



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: September 3, 2019**

**AGENDA TITLE:**

Second reading and consideration of motions to adopt the following ordinances:

- (1) Ordinance 8337 amending Title 9, "Land Use Code," B.R.C. 1981, " to update Use Standards for zoning districts located in the federally designated Opportunity Zone (Census Tract 122.03) to ensure development consistent with the Boulder Valley Comprehensive Plan and consistent with the Opportunity Zone Moratorium Ordinance 8314, and
- (2) Ordinance 8347 amending Ordinances 8308, 8312 and 8314 which temporarily suspended accepting building permits, site review and other development applications that will result in adding floor area or dwelling units to land within the Census Tract 122.03 Opportunity Zone, by excluding any land in the BR-1, BMS, BT-1, BT-2, MU-4, IG, IM, IMS, IS-1, IS-2, A, E, P, RH-3, RH-6, and MH zoning districts and by amending the standards for the RH-4 and RM-1 Zoning Districts.

**PRESENTERS**

Jane S. Brautigam, City Manager  
Tom Carr, City Attorney  
Chris Meschuk, Asst. City Manager / Interim Director of Planning  
Charles Ferro, Development Review Manager, Planning  
Karl Guiler, Senior Planner / Code Amendment Specialist  
Andrew Collins, Planner II / Code Amendment Specialist

**EXECUTIVE SUMMARY**

The purpose of this item is for City Council to consider two ordinances associated with zoning districts within the federally designated [Opportunity Zone](#) (Census Tract 122.03). The first ordinance in **Attachment A** would amend the Land Use Code to

update the Use Standards and Use Table to better align future development within the Opportunity Zone to the [Boulder Valley Comprehensive Plan \(BVCP\)](#) (**Attachment A**). **Attachment B** contains an ordinance that would amend Ordinances 8308, 8312 and 8314 to remove the restrictions of the [Opportunity Zone moratorium](#) with the exception of restrictions on the demolition of existing multi-family units in the Residential High – 4 (RH-4) and Residential Medium – 1 (RM-1) zoning districts. A map of the Opportunity Zone and associated zoning districts can be found in **Attachment C**.

Staff has prepared recommended changes to the Use Standards and Table (and associated sections) of the Land Use Code, to better align the Use Standards and Table regulations with the latest version of the BVCP, which was adopted in 2017. Creating consistency and alignment between the BVCP and Land Use Code is an ongoing process and the proposed changes to the code are intended to address concerns regarding potential development within the Opportunity Zone, which may be incentivized by the provisions of the federal program. Proposed changes also include streamlining the Use Table 6-1 and updates to the structure of [Chapter 9-6, Use Standards, B.R.C.1981](#), consistent with the direction and feedback provided by the Use Table Subcommittee and City Council. Upon adoption of the changes, each applicable zoning district would be removed from the limitations of the moratorium ordinance as proposed in the ordinance in **Attachment C**.

While the recommendations are limited in scope to the zoning districts of the Opportunity Zone, the proposed changes to those respective zoning districts are recommended to apply city-wide as alignment with the BVCP is a city-wide issue. Some localized exceptions are also included in the proposed changes (e.g., differing regulations on office on the University Hill Commercial District where offices are desired over housing). The proposed changes are considered part of the ongoing code amendments related to the [Use Standards and Table project](#), guided by the project subcommittee. Council has provided specific feedback and direction to staff at the [May 28<sup>th</sup>, 2019 study session](#) on proposed Use Standards and Table changes related to the Opportunity Zone program. The feedback and discussion have subsequently guided the proposed ordinance (**Attachment A**) and recommended amendments to the Land Use Code contained herein.

City Council passed the ordinances on first reading at its Aug. 6, 2019 meeting with no first reading questions. A matters item for staff presentation and council questions on the item was scheduled for Aug. 13<sup>th</sup> but was pulled from agenda at the beginning of the council meeting due to the expected length of other items on the agenda. The staff presentation will occur at time of second reading and public hearing on Sept. 3<sup>rd</sup>.

Staff has determined that the proposed ordinance (**Attachment A**), as passed on first reading, had an error in Table 6-3, “Use Limitations.”. Staff recommends amending the proposed ordinance at second reading at the September third council meeting to correct this error. The proposed ordinance would be adopted on third reading at the September 17<sup>th</sup> council meeting. This amendment is outlined in **Attachment I**.

## STAFF RECOMMENDATION

### Suggested Motion Language:

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

- 1. Motion to amend as shown in Attachment I to the staff memo and adopt Ordinance 8337 amending Title 9, "Land Use Code," B.R.C. 1981," to update Use Standards for zoning districts located in the federally designated Opportunity Zone (Census Tract 122.03) to ensure development consistent with the Boulder Valley Comprehensive Plan and consistent with the [Opportunity Zone Moratorium Ordinance 8314](#); and amending the Opportunity Zone Moratorium Ordinance 8314 to remove the applicable zoning districts from the moratorium.*
- 2. Motion to adopt Ordinance 8347 amending Ordinances 8308, 8312 and 8314 which temporarily suspended accepting building permits, site review and other development applications that will result in adding floor area or dwelling units to land within the Census Tract 122.03 Opportunity Zone, by excluding any land in the BR-1, BMS, BT-1, BT-2, MU-4, IG, IM, IMS, IS-1, IS-2, A, E, P, RH-3, RH-6, and MH zoning districts and by amending the standards for the RH-4 and RM-1 Zoning Districts.*

## BACKGROUND

City Council adopted a moratorium ordinance on Dec. 18, 2018 and subsequent amendments based on concerns that development within Census Tract 122.03, incentivized by the federal Opportunity Zone program, may result in development projects that are inconsistent with the adopted [BVCP](#). Council requested that staff provide a narrow, focused zoning analysis of the Use Table in [Chapter 9-6, "Use Standards, B.R.C. 1981](#), in order to ensure inconsistent development is not allowed prior to removal of the moratorium. Key focus areas with this analysis and update of uses include:

- Achieving more housing affordability;
- Preserving existing housing affordability;
- Better mitigating the jobs and housing imbalance, and
- Preserving small local business and retail

Council requested that staff provide a zoning analysis of the Use Table in [Chapter 9-6, "Use Standards, B.R.C. 1981](#), with respect to how well each zone addresses the focus areas listed above. This includes preserving and obtaining more affordable housing and small local business, as well as how the zoning regulations address the redevelopment pressures on existing retail areas and on existing market rate affordable units. These redevelopment pressures often result in more lucrative and expensive residential uses, or job generating office developments in locations where their impacts may be in

conflict with BVCP policies. The recommended changes are intended to be targeted at avoiding worst case scenario developments that may result in a loss of existing market rate affordable housing, may exacerbate the jobs : housing imbalance, or result in the loss of existing affordable commercial or small-scale retail.

As targeted changes focused mostly on the use table, the changes are not expected to completely solve these areas of concern, but rather would work towards creating greater alignment with the BVCP. Area planning (e.g., East Boulder Subcommunity Plan [EBSP] and future code changes (e.g., Boulder Valley Regional Center [BVRC] changes, community benefit) would continue to work on addressing the issues of housing affordability, the jobs : housing imbalance and retaining affordable commercial space.

The Use Table analysis is considered as a component of the ongoing Use Standards and Table project, which is guided by the Planning Board Use Table Subcommittee (discussed in detail below).

### **Chapter 9-6 Use Standards of the Land Use Code**

Chapter 9-6, “Use Standards” of the Land Use Code, Title 9, B.R.C. 1981, describes what uses are allowed in the city’s zoning districts. The Schedule of Permitted Uses ([Section 9-6-1](#)) includes the Use Table which lists the uses that are permitted, conditionally permitted, prohibited, or which may be permitted through Use Review pursuant to applicable regulations of the Land Use Code, across the city’s zoning districts. The remainder of Chapter 9-6, “Use Standards” (Sections 9-6-2 through 9-6-10) contains the specific use standards which apply to various uses, whether conditionally or as otherwise required, as noted in the Use Table and specific use standards sections.

### **Use Table Subcommittee**

In its 2018 Annual Letter to City Council, the Planning Board identified ‘Use Tables and associated code revisions’ as a priority item for Land Use Code updates in 2018. It was also included as a priority work item in the council’s Land Use Code change list. The Planning Board has since appointed a subcommittee comprised of David Ensign (subcommittee Chair), Bryan Bowen and Sarah Silver, to guide the project and make recommendations on potential changes. Crystal Gray formerly served on the group before the end of her tenure on the board. Eight subcommittee meetings have been held thus far from August 2018 through early June 2019, and have established the scope of the project, as well as preliminary broad goals and the initial areas of consideration for the project. These are described within **Attachment D**. In depth review of the Use Table on a zone by zone basis, separate from the Opportunity Zone work, has also commenced. Summary notes from each of subcommittee meetings is also found within **Attachment D**.

A Matters Item discussion was held with Planning Board on the Use Table and Standards project on [Nov. 15, 2018](#), where Planning Board affirmed the project’s scope and goals that the subcommittee established. At the May 28, 2019 Study Session, City



Council also affirmed the subcommittee's project scope and goals, and agreed that further studying 15-minute neighborhoods should be a future priority of the project. Council also suggested modifying the project *Why Statement*, from the "...Use Standards may be out of alignment with the intent of the *BVCP*...", to the "Use Standards are out of alignment with the intent of the *BVCP*..."

### **Council Direction on Opportunity Zone Related Use Table changes**

On April 2, 2019, staff presented an initial analysis of the Opportunity Zone land uses to City Council with recommendations for targeted changes to achieve better alignment with the BVCP. Council provided feedback on specific land uses and zoning districts that were identified by staff for further consideration for updates consistent with the purpose of the moratorium ordinance, as well as the goals and policies of the BVCP. The April 2<sup>nd</sup> [memo](#) contains an analysis of each zoning district within the Opportunity Zone, and key land use topics identified for consideration. **Attachment E** also contains staff's analysis and recommendations but illustrates the changes that were supported by City Council versus changes that were requested for further analysis or elimination. The suggested changes proposed to council were:

- Creation of a new use category of "Limited Uses" (L) to clarify specific standards, which are now cross-referenced throughout the code (this is discussed further in the 'Discussion' section below)
- Limiting office uses in business zones to mitigate the jobs: housing imbalance and looking at ways to encourage more permanently affordable housing units in these areas which are intended for mixed-use (e.g., BVRC, EBSP)
- Changing the efficiency living unit (i.e., units that are 475 square feet or less in size) standards to be more flexible and be allowed uses as opposed to current Use Review requirement for projects over a specific percentage (e.g., > 20% of units)
- Expanding the allowance for convenience retail to allow for more retail options in industrial areas and to encourage more walkable neighborhoods
- Restricting single family dwelling units in high-density residential zones to ensure development is consistent with the BVCP vision for such areas
- Limiting certain uses such as auto sales and rentals, indoor amusement and hotel/motel uses near residential areas to limit impacts

Overall, City Council was supportive of the changes listed above, including the concept of a new Limited Use ("L") category to apply new standards that may typically have *one* unique land use requirement as well as an opportunity for simplifying the use table ([Table 6-1](#)) by avoiding multiple line entries for uses with differing restrictions. Some examples of the how the use table structure is being revised are shown in Figures 1 and 2 for reference.

**Fig. 1 TABLE 6-1 USE TABLE** (Sample - See Attachments A and E for full table)

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A		
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	Specific-Use Standard-Additional References	
Form-Based Code Areas Uses																												Appendix M	
Residential Uses:RESIDENTIAL USES																													
Detached dwelling units	A	A	A	A	C	AL <sup>15</sup>	AL <sup>15</sup> <sub>2</sub>	*	*	C	UL <sup>15</sup>	UL <sup>15</sup>	AL <sup>15</sup>	AL <sup>1</sup>	*	C	*	AL <sup>1</sup> <sub>6</sub>	A	A	A	*	U	U	*	U	U	9-8-4 9-6-43(b), (f), (k) 9-6-110	
Detached dwelling unit with two kitchens	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	9-6-43(b)
Duplexes	*	A	A	A	C	A	A	*	*	C	A	A	A	AL <sup>1</sup>	*	C	*	AL <sup>1</sup> <sub>6</sub>	A	A	A	GL <sup>1</sup>	U	U	NL <sup>3</sup>	U	*	9-8-4 9-6-43(b), (f) 9-6-110	
Attached dwellings	*	A	A	A	C	A	A	C	*	C	A	A	A	AL <sup>1</sup>	n/a	C	*	AL <sup>1</sup> <sub>6</sub>	A	A	A	GL <sup>1</sup>	U	U	NL <sup>3</sup>	U	*	9-8-4 9-6-43(f), (g) 9-6-110	
Mobile home parks	*	U	U	*	U	U	*	*	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	

**Figure 1- Sample of revised Table 6-1, Use Table, which collapses extra line items for certain uses and includes the new Limited "L" use category corresponding to a new Table 6-3, Limited Uses (see below).**

**Fig. 2 TABLE 6-3 USE LIMITATIONS** (Sample only - See Attachments A and E for full table)

Use Limitations, per Table 6-1, "Use Table"	
<b>L<sup>1</sup></b>	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, otherwise by use review only.
<b>L<sup>2</sup></b>	Allowed by right if at least 50% of the floor area of the building is for residential use and the nonresidential use is less than 7,000 square feet per building, otherwise by use review only.
<b>L<sup>3</sup></b>	Allowed by right if at least 50% of the floor area of the building is for nonresidential use, otherwise by use review only.
<b>L<sup>4</sup></b>	Allowed by right for 2,000 square feet or less of floor area of the building. Allowed by-right for greater than 2,000 square feet of floor area, provided the cumulative nonresidential uses' floor area is less than 7,000 square feet of the building, and at least 50% of the building's floor area is for residential uses. Otherwise by use review only.
<b>L<sup>5</sup></b>	Allowed by right if the combined total amount of any office, computer design and development facility, data processing facility, telecommunication use, medical or dental clinic or office, or addiction recovery facility uses does not exceed 50% of the total floor area of the building. Otherwise prohibited.
<b>L<sup>6</sup></b>	Allowed by right for 2,000 square feet or less of floor area per lot or parcel, otherwise by use review only.
<b>L<sup>7</sup></b>	Allowed by right for 15,000 square feet or less of floor area per use and without a restaurant. If the use exceeds 15,000 square feet in floor area, the use may be approved pursuant to a conditional use review if it meets the criteria of Paragraph 9-6-6(b)(3.5), B.R.C. 1981.

<b>L<sup>8</sup></b>	Allowed by right for 15,000 square feet or less of floor area per use and without a restaurant. If the use is less than or equal to 15,000 square feet in floor area and has a restaurant, the use may be approved pursuant to a conditional use review if it meets the criteria of Paragraph 9-6-6(b)(3.5), B.R.C. 1981. If the use exceeds 15,000 square feet in floor area, it requires use review.
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**Figure 2- Example of new format, Table 6-3, Limited Uses, where each L category lists one specific land use regulation for each applicable use.**

Council, however, was not in full alignment on the following topics and thus necessitated further analysis:

1. Efficiency Living Units (ELUs)
2. Single-family Dwelling Units in High Density Residential zones
3. Residential in Business Regional (BR) zones
4. Restaurants in Industrial (I) zones
5. Office in Residential zones
6. Office as a conditional use in the Business zones
7. Preservation of existing market rate affordable units in the Opportunity Zone

### **May 28<sup>th</sup> City Council Study Session - Opportunity Zone and Use Standards & Table**

At the May 28<sup>th</sup> Study Session ([video link](#)), staff prepared several options and received specific direction from council on the seven land use topics above, where council was not in full agreement at their April 2<sup>nd</sup> meeting. Additional information on the land use options can be found in the [May 28<sup>th</sup> Study Session memo](#). A summary of the study session discussion and the direction received from council can be found online [here](#) (Item 3C). Based upon the May 28th council direction, along with the feedback from the Use Table subcommittee, staff has drafted recommended changes addressing the above land use topics as reflected in **Attachment A** and discussed in the *Analysis* section of the memo. The ordinance in **Attachment B** also reflects the council direction to remove the restrictions of the prior moratorium ordinances, but maintain a restriction on the demolition of existing market rate affordable housing in the RH-4 and RM01 zones.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic** – The Opportunity Zone moratorium was intended to provide time for the city to prepare for the potential of additional investment in the Opportunity Zone by completing a review of planning and zoning regulations, to help ensure that investment in the area will be consistent with goals and policies outlined in the BVCP and the moratorium ordinance 8314. The proposed amendments will bring the Land Use Code's Use Standards into greater alignment with the BVCP, and the concurrent lifting of the moratorium for the respective zoning districts within the Opportunity Zone will allow for renewed redevelopment and investment in Census Tract 122.03 in a manner more consistent with the goals and policies of

the city and the BVCP. The recommended changes also include opening up the allowance for convenience retail uses in some business and industrial zoning districts, and further reserving street facing ground floor spaces for retail uses in some business zoning districts as well.

City Council held a study session on the Citywide Retail Study Final Report on July 9, 2019. The session included discussion and recommended next steps toward developing the citywide retail strategy. More information can be found in the [study session memo](#) and a video of the study session may be viewed online [here](#).

- Environmental – N/A
- Social – The purpose of the proposed Land Use Code changes is to bring the city's existing zoning regulations into greater alignment with the goals and policies of the BVCP with a key focus on improving the job : housing imbalance, and retaining affordability for both housing and small businesses. The recommended changes help to further align the Use Standards with the city's goals of:
  - Achieving more housing affordability;
  - Preserving existing housing affordability;
  - Better mitigating the jobs and housing imbalance, and
  - Preserving small local business and retail

## **OTHER IMPACTS**

- Fiscal – This project is being completed using existing resources.
- Staff time – This project is being completed using existing staff resources. Implementation and staff training on the Land Use Code changes are expected to occur through the Q4 2019.

## **BOARD AND COMMISSION FEEDBACK**

### **Planning Board**

On July 25, 2019, the Planning Board reviewed and recommended on a vote of 5 to 0 for City Council to approve both Ordinances 8337 and 8347. The motions were as follows:

On a motion by **D. Ensign** seconded by **H. Zuckerman** the Planning Board voted 5-0 (**L. Montoya, P. Vitale** absent) to recommend approval of the ordinance included as Attachment A in the packet and Moratorium Ordinance 8314 described below, as follows:

1. Ordinance amending Title 9, "Land Use Code" to update the Use Standards associated with zoning districts within the federally designated Opportunity Zone (Census Tract 122.03), consistent with the Opportunity Zone Moratorium Ordinance 8314, to ensure development consistent with the Boulder Valley Comprehensive Plan (BVCP) with the exception of the raising of limitations on Use Review requirements for ELUs.

2. Lifting the development restrictions of the Moratorium Ordinance 8314, with the exception of applications that would result in the demolition of existing multi-family dwelling units in the RH-4 and RM-1 zoning district within the Opportunity Zone.

Planning Board discussed each proposed change in the **Attachment A** ordinance and whether each change should apply to just the Opportunity Zone or citywide. Overall, Planning Board supported the changes contained in the ordinances but were split on the issue of relaxing restrictions on efficiency living units (ELUs). Two board members did not agree that the Use Review threshold of 20 percent of the units be removed and expressed concern about applying such a change citywide. Three other board members were in support of the recommended change to remove the existing 20 percent threshold that triggers Use Review in order to make ELUs more readily allowed in the respective zoning districts. One board member expressed concern about specifying a maximum square footage for non-residential uses in residential zones by Use Review and that any limitations may need to be more flexible.

After deliberation it was determined that board was not in alignment around the ELU issue. The board then agreed on the other changes and their citywide application resulting in the 5 to 0 vote leaving out the ELU change. The board also supported lifting the restrictions of the moratorium with the exception of maintaining the prohibition of demolishing existing market rate affordable units and recommended approval of the ordinance in **Attachment B**. Draft minutes from the July 25, 2019 Planning Board meeting can be found in **Attachment H**.

## **PUBLIC FEEDBACK**

Staff conducted initial outreach to make the public aware of the Opportunity Zone code amendment project during the three code amendment open houses in February and March of 2019, as well as at the city's *What's Up Boulder?* event in April 2019, and via materials and discussion during four "Neighborhood Office Hours" with the city's neighborhood liaison. The public has provided feedback during the Use Table & Standards subcommittee meetings (**Attachment D**), and through emails to City Council and Planning Board (**Attachment G**).

Staff has sent out notices in the Planning newsletter and posted to the online project webpages, informing the community about the progress of the code changes. These updates include notices about the Planning Board and City Council meetings and the May 28, 2019 Study Session. Staff has also informed interested developers and property owners, as well as holding discussions with PLAN Boulder representatives, Community Vitality staff in relation to the University Hill Commercial District, and members of the chamber of commerce and Better Boulder for feedback on the proposed changes.

Comments received from the public have centered on better understanding the proposed changes and the potential for lifting the moratorium should the amendments be adopted. In reviewing the proposed changes with Community Vitality staff in relation to the University Hill Commercial District, it was requested that any limitations or prohibitions on ground floor office uses in the Business zoning districts not apply within the district, as office uses is one of their more desired uses. Based on this input, the recommended

amendments exclude the University Hill Commercial District area from the proposed limitations on ground floor offices uses in the city's business zoning districts, including Business Main Street (BMS) zone.

PLAN Boulder provided comments and spoke to the Planning Board on July 25th (see **Attachment G**) by cautioning against the proposed changes being applied citywide. They also questioned how the proposed changes would provide benefit to the community and asserted that such changes would make more sense as a result of area planning. The letter also expresses the concern about loosening requirements related to efficiency living units citywide.

The Boulder Chamber of Commerce has submitted a letter included in **Attachment G** that expresses support for lifting the moratorium in the Opportunity Zone, but opposition to the new restrictions on the amount of office uses in the business zones, the capping of size of non-residential uses through Use Review in the residential zones, the restrictions on residential uses on the ground floor in the business zones and conversion of certain uses to Use Review in certain zones (e.g., hotels and motels in the business zones, indoor recreational or athletic facilities etc.). The Chamber has indicated that while there has been outreach in the community on the changes that many potentially impacted property owners continue to not be aware of the proposed changes.

## **ANALYSIS**

### **Ordinance 8337 on the Use Table and Standards**

Staff has prepared an ordinance (**Attachment A**) that addresses the Opportunity Zone land use topics as directed by council. As part of the [Use Standards and Table project](#), staff has also been looking at other ways to simplify and streamline the code consistent with the Use Table Subcommittee's goals and feedback. Staff has also examined setting up the code to be more adaptable to future changes that may require unique ways to restrict use square footages or percentages of uses within a building or on a site to achieve the goals of the BVCP. **Attachment E** includes staff's analysis of uses within the Use Table for consistency with BVCP policies as well as highlighting the issues that council requested for further analysis and elimination.

Drawing from the goal and intent statements of the moratorium ordinance, council's direction, and the policies within the BVCP, staff has looked at each zone and use in the Opportunity Zone area with an eye towards targeted changes to better achieve the following key topics:

- i) Increase housing capacity in appropriate locations with an emphasis on permanently and other affordable housing (including the preservation of existing affordable market-rate housing), access to transit and walkability,
- ii) Reduce the non-residential capacity to offset the jobs and housing imbalance by limiting the allowance for office uses, and
- iii) Maintain the potential for retail uses and enable more opportunities for retail where possible.



An additional goal is to preserve existing market rate affordable uses, which is discussed further below. In the analysis, the following BVCP policies were found to be the most relevant:

### **Relevant BVCP Policies to the Opportunity Zone Use Table Analysis**

#### Industrial Zones

- ✓ 1.10 Jobs: Housing Balance
- ✓ 2.21 Light Industrial Areas
- ✓ 2.34 Design of Newly Developing Areas
- ✓ 5.01 Revitalizing Commercial & Industrial Areas

#### Business Zones

- ✓ 1.10 Jobs: Housing Balance
- ✓ 2.18 Boulder Valley Regional Center & 28th Street
- ✓ 2.19 Neighborhood Centers
- ✓ 2.34 Design of Newly Developing Areas
- ✓ 5.03 Diverse Mix of Uses & Business Types
- ✓ 5.04 Vital & Productive Retail Base
- ✓ 5.05 Support for Local Business & Business Retention
- ✓ 6.14 Integrated Planning for Regional Centers & Corridors
- ✓ 7.10 Balancing Housing Supply with Employment Base

#### Residential Zones

- ✓ 1.10 Jobs: Housing Balance
- ✓ 7.06 Mixture of Housing Types
- ✓ 7.08 Preservation & Development of Manufactured Housing
- ✓ 7.10 Balancing Housing Supply with Employment Base
- ✓ 7.13 Conversion of Residential Uses in the Community

### **Limited Uses**

With these policies and stated goals in mind, staff is proposing the creation of a new use category of “Limited Uses”, which would be regulated between an allowed use (A) and a conditional use (C) [currently used in the use table] as an (L) in the use table. Limited “L” uses, if implemented, would be allowed through a building permit or business license, but may typically have one special standard that would ordinarily require a separate submission of a conditional use application. For example, this would be similar to how the Use Table currently includes “G” uses for those uses that are not permitted on the ground floor or “M” uses which require a minimum percentage of residential in a development project.

The BVCP speaks to obtaining a better mix of uses in specific areas (e.g., BVRC) to limit office and obtain more housing. Making all uses of concern conditional uses to address this would be a substantial burden on property owners for use changes and would result in a significant increase in the number of applications, which current

staffing levels would likely not be able to effectively manage. Establishing the key uses as “L” uses would not require conditional use review applications, but rather could be confirmed through building permit review saving money and time while also enabling a more effective way to review proposals for compliance with the BVCP’s intent of creating a more appropriate mix of uses in certain areas. Further, conditional uses are typically those which have multiple criteria that must be met and thus, require submission of a staff level conditional use review application. See the draft ordinance **Attachment A** for the proposed “Limited Use” category changes.

It should be noted that many changes to the use table involving “L” uses are not substantive, but rather structural changes to make the Use Table more legible. For instance, the L uses are specified with a superscript correlated to a new table 6-3, “Use Limitations,” which includes the one special standard for each. L<sup>1</sup> through L<sup>14</sup> reflect existing limitations within the use table. L<sup>15</sup> through L<sup>17</sup> are new substantive regulations that are created to address requests from council to limit certain uses. Staff is also proposing a new Table 6-2, which has unique Use Review thresholds from the Use Table of which three (i.e., U<sup>1</sup> through U<sup>3</sup> are existing thresholds and U<sup>4</sup> is a new limitation discussed below). **Attachment F** shows which changes are new substantive changes versus structural changes (and may be easier to follow than the ordinance format in **Attachment A**).

Some of the zoning districts addressed within the Opportunity Zone also exist outside its boundaries. As the issues related to the housing affordability, the jobs: housing imbalance or retaining retail are city wide issues, staff is recommending that the changes apply citywide.

Staff’s recommendation and rationale for the most substantive use table changes and topics that garnered the greatest level of discussion among the council members are discussed below:

#### **Efficiency Living Units (ELUs):**

Current Standard: Efficiency Living Units are dwelling units that are no larger than 475 square feet in size. Per the Land Use Code, two ELU units count as one unit for the purposes of density. ELUs currently require a Use Review if they constitute more than 20 percent of the units on a site.

May 28<sup>th</sup> Study Session Feedback: Council provided direction to change to the Use Table that would permit ELUs in most zoning districts as an allowed use. This change would remove the current disincentive (a Use Review) for modest sized units that are typically more affordable due to their smaller size.

Proposed Change: Modify the Use Table to make ELUs an allowable use (A) in most zones. Remove the Use Review requirement for projects with 20% or greater ELUs. See the draft ordinance **Attachment A** for the proposed Use Table changes.

Key Topics Addressed: (i) Increase housing capacity in appropriate locations with an emphasis on permanently affordable housing, access to transit and walkability. Works toward creating more affordable housing options and offsetting the jobs: housing imbalance.

### **Detached Dwelling Units (single-family) in the High-Density Residential Zones:**

Current Standard: Detached Dwelling Units are currently allowed (A) in the High-Density Residential Zones. Detached dwelling units, however, require a Use Review in the Mixed Use (MU) zones.

May 28<sup>th</sup> Study Session Feedback: Council provided direction to change to the Use Table to make Detached Dwelling Units (single-family) a Use Review in the high-density residential zones, with specific criteria for new detached homes to discourage them as compared to attached housing, but to add some flexibility for existing detached homes and preserve existing historic homes.

Proposed Change: To encourage the preservation of existing detached dwelling units in the high density residential and mixed-use zones and potentially enable their conversion to higher density per the underlying zoning but deter the construction of new detached dwelling units in these zones, the use has become a limited use (L<sup>15</sup>). The new limited use category specifies that any detached dwelling units that currently exist as of the date of the ordinance may continue as a by-right use. However, construction of new detached dwelling units would require Use Review subject to new criteria added in Section 9-6-3(k), B.R.C. 1981 (see **Attachment A**).

Key Topics Addressed: (i) Increase housing capacity in appropriate locations with an emphasis on permanently affordable housing, access to transit and walkability. Works towards encouraging density in appropriate locations to offset the jobs: housing imbalance.

### **Residential Uses in Business Regional (BR) Zones:**

Current Standard: Residential Uses are currently allowed (A) in the BR zones, including on the ground floor, which may impact spaces that would be better used for retail consistent with the purpose of the zone, which is “*to contain 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.*” Section 9-5(c)(2)(I), B.R.C. 1981.

May 28<sup>th</sup> Study Session Feedback: Council provided direction to change to the Use Table to make residential uses a Limited (L) or Conditional Use (C) in the BR Zones, similar to a previous code amendment to the Business Community

(BC) zones, with specific criteria for limiting ground residential uses. Suggestions were made to incentivize retail spaces along major corridors but allow for residential ground floor uses outside these areas or internal to sites.

Proposed Change: To incentivize retail spaces facing major streets, but to also not discourage the location of residential uses in the BR zones, residential uses on the ground floor are proposed as a new limited use (L<sup>16</sup>). The limited use specifies that the first 30 feet depth of the ground floor of a building facing a major street, as defined in the Land Use Code Appendix A, “Major Streets”, shall be reserved for retail or commercial uses. 30 feet was determined as a sufficient minimum depth for the ground floor retail and commercial uses, and also because it is consistent with the typical construction grid for support columns in building construction. Beyond that depth, residential uses would be permitted on the ground floor on the interior of sites. This provision would balance the desire to have retail or commercial uses consistent with the BR zoning along major thoroughfares, but also to not discourage the infill of residential housing into the zone which is supported by BVCP policies. Furthermore, permanently affordable housing units would be encouraged by being exempt from this provision (see **Attachment A**).

Key Topics Addressed: (iii) Maintain the potential for retail uses and enable more opportunities for retail where possible & (i) Increase housing capacity in appropriate locations with an emphasis on permanently affordable housing, access to transit and walkability.

#### **Office Uses in Business Zones (Business Regional, Business Main Street and Transitional Business):**

Current Standard: Office Uses are currently allowed (A) in the business zones and unlimited in terms of their size despite concerns about the jobs: housing imbalance.

May 28<sup>th</sup> Study Session Feedback: Council provided direction to change to the Use Table to make office uses Limited uses in the BR Zones to avoid large scale office buildings which could exacerbate the jobs: housing imbalance, which is a city-wide concern beyond just the Opportunity Zone.

Proposed Change: The BVCP aims to create an appropriate mix of uses in the Boulder Valley Regional Center (BVRC). More specifically, on page 41 within Policy 2,18, Boulder Valley Regional Center & 28<sup>th</sup> Street, it states, “*The city will pursue regulatory changes to increase housing capacity and reduce the current non-residential capacity in the BVRC while maintaining retail potential.*” In conjunction with the change to encourage retail and residential in the BR zones, this proposed code change would seek to limit the growth of office uses in the BVRC by capping the percentage office uses per building at 25 percent. This would be achieved by making all office uses and other like uses

(medical and dental clinics or addition recovery facilities, medical and dental laboratories) a new limited use (L<sup>17</sup>).

These limited uses would be permitted by-right up to 25 percent of a building. Any existing buildings over this percentage would be considered a non-conforming use and could maintain their current amount of office, but could only be expanded pursuant to a Non-conforming Use Review. Furthermore, up to 50 percent of office floor area could be permitted in a building, if permanently affordable units are provided on-site. This would require review of a conditional use application subject to new criteria within Section 9-6-8(a)(2), B.R.C. 1981 (see **Attachment A**). Please note that while office is proposed to be capped in parts of the city to mitigate the jobs: housing imbalance, office is a desirable use in the Business Main Street (BMS) zone of the University Hill commercial district. Therefore, the proposed restrictions on office would not apply in that area of the city.

Key Topics Addressed: (ii) Reduce the non-residential capacity to offset the jobs and housing imbalance by limiting the allowance for office uses, and (iii) Maintain the potential for retail uses and enable more opportunities for retail where possible.

### **Office Uses in the Residential Zones:**

Current Standard: Currently, office uses may be approved through the Use Review process in most of the residential zones excluding Residential Rural (RR), Residential Estate (RE), and Residential Low (RL) zones if it is demonstrated that the Use Review criteria of [Section 9-2-15, B.R.C. 1981](#) are met.

May 28<sup>th</sup> Study Session Feedback: In efforts to further address the jobs: housing balance, staff suggested the option to prohibit further allowance for offices in the residential zones. The majority of council felt that this would be too restrictive and perhaps contrary to efforts to enable 15-minute neighborhoods and reasonable mixed-use. Council suggested that Use Reviews be allowed but be appropriately capped in size. Some council members, however, requested that staff original suggestion for prohibiting new offices in the Residential Mixed (RMX-1) zone outside of downtown be enacted due to the concentration of non-residential in the zone.

Proposed Change: A new Use Review category of U<sup>4</sup> is proposed, which would allow for Use Review where it is currently possible in the R2, R3, R5, R6 and R7 use modules of the Land Use Code, but would limit the amount of office and like uses to a cumulative of no more than 25 percent of the floor area permitted on a lot in these areas. Existing offices would be permitted to operate under the terms of prior Use Review approvals and would only be permitted to expand

with a new Use Review application subject to the Nonconforming Use Review criteria (see **Attachment A**).

Key Topics Addressed: (ii) Reduce the non-residential capacity to offset the jobs and housing imbalance by limiting the floor area allowance for office uses.

### **Other Topics:**

Lastly, there were two other main topics that council discussed:

- Restaurants in Industrial (I) zones, and
- Preservation of existing market rate affordable units in the Opportunity Zone

With respect to restaurants, there was a discussion regarding whether to alter the Land Use Code to make it easier to have restaurants in industrial zones, which are areas often underserved by the use. Restaurants in industrial zones currently require a conditional use review approval. These types of applications are not common, mostly due to the fact that restaurants are not permitted along major streets. This was an intentional requirement to avoid main thoroughfares passing through industrial areas transforming into commercial corridors. While this intent has largely been maintained, it creates a condition where employees often have to drive to commercial zones for food. While staff agrees that rules should be revised to enable more restaurants in industrial areas, staff recommended not to remove the major streets restriction at this time as to avoid any unintentional consequences. Further, staff recommended that this issue would be better analyzed as part of the EBSP. Council agreed and did not request any changes at this time. Council further discussed this issue as a part of the Citywide Retail Strategy study session on July 9.

### **Ordinance 8347 relative to the Opportunity Zone moratorium**

Preservation of existing “market rate affordable” housing units has also been a top priority in the Opportunity Zone. Unfortunately, staff has not discovered any specific way through the Use Table to prevent demolition of the existing market rate affordable housing stock within the Opportunity Zone. Such a change goes beyond the project scope of this ordinance which was limited to updating the use standards. In looking at the area, most of the housing units of concern are within the Residential High – 4 (RH-4) and the Residential Medium – 1 (RM-1) zoning districts.

Staff recommended to council the option of keeping a moratorium in effect for these zones to specifically prohibit the demolition of existing housing units within the RH-4 and RM-1 zoning districts during the duration of the Opportunity Zone, in order to achieve council’s goals of preservation. Council agreed in concept, but directed city staff to look at more comprehensive ways to regulate the demolition of existing market rate affordable units across the city at a later point in time.

Draft Ordinance 8437 within **Attachment B** would lift the restrictions of the moratorium on the Opportunity Zone, but would continue a moratorium on the demolition of existing residential uses in the RH-4 and RM-1 zones. This would



provide time to develop more permanent and comprehensive regulations that aim to preserve existing market rate affordable units citywide.

**Conclusion:**

Staff finds that the proposed changes within **Attachment A** address council's request for narrow, targeted changes to the Use Table in order to create better consistency with the BVCP, and that align with the following key topics within the Opportunity Zone, as established by council:

- i. Increase housing capacity in appropriate locations with an emphasis on permanently and other affordable housing, access to transit and walkability
- ii. Reduce the non-residential capacity to offset the jobs and housing imbalance by limiting the allowance for office uses, and
- iii. Maintain the potential for retail uses and enable more opportunities for retail where possible.

Staff also supports the lifting the moratorium in the Opportunity Zone with the protections on existing multi-family housing units in place as reflected in **Attachment B**.

As staff moves forward with other Land Use Code changes, staff will continue to look at how the goals above can be further reinforced. The existing code efforts are the ongoing work on the [Use Table and Standards](#), [Community Benefit](#), and [Large Homes and Lots](#) projects. Additional efforts, which will likely commence in late 2019 / early 2020 (dependent on the new sitting council's guidance), are as follows:

1. ***Amending the Boulder Valley Regional Center (BVRC) consistent with specific policies in the BVCP:*** Explore how to allow and incentivize additional diverse housing types in the BVRC (BR-1 & BC-2 zones) while addressing other community priorities such as high-quality urban design and walkable places. Code amendments may address standards in these districts such as parking, open space, connections, mixed-use, mobility, community benefits and building scale for each zoning district. Amendments may include revisions to the BVRC design guidelines or potential for form-based plans and codes. (see [Policy 2.18, Boulder Valley Regional Center & 28<sup>th</sup> Street on page 42](#) and the [Boulder Valley Regional Center \(BVRC\) Guiding Principles on page 43](#))
2. ***Implementing code changes identified as part of the East Boulder Subcommunity Plan with a focus on industrial areas:*** The city will include the public and stakeholders in a process to analyze and modify industrial zone regulations to consider the following code changes to implement policies in the BVCP and necessary changes identified in the [Economic Sustainability Strategy \(ESS\)](#):
  - Create new criteria to encourage residential and retail infill in IG zoning districts in appropriate locations and by public amenities (e.g., bike paths etc.), while not driving out existing industrial uses;

- Reevaluate contiguity requirements and encourage residential development in locations near services, retail and transit;
- Maintain existing allowed industrial uses, but work with stakeholders on making updates to use definitions in the Land Use Code that is somewhat antiquated in uses found in industrial areas;
- Allow additional limited retail and foster redevelopment into walkable mixed-use “industrial districts”. Address other standards for the IG district such as shared parking and open space, and
- Consider modifying review procedures for any residential project in an IG zone (e.g., Site Review).

See [Policy 2.21, Light Industrial Areas and the Light Industrial Area Guiding Principles on page 46](#) of the BVCP.

## **ATTACHMENTS**

- A: Proposed Ordinance 8337
- B: Proposed Ordinance 8347
- C: Map of the Opportunity Zone and associated zoning districts
- D: Planning Board Use Table Subcommittee project scope and goals; and summary notes from the subcommittee meetings
- E: Staff evaluation of Use Table 6-1 and recommendations for targeted changes to ensure a greater level of compliance with the Boulder Valley Comprehensive Plan (BVCP)
- F: Copy of the use table showing substantive versus structural changes
- G. Public (and board member) Feedback - emails to City Council and Planning Board on the project
- H. Draft Minutes from the 7/25/2019 Planning Board meeting
- I. Recommended Amendment to Ordinance 8337

## ORDINANCE 8337

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO UPDATE USE STANDARDS FOR ZONING DISTRICTS LOCATED IN THE FEDERALLY DESIGNATED OPPORTUNITY ZONE (CENSUS TRACT 122.03) TO ENSURE DEVELOPMENT CONSISTENT WITH THE BVCP; AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 9-1-2, "How to Use This Code," B.R.C. 1981, is amended to read as follows:

**9-1-2. - How to Use This Code.**

A general description of these land use regulations follows. This description is intended to provide the reader with some guidance using this code. This section is not intended to be a substitute for the standards, criteria and procedures contained in this code.

...

(c) Modular Zone System: Zoning districts in Boulder are comprised of standards from three modules: use, form and intensity. Combining elements of the three modules creates a zoning district. The zoning districts are identified in Section 9-5-2, "Zoning Districts," B.R.C. 1981.

(1) Use Module: The use module establishes the uses that are permitted, permitted with limitations pursuant to Section 9-6-2, "Limited Use Standards - General," B.R.C. 1981, conditionally permitted pursuant to Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981, prohibited, or that may be permitted through use review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981. Conditional uses are reviewed through an administrative (staff) review process to ensure conformance with specific ~~specific~~ conditional use standards. If the use requires a use review, then the project will be required to complete a discretionary review to ensure that any impacts of the use on the surrounding area are minimized. Finally, if the use is an existing legal use that is no longer allowed in the zoning district, and there is a proposal to change or modify the use, it may also be required to complete a use review.

...

(k) Enforcement of The Land Use Regulations: Violations of the land use regulation are investigated by the ~~Development and Inspection Services division of the Public Works~~ Planning Department and are prosecuted in municipal court, by district court actions or through administrative hearings. A hearing also is available before the Planning Board to

protest a violation of a development review approval. The enforcement provisions are found in Chapter 9-15, "Enforcement," B.R.C. 1981.

...

Section 2. Section 9-1-4, "Transitional Regulations," B.R.C. 1981, is amended to read as follows:

**9-1-4. - Transitional Regulations.**

This section addresses the applicability of new substantive standards enacted by this title to activities, actions and other matters that are pending or occurring as of the effective date of this title.

...

(e) Existing Uses Subject to Use Limitations or That Require a Use Review or Conditional Use Approval:

(1) Use Review or Conditional Use Approvals: Any previously approved use that was established prior to the adoption of new regulations that make such use permitted only pursuant to a conditional use or a use review shall be allowed to continue in operation. Any change or expansion of a use that was established prior to the adoption of new regulations that make such use permitted pursuant to a conditional use or a use review shall be made in conformance with the applicable standards for use review, conditional uses or for changes or expansions to nonconforming uses.

(2) Limited Uses: Any previously allowed use that was established prior to the adoption of new regulations that make such use permitted only subject to use limitations shall be allowed to continue in operation and may be changed within the existing floor area of the use or replaced by another limited use subject to the same use limitation category if such change or replacement use does not increase the degree of nonconformity with the use limitations adopted after the use was established. Other changes to a limited use that was established prior to adoption of the new regulations that imposed the use limitations shall be made in conformance with the applicable use limitations or in conformance with the applicable standards for changes or expansions to nonconforming uses.

(3) Discontinued Use: If active and continuous operations of ~~such~~ a use subject to the standards of paragraphs (e)(1) or (e)(2) of this section are not carried on for a period of one year, it shall thereafter be occupied and used by a use meeting the requirements of this title, as required by Subsection 9-10-2(a), B.R.C. 1981.

...

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><b>I. ADMINISTRATIVE REVIEWS</b></i>	<i><b>II. ADMINISTRATIVE REVIEWS - CONDITIONAL USES</b></i>	<i><b>III. DEVELOPMENT REVIEW AND BOARD ACTION</b></i>
Administrative form-based code review	Accessory Units (Dwelling, Owners, Limited)	Annexation/initial zoning
Building permits	Wireless Communications Facilities	BOZA variances
Change of address		Concept plans
Change of street name	Attached Dwelling Units and Efficiency Living Units in the University Hill General Improvement District	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
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	Bed and Breakfasts	
	Cooperative Housing Units	
	Daycare Centers	
Easement vacation	Detached Dwelling Units with Two Kitchens	Form-based code review
Extension of development approval/staff level	Drive-Thru Uses	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
Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981)	Group Home Facilities	
	Home Occupations	
	Manufacturing Uses with Off-Site Impacts	
	Medical or Dental Clinics or Offices or Addiction Recovery Facilities in the Industrial	Lot line adjustments
Landscape standards variance		Lot line elimination

1	Minor modification to approved site plan	General Zoning District near the Boulder Community Health Foothills Campus	Minor Subdivisions
2			Out of city utility permit
3	Minor modification to approved form-based code review	Neighborhood Service Centers	Rezoning
4		Offices, Computer Design and Development, Data Processing, Telecommunications, Medical or	Site review
5		Dental Clinics and Offices, or	Subdivisions
6	Nonconforming use (extension, change of use (inc. parking))	Addiction Recovery Facilities in the Service Commercial Zoning Districts	Use review
7			
8	Parking deferral per Subsection 9-9-6(e), B.R.C. 1981	<u>Offices, Medical or Dental Clinics and Offices, Addiction Recovery Facilities, and Medical</u>	Vacations of street, alley, or access easement
9		<u>and Dental Laboratories in the BMS, BR and BT Zoning Districts Not within the University Hill General</u>	
10	Parking reduction of up to fifty percent per Subsection 9-9-6(f), B.R.C. 1981	<u>Improvement District and Exceeding Twenty-Five percent of the Floor Area of a Building</u>	
11			
12	Parking reductions and modifications for bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981	Recycling Facilities	
13		Religious Assemblies	
14	Parking stall variances		
15	Public utility	Residential Care, Custodial Care, and Congregate Care Facilities	
16	Rescission of development approval		
17		Residential Development in Industrial Zoning Districts	
18	Revocable permit		
19	Right-of-way lease	Residential Uses in the MU-3 Zoning District Fronting Pearl Street	
20	Setback variance		
21		Restaurants, Brewpubs, and Taverns	
22			
23		Sales or Rental of Vehicles on Lots Located 500 Feet or Less from a Residential Zoning District	
24			
25			



	Service Stations	
Site access variance	Shelters (Day, Emergency, Overnight, temporary)	
Solar exception	Temporary Sales	
Zoning verification	Transitional Housing	
	Certain Uses in BC Areas designated in Appendix N	

Section 4. Section 9-2-2, “Administrative Review Procedures,” B.R.C. 1981, is amended to read as follows:

**9-2-2. - Administrative Review Procedures.**

- (a) Purpose: Administrative review of projects will occur at various times in project development to ensure compliance with the development standards of the city.
- (b) Scope of Administrative Review: Every application found in this title that permits an administrative review or action shall be subject to the following procedures. The list of administrative reviews is found in columns I and II of Table 2-1 of this section. Any reference that authorizes an action by the city manager that is not specifically identified in column I or II of the chart shall be assumed to be an informal application procedure.
- (c) Application Requirements:
- (1) Informal Application: Those reviews not identified in column I or II of the chart shall submit an application in the form of a letter addressed to the city manager.
  - (2) Formal Application: The administrative review requests found in columns I and II shall be submitted on an application form provided by the city manager. No application will be accepted until it is determined to be complete. This determination will be made within five days of the submission of the application.
  - (3) Required Information: The letter or application shall include the information required and address all criteria identified in the code section under which review and action is sought or required.
  - (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.

(d) Conditional Use Review:

- (1) Purpose: Conditional uses are uses which are appropriate in a given zoning district if the applicable conditional use criteria have been satisfied. The requirements are intended to ensure that the use is compatible with the surrounding area.
- (2) Standards and Criteria: Conditional uses shall be permitted in a given zoning district if the use meets the criteria set forth in Sections 9-6-3 through 9-6-11, B.R.C. 1981, and other requirements of this code and any other ordinance of the city. The criteria set forth in Sections 9-6-3 through 9-6-11, B.R.C. 1981, cannot be met by using the variance process. Conditional uses shall not be located on nonstandard lots except as otherwise permitted.
- (3) Review: Conditional uses are reviewed pursuant to the administrative review procedures set forth in this section. The applicant shall demonstrate to the city manager that the applicable criteria have been satisfied.
- (4) Violations: No person shall violate a provision of a conditional use approval.
- (5) Expiration: Any conditional use review approval which is not established within one year of its approval, discontinued for at least one year, or replaced by another use of land shall expire.

(e) Administrative Review Decision:

- (1) Approval: If the city manager approves an administrative review application, a building permit or approval may then be issued, provided that all other requirements of this code and all other ordinances of the city are satisfied.
- (2) Denial: An administrative review application will be denied for failure to comply with this code or another ordinance of the city. If a development application is denied, the reasons for the denial will be stated in writing.
- (3) Judicial Review: Any person aggrieved by the final decision of the city manager may seek judicial review pursuant to Subsection 9-4-4(g), B.R.C. 1981.

Section 5. Section 9-2-12, "Development Progress Required," B.R.C. 1981, is amended to read as follows:

...

- (e) Rescission of Development Approval: If, after use review, site review, Planned Development (PD), Planned Residential Development (PRD), or Planned Unit Development (PUD) approval is granted pursuant to this chapter, the owner of property desires to develop, instead, under the provisions of Chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards," and 9-8, "Intensity Standards," B.R.C. 1981, the owner may request rescission of such use review, site review, PD, PRD or PUD approval by filing a written request for rescission with the city manager. The manager will grant a rescission of such use review, site review, PD, PRD, or PUD approval if no building

permit has been issued for the development and neither the city nor the developer has taken any actions in detrimental reliance on the terms of the development agreement. The manager may also rescind a site review, PD, PRD, or PUD approval if the existing or proposed development complies with all the use, form, and intensity requirements of Chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards," and 9-8, "Intensity Standards," B.R.C. 1981, and there is no substantial public benefit in maintaining the original approval. An owner may also request a rescission of a use review or special review approval in order to return the property to a use that is permitted as a matter of right, as a limited use, or as a conditional use if it is able to meet all applicable standards for such use under this title.

...

**Section 6.** Section 9-4-2, "Development Review Procedures," B.R.C. 1981, 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. Form and bulk standards may also be varied by site review. Additional procedures that are required by this code but located in other chapters are:

- (1) "Historic Preservation," chapter 9-11;
- (2) "Inclusionary Housing," chapter 9-13; and
- (3) "Residential Growth Management System," chapter 9-14.

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

<i>Standard or Application Type</i>	<i>Staff/City Manager</i>	<i>BOZA</i>	<i>Planning Board</i>	<i>City Council</i>
...				
Conditional Use SECTION 9-2-1	D	—	—	—
<u>Limited Use</u> <u>SECTION 9-6-2</u>	<u>D</u>	—	—	—
Site Review SECTION 9-2-14	D(14)	—	CA, D(30)	CA

...				
KEY:				
D = Decision Authority		CA = Call-Up and Appeal Authority		
R = Recommendation only		(n) = Maximum number of days for call-up or appeal		

Section 7. Chapter 9-6, "Use Standards," B.R.C. 1981, is amended to read as follows:

#### **9-6-1. - Schedule of Permitted Land Uses.**

The schedule shows the uses which are permitted, permitted with limitations, conditionally permitted, prohibited, or which may be permitted through use review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.

(a) Explanation of Table Abbreviations: The abbreviations used in Table 6-1 of this section have the following meanings:

(1) Allowed Uses: An "A" in a cell indicates that the use type is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this title.

(2) Limited Uses: A "L" in a cell indicates that the use type is permitted by right in the respective zoning district provided that the limitations set forth in Table 6-3, "Use Limitations," are met. The applicable limitations of Table 6-3 are identified by superscript numbers following the applicable "L" in Table 6-1. If a use limitation in Table 6-3 is not met or if otherwise specifically required in Table 6-3, the use may be approved in accordance with the procedures and standards authorized in Table 6-3.

(23) Conditional Uses: A "C" in a cell indicates that the use type will be reviewed in accordance with the procedures established in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981. Conditional use applications shall also meet the ~~additional~~ standards set forth in Sections 9-6-23 through 9-6-110, B.R.C. 1981, for "Specific Conditional Use and Use Review Standards," or other sections of this title.

(34) Use Review Uses: A "U" in a cell indicates that the use type will be reviewed in accordance with the procedures established in Section 9-2-15, "Use Review," B.R.C. 1981. Use review applications shall also meet the ~~additional~~ standards set forth in Sections 9-6-23 through 9-6-110, B.R.C. 1981, for "Specific Conditional Use and Use Review Standards." In addition to Table 6-1, Table 6-2, "Use Review Thresholds," B.R.C. 1981, applies to use review applications and adds standards to specific use types. The applicable limitations of Table 6-2 are identified by superscript numbers following the applicable "U" in Table 6-1.

(4) ~~Ground Floor Restricted Uses: A "G" in a cell indicates that the use type is permitted by right in the respective zoning district, so long as it is not located on the ground floor facing~~

a street, with the exception of minimum necessary ground level access, otherwise by use review only.

(5) ~~Residential Restricted Uses – M: An "M" in a cell indicates the use is permitted, provided at least fifty percent of the floor area is for residential use and the nonresidential use is less than seven thousand square feet per building, otherwise by use review only.~~

(6) ~~Residential Restricted Uses – N: An "N" in a cell indicates the use is permitted, provided at least fifty percent of the floor area is for nonresidential use, otherwise by use review only.~~

(7) ~~Prohibited Uses: An asterisk symbol ("\*") in a cell indicates that the use type is prohibited in the zoning district.~~

(8) ~~Additional Regulations: There may be additional regulations that are applicable to a specific use type. The existence of these specific additional use regulations is noted through a reference in the last column of the use table entitled "Specific Use Additional References." References refer to subsections of Sections 9-6-32 through 9-6-110, B.R.C. 1981, for "Specific Conditional Use and Use Review Standards," or other sections of this title. Such standards apply to all districts unless otherwise specified. Uses located on a lot or parcel designated in Appendix L, "Form-Based Code Areas," are subject to the requirements of this chapter, but may also be subject to additional use regulations pursuant Appendix M, "Form-Based Code."~~

(9) n/a: Not applicable; more specific use applications apply.

(b) Interpretation: The city manager may decide questions of interpretation as to which category uses not specifically listed are properly assigned to, based on precedents, similar situations, and relative impacts. Upon written application, the BOZA may determine whether a specific use not listed in Table 6-1 of this section is included in a specific use category. Any use not specifically listed in Table 6-1 of this section is not allowed unless it is determined to be included in a use category as provided by this section.

(c) Multiple Uses of Land Permitted: ~~Allowed Permitted~~ uses, limited uses, conditional uses, and uses permitted by use review may be located in the same building or upon the same lot.

(d) Use Table:

**TABLE 6-1: USE TABLE**

**RESIDENTIAL USES:**

Zoning District	R R - 1 , R R - 2 , R M - 2	R L - 2 , R M - 3	R M - 1 , R M - 3	R M X - 1	R M X - 2	R H - 1 , R H - 2 , R H - 7	R H - 3 , R H - 6	R H - 6	M H	M U - 3	M U - 1	M U - 2	M U - 4	B T - 1 , B T - 2	B M S	B C - 1 , B C - 2	B C - 1 , B C - 2	B R - 1 , B R - 2	D T - 4	D T - 5	D T - 1 , D T - 2 , D T - 2	I S - 1 , I S - 2	I G	I M	I M S	P	A
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[illegible]



1	Attache d dwellin gs	*	A	A	A	C	A	A	C	*	C	A	A	A	<u>A</u> <u>L</u> <u>1</u>	n/a	C	*	<u>A</u> <u>L</u> <u>1</u> <u>6</u>	A	A	A	<u>G</u> <u>L</u> <u>1</u>	U	U	<u>N</u> <u>L</u> <sup>3</sup>	U	*	9-8-4 9-6- <u>43(f),(j)</u> 9-6-11 <u>10</u>		
2																															
3																															
4	Mobile home parks	*	U	U	*	U	U	*	*	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
5																															
6	Townh ouses	*	A	A	A	C	A	A	A	*	C	A	A	A	<u>A</u> <u>L</u> <u>1</u>	*	C	*	<u>A</u> <u>L</u> <u>1</u> <u>6</u>	A	A	A	<u>G</u> <u>L</u> <u>1</u>	U	U	<u>N</u> <u>L</u> <sup>3</sup>	U	*	9-8-4 9-6- <u>43(f),(h)</u> 9-6-11 <u>10</u>		
7																															
8																															
9	Live- work	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	*	*	*	*	U	U	U	A	*	*		
10																															
11	Attache d dwellin g units outside of the Univers ity Hill general improv ement district	n	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	<u>G</u> <u>L</u> <sup>1</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		
12																															
13																															
14																															
15																															
16																															
17																															
18	Attache d dwellin g units and efficien cy living units in the Univers ity Hill general improv	n	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	C	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9-6- <u>43(i)</u>	
19																															
20																															
21																															
22																															
23																															
24																															
25																															

[illegible]

dwelling unit																																
C. Limited accessory unit	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		9-6-43(a)
Caretaker dwelling unit	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	A	A				
Group quarters: <u>Group quarters:</u>																																
A. Congregate care facilities	*	*	A	A	A	A	A	A	*	A	A	A	C	A	C	C	*	A	C	C	C	*	U	U	*	U	*				9-3-2(i) 9-6-43(e)	
B. Custodial care	*	*	U	U	U	U	U	U	*	U	U	U	*	U	*	U	*	U	*	U	U	*	U	U	*	*	*				9-6-43(e)	
C. Group homes	C	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	*	C	C	C	C	*	*	*	*	*	*				9-3-2(i) 9-6-43(c)	
D. Residential care facilities	*	*	C	C	C	C	C	C	*	C	C	C	C	C	C	C	*	C	C	C	C	*	U	U	*	*	*				9-6-43(e)	
E. Fraternities, sororities and	*	*	*	*	*	A	A	*	*	U	*	*	*	A	n/a	C	*	A	L	I	e	*	*	*	A	*	U	U	*	*	*	9-3-2(i) 9-6-110

[illegible]

Home occupat ion	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	9-6- 43(d)
Transiti onal housing	C	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*	9-6- 43(g)

**Dining and Entertainment: DINING AND ENTERTAINMENT USES**

Zoning District	R R - 1 , R R - 2 , R E , R L - 1	R L-2, R M -2	R M - 1, R M -3	R M X -1	R M X -2	R H - 1 , R H - 2 , R H - 4 , R H - 5	R H - 3 , R H - 7	R H - 6	M H	M U -3	M U -1	M U -2	M U -4	B T - 1 , B T - 2	B M S	B C - 1 , B C - 2	B C S	B R - 1 , B R - 2	D T - 4	D T - 5	D T - 1 , D T - 2 , D T - 3	I S - 1 , I S - 2	I G	I M	I M S	P	A	
Use Modules	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	M H	M 1	M 2	M 3	M 4	B 1	B 2	B 3	B 4	B 5	D 1	D 2	D 3	I 1	I 2	I3	I4	P	A	<u>Additio nal Referen ces Specifie Use Standar d</u>
Form-Based Code Areas Uses																												Appendix M

**~~Dining and Entertainment:~~ DINING AND ENTERTAINMENT USES**

Art or craft studio space ≤2,000 square feet	*	U	U	U	U	U	U	U	*	<u>A<sub>L6</sub></u>	<u>A<sub>L6</sub></u>	<u>A<sub>L6</sub></u>	A	A	A	A	A	A	A	A	A	A	*	A	U	*	
Art or craft studio space >2,001 square feet	*	U	U	U	U	U	U	*	*	M	U	U	A	A	A	A	A	A	A	A	A	A	*	A	*	*	
Breweries, distilleries or wineries ≤15,000 square feet and with a restaurant	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	€ <u><u>L<sub>8</sub></u></u>	€ <u><u>L<sub>7</sub></u></u>	€ <u><u>L<sub>7</sub></u></u>	€ <u><u>L<sub>9</sub></u></u>	*	*	9-6-56(b)(3.5)
Breweries, distilleries or wineries ≤15,000 square feet and without a restaurant	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	*	*	

1	Breweries, distilleries or wineries with or without a restaurant >15,000 square feet																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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1	Restaurants in industrial zones (general)																									9-6-65(b)															
2		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		9-6-65(b)														
3																												9-6-65(b)													
4																													9-6-65(b)												
5	Restaurants, brewpubs, and taverns no larger than 1,000 square feet in floor area, which may have meal service on an outside patio not more than 1/3 the floor area, and which close no later than 11 p.m.																									9-6-65(b)															
6																											9-6-65(b)														
7																												9-6-65(b)													
8																													9-6-65(b)												
9																														9-6-65(b)											
10																															9-6-65(b)										
11																																9-6-65(b)									
12																																	9-6-65(b)								
13		*	*	*	*	*	U	A	*	*	A	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a									n/a	9-6-65(b)						
14																																		9-6-65(b)							
15																																				9-6-65(b)					
16																																					9-6-65(b)				
17																																						9-6-65(b)			
18																																							9-6-65(b)		
19																																								9-6-65(b)	
20																																									9-6-65(b)
21																																									
22	Restaurants, brewpubs, and taverns outside the																									9-6-65(b)															
23		*	*	*	*	*	n/a	*	*	*	*	A	*	A	U	A	A	A	A	A	A	C	n/a	n/a	n/a		n/a	9-6-65(b)													
24																											9-6-65(b)														
25																													9-6-65(b)												



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~~Lodging uses:~~ LODGING USES

Zoning District	R R - 1 , R R - 2 , R E , R L - 1	R L-2, R M -2	R M - 1, R M -3	R M X -1	R M X -2	R H - 1 , R H - 2 , R H - 4 , R H - 5	R H - 3 , R H - 7	R H - 6	M H	M U -3	M U -1	M U -2	M U -4	B T - 1 , B T - 2	B M S	B C - 1 , B C - 2	B C S	B R - 1 , B R - 2	D T - 4	D T - 5	D T - 1 , D T - 2 , D T - 3	I S - 1 , I S - 2	I G	I M	I M S	P	A
Use Modules	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	M H	M 1	M 2	M 3	M 4	B 1	B 2	B 3	B 4	B 5	D 1	D 2	D 3	I 1	I 2	I3	I4	P	A
Form-Based Code Areas Uses																											
Appendix M																											

**Lodging uses: LODGING USES**

Hostels	*	*	*	*	*	U	U	*	*	U	A	U	$\underline{\underline{G}}_{L^1}$	U	$\underline{\underline{G}}_{L^1}$	*	*	A	$\underline{\underline{G}}_{L^1}$	$\underline{\underline{G}}_{L^1}$	U	*	U	U	*	*	*	9-3-2(i)
Bed and breakfasts	*	*	*	*	*	U	$\underline{\underline{A}}_C$	*	*	U	$\underline{\underline{A}}_C$	$\underline{\underline{A}}_C$	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	9-3-2(i) 9-6- <u>65</u> (a)

1	Motels	*	*	*	*	*	*	*	*	*	*	*	A	U	A	*	*	A	A	U	*	*	*	*	*	*	9-3-2(i)
2	and												<u>U</u>		<u>U</u>												
3	hotels																										

**Public and Institutional Uses: PUBLIC AND INSTITUTIONAL USES**

Zoning District	R R - 1 , R R - 2 , R E , R L - 1	R L-2, R M -2	R M - 1, R M -3	R M X -1	R M X -2	R H - 1 , R H - 2 , R H - 4 , R H - 5	R H - 3 , R H - 7	R H - 6	M H	M U -3	M U -1	M U -2	M U -4	B T - 1 , B T - 2	B M S	B C - 1 , B C - 2	B C S	B R - 1 , B R - 2	D T - 4	D T - 5	D T - 1 , D T - 2 , D T - 3	I S - 1 , I S - 2	I G	I M	I M S	P	A
	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	M H	M 1	M 2	M 3	M 4	B 1	B 2	B 3	B 4	B 5	D 1	D 2	D 3	I 1	I 2	I3	I4	P	A
	Form-Based Code Areas Uses																										
	Appendix M																										

Airports and heliports	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	9-3-2(i)						
Cemeteries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A							
Daycare, home	A	A	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*							
Daycare center with ≤50 children or adults (excluding employees)	U	U		U	U	C	C	U	U	<u>A</u>	<u>C</u>	U	U	U	<u>A</u>	<u>C</u>	U	<u>A</u>	<u>C</u>	<u>A</u>	<u>C</u>	<u>A</u>	<u>C</u>	U	<u>A</u>	<u>C</u>	<u>A</u>	<u>C</u>	U	U	U	U	U	U	U	9-3-2(i) 9-6- <u>76(a)</u>
Daycare center with >50 children or adults (excluding employees)	U	U	U	U	U	U	U	*	*	U	U	U	U	U	A	U	A	U	A	A	A	U	A	A	U	U	U	U	U	U	U	U	U	U	9-3-2(i) <del>9-6-6(a)</del>	
Day shelter	*	*	U	*	U	C	C	*	*	U	C	U	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	U	*	9-6- <u>76(b)</u>			
Emergency shelter	U	U	U	U	U	C	C	*	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	U	*	9-3-2(i) 9-6- <u>76(b)</u>			
Essential municipal and public	U	U	U	U	U	U	U	U	U	U	U	U	A	A	A	C	A	A	A	A	A	A	A	A	A	A	A	A	A	U	U	9-3-2(i) 9-6-11 <u>10</u>				

[illegible]

[illegible]



~~Office, Medical and Financial Uses:~~ OFFICE, MEDICAL AND FINANCIAL USES

Zoning District	R R - 1 , R R - 2 , R E , R L - 1	R L-2, R M -2	R M - 1, R M -3	R M X -1	R M X -2	R H - 1 , R H - 2 , R H - 4 , R H - 5	R H - 3 , R H - 7	R H - 6	M H	M U -3	M U -1	M U -2	M U -4	B T - 1 , B T - 2	B M S	B C - 1 , B C - 2	B C S	B R - 1 , B R - 2	D T - 4	D T - 5	D T - 1 , D T - 2 , D T - 3	I S - 1 , I S - 2	I G	I M	I M S	P	A	
	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	M H	M 1	M 2	M 3	M 4	B 1	B 2	B 3	B 4	B 5	D 1	D 2	D 3	I 1	I 2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
	Form-Based Code Areas Uses																									Appendix M		

**Office, Medical and Financial Uses: OFFICE, MEDICAL AND FINANCIAL USES**

Data processing facilities	*	*	*	*	*	*	*	*	*	*	*	*	C	A	<u>G</u> <u>L</u> <sup>1</sup>	C	<u>€</u> <u>L</u> <sub>5</sub>	A	<u>G</u> <u>L</u> <sub>1</sub>	A	A	*	A	A	A	*	*	9-6-87 9-6-110	
Financial institutions	*	*	*	*	*	*	<u>M</u> <u>L</u> <sub>2</sub>	*	*	<u>M</u> <u>L</u> <sup>2</sup>	<u>M</u> <u>L</u> <sup>2</sup>	<u>M</u> <u>L</u> <sup>2</sup>	C	U	<u>A</u> <u>L</u> <sup>1</sup>	C	A	A	<u>€</u> <u>L</u> <sub>1</sub>	<u>€</u> <u>L</u> <sub>1</sub>	<u>€</u> <u>L</u> <sub>1</sub>	*	*	*	*	*	*	9-6-87 9-6-110	
Hospitals	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	*	9-3-2(i)
Medical or dental clinics or offices or addiction recovery facilities	*	<u>U</u> <sub>4</sub>	<u>U</u> <sub>4</sub>	<u>U</u> <sub>4</sub>	*	<u>U</u> <sub>4</sub>	<u>U</u> <sub>4</sub>	*	*	<u>M</u> <u>L</u> <sup>2</sup>	U	U	C	<u>A</u> <u>L</u> <sub>1</sub>	<u>A</u> <u>L</u> <sup>1</sup> <sub>7</sub>	C	<u>€</u> <u>L</u> <sub>5</sub>	<u>A</u> <u>L</u> <sub>1</sub>	<u>G</u> <u>L</u> <sub>1</sub>	A	A	*	C	*	*	U	*	9-3-2(i) 9-6-87 9-6-110	
Medical and dental laboratories	*	*	*	*	*	*	<u>M</u> <u>U</u> <sub>4</sub>	*	*	<u>M</u> <u>L</u> <sup>2</sup>	<u>M</u> <u>L</u> <sup>2</sup>	<u>M</u> <u>L</u> <sup>2</sup>	C	<u>A</u> <u>L</u> <sub>1</sub>	<u>A</u> <u>L</u> <sup>1</sup> <sub>7</sub>	C	A	<u>A</u> <u>L</u> <sub>1</sub>	*	*	*	U	A	*	U	*	*	<u>9-6-8</u> 9-6-110	
Offices, administrative	*	*	*	*	*	*	*	*	*	*	*	*	C	<u>A</u> <u>L</u> <sub>1</sub>	<u>A</u> <u>L</u> <sup>1</sup> <sub>7</sub>	C	<u>€</u> <u>L</u> <sub>5</sub>	<u>A</u> <u>L</u> <sub>1</sub>	<u>G</u> <u>L</u> <sub>1</sub>	A	A	*	A	A	*	*	9-6-87 9-6-110		
Offices, professional	*	<u>U</u> <sub>4</sub>	<u>U</u> <sub>4</sub>	<u>U</u> <sub>4</sub>	<u>U</u> <sub>4</sub>	<u>U</u> <sub>4</sub>	<u>M</u> <u>U</u> <sub>4</sub>	*	*	<u>M</u> <u>L</u> <sup>2</sup>	<u>M</u> <u>L</u> <sup>2</sup>	<u>M</u> <u>L</u> <sup>2</sup>	C	<u>A</u> <u>L</u> <sub>1</sub>	<u>A</u> <u>L</u> <sup>1</sup> <sub>7</sub>	C	<u>€</u> <u>L</u> <sub>5</sub>	<u>A</u> <u>L</u> <sub>1</sub>	<u>G</u> <u>L</u> <sub>1</sub>	A	A	*	*	*	*	*	*	9-6-87 9-6-110	

1	Offices, technical; with <5,000 square feet of floor area	*	U <sub>4</sub>	U <sub>4</sub>	U <sub>4</sub> *	U <sub>4</sub>	U <sub>4</sub>	M <sub>U<sub>4</sub></sub>	*	*	M <sub>L<sub>2</sub></sub>	M <sub>L<sub>2</sub></sub>	M <sub>L<sub>2</sub></sub>	A	A <sub>L<sub>1</sub></sub>	A <sub>L<sub>1</sub></sub>	C	C <sub>L<sub>5</sub></sub>	A <sub>L<sub>1</sub></sub>	G <sub>L<sub>1</sub></sub>	A	A	A	A	A	A	*	*	9-6-87 9-6-110
6	Offices, technical; with >5,000 square feet of floor area	*	U <sub>4</sub>	U <sub>4</sub>	U <sub>4</sub> *	U <sub>4</sub>	U <sub>4</sub>	M <sub>U<sub>4</sub></sub>	*	*	M <sub>L<sub>2</sub></sub>	M <sub>L<sub>2</sub></sub>	M <sub>L<sub>2</sub></sub>	U	A <sub>L<sub>1</sub></sub>	U	C	C <sub>L<sub>5</sub></sub>	A <sub>L<sub>1</sub></sub>	G <sub>L<sub>1</sub></sub>	A	A	*	A	A	A	*	*	9-6-87 9-6-110
11	Offices - other	*	U <sub>4</sub>	U <sub>4</sub>	U <sub>4</sub> *	U <sub>4</sub>	U <sub>4</sub>	M <sub>U<sub>4</sub></sub>	*	*	M <sub>L<sub>2</sub></sub>	M <sub>L<sub>2</sub></sub>	M <sub>L<sub>2</sub></sub>	C	A <sub>L<sub>1</sub></sub>	A <sub>L<sub>1</sub></sub>	C	C <sub>L<sub>5</sub></sub>	A <sub>L<sub>1</sub></sub>	G <sub>L<sub>1</sub></sub>	A	A	*	*	*	*	*	*	9-6-87 9-6-110

### **Parks and Recreation Uses: PARKS AND RECREATION USES**

16	Zoning District	R R - 1, R R - 2, R E, R L - 1	R L - 2, R M - 2	R M - 1, R M - 3	R M X - 1	R M X - 2	R H - 1, R H - 2, R H - 4, R H - 7	R H - 3, R H - 6	R H - 6	M H	M U - 3	M U - 1	M U - 2	M U - 4	B T - 1, B T - 2	B M S	B C - 1, B C - 2	B C S	B R - 1, B R - 2	D T - 4	D T - 5	D T - 1, D T - 2, D T - 3	I S - 1, I S - 2	I G	I M	I M S	P	A
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[illegible]

**Commercial, Retail and Industrial Uses: COMMERCIAL, RETAIL AND INDUSTRIAL USES**

<b>Zoning District</b>	<b>R R - 1 ,</b>	<b>R L-2, R</b>	<b>R M - 1, R</b>	<b>R M X -1</b>	<b>R M X -2</b>	<b>R H - 1 ,</b>	<b>R H - 3 ,</b>	<b>R H - 6</b>	<b>M H</b>	<b>M U -3</b>	<b>M U -1</b>	<b>M U -2</b>	<b>M U -4</b>	<b>B T - 1 ,</b>	<b>B M S</b>	<b>B C - 1 ,</b>	<b>B C S</b>	<b>B R - 1 ,</b>	<b>D T - 4</b>	<b>D T - 5</b>	<b>D T - 1 ,</b>	<b>I S - 1 ,</b>	<b>I G</b>	<b>I M</b>	<b>I M S</b>	<b>P</b>	<b>A</b>	
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1		R	M	M			R	R							B	B	B		D	I								
2		R	-2	-3			H	H							T	C	R		T	S								
3		-					-	-							-	-	-		-	-								
4		2					2	7							2	2	2		2	2								
5		,					,											,										
6		R					R											R										
7		E					H											H										
8		,					-											-										
9		R					4											5										
10		L					,											R										
11		-					R											H										
12		1					5											-										
13																												
14																												
15																												
16																												
17																												
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21																												
22																												
23																												
24																												
25																												

[illegible]

[illegible]

[illegible]



1	Car washes	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	U	U	U	U	*	*	*	*	*	*	
2																													
3	Drive-thru uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	U	*	*	*	*	*	*	9-6- <u>109</u> (c)
4																													
5	Fuel service stations or retail fuel sales	*	*	*	*	*	*	*	*	*	*	*	U	U	U	C	C	C	*	U	C	C	C	*	U	*	*		9-6- <u>109</u> (d)
6																													
7																													
8																													
9	Sales and rental of vehicles	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	U	*	*	*	A	A	*	*	*	*	*	
10																													
11																													
12	Sales and rental of vehicles within 500 feet of a residential use module	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	€ <u>U</u>	€ <u>U</u>	*	*	*	C	C	*	*	*	*	*	9-6- <u>109</u> (i)
13																													
14																													
15																													
16																													
17	Service of vehicles with no outdoor storage	*	*	*	*	*	*	*	*	*	*	U	*	U	U	A	U	*	*	*	A	A	A	A	*	*			
18																													
19																													
20																													
21	Service of vehicles with limited outdoor storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	*	*	A	A	*	A	*	*		
22																													
23																													
24																													
25																													

**Industrial Uses: Industrial Uses:**Building  
and  
landscap  
ing  
contract  
ors

*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	A	A	A	A	*	*
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Cleanin  
g and  
laundry  
plants

*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	*	*
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Cold  
storage  
lockers

*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	A	A	A	A	*	*
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Comput  
er  
design  
and  
develop  
ment  
facilities

*	*	*	*	*	*	*	*	*	*	*	*	*	A	<u>A</u> <u>L</u> <u>1</u> <u>7</u>	<u>G</u> <u>L</u> <u>1</u> <u>7</u>	C	<u>E</u> <u>L</u> <u>5</u>	<u>A</u> <u>L</u> <u>1</u> <u>7</u>	<u>G</u> <u>L</u> <u>1</u>	A	A	*	A	A	A	*	*
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~~9-6-7(a)~~  
~~9-6-110~~Equipm  
ent  
repair  
and  
rental  
with  
outdoor  
storage

*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	U	U	U	U	A	A	A	A	*	*
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Lumber  
yards

*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	*	*	*	*
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Manufac  
tur-  
ing  
uses  
≤15,000

*	*	*	*	*	*	*	*	*	*	*	*	<u>A</u> <u>L</u> <u>1</u> <u>4</u>	*	*	*	<u>A</u> <u>L</u> <u>1</u> <u>4</u>	*	*	*	*	<u>A</u> <u>L</u> <u>1</u> <u>3</u>	A	A	A	*	*
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[illegible]

[illegible]

**~~Agriculture and Natural Resource Uses:~~ AGRICULTURE AND NATURAL RESOURCE USES**

<b>Zoning District</b>	<b>R R - 1 , R R - 2</b>	<b>R L- 2, R M -2</b>	<b>R M - 1, R M -3</b>	<b>R M X -1</b>	<b>R M X -2</b>	<b>R H - 1 , R H - 2</b>	<b>R H - 3 , R H</b>	<b>R H - 6</b>	<b>M H</b>	<b>M U -3</b>	<b>M U -1</b>	<b>M U -2</b>	<b>M U -4</b>	<b>B T - 1 , B T</b>	<b>B M S</b>	<b>B C - 1 , B C</b>	<b>B C S</b>	<b>B R - 1 , B R</b>	<b>D T - 4</b>	<b>D T - 5</b>	<b>D T - 1 , D T - 2</b>	<b>I S - 1 , I S</b>	<b>I G</b>	<b>I M</b>	<b>I M S</b>	<b>P</b>	<b>A</b>	
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	RE RL - 1					RH - 4 RH - 5	- 7							- 2	- 2	- 2			DT - 3	- 2									
Use Module s	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	M H	M 1	M 2	M 3	M 4	B 1	B 2	B 3	B 4	B 5	D 1	D 2	D 3	I 1	I 2	I3	I4	P	A	<u>Addi onal Referen ces Specifie Use Standar d</u>	
Form-Based Code Areas Uses																													Appendi x M
<del>Agriculture and Natural Resource Uses:</del> <u><b>AGRICULTURE AND NATURAL RESOURCE USES</b></u>																													
Open space, grazing and pastures	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A		
Communi ty gardens	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	9-6- 54(a)	
Crop producti on	A	A	A	A	A	A	A	A	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A		
Mining industrie s	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	U		

Firewood operations	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	*	*	*	
Greenhouse and plant nurseries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	A	A	

**Accessory: ACCESSORY USES**

10	Zoning District	R R - 1 , R R - 2 , R E , R L - 1	R L - 2 , R M - 2	R M - 1 , R M - 3	R M X - 1	R M X - 2	R H - 1 , R H - 2 , R H - 4 , R H - 5	R H - 3 , R H - 7	R H - 6	M H	M U - 3	M U - 1	M U - 2	M U - 4	B T - 1 , B T - 2	B M S	B C - 1 , B C - 2	B C S	B R - 1 , B R - 2	D T - 4	D T - 5	D T - 1 , D T - 2 , D T - 3	I S - 1 , I S - 2	I G	I M	I M S	P	A	
20	Use Modules	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	M H	M 1	M 2	M 3	M 4	B 1	B 2	B 3	B 4	B 5	D 1	D 2	D 3	I 1	I 2	I 3	I 4	P	A	<b><u>Additional References Specific Use Standard</u></b>

<p><b>Form-Based Code Areas Uses</b></p>
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Appendix M

**Accessory: ACCESSORY USES:**

[illegible]

**A:** Allowed use.

**L: Limited use. See Section 9-6-2, B.R.C. 1981, for review procedures.**

**C:** Conditional use. See Section 9-2-2, B.R.C. 1981, for administrative review procedures.

U: Use review. See Section 9-2-15, B.R.C. 1981, for use review procedures.

\*: Use prohibited.

~~U: Use review. See Section 9-2-15 for use review procedures.~~

**G:** Allowed use provided that it is not located on the ground floor facing a street, with the exception of minimum necessary ground level access, otherwise by use review only.

~~**M:** Allowed use provided at least 50% of the floor area is for residential use and the nonresidential use is less than 7,000 square feet per building, otherwise use review.~~

~~**N:** Allowed use provided at least 50% of the floor area is for nonresidential use, otherwise by use review.~~

**n/a:** Not applicable; more specific use applications apply.

**TABLE 6-2 USE REVIEW THRESHOLDS**

**Use Limitations, per Table 6-1, “Use Table”**

<u>U<sup>1</sup></u>	<u>Use Review required for 2,000 square feet or less of floor area per lot or parcel, otherwise prohibited.</u>
<u>U<sup>2</sup></u>	<u>Use Review required for 5,000 square feet or less of floor area per individual use, otherwise prohibited.</u>
<u>U<sup>3</sup></u>	<u>Use Review required for 15,000 square feet or less of floor area per lot or parcel, otherwise prohibited.</u>

<b><u>U<sup>4</sup></u></b>	<u>Use Review required if the cumulative floor area of any office, medical or dental clinic or office, addiction recovery facility, and medical and dental laboratory uses does not exceed 25% of the floor area per lot or parcel. Otherwise prohibited.</u>
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### **9-6-2. – Limited Use Standards – General.**

- (a) Purpose and Scope: The purpose of this section is to set forth limitations for specified uses of land. The limitations are intended to ensure that the use is compatible with the surrounding area. Limited uses are those uses which are allowed by-right in a given zoning district if the use complies with the limitations contained in Table 6-3, “Use Limitations.” If a use limitation in Table 6-3, “Use Limitations,” is not met or if otherwise specifically required in Table 6-3, the use may be approved in accordance with the procedures and standards authorized in Table 6-3.
- (b) Requirements: Limited uses shall comply with the limitations set forth in this section, all other requirements of this code, and any other ordinance of the city.
- (c) Use Limitations: The use limitations in Table 6-3, “Use Limitations,” apply to any use specified as a limited use (L<sup>x</sup>) in Section 9-6-1, “Schedule or Permitted Uses” and Table 6-1, “Use Table,” B.R.C 1981.
- (d) Expiration: Any limited use which is not established within one year of its approval, discontinued for at least one year, or replaced by another use of land shall expire.

### **TABLE 6-3 USE LIMITATIONS**

<b><u>Use Limitations, per Table 6-1, “Use Table”</u></b>	
<b><u>L<sup>1</sup></u></b>	<u>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, otherwise by use review only.</u>
<b><u>L<sup>2</sup></u></b>	<u>Allowed by right if at least 50% of the floor area of the building is for residential use and the nonresidential use is less than 7,000 square feet per building, otherwise by use review only.</u>
<b><u>L<sup>3</sup></u></b>	<u>Allowed by right if at least 50% of the floor area of the building is for nonresidential use, otherwise by use review only.</u>
<b><u>L<sup>4</sup></u></b>	<u>Allowed by right for 2,000 square feet or less of floor area of the building. Allowed by-right for greater than 2,000 square feet of floor area, provided the cumulative nonresidential uses’ floor area is less than 7,000 square feet of the building, and at least 50% of the building’s floor area is for residential uses. Otherwise by use review only.</u>



<u><b>L<sup>5</sup></b></u>	<u>Allowed by right if the combined total amount of any office, computer design and development facility, data processing facility, telecommunication, medical or dental clinic or office, or addiction recovery facility uses does not exceed 50% of the total floor area of the building. Otherwise prohibited.</u>
<u><b>L<sup>6</sup></b></u>	<u>Allowed by right for 2,000 square feet or less of floor area per lot or parcel, otherwise by use review only.</u>
<u><b>L<sup>7</sup></b></u>	<u>Allowed by right for 15,000 square feet or less of floor area per use and without a restaurant. If the use exceeds 15,000 square feet in floor area, the use may be approved pursuant to a conditional use review if it meets the criteria of Paragraph 9-6-6(b)(3.5), B.R.C. 1981.</u>
<u><b>L<sup>8</sup></b></u>	<u>Allowed by right for 15,000 square feet or less of floor area per use and without a restaurant. If the use is less than or equal to 15,000 square feet in floor area and has a restaurant, the use may be approved pursuant to a conditional use review if it meets the criteria of Paragraph 9-6-6(b)(3.5), B.R.C. 1981. If the use exceeds 15,000 square feet in floor area, it requires use review.</u>
<u><b>L<sup>9</sup></b></u>	<u>Allowed by right for 15,000 square feet or less of floor area per use and without a restaurant. If the use is less than or equal to 15,000 square feet in floor area and has a restaurant, the use may be approved pursuant to a conditional use review if it meets the criteria of Paragraph 9-6-6(b)(3.5), B.R.C. 1981. The use is prohibited to exceed 15,000 square feet.</u>
<u><b>L<sup>10</sup></b></u>	<u>Allowed by right for 20,000 square feet or less of floor area per lot or parcel, otherwise prohibited.</u>
<u><b>L<sup>11</sup></b></u>	<u>Allowed by right for less than 20,000 square feet of floor area per use, otherwise by use review only.</u>
<u><b>L<sup>12</sup></b></u>	<u>Allowed by right for less than 10,000 square feet per lot or parcel, otherwise by use review only.</u>
<u><b>L<sup>13</sup></b></u>	<u>Allowed by right for 15,000 square feet or less of floor area per lot or parcel, otherwise by use review only.</u>
<u><b>L<sup>14</sup></b></u>	<u>Allowed by right for 15,000 square feet or less of floor area per lot or parcel, otherwise prohibited.</u>
<u><b>L<sup>15</sup></b></u>	<u>Allowed by right if the detached dwelling unit existed on the lot or parcel on August 6, 2019, or where more than one dwelling unit is on the lot or parcel, otherwise by use review only. For purposes of this limitation, “existed on” means a detached dwelling unit that is constructed on or before said date or for</u>

	<u>which a complete building permit application was submitted on or before said date provided the applicant pursues all requirements and deadlines set by the city manager and this code for the construction of the unit.</u>
<b><u>L<sup>16</sup></u></b>	<u>Allowed by right if the units on the lot or parcel meet the requirements for permanently affordable units set forth in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, or if the use is not located on the ground floor along a major street, as defined by Appendix A, "Major Streets," B.R.C. 1981, with the exception of minimum necessary ground level access. The limitation on ground floor use along a major street applies to a depth of 30 feet measured from the building's major street facing façade. Otherwise by use review only.</u>
<b><u>L<sup>17</sup></u></b>	<u>Allowed by right if located within the University Hill general improvement district, or if the combined total amount of any office, medical or dental clinic or office, addiction recovery facility, and medical and dental laboratory uses does not exceed 25% of the floor area of the building. If the combined total amount of floor area of these uses exceeds 25% of the floor area of the building, the use may be approved pursuant to a conditional use review if it meets the criteria in Paragraph 9-6-8(a)(1), B.R.C. 1981.</u>

#### **9-6-32. - Specific Conditional Use & Use Review Standards - General.**

- (a) ~~Purpose and Scope: The purpose of this chapter is to set forth additional requirements for specified uses of land. The requirements are intended to ensure that the use is compatible with the surrounding area. Conditional uses are those uses which are appropriate in a given zoning district if the applicable conditional use criteria have been satisfied. The city manager will determine after a review of all of the facts presented whether a proposal satisfies the conditional use criteria. Land uses which require a use review are those uses which may be acceptable if it is demonstrated that the use is suitable for the location in accordance with the procedures and criteria in Section 9-2-15, "Use Review," B.R.C. 1981, and, when required, the standards and criteria in this chapter.~~
- (b) Scope: Conditional use and use review standards are the standards contained in Sections 9-6-3 through 9-6-11, B.R.C. 1981; they apply to conditional use reviews and use reviews.
- (1) Uses which require a conditional use review (C) are those uses which are appropriate in a given zoning district if the applicable conditional use standards of this chapter have been satisfied. Conditional use reviews will be reviewed pursuant to the procedures in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.
- (2) Uses which require a use review (U) are those uses which are suitable in a location if the applicant demonstrates that the use meets the use review criteria in Section 9-2-15, "Use Review," B.R.C. 1981, and, the conditional use and use review standards and criteria of this chapter.
- ~~(b) Application Requirements for Use Review and Conditional Uses: Applications for a conditional use will be reviewed in accordance with the procedures established in Section 9-~~

~~2-2, "Administrative Review Procedures," B.R.C. 1981. Use review applications will be reviewed in accordance with the procedures established in Section 9-2-15, "Use Review," B.R.C. 1981.~~

~~(e) Conditional Use Standards, Criteria, Review, and Expiration:~~

~~(1) Standards and Criteria: Conditional uses shall be permitted if the use meets the criteria set forth in this chapter and other requirements of this code and any other ordinance of the city. The criteria set forth in this chapter cannot be met by using the variance process. Conditional uses shall not be located on nonstandard lots except as otherwise permitted.~~

~~(2) Review: It shall be the responsibility of the applicant to demonstrate to the city manager that the applicable criteria have been satisfied.~~

~~(3) Violations: No person shall violate a provision of a conditional use approval.~~

~~(4) Expiration: Any conditional use review approval which is not established within one year of its approval, discontinued for at least one year, or replaced by another use of land shall expire.~~

**9-6-43. - Specific Conditional Use and Use Review Standards - Residential Uses.**

...

(i) Residential Development within the University Hill General Improvement District in the BMS Zoning District: The following standards and criteria apply to any attached dwelling units and efficiency living units within the University Hill General Improvement District in the BMS zoning district:

(1) The units meet the requirements for permanently affordable units set forth in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, and

(2) With the exception of minimum necessary ground level access, the use shall not be located on the ground floor facing a street, otherwise by use review only.

~~(3) Requirement for Efficiency Living Units: Where efficiency living units comprise twenty percent or more of the total number of units in the development, the use may only be approved pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.~~

...

(k) Detached Dwelling Units in the RH, MU-1, MU-2, and MU-4 Zoning Districts: In the RH, MU-1, MU-2, and MU-4 zoning districts, a new detached dwelling unit may be approved pursuant to a use review if the approving authority finds that:

(1) The use meets the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5), "Use Review," B.R.C. 1981;

(2) The dwelling unit is designed to create pedestrian interest through design elements such as design detail, location of building frontages, location of entrances and windows, and front porches; and

(3) The dwelling unit is located in an area where detached dwelling units predominate.

**9-6-54. - Conditional Use and Use Review Standards - Agriculture and Natural Resource Uses.**

...

**9-6-65. - Conditional Use and Use Review Standards - Temporary Lodging, Dining, Entertainment, and Cultural Uses.**

...

**9-6-76. - Conditional Use and Use Review Standards - Public and Institutional Uses.**

(a) Daycare Centers: The following criteria apply to any daycare center except home daycares:

- (1) Fencing is provided around outdoor play areas.
- (2) If the use is adjacent to an arterial, collector, or minor arterial as shown in Appendix A, "Major Streets," of this title, off-street loading and unloading areas are provided.
- (3) Adequate off-street parking is provided for employees, volunteers, and visitors.
- (4) Child daycare facilities are properly licensed by the State Department of Social Services.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) In the MH and RH-6 zoning districts, the use shall not provide care to more than fifty persons, not including employees.
- (9) In the RM-1, RM-3, RH-1, RH-2, RH-3, RH-4, RH-5, RH-7, and MU-3 zoning districts, the use may only be approved pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.

...

**9-6-87. - Conditional Use and Use Review Standards - Office, Medical and Financial Uses.**

(a) Offices, Computer Design and Development, Data Processing, Telecommunications, Medical or Dental Clinics and Offices, Medical and Dental Laboratories, Financial Institutions, or Addiction Recovery Facilities: The following criteria apply to the uses and zoning districts specified in this subsection:

- (1) In the BCS zoning district, the combined total amount of any office, computer design and development facility, data processing facility, telecommunication use, medical or dental

1 clinic or office, or addiction recovery facility shall not exceed fifty percent of the total  
2 floor area of the building.

3 (2) In the BMS, BR and BT zoning districts, if the combined total amount of floor area of  
4 any office, medical or dental clinic or office, addiction recovery facility, and medical  
5 and dental laboratory uses exceeds twenty-five percent of the floor area of the  
6 building and the building is not located in the University Hill general improvement  
7 district, the following criteria apply:

8 (A) The total amount of floor area of any office, medical or dental clinic or office,  
9 addiction recovery facility, and medical and dental laboratory uses does not  
10 exceed fifty percent of the floor area of the building:

11 (B) Dwelling units are constructed on the same lot or parcel or within the area of the  
12 same approved site review, planned unit development or form-based code review  
13 and thirteen percent of those dwelling units meet the requirements for permanently  
14 affordable units set forth in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981;  
15 and

16 (C) No less than two permanently affordable units are constructed on said lot or parcel  
17 or within said area of an approved site review, planned unit development or form-  
18 based code review.

19 (2) In the MU-4 zoning district, any public and private office use providing social services;  
20 data processing facility; financial institution; medical or dental clinic or office;  
21 addiction recovery facility; medical and dental laboratory; office, administrative; office,  
22 professional; and office, other, shall not exceed 20,000 square feet in floor area of the  
23 building. The floor area may exceed 20,000 square feet if the use is approved pursuant  
24 to a use review and the approving authority finds that the use:

25 (A) Meets the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5), "Use  
Review," B.R.C. 1981; and

(B) The proposed use will contribute to a diversity of uses in the area and to making the  
area a lively and engaging place.

(3) In the IG zoning district, the following standards and criteria apply to any medical or  
dental clinics or offices and any addiction recovery facilities:

(A) The use must be located on a lot or parcel designated in Appendix K, "Properties  
Where Medical or Dental Clinics or Offices and Addiction Recovery Facilities May  
Be Located as Conditional Uses in the IG Zoning District;"

(B) The use must be located in a building existing on the lot or parcel with a certificate  
of occupancy on or before April 7, 2015, or in a building for which a building permit  
application for new construction on the lot or parcel was submitted on or before April  
7, 2015; and

(C) Any changes to the building for the medical or dental clinic or office use or addiction  
recovery facility use shall not result in a cumulative total increase in floor area of  
more than ten percent of the floor area of the building existing on April 7, 2015, or  
shown in the building permit application submitted on or before April 7, 2015, as  
applicable.

- (4) In the BMS, DT-1, DT-2, DT-3, DT-4, and DT-5 zoning districts, ~~financial institutions are permitted by right so long as they are not located on the ground floor facing a street.~~ A financial institution on the ground floor facing the street may be approved pursuant to Section 9-2-15, "Use Review," B.R.C. 1981. In addition to meeting the use review criteria, the applicant shall demonstrate that the use contributes to an active and vibrant pedestrian streetscape.

**9-6-~~98~~. - Conditional Use and Use Review Standards - Parks and Recreation Uses.**

**9-6-~~109~~. - Conditional Use and Use Review Standards - Commercial, Retail and Industrial Uses.**

(a) Wireless Communications Facilities:

- (1) Standards: A wireless communications facility is permitted as a principal use on a lot if the following conditions are met:

...

- (S) Summary of Appropriate Locations: Table 6-~~42~~ of this section summarizes the allowable location for an antenna and transmission equipment.

**TABLE 6-~~24~~: ANTENNA AND TRANSMISSION EQUIPMENT LOCATIONS**

Locations	Antenna on building wall or within building	Antenna on existing conforming penthouse or mechanical screen	Antenna on a roof	Transmission equipment within principal building	Transmission equipment on a roof	Transmission equipment on ground
On buildings under 55' in height	Yes	Yes, if it does not project above an existing penthouse or mechanical screen	Yes, subject to the standards in Subparagraph 9-6- <del>109</del> (a)(1)(F), B.R.C. 1981	Yes	Yes, subject to the standards in Subparagraphs 9-6- <del>910</del> (a)(1)(F) and (G), B.R.C. 1981. May not project above the maximum allowable building height of	Yes, if not possible to locate within building or on the roof, subject to the standards in Subparagraph 9-6- <del>109</del> (a)(1)(G), B.R.C. 1981

					the underlying zoning district	
On buildings over 55' in height	Yes	Yes, if it does not project above an existing penthouse or mechanical screen	No	Yes	No	Yes, if not possible to locate within building or on the roof, subject to the standards in Subparagraph 9-6-109(a)(1)(G), B.R.C. 1981

(f) Neighborhood Business Center:

- (1) Limitations: A neighborhood business center may be located only in the R2, R3, R6 and R7 use modules. Neighborhood business centers shall also comply with the requirements of sections 9-2-15, "Use Review," and 9-2-14, "Site Review," B.R.C. 1981.
- (2) Criteria: No neighborhood business center shall be developed or operated except in conformance with all of the following criteria:

...

- (D) Permitted Nonresidential Uses: The nonresidential uses permitted are restaurants, as set forth in subparagraph (f)(2)(E) of this section, and the list of uses and their respective size limitations set forth in table 6-53 of this section, notwithstanding any restrictions within section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981. Each "use" shall be a separate business or commercial operation.

**TABLE 6-53: NEIGHBORHOOD BUSINESS CENTER USE RESTRICTIONS**

Allowed Uses	Size Restrictions
Daycare center	50 children - not to exceed 2,500 square feet
Offices - professional/technical/general	1,000 square feet maximum per office use and the cumulative total of all office uses shall not exceed 20 percent of the total floor area of the neighborhood business center
Offices - medical/dental/including other health arts, including chiropractors, physical	1,000 square feet maximum per office and the cumulative total of all office uses shall not

therapists, nutritionists, mental health practitioners	exceed 15 percent of the total floor area of the neighborhood business center
Personal service use	1,500 square feet maximum per use
Establishments for the retailing of convenience goods	1,500 square feet maximum per use, however a convenience food store may be a maximum of 5,000 square feet if it does not exceed 50 percent of the total floor area of the neighborhood business center
Full service food market or grocery store	10,000 square feet maximum, provided that such use does not exceed 50 percent of the neighborhood business center
General retail	1,000 square feet maximum per use
Art and studio space	1,000 square feet maximum per use

...

- (i) Sales of Vehicles Within Five Hundred Feet of Residential Use Module: The following criteria shall apply to any use in an industrial or business zoning district for the sale or lease of motor vehicles, mobile homes, campers, boats, motorized equipment and accessories for such vehicles, on a lot or parcel located five hundred feet or less from a residential zoning district:
- (1) No person shall allow outdoor intercoms and similar devices that electronically amplify sound to be audible at or beyond the property line.
  - (2) The use shall not be open for business during the hours of 9:00 p.m. through 7:00 a.m.
  - (3) During regular business hours, outdoor lighting on the property shall not exceed an average of ten foot-candles.
  - (4) During all other times, outdoor lighting on the property shall be in conformance with the standards set forth in section 9-9-16, "Lighting, Outdoor," B.R.C. 1981.

...

**9-6-110. - Conditional Use and Specific Use Review Standards - ~~for~~ Business Community Areas Designated in Appendix N.**

- (a) In the BC zoning districts, detached dwelling units, duplexes, attached dwellings, townhouses, efficiency living units, fraternities, sororities, dormitories, boarding houses, museums, essential municipal and public utility services, governmental facilities, public and private office uses providing social services, adult educational facilities, vocational and trade schools,



1 data processing facilities, financial institutions, medical or dental clinics or offices, addiction  
 2 recovery facilities, medical and dental laboratories, administrative offices, professional  
 3 offices, technical offices, offices - other, broadcasting and recording facilities, business  
 4 support services, computer design and development facilities, telecommunication uses, and  
 5 automobile parking lots, garages or car pool lots as a principal use are permitted by right,  
 6 provided that, if the use is located within an area designated in Appendix N "Business  
 7 Community (BC) Areas Subject to Special Use Restrictions," the use is a conditional use,  
 8 unless in a use review process, and the following conditional use standards apply:

- 9 (1) The use shall not be located on the ground floor, with the exception of minimum  
 10 necessary ground level access.
- 11 (2) The combined floor area of any non-residential uses subject to this section shall be limited  
 12 to ten percent of the total floor area on the lot or parcel except that if the use is located  
 13 within an approved site review or planned unit development, the combined floor area of  
 14 any non-residential uses subject to this section shall be limited to ten percent of the total  
 15 floor area within the boundaries of the site review or planned unit development approval.
- 16 (3) A principal use of automobile parking lot or garage shall be a park and ride facility.
- 17 (4) The standards of paragraphs (1), (2), and (3) do not apply if the use is approved pursuant  
 18 to Section 9-2-15, "Use Review," B.R.C. 1981. In addition to meeting the use review  
 19 criteria, the applicant shall demonstrate that the use on the ground floor or with a  
 20 combined floor area larger than ten percent of the total floor area, as applicable, will not  
 21 adversely affect the intended function and character of the area as a neighborhood serving  
 22 business area where retail-type stores predominate. In determining whether this criterion  
 23 is met, the reviewing authority shall consider the location and design of the proposed use  
 24 and the existing and approved uses on the lot or parcel and in the area.

25 Section 8. Section 9-16-1, "Definitions," B.R.C. 1981, is amended to read as follows:

**9-16-1. - General Definitions.**

...

- (c) The following terms as used in this title have the following meanings unless the context clearly indicates otherwise:

...

Limited use means a use that is allowed within a zoning district if specific limitations are met.

...

Section 9. This ordinance shall apply to any building permit or conditional use applied  
 for after August 6, 2019. Any project for which a complete site review, conditional use, or  
 technical document review application has been submitted to the city prior to August 6, 2019,  
 that proposes a use inconsistent with the provisions of this ordinance will be permitted to

1 establish the proposed use under the use standards of Chapter 9-6, "Use Standards," B.R.C.  
2 1981, in effect at the time the site review, conditional use, or technical document review  
3 application was submitted. Technical document review applications are administrative in nature  
4 and the application date shall be the date that the fee required by Section 4-20-43, B.R.C. 1981,  
5 has been paid. Such applicants shall be required to pursue such development approvals and meet  
6 all requirements deadlines set by the city manager and the Boulder Revised Code necessary to  
7 establish the proposed use. The applications for such project shall demonstrate compliance with  
8 all applicable laws. Any failure to meet requirements of the city manager or this ordinance will  
9 result in a denial of such application. Any subsequent application shall meet the requirements in  
10 place at the time of the application.  
11

12 Section 10. All references in the Boulder Revised Code to Sections 9-6-2 through 9-6-  
13 10, B.R.C. 1981, shall be updated to show the new section numbers and titles of the sections  
14 adopted with this ordinance.

15 Section 11. This ordinance is necessary to protect the public health, safety, and welfare  
16 of the residents of the city, and covers matters of local concern.

17 Section 12. The city council deems it appropriate that this ordinance be published by title  
18 only and orders that copies of this ordinance be made available in the office of the city clerk for  
19 public inspection and acquisition.  
20  
21  
22  
23  
24  
25

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
2 TITLE ONLY this 6th day of August 2019.

3  
4  
5 \_\_\_\_\_  
Suzanne Jones  
Mayor

6 Attest:

7  
8 \_\_\_\_\_  
Lynnette Beck  
City Clerk

9 READ ON SECOND READING, PASSED AND ADOPTED this 3rd day of September  
10 2019.

11  
12  
13  
14 \_\_\_\_\_  
Suzanne Jones  
Mayor

15 Attest:

16  
17 \_\_\_\_\_  
Lynnette Beck  
City Clerk

## ORDINANCE 8347

AN ORDINANCE AMENDING ORDINANCES 8308, 8312 AND 8314 WHICH TEMPORARILY SUSPENDED ACCEPTING BUILDING PERMITS, SITE REVIEW AND OTHER DEVELOPMENT APPLICATIONS THAT WILL RESULT IN ADDING FLOOR AREA OR DWELLING UNITS TO LAND WITHIN THE CENSUS TRACT 122.03 OPPORTUNITY ZONE, BY EXCLUDING ANY LAND IN THE BR-1, BMS, BT-1, BT-2, MU-4, IG, IM, IMS, IS-1, IS-2, A, E, P, RH-3, RH-6, and MH ZONE DISTRICTS AND AMENDING THE STANDARDS FOR THE RH-4 AND RM-1 ZONING DISTRICTS; AND SETTING FORTH RELATED DETAILS.

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

Section 1. The City Council finds and recites the following facts leading to the temporary suspension of accepting building permits, site review and use review applications for ~~any new nonresidential floor area described in Table 6-1 "Use Table," in Section 9-6-1, "Schedule of Permitted Uses of Land," B.R.C., 1981, any development proposal or demolition that results in the removal of any multi-family residential dwelling or any nonresidential floor area or the creation of any new dwelling units that do not meet the additional development requirements of this Ordinance~~ in the Planning Area in the Opportunity Zone located in federal Census Tract 122.03:

- a. This Ordinance applies to approximately 2.5 square miles of land that is generally bounded on the west by 28<sup>th</sup> Street, on the south by Arapahoe Avenue, on the east by 55<sup>th</sup> Street/Airport Road and on the north by Highway 119/Independence Road and more particularly described on the map attached to this Ordinance as **Exhibit A** (the "Planning Area"), except any land in the following zoning districts: Business-Regional 1, Business-Business-Commercial 1 & 2 zone district, Business-Main Street, Business-Transitional 1 & 2, Mixed Use 4, Industrial-General, Industrial-Manufacturing, Industrial-Main Street, Industrial-Service 1 & 2, Agricultural, Public, Residential-High 3 & 6, and Mobile Home.

- b. The Planning Area is federal Census Tract 122.03. The state of Colorado, with input from the city, nominated the Planning Area for Opportunity Zone designation on March 23, 2018. Thereafter, the Planning Area was certified by the federal government as an Opportunity Zone.
- c. Investors in Opportunity Zones, through Opportunity Funds, will receive favorable tax relief as an incentive to invest in business and real estate within Opportunity Zones.
- d. It is anticipated that the Opportunity Fund designation may lead to accelerated investment in the Planning Area.
- e. A focus of the 2015 Boulder Valley Comprehensive Plan (BVCP) update was to develop land use related policy changes to reduce future imbalances by recommending additional housing in commercial and industrial areas (and corresponding regulatory changes) and reductions of nonresidential land use potential in the Boulder Valley Regional Center. (2015 BVCP, p. 17)
- f. The BVCP provides that the city will continue to be a major employment center and will seek opportunities to improve the balance of jobs and housing while maintaining a healthy economy. This will be accomplished by encouraging new housing and mixed-use neighborhoods in areas close to where people work, encouraging transit-oriented development in appropriate locations, preserving appropriate levels of service commercial uses, converting commercial and industrial uses to residential uses in appropriate locations, improving regional transportation alternatives and mitigating the impacts of traffic congestion. (2015 BVCP, Policy 1.10)
- g. The BVCP describes, among other things, the need for a review of the Boulder Valley Regional Center and 28<sup>th</sup> Street to ensure that this area establishes a proper mix of uses, including increasing housing capacity, reducing the current non-residential capacity, while maintaining retail potential. (2015 BVCP, Policy 2.18)
- h. The BVCP describes, among other things, the need for a review of its efforts to pursue regulatory changes to better allow for housing and retail infill in its light industrial areas. Planning efforts include finding appropriate places for housing infill in areas zoned Industrial – General. (2015 BVCP, Policy 2.21)
- i. The Planning Area includes land that is in the following zoning districts: ~~Business Regional-1, Business Commercial-1 & 2, Business Main Street, Business Transitional-1 & 2, Mixed Use-4, Industrial General, Industrial Manufacturing, Industrial Main Street, Industrial Service-1 & 2, Agricultural, Enclave, Public, Residential-Residential-High-3, 4, & 6, and Residential-Residential-Medium-1 and Mobile Home.~~

- j. The city has started a project to examine the permitted uses of lands in its zoning districts. The goals include aligning the permitted uses with the BVCP, identifying community-desired land uses and better enable such uses in identified residential, commercial, and industrial districts, simplifying the use tables, and creating more predictability and certainty in the city's use standards.
- k. Large portions of the Planning Area are within the Crossroads Subcommunity and the East Boulder Subcommunity. Most of the Planning Area does not have a subcommunity plan, area plans or subarea plans.
- l. In order to be prepared for the potential of additional investment in the Planning Area, the city needs to complete a review of planning and zoning regulations to ensure that investment in the Planning Area will be consistent with the community values, including without limitation, the BVCP.
- m. The council intends to lift requirements of this Ordinance after each zoning district in the Planning Area has been reviewed under the Use Table Review project or other zoning or land use analysis or has had adequate planning and zoning developed through subcommunity or area planning. (2015 BVCP, Chapter V)
- n. The Transit Village Area Plan (TVAP) was adopted in 2007 and presently guides development in that area. The plan includes a two-phase implementation approach. Presently, the area is actively being developed in the first phase. The city does not wish to prevent any efforts to develop in the Phase 1 area. (2007 TVAP, p. 7)
- o. Given the anticipated additional investment in the Planning Area, the City Council concludes that it is necessary to review its existing planning and zoning districts to ensure that any development or redevelopment is done in a manner that is consistent with the BVCP and the goals and policies of the city.
- p. The council finds that it is in the best interest of the public health, safety, and welfare to consider whether existing zoning standards will result in development consistent with the goals and policies of the BVCP.
- q. The council finds and concludes that land use regulations contained within this Ordinance may cause hardships to property owners and tenants. The council intends to consider requests for relief from requirements of this Ordinance in its discretion as a legislative body.

Section 2. The following provisions of the Boulder Revised Code, 1981, are hereby suspended as to applications on December 18, 2018 after 5:00 p.m. until June 22, 2020 at 8:00 a.m. Any complete application submitted before 5:00 p.m. on December 18, 2018 shall be deemed to have been accepted. The city manager shall not accept any applications in the

Planning Area that will result in: ~~the creation of any new nonresidential floor area in Section 9-6-1, "Schedule of Permitted Uses of Land," B.R.C., 1981;~~ any demolition that results in the removal of any multi-family residential dwelling ~~or any nonresidential floor area; or the creation of any new dwelling units that do not meet the additional development requirements of this~~ Ordinance:

- a. Building permits under Title 10, "Structures," B.R.C., 1981;
- b. Site review requests under the provisions of Section 9-2-14, B.R.C., 1981; and
- c. Use review requests under the provisions of Section 9-2-15, B.R.C., 1981.

Section 3. Notwithstanding any provision in this Ordinance to the contrary, the following are expressly permitted during the term of this Ordinance:

- a. The creation of any new dwelling units on a site that is four acres or more which includes all inclusionary housing units on the development site that meet the requirements of Chapter 9-13, "Inclusionary Housing," and C.R.S. § 31-12-301, *et seq.* The creation of any dwelling units on a site that is less than four acres. Provided, however, that the creation of such dwelling units does not require a demolition permit for any multi-family dwelling unit.
- b. Any development for which a valid application for site review, use review, or building permit application has been approved or an application made prior to December 18, 2018 at 5:00 p.m. Site review and use review applications that also refer to similar approvals, by previous names described in Section 9-1-3, B.R.C., 1981.
- c. Development within the 2007 TVAP area described as Phase 1, an area generally bounded on the west by 30<sup>th</sup> Street, on the south by Pearl Parkway, on the east by the Burlington Northern Rail Road Tracks and on the north by Valmont Avenue. (2007 TVAP, p. 7)
- d. The construction of any building or conversion of floor area owned by a community serving Colorado non-profit corporation. A community serving Colorado non-profit corporation means any Colorado non-profit corporation or similar organization that qualifies as an exempt person under the provisions of Section 3-2-7, "Exempt Person," B.R.C. 1981, and holds and maintains an exempt institution license, under Section 3-17-4, "Exempt Institution License," B.R.C. 1981, and has a mission that will predominately and directly serve the needs of Boulder County residents, employees, or visitors.
- e. The construction of any building or conversion of floor area for a museum use.

- f. Construction of an addition that does not exceed 10 percent of entry floor area or 2500 sq.ft., whichever is less.
- g. The demolition of any non-residential floor area that does not result in the removal of any exterior walls.
- h. The demolition of any building that the city manager finds is unsafe or otherwise is found to be dangerous to the life, health, property or safety of the public generally or to the occupants of the structure. In making such determination, the city manager will consider the deficiencies of the structure, including without limitation, damage, decay, faulty construction, potential for collapse, disrepair or the presence of health and safety concerns such as unsanitary conditions, infestation of rats or vermin, the presence of filth and contamination or other conditions that constitute a hazard to occupants or to the public.
- i. Development in the Business-Regional 1, Business-Commercial 1 & 2, Business-Main Street, Business-Transitional 1 & 2, Mixed Use 4, Industrial-General, Industrial-Manufacturing, Industrial-Main Street, Industrial-Service 1 & 2, Agricultural, Public, Residential-High 3 & 6, and Mobile Home ~~any Business Commercial~~-zone districts that is otherwise consistent with the city's development regulations.

Section 4. Complete site review, use review, and technical document review applications that have been submitted to the city prior to December 18, 2018 will be permitted to continue through the process under the regulations in place at the time such application is made. Technical document review applications are administrative in nature and the application date shall be the date that the fee required by Section 4-20-43, B.R.C. 1981, has been paid. Such applicants shall be required to pursue such development approvals and meet all requirements and deadlines set by the city manager and the Boulder Revised Code. Pending developments may apply for and receive building permits that are necessary to construct the approved development.

Section 5. This Ordinance is temporary in duration and intended to be replaced by subsequent legislative enactment regulating the items listed in this Ordinance, by June 22, 2020. To the extent that the provisions of Section 9-1-5 "Amendments and Effect of Pending



Section 7. This Ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 6th day of August 2019.

Attest:

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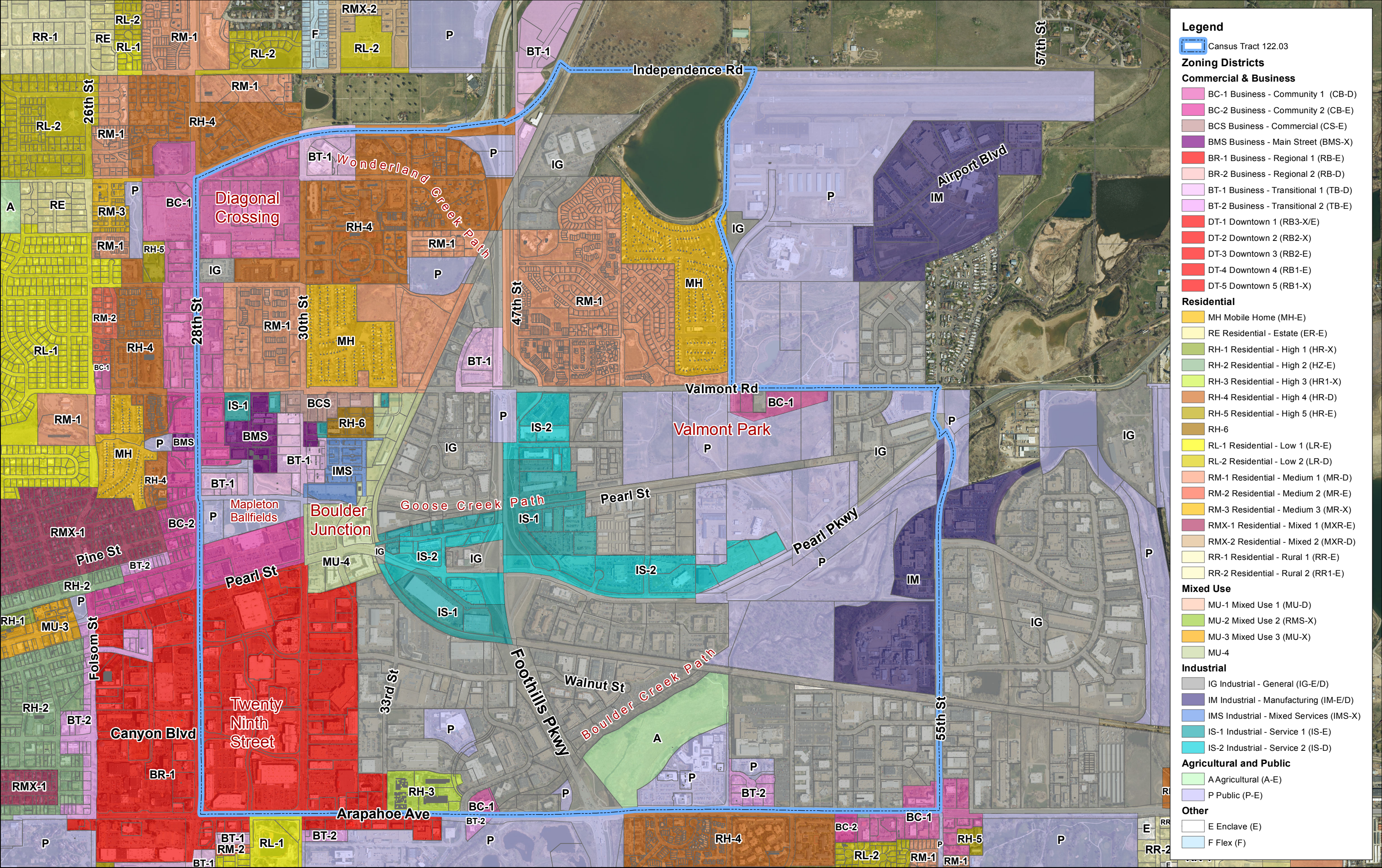
1           READ ON SECOND READING, PASSED AND ADOPTED this 3rd day of September  
2 2019.

5 \_\_\_\_\_  
6 Suzanne Jones,  
7 Mayor

8 Attest:

9 \_\_\_\_\_  
10 City Clerk,  
11 Lynnette Beck







## **USE STANDARDS & TABLE SUBCOMMITTEE - PROJECT SCOPE AND GOALS**

### **Scope**

The Use Standards & Table Review Subcommittee will consider updates to Chapter 6, “Use Standards” of the Land Use Code ([Chapter 9-6, B.R.C. 1981](#)), and any ancillary sections as may be necessary (e.g. [9-5, “Modular Zone System”](#) and [9-16, “Definitions”](#)). The project should complement and inform, but not overlap with, other work plan efforts such as the Sub-Community Planning project, the Large Homes and Lots study, and the Community Benefits project.

### **Why Statement**

The Land Use Code’s Chapter 9-6, “Use Standards” may be out of alignment with the intent of the Boulder Valley Comprehensive Plan (BVCP) goals, policies and land use designations, and may not be achieving desired development and community outcomes.

### **Purpose Statement**

Bring Chapter 9-6, “Use Standards” of the Land Use Code, into greater alignment with the BVCP policies and the city’s priorities, to better enable desired development outcomes throughout the city and to more effectively support the goals and outcomes of the BVCP and as expressed in the scope statement.

### **Broad Goals**

1. Simplify the Use Table and streamline the regulations where possible, making the Use Standards & Table more understandable and legible.
2. Create more predictability and certainty in Chapter 9-6, “Use Standards” of the Land Use Code.
3. Align the Use Table and permitted uses with the BVCP goals, policies and land use designations.
4. Identify any community-desired land use gaps in the Use Standards & Table, and better enable the desired land uses in the identified neighborhoods as well as in commercial and industrial districts.
5. Address scenarios where the existing Use Standards & Table may have historically resulted in less desirable or unintended outcomes.
6. Align Chapter 9-6 Use Standards with the city’s energy conservation and climate resiliency efforts, and with BVCP’s Energy, Climate and Waste goals and policies where possible.
7. Others?

### **Initial Areas of Consideration**

1. Explore updating outdated use categories to meet community needs and desired land uses.
2. Consider creating new use definitions and add to appropriate zoning districts.
3. Explore opportunities for mixed use that can help provide services to residents and needed housing/services/uses to non-residential and industrial areas.

4. Study the potential for 15-minute neighborhoods and use table changes to encourage them in all types of districts (residential, commercial, industrial), acknowledging transportation barriers may exist.
5. Study updating the amounts of required uses where prescribed in 9-6, “Use Standards”, such as residential/non-residential floor area percentages listed under the footnotes N/M of the Use Table (current 50% seems arbitrary), accounting for holistic impacts of uses including parking.
6. Study allowing more retail/active uses in the Public (P) zones.
7. Consider changing prohibited uses to Use Reviews (U’s) where certain uses may be warranted and desired (corner coffee shops for example).
8. Consider allowing more flexibility for non-impactful retail uses for home occupations and live/work, such as selling one’s art.
9. Consider allowing 2nd floor residential in light-industrial zones.
10. Evaluate incorporating technical fixes as identified by planning and zoning staff.
11. Explore incorporating additional development design standards into the Chapter 9-6 specific use standards, and potentially the Use Review criteria.
12. Consider Mobile Home Parks and their evolution to affordable fixed-foundation buildings, and how it may intersect with the Use Standards & Table.
13. Consider changes to the Use Review criteria that would better serve city goals (e.g., walkability, site design).
14. Consider changes to the Use Standards & Table that would incentivize a diversity of housing types.
15. Others?

### **Project Timeline**

The Use Standards and Table study is an ongoing project that has a near-term timeline for amendments associated with the Opportunity Zone project in the summer/fall of 2019. City Council provided detailed feedback at May 28<sup>th</sup>, 2019 study session to staff. Much of the Opportunity Zone recommendations implement items that have been the primary focus of the larger Use Standards and Table project and subcommittee’s work, including structural and technical changes to Chapter 9-6 Use Standards and changes to use allowances to better align some zones to the BVCP.

Longer term secondary focuses of the project will explore concepts such as 15-minute neighborhoods (areas where access to daily goods, services and transit are within a 15 minute walk from where a given person lives and/or works) and may extend well into 2020, as other projects of a higher priority including Large Homes and Lots and Community Benefits are implemented. In addition, it’s anticipated that some of the topics identified through this project may be incorporated into other related planning efforts (such as subcommunity planning), or may become their own separate project as needed, such as studying industrial zones as part of the East Boulder Subcommunity Plan (EBSP).

## **Use Standards/Table Review Subcommittee**

### **8/30/2018 Meeting Summary Notes**

Subcommittee members: David Ensign, Crystal Gray, Bryan Bowen

Staff: Karl Guiler, Andrew Collins

One member of the Public: Sarah Silver

#### **Introductions**

#### **Subcommittee Rules and Procedures**

- Subcommittee decides that no formal votes will be taken, but a consensus should be reached for points of consideration.
- David Ensign chosen to be chair – will run meetings and serve as the point person for the Subcommittee, including reporting out to the larger Planning Board as needed.

General table discussion - Crystal wants to ensure a Use Table 101 session is integrated into the community outreach, early on in the process.

Karl provides a Use Table 101 - a review of the Land Use Code *Section 9-6 Schedule of Permitted Uses* to the Subcommittee.

#### **Scope/Problem Statement/Goals and Objectives**

- Scope to include all of Section 9-6 Schedule of Permitted Uses, and should not overlap with any other efforts by Council (such as large lots, and community benefits etc.).
- Other items outside of the scope (Section 9-6 Uses), are ok to acknowledge and record, but would be outside the Use Table Review project's and the Subcommittee's scope.
- Subcommittee agrees to keep the Problem Statement at a high level, with more specific goals/objectives to follow that.
- Bryan proposes for the initial problem statement: Bring the Use Table and uses into alignment with the BVCP policies and with the city's priorities.
  - The subcommittee concurs.
  - Goals and Objectives should be informed by technical fixes identified by staff, and issues/desires identified by the community

#### **Broad Goals:**

- Simplification of the use table and streamline the regulations where possible
- Create more predictability and certainty
- Align Uses section with net zero goals of the city

#### **Specific Goals and Topics to Consider**

- Study preliminary topics identified in meeting agenda
- The percentages of required residential/non-residential floor area listed under the footnotes *N/M* of the Use Table seem arbitrary, and need to be evaluated.

- Study 15 minute neighborhoods and use table changes to encourage them, acknowledging transportation barriers may exist. (Look at walk scores)
- Consider allowing more retail active uses in the Public zones.
- Consider changing prohibited uses to Use Reviews (U's) where certain uses may now be warranted and desired (corner coffee shops for example).
- Consider adding form and design standards to be incorporated into the Use Review section and 9-6-2 to 9-6-9 criteria.
- Potentially allow more flexibility for non-impactful retail uses for home occupations and Live/work, such as selling one's art.
- Consider Mobile Home Parks and their evolution to affordable fixed-foundation buildings, and how it may intersect with the Use Table and provisions.
- Consider ways to allow 2<sup>nd</sup> floor residential in light industrial zones.
- Consider changes to the Use Review criteria that would serve city goals (e.g., walkability, site design)

### **Engagement**

- Need to make sure we include information about the Use Table Review project in the Boulder digital newsletter that goes out. And establish an email list to keep the public involved.
- Align the project timeline with the city's engagement 101 [Engagement Strategic Framework](#) including the Boulder's Decision-Making Process chart.
- Include an earlier check-in with Council in the timeline.
- A "Use Table 101" should be part of the community engagement plan with presentations/community engagement events - include visuals to illustrate how the Use Table relates to the Land Use Code and the BVCP.
- Conduct internal meetings with zoning/planning staff to identify technical issues and fixes with the use table – to inform goals /objectives.
- The Public's input should also help inform the goals/objectives, so we want to engage them earlier rather than later in the process.
- Consider soliciting the community, including applicants and architects, on what isn't working with planning processes and unresolved planning issues out of recent development cases - Likely outside of this project's scope, but we can acknowledge and have a place to collect those ideas during open houses or other engagement events.
- Include a map activity where the community can identify what uses they would like to see in their neighborhood, and if any uses are missing. This will inform updates to the Use Table and associated regulations.
- Contact the Daily Camera about project and set up a city project website.

### **Other thoughts**

- Use Review serves its purposes and generally works well, but should be clear.
- Look at Alpine Modern at 9<sup>th</sup> and College as an example of a successful neighborhood scaled commercial use. Most of the community enjoys the use and building - how can that be a model for other parts of the city neighborhoods?

### **Homework and Next Steps**

Mid-September Subcommittee meeting:

- Subcommittee members to redline the Use Table and Use section 9-6, identify concerns/issues.
- Staff to prepare:
  - BVCP, Zoning maps and use module maps
  - Draft of problem statement and preliminary goals and objectives
  - Refine the project timeline and put into circular chart format

Late September / Early October Subcommittee meeting

- Staff to create draft Community Engagement Plan, and meet with internal zoning/planning staff on technical Use Table issues.

### **Public Comments**

- A need exists to talk with the community about unresolved land use and planning issues related to recent development cases. The community needs an opportunity to be heard on a variety of topics.
- A goal from the community's perspective would be certainty.
- A Use Table 101 type training would be helpful.
- Design and form requirements are needed for walkable 15 minute neighborhoods.
- The connective tissue is what create neighborhoods that the community wants and will use.



## **Use Standards/Table Review Subcommittee**

### **9/13/2018 Meeting Summary Notes**

September 13, 2018, 11:30AM-1:30PM

Alpine Modern Café, 904 College Ave, Boulder, CO 80302

Subcommittee members: David Ensign, Crystal Gray, Bryan Bowen

Staff: Jim Robertson, Charles Ferro, Karl Guiler, Andrew Collins

Members of the Public: none

### **Welcome and Acceptance of the 8/30/2018 Meeting Summary Notes**

- Subcommittee accepts the 8/30/2018 Meeting Summary Notes.
- Subcommittee agrees to structure the meeting and future meetings to allow a brief public comment period at the beginning of the meetings during Welcome/introductions, and a public comment period at the end of the meeting as well. Keeping the bulk of the agenda items to subcommittee and staff discussion.
- Subcommittee agrees to move any discussion on red-lined *Chapter 9-6 Use Standards* to the end of the meeting and potentially for the next meeting.

### **Updated Preliminary Timeline with Decision-Making Chart / Engagement:**

- Schedule the Step 3 - *Check-in with Planning Board* to the second half of November so that David Ensign is able to attend.
- Need to ensure the Planning Newsletter that goes out includes a blurb about the Use Standards & Table project.
- Need to have an online webpage that has the meeting materials posted, including a comment form, and email opt-in for the public to stay informed of the project.
  - An email list should be developed from this as well.
- The community is welcome to red-line the *9-6 Use Standards* and provide feedback, and their input and feedback on the purpose statement, goals and objectives is welcome and will inform the ultimate proposal.
- It's a living project with multiple feedback loops and opportunities for public participation, and corresponding responses and adjustments will be made as we go along based on the public input (as well as the subcommittee, stakeholder groups, staff, the Planning Board, and Council input).
- Include an online mapping exercise for the public to provide input, identifying their neighborhood and what uses they'd like to have or not have in their neighborhood.
- Include an online Use Table 101 and possible videos or power point materials as a learning tool for how the Use Table and standards work.
- Let the subcommittee know when the webpage and email list-serv is up and running.
- Staff will ensure that we cross-reference and cross-check with the Sub-Community Planning efforts, as one project may inform the other.
  - Will build-in cross-checks with the Sub-Community planning project into the draft Engagement Plan.

- Need to be clear throughout the process and in our documents that the ideas presented are always a working draft, and nothing has been decided. Nothing will be decided without the community's involvement.
- Need to have clear rules of engagement posted during the public engagement events so that everyone is respectful of one another, and to allow constructive feedback from the public.

### **Review Scope**

- Make all statements consistent with the revised Scope and Purpose statement, incorporating the *Chapter 9-6 Use Standards* and BVCP goals and policies language throughout.
- Reference the Sub-Community Planning efforts in the scope.
- Add in a new Key Question - What do you wish you had or didn't have in your neighborhood or district; what uses are missing where you live, work, and play in Boulder? (e.g., a. residential- where you live? b. commercial/industrial etc.- where you shop or work? C. commercial/residential etc. -where you recreate?)
- Also, add "Other questions?" as other key questions may arise through the process.
- Overall, the subcommittee likes that the scope is to the point.

### **Review Primary Goals & Objectives**

- Overall, the subcommittee likes that the goals and objectives are clear.
- Revise the objective statements to be understood as areas of consideration (e.g., we will *study/consider* these items)
- Re-title to *Areas of Consideration* – demonstrates that nothing has been decided upon but these are the initial areas of inquiry within the scope of work.
- Include a preamble that explains these topical Areas of Consideration are a starting point, nothing has been decided upon. We will study and consider these topics, but they are subject to change/revisions based on the process and community feedback. Input from the public will inform any subcommittee recommendations and no decision will be made without public input and feedback. City Council will ultimately decide on any proposal, with a recommendation from the Planning Board. The direction to initiate the study comes directly from the Planning Board's goals/work plan for the 2018 calendar year, and the study is guided by the Planning Board appointed subcommittee. The study is also supported by the goals and policies of the BVCP (for example *BVCP Policy 2.24 Commitment to a Walkable & Accessible City* and 15-minute neighborhoods).
- Add a new area of consideration for incentivizing a diversity of housing types/mixed housing.

### **Mapping Exercise**

- The purpose of today's exercise is to gauge how it might work during the community engagement events, hear the groups' feedback on it, and to have the subcommittee share their thoughts on uses in their neighborhoods. Should offer the same type of mapping exercise online as well.

Dave Ensign, Crystal Gray, and Bryan Bowen shared their thoughts on their neighborhoods via the mapping exercise where they live with dots and sticky notes:

- Dave Ensign: Enjoys the bikeways and walkability. Greater socially-interactive elements are needed and the 60's era design of the neighborhood means neighbors are often disconnected from one another, and while walkability is good more is better. Missing uses include a coffee shop, neighborhood retail, and communal uses (and even front porches). Supportive of the idea of home occupations.
- Crystal Gray: Supportive of mixed-uses in her area of town, enjoys the walkability and the nearby retail uses. Likes the diverse housing and mixed-income nature of her neighborhood. Dislikes driving for certain uses and services. Missing uses includes a grocery store and civic uses such as a dog park.
- Bryan Bowen: Co-housing community offers great opportunities for positive social interactions and a supportive communal atmosphere. Enjoys the walkability, it's safety and tranquility, and the diverse uses within proximity. Missing uses are a grocery store, music venue, convenience retail (not a gas station), brew-pubs, and true live/work units.

Discussion regarding the mapping exercise. Are the questions right?

- Should try to focus them on land uses as opposed to creating an expectation for broader changes that would be more appropriate through the subcommunity planning process.
- Might be ok to keep the general questions as an icebreaker, or to get broad ideas first and then drill down to uses.
- Consider a separate exercise, or maps for where you work and where you recreate.

### **Discussion of Redlined Use Tables/Standards**

Deferred to next meeting, subcommittee to continue to work on this as needed.

### **Other thoughts**

- Appendix maps, figures, or overlays that illustrate geographic extents for certain use standards would be helpful instead of lengthy text descriptions in the Use Table.
- Context/location based use standards help differentiate between where certain uses are appropriate or not appropriate, within the same Zoning designation - similar to MU-3 and the BC zoning. Such tailoring allows variety and appropriate uses based on context and unique neighborhood characteristics.
- Any changes to Conditional approvals etc. should do so accounting for additional staff time that would be required and potentially additional Planning Board and Council review efforts.

### **Next Steps**

Next meeting will be Monday October 1, 2018 at 11:30am

- North Boulder location, probably Spruce Confections.

Subcommittee members to continue reviewing *Chapter 9-6 Use Standards*.

Staff to prepare:

- Updates to the scope, problem statement, goals and areas for consideration per the Sept. 13<sup>th</sup> discussion.
- Draft community engagement plan.
- Conduct internal zoning/planning staff technical fixes meeting on 9/28. Staff will report out to the subcommittee.

## **Use Standards/Table Review Subcommittee**

### **10/01/2018 Meeting Summary Notes**

October 1, 2018, 11:30AM-1:30PM

Spruce Confections - 4684 Broadway, Boulder, CO 80304

Subcommittee members: David Ensign, Crystal Gray, Bryan Bowen

Staff: Karl Guiler, Andrew Collins

Members of the Public: none

### **Welcome and Acceptance of the 9/13/2018 Meeting Summary Notes**

- Subcommittee accepts the 9/13/2018 Meeting Summary Notes.

### **Scope, Preliminary Goals and Areas of Consideration**

- Under the Key Questions,
  - Question 1 – Include “the neighborhood you live in” as the first bullet.
  - Question 6 – Provide definitions for elements such as home -occupations during the public engagement phase, as well as for other uses and items. Clarify the bullet point to “regulatory and logistical” barriers.
- The draft Scope, Goals and Areas of Consideration looks good and reflects the subcommittee’s feedback. Staff to correct any typos.

### **Internal Stakeholders Feedback**

Technical issues /fixes with 9-6 Use Standards

Staff reviewed the feedback received from the stakeholder group on 9/28/2018. Subcommittee discussion on the internal stakeholder group (e.g., zoning review staff) feedback:

- There are current regulatory issues with having multiple principal uses on a site. For example, a project having to codify parking as a separate principal use for a mixed use development, when in reality it functions as an accessory use serving multiple users at different points in time. More clarity and criteria for defining principal and accessory uses, and how shared-parking and TDM (transportation demand management) strategies may inform them.
- Personal service uses – art gallery versus a yoga studio in terms of intensity - unsure if square footage is always good threshold or metric, as intensity of users may/may not vary independent of size.
- The changing nature of commercial/office uses should be recognized. Use scale, size and parking are concerns with neighborhood commercial/offices uses and home occupations. The impacts on a neighborhood, particularly parking, depends on the magnitude and type of use. Not a one-size fit all approach - depends on the use.
- Home-occupations: parking and on-street parking is an issue. Need to avoid loopholes with any changes.
- The on-street parking permit program is undergoing an evaluation and depending on changes, could help address some of these neighborhood on-street parking concerns.

- Agree with the internal stakeholder group that there is too many overlapping office types and even other uses defined in the code. With the right criteria, it would make sense to collapse those into fewer uses in the code and provide oversight through conditional and use reviews - including criteria for limiting use impacts and decision-making.
- Conditional and Use Reviews criteria could include performance-based regulations to mitigate impacts from a given use. If existing multiple types uses (such as a variety of office uses) have the same impacts and characteristics, they should be collapsed into a single more encompassing use and permitted in the same way. Need more predictability in the use review process.
- Industrial zones – Accessory uses inside a building such as a gift shop or tasting room, should be allowed for a variety uses. Need consistency in the regs across the allowable uses.
- Industrial zones are a rich opportunity for meaningful change, such as allowing more mixed-use, and simplifying use requirements for desirable uses such as maker-spaces and mixed use.
- Industrial Mixed-Services (IMS) zone limits floor area too much. It allows a greater height limit but prevents creative use of the volume of the building by limiting FAR too much. For instance, can't put in a mezzanine that would allow for viewing or seating views of a brewery, or other engaging spaces.
- Consider allowing more residential in some of the industrial zones, forecasted to be a demand from or housing that would be compatible with some of these industrial uses. Likely a separate work program item but should be on the radar.
- Consider future "Opportunity Zones" and how it may intersect with use changes. A federal program based upon distressed census tracts - would affect parts of East Boulder - allows a reduction in tax liability by allowing investment of private capital gains into development/real estate projects in the opportunity zones, instead of taking a distribution and paying taxes on it.. May impact Diagonal Plaza, the Pollard site among others.
- Remove outdated use categories that are no longer applicable to Boulder, collapse ones that function the same, and potentially create an "other's" category with differentiation in the conditional /use review standards. Such as firewood facilities or RV parks as examples.

#### **Discussion of Subcommittee Members' Redlined Use Table Sections**

- MU-3 uses, such as the Armory project, should be revised to allow artists to sell their wares in their studio.
- Live/Work uses should be re-evaluated to potentially allow it in more zoning districts.
- Commercial/retail is getting phased out – preserve more retail in the BC districts. Need more retail near Baseline Road to encourage 15-minute neighborhoods there, should allow/require ground floor retail in more zones as appropriate. Intersects with current code change going through the approval process, but further refinement may need to be discussed.
- Mixed-Use zones should require more ground floor retail uses.
- Consider allowing FAR to be modified through Use Review. Limitations on FAR are problematic in getting good creative development in districts, such as DT-1, and may not be able to use additional FAR received from providing parking. Those FAR limitations were put in place to recognize transitions to adjacent neighborhoods years ago, but they could be re-evaluated based on today's needs and neighborhood character. Or take out the FAR bonus for providing parking if it's not actually feasible to use.

- Need more criteria in the Use Review standards for the Planning Board and staff to evaluate a project. This could also include more design / form-based elements including ground floor retail components. It's difficult for Planning Board to require elements if it's not in the code.
- There are variations in retail uses that might be palatable to the community in neighborhoods. Corner coffee shops are one use, but if it's not defined then there is no difference in allowing a large retail store that might be unwanted in a neighborhood. Need to define the uses that could be allowed in these areas, if they are not already defined and differentiated. Brewpubs, taverns, bike shops, coffee shops etc.
- Not all uses may be appropriate everywhere in a given zone, particularly in the RL, RE, and RR zones. Appropriate neighborhood uses depends on the specificity of locations (i.e., corners, large streets, availability of off-street parking), and the scale, magnitude and specific type of use. Square footage limits make sense, for example home day-cares and small yoga studios may be ok, but once those become large they function differently (yoga gyms, daycare schools) with greater negative impacts such as parking, traffic, and noise.

#### **Draft Community Engagement Plan**

- Add in any pertinent sustainability and social policies of the BVCP into the Guiding BVCP Policies section.
- Need to be careful how we phrase any survey questions. Be clear that not just looking at residential neighborhoods, but all types of neighborhoods such as industrial and mixed-use areas.
- Any survey question should be phrased as "near or in", or "nearby" rather than just "in" neighborhoods.
- Would be potentially useful to have the automatic clickers for survey question that display the results automatically on the screen for some of the community engagement events.
- Check-in with Planning Board will be on November 15, 2018.
- Overall the Draft Community Engagement Plan looks good, and good with the webpage and newsletter content.

#### **Public Comment Period - N/A**

#### **Next Steps**

Next meeting will be Monday, October 15, 2018 at 3:30pm

- Rayback Collective likely – meeting to focus on the subcommittee 9-6 redlines

Subcommittee members to email any redlines of *Chapter 9-6 Use Standards* to staff to compile.

Staff to:

- Compile subcommittee redline comments.
- Refine project elements and draft community engagement plan.
- Schedule a November Planning Board Matters Item for the project.
- Create the project webpage up and the newsletter - coordinated with the communications staff.

## **Use Standards/Table Review Subcommittee**

### **10/15/2018 Meeting Summary Notes**

October 15, 2018, 3:30PM-5:00PM

The Rayback Collective - 2775 Valmont Road, Boulder, CO 80304

Subcommittee members: David Ensign, Crystal Gray, Bryan Bowen

Staff: Karl Guiler, Andrew Collins

Members of the Public: Beth Hondorf

### **Brief site tour of the pollinator garden with Shea Brazill of the Rayback Collective**

### **Welcome and Acceptance of the 10/01/2018 Meeting Summary Notes**

- Subcommittee accepts the 10/01/2018 Meeting Summary Notes.

### **Draft Community Engagement Plan**

- During the community engagement events, including the Use Table/Standards 101, define different types of neighborhoods – this includes industrial neighborhoods, and mixed-use neighborhoods, not just residential neighborhoods. Should make it clear to participants that we’re not just talking about neighborhoods in a broad sense, i.e. not just subdivisions or purely residential areas. But keep the “neighborhood” term rather than areas.

### **Discussion of Subcommittee Members’ Redlined Use Table Sections**

Issues / and initial ideas for Chapter 9-6 Use Standards. Ideas outside of the scope of the project could be addressed in other work plan items such as Community Benefits, Large Homes/Lots, and Residential Uses in Industrial Zones. All ideas discussed are captured below.

- Consider FAR exemptions for elements, such as bike parking, through conditional approvals with parameters written in to the applicable specific standards.
  - Exemptions would need to be dependent on the location and zone, for example DT-1, MU-1 and others - right now the regulations effectively incentivize providing parking rather than leasable floor area. Building height and bulk allowances could be made as appropriate.
- Opportunity to tie-in any bonuses from a future Community benefits program directly into the Use Table and Standards, particularly where existing parameters and percentages are stated in the Chapter 9-6. Possibly even another column in the table if it makes sense.
- The specific standards and table should be revised to overtly state what we really want out of these uses – possibly an opening statement that sets out the goals of the applicable specific use standards.
- Agricultural zones should be revised to allow more event and farm-stand types uses including limited sales. Look at Boulder County for examples.
- Don’t want to over regulate uses and be too prescriptive – for example lemonade stands needing permits, some things are ok to occur organically especially if they have no negative impacts - such as lemonade stands.
- Opening up different areas or neighborhoods to allow uses is nuanced - not a one-size fits all approach. Acceptable uses will be neighborhood specific.



- Community engagement will inform any potential recommendations, including what uses and under what circumstances uses could be acceptable to a given neighborhood (industrial, mixed-use residential neighborhoods).
- Confluence of uses with form-based standards will be important in the specific use standards - for instance how a building is located on a site and is designed appropriately to the context
- 15-minute neighborhoods - uses such as little markets are ok, but they have gone by the wayside. Square footage requirements and required parking are often a barrier. Need to encourage pedestrian rather than auto-oriented development.
  - The now closed building at 6<sup>th</sup> Street and Maxwell Avenue on the roundabout is an example of a small scale neighborhood market building type (does not currently function as a market).
  - Need to reduce regulatory barriers to 15-minute neighborhoods – such as automatically exempting parking for small neighborhood businesses.
- Uses should include allowances for business incubator spaces to help foster the creative and entrepreneurial businesses.
- Consider allowing multiple primary uses on a given property, and/or residential as an accessory use to retail.
  - Open up the Live/Work use to more zones.
- Specific use standards should include more robust design guidelines for conditional or use review criteria, especially for retail in some zones.
- Consider allowing more housing in industrial zones as may be appropriate if the changes are relatively straightforward, have community buy-in and do not take away from other considerations (possibly outside of scope, would be addressed as a separate work plan item).
- Consider allowing events to occur in industrial zones, for example an artisan maker's facility that also hosts events.
- Look at the RH intensity standards and the measurement of height (outside of scope, but may be addressed in Community Benefits project).
- Chapter 9-6 should not be so prohibitive of museums and other cultural uses.
- Consider opening up the Mobile Home zone to allow more permanent, creative and affordable residential uses - such as fixed foundations, cottage courts, tiny homes. Allow the neighborhoods to evolve over time to permanent and affordable residential areas.
  - Conditionally allow foundations to ensure people can live and upgrade their residence over time, and that the homes still remain affordable - deed restrictions may be possible. Should not be incentivizing homes built on chassis, home should have permanence.
  - Community Centers and facilities should be allowed, especially to foster neighborhood identity.
  - Creative housing solutions for modest sized homes could be allowed / conditionally allowed in other zones as well.

### **Public Comments**

- Foundations should be encouraged in the Mobile Homes zone, for safety and community-building purposes. Mobile homes are traditionally energy *inefficient*, should consider modern models (such as FEMA trailers, although those have caused illness) and other creative solutions.

### **Next Steps** - Next subcommittee meeting is TBD.

- November 15<sup>th</sup>, 2018 Planning Board Matters Item for the project.
- December 4<sup>th</sup>, 2018 City Council check-in on the project

- Finalize Use Table/Standards 101 community engagement meeting date

## **Use Standards & Table Review Subcommittee**

### **12/19/2018 Meeting Summary Notes**

11:00 AM - 12:30PM

Boulder Depot Roadhouse – 2366 Junction Place, Boulder, CO 80302

Subcommittee members: David Ensign, Crystal Gray, Bryan Bowen

Staff: Karl Guiler, Andrew Collins

Members of the Public: Kurt Nordback, Lynn Segal, David Takahashi

### **Welcome and Acceptance of the 10/15/2018 Meeting Summary**

- Subcommittee accepts the 10/15/2018 Meeting Summary Notes.
  - Note that the 6<sup>th</sup> & Maxwell building is closed, but is an example of the market building type.
- Transportation Advisory Board (TAB) Pedestrian Advisory Committee (PAC) - Dave Ensign is the Planning Board liaison to the TAB) and in the last meeting there was an update from Boulder's PAC which was formed last summer. The Use Table Subcommittee hopes to coordinate with them and Go Boulder on 15-minute neighborhoods concepts and ideas moving forward, or at least welcome them to provide input. Dave will reach out to Amy Lewin, Senior Transportation Planner coordinating the PAC, to see what opportunities may exist.
- **Planning Board and City Council Debrief**
- Discussion of the Planning Board feedback from the 11/15/2018 Planning Board meeting. Summary provided - Key points include that the Board was in support of the project scope, purpose, goals and areas of consideration as defined by the subcommittee; community engagement will be critical; and changes should avoid creating de-facto rezoning's.
- Council feedback on the project included the new Opportunity Zones moratorium on development, with the gradual release of various zoning districts as they are studied and better aligned with the BVCP goals and policies. This will likely impact which zones and uses are prioritized in the Use Standards and Table project in order to accomplish council's goals for the opportunity zone / moratorium, while still moving forward on the broader Use Standards project.
- Going zone by zone (starting with those in the opportunity zone) could be a template for amending all zones across the city with this project. The BC-1 and BC-2 code amendments currently underway would be a start to that process if successful.
- The zones in the neighborhood centers, such as BC-1 and BC-2, are likely the locations where 15-minute neighborhoods could be prioritized to better align with the BVCP policies and goals.

### **Discussion of Community Engagement Event(s) in January / February**

Discussion on the draft boards and outline of the late January / early February community engagement events.

- Series of likely three meetings across the city to engage more people. Combined event with the Large Homes and Lots, and Community Benefits projects. Brief presentation, then break-out stations for the projects to receive feedback.
- The introduction to the meeting will be critical. Should not be too brief, as the presentation needs to be a learning experience for the general public to understand how the code, tables, BVCP, and foundational comprehensive planning works with the Land Use Code.
- Should include additional maps / exhibits with connections plan, Walkability scores, etc. to supplement the exercises.

- Discussion of 15-minute neighborhoods definition – the street presence (porches as example) and public realm is also critical to successful 15-minute neighborhoods, also include transit in the definition.
- Include clustered icons for the Live, Work, Play mapping exercise.
- Make explicit that where you play includes restaurants, shops, etc. (not just recreation).
- Provide a Live and Work outside of Boulder category for the mapping exercise.
- Provide an additional board for other comments from the public, additional comments they want heard.
- Suggestions for locations of community meetings: Boulder Housing Partners, family and senior centers at Diagonal Plaza and Walnut Place, BMOCA. Locations where we might reach a different demographic than the traditional neighborhood meetings.

#### General Engagement Comments:

- Consider creating an explainer video and post to the project website.
- Should try to track basic demographic information to see who we are reaching or may be missing (sign-in sheet and/or survey). Age groups, income groups, own /rent, zip code, name and email information.
- For additional follow-up community engagement events - would like to do the direct mapping exercise where people can place land uses/icons on the map.
- Web version of mapping exercise should be pursued
- Cell phone voting is an option for specific presentation meetings, not suited for this first series of meetings in an open-house format with multiple projects.
- Staff is working with the city's Community Engagement Coordinator, Sarah Huntley, for BeHeardBoulder website, possible online mapping exercise, and outreach efforts.
- The department is considering a community-wide mailed survey to collect feedback for the Large Homes and Lots project, possibility may exist to include the Use Table project as well.

#### Other comments:

- Should have meeting materials posted to the project website, consider a clearinghouse website.
- Double check that links are working to the project website.
- Create a how-to video and post it to website. i.e. how to use Title 9, the Table of Contents, Use Table 101, BVCP foundational documents. And even where to go to check for mapping, flood plains, look up sites and projects in the city's website.
- Should meet with newspaper reporter to educate on the project in advance of any stories.
- Involve the Chamber of Commerce and the Downtown Boulder Partnership / Sean Maher (formerly Downtown Boulder Inc.) to get information/survey on where people shop and potentially other involvement.

#### **Continued Discussion of Subcommittee Members' Redlined Use Table Sections**

No additional discussion, public feedback will inform eventual options.

#### **Public Comments**

- Uses to consider in the project: small retail stores and micro grocery, daycare coffeeshops at neighborhood corners / nodes - bodegas, food production.
- Community Engagement event - a mix of visualizations could be helpful.

- Work with city's neighborhood liaison for outreach, consider food courts, lobbies with materials and coffee shops.
- Need to reach all people including groups typically under-represented including faith based groups, commuters; collect some demographic data to see who's missing from the outreach.
- A well placed article in the paper could be useful.
- The scope of the project seems very large, not sure how everything can be accomplished. (Staff Note: the project's scope and areas of consideration will be prioritized based on the community's feedback as well as the subcommittee's, Planning Board's, and City Council's continued input. The project is anticipated to be undertaken in chunks, with some items falling off or moved to future work plans as necessary).

**Next Steps** - Next subcommittee meeting is TBD.

- Updates to project website – ongoing
- Use Standards 101/consolidated community engagement event – end of January/early February 2019

## **Use Standards & Table Review Subcommittee**

### **4/01/2019 Meeting Summary Notes**

11:30 AM – 1:00 PM

Rapha – 1815 Pearl Street, Boulder, CO 80302

Subcommittee members: David Ensign, Bryan Bowen

Planning Board member: Sarah Silver

Staff: Karl Guiler, Andrew Collins

Members of the Public: Crystal Gray, David Takahashi, Mike Marsh, Stephen Pomerance, Eli Feldman

### **Welcome**

- Introductions and members of the public identified

### **Discussion of Community Engagement Events and Public Feedback**

Discussion on summary of community feedback to date.

- Three open house meetings held, 35 participants at the first two meetings each in February with interactive boards. Third open house in March was a discussion with members of the public and directing people to the online survey at [www.beheardboulder.org](http://www.beheardboulder.org), approximate 20 people attended.
- Approximately 49 online survey responses to date, plus an additional 25 responses (approximately) for the in-person boards.
- General support for the Areas of Consideration (AOC) in the online survey, with the *least* support for AOC #10 “Explore incorporating additional development design standards into the Chapter 9-6 specific use standards, and potentially the Use Review criteria”, and #5 “Study updating the amounts of required uses where prescribed in 9-6, “Use Standards”, such as residential/non-residential floor area percentages”.
- General Themes thus far: more mixed use, housing choice, access to transit and green space, small retail and restaurants near where people live/work/play. Less traffic, parking, nuisance uses, tall buildings, dense housing near where people live/work/play.
- Overall engagement numbers in terms of online page views, and attendance at meetings is much higher than the number of survey responses received. This greater number of people are still engaged in the project whether through presentations, discussions, or information occurring online and in-person.
- While approximately 90 total people attended an open house, we have 243 distinct user page views on the online survey website.
- Upcoming outreach efforts including What’s Up Boulder citywide open house on April 4<sup>th</sup>, 2019. Additional outreach through the Neighborhood liaison community office hours program meetings, including at the Meadow’s branch library with three more scheduled in the coming month.
- Next step for engagement is to go out to with the community this summer after receiving additional feedback at the study session with City Council scheduled for May 28, 2019. Will continue to keep the online survey open.
- Subcommittee heard the summary, would have like to have more survey responses. Hopeful for more responses and engagement in the future.

### **Update on the Opportunity Zone (OZ) and associated Use Table changes**

Overview of the staff memo and initial recommendations for upcoming Matters Item council discussion on April 2, 2019.

- The subcommittee is in general support of the proposals, it's in-line with the discussion and the ideas that the subcommittee has had for the Use Table & Standards to date.
- Subcommittee likes the idea of the Limited Use category, feels like it encapsulates the subcommittee concept and ideas for simplifying and restructuring Chapter 9-6 of the code.
- Some concern there is a scope shift with other projects eating into this project, and expansion of the use table project into other realms. But that is not unexpected given the overlapping nature of the planning projects and the Land Use Code itself.
- The subcommittee may want to revisit the scope of the project to reflect how OZ fits in, at the next meeting.

### **Public Comments**

- Need a statistically valid survey for all planning projects. Without such a survey, the engagement is useless.
- Policies and planning should be based on scientifically valid surveys, which has not been done well enough in the past.
- Need to fix the online code (MuniCode) to make it more user-friendly.
- PB Member Sarah Silver:
  - Has concerns about the proposed Opportunity Zone (OZ) change to prohibit single-family dwellings in the high-density residential zones. The city needs more family-friendly housing.
  - Concerned about limiting auto sales and rentals near residential zones (as proposed in the OZ changes).
  - Need the data for peoples' desires for housing choice. Look at housing surveys recently done as a reference guide.
- Zoning should be localized and neighborhood specific, needs specialized/neighborhood zoning.
- Community Engagement – Consider neighborhoods walks, meet people where they are at – churches, farmers markets, trailheads.
- Need to plan for and create millennial magnets, plan for living without cars.
- Look at Denver for example on the opportunity zone/redevelopment districts.
- Need to reimagine shopping centers.
- Need deliberate outreach and detailed area plans. TVAP for example has a clear vision. Need to address allowing a mix of uses in industrial zones.

### **Staff and Subcommittee responses:**

- Not all planning projects require scientifically valid surveys, as it depends on the level of engagement. This project is not conducting scientific surveys at this time, as the engagement plan lays that its goal is to inform the public of the project and solicit feedback on ideas and the concepts, as well as to conduct an initial conversation and inform the public about the project.

Furthermore, the project is implementing established policies and goals of the BVCP as adopted by Council. The BVCP creation was conducted with scientific surveys. Subsequent implementation projects (such as this one) that seek to align the code with the BVCP policies, do not typically require scientifically valid surveys as part of the engagement process. The public's feedback will impact any proposed recommendations for changes to the code, with input during the engagement phase as well as during the decision-making phase where both Planning Board and Council will hold public hearings and ultimately make a decision on any proposal.

- The subcommittee agrees that the project and OZ work that impact housing choices should consider the housing surveys done recently.

**Next Steps** - Next subcommittee meeting will be in May.

- Opportunity Zone Matters Item with Council – April 2<sup>nd</sup>. Dave Ensign, Subcommittee Chair, will summarize the subcommittee's thoughts on the matter in an email to council.
- Think about clarifying/updating the scope given the OZ project.
- Use Table & Standards Study Session with Council on May 28<sup>th</sup>.



## **Use Standards & Table Review Subcommittee**

### **5/03/2019 Meeting Summary Notes**

4:00 PM – 5:30 PM

Galvanize – 1023 Walnut Street, Boulder, CO 80302

Subcommittee members: David Ensign, Bryan Bowen

Staff: Karl Guiler, Andrew Collins

Members of the Public: David Takahashi, Liz Hanson, Claudia Thiem, Lynn Segal, Lisa White

### **Welcome and Ground Rules**

- Introductions and members of the public identified

### **15 Minutes Neighborhood Discussion w/ Amy Lewin, Senior Transportation Planner**

Presentation of updated 15 minute neighborhood tool as part of the Transportation Master Plan 2019 update.

- See attached presentation materials.
- Land use destination data is existing uses.
- Top 10 land use destinations may not be the best destinations from the survey. Ideally it should include the possibility of walking to your job or pharmacy.
- The work of the subcommittee can build off of this tool, and should be forward thinking with future land uses that might not be captured in this analysis - such as pharmacies or other uses that truly make 15 minute neighborhoods (not just coffee shops and cafes and groceries).
- The tool is a good building block for the subcommittee work
- Tool does a solid job of marrying land use with transportation; something Planning Board and Planning in general needs to strive for more in our work as the two are inescapably linked.
- The tool differentiates between low stress and high stress walking or biking environments

### **Public comments on the 15-minute Neighborhoods presentation:**

- The Opportunity Zone should be turned into a 15 minute neighborhood with land uses changes updates happening and in the future (turn it green on the map).
- What is the city doing to get to 15 minute neighborhoods? Great that we can identify the deficient areas, but how to do we get to where we want to be - the implantation of changes both capital improvements and land use changes.
- How will this impact other planning work plan items if truly a priority for the city?
- The outcome of any analyses on 15-minute neighborhoods should be well publicized.

### **Update on the Opportunity Zone (OZ) and associated Use Table changes**

Staff presented an overview of the Use Table recommended draft changes for the Opportunity Zone / Use Table council study session on May 28, 2019. Below are subsequent high-level comments from the subcommittee regarding those topics.

- Like the structure of the Limited Use Table, would be good format to incorporate future Live / Work use changes (among others) as well.

- Dislike the idea of requiring Efficiency Living Units (ELU's) to be rent capped. Many potential ELU developments cannot afford to pay the existing affordability requirements, let alone additional ones, and thus, would prove to be a disincentive for such uses. This prevents the opportunity of smaller living units and downsizing for residents across the age spectrum. ELU's are the recipient of over-regulation currently.
- ELU's should be an Allowed use by-right. Requiring Use Reviews for development with over 20% ELU's is counter to the goals of creating more affordable living/housing.
- Within the structure of the revamped Use Table need to remove the University Hill multiple line item entries, could be its own separate table or section of Chapter 9-6, B.R.C. 1981.
- Detached dwelling units as Allowed uses in the Downtown (DT) zones doesn't make sense, should be either prohibited, limited, or Use Review. This should change within this project, if not the Opportunity Zone amendments.
- Important to have the Zoning Maps present at an upcoming meeting and descriptions of where the various zones are located (the neighborhoods, cross-streets, corridors, etc.) so people have a better understanding where these zones and potential use changes are located.
- Collapsing down the multiple Office use designations in the table is a good idea, as they don't match the reality of what gets built and there appears to be very little difference between many of the current office use categories.
- The Use Modules should be looked at to identify opportunities for consolidation as well. If no functional difference these should be simplified, perhaps it could help to encourage 15-minute neighborhoods as well.

### **Public Comments**

- Embodied Energy concerns with ELU's if each unit has its own bathroom and facilities. Versus rentals or co-housing that have shared or common bathrooms and kitchens. They are more efficient and environmentally friendly. Also, ELU's without common facilities could create more isolation of people, particularly older residents.
- Chamber's perspective:
  - Collapsing down the Office use categories is a great idea, needs to have been done long ago.
  - Concerned about prohibiting office uses in residential zones
  - Concerned about prohibiting residential on the ground floor in Regional Business zones (BR).
- Simplify the Use Table.
- Consider changes to lower the required parking and parking amount.
- Support and encourage more co-housing
- Need a summary of the broad issues, and would like to get meeting materials ahead of the meeting.
- The project should consider a regional scope.
- Regarding 15-minute neighborhoods, need to encourage mixed-use and granular zoning with more flexibility and more variety of housing.
- More Mixed-use , small scale retail needed on the ground floors of development. Coffee Shops on corners, for example, add vibrancy.

- Need to be thinking about how to create Five-minute neighborhoods.
- Like the simplification of Use Table where possible.
- ELU's could encourage more community spaces or large percentage of common space.
- Need more housing choice and variety – Duplexes and Triplexes should be allowed within neighborhoods where they are not currently allowed.

Staff and Subcommittee responses:

- ELU's probably don't necessarily cost more embodied energy than another type of development or redevelopment. They are all part of the housing solution, including co-housing and cooperative housing. It's not an either / or scenario.
- Could potentially require additional common spaces for projects with over 20% ELU's or some parameter along those lines to get more of the shared social spaces in those projects.
- The project is about trying to attain good planning solution for the City and its residents.

Next Steps - Next subcommittee meeting will be in June after the Council Study Session

- Use Table & Standards Study Session with Council on May 28<sup>th</sup>.

## **Use Standards & Table Review Subcommittee**

### **6/27/2019 Meeting Summary Notes - DRAFT**

11:30 AM – 1:00 PM

Municipal Building - Room 206, 1777 Broadway. Boulder, CO 80302

Subcommittee members: David Ensign, Bryan Bowen, Sarah Silver

Staff: Karl Guiler, Andrew Collins

Members of the Public: David Adamson, Crystal Gray (observing only), Lynn Segal, Lisa Spalding

#### **1) Welcome and Ground Rules**

#### **2) Acceptance of the April 1, 2019 and the May 3, 2019 Subcommittee meetings' minutes**

#### **3) Public Comments**

The Public Comment Period was moved to the beginning of the meeting. Subsequent meetings will include Public Comment Period at the beginning.

- Denver has the same problems as Boulder regarding the Opportunity Zone program. We need a larger masterplan, regional plan or community-wide plan to deal with Opportunity Zones and growth pressures. The city should be considering the carbon impacts of uses and redevelopment, and where the uses are located within the region and community.
- City Council or a department needs to be tracking real estate transactions in the Opportunity Zone, and report out to the council and the public.
- Council should provide more definition of what benefits the Opportunity Zone should provide, and what kind of affordable housing they want, such as for families.
- Use Table changes should be focusing on how to encourage more housing and community benefits, such as at North Street. Any changes should be broad enough to permit flexibility in development, not simply focused on density concerns. The Land Use regulations are too rigid and need to be dynamic.

The subcommittee stated they often hear that the zoning regulations should also be more predictable both for the broad community and for developers. The subcommittee is also interested in the real estate transactions within the Opportunity Zone.

#### **4) Update & Discussion on the Opportunity Zone and associated Use Table Changes**

Staff provided a high-level summary of the feedback and direction received from council during the 5/28/2019 Study Session. The subcommittee provided thoughts and a general discussion on some of the land use topics council is considering.

#### **General Subcommittee Discussion and Thoughts:**

- Having the right mix of uses allowed per zoning district matters. The zoning regulations needs to catch-up with the diverse mixed-use vision the BVCP policies projects itself the city as being.
- Current regulations prevent the re-use of existing buildings and change of uses. And especially negatively impacts small businesses.

- Criteria in the Use Review standards should be adjusted to allow more flexibility of uses. e.g., uses such as the proposed Snarf's sandwich shop along Arapahoe, make sense to re-use former commercial buildings.
- 15-minute neighborhoods and uses should include a broader array of daily uses than just coffee shops. We need to expand our thinking regarding 15-minute neighborhoods.
- Consider better Use Review criteria on conversions and changes in uses.
- Need to try to get more on-site affordable units in RMX-2 zoning district.

**Residential Uses in Business Zones:**

- Should allow a similar mix as the Holiday project. However, the Holiday project zoning may already allow a mix of uses - a different circumstance than what council is considering.

**Restaurants in the Industrial Zones:**

- Lament that council isn't taking this on as part of the Opportunity Zone changes.
- Should preserve the balance of uses, don't want to displace businesses or industrial uses by opening up other uses such as restaurants too much.

**Office in Residential Zones:**

- Need to make land use changes aimed at opening up live/work and allowing more mixed uses.
- Don't limit office uses in residential zones.
- Consider limiting a proportion of the building square footage rather than a 1,000 sf limitation.

**Preservation of existing market-rate affordable units in the Opportunity Zone:**

- Dwelling / units per acre regulations only incentives larger units. Instead we should remove the du/acre standard and focus on better regulating through floor area standards and FAR incentives, if we really want more smaller units.

**5) Use Table Work Session – RMX-1 and RMX-2 Zoning Districts**

Staff provided a high-level overview of the zoning districts and background information. The subcommittee worked through the use categories of the zones referenced above, making suggestions for improvements and changes to the current allowances.

- Tiny homes are not too different from Mobile Homes, should consider allowing them in MH zoning districts.
- Live / Work uses need to be allowed across the zoning districts, and should remove the current prohibitions. Potentially make an L (limited use) with specific criteria if needed.
- A variety of opinions were expressed on Efficiency Living Units (ELUs), and potentially allowing them by-right if over 20% of a project (currently a Use Review in many zones).
  - Some concern expressed about being less restrictive on ELUs. Referring to the Housing Preferences Survey, ELU's were not a preferred housing type. ELUs are not a family friendly housing type.
  - Openness to raising the current 20% threshold that currently requires a Use Review.

- Other members felt that ELU's provide an alternative housing choice that is missing in the housing market, and allowing them in greater amounts simply provides an option for them - it doesn't mandate there will be ELU projects developing everywhere.
  - There is a need for more small housing for all types of people, and there is an exclusive preponderance of single-family dwellings in most neighborhoods already.
  - Some members felt the ELU's should be allowed by-right in the RMX-1 and RH zones, others felt more conversation was needed.
  - Consider creating shared open space requirements for ELU projects, such that the more ELUs a project contains the more common open space the project incorporates.
- Suggestion provided to revisit the RMX-2 zoning district during the next work session, with focus on encouraging more mixed-uses and active uses within the zone.

**Next Steps** - Next subcommittee meeting will likely be after the adoption of the Opportunity Zone related Land Use Code changes.

**Preliminary Opportunity Zone/Use Table ordinance(s) schedule:**

- Planning Board public hearing – 7/25/2019
- City Council 1<sup>st</sup> Reading – 8/6/2019
- City Council 2<sup>nd</sup> Reading – 8/20/2019

**Staff evaluation of Use Table 6-1 and recommendations for targeted changes to ensure a greater level of compliance with the Boulder Valley Comprehensive Plan (BVCP).**

The following BVCP Policies were referenced as part of this evaluation:

Industrial Zones

- ✓ 1.10 Jobs: Housing Balance
- ✓ 2.21 Light Industrial Areas
- ✓ 2.34 Design of Newly Developing Areas
- ✓ 5.01 Revitalizing Commercial & Industrial Areas

Business Zones

- ✓ 1.10 Jobs: Housing Balance
- ✓ 2.18 Boulder Valley Regional Center & 28th Street
- ✓ 2.19 Neighborhood Centers
- ✓ 2.34 Design of Newly Developing Areas
- ✓ 5.03 Diverse Mix of Uses & Business Types
- ✓ 5.04 Vital & Productive Retail Base
- ✓ 5.05 Support for Local Business & Business Retention
- ✓ 6.14 Integrated Planning for Regional Centers & Corridors
- ✓ 7.10 Balancing Housing Supply with Employment Base

Residential Zones

- ✓ 1.10 Jobs: Housing Balance
- ✓ 7.06 Mixture of Housing Types
- ✓ 7.08 Preservation & Development of Manufactured Housing
- ✓ 7.10 Balancing Housing Supply with Employment Base
- ✓ 7.13 Conversion of Residential Uses in the Community

Staff's recommendation and rationale for each zoning district change is discussed in detail below. City Council generally agreed with the proposed recommendations, although some were requested for further analysis or elimination by City Council are shown below as follows:

- [Yellow] = Further analysis, as discussed in detail in the 'Analysis' section of this memorandum
- Red = Proposed changes requested for elimination
- Purple = Some code changes, due to their scope, will need to be addressed as part of upcoming code changes

Changes supported by City Council are reflected in the proposed ordinance in **Attachment A**.

Zoning District	Potential Changes/Recommendations	Rationale
IG (Industrial General)	<ul style="list-style-type: none"><li>Consolidate convenience retail uses into a single category and change from a ("C") conditional use to an allowable use ("A") in industrial zones<sup>1</sup></li><li>Make adult educational facilities a limited use ("L"), which allows adult educational facilities less than 20,000 SF by-right, otherwise by Use Review ("U")<sup>2</sup></li><li>Make building material sales a limited use ("L"), which allows building material sales 15,000 SF or less by-right, otherwise by Use Review ("U")<sup>2</sup></li></ul>	<ol style="list-style-type: none"><li>Convenience retail is currently conditionally allowed in industrial zones, but no conditional use standards exist. Allowing convenience retail as an allowable use would be a supporting use for the industrial areas. Standards for restaurants in industrial zones were developed previously to enable some limited instances where they can be located near employment centers, but these standards will be looked at in the future to create more opportunities.</li><li>Consolidates multiple duplicative uses, into a single use category with the relevant requirements to be noted in a Limited Use criteria section.</li><li>This would be a code clean up, as conditional use standards already apply to congregate care uses, yet the table erroneously depicts it as allowed.</li><li>Restricting residential on the ground floor in the</li></ol>
IM (Industrial Manufacturing)	<ul style="list-style-type: none"><li>Make adult educational facilities a limited use ("L"), which allows adult educational facilities less than 20,000 SF by-right, otherwise by Use Review ("U")<sup>2</sup></li><li>Make building material sales a limited use ("L"), which allows building material sales 15,000 SF or less by-right, otherwise by Use Review ("U")<sup>2</sup></li></ul> <p><u>Future code change projects will explore new opportunities for residential uses in industrial zones.</u></p>	
IS-1 (Industrial Service 1)	<ul style="list-style-type: none"><li>Change convenience retail uses in IS-1 and IS-2 to a Limited use ("L") as no conditional uses currently exist and the use is a needed use to serve industrial areas. Floor area is limited to 2,000 SF or less.<sup>1</sup></li><li>Make adult educational facilities a limited use ("L"), which allows adult educational facilities less than 20,000 SF by-right, otherwise by Use Review ("U")<sup>2</sup></li><li>Make building material sales a limited use ("L"), which allows building material sales 15,000 SF or less by-right, otherwise by Use Review ("U")<sup>2</sup></li><li>Make manufacturing uses a limited use ("L"), which allows manufacturing uses 15,000 SF or less by-right, otherwise by Use Review ("U")<sup>2</sup></li></ul>	
IS-2 (Industrial Service 2)		
IMS (Industrial Mixed Service) *	<ul style="list-style-type: none"><li>Consolidate convenience retail uses into a single category and change to an allowable use ("A") in industrial zones, as no conditional uses currently exist and the use is a needed use to serve industrial areas<sup>1/2</sup></li><li>Make adult educational facilities a limited use ("L"), which allows adult educational facilities less than 20,000 SF by-right, otherwise by Use Review ("U")<sup>2</sup></li><li>Make building material sales a limited use ("L"), which allows building material sales 15,000 SF or less by-right, otherwise by Use Review ("U")<sup>2</sup></li></ul>	
BT-1 (Business Transitional 1)	<ul style="list-style-type: none"><li>Change Congregate Care from an ("A") allowable use to a conditional use ("C") as conditional use standards already apply<sup>3</sup></li><li>Modify residential uses as a current ("A") allowable</li></ul>	
BT-2 (Business Transitional 2)		



	<p>use to a new limited use ("L") where they would be limited to above or below the ground floor and if on the ground with Use Review ("U") approval. The standard could also make residential a conditional use on the ground floor if permanently affordable housing is included in a development project.<sup>4</sup></p> <ul style="list-style-type: none"> <li>• Modify office uses as allowable ("A") use to a new limited use ("L") that limits floor area to no more than 25% of a building; up to 50% could be allowed if at least ½ of the required Inclusionary Housing affordable units are provided on-site or no fewer than 2 affordable units or by Use Review ("U")<sup>5</sup></li> <li>• Require Use Review ("U") for Indoor Recreation or Athletic Facilities<sup>6</sup></li> <li>• Consolidate convenience retail uses into a single category and change convenience retail from a Use Review use to an allowed use ("A") to incentivize retail<sup>7</sup></li> </ul>	<p>transitional business (BT) zones and business regional (BR) zones would be similar to recent changes made in the business community (BC) zones to incentivize ground floor retail uses.</p> <ol style="list-style-type: none"> <li>5. Limits offices to help mitigate the jobs: housing imbalance and encourages permanently affordable housing, supported by BVCP policies.</li> <li>6. A relatively high impact use in terms of parking and activity that should be addressed through the Use Review process considering the proximity to nearby residential uses</li> <li>7. Allowing convenience retail as an allowed use would be appropriate within a business zone.</li> <li>8. This would be a code clean up, as the use is conditionally regulated, but appears as an allowable use in the use table.</li> <li>9. Limiting financial institutions on the ground floor in the BMS zone would encourage more active, pedestrian</li> </ol>
BCS (Business Commercial)*	<ul style="list-style-type: none"> <li>• Modify medical or dental laboratories currently as ("A") allowable uses to a new limited use ("L") and move the specific use standards in section 9-6-7 in the BCS zone to a new Table 6-2 for limited uses<sup>8</sup></li> <li>• Consolidate convenience retail uses into a single category and change convenience retail to a limited use ("L") which allows convenience retail under 2,000 sf by-right, but with Use Review ("U") above 2,000 sf<sup>2/7</sup></li> <li>• Similar to the BC zones, a Use Review ("U") should be required for sales and rental of vehicles within 500 feet of a residential use / add "business" to Section 9-6-9(i), B.R.C. 1981<sup>6</sup></li> <li>• Modify manufacturing uses from an ("A") allowable use under 15,000 SF to be a limited use ("L"), which allows manufacturing uses 15,000 SF or less by-right, otherwise prohibited<sup>2</sup></li> </ul>	
BMS (Business Main Street)	<ul style="list-style-type: none"> <li>• Modify hotel/motels as a current ("A") allowable use to a Use Review ("U") use in BMS<sup>6</sup></li> <li>• Modify financial institutions as a currently ("A") allowable use to a new limited use ("L") requiring that it not be on the ground floor, but otherwise by Use Review ("U") in BMS (reference existing standard 9-6-7(a)(4), B.R.C. 1981)<sup>9</sup></li> <li>• Require Use Review ("U") for Indoor Recreation or Athletic Facilities<sup>6</sup></li> </ul>	
BR-1 (Business Regional-1)	<ul style="list-style-type: none"> <li>• Change Congregate Care from an ("A") allowable use to a conditional use ("C") as conditional use standards already apply<sup>3</sup></li> <li>• Modify residential uses as a current ("A") allowable</li> </ul>	

	<p>use to a new limited use ("L") where they would be limited to above or below the ground floor and if on the ground with Use Review ("U") approval. The standard could also make residential a conditional use on the ground floor if permanently affordable housing is included in a development project.<sup>4</sup></p> <ul style="list-style-type: none"> <li>• Modify office uses as allowable ("A") use to a new limited use ("L") that limits floor area to no more than 25% of a building; up to 50% could be allowed if at least ½ of the required Inclusionary Housing affordable units are provided on-site or no fewer than 2 affordable units or by Use Review ("U")<sup>5</sup></li> <li>• Change convenience retail from a Use Review use ("U") to an allowed use ("A")<sup>10</sup></li> <li>• Similar to the BC zones, a Use Review ("U") should be required for sales and rental of vehicles within 500 feet of a residential use / add "business" to Section 9-6-9(i), B.R.C. 1981.<sup>6</sup></li> <li>• Change Efficiency Living Units &gt; 20% from a Use Review use ("U") to an allowable use ("A") to incentivize smaller units<sup>11</sup></li> <li>• Require Use Review ("U") for hotels/motels where they are currently allowable ("A")<sup>6</sup></li> </ul> <p><i><u>Future code change projects will explore new opportunities for residential uses.</u></i></p>	<p>friendly uses along the streetscape like in the downtown zones.</p> <p>10. It is unknown why a retail use in the business zone would require Use Review. This change would incentive retail.</p> <p>11. Incentivizes smaller, more affordable workforce housing</p> <p>12. Prohibiting personal service uses (currently allowed through Use Review) would be more in line with BVCP policies to preserve mobile home parks</p> <p>13. Prohibiting offices in a residential zone would reduce the non-residential capacity to offset the jobs: housing imbalance, supported by BVCP policies.</p> <p>14. Bed and Breakfast uses contextually do not seem appropriate in a high density zone of this nature.</p> <p>15. Prohibiting single-family residences would mandate attached housing to increase the housing capacity in the residential high (and Mixed-Use 4) zones to support walkable mixed-use areas, supported by BVCP</p>
MH (Mobile Home)	<ul style="list-style-type: none"> <li>• <u>Prohibit ("*") "personal service uses" in MH zones<sup>12</sup></u></li> </ul>	
RM-1 (Residential Medium 1)	<ul style="list-style-type: none"> <li>• Change Congregate Care from an ("A") allowable use to a conditional use ("C") as conditional use standards already apply<sup>3</sup></li> <li>• <u>Prohibit ("*") office uses in all residential zones<sup>13</sup></u></li> </ul>	
RH-3 / RH-7 (Residential High 3 / 7)	<ul style="list-style-type: none"> <li>• Change Congregate Care from an ("A") allowable use to a conditional use ("C") as conditional use standards already apply<sup>3</sup></li> <li>• Prohibit ("*") Bed &amp; Breakfasts, currently an allowable ("A") use.<sup>14</sup></li> <li>• <u>Prohibit ("*") single family dwelling uses in RH zones<sup>15</sup></u></li> <li>• <u>Prohibit ("*") office uses in all residential zones<sup>13</sup></u></li> </ul>	
RH-4 (Residential High 4)	<ul style="list-style-type: none"> <li>• Change Congregate Care from an ("A") allowable use to a conditional use ("C") as conditional use standards already apply<sup>3</sup></li> <li>• Change Efficiency Living Units &gt; 20% from a Use Review use ("U") to an allowable use ("A") to incentivize smaller units<sup>11</sup></li> <li>• <u>Prohibit ("*") single family dwelling uses in RH zones<sup>15</sup></u></li> </ul>	

	<ul style="list-style-type: none"> <li>Prohibit ("**") office uses in all residential zones <sup>13</sup></li> </ul>	<p>policies.</p> <p>16. Museums are a public serving use that are currently prohibited that should be permitted through Use Review in Public zones.</p> <p>17. Restaurant uses are currently noted as "Not Applicable N/A" in the use table without other options. This should be changed to "Prohibited" for consistency and clarity.</p> <p>18. Converts the conditional allowance (by-right so long as the use is not located on a ground floor facing a street) to a Limited Use, with the requirements to be listed in a Limited Use criteria section.</p>
RH-6 (Residential High 6)*	<ul style="list-style-type: none"> <li>Change Congregate Care from an ("A") allowable use to a conditional use ("C") as conditional use standards already apply<sup>3</sup></li> </ul>	
RH (Residential High) zones*	<ul style="list-style-type: none"> <li>Change Congregate Care from an ("A") allowable use to a conditional use ("C") as conditional use standards already apply<sup>3</sup></li> <li>Change Efficiency Living Units &gt; 20% from a Use Review use ("U") to an allowable use ("A") to incentivize smaller units <sup>11</sup></li> <li>Prohibit ("**") single family dwelling uses in RH zones <sup>15</sup></li> <li>Prohibit ("**") office uses in all residential zones <sup>13</sup></li> </ul>	
MU-4 (Mixed Use 4)	<ul style="list-style-type: none"> <li>Change Efficiency Living Units &gt; 20% from a Use Review use ("U") to an allowable use ("A") to incentivize smaller units <sup>11</sup></li> <li>Prohibit ("**") single family dwelling uses in MU-4 zones <sup>15</sup></li> <li>Make manufacturing uses a limited use ("L"), which allows manufacturing uses 15,000 SF or less by-right, otherwise by Use Review ("U")<sup>2</sup></li> </ul>	
P (Public)	<ul style="list-style-type: none"> <li>Museums are currently a ("**") prohibited use. Modify to allow museums through the Use Review ("U") process <sup>16</sup></li> </ul>	
A (Agricultural)	<ul style="list-style-type: none"> <li>Modify restaurants to be ("**") prohibited uses in A zones <sup>17</sup></li> </ul> <p><i><u>This change would only restrict traditional bricks and mortar restaurants and not farm to table operations that would be an accessory use to agriculture. Further, as part of the Use Standards and Table project, staff will be exploring the possibility of allowing Community Supported Agriculture (CSAs) in agricultural areas (e.g., farm stands for people selling fruits and vegetables at community gardens etc.)</u></i></p>	
DT (Downtown) zones	<ul style="list-style-type: none"> <li>Change Congregate Care from an ("A") allowable use to a conditional use ("C") as conditional use standards already apply<sup>3</sup></li> <li>Make financial institutions a new limited use ("L") requiring that it not be on the ground floor, but otherwise by Use Review ("U") in DT-2, DT-4 and DT-5 (reference existing standard 9-6-7(a)(4), B.R.C. 1981) <sup>18</sup></li> </ul>	

\*\*located in Boulder Junction and technically exempt from Opportunity Zone moratorium.

ATTACHMENT F

Proposed Changes to Chapter 9-6, “Use Standards” B.R.C. 1981

Substantive changes are denoted in green below. All other changes shown are structural in nature.

TABLE 6-1: USE TABLE

RESIDENTIAL USES:

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<div>Specific Use Standard-Additional References</div>
Form-Based Code Areas Uses																												Appendix M
<del>Residential Uses:</del> <u>RESIDENTIAL USES</u>																												
Detached dwelling units	A	A	A	A	C	<u>AL<sup>15</sup></u>	<u><del>A</del>L<sup>15</sup></u>	*	*	C	<u>UL<sup>15</sup></u>	<u>UL<sup>15</sup></u>	<u>AL<sup>15</sup></u>	<u>AL<sup>1</sup></u>	*	C	*	<u><del>A</del>L<sup>16</sup></u>	A	A	A	*	U	U	*	U	U	9-8-4 9-6- <del>43(f), (j), (k)</del> 9-6-1 <del>10</del>
Detached dwelling unit with two kitchens	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	9-6- <del>43</del> (b)
Duplexes	*	A	A	A	C	A	A	*	*	C	A	A	A	<u>AL<sup>1</sup></u>	*	C	*	<u><del>A</del>L<sup>16</sup></u>	A	A	A	<u>GL<sup>1</sup></u>	U	U	<u>NL<sup>3</sup></u>	U	*	9-8-4 9-6- <del>43(f), (j)</del> 9-6-1 <del>10</del>
Attached dwellings	*	A	A	A	C	A	A	C	*	C	A	A	A	<u>AL<sup>1</sup></u>	n/a	C	*	<u><del>A</del>L<sup>16</sup></u>	A	A	A	<u>GL<sup>1</sup></u>	U	U	<u>NL<sup>3</sup></u>	U	*	9-8-4 9-6- <del>43(f), (j)</del> 9-6-1 <del>10</del>
Mobile home parks	*	U	U	*	U	U	*	*	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<div>Specific Use Standard-Additional References</div>
Townhouses	*	A	A	A	C	A	A	A	*	C	A	A	A	<u>AL</u> <sup>1</sup>	*	C	*	<u>A</u> <u>L</u> <sup>16</sup>	A	A	A	<u>GL</u> <sup>1</sup>	U	U	<del>N</del> <u>L</u> <sup>3</sup>	U	*	9-8-4 9-6- <del>43</del> <u>(f)</u> (h) 9-6-1 <u>10</u>
Live-work	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	*	*	*	U	U	U	A	*	*	
Attached dwelling units outside of the University Hill general improvement district	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	<u>GL</u> <sup>1</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Attached dwelling units and efficiency living units in the University Hill general improvement district	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	C	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9-6- <del>43</del> (i)
<del>Efficiency living units outside of the University Hill general improvement district:</del>																												
<u>Efficiency living units outside of the University Hill general improvement district: A-Hf &lt;20% of total units</u>	*	*	*	*	U	A	A	*	*	<u>ML</u> <sup>2</sup>	A	A	A	A	<u>GL</u> <sup>1</sup>	C	*	<u>A</u> <u>L</u> <sup>16</sup>	A	A	A	<u>GL</u> <sup>1</sup>	U	U	<del>N</del> <u>L</u> <sup>3</sup>	U	*	<u>9-6-4(f), (k)</u> 9-6-1 <u>10</u>

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	Specific Use Standard-Additional References
B- If ≥20% of total units	*	*	*	*	*	U	A	*	*	U	A	A	U	U	U	U	*	U	U	U	U	U	U	U	U	U	*	9-6-10
Accessory units:																												
A. Attached accessory dwelling unit	C	C	*	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	9-6- <del>43</del> (a)
B. Detached accessory dwelling unit	C	C	*	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	9-6- <del>43</del> (a)
C. Limited accessory unit	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	9-6- <del>43</del> (a)
Caretaker dwelling unit	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	A	A	
Group quarters:																												
A. Congregate care facilities	*	*	<del>A</del> C	<del>A</del> C	<del>A</del> C	<del>A</del> C	<del>A</del> C	<del>A</del> C	*	<del>A</del> C	<del>A</del> C	<del>A</del> C	C	<del>A</del> C	C	C	*	<del>A</del> C	C	C	C	*	U	U	*	U	*	9-3-2(i) 9-6- <del>43</del> (e)
B. Custodial care	*	*	U	U	U	U	U	U	*	U	U	U	*	U	*	U	*	U	*	U	U	*	U	U	*	*	*	9-6- <del>43</del> (e)
C. Group homes	C	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	*	C	C	C	C	*	*	*	*	*	*	9-3-2(i) 9-6- <del>43</del> (c)

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<div>Specific Use Standard-Additional References</div>
D. Residential care facilities	*	*	C	C	C	C	C	C	*	C	C	C	C	C	C	C	*	C	C	C	C	*	U	U	*	*	*	9-6- <del>43</del> (e)
E. Fraternities, sororities and dormitories	*	*	*	*	*	A	A	*	*	U	*	*	*	<del>A</del> <u>L</u> <sup>1</sup>	n/a	C	*	<del>A</del> <u>L</u> <sup>16</sup>	*	*	A	*	U	U	*	*	*	9-3-2(i) 9-6-1 <del>10</del>
F. Boarding houses	*	*	U	U	A	A	A	*	*	U	A	A	<del>G</del> <u>L</u> <sup>1</sup>	<del>A</del> <u>L</u> <sup>1</sup>	n/a	C	*	<del>A</del> <u>L</u> <sup>16</sup>	*	*	A	*	U	U	*	*	*	9-6-1 <del>10</del>
Fraternities, sororities, dormitories, and boarding houses outside the University Hill general improvement district	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	<del>G</del> <u>L</u> <sup>1</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Fraternities, sororities, dormitories, and boarding houses in the University Hill general improvement district	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	<del>n</del> <u>A</u>	n/a	
Home occupation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	C	C	C	9-6- <del>43</del> (d)

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<del>Specific Use Standard</del> Additional References
Transitional housing	C	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*	9-6-43(g)

~~Dining and Entertainment:~~ DINING AND ENTERTAINMENT USES

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<del>Additional References</del> Specific Use Standard

~~Dining and Entertainment:~~ DINING AND ENTERTAINMENT USES

Art or craft studio space <del>≤2,000-square feet</del>	*	U	U	U	U	U	U	U	*	<del>A</del> L <sup>6</sup>	<del>A</del> L <sup>6</sup>	<del>A</del> L <sup>6</sup>	A	A	A	A	A	A	A	A	A	A	*	A	U	*	
<del>Art or craft studio space &gt;2,001-square feet</del>	*	U	U	U	U	U	U	*	*	<del>M</del>	U	U	A	A	A	A	A	A	A	A	A	A	*	A	*	*	
Breweries, distilleries or	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	<del>E</del> L <sup>8</sup>	<del>E</del> L <sup>7</sup>	<del>E</del> L <sup>7</sup>	<del>E</del> L <sup>9</sup>	*	*	9-6-56(b)(3.5)



ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
wineries ≤15,000 square feet and with a restaurant																												
Breweries, distilleries or wineries ≤15,000 square feet and without a restaurant	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	*	*	
Breweries, distilleries or wineries with or without a restaurant >15,000 square feet	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	€	€	*	*	*	9-6-5 (b)(3.5)
Commercial kitchens and catering	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	U	U	U	U	U	A	A	A	A	*	*	
Indoor amusement establishment	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	U	U	A	U	U	U	*	*	*	*	*	*	
Mobile food vehicle on private property	*	*	*	*	*	*	*	*	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*	9-6-65(d)
Mobile food vehicle on public right-of-way	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C	C	C	*	9-6-65(d)
Museums	*	*	*	*	*	*	*	*	*	*	*	*	A	U	A	C	A	A	A	A	A	U	U	U	U	*U	*	9-6-110

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific to Use Standard</u>
Restaurants <u>in industrial zones</u> (general)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	C	C	C	C	n/a	n/a	9-6- <del>65</del> (b)
Restaurants, brewpubs, and taverns no larger than 1,000 square feet in floor area, which may have meal service on an outside patio not more than 1/3 the floor area, and which close no later than 11 p.m.	*	*	*	*	*	U	A	*	*	A	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a*
Restaurants, brewpubs, and taverns outside the University Hill general improvement district - no larger than 1,500 square feet in floor area, which may have meal service on an outside patio not more than 1/3 the floor area, and which	*	*	*	*	*	n/a	*	*	*	*	A	*	A	U	A	A	A	A	A	A	C	n/a	n/a	n/a	n/a	n/a	n/a	n/a*

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
close no later than 11 p.m.																												
Restaurants, brewpubs, and taverns over 1,000 square feet in floor area, or which close after 11 p.m., or with an outdoor seating area of 300 square feet or more	*	*	*	*	*	U	*	*	*	U	A	U	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Restaurants, brewpubs, and taverns outside of the University Hill general improvement district that are: over 1,500 square feet in floor area or which close after 11 p.m.	*	*	*	*	*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	U	U	U	A	A	A	A	A	U	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Restaurants, brewpubs, and taverns in the University Hill general improvement district	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	C	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific to Use Standard</u>
Restaurants, brewpubs, and taverns with an outdoor seating area of 300 square feet or more within 500 feet of a residential zoning district	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	U	U	U	U	U	U	U	U	U	n/a	n/a	n/a	n/a	n/a	n/a*	
Small theater or rehearsal space	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	U	U	A	U	U	U	A	A	U	A	*	*	
Taverns <u>in industrial zones</u> <del>(general)</del>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	*	*	*	*	n/a	n/a	
Temporary outdoor entertainment	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*	9-6- <del>65</del> (c)

ATTACHMENT F

~~Lodging uses:~~**LODGING USES**

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specifie Use Standard</u>
<del>Lodging uses:</del> <u>LODGING USES</u>																												
Hostels	*	*	*	*	*	U	U	*	*	U	A	U	<del>GL</del> <sup>1</sup>	U	<del>GL</del> <sup>1</sup>	*	*	A	<del>GL</del> <sup>1</sup>	<del>GL</del> <sup>1</sup>	U	*	U	U	*	*	*	9-3-2(i)
Bed and breakfasts	*	*	*	*	*	U	<del>A</del> <sub>C</sub>	*	*	U	<del>A</del> <sub>C</sub>	<del>A</del> <sub>C</sub>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	9-3-2(i) 9-6- <del>65</del> (a)
Motels and hotels	*	*	*	*	*	*	*	*	*	*	*	*	<del>A</del> <sub>U</sub>	U	<del>A</del> <sub>U</sub>	*	*	<del>A</del> <sub>U</sub>	A	A	U	*	*	*	*	*	*	9-3-2(i)

ATTACHMENT F

~~Public and Institutional Uses:~~PUBLIC AND INSTITUTIONAL USES

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific to Use Standard</u>
<del>Public and Institutional Uses:</del> <u>PUBLIC AND INSTITUTIONAL USES</u>																												
Airports and heliports	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	9-3-2(i)
Cemeteries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	
Daycare, home	A	A	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Daycare center <del>with ≤50 children or adults (excluding employees)</del>	U	U		U	U	C	C	U	U	<del>AC</del>	U	U	U	<del>AC</del>	U	<del>AC</del>	<del>AC</del>	<del>AC</del>	U	<del>AC</del>	<del>AC</del>	U	U	U	U	U	U	9-3-2(i) 9-6- <del>7</del> 6(a)
Daycare center <del>with &gt;50 children or adults (excluding employees)</del>	<del>U</del>	<del>U</del>	<del>U</del>	<del>U</del>	<del>U</del>	<del>U</del>	<del>U</del>	<del>*</del>	<del>*</del>	<del>U</del>	<del>U</del>	<del>U</del>	<del>U</del>	<del>A</del>	<del>U</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>U</del>	<del>A</del>	<del>A</del>	<del>U</del>	<del>U</del>	<del>U</del>	<del>U</del>	<del>U</del>	<del>U</del>	<del>9-3-2(i) 9-6-6(a)</del>
Day shelter	*	*	U	*	U	C	C	*	*	U	C	U	C	C	C	C	C	C	C	C	C	C	C	C	C	U	*	9-6- <del>7</del> 6(b)
Emergency shelter	U	U	U	U	U	C	C	*	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	U	*	9-3-2(i) 9-6- <del>7</del> 6(b)
Essential municipal and public utility services	U	U	U	U	U	U	U	U	U	U	U	U	A	A	A	C	A	A	A	A	A	A	A	A	A	U	U	9-3-2(i) 9-6-1 <del>0</del>

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
Governmental facilities	U	U	U	U	U	U	U	U	U	U	U	U	A	A	A	C	A	A	A	A	A	A	A	A	A	U	*	9-3-2(i) 9-6-1 <del>10</del>
Mortuaries and funeral chapels	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	U	*	*	U	*	*	*	*	*	*	*
Nonprofit membership clubs	*	*	*	*	*	*	*	*	*	*	*	*	A	U	<del>GL</del> <sup>1</sup>	A	A	A	A	A	A	*	*	*	*	U	*	
Overnight shelter	*	*	U	*	U	C	C	*	*	U	C	U	C	C	C	C	C	C	C	C	C	C	C	C	C	U	*	9-3-2(i) 9-6- <del>7</del> <sup>6</sup> (b)
Private elementary, junior and senior high schools	U	U	U	U	U	A	U	*	*	U	U	U	A	A	<del>GL</del> <sup>1</sup>	A	A	A	U	A	U	*	*	*	*	*	*	9-3-2(i)
Public elementary, junior and senior high schools	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*	9-3-2(i)
Public colleges and universities	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*	
Private colleges and universities	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	A	*	A	*	U	U	*	U	U	*	A	*	
Public and private office uses providing social services	*	*	*	*	*	*	*	*	*	U	U	U	C	A	<del>GL</del> <sup>1</sup>	C	A	A	<del>GL</del> <sup>1</sup>	A	A	*	U	*	U	U	*	9-6-1 <del>10</del>

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
Religious assemblies	A	A	A	A	U	A	A	*	*	A	U	U	A	A	A	A	A	A	A	A	A	*	*	*	*	*	*	
Adult educational facilities with <20,000 square feet of floor area	U	U	U	U*	U	U	U	*	*	U	U	U	<u>A-L<sup>10</sup></u>	A	<u>G-L<sup>1</sup></u>	C	A	A	U	A	U	<u>A-L<sup>11</sup></u>	<u>A-L<sup>11</sup></u>	<u>A-L<sup>11</sup></u>	<u>A-L<sup>11</sup></u>	A	*	9-6-1 <u>10</u>
Adult educational facilities with ≥20,000 square feet or more of floor area	U	U	U	U	U	U	U	*	*	U	U	U	*	A	G	C	A	A	U	A	U	U	U	U	U	A	*	9-6-10
Vocational and trade schools	*	*	*	*	*	*	*	*	*	*	*	*	A	U	<u>G-L<sup>1</sup></u>	C	U	A	U	U	U	A	A	A	A	A	U	9-6-1 <u>10</u>



ATTACHMENT F

~~Office, Medical and Financial Uses:~~ OFFICE, MEDICAL AND FINANCIAL USES

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific to Use Standard</u>
<del>Office, Medical and Financial Uses:</del> <u>OFFICE, MEDICAL AND FINANCIAL USES</u>																												
Data processing facilities	*	*	*	*	*	*	*	*	*	*	*	*	C	A	<del>GL</del> <sup>1</sup>	C	<del>CL</del> <sup>5</sup>	A	<del>GL</del> <sup>1</sup>	A	A	*	A	A	A	*	*	9-6- <del>87</del> 9-6-1 <del>10</del>
Financial institutions	*	*	*	*	*	*	<del>ML</del> <sup>2</sup>	*	*	<del>ML</del> <sup>2</sup>	<del>ML</del> <sup>2</sup>	<del>ML</del> <sup>2</sup>	C	U	<del>AL</del> <sup>1</sup>	C	A	A	<del>CL</del> <sup>1</sup>	<del>CL</del> <sup>1</sup>	<del>CL</del> <sup>1</sup>	*	*	*	*	*	*	9-6- <del>87</del> 9-6-1 <del>10</del>
Hospitals	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	*	9-3-2(i)
Medical or dental clinics or offices or addiction recovery facilities	*	<del>U</del> <sup>4</sup>	<del>U</del> <sup>4</sup>	<del>U</del> <sup>*</sup>	*	<del>U</del> <sup>4</sup>	<del>U</del> <sup>4</sup>	*	*	<del>ML</del> <sup>2</sup>	U	U	C	<del>A</del> <sub>L17</sub>	<del>AL</del> <sup>17</sup>	C	<del>CL</del> <sup>5</sup>	<del>A</del> <sub>L17</sub>	<del>GL</del> <sup>1</sup>	A	A	*	C	*	*	U	*	9-3-2(i) 9-6- <del>87</del> 9-6-1 <del>10</del>
Medical and dental laboratories	*	*	*	*	*	*	<del>MU</del> <sup>4</sup>	*	*	<del>ML</del> <sup>2</sup>	<del>ML</del> <sup>2</sup>	<del>ML</del> <sup>2</sup>	C	<del>A</del> <sub>L17</sub>	<del>AL</del> <sup>17</sup>	C	A	<del>A</del> <sub>L17</sub>	*	*	*	U	A	*	U	*	*	<del>9-6-8</del> 9-6-1 <del>10</del>
Offices, administrative	*	*	*	*	*	*	*	*	*	*	*	*	C	<del>A</del> <sub>L17</sub>	<del>AL</del> <sup>17</sup>	C	<del>CL</del> <sup>5</sup>	<del>A</del> <sub>L17</sub>	<del>GL</del> <sup>1</sup>	A	A	*	A	A	*	*	*	9-6- <del>87</del> 9-6-1 <del>10</del>
Offices, professional	*	<del>U</del> <sup>4</sup>	<del>U</del> <sup>4</sup>	<del>U</del> <sup>*</sup>	<del>U</del> <sup>4</sup>	<del>U</del> <sup>4</sup>	<del>M</del> <sub>U4</sub>	*	*	<del>ML</del> <sup>2</sup>	<del>ML</del> <sup>2</sup>	<del>ML</del> <sup>2</sup>	C	<del>A</del> <sub>L17</sub>	<del>AL</del> <sup>17</sup>	C	<del>CL</del> <sup>5</sup>	<del>A</del> <sub>L17</sub>	<del>GL</del> <sup>1</sup>	A	A	*	*	*	*	*	*	9-6- <del>87</del> 9-6-1 <del>10</del>
Offices, technical; with <5,000 square feet of floor area	*	<del>U</del> <sup>4</sup>	<del>U</del> <sup>4</sup>	<del>U</del> <sup>*</sup>	<del>U</del> <sup>4</sup>	<del>U</del> <sup>4</sup>	<del>M</del> <sub>U4</sub>	*	*	<del>ML</del> <sup>2</sup>	<del>ML</del> <sub>2</sub>	<del>ML</del> <sub>2</sub>	A	<del>A</del> <sub>L17</sub>	<del>AL</del> <sub>17</sub>	C	<del>CL</del> <sub>5</sub>	<del>A</del> <sub>L17</sub>	<del>GL</del> <sub>1</sub>	A	A	A	A	A	A	*	*	9-6- <del>87</del> 9-6-1 <del>10</del>

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
Offices, technical; with >5,000 square feet of floor area	*	U <sup>4</sup>	U <sup>4</sup>	U <sup>*</sup>	U <sup>4</sup>	U <sup>4</sup>	<del>M</del> U <sup>4</sup>	*	*	<del>M</del> L <sup>2</sup>	<del>M</del> L <sup>2</sup>	<del>M</del> L <sup>2</sup>	U	<del>A</del> L <sup>17</sup>	U	C	<del>C</del> L <sup>5</sup>	<del>A</del> L <sup>17</sup>	<del>G</del> L <sup>1</sup>	A	A	*	A	A	A	*	*	9-6- <del>87</del> 9-6-1 <del>10</del>
Offices - other	*	U <sup>4</sup>	U <sup>4</sup>	U <sup>*</sup>	U <sup>4</sup>	U <sup>4</sup>	<del>M</del> U <sup>4</sup>	*	*	<del>M</del> L <sup>2</sup>	<del>M</del> L <sup>2</sup>	<del>M</del> L <sup>2</sup>	C	<del>A</del> L <sup>17</sup>	<del>A</del> L <sup>17</sup>	C	<del>C</del> L <sup>5</sup>	<del>A</del> L <sup>17</sup>	<del>G</del> L <sup>1</sup>	A	A	*	*	*	*	*	*	9-6- <del>87</del> 9-6-1 <del>10</del>

~~Parks and Recreation Uses:~~PARKS AND RECREATION USES

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
<del>Parks and Recreation Uses:</del> <u>PARKS AND RECREATION USES</u>																												
Camp-grounds	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	*	U	

ATTACHMENT F

Outdoor entertainment	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	U	U	U	U	U	*	*	*	*	U	*	
Park and recreation uses	A	A	A	A	A	A	A	*	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Indoor recreational or athletic facilities	*	*	*	*	*	U	U	*	*	U	U	<u>A-U</u>	A	<u>A-U</u>	<u>A-U</u>	A	A	A	A	A	A	<u>A-U</u>	U	U	<u>A-U</u>	*	*	

~~Commercial, Retail and Industrial Uses:~~COMMERCIAL, RETAIL USES AND INDUSTRIAL USES

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>

~~Commercial, Retail and Industrial Uses:~~COMMERCIAL, RETAIL USES AND INDUSTRIAL USES

~~Service Uses:~~Service Uses:

Animal hospital or veterinary clinic	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	A	U	A	*	*	U	A	A	A	U	*	*	
Animal kennel	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	U	A	U	*	*	*	A	A	U	A	*	*	
Broadcasting and recording facilities	*	U	U	<u>U*</u>	U	U	U	*	*	<u>M-L</u> <sup>2</sup>	<u>M-L</u> <sup>2</sup>	<u>M-L</u> <sup>2</sup>	A	A	<u>G-L</u> <sup>1</sup>	C	A	A	A	A	A	A	A	A	A	*	*	9-3-2(i) 9-6-1 <u>10</u>
Business support services <del>≤10,000 square feet</del>	*	*	*	*	*	*	*	*	*	*	*	*	<u>A-L</u> <sup>12</sup>	*	<u>A-L</u> <sup>12</sup>	C	A	A	A	A	A	<u>A</u> <u>L</u> <sup>12</sup>	U	U	<u>A-L</u> <sup>12</sup>	*	*	9-6-1 <u>10</u>

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
<del>Business support services ≥10,000 square feet</del>	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	C	A	A	A	A	A	U	U	U	U	*	*	9-6-10
Industrial service center	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	*	*	*	9-6- <del>109</del> (j)
Non-vehicular repair and rental services without outdoor storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	U	U	U	U	A	U	*	A	*	*	
Neighborhood business center	*	U	U	*	*	U	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	9-6- <del>109</del> (f)
Personal service uses	*	U	U	U	*	U	A	U	U	A	A	A	A	A	A	A	A	A	A	A	A	*	*	*	*	*	*	
Wireless communications facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	9-6- <del>109</del> (a)
<del>Retail Sales Uses:</del> <u>Retail Sales Uses:</u>																												
Accessory sales	*	*	*	*	*	A	A	*	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*	9-16
Convenience retail sales <del>≤2,000 square feet</del>	*	U <sup>1</sup>	U <sup>1</sup>	U <sup>1</sup>	*	U	<del>A</del> <u>L</u> <sup>6</sup>	*	*	<del>A</del> <u>L</u> <sup>4</sup>	<del>*</del> <u>L</u> <sup>4</sup>	<del>A</del> <u>L</u> <sup>6</sup>	A	<del>U</del> <u>A</u>	A	A	<del>U</del> <u>A</u>	<del>U</del> <u>A</u>	*	A	A	<del>C</del> <u>A</u>	<del>C</del> <u>A</u>	*	<del>C</del> <u>A</u>	*	*	

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
Convenience retail sales >2,000 square feet	*	*	*	*	*	U	U	*	*	M	M	*	A	U	A	A	A	U	A	A	A	*	C	*	C	*	*	
Retail fuel sales (not including service stations)	*	U	U	U	*	U	U	*	*	U	U	U	C	U	C	C	U	C	*	U	U	C	C	*	U	*	*	9-6- <u>109</u> (d)
Retail sales ≤5,000 square feet	*	*	*	*	*	*	*	*	*	U <sup>2</sup>	*	U <sup>2</sup>	<u>A-L<sup>11</sup></u>	*	<u>A-L<sup>11</sup></u>	<u>A-L<sup>11</sup></u>	A	A	A	A	<u>A-L<sup>11</sup></u>	*	*	*	*	*	*	
Retail sales >5,000 square feet but ≤20,000 square feet	*	*	*	*	*	*	*	*	*	*	*	*	A	*	A	A	A	A	A	A	A	*	*	*	*	*	*	
Retail sales >20,000 square feet	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	U	A	A	A	A	U	*	*	*	*	*	*	
Building material sales ≤15,000 square feet of floor area	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	<u>*U<sup>3</sup></u>	*	U	*	*	*	<u>A-L<sup>13</sup></u>	<u>A-L<sup>13</sup></u>	<u>A-L<sup>13</sup></u>	<u>A-L<sup>13</sup></u>	*	*	
Building material sales >15,000 square feet of floor area	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	*	*	*	U	U	U	U	*	*	
Temporary sales	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C	C	C	C	C	C	C	C	C	C	C	*	*	9-6- <u>56</u> (c)

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
<del>Vehicle-Related Uses:</del> <u>Vehicle Related Uses:</u>																												
Automobile parking lots, garages or car pool lots as a principal use	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	C	U	U	*	U	U	A	A	A	U	U	*	9-6- <del>109</del> (b) 9-6-1 <del>10</del>
Car washes	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	U	U	U	U	*	*	*	*	*	*	
Drive-thru uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	U	*	*	*	*	*	*	9-6- <del>109</del> (c)
Fuel service stations or retail fuel sales	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	C	C	C	*	U	C	C	C	*	U	*	*	9-6- <del>109</del> (d)
Sales and rental of vehicles	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	U	*	*	*	A	A	*	*	*	*	
Sales and rental of vehicles within 500 feet of a residential use module	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	<del>EU</del>	<del>EU</del>	*	*	*	C	C	*	*	*	*	9-6- <del>109</del> (i)
Service of vehicles with no outdoor storage	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	U	A	U	*	*	*	A	A	A	A	*	*	
Service of vehicles with limited outdoor storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	*	*	A	A	*	A	*	*	

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
<del>Industrial Uses:</del> <u>Industrial Uses:</u>																												
Building and landscaping contractors	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	A	A	A	A	*	*	
Cleaning and laundry plants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	*	*	
Cold storage lockers	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	A	A	A	A	*	*	
Computer design and development facilities	*	*	*	*	*	*	*	*	*	*	*	*	A	<u>A<sub>L</sub><sup>17</sup></u>	<del>G<sub>L</sub><sup>17</sup></del>	C	<del>E<sub>L</sub><sup>5</sup></del>	<u>A<sub>L</sub><sup>17</sup></u>	<del>G<sub>L</sub><sup>1</sup></del>	A	A	*	A	A	A	*	*	<del>9-6-7(a)</del> 9-6-1 <u>10</u>
Equipment repair and rental with outdoor storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	U	U	U	U	A	A	A	A	*	*	
Lumber yards	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	A	A	*	*	*	*	
Manufacturing uses <del>≤15,000 square feet</del>	*	*	*	*	*	*	*	*	*	*	*	*	<u>A<sub>L</sub><sup>14</sup></u>	*	*	*	<u>A<sub>L</sub><sup>14</sup></u>	*	*	*	*	<u>A<sub>L</sub><sup>13</sup></u>	A	A	A	*	*	
<del>Manufacturing uses &gt;15,000 square feet</del>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	A	A	*	*	

ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	Additional References Specific Use Standard
Manufacturing uses with potential off-site impacts	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	*	*	*	9-6-109(e)
Outdoor storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	U	A	*	*	*	
Outdoor storage of merchandise	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	C	*	*	*	C	C	C	C	*	*	9-6-109(g)
Printers and binders	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	*	*	
Recycling centers	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	*	*	
Recycling collection facilities - large	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	*	*	U	U	U	U	U	*	9-6-109(h)
Recycling collection facilities - small	*	*	*	*	*	*	*	*	*	*	*	*	C	*	C	C	C	U	U	U	U	C	C	C	C	C	*	9-6-109(h)
Recycling processing facilities	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	U	*	9-6-109(h)
Self-service storage facilities	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	U	*	*	*	*	
Telecommunications use	*	*	*	*	*	*	*	*	*	*	*	*	GL <sup>1</sup>	A	GL <sup>1</sup>	C	U	A	GL <sup>1</sup>	A	A	*	A	A	A	*	*	9-6-110, 9-6-8



ATTACHMENT F

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
Warehouse or distributions facilities	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	*	*	
Wholesale business	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	*	*	*	A	A	A	A	*	*	

~~Agriculture and Natural Resource Uses:~~ AGRICULTURE AND NATURAL RESOURCE USES

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<u>Additional References Specific Use Standard</u>
<del>Agriculture and Natural Resource Uses:</del> <u>AGRICULTURE AND NATURAL RESOURCE USES</u>																												
Open space, grazing and pastures	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	
Community gardens	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	9-6- <del>54</del> (a)

ATTACHMENT F

Crop production	A	A	A	A	A	A	A	A	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*	*	A	A		
Mining industries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	U	
Firewood operations	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	*	*	*	
Greenhouse and plant nurseries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	A	A	

~~Aecessory:~~ **ACCESSORY USES**

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	<b><u>Additional References Specific Use Standard</u></b>
<del>Aecessory:</del> <b><u>ACCESSORY USES:</u></b>																												
Accessory buildings and uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	9-16

**A:** Allowed use.

**L:** Limited use. See Section 9-6-2, B.R.C. 1981, for review procedures.

**C:** Conditional use. See Section 9-2-2, **B.R.C. 1981**, for administrative review procedures.

**U:** Use review. See Section 9-2-15, B.R.C. 1981, for use review procedures.

**\*:** Use prohibited.

~~**U:** Use review. See Section 9-2-15 for use review procedures.~~

~~**G:** Allowed use provided that it is not located on the ground floor facing a street, with the exception of minimum necessary ground level access, otherwise by use review only.~~

ATTACHMENT F

~~M: Allowed use provided at least 50% of the floor area is for residential use and the nonresidential use is less than 7,000 square feet per building, otherwise use review.~~

~~N: Allowed use provided at least 50% of the floor area is for nonresidential use, otherwise by use review.~~

n/a: Not applicable; more specific use applications apply.

TABLE 6-2 USE REVIEW THRESHOLDS

Use Review Thresholds, per Table 6-1, “Use Table”	
U <sup>1</sup>	Use Review required for 2,000 square feet or less of floor area per lot or parcel, otherwise prohibited.
U <sup>2</sup>	Use Review required for 5,000 square feet or less of floor area per individual use, otherwise prohibited.
U <sup>3</sup>	Use Review required for 15,000 square feet or less of floor area per lot or parcel, otherwise prohibited.
U <sup>4</sup>	Use Review required if the cumulative floor area of any office, medical or dental clinic or office, addiction recovery facility, and medical and dental laboratory uses does not exceed 25% of the floor area per lot or parcel. Otherwise prohibited.

TABLE 6-3 USE LIMITATIONS

Use Limitations, per Table 6-1, “Use Table”		Type of Change
L <sup>1</sup>	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, otherwise by use review only.	Conversion of the “G” designation.
L <sup>2</sup>	Allowed by right if at least 50% of the floor area of the building is for residential use and the nonresidential use is less than 7,000 square feet per building, otherwise by use review only.	Conversion of the “M” designation.
L <sup>3</sup>	Allowed by right if at least 50% of the floor area of the building is for nonresidential use, otherwise by use review only.	Conversion of the “N” designation.
L <sup>4</sup>	Allowed by right for 2,000 square feet or less of floor area of the building. Allowed by-right for greater than 2,000 square feet of floor area, provided the cumulative nonresidential uses’ floor area is less than 7,000 square feet of the building, and at least 50% of the building’s floor area is for residential uses. Otherwise by use review only.	Consolidation of Convenience Retail Sales uses.
L <sup>5</sup>	Allowed by right if the combined total amount of any office, computer design and development facility, data processing facility, telecommunication use, medical or dental clinic or office, or addiction recovery facility uses does not exceed 50% of the total floor area of the building. Otherwise prohibited.	Conversion of existing specific use standards for Office uses in the BCS zone to use limitations.

ATTACHMENT F

L <sup>6</sup>	Allowed by right for 2,000 square feet or less of floor area per lot or parcel, otherwise by use review only.	Consolidation of Art or Craft Studio Space uses; Consolidation of Convenience Retail uses.
L <sup>7</sup>	Allowed by right for 15,000 square feet or less of floor area per use and without a restaurant. If the use exceeds 15,000 square feet in floor area, the use may be approved pursuant to a conditional use review if it meets the criteria of Paragraph 9-6-6(b)(3.5), B.R.C. 1981.	Consolidation of Breweries, Distilleries or Wineries uses.
L <sup>8</sup>	Allowed by right for 15,000 square feet or less of floor area per use and without a restaurant. If the use is less than or equal to 15,000 square feet in floor area and has a restaurant, the use may be approved pursuant to a conditional use review if it meets the criteria of Paragraph 9-6-6(b)(3.5), B.R.C. 1981. If the use exceeds 15,000 square feet in floor area, it requires use review.	Consolidation of Breweries, Distilleries or Wineries uses.
L <sup>9</sup>	Allowed by right for 15,000 square feet or less of floor area per use and without a restaurant. If the use is less than or equal to 15,000 square feet in floor area and has a restaurant, the use may be approved pursuant to a conditional use review if it meets the criteria of Paragraph 9-6-6(b)(3.5), B.R.C. 1981. The use is prohibited to exceed 15,000 square feet.	Consolidation of Breweries, Distilleries or Wineries uses.
L <sup>10</sup>	Allowed by right for 20,000 square feet or less of floor area per lot or parcel, otherwise prohibited.	Consolidation of Adult Educational Facilities uses.
L <sup>11</sup>	Allowed by right for less than 20,000 square feet of floor area per use, otherwise by use review only.	Consolidation of Adult Educational Facilities uses; Consolidation of Retail Sales uses.
L <sup>12</sup>	Allowed by right for less than 10,000 square feet per lot or parcel, otherwise by use review only.	Consolidation of and of Business Support uses.
L <sup>13</sup>	Allowed by right for 15,000 square feet or less of floor area per lot or parcel, otherwise by use review only.	Consolidation of Building Material Sales uses.
L <sup>14</sup>	Allowed by right for 15,000 square feet or less of floor area per lot or parcel, otherwise prohibited.	Consolidation of Manufacturing uses.
L <sup>15</sup>	Allowed by right if the detached dwelling unit existed on the lot or parcel on August 6, 2019, or where more than one dwelling unit is on the lot or parcel, otherwise by use review only. For purposes of this limitation, “existed on” means a detached dwelling unit that is constructed on or before said date or for which a complete building permit application was submitted on or before said date provided the applicant pursues all requirements and deadlines set by the city manager and this code for the construction of the unit.	New substantive use limitations to accomplish council goals for project, related to detached dwelling units in the High-Density Residential and Mixed-Use zones.
L <sup>16</sup>	Allowed by right if the units on the lot or parcel meet the requirements for permanently affordable units set forth in Chapter 9-13, “Inclusionary Housing,” B.R.C. 1981, or if the use is not located on the ground floor along a major street, as defined by Appendix A, “Major Streets,” B.R.C. 1981, with the exception of minimum necessary ground level access. The limitation on ground floor use along a major street applies to a depth of 30 feet measured from the building’s major street facing façade. Otherwise by use review only.	New substantive use limitations to accomplish council goals for project, related to Residential uses in the Business Regional zones.
L <sup>17</sup>	Allowed by right if located within the University Hill general improvement district, or if the combined total amount of any office, medical or dental clinic or office, addiction recovery facility, and medical and dental laboratory uses does not exceed 25% of the floor area of the building. If the combined total amount of floor area of these uses exceeds 25% of the floor area of the building, the use may be approved pursuant to a conditional use review if it meets the criteria in Paragraph 9-6-8(a)(1), B.R.C. 1981.	New substantive use limitations to accomplish council goals for project, related to Office uses in Business zones.

**Guiler, Karl**

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**From:** Ferro, Charles  
**Sent:** Wednesday, January 23, 2019 12:18 PM  
**To:** Guiler, Karl  
**Subject:** FW: Opportunity Zone Use Table Review: Please ensure robust public input

-----Original Message-----

**From:** Sarah Silver <sarahsilver@hotmail.com>  
**Sent:** Wednesday, January 23, 2019 12:10 PM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Opportunity Zone Use Table Review: Please ensure robust public input

Dear City Council,

Thesis: Please ensure a robust public engagement process is developed and implemented for the Use Table Review for the eleven zones within the Opportunity Zone.

I write today to raise a concern regarding the Council's newly articulated 2019 priority: to quickly review and update the Use Table zones inside the Opportunity Zone.

The stated goal of this speedy review is to enable the City to quickly release portions of the Opportunity Zone from the moratorium passed on December 18, 2018. The template for this is the successful BC1/BC2 review/revision that has removed 55th and Arapahoe and Diagonal Plaza from the moratorium.

While a laudable goal, I am concerned the City Council did not adequately account for the purpose of the moratorium: to give City Council, boards/commissions, staff, and the public adequate time to articulate and agree on community needs to be advanced within the Opportunity Zone and, therefore, reflected in revisions of the Use Table (and maybe even rezoning as needed).

Given the technical nature of the Use Table, I am concerned an extremely fast Use Table Review (absent robust public engagement process) will result in a top-down set of technocratic revisions that do not fully advance the goals of the moratorium.

In a perfect world, the City would undertake a city-wide "Subcommunity Plan" for the Opportunity Zone. The Opportunity Zone overlaps significantly with the Boulder Valley Regional Center (BVRC) and is increasingly starting to feel like the center of town. Thus, all of us care deeply about what the heart of Boulder will look like going forward.

In my opinion, a Use Table Review of the eleven zones within the OZ best serves the city -- and its residents -- if approached holistically (what are the implications of specific Use Table changes across the OZ) and with robust public engagement.

In 2018, the Planning Board identified a general Use Table revision as a priority item and states that one of its goals for any revisions is: "to identify community-desired land use gaps in the Use Standards & Table and better enable the desired land uses in the identified neighborhoods as well as in commercial and industrial districts."

Such revisions require community engagement to identify "community-desired land use gaps." I would argue this is particularly true given the potential opportunity of the Opportunity Zone.

I urge the City to develop a robust process that equally prioritizes public engagement/input AND speed so that the Use Table Review/Revision for the eleven zones within the OZ move us towards community goals of housing affordability, affordable retail, light-industrial and office space, climate-oriented transportation demand management, neighborhood-centric development, sustainability, flood mitigation and management, meeting our climate goals AND maintaining Boulder's character as a town (rather than a city).

Thank you for taking the time to consider my opinion.

Sincerely,  
Sarah

Sarah Silver  
917-864-5403

## Guiler, Karl

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**From:** Ferro, Charles  
**Sent:** Tuesday, April 02, 2019 4:53 PM  
**To:** Guiler, Karl; Collins, Andrew  
**Subject:** FW: Comment on code amendments proposed for Opportunity Zone

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**From:** David Ensign <dwensign@comcast.net>  
**Sent:** Tuesday, April 02, 2019 4:29 PM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Comment on code amendments proposed for Opportunity Zone

Dear Council Members,

I'm a member of the Planning Board, and have been chairing the Use Table Review subcommittee that has been active for the last few months. I wanted to briefly comment on the item that you will be hearing later tonight under Matters from the City Manager on proposed code amendments related to the Opportunity Zone Census Tract.

The Use Table Review subcommittee was formed late last summer to examine opportunities to improve Chapter 9.6 of the Land Use Code bringing it in better alignment with BVCP policies. This initiative was on the list of City Council directives for 2018. The scope of the initiative was a good fit for leadership by the Planning Board, so we agreed to form the subcommittee in last year's retreat. We have been focusing on how improvements and modifications to the Use Table could help the city have more predictable outcomes that are in line with BVCP policies such as working toward the appropriate balance of uses and encouraging walkable neighborhoods. Andrew Collins joined the planning department in July of this year, and we were fortunate enough to have him assigned to this project right away. Andrew has been leading our publicly-noticed meetings with the participation of other subcommittee members and city staff. We've also seen a steadily increasing number of public participants at our meetings. We had six engaged members of the public when we met yesterday, and they gave invaluable feedback.

We have been careful to keep the scope of the subcommittee's work separate from specific zoning initiatives that have required attention since the group formed (such as Opportunity Zone, Large Homes/Large Lots, and Community Benefits). However, I believe the scrutiny that the subcommittee has directed toward the land use code, and the insights that we have shared, have helped inform how the Use Table can be made more...well..."usable". I'm sure Council will have an energetic discussion on the specific code amendment changes being proposed, but I wanted to underscore that the subcommittee was glad to see the creative structural approach to addressing those changes that will result in a Use Table that is easier to manage and understand. I'll be looking forward to hearing your comments on the proposal.

Best Regards,

Dave Ensign



## Guiler, Karl

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**From:** Ferro, Charles  
**Sent:** Tuesday, April 02, 2019 5:02 PM  
**To:** Guiler, Karl; Collins, Andrew  
**Subject:** FW: Opportunity Zones

-----Original Message-----

From: Jess Dion <jessdion@gmail.com>  
Sent: Tuesday, April 02, 2019 5:01 PM  
To: Council <council@bouldercolorado.gov>  
Subject: Opportunity Zones

Dear City Council Members,

I understand that the Opportunity Zone discussion is on your agenda for this evening. I appreciate that there is a moratorium until 2020; but I really hope that this zone can be eliminated from Boulder entirely.

From what I understand, this designation is to promote economic development and job growth. The absolute last thing this city needs. This town is thriving. Enough is enough. The character of Boulder is already ruined due to rapid growth, I can't begin to imagine what would happen as investors see dollar signs when looking at these zones. I see it as a way from them to benefit monetarily while yet again the actual citizens of this community will not benefit. We will just have to deal with more congestion, traffic, angry drivers, increased pollution, increased housing prices, cost of living, etc.

I am disappointed the city manager even proposed this without the input of council or members of the community.

Please stop this!!

Sincerely,  
Jessica Dion  
resident of Boulder, 20+ years





# PLAN-Boulder County

planboulder.org

P.O. Box 4682 Boulder, CO 80306

25 May 2019

Dear City Council,

Below is a Peoples League for Action Now (PLAN)-Boulder County analysis of the components discussed in your April study-session, or to be discussed in the upcoming May study session, for Use Table changes to be applied to the Opportunity Zone and Citywide.

The following provides an overview of our observations.

- A. Staff originally planned a citywide Use Table project that would continue into 2020, giving them time to engage the public in proposed changes through the city's Engagement Strategic Framework. However, the subsequent decision to develop Use Table changes for zones within the Opportunity Zone by the end of summer 2019 with the presumption that those OZ changes could also be applied citywide, short-circuits an effective public engagement process. The Use Table change process is moving too fast for citywide application – the 2019 timeframe is too short to adequately vet the far ranging changes and the public is too ill-informed to understand their ramifications.

It would be better to charge ahead with exclusively OZ changes and segregate consideration of citywide Use Table changes from the OZ project. In other words, **do not presume that OZ changes are appropriate for citywide application when you have not effectively engaged the public.**

- B. We suggest that the Council consider forming a "Blue Ribbon-type Commission" by picking specific experts, without current or likely future financial conflicts, in the areas of land use regulations, building and development in Boulder, and policy makers who would work under a compressed timeline to develop real options for the council to consider.
- C. We question the premise that the Use Table changes can be applied citywide. The presumption should be that one size won't fit all. It would be better to consider changes that are desirable and then evaluate where they will work best. Decisions about citywide desired outcomes should be made through subcommunity and neighborhood planning processes, not this truncated process that effectively reduces future subarea planning to irrelevance.

The extent of the changes is considerable. The current draft plan for Use Table changes for just the newly proposed "L" Limited Use category affects 33 current use categories across 26 of 27 city zoning districts. That's a total of 173 use conditions affected by just the "L" category changes. It is clear that the changes represent a large scale and far ranging change to zoning. They are happening largely under the radar, and because the changes are so complex, the public is largely unaware and the ramifications of the changes are not widely understood.

- D. There has been scant consideration given to value capture for satisfying critical community needs. Where use changes result in value creation for property owners, the City should capture that value for priority community needs such as permanently affordable housing
- E. The BVCP addresses preservation of affordable business space and affordable market rate housing

and Council has expressed support for applying these policies in the OZ. We think the Use Table changes should and could enable application of these policies in the rest of the city as well. The City should apply two test to all development:

1. Will a proposed development or redevelopment result in a reduction of the number or percentage of housing units available to low to middle income residents and their displacement. If so, to what extent?
2. Will a proposed development or redevelopment result in a reduction of the number or percentage of affordable spaces for locally owned businesses and their displacement. If so, to what extent?

The tests should result in **no significant loss of units or displacement of people or businesses.**

City Council must pay close attention to the effects of expanded non-residential uses in residential zones, on housing costs in those zones. Similarly, Council must anticipate the effects of expanded residential uses in non-residential zones, on the availability of non-residential lease space for certain uses that might not be compatible with landlords' interests in maximizing their rents from higher yielding residential uses. This is especially of concern in Industrial zones with service uses that are important to retain but are noisy, malodorous or may otherwise have a depressing effect on adjacent residential rents.

F. This code change discussion is occurring in isolation of where the City's population is currently, and where it is projected to be in the near future relative to the population planning target of 103,000. The essence of planning is that it is done to guide growth and land uses according to where you want to be at some specified point in the future. That isn't happening with this project, or generally.

It is our hope the Council will afford the public the time to adequately understand the proposed changes and provide Council necessary feedback.

Respectfully,

PLAN-Boulder County

## **Guiler, Karl**

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**From:** Ferro, Charles  
**Sent:** Wednesday, May 29, 2019 8:43 AM  
**To:** Guiler, Karl; Collins, Andrew  
**Subject:** FW: Opportunity Zone mtg follow up

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**From:** Sarah Silver <sarahjsilver@hotmail.com>  
**Sent:** Tuesday, May 28, 2019 10:51 PM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Opportunity Zone mtg follow up

Dear Council Members,

I write today as a resident of Boulder. I am not writing in my role as a Planning Board member.

I sat through today's study session about the Opportunity Zone.

Two essential questions must be carefully analyzed and answered before approving any of the proposed changes presented this evening.

#1: What type of housing (rentals, for sale, condos, apartments, townhomes, attached units?) are actually incentivized by the financial structure of the federal Opportunity Zone regulations? And are those types of housing what Boulder residents and commuters have indicated they want?

I think you will find that the financial structure of the OZ regulations primarily incentivize the development of rental units (because of the 10-year investor ownership time frame that maximizes OZ investor tax benefits). Boulder's 2014 In-Commuter Survey and 2015 Missing Middle Survey report that rentals are not the top priority for the people we say we want to build housing for. Rather, the majority of those surveyed prioritize single family homes, duplexes and townhomes (all with some private lawn area) and many preferred ownership opportunities.

How do we get the right balance of rental and for sale units in the OZ to actually serve our target population (in-commuters and the Missing Middle)?

This strikes me as a significant issue that City Council needs to look when considering any use table changes or potential prospectus (as discussed at the end of the meeting).

#2: What are the maximum development that tonight's proposed changes will allow - in the Opportunity Zone and throughout the City?

It might be extremely helpful for staff to provide you with projections of dwelling unit growth and office space growth as a result of tonight's proposed use table changes.

So many Boulderites are rightly concerned about rapid growth and the transformation of Boulder into a much bigger city. What are the growth implications of the proposed changes? These changes come across as a city-wide upzoning. This seems an important set of facts for the public to know, in order to provide feedback to these proposed changes.



I appreciate the hard work the staff has put into this process. These questions, though, do not seem to have been asked or answered -- and they seem central to determining whether these changes move us towards our community goals.

Thank you for your hard work and for your serious consideration of these questions.

Sincerely,  
Sarah Silver

Sarah Silver  
917.864.5403

"Listen with the intent to understand, not with the intent to reply."

**From:** [Ferro, Charles](#)  
**To:** [Guiler, Karl](#); [Collins, Andrew](#)  
**Subject:** FW: PLAN-Boulder County comments on Large Homes/Lots and changes to the Use Tables and Standards  
**Date:** Friday, July 19, 2019 7:30:40 AM  
**Attachments:** [Use Table Change Project Summary V3A CC-Boards.pdf](#)  
[Large Lots-Large Houses Project Summary V3A CC-Boards.pdf](#)

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**From:** Peter Mayer <peter.mayer@waterdm.com>  
**Sent:** Thursday, July 18, 2019 5:22 PM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** PLAN-Boulder County comments on Large Homes/Lots and changes to the Use Tables and Standards

Dear Council:

Attached below are two documents that the People's League for Action Now - PLAN-Boulder County has done to analyze, evaluate and comment on two current projects: Large Homes and Large Lots and changes to the Use Tables and Standards. Three PLAN board members spent about 3 months trying to make sense of what is being proposed in each of these projects. Two of them have extensive planning experience and time served on Planning Board and the third has significant experience with changes to the Hill over many years. They found both of these projects to be an extremely difficult to understand, and in our interaction with others in the community, we found that there is very little awareness that these projects are happening, nor understanding by those who are aware.

The changes that are proposed for Phase 1 and Phase 2 of the Large Homes and Large Lots project represent significant upzoning and potentially a major change in character of these zones. The original complaint was that houses that were too big were being built on these large lots, and rather than a revised FAR limit or cap on building square footage, somehow this has morphed into multiple ADU's, Duplexes and Triplexes, multiple houses, subdivisions and 6 housing units, called "cottage courts" or "pocket neighborhoods". Then to make matters worse, Phase 2 proposes to include the RL-1 zone, which constitutes most of the rest of Boulder's single family housing. What ever happened to sub-community planning?

The changes to the Use Tables and Standards started out as a way to address the urgency of the Opportunity Zone designation and the possible unwanted outcomes from that. This project has also morphed into a major revision of zoning districts that are outside the Opportunity Zone, with no understanding on the part of the Boulder community that this is even underway, never mind how to understand what the implications of the changes might be. Changing the Use Tables and Standards (which is really changing the requirements that define zoning districts) should be the implementation that comes at the end of a planning project, not the first and maybe only step.

The comments in the two documents that we are sending are somewhat critical of the city and the council, and that is because these very significant projects are being rushed to a less-than-desirable outcome, but are also examples of failed public process and effective community engagement that

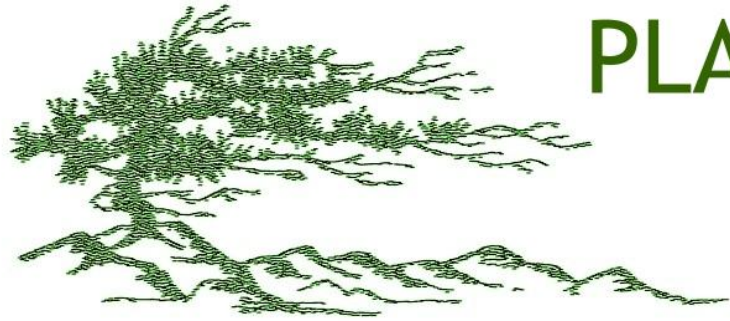
appears to be the result of taking on too many issues at one time. Online surveys and open houses are not informing Boulder citizens of what the council has in store for us, and council sees the anger and upset from this situation at many public hearings.

Perhaps it is time to take a step back and slow down these projects. Put a cap on the amount of building that can go on an RR or RE lot. Let the current ADU regulations that you passed very recently, with great conflict in the community, have time to work before changing them. Really engage the residents of the RR and RE zones to find out what they would like to see in their neighborhoods. Require a citizen vote before any upzoning RL-1 zones, and make sure there is a vigorous community discussion before that. Currently, there are so many issues coming at us, and at you, that there is no way for council to make reasoned decisions on any of this.

Can any of you say that you know enough to make a wise decision on changes to the Use Tables and Standards, or what would be the right thing to do to RR/RE zones to curb the building of large houses? Please take more time to include the community in these important decisions and more time for good council deliberation.

Respectfully,

Peter Mayer  
Allyn Feinberg  
Co-Chairs PLAN-Boulder County



# PLAN-Boulder County

planboulder.org

P.O. Box 4682 Boulder, CO 80306

## Use Standards and Table Project

**Impacts From Proposed City Code Changes (Use Standards And Table Changes In The Opportunity Zone And Their Application Citywide)**

*Revised July 12, 2019*

### INTRODUCTION

The City has been involved in two projects for several months that will affect multiple zoning districts citywide (See Appendix A for background). There will be substantial changes to some neighborhoods as a result.

The **“Use Standards and Table”** project involves changes to the Use Table component of zoning. The Use Table establishes which uses (e.g., office, apartments, retail) can exist within each zoning district and what restrictions apply to those uses. For example, the Use Table establishes whether apartments or offices can exist in a single-family zoning district. The proposed changes are discussed herein.

The **“Large Homes and Lots”** project changes the number of dwellings per lot in the RR, RE, RL-1 and other single-family zoning districts.

Some aspects of these two projects overlap.

On May 28<sup>th</sup> 2019, the City Council held a study session to consider the changes under these two projects.

This document, developed by **The Peoples League for Action Now (PLAN)-Boulder County**, summarizes and explains the most significant elements of the **“Use Standards and Table”** project. For questions, contact [advocate@planboulder.org](mailto:advocate@planboulder.org)

An accompanying document, **“Large Homes and Lots - Impacts From Proposed City Code Changes On Single-Family Residential Neighborhoods,”** discusses the impacts of the **“Large Homes and Lots”** project on single-family residential neighborhoods.

## GENERAL CONCLUSIONS

It is the opinion of PLAN-Boulder County that the changes proposed as part of the “**Use Standards and Table**” project constitute upzoning - that is – elements of the zoning change enable more intensive development within zoning districts that are affected by this project.

### Effect

*The Use Table changes proposed as part of this project are concerning as much for what they don't do as for what they do.*

What the use Table changes don't do, *is capture the value created by Opportunity Zone designation for the community*, especially for permanently affordable housing and preserving affordable business space. These are the objectives of the Opportunity Zone – to alleviate financial distress for vulnerable portions of communities. The moratorium (See Appendix A for background) was supposed to enable development of policies to capture the “Opportunity” in the Opportunity Zone and to ensure broadly shared community benefits rather than being primarily a hedge fund and investor windfall.

The concern for what the changes do arises from City Council's rush to lift the moratorium and how that has short circuited the extensive community outreach recommended by Planning Board's subcommittee for the “Use Standards and Table” project. Further, the nature of some of the changes, such as the extreme expansion of Efficiency Living Units (ELUs), constitute *upzoning without calling it upzoning*. *Changing the zoning by redefining what can occur under the zoning name is deceptive – characterizing the changes simply as “Use Table Changes” doesn't adequately and transparently alert the public to the significance of the project. Most people in Boulder do not know that development limitations they understand to apply to the zoning districts in which they live will change, dramatically, to substantially more intensive development in some circumstances (ELUs in high density residential zoning districts for example).*

### Lost Opportunity Zone

*Council's timidity toward adopting robust measures to capture the value created for investors by the Opportunity Zone and Use Table changes risks transforming the Zone into the Lost Opportunity Zone.* That, in essence, renders the *Use Table project largely ineffective with respect to the Opportunity Zone.*

The powerful market forces that create the housing affordability challenges in Boulder are unlikely to abate. The underlying economics are that Boulder is a highly desirable market and there are plenty of deep-pocketed buyers who want to live here. In order to counter these market forces, City Council needs to employ more powerful mechanisms. Just building more of everything – the supply side economic approach that hasn't worked over the past 40 years - won't alter the underlying economics of deeper and deeper pockets queuing up to live here. Limiting the tools the City employs to the same set that it has employed for the past 20 years hasn't changed the paradigm. *City Council continues to employ the same approach but expects a different outcome.* (See Appendix A for background)

The Opportunity Zone offers a way to shift the paradigm. The combination of investment capital specifically focused on the Zone, with land use changes that capture that capital for affordability, should be a no-brainer. Council needs to be bolder. *Demand enhanced affordability for business and*



*housing development in the Opportunity Zone.* Where Council entertains expanding development intensity, as they are with ELUs, push the envelope. Implement rent control and deed restrictions in return for development entitlement expansions. Don't make entitlement expansions by-right. It gives away the only leverage the community has to make substantial headway with respect to housing affordability.

Council should articulate a clear vision for the Opportunity Zone. A good start would be to state: *No significant loss of units or displacement of people or businesses shall result from development or redevelopment.*

Council should also articulate a clear goal for these and future zoning changes. A good start would be to state: *When changes to the use of property enable a greater range of uses and development potential that result in increased value of affected properties, most of that value SHALL be captured for the community's benefit in the form of housing that is permanently affordable to lower to middle income households.* (See Appendix A for background)

### **Plan**

The zoning changes and the issues Council seeks to address are being treated as stand-alone problems, resulting in a series of ad hoc decisions, one after another, under pressure from Council to make decisions before the Council changes after the November election. But the issues are inter-related and need to be integrated with the affordable housing program, Opportunity Zone planning, the East Boulder Subcommunity Plan, the update to the Transportation Master Plan, etc.

The extent of the changes is considerable. The current draft plan for Use Table changes for just the newly proposed "L" Limited Use category affects 33 conditions across 26 of the 27 city zoning districts. That's a total of 173 conditions affected by just the "L" category changes. Consequently, it is unclear just how large-scale and wide-ranging these alterations change zoning. They are happening mostly under the radar, and because the changes are so complex, the public is largely unaware and the ramifications of the changes are not widely understood, including, PLAN-Boulder County is convinced, by Council members.

The presumption for zoning changes should be that one size won't fit all. It would be better to consider changes that are desirable and then evaluate where they will work best. Decisions about citywide desired outcomes should be made through subcommunity and neighborhood planning processes that can contemplate the uniqueness of different areas. *This truncated process effectively reduces future subcommunity and neighborhood area planning to irrelevance.*

Moreover, these code change projects are occurring in isolation of where the City's population is currently (108,500) and where it is projected to be in the near future relative to the current population planning target of 103,000. The impacts of more people are more traffic congestion, difficult parking, taller buildings that affect views to the foothills, wear and tear on Open Space, and eroding levels of services for City provided facilities and services in the face of greater demands. The essence of planning is that it is done to guide growth and land uses according to where we want to be at some specified point in the future. That isn't happening with these projects, or generally.

*The manner in which Council is pursuing this project is the opposite of planning.*

## Respect

Council appears indifferent to how their decisions affect their current constituents. Council seems to give greater weight to the interests of the corporations that want to bring much more growth to Boulder than to current residents.

The most intense work on this project will occur in 2020. It is crucial for community members to remember: **It will be the newly elected City Council that will determine the extent of upzoning throughout Boulder. Community members must register their concerns with the current Council, both now, and again at the ballot box in November.**

## PROJECT DETAILS

In February 2019, City Council adopted an emergency moratorium in the area of the City designated as an Opportunity Zone. (See Appendix A for background) Opportunity Zones are a creation of the Trump Administration's 2017 tax bill.

At the time they imposed the moratorium, Council was concerned that investors taking advantage of Opportunity Zone benefits would finance projects that would result in gentrification, which would eradicate existing relatively affordable housing and business space. Council also wanted to explore how the capital sources and tax advantages specific to the Opportunity Zone might be leveraged to satisfy certain community priorities such as affordable housing.

Work on the "Use Standards and Table" project was already underway when City Council adopted the moratorium, and the Planning Department was tasked with prioritizing the review of eighteen different zoning districts represented within the Opportunity Zone as an expedient way to lift the moratorium as quickly as possible. The changes made to these zones will be applied citywide as soon as they are approved as part of the Opportunity Zone project.

This project changes the building uses allowed in various zoning districts, thereby altering the zoning. It will have citywide affect. The Use Table project has two phases:

- **Summer 2019:** Changes to zoning districts within the Opportunity Zone that will then be applied to those same zoning districts where they occur elsewhere in the City.
- **2020:** Citywide changes to zoning districts that do not occur in the Opportunity Zone.

## PLAN-BOULDER COUNTY INTERPRETATIONS

PLAN-Boulder County has analyzed the study session discussion. Given that it was a study session, it wasn't always clear what direction or nod was given, but these are our interpretations with respect to the impacts of the changes under consideration. Readers should watch for subsequent clarifications from staff, Council and PLAN-Boulder County.

City Council gave the green light to city staff to continue with certain changes that will have significant impacts on the City. It does not appear there is widespread knowledge within affected zoning districts that changes are being considered, let alone what the changes are and their implications for the affected areas.

The significant items that Council is moving forward with are as follows:

- Eliminating restrictions on Efficiency Living Units (ELUs) citywide. This has *vast impacts* and is discussed in detail later in this document.
- Lifting the moratorium in the Opportunity Zone industrial zoning districts. The substantive Use Table change that Council is moving forward with will allow convenience retail in industrial zoning districts.
- Continuing the moratorium for residential zoning districts within the Opportunity Zone until Council determines policies that resolve gentrification concerns.

Listed below are the changes, with explanations, that PLAN-Boulder County considers to be significant.

DETAILS OF IMPACTS		
Issue	Description	Impacts
<b>Limit Single-Family Dwelling Units In High Density Residential Zones</b>	<p>City Council is generally moving in the direction that new housing development should be at greater densities than single-family detached to reduce housing costs, decrease environmental impacts resulting from larger dwellings and lessen transportation impacts resulting from spread out dwellings.</p> <p><b>What Will Change</b> City Council supported staff's proposal to make single family homes in high-density residential zones a Use Review (Option C in the May 28<sup>th</sup> Study Session memo). Staff recommended Use Review to encourage division of the homes into multiple units rather than their demolition and replacement with apartment buildings.</p>	<p>The objectives to promote division over demolition and replacement are <i>consistent with environmental goals, preservation of neighborhood character and with the intent of the current high density zoning</i>.</p> <p>It is unlikely that that anyone would build a single-family house in a high density residential zoning district when they could get much higher economic benefit from building high density housing. Consequently, <i>PLAN-Boulder County does not believe there will be an impact of any consequence</i>.</p>
<b>Limit Ground Floor Residential Uses In BR Zones.</b>	<p>This change restricts residential uses in the Business Regional (BR) zones from the ground floor of buildings in order to promote more street level commercial activity, similar to the requirements of the Business Community (BC) zone.</p> <p><b>What Will Change</b> BR zones currently allow detached, attached, duplexes and townhouses. This change limits residential uses to no more than 75% of ground floor area in order to provide for some mixed use, with the remaining 25% reserved for commercial uses. Residential uses may be above or behind the commercial use. However, the change does not preclude a development being 100% commercial.</p>	<p>This reserves some ground floor space for commercial (retail and restaurants), which is a worthwhile consideration and promotes a mix of uses and street activity. On the other hand, it reduces floor area available for residential which Council has identified as a priority. <i>There is no clear advantage or disadvantage to this change</i>.</p>
<b>Allow Restaurants In Industrial Zones</b>	<p>Currently, restaurants are very restricted in industrial zones. Less restriction is being considered to create more mixed use toward an effort to create 15-minute neighborhoods.</p> <p><b>What Will Change</b> The decision is deferred pending further study. It will be addressed as part of the East Boulder Subcommunity Plan and then applied to the relevant zoning districts in the Opportunity Zone and to those same zones where they occur elsewhere in the City.</p>	<p>The intent for this change is good. However, <i>care must be taken to ensure that the economics associated with the uses do not create incompatibilities between</i> uses that result in landlords being unwilling to lease to certain other <i>business types that the City may wish or need to retain</i>, because those business types might diminish the rents that can be charged for a restaurant.</p> <p>For example, expanding restaurant uses in various industrial zones will result in a higher income yield from restaurant development. While the City may take measures to ensure the industrial uses/spaces are not diminished in number or aggregated square footage, where the occupying business might by its nature be unattractive (noisy, malodorous, high levels of activity, etc.) to a potential restaurant use, landlords will seek to protect their higher yield use (restaurant) and not rent to any businesses that threaten those higher yields.</p>

<b>Allow Residential Uses In Industrial Zones</b>	<p>Currently, residences may not exist in industrial zones. Enabling them is being considered to create more mixed use in an effort to create 15-minute neighborhoods.</p> <p><b>What Will Change</b> The decision is deferred pending further study and will be addressed as part of the East Boulder Subcommunity Plan and then applied to the relevant zoning districts in the Opportunity Zone and to those same zones where they occur elsewhere in the City.</p>	<p>The intent for this change is good. However, <i>care must be taken to ensure that the economics associated with the uses do not create incompatibilities between</i> uses that result in landlords being unwilling to lease to certain other <i>business types that the City may wish or need to retain</i>, because those business types might diminish the rents that can be charged for a residence.</p> <p>For example, expanding residential uses in various industrial zones will result in a higher income yield from residential development. While the City may take measures to ensure the industrial uses/spaces are not diminished in number or aggregated square footage, where the occupying business might by its nature be unattractive (noisy, malodorous, high levels of activity, etc.) to potential residents, landlords will seek to protect their higher yield use of the land (residential) and not rent to any businesses that threaten those higher yields.</p> <p>For another example, IS 1 &amp; 2 zoning districts allow vehicle service facilities, which are quite noisy with pneumatic equipment and emit solvent fumes. If the City were to allow Live-Work as a by-right use rather than the current requirement for Use Review, the by-right availability of Live-Work and the higher profit it generates for a landlord might cause the landlord not to rent to a vehicle service business because its noise might limit the rent the landlord could charge relative to renting to a quieter business, such as a self-service storage facility.</p>
<b>Restrict Office Uses In BR, BMS, And BT Zones.</b>	<p>It is recognized that there is a great imbalance between nonresidential development potential and residential development potential built into the zoning code. Much more nonresidential potential exists relative to residential. The result is that much more job-generating building space is developed relative to residential space and that increases demand for housing and pushes up housing costs. Bringing the two into balance will decrease housing demand relative to job creation and ease upward pressure on housing costs.</p> <p>Currently, office use is allowed by-right in most business zones.</p> <p><b>What Will Change</b> Restrict offices in BR, BMS, and BT zones to no more than 25% of a building by-right and allow that up to 50% could be permitted through Conditional Use if onsite permanently affordable units are included. Only allow expansion of existing office uses through Non-conforming Use Review process. New office buildings would be subject to the 25% maximum or 50% if affordable units are provided.</p>	<p>This is a start to addressing the jobs housing imbalance. However, the result of applying it universally hasn’t been fully considered.</p> <p>In the University Hill business district (BMS zoning), new residential uses are prohibited. The office floor area percentage limitation in this change results in the remaining floor area only allowing for commercial uses, which the economics of the zone may not support. Since the commercial businesses are dependent on students, there is not year-round support for other commercial businesses, whereas office uses provide more consistent year-round rental income and customers for other nearby business such as restaurants.</p> <p>Such issues may exist in other locations.</p> <p>BMS (Business Main Street) districts are intended to serve surrounding neighborhoods. Each neighborhood is unique, therefore there is danger in universal applications of Use Table changes without taking a holistic approach to planning.</p> <p>PLAN-Boulder county supports this change in the Opportunity Zone but believes <i>broader application citywide is ill-advised. Application in areas outside of the Opportunity Zone should occur only after subcommunity or neighborhood planning has been completed</i> in affected areas.</p>
<b>Preservation Of Existing Market-Rate Affordable Housing In The Opportunity Zone</b>	<p>There is concern that development arising from capital investment in the Opportunity Zone will result in redevelopment of existing market-rate affordable housing, thereby displacing current financially challenged households—contrary to the intention behind the Opportunity Zones.</p> <p><b>What Will Change</b> The moratorium will stay in effect until Council devises a remedy to the displacement concerns cited above.</p>	<p>Maintaining the moratorium in residential zoning districts within the Opportunity Zone is a wise decision.</p> <p>Adopting policies to prevent gentrifications and displacement of the very populations that Opportunity Zones are purported to support should not be difficult. And such policies should not be confined to the opportunity Zone exclusively.</p> <p>The City should apply two tests to all development citywide.</p> <ul style="list-style-type: none"><li>a. Will a proposed development or redevelopment result in a reduction of either the number or percentage of housing units available to low to middle income residents and the displacement of the residents? If so, to what extent and what extent is acceptable?</li><li>b. Will a proposed development or redevelopment result in a reduction of the number or percentage of affordable spaces for locally owned businesses and the displacement of the businesses? If so, to what extent and what extent is acceptable?</li></ul> <p>The tests should result in <i>no significant loss of units or displacement of people or businesses</i>.</p>

<b>Use Table Change: Efficiency Living Units (ELUs)</b>	<p>Efficiency Living Units (ELUs) are dwellings under 475 sf. They are counted as half a dwelling unit, so if zoning allowed 200 dwelling units in a development, there could be 400 ELUs, subject to current limitations (which are proposed to change).</p> <p>ELUs are not allowed in some zoning districts such as single-family residential zones (low density) and most medium density residential zones. YET.</p> <p>Outside of the University Hill General Improvement District, ELUs are conditionally allowed in some medium density and high density residential zones, mixed use zones and most nonresidential zones.</p> <p>In some zoning districts where they are conditionally allowed, ELUs are limited to less than 20% of overall units in a development. Some districts allow them by-right with this limitation and others require a Use Review. But if the ELU count is over 20% of overall units in a development, a Use Review is required.</p> <p>In other zoning districts where they are conditionally allowed, the limitations are a function of the percent of ELU floor area relative to the overall floor area and the amount of nonresidential floor area in a development.</p> <p>In other zoning districts where they are conditionally allowed, there are limitations to their being located on ground floors facing the street.</p> <p><b>What Will Change</b></p> <p>As currently proposed, the 2019 Use Table change will apply only to those zoning districts in the Opportunity Zone and will subsequently be applied citywide to those same zoning districts where they exist outside of the Opportunity Zone.</p> <p>The 2020 Use Table change proposes to eliminate conditional approval for ELUs in “most” zoning districts where ELUs are currently allowed, irrespective of whether those zoning districts occur in the Opportunity Zone. This would make ELUs by-right citywide and remove the limitations that apply currently.</p>	<p><b>Council Avoids Affordability</b></p> <p>This expansion of ELUs has been proposed under the guise of a variety of justifications.</p> <p>Council has said it’s about affordability. But <i>Council has been too timid about adopting robust measures that can enhance percentages of permanently affordable housing</i> obtained from new development or redevelopment and from the expanded development potential this change represents.</p> <p>This Code change <i>expands</i> the development potential for affected properties beyond what is currently allowed, and consequently, there is the potential to acquire much higher percentages of permanently affordable housing from new development that takes advantage of this expansion. (See Appendix A for background) By making the expanded permission conditional rather than making it by-right (as this Code change currently proposes), developers will exercise a choice of whether or not to take advantage of the expanded conditional permission, and therefore, the City would not be constrained by State statute from applying rent controls to any expansion of ELUs beyond the current Code allowance.</p> <p><b>Neglects Family Needs</b></p> <p>ELUs, sometimes referred to as “coder housing,” serve a very small segment of the population needing affordable housing due to their very limited size. ELUs do nothing to expand family housing opportunities, and therefore, such an extreme increase in their potential is unwarranted.</p> <p>The city has some prior undesirable experience with similar small dwellings, known as Limited Living Units (LLUs): they were introduced in the 1980s with the intention of providing very basic, affordable rental housing for students. The dwelling units were 400 square feet or less and were located in predominantly student neighborhoods in high density residential zoning districts. At the time, staff anticipated that individual landlords would construct buildings devoted solely to LLUs that they would rent to students at affordable rents. But instead, developers built luxury LLUs that they sold as expensive condos to students' parents and other investors. The City subsequently replaced the LLUs with ELUs and capped them at 20% of units in any given development unless the developer went through a Use Review.</p> <p><b>Disproportionate Impacts</b></p> <p>ELUs are counted as half a dwelling unit. Thus, any zoning limitations on the number of dwelling units is effectively doubled for development of ELUs. If the dwelling unit limit by zoning is, for example, 200 units on a property, then there could be 400 ELUs.</p> <p>Since traffic generation and parking demand are based on number of “dwelling units,” determining them based on 200 rather than 400 households will grossly understate the impacts from ELUs. Whereas 200 dwelling units would likely have something approaching 200 associated cars, 400 ELUs are highly likely to have, on average, double that number of cars. The traffic generation and parking impacts of ELUs are much larger than the “dwelling unit” count implies.</p> <p><i>Council should redefine ELUs as full dwelling units rather than half dwelling units in order to reflect their full impact, especially with respect to traffic generation and parking demand.</i></p> <p>Expanding ELUs mostly serves the needs of specific types of businesses that want to expand here and want their future, single, imported workers housed. The proposed drastic increase comes with large impacts to the areas where they will be allowed.</p> <p><b>Council Has Not Made the Case</b></p> <p><i>Council should NOT remove existing limitations on ELUs. They have not made the case for the community need. Moreover, their shirking of meaningful measures to capture greater affordability as a result of expanded development potential resulting from this Use Table change fails to create a community benefit.</i></p>
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## Appendix A

Last year, when City Council members and the public learned that staff had applied for and received Opportunity Zone designation under a federal program to promote private investment in low-income urban and rural communities, City Council imposed a moratorium so the City could consider land use changes that would benefit the community and prevent undesirable development outcomes such as displacement and gentrification arising from Opportunity Zone investment-driven development.

The Colorado Office of Economic Development and International Trade *created an Opportunity Zone program that provides communities with the resources and tools necessary to ensure these new investment opportunities not only benefit investors but also combat economic disparity and satisfy social needs.* The June 25th Colorado Opportunity Zone Update provides a link to the Community Strategy Playbook from the non-profit Local Initiative Support Corporation (LISC) that recommends approaches for both weak and strong markets. *It advises communities with weak markets to make zoning changes that offer incentives for desired development and those with strong markets (Boulder) to apply guardrails; for example, a higher inclusionary housing rate to protect against the loss of affordable housing through gentrification or zoning changes that limit high profit enterprises that do not serve the needs of the community.*

## Collins, Andrew

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**From:** Pomerance, Stephen  
**Sent:** Sunday, August 11, 2019 7:33 AM  
**To:** Guiler, Karl  
**Cc:** Council; boulderplanningboard  
**Subject:** Re: studies behind the Use Tables work

Hi Karl,

To correct my earlier email, what I meant to say was that although the Use Tables work may have started before the OZ blowup, it was shifted to target the OZ, which led to all of what you said in your email. That resulted in internal conflicts, both with regard to the project's purpose and in the work required to do it properly.

The OZ part of the project was to prevent something bad from happening on a temporary basis, which requires relatively little analysis.

But redesigning the zoning for much of the city requires much more consideration, data, detailed study, and citizen input, since it not only prevents some things but allows others, and on a (semi) permanent basis.

And of course, it should be the final step in an area by area planning effort, and not the first move.

Steve

On Aug 9, 2019, at 4:04 PM, Steve Pomerance <[stevepom335@comcast.net](mailto:stevepom335@comcast.net)> wrote:

Hi Karl,

Thanks for the email.

What you said in this email is what I thought the original point of the Use Tables work was — to ensure that NOTHING HAPPENS IN THE OPPORTUNITY ZONE THAT IS INAPPROPRIATE.

Or, to use your words, "to ensure inconsistent development is not allowed prior to removal of the moratorium." That makes perfect sense to me.

But then it turned into a revision that applied city wide! I asked about this a few days ago, because the ordinance title was so unclear, and that it applies citywide was confirmed by Andrew Coliins, and CCed to you. His email is below.

I note that the ordinance language makes no mention of applying only in the OZ. So, unless that is changed, what is up for a vote in the coming weeks will apply citywide.

Given what you said below as to the lack of detailed studies, it seems a no-brainer that the upcoming vote should be scaled back to only apply to the OZ.



**The question as to whether these are the correct moves is a different one, but I can tell you that people will be a LOT less concerned if they know that the area to which these changes apply is relatively limited.**

**Regards,  
Steve Pomerance**

**Email from Andrew Collins — 8/06/19**

Hi Steve, they are proposed to apply citywide. The title is a bit ambiguous in that respect.

Andrew

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**From:** Steve Pomerance <[stevepom335@comcast.net](mailto:stevepom335@comcast.net)>  
**Sent:** Tuesday, August 6, 2019 4:54 PM  
**To:** Collins, Andrew <[CollinsA@bouldercolorado.gov](mailto:CollinsA@bouldercolorado.gov)>  
**Subject:** title of ordinance

Hi Andrew,  
I was reading through the packet material on the Use Table fixes, and then read the proposed ordinance.  
The title of the ordinance made it appear, at least to me, that the changes were only to be effective in the OZ, but from the packet material, I thought that they were city wide.  
Which is it?  
Thanks,  
Steve

ORDINANCE 8337  
AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO UPDATE USE STANDARDS FOR ZONING DISTRICTS LOCATED IN THE FEDERALLY DESIGNATED OPPORTUNITY ZONE (CENSUS TRACT 122.03) TO ENSURE DEVELOPMENT CONSISTENT WITH THE BVCP , AND SETTING FORTH RELATED DETAILS.

On Aug 9, 2019, at 3:37 PM, Guiler, Karl <[GuilerK@bouldercolorado.gov](mailto:GuilerK@bouldercolorado.gov)> wrote:

Steve,

Thanks for your email. Following adoption of the moratorium, Council requested that staff provide a narrow, focused zoning analysis of the use table in [Chapter 9-6, "Use Standards, B.R.C. 1981](#), in order to ensure inconsistent development is not allowed prior to removal of the moratorium. This analysis was intended to be limited and targeted at avoiding any types of development spurred by the financial incentives of the

Opportunity Zone that would be significantly out of alignment with city policies on preserving and obtaining housing affordability, avoiding development that could exacerbate the mitigate the jobs : housing imbalance or be more prohibitive to retail uses. The changes were meant to be implemented in an expedient manner and thus, no economic studies have been conducted. This was discussed by council on [April 2, 2019](#) and followed up again at a study session on [May 28, 2019](#). As stated in the latest [packet materials to council](#), ongoing zoning efforts will likely take deeper dives into addressing these concerns and other specified actions in the Boulder Valley Comprehensive Plan that will likely necessitate more economic analyses. Some examples are the upcoming zoning review of the Boulder Valley Regional Center (areas around Twenty Ninth Street, the Village and the 28<sup>th</sup> Street corridor) and industrial zones as possible places for more affordable housing and a better mix of uses. Please let me know if you have any questions.

Best,

Karl

**Karl Guiler, AICP**  
**Senior Planner/Code Amendment Specialist**

<image001.jpg>

O: #303-441-4236

[guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov)

Department of Planning  
1739 Broadway, 3<sup>rd</sup> Floor, Boulder CO 80306-0791  
[Bouldercolorado.gov](http://Bouldercolorado.gov)

**Discretionary Review Track Submittal Date Changes (ADR, AUR, LUR, TEC) take effect on May 6, 2019!**

On May 6, Planning and Development Services will change the existing LUR and TEC Review tracks to three-week cycles. This means that applications will be routed for review every three weeks instead of on the first and third Mondays of each month. The new submittal calendar is published on the city's development services website at <https://bouldercolorado.gov/plan-develop>. Administrative applications (ADRs, AURs, PARs) will be routed every other Monday but will remain on a two-week review cycle. This change is being made to create a more predictable and reliable review schedule and to better manage staff's workload. For more information please email: [plandevlop@bouldercolorado.gov](mailto:plandevlop@bouldercolorado.gov)

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**From:** Steve Pomerance <[stevepom335@comcast.net](mailto:stevepom335@comcast.net)>

**Sent:** Friday, August 9, 2019 6:34 AM

**To:** Council <[council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)>

**Cc:** boulderplanningboard <[boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)>

**Subject:** studies behind the Use Tables work

To the city council:

I, and others I know, would like to see the work that was done to support the Use Tables revisions.

I in particular would like to see any economic and market studies that relate to the ELU changes, as well as any impact studies, e.g. on population, jobs, in-commuting, traffic, facilities, fiscal, retail, etc.

And if there are any such studies that relate to other significant or not so significant changes, please send those along.

Thanks, and I look forward to seeing this material.

Steve Pomerance

**From:** [Guiler, Karl](#)  
**To:** [Collins, Andrew](#)  
**Subject:** FW: Boulder Chamber Letter on Proposed Use Table Changes  
**Date:** Tuesday, August 13, 2019 3:48:00 PM  
**Attachments:** [2019-0812 Boulder Chamber Letter Use Table Changes.pdf](#)

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**From:** Andrea Meneghel <andrea.meneghel@boulderchamber.com>  
**Sent:** Monday, August 12, 2019 12:36 PM  
**To:** Council <council@bouldercolorado.gov>  
**Cc:** John Tayer <john.tayer@boulderchamber.com>; Lori Call <lori.call@boulderchamber.com>; Brautigam, Jane <BrautigamJ@bouldercolorado.gov>; Meschuk, Chris <MeschukC@bouldercolorado.gov>; Guiler, Karl <GuilerK@bouldercolorado.gov>  
**Subject:** Boulder Chamber Letter on Proposed Use Table Changes

Dear Mayor Jones and Members of Boulder City Council,

Attached and copied below is the Boulder Chamber's feedback and input on lifting the Opportunity Zone moratorium and proposed changes to the use tables ahead of tomorrow evening's staff presentation.

Please do not hesitate to call if you have any questions.

Thank you,

***Andrea Meneghel***

*Director of Public Affairs*

Boulder Chamber

Direct: (303) 938-2077

[andrea.meneghel@boulderchamber.com](mailto:andrea.meneghel@boulderchamber.com)

[www.boulderchamber.com](http://www.boulderchamber.com)

## **WE BUILD COMMUNITY THROUGH BUSINESS**

August 12, 2019

Dear Mayor Jones and Members of Boulder City Council,

The Boulder Chamber is writing to you about the proposed changes to the City of Boulder's zoning code use tables that you will be reviewing and deliberating on this month at your August 13 and August 27 City Council meetings.

***The Boulder Chamber supports the Planning Board's unanimous recommendation to immediately remove the current moratorium within the Opportunity Zone area.*** The Chamber appreciates your responsiveness to calls to lift the moratorium, as it has added uncertainty for the property owners

and local businesses in this census tract, stifling targeted investments for property improvements that align with broadly supported community goals in the Boulder Valley Comprehensive Plan. Further delay in lifting the moratorium risks losing the very benefits that the Opportunity Zone program offers to incentivize, and assist with, desired redevelopment and property improvements.

**MOST SIGNIFICANT AREA OF CONCERN – LIMITATIONS IN BUSINESS ZONES TO OFFICE USES**

While clarity is needed simplifies our zoning codes and creates greater certainty, some of the new use table changes significantly restrict opportunities to redevelop older or existing properties. The failure to adjust these restrictions, allowing for more creative infill and redevelopment, will undermine efforts to achieve important City of Boulder goals.

***New regulations limiting office uses to 25% of floor area in Business Zones (BR, BMS, TB) will re-designate hundreds of buildings as non-conforming.*** This will affect approximately 223 parcels in these zones. The Chamber is concerned – as City Council should be – of the cumulative impact of creating a significant number of new non-conforming uses with one zoning change. *(See pages 14 and 15 of Attachment F of the staff packet).*

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- Apply solely to new development in the Opportunity Zone for now, under the new “L category” and conduct further economic analysis in the next phase of this project.
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**Please see the Boulder Chamber’s letter sent to City Council on May 24, 2019 (attached below) for additional input.**

**NEXT STEPS FOR COUNCIL CONSIDERATION**

- **Economic Feasibility Testing:** We suggest moving forward with most of the use table changes and request staff, Planning Board and City Council to consider the Boulder Chamber’s concerns outlined above during Phase 2 of the planned Use Table Changes in 2020. This should include testing the economic and practical feasibility of changes like using floor area percentages and building measurement to limit certain uses. Some of the specific mixed-use percentages being proposed are technically challenging to develop.
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The Boulder Chamber urges City Council to refrain from using universal policy that tends to limit

what's possible, and rather maintain flexibility that allows for creativity to flourish where opportunities present themselves. These changes are likely to be in place for many years, so it is important to have widespread understanding of these decisions.

Thank you for addressing these issues as the City of Boulder moves forward with these significant changes.

John Tayer  
President & CEO

***Appendix: Boulder Chamber Letter on Use Table Changes – May 24, 2019***

May 24, 2019

Dear Mayor Jones and Members of Boulder City Council,

The Boulder Chamber is writing to you about the proposed changes to the City of Boulder's zoning code use tables that you will be discussing at your May 28, 2019 Study Session.

***The Boulder Chamber supports City Council's prioritization of use table changes for zoning districts within the Opportunity Zone area in order to expedite removal of these districts from the current moratorium.***

**Consistency with the Boulder Valley Comp Plan is Imperative**

While the staff analysis is focused on the zoning district areas within the Opportunity Zone, the new use tables will result in changes to allowed uses and use processes required for almost all Boulder properties. It is likely that most property owners – or their neighbors – are not aware of the broad impacts. These changes are likely to be in place for many years, so it is important to have widespread understanding of these decisions. Further, the proposed changes must be aligned with key Boulder Valley Comprehensive Plan (BVCP) policies that address adaptive reuse of buildings and other key priorities (e.g., Walkable 15-Minute Neighborhoods, Mix of Complementary Land Uses, Boulder Valley Regional Center & 28<sup>th</sup> Street, Revitalizing Commercial & Industrial Areas and Reduction of Single Occupancy Auto Trips).

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**Maintain Flexibility to Permit Desired Uses**

We ask that the land use development decisions reflect our community's social, cultural and

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Boulder Chamber members who regularly rely on the use tables provided this feedback on the proposed use table changes. While some recommendations will make the zoning code easier to read, we've also identified potential changes that cause concern or may have unintended consequences.

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Exploring possibilities for innovative mixed uses and possible adjustments to density requirements in industrial areas can lead to creative uses. However, the preservation of our General Industrial areas is critical, as the demand for this land use is currently very high throughout the Front Range. New opportunities for a mix of uses and services in the Light Industrial Zones, should be further explored for specific areas, such as the Flatirons Business Park, 55th & Arapahoe, and Gunbarrel. The right balance of parking, FAR ratios, mix of uses/zones, must be further defined to retain the industrial focus in those areas, while exploring the possibility to achieve additional community goals.

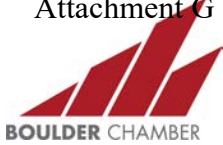


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City Council should encourage local architects and builders to provide additional input that complements the vision for innovative development or redevelopment concepts. Allow industry experts and capable teams to define the details that will incentivize the type of benefits that are desired, rather than limit opportunities. The potential city-wide consequences of changes to the use tables must thoroughly be understood.

Boulder is filled with unique, diverse people and businesses. Our zoning should support the creative and inclusive character of our community. Thank you for your consideration of our feedback on this important project as it evolves.

John Tayer  
President and CEO



August 12, 2019

Dear Mayor Jones and Members of Boulder City Council,

The Boulder Chamber is writing to you about the proposed changes to the City of Boulder's zoning code use tables that you will be reviewing and deliberating on this month at your August 13 and August 27 City Council meetings.

***The Boulder Chamber supports the Planning Board's unanimous recommendation to immediately remove the current moratorium within the Opportunity Zone area.*** The Chamber appreciates your responsiveness to calls to lift the moratorium, as it has added uncertainty for the property owners and local businesses in this census tract, stifling targeted investments for property improvements that align with broadly supported community goals in the Boulder Valley Comprehensive Plan. Further delay in lifting the moratorium risks losing the very benefits that the Opportunity Zone program offers to incentivize, and assist with, desired redevelopment and property improvements.

**MOST SIGNIFICANT AREA OF CONCERN – LIMITATIONS IN BUSINESS ZONES TO OFFICE USES**

While clarity is needed simplifies our zoning codes and creates greater certainty, some of the new use table changes significantly restrict opportunities to redevelop older or existing properties. The failure to adjust these restrictions, allowing for more creative infill and redevelopment, will undermine efforts to achieve important City of Boulder goals.

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**Appendix: Boulder Chamber Letter on Use Table Changes – May 24, 2019**

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John Tayer  
President and CEO

**From:** [Ferro, Charles](#)  
**To:** [Guiler, Karl](#); [Collins, Andrew](#)  
**Subject:** FW: Please consider several revisions to the OZ ordinance  
**Date:** Tuesday, August 13, 2019 8:28:07 AM  
**Attachments:** [8.12.19 - OZ Ordinance.docx](#)

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**From:** Sarah Silver <sarahsilver@hotmail.com>  
**Sent:** Monday, August 12, 2019 7:25 PM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Please consider several revisions to the OZ ordinance

Dear Council,

I write today as a Boulder resident and not in my capacity as a member of Planning Board. I urge you to revise in the following ways the Opportunity Zone ordinance you are considering on Tuesday 8.12.19. (The attached letter contains the same information as this email.)

Proposed Revision #1: Apply an Overlay Zone to the OZ.

Apply an Overlay Zone to the Opportunity Zone so proposed changes are only in effect within the OZ. This tool has been used before in Boulder, specifically in the Holiday Neighborhood. Please reject staff's proposal to apply the proposed changes across the city.

The OZ does not exist as an Boulder Land Use Code planning framework. It is a census tract – not a land use designation or a specific zoning district. To give this externally imposed framework the power to change zoning across the city would be a radical decision. If approved with the proposed city-wide application, the OZ ordinance would apply to 70 percent of the zoning districts in Boulder, impacting every neighborhood from North Boulder to Alpine Balsam to Downtown to Basemar (on both sides of 36 and along Broadway) to Table Mesa to 55th/Arapahoe area and more.

I doubt that is what City Council had in mind when they asked staff to address the OZ through the use table. That is why an Overlay Zone is such a useful tool. If you direct staff to use an Overlay Zone then CC and staff can dig deeply into the economic, environmental, transportation, development, housing, etc. impacts of the OZ specifically on the OZ. This is important research that does not seem to have been done given the short time frame and is essential to your ability to make the best decisions for Boulder.

If you direct staff to apply an Overlay Zone and then quickly undertake the other important impacts research, by mid-September or early October, City Council can have much of the information it needs on the OZ to make a decision.

Proposed Revision #2: Increase the ELU use review trigger to 40% (or so) and require onsite permanent affordability above and beyond IH requirements.

Stick with your original guidance to the staff to raise the use review trigger for ELUs from 20% of total proposed units (to something like 40%) and to require onsite permanently affordable ELUs (in addition to existing IH requirements) for any ELUs above that new trigger point. Please go with your original impulse to reject staff proposal to eliminate the use review requirement for developments altogether.

Let's generate more ELUS but get something in return (and without disincentivizing the housing types our missing middle and in-commuters say they want). Increasing the point at which use review is triggered might produce more supply but the city should only provide such an entitlement to developers in exchange for the community benefit of onsite permanently affordable housing. A requirement of onsite permanently affordable ELUS above the set trigger point for use review would be a tool to achieve actual affordable housing.

Staff argued that it believes ELUs will organically produce affordable rentals. But there is no evidence of that. The experts know that density does not equal affordability. I share with you a Q&A quote from the linked article about the Minneapolis upzoning – touted by hyper-density enthusiasts as the silver bullet to affordability challenges – that captures the misconception about density and affordability.

The reporter asks "What's the most misunderstood part of the plan, as far as the city [Minneapolis] is concerned? Heather Worthington, Minneapolis's long-range planner responds: "That density — what we're asking the city council to guide in terms of density — will equal affordability. We have not said that, we don't believe that, we know that's not the case. What we have said is, if you allow density, and you regulate it for affordability, you will get more affordability," since otherwise units will go at market rate.

<https://www.minnpost.com/politics-policy/2018/07/fight-over-minneapolis-controversial-comprehensive-plan-proposal-explained/?fbclid=IwAR3TjFhhnELfK2jCw6A9WsUiQoi2Sjfx8eZV7qkkgHqWalWzFKSbznkml-E>

Incentivizing ELUs may address a small slice of the Boulder housing market but it is not a robust tool to address the job/housing imbalance. The 2014 In-commuter survey and the 2015 Missing Middle survey found little interest among these two demographic groups for apartment and condo rentals. The vast majority of those surveyed said the housing types they are interested in single family homes, duplexes or triplexes , with some private green space, and the opportunity to buy. The OZ changes do not, as far as I can tell, encourage the type of housing (or the type of larger scale development - such as a Holiday-type neighborhood) that would a) get in-commuters out of their cars, b) create housing young families want, or c) serve the missing middle. If we want to address the jobs/housing imbalance, we need to incentivize the development of more of the above housing.

I am not arguing for more single family homes on 6,000 square foot lots. But I am encouraging City Council to keep in mind the BVCP objectives of reducing the jobs/housing imbalance, creating a diversity of housing, reducing VMT/green house gas emission by getting commuters out of their cars. We need to make sure the proposed OZ changes – applied solely to the OZ – incentivize a variety of housing types, not just high end rental apartments. In my humble opinion, we need to know if the

proposed OZ changes will produce new neighborhoods with diverse housing stock for a wide range of residents and with lively neighborhood centers. It isn't clear to me the OZ ordinance does that.

Thank you for reading through this long email and thank you for your service.

Sarah Silver

8.12.19

Sarah Silver

917.864.5403



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**The reporter asks "What's the most misunderstood part of the plan, as far as the city [Minneapolis] is**

concerned? Heather Worthington, Minneapolis's long-range planner responds: "That density — what we're asking the city council to guide in terms of density — will equal affordability. We have not said that, we don't believe that, we know that's not the case. What we have said is, if you allow density, and you regulate it for affordability, you will get more affordability," since otherwise units will go at market rate.

<https://www.minnpost.com/politics-policy/2018/07/fight-over-minneapolis-controversial-comprehensive-plan-proposal-explained/?fbclid=IwAR3TjFhhnELfK2jCw6A9WsUiQoi2Sjfx8eZV7qkkgHqWalWzFKSbznkml-E>

Incentivizing ELUs may address a small slice of the Boulder housing market but it is not a robust tool to address the job/housing imbalance. The 2014 In-commuter survey and the 2015 Missing Middle survey found little interest among these two demographic groups for apartment and condo rentals. The vast majority of those surveyed said the housing types they are interested in single family homes, duplexes or triplexes, with some private green space, and the opportunity to buy. The OZ changes do not, as far as I can tell, encourage the type of housing that would a) get in-commuters out of their cars, b) create housing young families want, or c) serve the missing middle. If we want to address the jobs/housing imbalance, we need to incentivize the development of more of the above housing.

I am not arguing for more single family homes on 6,000 square foot lots. But I am encouraging City Council to keep in mind the BVCP objectives of reducing the jobs/housing imbalance, creating a diversity of housing, reducing VMT/green house gas emission by getting commuters out of their cars. We need to make sure the proposed OZ changes — applied solely to the OZ — incentivize a variety of housing types, not just high end rentals. In my humble opinion, we need to know if the proposed OZ changes will produce new neighborhoods with diverse housing stock for a wide range of residents and with lively neighborhood centers. It isn't clear to me the OZ ordinance does that.

Thank you for reading through this long email and thank you for your service.

Sarah Silver  
8.12.19

**From:** [Ferro, Charles](#)  
**To:** [Guiler, Karl](#); [Collins, Andrew](#)  
**Subject:** FW: PLAN-Boulder comments on the OZ and Use Tables  
**Date:** Tuesday, August 13, 2019 3:48:47 PM  
**Attachments:** [OZ City Council 8\\_6 2019-2 Final.pdf](#)

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**From:** Peter Mayer <peter.mayer@waterdm.com>  
**Sent:** Tuesday, August 13, 2019 2:34 PM  
**To:** Council <council@bouldercolorado.gov>  
**Cc:** Allyn Feinberg <feinberga@comcast.net>; Lisa Spalding <yanospalding@gmail.com>; PLAN Boulder Board <PBC\_Board@yahoogroups.com>  
**Subject:** PLAN-Boulder comments on the OZ and Use Tables

Dear Council Members,

Attached please find comments from the People's League for Action Now - PLAN-Boulder County regarding the OZ and Use Tables to add to your discussion this evening.

Thanks for your consideration and your service to our community.

Sincerely,

Peter Mayer and Allyn Feinberg  
Co-Chairs  
PLAN-Boulder County



August 13, 2019

Dear City Council Members,

PLAN-Boulder County sent you copies of our comments on both the Large Homes and Lots project and the Use Standards and Table project on July 19th. We urge you to seriously consider our Use Standards and Table analysis before you make any decisions on the proposed ordinance to lift the moratorium on the Opportunity Zone. Three crucial elements that demand your immediate attention follow.

- 1) It is imperative that you capture value from Opportunity Zone investment to increase our supply of affordable housing. You wisely safeguarded existing market rate affordable housing in the Opportunity Zone but have failed to grapple with providing a greater future supply of permanently affordable housing that could easily be accomplished through expanded inclusionary housing requirements and higher linkage fees. **Please lift the moratorium only after you can ensure that a meaningful portion of the financial benefits offered to Opportunity Zone investors are dedicated to housing that is permanently affordable to lower- to middle-income households.**
- 2) Planning Board refused to recommend the that you greatly increase the number of Efficiency Living Units and the zones where they will be allowed for very good reasons. **We urge you to change the regulation that counts ELUs as half dwelling units and begin counting them as full dwelling units to reduce serious problems with parking and other impacts. We also ask that you reconsider adopting staff's proposal that ELUs be required to be permanently affordable if they constitute more than a specific percentage of units in a building.** The very limited size of ELUs does nothing to expand family housing opportunities, and the extreme increase in the number of potential units and in the variety of locations where they could be built creates impacts way out of scale to their housing contribution.
- 3) Please **reconsider** the citywide application of the changes proposed for the Opportunity Zone. Most members of the public are unaware of the fact that when the changes proposed for the 18 zoning districts within the Opportunity Zone pass, they will be applied immediately to those same zones throughout the City. The presumption for zoning changes should be that one size won't fit all. It would be better to consider changes that are desirable and then evaluate where they will work best. Decisions about

citywide desired outcomes should be made through subcommunity and neighborhood planning processes that can contemplate the uniqueness of different areas. This truncated process effectively reduces future subcommunity and neighborhood area planning to irrelevance. **Please delay the citywide application of land use changes adopted in the Opportunity Zone until the entire Use Standards and Table project is complete and any changes from the East Boulder Subcommunity Plan have been incorporated.**

- 4) **The creation of an overlay zone would easily allow you to capture meaningful financial benefits from Opportunity Zone investment and ensure both more affordable housing and a delay in applying the new Use Standards citywide.**

Thank you for considering these important issues and for your service to our community.

Respectfully submitted,

Peter Mayer & Allyn Feinberg  
Co-Chairs

**From:** [Ferro, Charles](#)  
**To:** [Guiler, Karl](#); [Collins, Andrew](#)  
**Subject:** FW: comment on proposed zoning changes  
**Date:** Wednesday, August 14, 2019 12:03:22 PM

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**From:** David Haskell <haskelldg@gmail.com>  
**Sent:** Wednesday, August 14, 2019 11:34 AM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** comment on proposed zoning changes

Dear City Council members,

Thank you for your work on behalf of the people of Boulder.

I am a resident writing to express concern about the proposed changes to zoning rules and other land use actions. Specifically:

1. Limited office uses in residential zones and limiting office space to 25% of a Building. I strongly oppose such limits. The segregation of work spaces away from where we live puts more traffic on the road, increases pollution and congestion, and saps the time of commuters. My family has lived both very close to office space (embedded in a residential area in N Boulder) and at a distance. In the former, we could walk to work. In the latter, we spend from 30 to 60 minutes a day driving. In addition, enacting a zoning change that suddenly turns lots of parcels into "non-conforming use" will drive up costs for all, adding further upward pressure on the already incredibly high costs of rental office space in Boulder. These high rents are driving out nonprofits, small companies, and others -- a drain of good work and innovation out of Boulder and into other communities. I'd welcome more office space in my residential area.
2. Limiting ground-floor residential. This presumes that a one-size-fits-all zoning regulation is best for all parts of Boulder. And, this further limits the possibilities for adding rental homes (apartments) to Boulder's market. As a renter, I am currently pushed to the very limit of affordability. Any zoning actions that further tighten the supply of rentals is harmful to affordability and thus to Boulder's diversity and viability as a community.
3. Moratoria on development. I was stunned and deeply disturbed by the council's Opportunity Zone Moratorium. I hope you will end it soon and never take such drastic and uninformed action again. The Opportunity Zone Moratorium seemed highly reactive and did not, it seems, include any thorough economic analysis of its effects. You added yet more upward pressure on rents for home and office use, harming the diversity, economy, and future of our community. Much of the area of the moratorium is in need of progressive and innovative redevelopment, not locking up and fossilizing in its present state. I expect more forward-looking actions from my elected representatives, actions that help those of us running businesses and trying to afford to live in the community. The signal of the moratorium felt like: we're on lock-down, closing the door to anyone who isn't already in, preserving a fortress.

Thank you for considering my comments.

David Haskell

**From:** [Ferro, Charles](#)  
**To:** [Guiler, Karl](#); [Collins, Andrew](#)  
**Subject:** FW: L17 and BR-1  
**Date:** Tuesday, August 27, 2019 4:33:20 PM

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**From:** Pomerance, Stephen <stevepom335@comcast.net>  
**Sent:** Tuesday, August 27, 2019 4:23 PM  
**To:** Council <council@bouldercolorado.gov>  
**Subject:** Fwd: L17 and BR-1

To the Council:

Below and way below are some suggestions for the Use Tables highlighted in RED:.

I couldn't make any sense of why a developer could get 50% office space if they did 50% affordable housing. Housing per person takes multiples of the square footage that office space does, so this rule will increase pressure on existing housing. And this housing in the same development is unlikely in the extreme to serve the office space. Etc.

Also, note that "computer design" was missed in the types of office space that was to be prohibited in excess of 25% in L17. Karl said they would insert this, which will require a 3rd reading.

Also, why allow 25% office by right? Make it subject to use review and only a max of 10-15% if it's to serve the rest of what's in the building.

And why wasn't industrial development subject to L17? It adds jobs also, just maybe not as many per square foot as office, but still potentially a lot. Service industrial is different, but big company industrial should be severely restricted.

Steve Pomerance

Begin forwarded message:

**From:** Steve Pomerance <[stevepom335@comcast.net](mailto:stevepom335@comcast.net)>  
**Subject:** Re: L17 and BR-1  
**Date:** August 15, 2019 at 9:12:53 AM MDT  
**To:** "Guiler, Karl" <[GuilerK@bouldercolorado.gov](mailto:GuilerK@bouldercolorado.gov)>  
**Cc:** Chris Meschuk <[MeschukC@bouldercolorado.gov](mailto:MeschukC@bouldercolorado.gov)>, "Collins, Andrew" <[CollinsA@bouldercolorado.gov](mailto:CollinsA@bouldercolorado.gov)>, "Ferro, Charles" <[FerroC@bouldercolorado.gov](mailto:FerroC@bouldercolorado.gov)>



Hi Karl,

Thanks for the reply.

BTW, re the OZ, I'm just curious — was raising the jobs housing linkage fee ever seriously considered as a tool for dealing with the OZ?

It's an obvious choice — the OZ tax scam increased potential profits enormously, and the City could take advantage of that for some real community benefit by raising the linkage fee to get a lion's share of this excess profit for affordable housing. So it would have targeted the exact issue that the OZ created, and turned it into something other than excessive private profit for people who don't need it. And it certainly would have inhibited the exact development that accelerates employment growth.

Per my rough calculations last spring, profits for developers could potentially double in the OZ. And, based on numbers I've seen for some projects, the City could have doubled the linkage fee on e.g. office space and still left a bit of headroom below the legal maximum as well as still allowed a bit of developer profit.

Also, for the Diagonal Plaza, which was Jane's ostensible reason for doing the OZ in the first place, it wouldn't have inhibited much, because most of the redevelopment would have been housing (assuming that it was a mixed use project, as appears likely).

Of course the best result would not to have just raised the fee in isolation — the changes to the Use tables that limited office, etc. space were needed anyway. But it would have extracted the benefits from anything that did actually get built.

Which raises some further questions that at some point should be addressed IMO...I'm not asking you to do so now...

Why is office space, etc. being allowed to be expanded from 25% to 50% under L17, if the rest is affordable housing. These two don't make much sense in the same building; the commuting reduction numbers don't work because the per person housing square footage is far larger than office square footage; the people who work in the office are not likely to be the same people who live in the affordable housing, etc., etc.

And, perhaps more to the point, given that the focus of the Use Tables change is about restricting office, etc. development so as to restrict employment growth, why would the city then allow more of it, even under this condition? I guess I would have simply limited the office, etc. to some small number (like 15%) and allowed it under Use Review only if it were a necessary adjunct to e.g. local retail, local services, etc. that used the rest of the building or project.

It seems to me that the combo of such a use restriction with the linkage fee increase would have obtained much more community benefit, would have been a lot clearer as

to why it is being done, and would have been a more certain restriction on employment growth and the resulting increase in in-commuting.

One other item, although industrial growth doesn't add as many jobs per square foot, it still can add plenty of jobs. So why wasn't that also subject to L17? There's no lack of that land in the OZ, and I suspect that there's still some significant headroom for more of it under the FAR limit (which BTW needs a rewrite so it's clear — right now it can be read as a limit on an area or even the whole zone.)

Regards,  
Steve Pomerance

On Aug 15, 2019, at 8:29 AM, Guiler, Karl  
<[GuilerK@bouldercolorado.gov](mailto:GuilerK@bouldercolorado.gov)> wrote:

Thanks again, Steve. We will inform the attorney's office to make the change.

Best,

Karl

**Karl Guiler, AICP**  
**Senior Planner/Code Amendment Specialist**

<image001.jpg>

O: #303-441-4236

[guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov)

Department of Planning

1739 Broadway, 3<sup>rd</sup> Floor, Boulder CO 80306-0791

[Bouldercolorado.gov](http://Bouldercolorado.gov)

**Discretionary Review Track Submittal Date Changes (ADR, AUR, LUR, TEC) take effect on May 6, 2019!**

On May 6, Planning and Development Services will change the existing LUR and TEC Review tracks to three-week cycles. This means that applications will be routed for review every three weeks instead of on the first and third Mondays of each month. The new submittal calendar is published on the city's development services website at <https://bouldercolorado.gov/plan-develop>. Administrative applications (ADRs, AURs, PARs) will be routed every other Monday but will remain on a two-week review cycle.

This change is being made to create a more predictable and reliable review schedule and to better manage staff's workload. For more information please email: [plandevlop@bouldercolorado.gov](mailto:plandevlop@bouldercolorado.gov)

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**From:** Steve Pomerance <[stevepom335@comcast.net](mailto:stevepom335@comcast.net)>  
**Sent:** Wednesday, August 14, 2019 1:50 PM  
**To:** Guiler, Karl <[GuilerK@bouldercolorado.gov](mailto:GuilerK@bouldercolorado.gov)>  
**Cc:** Meschuk, Chris <[MeschukC@bouldercolorado.gov](mailto:MeschukC@bouldercolorado.gov)>; Collins, Andrew <[CollinsA@bouldercolorado.gov](mailto:CollinsA@bouldercolorado.gov)>; Ferro, Charles <[FerroC@bouldercolorado.gov](mailto:FerroC@bouldercolorado.gov)>  
**Subject:** Re: L17 and BR-1

Hi Karl,  
Thanks for all the info in these various emails. And thanks for addressing the missing piece that I found.  
I'm glad that something useful for you all came out of the digging around I did.  
Steve

On Aug 14, 2019, at 12:53 PM, Guiler, Karl  
<[GuilerK@bouldercolorado.gov](mailto:GuilerK@bouldercolorado.gov)> wrote:

Steve,

I think my prior email address your first question. On the 2<sup>nd</sup> question, that is correct. Administrative offices are those types of offices that are inherently connected to an on-site industrial uses (see the definition from Chapter 9-16 below). Typical professional offices are not allowed in the industrial zones as to protect the industrial zones from intrusion of standard office uses. Technical offices are permitted. We expect to be analyzing the office uses more when we move into a new code change project focused on the industrial areas. As part of this project, we will look deeper into how to address the jobs: housing imbalance and investigate other opportunities for affordable housing in the industrial zones while also trying to protect the existing uses in the industrial areas. Please let me know if you have any additional questions.

Best,

Karl

*Office, administrative* means an office providing management or administrative services to its affiliated industrial uses that are an equal or greater size, measured in floor area, of the administrative office use located **within the city's industrial zoning districts.**

**Karl Guiler, AICP  
Senior Planner/Code Amendment Specialist**

<image003.jpg>

O: #303-441-4236

[guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov)

Department of Planning

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**From:** Steve Pomerance <[stevepom335@comcast.net](mailto:stevepom335@comcast.net)>

**Sent:** Wednesday, August 14, 2019 6:23 AM

**To:** Guiler, Karl <[GuilerK@bouldercolorado.gov](mailto:GuilerK@bouldercolorado.gov)>

**Cc:** Meschuk, Chris <[MeschukC@bouldercolorado.gov](mailto:MeschukC@bouldercolorado.gov)>;  
Collins, Andrew <[CollinsA@bouldercolorado.gov](mailto:CollinsA@bouldercolorado.gov)>; Ferro,  
Charles <[FerroC@bouldercolorado.gov](mailto:FerroC@bouldercolorado.gov)>

**Subject:** Re: L17 and BR-1

I had a few minutes to look at some things, and I think I

finally figured out the answer to one of my questions.

I looked up the new version of the ordinance 8337 that is in the link from the latest email from Andrew (the one about the schedule change), and it does have the changes to 9-6-8. (That was not in the version that I found last time, or at least I didn't see it. Per my memory, the ordinance stopped at the bottom of the Use Tables with the L amendments, etc.)

In any case...the way I read the changes:

1) Google could come in and apply in BR-1 for 25% office space, 75% computer design, and not be affected by L17, because L17 doesn't limit the space allotted to computer design and allows office space by right up to 25%.

2) In I-G and I-M, administrative offices are A, and technical offices are A both < 5000 sq ft and > 5000 sq ft. And L17 doesn't apply. But offices-other are not allowed under any circumstances.

Have I got those right? I assume the definitions of these are somewhere in the BRC. I will have to look those up when I have more time.

Thanks,  
Steve Pomerance

On Aug 13, 2019, at 8:42 PM, Steve Pomerance  
<[stevepom335@comcast.net](mailto:stevepom335@comcast.net)> wrote:

Hi Karl,

Ok, I have a few minutes, so here goes, and you tell me what I have wrong.

Here's what L17 says:

Allowed by right if located within the University Hill general improvement district, or if the combined total amount of any office, medical or dental clinic or office, addiction recovery facility, and medical and dental laboratory uses does not exceed 25% of the floor area of the building. If the

combined total amount of floor area of these uses exceeds 25% of the floor area of the building, the use may be approved pursuant to a conditional use review if it meets the criteria in Paragraph 9-6-8(a)(1), B.R.C. 1981.

First off, BRC 9-6-8 is titled "Parks and Recreation Uses", and says "Reserved" and nothing else, so how can anyone not meet the criteria in that piece of the BRC, since it has no content at all?

Second, as to "computer design and development facilities", yes, I agree that L17 applies to that use under the new Use Tables. But the way I read it, L17 does not impose any restrictions on such a use. Here's why:

L17 only comes into effect if "the combined total amount of any office, medical or dental clinic or office, addiction recovery facility, and medical and dental laboratory uses" exceeds 25% of total floor area, and then it requires a conditional use review and must meet the criteria in 9-6-8.

If the whole building is devoted to "computer design and development facilities", then the combined total amount of any office, medical or dental clinic or office, addiction recovery facility, and medical and dental laboratory uses is zero. So it does not exceed 25%. And so, under the terms of L17 no conditional use review is required.

And that's even ignoring the other issue that 9-6-8 is an empty piece of the BRC.

Steve

On Aug 13, 2019, at 1:20 PM,  
Guiler, Karl  
<[GuilerK@bouldercolorado.gov](mailto:GuilerK@bouldercolorado.gov)>  
wrote:

Steve,

Thanks for your email. Google was approved as a professional office, which is categorized in the proposed regulations as a L17 use which restricts office use at 25% of a building or up to 50% if permanently affordable housing is provided on site. You raised the use "Computer Design and Development Facilities". This use is also impacted by the L17 category and is not proposed to remain an allowable (A) use. In either case, existing buildings over the percentages would be allowed to continue in operation, but would become non-conforming. This means that if they wanted to expand it would require a Non-conforming Use Review to expand no more than 10% of the existing square footage. There is no standard Use Review option to expand more than that amount. Please let me know if you have any additional questions.

Karl

**Karl Guiler, AICP  
Senior Planner/Code Amendment  
Specialist**

<image001.jpg>

O: #303-441-  
4236

[guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov)

Department of Planning  
1739 Broadway, 3<sup>rd</sup> Floor, Boulder  
CO 80306-0791  
[Bouldercolorado.gov](http://Bouldercolorado.gov)

**Discretionary Review Track  
Submittal Date Changes (ADR,  
AUR, LUR, TEC) take effect on  
May 6, 2019!**

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**From:** Steve Pomerance  
<[stevepom335@comcast.net](mailto:stevepom335@comcast.net)>  
**Sent:** Monday, August 12, 2019  
5:54 PM  
**To:** Meschuk, Chris  
<[MeschukC@bouldercolorado.gov](mailto:MeschukC@bouldercolorado.gov)>;  
Guiler, Karl  
<[GuilerK@bouldercolorado.gov](mailto:GuilerK@bouldercolorado.gov)>  
**Subject:** L17 and BR-1

Hi Chris and Karl,

I heard a few days ago from a realtor friend that Google may be interested in expanding their 330,000 sq ft of offices.

So I looked in the new Use Tables proposal to see how that area



would be affected.

The land around Google is apparently zoned BR-1 (and in the OZ), and the only relevant change to the Use Tables that I could find was the addition of L17.

So I looked up L17, and what I found it below.

So to get >25% office space, it would have to go through use review if it meets the criteria in Paragraph 9-8-6(a)(1) of the BRC.

So I looked up 9-6-8(a)(1), and what I found is also below. Nothing other than that.

How can a use review be conditioned on meeting non existent criteria? Can you explain?

I also noted that “computer design and development facilities” are NOT affected by L17, so I’m guessing that Google could expand by right (or under site review if over 35’) if they claim that this is what they would be doing, since L17 does not regulate that. Correct?

Am I missing something in all of this?

Thanks,  
Steve Pomerance

- **9-6-8. - Parks and**

## Recreation Uses.

[SHARE LINK TO SECTIONPRINT](#)  
[SECTIONDOWNLOAD \(DOCX\)](#)  
[OF SECTIONEMAIL](#)  
[SECTIONCOMPARE](#)  
[VERSIONS](#)

Reserved.

- 

### **L17**

Allowed by right if located within the University Hill general improvement district, or if the combined total amount of any office, medical or dental clinic or office, addiction recovery facility, and medical and dental laboratory uses does not exceed 25% of the floor area of the building. If the combined total amount of floor area of these uses exceeds 25% of the floor area of the building, the use may be approved pursuant to a conditional use review if it meets the criteria in Paragraph 9-6-8(a)(1), B.R.C. 1981.

-

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**July 25, 2019**  
**1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape 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:**

Bryan Bowen, Chair  
David Ensign  
John Gerstle  
Sarah Silver  
Harmon Zuckerman

**PLANNING BOARD MEMBERS ABSENT:**

Lupita Montoya  
Peter Vitale

**STAFF PRESENT:**

Charles Ferro, Development Review Manager – Planning  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Specialist III  
Karl Guiler, Senior Planner – Code Amendment Specialist  
Andrew Collins, Planner II – Code Amendment Specialist  
Kathleen King, Senior Planner  
Randall Rutsch, Senior Transportation Planner  
Chris Meschuk, Interim Planning Director / Assistant City Manager  
Edward Stafford, Development Review Manager – Public Works

**1. CALL TO ORDER**

Chair, **B. Bowen**, declared a quorum at 6:02 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **J. Gerstle** and seconded by **B. Bowen** the Planning Board voted 5-0 (**L. Montoya**, **P. Vitale** absent) to approve the June 6, 2019 and June 20, 2019 minutes as amended.

**3. PUBLIC PARTICIPATION**

- a) **Charissa Poteet**, a resident of the Ponderosa neighborhood, spoke about the upcoming Ponderosa project. She stated that the plan has changed from its original intent of single-family homes to multi-family units with shared walls. She questioned the addition of eight more single-family homes along the western border. She asked that the original promises made by the city be kept and for just compensation for the owners of existing trailers be made.
- b) **Tina Boguhn**, a resident of the Ponderosa neighborhood, spoke about the upcoming Ponderosa

project. She stated the existing residents that wish to remain in their mobile homes do not have security moving forward in this project and that many things have been subject to change, such as the zoning. She said the residents were surprised when the site plan showed duplexes and multi-family residences when they specifically asked, they not be included. She stated that the residents are being asked to give up a lot to receive less.

#### **4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS**

- A. CALL UP ITEM: 4306 19th Street; Floodplain Development Permit (FLD2018-00132).**  
Demolition and replacement/relocation of a single-family dwelling. **This decision may be called up before Planning Board on or before July 25, 2019.**
- B. CALL UP ITEM: TEC2017-00013: Final Plat to subdivide of a 8.55-acre site within the Mixed Use – 1 (MU-1) and Residential Mixed – 2 (RMX-2) zoning districts into four lots and Outlot A described as follows: Lot 1, Block 1 (2.40 acres), Lot 1, Block 2 (1.23 acres), Lot 1, Block 3 (1.52 acres), Lot 1, Block 4 (2.12 acres) and Outlot A (0.39 acres) with public right-of-way dedications for 13th Street and Zamia Avenue. The decision may be called up before Planning Board on or before July 26, 2019.**

*J. Gerstle recused himself from Item 4A.*  
None of the items were called up.

#### **5. PUBLIC HEARING ITEMS**

- A. AGENDA TITLE: Public hearing and recommendation to City Council on ordinances amending Title 9, “Land Use Code” to update the Use Standards associated with zoning districts within the federally designated Opportunity Zone (Census Tract 122.03), consistent with the [Opportunity Zone Moratorium Ordinance 8314](#), to ensure development consistent with the [Boulder Valley Comprehensive Plan \(BVCP\)](#).**

#### **Staff Presentation:**

**K. Guiler** and **A. Collins** presented the item to the board.

#### **Board Questions:**

**K. Guiler** and **A. Collins** answered questions from the board.

#### **Public Hearing:**

- 1) Peter Mayer** (pooling time with **Lisa Spaulding, Leonard May**), the co-chair of Plan Boulder, presented three issues as they apply to the Use Standards and Table changes and the proposed ordinance that will lift the Opportunity Zone (OZ) moratorium. The first issue regarded capturing value from the OZ investment to increase the supply of affordable housing. Council should be encouraged to lift the moratorium only if most of the financial benefits resulting from these changes and the OZ tax breaks are dedicated to permanently affordable housing to lower- and middle-income households. The second issue of concern is the proposal to greatly expand the number of ELUs in the zones where allowed by-right. He asked that the board recommend the current regulations that count and ELU as a half dwelling unit be changed so it would be counted as a full dwelling unit to alleviate parking

concerns. In addition, he requested that ELUs be required to be deemed permanently affordable if over a specific number of units in a building. The third issue of concern is the citywide application of these changes proposed for the OZ. He requested the board recommend to Council delaying the citywide application of land use changes adopted in the OZ until the entire project is complete and changes from the East Boulder Subcommunity Plan have been incorporated.

**Board Comments:**

- **H. Zuckerman** reminded the board that during the 2015 Comp Plan update, the board agreed to preserve the industrial neighborhoods, within *Policy 2.21*, to avoid these areas becoming residential areas. The board discussed wanting residents on the outskirts of these neighborhoods and to not displace any existing industrial businesses. He proposed a new use limitation (*L18*) to encourage live:work within the residential infill in the industrial areas. The language could capture thoughts regarding not replacing industrial businesses and would truly implement *Policy 2.21*.
- **S. Silver** questioned if industrial matters were being put aside at this time since it is complex.
- **D. Ensign** approved of **H. Zuckerman's** proposal and said that if that change does not happen at this time, the Use Table Subcommittee can still discuss it.
- **J. Gerstle** agreed. He questioned if this entire recommendation should be delayed until all the proposals can be worked out and the possible addition of industrial neighborhoods.
- **B. Bowen** agreed with **H. Zuckerman** but suggested that idea be explored later. In addition, he suggested that the *L18* could include relating setbacks of the residential units within industrial zones. He said that the current recommendation and discussion in front of them tonight should not be delayed.

**Key Issue #1: Should the new regulations be applied citywide?**

- **B. Bowen** stated that this project started across the entire city and that is how the process of reviewing the Use Tables began. Then City Council asked the Subcommittee to review OZ, to focus on the zones that are within the OZ along with the other existing zones.
- **H. Zuckerman** said that this should not be tailored to individual districts. It should only be applied citywide.
- **D. Ensign** said he was comfortable with OZ driving the review of looking at the BC-1 and BC-2 zones.
- **S. Silver** disagreed that the regulations should be applied citywide. She explained that the federal government imposed upon us a new zone (Opportunity Zone – OZ), with the intent to capture Community Benefit from the OZ, but it did not require it to applied it across the city. While this is not a zone per se but a census zone, it can be considered a new zone. The work should be applied solely in the zone in which the work was done. She argued that *Policies 2.18, 2.19* and *2.33* in the BVCP suggest that if the OZ were applied across the city, it would not acknowledge diversity and character of neighborhood centers and would be inappropriate. She said that there are neighborhoods that are unaware of what these changes may bring.
- **J. Gerstle** agreed with **S. Silver**. These recommendations are primarily oriented to the OZ. The added value and opportunities associated with the OZ can be linked to the public benefit. Citywide would not be appropriate because the public has not had the opportunity to comment on the possible impacts the neighborhoods.

- **B. Bowen** disagreed with **J. Gerstle** regarding the public not having the opportunity to comment. He explained the Use Table Subcommittee's process and that meetings had been held across the city. The addition of OZ came later in the process. He said that all properties in this census tract will not be taking advantage of the tax structure.
- **J. Gerstle** said that neighborhoods individually have not had a suitable venue to offer their comments in which to consider the changes. He stated that it would be appropriate to make a recommendation in OZ, but not citywide.
- **S. Silver** said she would prefer a full citywide conversation regarding these changes where folks can examine and explore how they will affect 70 percent of the zoning districts. The timeline of the OZ and the length of the moratorium has placed us in this position.
- **H. Zuckerman** explained the charge of Use Table Subcommittee since 2018 which was to update the Use Table citywide with the advent of the OZ. He said it appeared as though the Subcommittee was tasked with focusing on a citywide project and not change the area which the Use Table applies to, but to change the districts and focus on the districts within the OZ to lift the moratorium. He said that these changes will most likely have a slow-moving impact.
- **B. Bowen** and **D. Ensign** agreed with **H. Zuckerman**.
- **D. Ensign** said that all changes were reviewed by the Subcommittee through a lens of the entire city and the Comp Plan principles. He said the recommendations are sound and can be justified. He said his concern is if they do nothing, then stagnation will result within the community. This will be a way to get out of the moratorium and the changes will not be extreme. In addition, it restructures the Use Tables to make them nimbler. He agreed that the ELU change could be debatable.
- **J. Gerstle** said that he has concerns diminishing Use Reviews. He regards them as an effective way of dealing with the questions that may be of concern to a neighborhood with respects to impacts and uses.
- **H. Zuckerman** rebutted by saying that often the amount of process the city can require may result in bland architecture. He pointed out that with this recommendation, several "allowed by right", are being proposed to become "limitations". This update does not appear to be making the things easier for developers with project.
- **B. Bowen** said that the diminishing of Use Review is being confused with the proper application of Use Review. With the implementation of the "limitations", it will allow applicants to communicate what they will be building rather than having to go through the Use Review process to do the same thing which can often be ambiguous. It would not be the easing of rules, but rather it would make the rules clearer and more stringent.
- The board conducted a straw poll to see who was in support of Key Issue #1. The board voted 3-2 (**J. Gerstle**, **S. Silver** opposed)

**Key Issue #2: Change the efficiency living units (ELUs)?**

- **H. Zuckerman** suggested an alternative of removing the Use Review requirement from under a certain percentage, which would be a hybrid of the two requirements.
- **S. Silver** agreed and suggested requiring a percentage be permanently affordable.
- **B. Bowen** said he would advocate to allow for 100 percent ELUs.
- **D. Ensign** said he would oppose higher inclusionary housing requirements on ELUs. He said the 20 percent was arbitrary and he does not see a danger that only ELUs would be developed and will not compete with single-family homes.

- The board conducted a straw poll to see who was in support of Key Issue #2. The board voted 3-2 (**J. Gerstle**, **S. Silver** opposed)
- **J. Gerstle** and **S. Silver** have concerns with this being applied outside the OZ.

**Key Issue #3: Limit detached dwelling units in High-Density Residential and Mixed-Use Zones?**

- The board conducted a straw poll to see who was in support of Key Issue #3. The board voted 5-0 (Passed Unanimously)

**Key Issue #4: Limit office uses in Business Zones?**

- The board conducted a straw poll to see who was in support of Key Issue #4. The board voted 5-0 (Passed Unanimously)

**Key Issue #5: Modify office Use Reviews (U) in Residential Zones?**

- **B. Bowen** said that it is unclear what the FAR would be, what caps development potential for these sites, and how 20 percent relates in those zones. He would like to see those explored more and how existing buildings are treated.
- **H. Zuckerman** said he has concerns with the 25 percent cap since given the number of multi-story residences in the proposed zones, it could potentially make it impossible for businesses to operate out of their homes and in neighborhoods. If there would be a Use Review and a cap, then it appears completely restrictive.
- **B. Bowen** said the board supported the idea but would like City Council to explore a different review process or the hard cap of 25 percent or move forward as is but look at this as a part of the next Use Review Table process.
- The board conducted a straw poll to see who was in support of Key Issue #5. The board voted 4-1 (**H. Zuckerman** opposed)

**Key Issue #6: Require certain uses *near* Residential Zones and uses to be reviewed under Use Review?**

- The board conducted a straw poll to see who was in support of Key Issue #6. The board voted 5-0 (Passed Unanimously)

**Key Issue #7: Change convenience retail uses to allowed?**

- The board conducted a straw poll to see who was in support of Key Issue #7. The board voted 5-0 (Passed Unanimously)

**Key Issue #8: 30-Foot Depth of Retail in the BR Zones with Residential Behind?**

- **B. Bowen** agreed. He said the goal is to have walkable streets within the city.
- The board conducted a straw poll to see who was in support of Key Issue #8. The board voted 5-0 (Passed Unanimously)

**Motion:**

On a motion by **D. Ensign** seconded by **H. Zuckerman** the Planning Board voted 5-0 (**L. Montoya**, **P. Vitale** absent) to recommend approval of the ordinance included as Attachment A in the packet and Moratorium Ordinance 8314 described below, as follows:

1. Ordinance amending Title 9, "Land Use Code" to update the Use Standards associated with zoning districts within the federally designated Opportunity Zone (Census Tract 122.03), consistent with the Opportunity Zone Moratorium Ordinance 8314, to ensure development consistent with the Boulder Valley Comprehensive Plan (BVCP) with the exception of the raising of limitations on Use Review requirements for ELUs.
2. Lifting the development restrictions of the Moratorium Ordinance 8314, with the exception of applications that would result in the demolition of existing multi-family dwelling units in the RH-4 and RM-1 zoning district within the Opportunity Zone.

- **D. Ensign** said that the Use Table Subcommittee conducted excellent work despite not recommending raising limitations on Use Review requirements for ELUs.
- **H. Zuckerman** said he agreed with the motion language. There are many ideas regarding the ELUs, therefore passing the motion with the exception to ELUs is better than not moving forward.
- **J. Gerstle** said that while he supports this and the recommendations seem worthwhile, he was not clear if the community benefit goal, in the context of the OZ, was being captured which was a City Council objective and the reason behind the moratorium.
- **H. Zuckerman** said a strong effort had been made to capture community benefit. The Comp Plan and proposal were reviewed by the Subcommittee thoroughly and it meets the mission.
- **D. Ensign** added that additional community benefit work will be seen by the Planning Board.

## **6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**

- A. AGENDA TITLE: Staff briefing regarding the 2019 Transportation Master Plan (TMP) update: including Vision Zero, Complete Streets and Funding

### **Staff Presentation:**

**R. Rutsch** and **K. King** presented the item to the board.

### **Board Questions:**

**R. Rutsch, K. King** and **Tila Duhaime**, a Transportation Advisory Board member, answered questions from the board.

### **Board Comments:**

- **B. Bowen** said the city has always struggled with the integration of land use planning and transportation planning. There should be more focus on that integration and where you find conflicts between the plans. He would like to see triggers for updating plans as opposed to set calendar dates. He would like to continue the liaison between the Use Tables project and the Low Stress Connections project. It would be nice to have a clear definition of "what uses are people getting into their car for which they could otherwise walk".
- **J. Gerstle** said that he hopes the East Boulder Subcommunity Plan will be integrated into the plan. Speed management. He would like to encourage curb management activities.
- **H. Zuckerman** encouraged Boulder to show leadership, within the RL-1 and RL-2 districts, by using up space that is currently used for roads and replace that space for wider sidewalks, plant trees in the parking lanes, and to generally be creative. He proposed housing for in commuters in



East Boulder with a free rail transportation system to incentivize affordable housing and a walkable neighborhood.

- **B. Bowen** agreed. He asked that transportation key in on pedestrian striping at crossings. It is very important to do the self-assessment for accessibility. He would like to see a low-stress heat map. Finally, he would like to see incentives for people to purchase E-bikes or other items to get people out of their cars.
- **S. Silver** said it would be valuable for transportation to devise a wish list for the community benefits conversation.
- **D. Ensign** said he would like to see more “yield” signage to indicate who has the right of way. He would like to see “best practices” written down. He approved of the Pedestrian Advisory Committee’s work. He would like to see speed limits lowered on 13<sup>th</sup> Street to 20 MPH and the block between Arapahoe and Canyon closed completely to cars on 13<sup>th</sup> Street.

## 7. DEBRIEF MEETING/CALENDAR CHECK

## 8. ADJOURNMENT

The Planning Board adjourned the meeting at 9:47 p.m.

APPROVED BY

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
DATE

## Attachment I

### Recommended Amendment

Amend Table 6-3, “Use Limitations,” to read as follows:

**TABLE 6-3 USE LIMITATIONS**

Use Limitations, per Table 6-1, “Use Table”	
...	
<b>L<sup>17</sup></b>	Allowed by right if located within the University Hill general improvement district, or if the combined total amount of any office, computer design and development facility, medical or dental clinic or office, addiction recovery facility, and medical and dental laboratory uses does not exceed 25% of the floor area of the building. If the combined total amount of floor area of these uses exceeds 25% of the floor area of the building, the use may be approved pursuant to a conditional use review if it meets the criteria in Paragraph 9-6-8(a)(1), B.R.C. 1981.