house, a house guest. Then I have to turn the heat up. But it just gets me thinking too. I recently had a retrofit that was a complete disaster, but it included a heat air-to-air heat pump hot water heater, which is an interesting device when you think about how hot and cold works and the connection between that and water. I'm actually less encouraged today, after talking to a plumber, about the use of this device in the State of Colorado. In the summer it might be great, but they output a lot of cold and they suck a lot of heat. Then the heat gets embedded in the hot water. But it's kind of self-defeating if you're having to heat your house up to heat your hot water. Then the form of heat that you have for your house which I want for my house is solar to run a ground loop heat pump. And, in fact, my neighbor across the street, who has a ground loop heat pump, has an air source hot water heater, and an extra tank for the storage from the ground loop heat pump to add auxiliary heat to the air source. So it's a connection between an air source heat pump and a ground loop heat pump pretty neat. Anyway. So let's see. You did say something about the HHS funds going to rental. That's concerning for me, because I own, and I don't feel like I should be punished for owning, because I won't own my house for a long time, and I'm saving up. I don't buy anything, and I'm saving up for 25 years for this ground loop heat pump because they're about \$90,000. So that's kind of an issue. And 30th and Baseline, I was trying to envision. Is that the Fruehauf site? Oh, excuse me, I was thinking Arapahoe, sorry. I'm confused with this part of town. Okay. And as far as the development and homelessness, I just wanted to say, I think it's about \$6 million a year we're paying just to clean up the trash. And it might not be a direct issue because of the way that funding works, but it is going to be an issue if our funding is low, you know, if we're short on our budget then what are we going to do with all of this trash? And it's going to affect our water, you know, supplies, and just trash and accumulation. All of that, you know, affects that, so. And I couldn't remember the SAMPS acronym.

Agenda Item 4 – Utilities Year in Review

[6:08 p.m.]

Andrew Walker, Utilities Budget Analyst, and Joe Taddeucci, Director of Utilities, presented this item.

EXECUTIVE SUMMARY

This memo provides the Water Resources Advisory Board (WRAB) with an overview of Utilities' accomplishments and challenges in 2024 and describes major infrastructure projects, policy initiatives, and other significant efforts anticipated for 2025. The summary overview of operations, maintenance, construction, and administration provide context for future WRAB recommendations on capital improvement programs and significant policy issues.

This memo is generally structured to address the water, wastewater, and stonnwater/flood utilities in sequence under each of the following focus areas:

- Staffing Overview and Budget
- Ongoing Operations and Maintenance
- 2024 Project and Programs
- Regulatory Updates
- 2025 Upcoming Projects and Priorities

WRAB Board Discussion Included:

- Question about wildfire preparedness, facilities of concern.
- Question about wildfire control projects.
- Question about staffing, whether hiring has stabilized or if there are still open positions in Utilities.
- Question how the transition to the new Utility Billing portal is going.
- Conunent about MS1 project being nationally recognized as an innovative approach. Question
 if that fact is being shared more broadly.
- Question if change in ARPA funding will affect the utility bill assistance program.
- Question about implementation of water efficiency program.
- Reguest for update on pilot project to replace turf.
- Question about groundbreaking and community engagement for the South Boulder Creek flood mitigation project.
- Question whether Utilities can have more than just a supporting role in the BVCP.
- Ouestion about staffing needed for unsanctioned encampment management.
- Question about Utilities budget and joint initiatives.

Agenda Item 5 – Introduction to Waterwise Landscaping Policy and Code Update Project and Scope Discussion

[7:00 p.m.]

Lisa Houde, Code Amendment Planner Principal, presented this item.

EXECUTIVE SUMMARY

The City of Boulder is reviewing its landscaping regulations, last updated in 2003, to enhance water conservation and support ecosystem services as part of City Council's Wildfire Hardening & Waterwise Landscaping Policies & Regulation 2024-2025 work program priority. City Council reviewed wildfire hardening and waterwise landscaping items at its Dec. 12 study session. The purpose of this item is to present best practices research and seek feedback on the scope for the waterwise landscaping policy and code update project. Specifically, staff is soliciting Water Resources Advisory Board input on main areas of interest and general goals for the project. Staff anticipates project completion by late 2025.

WRAB Board Discussion Included:

- Comment about tying water efficiency standards to fire resiliency.
- Conunent about putting out a recommended watering schedule.
- Request for definition of nonfunctional.
- Question if there is an estimate of impact.
- Comment about impacts of mulch standards and professional training and certification.
- Encouragement for standards for nonfunctional turf expansion.
- Question about waterwise efficiency assessments/detailed home assessments.
- Suggestion to gamify water efficiency.
- Comment about advocating for additional landscape permitting reviewers.

Agenda Item 6 - Matters from Board

[7:27 p.m.]

Board Chair Berggren commented about big process on Colorado River, issuing new guidelines. He requested an update from Northern Water.

Agenda Item 7 – Matters from Staff

[7:28 p.m.]

- Boulder Valley Comprehensive Plan (BVCP) Update
- Discussion with council in early February.
 - Led by Planning & Development Services, overlap with Utilities around levels of service, water supply, flood protection, and land use policy.
 - WRAB will have a water supply update in April.
 - Overall schedule 2025 to mid-2026.

Agenda Item 8 - Discussion of Future Schedule

[7:30 p.m.]

- February: WRAB Retreat.
- March: No meeting
- April: Swearing in of Board Members, Election of Officers, Water Supply Update, BVCP Check-in.
- Racial Equity Training in August or September if needed.

Agenda Item 9 - Adjournment

[7:32 p.m.]

Motion to adjourn by: Bridges Seconded by: Broughton

Motion Passes 4:0

Date, Time, and Location of Next Meeting:

The next WRAB meeting will be the annual retreat held in hybrid format on **Monday, March 17, at** 6:00 p.m. Public may attend virtually but public comment is not taken at the retreat.

APPROVED BY

ATTESTED BY

=

Board Chair:

Date: 4/21/25

Board Secretary

Date: 4/21/25

An audio recording of the full meeting for which these minutes are a summary is available on the Water Resources Advisory Board web page via the Access Meeting Agendas and Materials link.

Water Resources Advisory Board | City of Boulder (bouldercolorado.gov)



COVER SHEET

MEETING DATE June 5, 2025

BOARDS AND COMMISSIONS ITEM

03.05.25 EAB Minutes

PRIMARY STAFF CONTACT

Jonathan Koehn, Director of Climate Initiatives

ATTACHMENTS:

Description

03.05.25 EAB Minutes

CITY OF BOULDER COLORADO

BOARDS AND COMMISSIONS MEETING SUMMARY

NAME OF BOARD/COMMISSION: Environmental Advisory Board

DATE OF MEETING: March 5, 2025

NAME/TELEPHONE OF PERSON PREPARING SUMMARY:

Heather Sandine, 303-441-4390

NAMES OF MEMBERS, STAFF AND INVITED GUESTS:

Environmental Advisory Board Members Present: Brook Brockett, Anie Roche, Alex

Bothwell, Hernan Villanueva

Environmental Advisory Board Members Absent: Hannah Davis

City Staff Members & Presenters Present: Jonathan Koehn, Heather Sandine, Charles Ferro,

Chandler Van Schaack, Katherine Van Der Spek, Bill Holicky

1. CALL TO ORDER

A. B. Brockett declared a quorum and called the meeting to order at 6:00 PM.

B. **H. Sandine** reviewed the meeting protocols.

2. APPROVAL OF MINUTES

A. On a motion by **B. Brockett**, seconded by **H. Villanueva**, the Environmental Advisory Board (EAB) approved the February 5, 2025 meeting minutes.

3. PUBLIC PARTICIPATION

A. None

4. DISCUSSION ITEMS

A. 2952 Baseline Site Review

- i Overview
 - C. Ferro and C. Van Schaack introduced applicants B. Holicky and K. Van Der Spek who spoke about the site design. The design promotes pedestrian access, meets/exceeds energy goals, includes electric vehicle (EV) and scooter chargers, is all-electric with heat recovery, and emphasizes sustainable landscaping. Nonpotable irrigation and thoughtful building orientation enhance efficiency. Landscaping will help reduce urban heat island effects and are pollinator friendly.

ii Clarifying Questions and Discussion

- **H. Davis'** comments were read on the record. She believes the design meets the Boulder Valley Comprehensive (BVCP) requirements and International Panel on Climate Change (IPCC) recommendations.
- A. Bothwell was happy to hear EV charging is planned. She asked about restaurants and stores to be included in the space and was concerned about the impact that removing a grocery store may have on the community. She also asked if solar panels would be incorporated and how the developer anticipates impacts to the unhoused community.

- **K. Van Der Spek** responded that talks with Sprouts are ongoing and solar is a consideration.
- **B. Holicky** added that the area is currently unsafe and that safety and inclusivity are key goals.
- A. Roche asked about rooftop gardens and feedback processes.
- H. Villanueva inquired about transit changes and construction waste strategy.
- **K. Van Der Spek** and **B. Holicky** responded that there are no anticipated transit changes. The group does plan to make improvements to crosswalks that have been identified as dangerous. Construction waste and recycling are typically handled by the contractor.
- **J. Koehn** offered to send additional information about the deconstruction ordinance to the board.
- A. Roche asked about natural gas service to the site. She urged stronger solar and battery focus and support for local/disadvantaged businesses.
- **K. Van Der Spek** said the site is all electric but gas lines may be present for potential restaurant needs.
- A. Bothwell and B. Brockett echoed support for solar.
- Water and stormwater systems were discussed. Gray water use is not yet confirmed due to tradeoffs with heat recovery.
- A. Bothwell asked about fire-resistant materials.
- **B.** Holicky answered that durable materials like brick and metal will be used.
- H. Villanueva expressed strong support for the environmentally aligned design.

5. PUBLIC HEARING ITEMS

None

6. OLD BUSINESS/UPDATES

7. MATTERS FROM THE ENVIRONMENTAL ADVISORY BOARD, STAFF, CITY MANAGER AND CITY ATTORNEY

- A. Council Calendar Preview
 - **J. Koehn** highlighted the upcoming Xcel Partnership study session on March 13 and the manufactured homes strategy. He also provided an update on board appointments scheduled for March 20.

8. DEBRIEF MEETING/ CALENDAR CHECK

- A. The April 2 EAB meeting will be repurposed for required training. The training will be from 6 8:30 PM and will not be open to the public.
- B. The next EAB meeting is scheduled for May 7 at 6 PM.

9. ADJOURNMENT

A. The Environmental Advisory Board adjourned at 6:54 PM.

Approve	ed:					
		Between		5/07	125	
Chair			Date			



COVER SHEET

MEETING DATE June 5, 2025

BOARDS AND COMMISSIONS ITEM

04.21.25 WRAB Signed Minutes

PRIMARY STAFF CONTACT

Karen Sheridan, Board Secretary

ATTACHMENTS:

Description

D 04.21.25 WRAB Signed Minutes

CITY OF BOULDER, COLORADO BOARDS AND COMMISSIONS MEETING MINUTES

Name of Board / Commission: Water Resources Advisory Board

Date of Meeting: 21 April 2025

Contact Information for Person Preparing Minutes: Karen Sheridan, 303-441-3208

Board Members Present: Amy Broughton, Steve Maxwell, Katie Bridges, Katherine Halama,

Joel Smith

Staff Present: Joe Taddeucci, Director of Utilities

Joanna Bloom, Utilities Deputy Director of Policy and Planning

Chris Douville, Utilities Deputy Director of Operations Chris Douglass, Utilities Engineering Senior Manager

Jon Stoddard, Water Treatment Manager Kim Hutton, Water Resources Manager

Krystle Morey, Water Resources Senior Engineer Laila Parker, Water Resources Senior Project Manager

Charlotte Huskey, Budget Officer Karen Sheridan, Board Secretary

Agenda Item 1 - Call to Order

[6:01 p.m.]

Agenda Item 2 – Swearing in of New Board Members

[6:02 p.m.]

Seat #3: Katherine Halama

Seat #5: Joel Smith

New members recited Oath of Office.

Agenda Item 3 - Election of Board Officers

[6:04 p.m.]

A. Chair

Motion: Bridges moved to elect Maxwell as Chair

Second: Broughton **Motion Passes:** 5:0

B. Vice Chair

Motion: Maxwell moved to elect Broughton as Vice Chair

Second: Bridges
Motion Passes: 5:0

C. Secretary

Motion: Maxwell moved to elect Bridges as Secretary

Second: Broughton **Motion Passes:** 5:0

Agenda Item 4 – Approval of 27 January 2025 Meeting Minutes

[6:08 p.m.]

Motion to approve: Bridges Seconded by: Broughton

Vote: 5:0

Agenda Item 5 – Public Participation and Comment

[6:09 p.m.]

Lynn Segal: It's stunning that no one ever speaks at these meetings but me. And guess what, that's a reflection on you and your ability to engage the public, because I hate my water bill. When I run into the homeless people on the mall, I say, I'm saving for my water bill. Right now, I'm having to heat my water up because it's not warm enough from a City of Boulder-administrated retrofit on my place. My water's not warm enough so I have to heat it up with my gas stove. That doesn't make sense, does it? But I have, you know, an air source hot water heater, air source heat pump, which draws the heat from the air and embeds it in the water. The problem is, I only run my house at 54 degrees during the winter, because I haven't gotten money out of my kids climate change, you know, budget, to spend; I have to save it all for them. So I'm cold and as a result, my air source hot water heater is not working to the extent that it should be, and someone from the city should have advised me maybe not to get one because, for one thing, since my furnace is too new and they didn't replace my furnace, I'm basically using a gas hot water heater, even though it's hybrid electric. I never have turned it to the electric use of it. But this is a problem, like all the dimensions of how these things work. You know, I got a wash-dryer. That was a

big disaster because that just means it takes 5 hours to dry my jeans, which I usually don't dry but like 10 minutes and then let them just dry naturally. But I can't do that anymore. But the city of Boulder didn't advise me against getting that, purchasing that product, and that I got on my own because the city was going to get me a stove and a refrigerator. But you know, there's a lot of problems with how things are actually done versus what the objectives are. And you know tonight you're going to be talking about water resources and how you can get it. And you know what should be first on your list tonight? Sundance. Sundance is putting in a 120-person hotel. They're putting in a 2,500-seat performance art center. Where's the water going to come from for all this? You tell me where; for the development that's coming. Done.

Agenda Item 6 – Water Supply Update

[6:15 p.m.]

A. Boulder Water Supply Update

Krystle Morey, Water Resources Senior Engineer, presented this item.

EXECUTIVE SUMMARY

This memo provides information on 2025 water supply and demand conditions and the city's drought stage determination procedures as set forth in the Drought Plan. While an official determination is not made until early May per the Drought Plan, we do not anticipate declaring a Drought Alert Stage or implementing water use restrictions in 2025. Snowpack is near average, and reservoir storage is expected to fill during runoff. The city will continue to monitor conditions closely and will encourage efficient water use throughout the year. The purpose of this memo is to provide a water supply and demand update and an opportunity for the board to ask questions.

WRAB Board Discussion Included:

- Request for clarification of time period used for Projected Storage Index calculation.
- Question how assumption of CBT water supply is incorporated into calculation.
- Question what year the lowest drought level was recorded.
- Request for feedback on turf replacement programs.
- Question in short-term how close the state is to a call or triggering restrictions.
- Question about changes in indoor versus outdoor use efficiency.
- Question about share of indoor versus outdoor use in Boulder.
- Question about efficiency programs Boulder encourages.
- Question regarding estimated rate of return from full-time employee focused on outreach and engagement.

B. Colorado River Update with Northern Water

Kyle Whitaker, Northern Water Water Rights Manager, and Brad Wind, Northern Water General Manager, presented this item.

WRAB Board Discussion Included:

- Question what share of Colorado basin water goes to agriculture.
- Comment about perceived effects of higher temperatures.
- Question about the level of cutbacks Northern would have to take before it impacts the city.
- Question what shares are municipal.
- Request for clarification of policy and process structure of negotiations.
- Question about status of Inflation Reduction Act funding for conservation projects.
- Question about reclamation power and the new administration.
- Question how Northern water decides how water is distributed in the event of a shortage.
- Question where Gross Reservoir water comes from.

Agenda Item 7 - Long-term Financial Strategy Update

[7:35 p.m.]

Charlotte Huskey, Budget Officer, presented this item.

EXECUTIVE SUMMARY

The City of Boulder is reviewing its landscaping regulations, last updated in 2003, to enhance water conservation and support ecosystem services as part of City Council's Wildfire Hardening & Waterwise Landscaping Policies & Regulation 2024-2025 work program priority. City Council reviewed wildfire hardening and waterwise landscaping items at its Dec. 12 study session. The purpose of this item is to present best practices research and seek feedback on the scope for the waterwise landscaping policy and code update project. Specifically, staff is soliciting Water Resources Advisory Board input on main areas of interest and general goals for the project. Staff anticipates project completion by late 2025.

WRAB Board Discussion Included:

- Question what percentage Utilities budget is of total city budget.
- Question about immediate flexibility city is thinking about, what that would look like in practice, and what use cases could be blended into the long-term financial plan.

Comment to add more information about where funding gaps exist to public engagement.

Agenda Item 8 – Matters from Board

[8:03 p.m.]

No matters were presented.

Agenda Item 9 - Matters from Staff

[8:04 p.m.]

No matters were presented.

Agenda Item 10 - Discussion of Future Schedule

[8:04 p.m.]

- May: Capital Improvement Program (CIP) Introduction, Meeting at 63rd (Boulder Reservoir) Water Treatment Plant followed by 63rd Street Waterline Replacement Project Tour.
- June: Capital Improvement Program (CIP) Discussion, Feedback.
- July: Capital Improvement Program (CIP) Public Hearing and Recommendations; Water Supply Planning Update, Boulder Valley Comprehensive Plan (BVCP) Update.

Agenda Item 11 – Adjournment

[8:06 p.m.]

Motion to adjourn by: Smith Seconded by: Bridges

Motion Passes 5:0

Date, Time, and Location of Next Meeting:

The next WRAB meeting will be held at 5605 63rd Street on Monday, May 19, at 6:00 p.m.

APPROVED BY:

ATTESTED BY:

Board Chair:

An audio recording of the full meeting for which these minutes are a summary is available on the Water Resources Advisory Board web page via the Access Meeting Agendas and Materials link.

Water Resources Advisory Board | City of Boulder (bouldercolorado.gov)