



## STUDY SESSION MEMORANDUM

**TO:** Mayor and Members of City Council

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**DATE:** August 25, 2022

**SUBJECT:** Site Review criteria update as part of the Community Benefit code change project

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### EXECUTIVE SUMMARY

The purpose of this item is to update City Council on the Site Review criteria code change project, describe the draft Ordinance 8515 to implement the changes (see **Attachment A**), convey input from Planning Board and the Design Advisory Board (DAB) and to receive feedback from City Council before revising the draft ordinance. **Attachment B** provides a summary of the content of the proposed ordinance.

Staff had recommended that Planning Board recommend approval of the ordinance at the May 19<sup>th</sup> Planning Board hearing. However, the board did not take any action on the ordinance, but provided detailed feedback on the proposed ordinance, requested specific changes, and referred the criteria to the DAB for its input on the building design criteria. The board's comments are discussed in the "Boards and Commission Feedback" section of this memorandum. A summary of public comments on the project and written comments are also found within **Attachment C**.

Staff intends to revise the ordinance following council feedback and return to Planning Board prior to bringing the ordinance back to City Council for decision. Adoption of the ordinance would conclude the city's current work as part of the overarching Community Benefit project initiated in 2018 and discussed in detail within this memorandum.

## QUESTIONS FOR CITY COUNCIL

1. Does City Council find that the updated Site Review criteria, within draft Ordinance 8515, meet the goals and objectives outlined for the project (see goals and objectives below)?
  - *Identify incentives to address the community economic, social and environmental objectives of the comprehensive plan.*
  - *Determine additional design standards for projects requesting a height modification.*
  - *Identify other aspects of the Site Review criteria to further city goals and create more predictability in projects.*
2. How should the criterion related to Boulder Valley Comprehensive Plan (BVCP) policy compliance be evaluated for development projects? Should all policies be applied to projects “on balance” or should only the “Built Environment” policies apply?
3. To what extent should the Greenhouse Gas Emission reduction criterion apply to larger buildings? Should there be three options for compliance or should projects always be required to meet all three?
4. Does the City Council believe that the criteria should be modified to be less prescriptive? Does City Council suggest any other modifications to the criteria in the draft ordinance?

## BACKGROUND

Based on concerns expressed in the community that some development projects, particularly those that are above the city zoning district height limits (up to 55 feet in height) or above floor area ratio (FAR) limits, do not always result in favorable design outcomes and do not always provide benefits to the community commensurate with the additional development potential granted, City Council directed staff to update the Site Review criteria to be more predictable, result in projects with better design outcomes and better implement [Boulder Valley Comprehensive Plan](#) (BVCP) goals.

One of the primary challenges of the Site Review criteria has been the overly subjective nature of the criteria in the Land Use Code – particularly related to building design. The current criteria do not necessarily set a clear baseline for projects on how to specifically meet the criteria and therefore, it is difficult for staff, applicants, Planning Board or City Council, and the community to understand whether a project will be approved or not. This has resulted in unpredictable outcomes. The current Site Review language can prompt decision makers to come to different conclusions about whether a building has, for instance, “*high quality, authentic building materials,*” “*presents an attractive, pedestrian friendly streetscape,*” is “*compatible with the character of the area,*” or is “*human scaled.*” Hence, the directives given to P&DS staff from City Council have been to update the criteria to be more descriptive and where necessary, more prescriptive to increase the level of predictability in projects and result in better designs.

This direction grew out of the [Design Excellence Initiative](#) and was largely based on advice from Victor Dover, a nationally renowned and prominent expert planner and architect hired by the city, to make recommendations on updating city policies and code. Dover's recommendations were to make city regulations more reflective of community expectations on quality and more prescriptive, rather than subjective, to make projects consistent with the BVCP and with more predictable outcomes. One product of this initiative has been the implementation of the [Form Based Code \(FBC\)](#) in the Boulder Junction and Alpine Balsam areas where more prescriptive regulations apply to development in those areas.

The Community Benefit project commenced in 2018 and since the [August 25, 2020 study session with City Council](#) where the overall scope, goals and objectives of the project were set, staff has moved forward with the project in two phases. New increased requirements for permanently affordable housing were added to the Site Review criteria as part of Phase One of the project in October 2019. The new requirements for increased permanently affordable housing or increased in lieu fees or commercial linkage fees apply to buildings exceeding the height limit (up to the maximum height of 55 feet), or limited areas where projects may exceed FAR limits.

In 2021, Phase Two standards relative to affordable commercial requirements were not adopted by City Council due to Planning Board and development community concerns about the complexity of proposed regulations. This is discussed in the memorandum at this [link](#) (see page 83). Following the tabling of the affordable commercial component, staff has moved forward with the final portion of the Community Benefit project, an update to the Site Review criteria, which is guided by the City Council goals and objectives for the project as enumerated below.

### **Goals and Objectives of the Site Review criteria update**

The goals and objectives specific to the Site Review criteria update are listed below:

- Identify incentives to address the community economic, social and environmental objectives of the comprehensive plan.
- Determine additional design standards for projects requesting a height modification.
- Identify other aspects of the Site Review criteria to further city goals and create more predictability in projects.

To understand the Site Review update, below is a narrative on the current Site Review process and criteria and a discussion on how the Site Review criteria have been updated to meet these goals.

### **Current Site Review process and applicability**

Although no changes are proposed to the Site Review process, a brief summary of the process helps to provide context for the proposed changes to the criteria. Site Review applications would continue to be evaluated against the criteria and following staff decision would be subject to call up by the Planning Board or appeal by any member of

the public. Some projects, like those that include height modifications, requests to increase density, parking reductions over 50 percent, and similar requests would still require Planning Board review at a public hearing. In general, P&DS receives roughly 12 to 15 Site Review applications a year in addition to requests for annexations, subdivisions, Use Reviews and periodic rezonings.

Under the current Land Use Code, projects over a certain size in terms of floor area and density (number of units) or located on lots of a certain size are required to be reviewed through the Site Review process. Proposals to build over the zoning district height limit (e.g., 35 feet in most zones, but 38 or 40 feet in others), called height modifications, also require Site Review. Site Review projects are subject to a public review process. All Site Review applications are subject to potential call up by Planning Board or citizen appeal. Any Planning Board decisions are subject to City Council call up within a 30-day period.

In order for a Site Review project to be approved, the project must be found by the review authority (staff, Planning Board or City Council) to be consistent with the Site Review criteria of [Section 9-2-14\(h\), B.R.C. 1981](#), which are lengthy criteria that require compliance with the [Boulder Valley Comprehensive Plan policies](#) (on balance) and higher quality development than by-right projects in terms of site design, open space, landscaping, building design and more efficient site layouts and parking configurations etc. The current stated purpose of Site Review is below:

*Section 9-2-14(a), B.R.C. 1981- Purpose: The purpose of site review is to allow flexibility and encourage innovation in land use development. Review criteria are established to promote the most appropriate use of land, improve the character and quality of new development, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic features of open space, to assure consistency with the purposes and policies of the Boulder Valley Comprehensive Plan and other adopted plans of the community, to ensure compatibility with existing structures and established districts, to assure that the height of new buildings is in general proportion to the height of existing, approved, and known to be planned or projected buildings in the immediate area, to assure that the project incorporates, through site design, elements which provide for the safety and convenience of the pedestrian, to assure that the project is designed in an environmentally sensitive manner, and to assure that the building is of a bulk appropriate to the area and the amenities provided and of a scale appropriate to pedestrians.*

To encourage innovative design, the Site Review process permits modification to some code standards (see list in Section 9-2-14(e), B.R.C. 1981) like setbacks or parking requirements, which can be granted if the Site Review criteria are met. While Site Review projects provide the city greater ability to achieve some benefits to the community (e.g., affordable housing, residential infill in appropriate locations), there has been a growing sentiment in the community that such projects are not providing benefits commensurate with the additional land use intensity granted through the review process and do not result in the higher quality expected through Site Review.

This sentiment among some in the community was most pronounced in 2015 after several larger, 55-foot tall buildings were constructed and raised concerns regarding where height modifications could be requested through the Site Review process. Unpredictability about the results of each review, with different reviewers coming to different conclusions based on the subjective nature of the criteria, has caused frustration among developers and neighbors alike.

Therefore, staff has been undertaking a process to explore how community benefits could be better incorporated into the Site Review process (and other parts of the Land Use Code) and ways to improve the criteria to more clearly meet city goals (e.g., greenhouse gas reduction, resiliency, more compatible building design etc.). Community Benefit requirements for increased permanently affordable housing have already been adopted to the code to address the extra development potential granted with taller buildings. Additional work on the Site Review criteria has always been in the scope of the Community Benefit project to increase the level of predictability in projects and foster more transparent decision-making.

### Updates to the Site Review criteria

Staff has explored updates to the criteria to better meet city goals with an emphasis on energy efficiency, housing diversity, and enhanced design, and increasing the level of predictability in development projects. This is challenging as the Site Review criteria were originally drafted to avoid specific “black and white” or rigid requirements to enable flexibility in project design. However, there are opportunities to increase the level of predictability in the Site Review process.

Increasing predictability involves making the criteria more specific and descriptive (e.g., requiring certain building materials and amounts of fenestration, minimum percentage of building materials, more specific regulations on building placement and entrances) and tied to metrics (e.g., minimum percentages or square footages of landscaping, thresholds for when a criterion applies) rather than the keeping the language broad and aspirational as it is currently written in the existing language below:

- Open space- *Useable open space is arranged to be accessible and functional and incorporates quality landscaping, a mixture of sun and shade and places to gather;*
- Landscaping- *The project provides significant amounts of plant material sized in excess of the landscaping requirements of Sections [9-9-12](#), “Landscaping and Screening Standards,” and [9-9-13](#), “Streetscape Design Standards,” B.R.C. 1981;*
- Circulation- *High speeds are discouraged or a physical separation between streets and the project is provided;*
- Parking – *The design of parking areas makes efficient use of the land and uses the minimum amount of land necessary to meet the parking needs of the project;*
- Building Design- *The building height, mass, scale, orientation, architecture and configuration are compatible with the existing character of the area or the character established by adopted design guidelines or plans for the area;*

*-The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans or design guidelines for the immediate area;*  
*-If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs and lighting;*  
*-Exteriors of buildings present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing;*

The criteria are fairly open-ended and subject to interpretation, which has contributed to the perceived unpredictability of Site Review with decision makers coming to different conclusions on whether the criteria are met or not. With support from council on the direction, staff has been drawing from lessons learned through the [Form-Based Code \(FBC\)](#) process with the goal of making the Site Review criteria more predictable, similar to performance standards.

Further, P&DS staff has been working with other city staff experts on the energy code and environmental protection to clarify criteria related to city goals on greenhouse gas reduction and protecting sensitive environment features. The greenhouse gas reduction aspect would be adding requirements in addition to having to meet one of the most rigorous energy codes in the country. The current Site Review criteria include a criterion requiring to “*minimize and mitigate energy use.*” The current criterion was added to the code long before the rigorous requirements of the current energy codes were adopted. New criteria that would exceed the current energy code have been explored and are discussed in the “Analysis” section below. The new criterion would not require additional efficiency or additional reduction in energy use beyond what is required under the Current energy codes, but is intended to reduce carbon emissions and would be more predictable than the current criterion requiring minimizing and mitigating energy use.

To address the goals of the project, staff has focused on the following approaches to updating the Site Review criteria:

- **Emphasize** criteria that result in projects that address important city policies on design, housing diversity, protection of historic resources, neighborhood connectivity, greenhouse gas reduction and environmental protection.
- **Reorganize** the criteria into a more top-down approach starting with policies compliance down to more detailed aspects like building design and detailing. The intent is that the criteria would logically take the applicant and the reviewer through the Site Review in a clear and efficient way.
- **Simplify** the criteria by reducing some length through eliminating criteria repeated in several places (e.g., environmental preservation, open space, parking design, landscaping) and combining criteria that already have similar themes or goals.



- **Remove** unnecessarily complicated criteria that do not accomplish design excellence, overlap with other code sections, or are rarely implemented (e.g., BR-1 floor area bonus standards).
- **Add** more specificity to the criteria to make them less subjective, more prescriptive and measurable where appropriate, and more predictable (e.g., noise mitigation, energy standards or greenhouse gas reduction, building materials)

The process of updating the Site Review criteria has been a delicate balance of how one makes the criteria more prescriptive to increase predictability, increase clarity and achieve better design outcomes without being too prescriptive as to result in regulations that are too rigid or inflexible and not easily applied to all sites and scenarios.

Staff has presented these approaches to City Council on a number of occasions including an update at its [March 2, 2021](#) meeting where the council agreed with the direction of the criteria updates. Also, in 2021, City Council passed an ordinance to update the Appendix J map in the Land Use Code to expand eligibility of where height modifications could be requested following passage of the increased permanently affordable requirements that were codified to apply to height modifications. Council also agreed that the Appendix J map should expire increasing eligibility back to citywide now that Community Benefit requirements were adopted. The Appendix J map expired on August 31, 2021, which now opens up the entire city to height modifications requests. The memorandum detailing this can be found at this [link](#) (see page 240).

### **Draft Ordinance 8515**

P&DS staff has prepared a draft ordinance in **Attachment A** that would update the Site Review criteria, consistent with the goals and objectives of the project above, to be less redundant, clearer (adding descriptive language on how to meet the intent of the criteria) and more prescriptive in areas, particularly in building design, to add more predictability in the Site Review process. Ordinance 8515 has been informed by direction from City Council and feedback from the Planning Board and members of the community, including focus groups that gathered to discuss the changes. The content of the ordinance is also summarized in **Attachment B**.

The current Site Review criteria can be found at this [link](#). If the ordinance is ultimately passed by City Council, the effective date of the new criteria is proposed to be January 1, 2023.

To reorganize the criteria into a more top-down approach (e.g., high level policy issues down to building detailing) as discussed above, the following Table 1 includes the outline of the proposed criteria with the existing criteria added for comparison:

**TABLE 1-  
Comparison between existing and proposed Site Review Criteria structure.**

<b>Existing criteria structure</b> <i>(11 pages in the current code)</i>	<b>Proposed criteria structure</b> <i>(15 pages with new text and images)</i>
<b>9-2-14(h)(1) - Boulder Valley Comprehensive Plan</b>	<b>9-2-14(h)(1) - Boulder Valley Comprehensive Plan</b> (A) Land Use Map (B) Subcommunity and Area Plans and Design Guidelines (C) Reducing Greenhouse Gas Emissions (D) Community Design and Edges (E) Historic or Cultural Resources (F) Housing and Unit Diversity (G) Environmental Preservation
<b>9-2-14(h)(2) - Site Design</b> (A) Open Space (B) Open Space in Mixed-Use Projects (E) Landscaping (D) Circulation (E) Parking (F) Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area (G) Solar Siting and Construction (H) Additional Criteria for Poles Above the Permitted Height (I) Land Use Intensity Modifications (J) Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1 District (K) Additional Criteria for Parking Reductions (L) Additional Criteria for Off-Site Parking	<b>9-2-14(h)(2) - Site Design</b> (A) Access, Transportation and Mobility (B) Open Space (C) Landscaping (D) Public Realm and Building Locations
	<b>9-2-14(h)(3) - Building Design</b> (A) Building Materials (B) Window and Balcony Requirements (C) Building Detailing
	<b>9-2-14(h)(4) - Building Design, Massing and Height Requirements for Buildings Proposed Above the Zoning District Permitted Height and/or Maximum Floor Area</b>
	<b>9-2-14(h)(5) - Alternative Compliance for Site and Building Design Standards</b>
	<b>9-2-14(h)(6) - Additional Criteria for Poles Above the Permitted Height</b>
	<b>9-2-14(h)(7) - Land Use Intensity and Height Modifications</b> (A) Land Use Intensity Modifications with Open Space Reduction (B) Land Use Intensity and Density Modifications with Height Bonus ( <i>Community Benefit regulations</i> ) (C) Additional Criteria for a Height Bonus and Land Use Intensity Modifications ( <i>Community Benefit regulations</i> )
	<b>Section 9-2-14(h)(8), B.R.C. 1981- Additional Criteria for Parking Reductions</b>
	<b>Section 9-2-14(h)(9), B.R.C. 1981- Additional Criteria for Off-Site Parking</b>

Although the length of the criteria structure appears longer, it is only due to a more logical reorganization, descriptive language and added graphics for greater clarity on intent and more straightforward section titles. It does not mean that the proposed criteria



are substantially longer than the existing criteria. The proposed criteria are roughly 15 pages versus the existing count of 11 pages.

While the criteria have been updated to be more prescriptive than the current criteria, to avoid an overly rigid application of standards where they may not always make sense, an “Alternative Compliance” section within the criteria (not a separate process) is also found within the ordinance to allow for requests to deviate from the more prescriptive standards. This is discussed further in Key Issue #4.

For a more detailed review of the proposed criteria, see Key Issue #1, which discusses the updated sections and how the updates meet the goals and objectives of the project. Below are other aspects covered by Ordinance 8515:

**Height Modification exemption for projects with Permanently Affordable housing:**

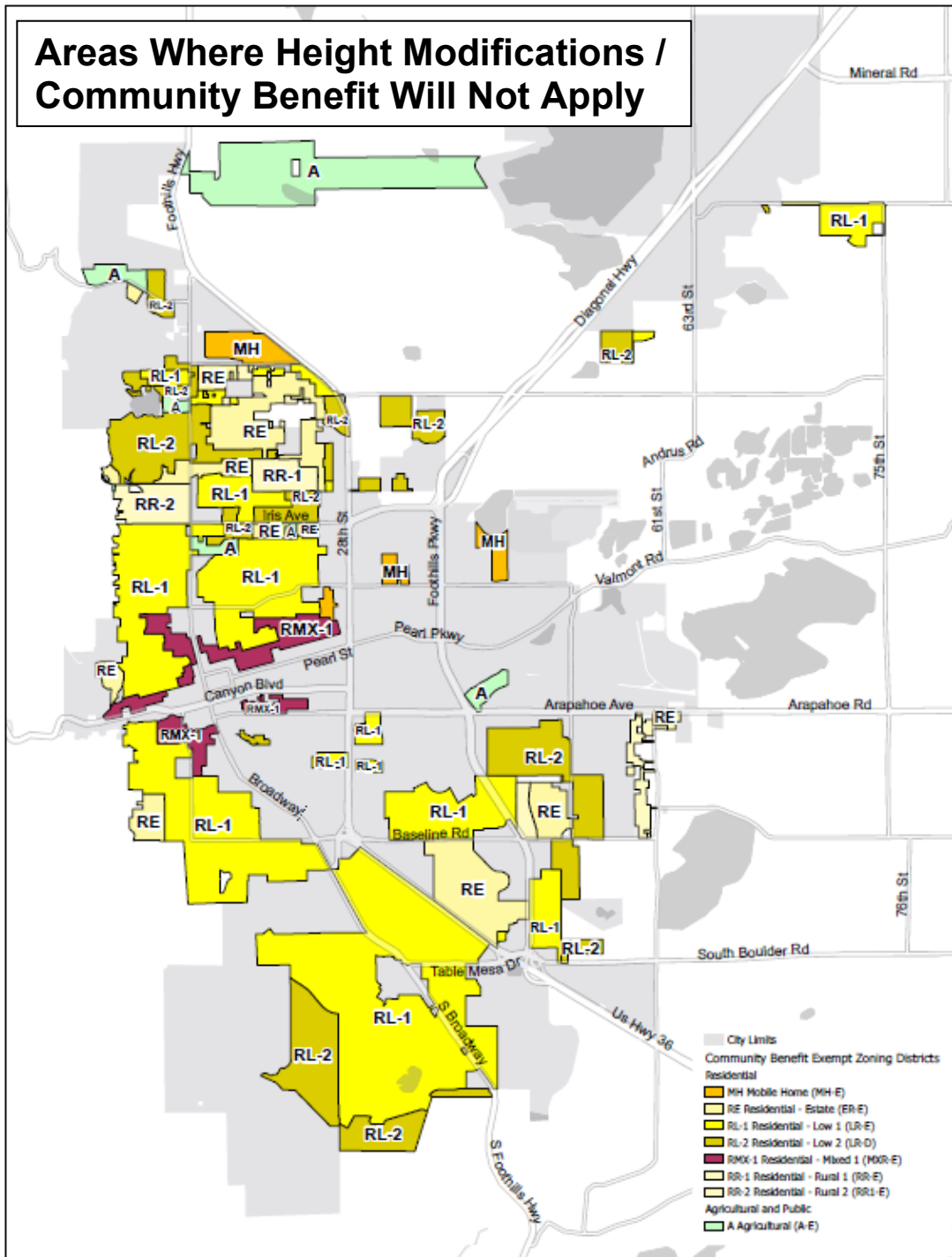
Ordinance 8515 includes changes to the current height limit exemptions for projects that are not subject to the Community Benefit requirements (Community Benefit requirements apply for buildings with four or more stories above a zoning district height limit). In this case, there is an exemption in the code generally applicable to 100% permanently affordable housing projects that otherwise would meet the Community Benefit regulations. The proposed changes would tighten up the current permanently affordable housing provision of the current exemptions to require at least 40% of the floor area of the building as permanently affordable units, 40% of the units as permanently affordable units and that such project cannot satisfy the affordable housing requirements of another building or of a development project located elsewhere.

**Building required to be raised to above the Flood Protection Elevation:**

Another exemption would be to allow flexibility for, up to, three story buildings that exceed zoning district height limits due to having to meet **flood protection regulations** (up to 5 additional feet may be requested if no taller than the maximum number of stories permitted without Site Review).

**Remove reference to Appendix J:**

Ordinance 8515 would officially **delete the reference to Appendix J** as the map has already expired. The Appendix J map is the map that indicated where height modifications were permissible in the city prior to adoption of the community benefit standards. The map expired in August 2021. With the expiration of the map, Planning Board and City Council have requested staff move forward with a requirement that the Community Benefit regulations not apply to specific zones where additional height in the form of four or five stories would not be anticipated due to context and compatibility. The zones proposed for exclusion are: Rural – Residential (RR), Residential – Estate (RE), Residential -Low (RL), Residential – Mixed (RMX-1), Mobile Home (MH) and Agricultural (A) zoning districts. Descriptions of these zones can be found in the Land Use Code within Chapter 5, “Modular Zone System,” B.R.C. 1981. These zones are shown on the map as follows:



## COMMUNITY ENGAGEMENT

There have been ongoing opportunities for public feedback on the Community Benefit project since it started in 2018 through in person and virtual open house meetings, focus groups with the development community and neighborhoods, specific meetings with stakeholders, segments on Channel 8 news, and Be Heard Boulder questionnaires. This [link to the August 25, 2020 study session](#) contains a comprehensive history of the project

and summaries of feedback obtained through the course of the project. Stakeholders and interested persons have been notified of the status of the project and the Planning Newsletter has also included updates. A summary of public comment on the project can be found in **Attachment D**.

## **BOARD AND COMMISSION FEEDBACK**

### **Planning Board**

The approaches and content of the ordinance were discussed at a [Planning Board work session on Oct.19, 2021](#). Some board members and members of council requested that some lower density zones be excluded from the Community Benefit option (effectively where requests for additional height or floor area could not be requested) despite the expiration of Appendix J and staff prepared a map of zones proposed for exclusion. At the work session, the board was generally supportive of the proposed changes but requested additional work focused on housing diversity, housing ownership, and economic feasibility. The board also requested changes to the zones for exclusion (see page 10 of this memo for the proposed excluded zones). These changes are discussed in more detailed in the [May 19, 2022 memorandum at this link](#).

Staff returned to [Planning Board on May 19, 2022](#) for a recommendation to City Council, however, the board's reception to the changes was mixed. Following a detailed line-by-line review and commentary on the proposed criteria, the board did not act on the ordinance and rather provided detailed feedback, requested specific changes, and referred the criteria to the Design Advisory Board (DAB) for their input on the building design criteria. The board also highlighted specific criteria that the DAB should provide input on.

The primary key issue of discussion was how prescriptive the ordinance was as the development community had expressed concern that the criteria were too prescriptive. The board was split on the issue. A straw vote indicated that four board members felt that the proposed criteria were appropriately prescriptive, and three board members felt the criteria were too prescriptive.

A secondary key issue was the criterion related to BVCP compliance. The current criterion is broad and requires consistency, on balance, with all BVCP policies. As the development community indicated that this is one of the most unpredictable and subjective of the criteria, staff revised the criterion to be more specific about key city policies that would need to be met and removed the requirement that projects require consistency with all BVCP policies. While the staff proposal would increase predictability in development projects, the board directed to revise the criterion to require that projects be consistent with all BVCP policies.

Lastly, another key issue the board discussed related to the criterion for when a height modification could be granted and largely agreed that it needed to be simplified and written to be more grounded in context instead of geographically as was proposed (e.g., along multi-modal corridors, within 1,000 feet of buildings of similar height).

The board's detailed comments on the range of proposed criteria can be reviewed in the May 19<sup>th</sup> minutes in **Attachment E**.

### **Design Advisory Board**

At their June 8, 2022 meeting, DAB was asked the following questions by staff:

1. Based on the established goals and objectives of the Site Review update project, what is DAB's feedback on the proposed building design criteria?
2. More specifically, what is DAB's input on the following proposed Site Review criteria and questions?:
  - a. Minimum window transparency per floor [(B)(i)]
  - b. Balcony requirements for buildings with attached dwelling units [(B)(iv)]
  - c. Building detailing requirements (e.g., expression lines) (C)]
  - d. Building height modification or height bonus criteria (for buildings over the zoning district height) relative to compatibility and context area [(B)(iii)]
  - e. In the roof types section for taller buildings, should gambrel and mansard roofs be prohibited? [(4)(C)(i)]
  - f. What does DAB consider "human scale" design?

DAB's responses and feedback to the questions can be found in the minutes in **Attachment F**. DAB was generally complimentary of the work that staff had done to develop the criteria and comments reflected that the building design criteria would be effective to ensure a baseline level of quality related to window fenestration, building material quality, and avoiding less favorable balcony designs, etc. However, the DAB had strong concerns that, in principle, the criteria should function more like guidelines rather than prescriptive criteria. The board felt that the criteria would be too rigid and would result in buildings looking too uniform throughout the city and result in less innovation in design.

## ANALYSIS

1. Does City Council find that the updated Site Review criteria within draft Ordinance 8515 meet the goals and objectives outlined for the project (see goals and objectives below)?

- *Identify incentives to address the community economic, social and environmental objectives of the comprehensive plan.*
- *Determine additional design standards for projects requesting a height modification.*
- *Identify other aspects of the Site Review criteria to further city goals and create more predictability in projects.*

Staff has found that the proposed Site Review criteria within **Attachment A** and summarized in **Attachment B**, would meet the goals and objectives above as originally outlined for the project. Compliance with the BVCP community, economic, social and environmental objectives is discussed in more detail in Key Issue #2 below. P&DS staff's comprehensive analysis of how the proposed changes meet the goals above is outlined in detail within **Attachment C**.

In essence, the updated criteria are more focused on policy compliance, less redundant, less open to broad interpretation, more descriptive of the expected level of quality for projects and more prescriptive, where necessary (particularly projects subject to a height modification more than three-stories or with additional floor area), to ensure projects are consistent with city goals and with greater predictability in the process.

Staff finds that the more specific requirements outlined in **Attachment A, B** and **C**, some of which have been borrowed from the Form Based Code (FBC) and would largely apply to project seeking a height modification would also meet the goals above. To illustrate this, see Figure 1 as follows, which details examples of less successful, lower quality designs that the updated criteria are meant to address and Figure 2 for the form-based code derived requirements that would be the basis of the new criteria intended to achieve better design – especially for taller, larger development projects:



Figure 1- Less successful, lower quality designs to be avoided

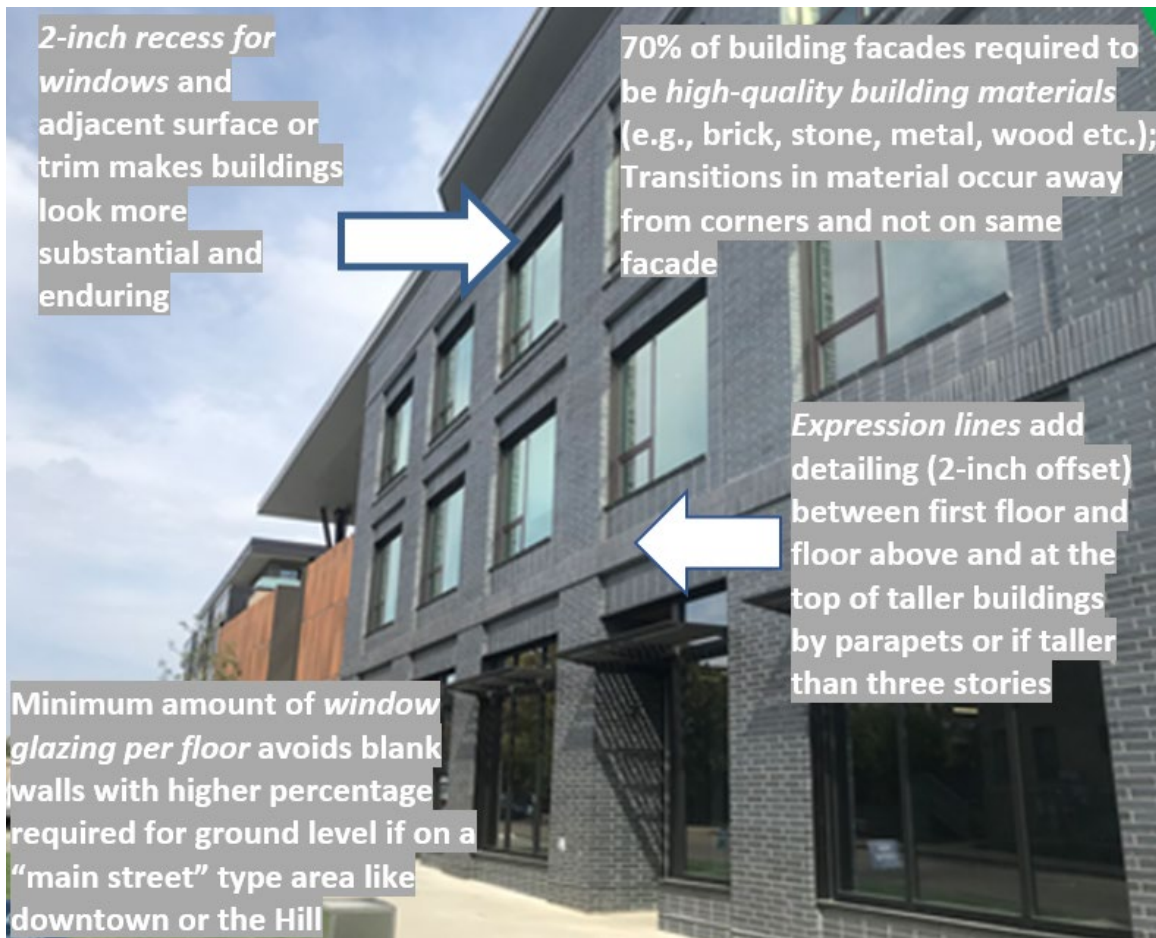


Figure 2- Form Based Code (FBC) derived type requirements to ensure more predictable, higher quality designs



**2. How should the criterion related to Boulder Valley Comprehensive Plan (BVCP) policy compliance be evaluated for development projects? Should all policies be applied to projects “on balance” or should only the “Built Environment” policies apply?**

As stated above, a focus of the Planning Board deliberation on the updated Site Review criteria was the criterion related to BVCP compliance. The current language is as follows:

*The proposed site plan is consistent with the land use map and the service area map and, on balance, the policies of the Boulder Valley Comprehensive Plan.*

The BVCP can be accessed at this [link](#). As many BVCP policies have competing intents, requiring projects to meet all policies adds to the unpredictability of Site Review decisions. Therefore, to increase the level of predictability and better implement the BVCP staff revised the criteria (see Section 9-2-14(h)(1) of **Attachment A**) to be more focused on key BVCP policies, city priorities and specific areas of the BVCP such as:

- Compliance with BVCP Land Use Map
- Consistency with any applicable subcommunity or area plans
- Greenhouse Gas Emissions reduction (discussed below in Key Issue #3)
- Community Design and Edges
- Historic and Cultural Resources
- Housing Diversity and Bedroom Unit Types
- Environmental Preservation

While the updated criteria would more specifically address important city goals, the Planning Board was concerned about the loss of city discretion if the reference to all BVCP policies is removed and requested that the criteria be revised to continue to require consistency with all BVCP policies on balance. Staff is not averse to this but warns that this particular criterion has been cited as one of the most vague and unpredictable of all the criteria. In addition to making all BVCP policies apply, the board was also in support of keeping all the new criteria above and suggestions were made by a minority of board members that a working group should be created to consider additional BVCP criteria to add.

Staff continues to recommend the criteria as proposed in **Attachment A** because they focus on key city priorities without the ambiguity and unpredictable decisions that could occur if the entire list of BVCP are applied. Staff also does not recommend a working group to discuss this issue as staff resources are already significantly strained and a working group would take away focus on new prioritized workplan items. Another alternative would be to require consistency with only the “Built Environment” BVCP policies since they are more focused on land use and design. Staff would appreciate City Council feedback on this matter before moving forward with additional edits to Ordinance 8515.

**3. To what extent should the Greenhouse Gas Emissions reduction criterion apply to larger buildings? Should there be three options for compliance, or should projects be required to always comply with all three?**

Another key issue discussed as part of the BVCP deliberation was the proposed greenhouse gas reduction criterion. Like the BVCP criteria discussed above, the current energy conservation criterion has been cited as one of the most vague, subjective and unpredictable of the Site Review criteria. The current criterion is below:

*Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality;*

One can see that this criterion has no metrics to accurately determine if it is met and is thus, widely open to different interpretations. Over time, it has been unevenly applied to projects. This existing criterion has been in use since well before the city's current Energy Conservation Code which is one of the most rigorous in the country. For instance, the current City of Boulder Energy Conservation Code (COBECC) utilizes an Energy Use Index (EUI) performance requirement for the most common building types. The EUI target sets the maximum amount of operational energy that can be used per square foot of floor space. The EUI targets set by COBECC are, on average, 20-25% more stringent than the baseline International Energy Conservation Code (IECC). COBECC is scheduled for updates every three years, consistent with IECC updates. Table 2 illustrates the performance target changes that were implemented through the most recent (2020) COBECC update.

**TABLE 2 – EUI<sup>1</sup> Performance Target changes implemented during the 2020 COBECC Update**

Building Type	COBECC 2017	COBECC 2022
Medium Office	24	23
Small Office	22	19
Primary School	39	34
Secondary School	32	31
Mid-rise Apartment	35	32
Warehouse	13	11
Retail Store	40	35
Small Hotel	60	40
Hospital	93	88

In addition to setting an overall performance target, COBECC also sets minimum performance standards for building elements, to include the envelope and lighting. For

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<sup>1</sup> Energy Use Index (EUI) = Building Annual Energy Consumption (kBtu/year) / Building Area (square feet)

new commercial construction, the current COBECC version also requires that 5% of the building's energy use be supplied by on-site renewables.

COBECC was also one of the first codes in the nation to require electric vehicle (EV) charging infrastructure for new construction. In addition to installed charging, the code also sets requirements for the percentage of parking spaces that must be pre-wired (EV Ready) and the percentage that must, at a minimum, have conduit in place and electric service capacity (EV Capable). Tables 3 and 4 outline the requirements by building type.

**TABLE 3 – Electric Vehicle (EV) Charging Infrastructure Requirements for Group R Occupancies**

# of Parking Spaces	# of Spaces with Charging Station Installed	Number of EV Ready Spaces/Dwelling Unit	Number of EV Capable Spaces
<b>1-25 spaces</b>	None	1	None
<b>&gt;25 spaces</b>	5% of spaces (minimum one dual port charging station)	10% of Spaces	40% of remaining spaces

**TABLE 4 – Electric Vehicle (EV) Charging Infrastructure Requirements for Group A, B, E, I M and S-2 Occupancies**

# of Parking Spaces	# of Spaces with Charging Station Installed	Number of EV Ready Spaces	Number of EV Capable Spaces
<b>1 space</b>	None	1	None
<b>2-25 spaces</b>	None	1	1
<b>&gt;25 spaces</b>	5% of spaces (minimum one dual port charging station)	10% of Spaces	10% of remaining spaces

While staff has recommended in the past that the current energy conservation criterion be eliminated altogether given that any revised criterion would likely eventually be rendered obsolete by the increasing energy code requirements anticipated for the future, staff now recommends replacing it with a new criterion intended to reduce greenhouse gas emissions in recognition that projects subject to Site Review represent an overall larger carbon impact than considered in developing criterion for individual buildings.

To replace the criterion above, P&DS staff has coordinated with energy code staff and developed a criterion that would require additional requirements for any new buildings 30,000 square feet or greater in size (see Section 9-2-14(h)(1)(C) of **Attachment A**). The

proposed criteria would give applicants and developers the following three options, in which only one would need to be satisfied:

- ✓ *Reduce the Embodied CO<sub>2</sub>e of concrete materials;*
- ✓ *Design an Electric Project, OR*
- ✓ *Whole-Building Life-Cycle Assessment*

Reducing the embodied carbon and use of gas in projects has been found to be consistent with city climate action goals. The third option, if chosen, would require a whole-building life-cycle assessment demonstrating a minimum of 10% life-cycle carbon reduction compared with a baseline reference building.

Staff has investigated the potential financial implications of these requirements. For low embodied carbon concrete, suppliers interviewed indicated anywhere from no premium up to a 10% premium. A whole-building life-cycle assessment is estimated to cost up to \$10,000, which would be a fraction of a percent of construction cost. Depending on building type and use, fully electric construction can represent anywhere from a cost savings to a modest premium.

Some Planning Board members felt that all three of the options be required and some suggested that staff look into requiring additional energy conservation or carbon reduction requirements. To address the board feedback, staff is recommending the following edits to the criterion:

- Reduce the Embodied CO<sub>2</sub>e of concrete materials (required)
- Whole-Building Life-Cycle Assessment (required)
- Meet One of the following in meeting requirements of the City of Boulder building codes for new construction:
  - Design an Electric Project
  - Design to 10% More Efficient Than Code
  - Design to Code and Participate in Outcome Verified Code Path

With respect to the last option, Design to Code and Participate in Outcome Verified Code Path: In 2020, COBECC incorporated an outcome-verified code compliance path pilot. Ultimately, the 2031 goal of Boulder's energy code is to set standards that will result in buildings that are net zero energy, not just in theory and as designed, but verified through metered data once the building is constructed, commissioned, and occupied. Projects following this path would:

- Design to the EUI target appropriate to their building type per code.
- Demonstrate at time of permit how the project will achieve this EUI target through energy modeling.
- Construct the project, with an understanding of the energy performance expected of the building.
- Complete, commission, and occupy the building.

- Within 24 months of the building being occupied, submit metered data to the building official that verifies the EUI target is being achieved.

Projects that are unable to demonstrate that their building's post-occupancy energy consumption complies with the targeted performance will be required to undergo building diagnostics and additional energy modeling to determine how to close the gap between modeled and metered energy use.

Lastly, City Council should be aware that staff is exploring the following additional requirements for the energy code (for all projects and not just Site Review projects):

- EUI targets up to 15% more stringent than 2020 COBECC
- 100% offset through on-site solar for fossil gas use in mixed fuel buildings
- Electric-ready requirements for mixed fuel buildings
- Encouraged use of low-embodied carbon construction materials

If supported by council, these requirements are anticipated for adoption in 2023. Staff looks forward to council feedback on whether to keep the proposed greenhouse gas reduction as is or revise per the staff recommendation above.

#### 4. **Does the City Council find that the criteria should be modified to be less prescriptive? Does City Council suggest any other modifications to the criteria in the draft ordinance?**

As stated above, some members of the development community and the Site Review Focus Group have expressed concern that the proposed criteria are too prescriptive and therefore, this topic has become the primary key issue of the project. There were also concerns about how the criteria would impact smaller projects. Planning Board was mixed on this topic but the majority of the board members felt that the level of prescriptiveness was appropriate (see page 11 of this memo for straw vote). DAB felt that the criteria were too prescriptive and should be more like guidelines (see page 12).

While many criteria have been made more prescriptive than the existing criteria to meet the goals of the project, many have also been made more **descriptive** in that the language has been revised to be more explanatory about what the intent of the criteria is and how to best meet that intent, which would also help to achieve better design outcomes. Staff finds that the new criteria would not necessarily make it significantly difficult for new projects to meet ever increasing qualitative standards, but rather the updated criteria are meant to better inform projects before they are submitted making them more suited to have an increased level of quality. Many design shortfalls have been better addressed in recent years through Design Excellence, and the proposed criteria would better align with these improvements reducing the need for repeated rounds of review to meet the criteria.

Table 5, as follows, focuses on the criteria that are of most concern heard from the groups, what their specific concerns are, and how, if applicable, the criterion has been modified within **Attachment A** to address the concerns.

**TABLE 5-  
Key criteria of concern of the Site Review Focus Group and staff revisions to  
address concerns (if applicable)**

<b>Key criterion of concern</b>	<b>Focus Group comments</b>	<b>Staff revisions (if applicable)</b>
All criteria (Section 9-2-14(h)....)	<ul style="list-style-type: none"> <li>▪ Too prescriptive</li> <li>▪ Too many “shall” requirements</li> <li>▪ Should be changed to “should”, based on factors</li> <li>▪ Not enough flexibility in Building Design criteria</li> <li>▪ Concern about how smaller scale projects would be impacted</li> <li>▪ Concern about how the new criteria will be applied to previously built or approved projects that may undergo amendments</li> </ul>	<ul style="list-style-type: none"> <li>▪ Industrial, single-family, duplex, mobile home and townhouse uses have been excepted out of specific prescriptive requirements like the balcony requirements or limit on number of materials</li> <li>▪ Alternative compliance criterion has been updated to apply more flexibility to projects previously built or approved</li> </ul>
(h)(1)(C), Reducing Greenhouse Gas Emissions	<ul style="list-style-type: none"> <li>▪ Too restrictive</li> <li>▪ Adds to expense</li> <li>▪ Should only apply to non-residential buildings to encourage housing</li> </ul>	<ul style="list-style-type: none"> <li>▪ No changes proposed.</li> </ul>
(h)(2)(D), Public Realm and Building Locations	<ul style="list-style-type: none"> <li>▪ Building entries every 50 feet on public streets, plazas, sidewalks, paths and natural features too restrictive</li> <li>▪ Passive solar requirement to unpredictable and unrealistic</li> <li>▪ Criterion protecting public views of the mountains too rigid</li> </ul>	<ul style="list-style-type: none"> <li>▪ Building entry requirement increased from 50 to 75 feet.</li> <li>▪ Created a new definition for “public realm” and clarified where requirements apply.</li> <li>▪ Removed solar requirement (city already has Solar Access regulations)</li> <li>▪ No change to view criteria</li> </ul>
(h)(3)(A), Building Materials	<ul style="list-style-type: none"> <li>▪ 75% high quality building materials too rigid</li> <li>▪ Will impact smaller projects</li> <li>▪ Should not be applied to all projects (e.g., industrial)</li> <li>▪ Window transparency requirements (20% per floor) should not be applied citywide</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change to building materials percentage.</li> <li>▪ Revised window transparency requirement to be 20% on public street facades and 15% on other facades.</li> <li>▪ Reduced window transparency requirements in certain zones from 75% to 70%.</li> </ul>



	<ul style="list-style-type: none"> <li>Blank Wall restriction (15-feet) and 2-inch window recess requirement too strict</li> </ul>	<ul style="list-style-type: none"> <li>Increased blank wall allowance from 15-feet to 25-feet. Also, allowed more flexibility by excepting any ground floor walls facing alleys, loading areas not along a public street or any walls of a building not facing a public street where an industrial use.</li> </ul>
(h)(4), Building Design, Massing & Height Requirement for Buildings Proposed Above the Max. Height or FAR	<ul style="list-style-type: none"> <li>Form-Based Code (FBC) type requirements should not apply citywide</li> <li>Does not allow for innovation</li> <li>Limiting height modifications to only in areas where there are like height buildings within 1,000 feet too restrictive (n/a in areas where taller buildings anticipated by area plans etc.)</li> </ul>	<ul style="list-style-type: none"> <li>The limitation on where height modifications could occur outside of area plan areas has been made less restrictive with more subjective criteria determining whether the taller building is compatible with its surroundings and that building over three-stories should be near a high frequency transit corridor.</li> </ul>

If so desired by City Council, the criteria could be modified to be less prescriptive and include more discretionary language if the criteria are perceived as too strict. As suggested by a member of the Site Review focus group, the criteria could be changed from more prescriptive standards to requirements that would read as follows, “*the project will [describe intent]. In determining whether this criterion is met, the following factors will be considered*”, which would not necessarily require the project to strictly meet every single consideration, but rather that the project would meet the intent of the criterion based on the collection of considerations. It should be noted that such an approach would reduce the level of predictability in projects and would increase the level of subjectivity counter to the goals of the project, but would allow for more flexibility than is reflected in the current draft of the criteria.

Staff finds that the proposed changes in Table 5 above would continue to meet the goals and objectives of the code change project discussed in Key Issue #1 and appropriately strikes a balance between more prescriptive standards and others that allow a certain degree of flexibility in Site Reviews. The flexibility would be offered through adding new thresholds to certain criteria on when they apply (e.g., large scale mixed-use buildings vs. smaller scale townhouse or single-family development), adjusting some of the metrics to be less strict as discussed in Table 5 above, and allowing modifications to requirements like the form and bulk standards as is currently done through Site Review. For those criteria that may not make sense to apply in all scenarios, the applicant would be able to use the “Alternative Compliance” section (not a separate process) as long as the applicant demonstrates that the intent of a specific standard is met in an alternative

way and otherwise meets the purpose of Site Review. If the code language were to be rewritten to be less prescriptive as discussed in the paragraph above, staff would then suggest that the “Alternative Compliance” section be removed.

## MATRIX OF OPTIONS

Staff suggests the following options for City Council and recommends Option B per the advantages listed:

**TABLE 6- Options for City Council**

Options	Advantages	Disadvantages
<b>Option A-</b> Keep the criteria in <b>Attachment A</b> as is	<ul style="list-style-type: none"> <li>✓ Consistent with original goals and objectives of the project</li> <li>✓ Would establish a new baseline in design quality in projects</li> <li>✓ Addresses the issues of unpredictability in decision making and better implements the BVCP</li> <li>✓ Implements necessary updates (e.g., repeal Appendix J map, allow 3-story height modifications for flood elevation modifications, affordable housing language clarifications etc. – see page 9)</li> <li>✓ Allows for completion of the project in the near future and staff resources to shift to new work priorities</li> </ul>	<ul style="list-style-type: none"> <li>✓ Lacks some support among Planning Board members, DAB and some in the development community</li> </ul>
<b>Option B-</b> Revise the ordinance per the suggestions in this memo (i.e., additional greenhouse gas reduction & BVCP requirements)	<ul style="list-style-type: none"> <li>✓ Consistent with original goals and objectives of the project</li> <li>✓ Would establish a new baseline in design quality in projects</li> <li>✓ Addresses the issues of unpredictability in decision making and better implements the BVCP</li> <li>✓ May have broader Planning Board support based on straw poll</li> <li>✓ Implements necessary updates that need to be made (e.g., repeal Appendix J map, allow 3-story height modifications for flood elevation modifications,</li> </ul>	<ul style="list-style-type: none"> <li>✓ May have broader support among Planning Board members but not DAB and would likely increase development community opposition to changes due to increased requirements</li> </ul>

	<p>affordable housing language clarifications etc. – page 9)</p> <ul style="list-style-type: none"> <li>✓ Allows for completion of the project in the near future and staff resources to shift to new work priorities</li> </ul>	
<b>Option C-</b> Revise the ordinance to be less prescriptive	<ul style="list-style-type: none"> <li>✓ Would improve the criteria but to a lesser extent than Option A and B</li> <li>✓ Would potentially result in broader consensus of support from some Planning Board members, DAB, and the development community</li> <li>✓ Implements necessary updates that need to be made (e.g., repeal Appendix J map, allow 3-story height modifications for flood elevation modifications, affordable housing language clarifications etc.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Less consistent with original goals and objectives of the project</li> <li>✓ Concerns about the ambiguity of whether criteria are met would not be addressed</li> <li>✓ Continued unpredictable results in Site Review</li> <li>✓ Edits would require more time and a delay in new work priorities</li> </ul>
<b>Option D-</b> Revise the goals and objectives of the project and direct staff on other changes to the criteria	<ul style="list-style-type: none"> <li>✓ Would enable the current City Council to set a new policy direction on the project</li> <li>✓ Scope of project could be narrowed to proposed changes that the current council finds important along with some of the necessary updates (e.g., repeal Appendix J map, allow 3-story height modifications for flood elevation modifications, affordable housing language clarifications etc.- see page 9)</li> </ul>	<ul style="list-style-type: none"> <li>✓ A changed scope and direction for the project would require significant resources and would detract from staff's ability to work on new work plan priorities</li> <li>✓ Delays implementation of necessary updates (discussed to the left) to a later timeframe</li> </ul>
<b>Option E-</b> Make no changes to the Site Review criteria / table the project	<ul style="list-style-type: none"> <li>✓ Allows staff to immediately shift to other new work plan items and focus on completion of the Use Standards and Table project in 2023</li> </ul>	<ul style="list-style-type: none"> <li>✓ Leaves the flaws with the current Site Review criteria in place and identified issues of the project unaddressed</li> <li>✓ Does not allow for implementation of necessary updates (e.g., repeal Appendix J map, allow 3-story height modifications for flood elevation modifications, affordable housing language clarifications etc.- page 9)</li> </ul>

### **NEXT STEPS**

Based on direction from City Council, staff will update Ordinance 8515 accordingly, solicit more public feedback on any changes and return to Planning Board and City Council in coming months for adoption. Depending on the extent of changes, staff anticipates completion of the project in Quarter 3 of this year.

### **ATTACHMENTS**

- A. Proposed Ordinance 8515
- B. Summary of proposed changes to the Site Review criteria
- C. P&DS Staff Analysis of the proposed criteria compliance with the goals and objectives of the project
- D. Public comments
- E. Planning Board minutes from May 19<sup>th</sup> meeting
- F. Design Advisory Board (DAB) minutes from June 8<sup>th</sup> meeting

## ORDINANCE 8515

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO UPDATE THE SITE REVIEW CRITERIA AS PART OF THE COMMUNITY BENEFIT CODE CHANGE PROJECT AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 9-2-14, "Site Review," B.R.C. 1981, is amended as follows:

**9-2-14. Site Review.**

(a) Purpose: The purpose of site review is to allow flexibility and encourage innovation in land use development. Review criteria are established to promote the most appropriate use of land, improve the character and quality of new development, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic features of open space, to ~~ensure-assure~~ consistency with the purposes and policies of the Boulder Valley Comprehensive Plan and other adopted plans of the community, to ensure compatibility with existing structures and established districts, to ~~ensure-assure~~ that the height of new buildings is in general proportion to the height of existing, approved, and known to be planned or projected buildings in the immediate area, to ~~ensure-assure~~ that the project incorporates, through site design, elements which provide for the safety and convenience of the pedestrian, to ~~ensure-assure~~ that the project is designed in an environmentally sensitive manner, to ~~ensure-assure~~ that the building is of a bulk appropriate to the area and the amenities provided and of a scale appropriate to pedestrians, and to set requirements for additional height, density, and intensity that provide additional benefits to the community beyond the underlying zoning.

(b) Scope: The following development review thresholds apply to any development that is eligible or that otherwise may be required to complete the site review process:

(1) Development Review Thresholds:

...

(E) Height Modifications: A development which exceeds the permitted height requirements of Section 9-7-5, "Building Height," or 9-7-6, "Building Height, Conditional," B.R.C. 1981, or of Paragraph 9-10-3(b)(2), "Maximum Height," B.R.C. 1981, to the extent permitted by that paragraph for existing buildings on nonstandard lots, is required to complete a site review and is not subject to the minimum threshold requirements. No standard other than height may be modified under the site review unless the project is also eligible for site review. A development that exceeds the permitted height requirements of Section 9-7-5 or

9-7-6, B.R.C. 1981, must meet any one of the following circumstances in addition to the site review criteria:

...

(iv) The height modification is to allow up to the greater of two stories or the maximum number of stories permitted but no more than five feet above the maximum building height under Section 9-7-5(a) or 9-7-6, B.R.C. 1981, in a building where the height modification is necessary because the building has to be elevated to meet the required flood protection elevation.

~~(iv)~~ v) At least forty percent of the dwelling units in the building meet the requirements for permanently affordable units in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; at least forty percent of the floor area of the building is used for dwelling units that meet the requirements for permanently affordable units in Chapter 9-13, B.R.C. 1981; all floor area above the first floor of the building is used for dwelling units; and the permanently affordable units in the building are not used to satisfy inclusionary housing requirements under Chapter 9-13, B.R.C. 1981, for dwelling units located in any other building.

~~(v)~~ vi) The height modification is to allow an emergency operations antenna or a pole.

~~(vi)~~ vii) The building or use is located in an area designated in Appendix J, "Areas Where Height Modifications May Be Considered," and meets the requirements of Paragraph 9-2-14(h)(2)(K), "Additional Criteria for Height Bonuses and Land Use Intensity Modifications for Properties Designated Within Appendix J," B.R.C. 1981. [3] meets the requirements of Subparagraph 9-2-14(h)(7)(C), B.R.C. 1981, for a height bonus, and is not in the RR, RE, RL, RMX-1, MH, or A zoning district.

**TABLE 2-2: SITE REVIEW THRESHOLD TABLE**

<i><b>Zoning District Abbreviation</b></i>	<i><b>Use</b></i>	<i><b>Form</b></i>	<i><b>Intensity</b></i>	<i><b>Minimum Size for Site Review</b></i>	<i><b>Concept Plan and Site Review Required</b></i>	<i><b>Former Zoning District Abbreviation</b></i>
A	A	a	1	2 acres	-	<del>(A-E)</del>
BC-1	B3	f	15	1 acre	3 acres or 50,000 square feet of floor area	<del>(CB-D)</del>
BC-2	B3	f	19	1 acre	2 acres or 25,000 square feet of floor area or any site in BVRC	<del>(CB-E)</del>



1	BCS	B4	m	28	1 acre	3 acres or 50,000 square feet of floor area	<del>(CS-E)</del>
2	BMS	B2	o	17	0	3 acres or 50,000 square feet of floor area	<del>(BMS-X)</del>
3	BR-1	B5	f	23	0	3 acres or 50,000 square feet of floor area	<del>(RB-E)</del>
4	BR-2	B5	f	16	0	3 acres or 50,000 square feet of floor area	<del>(RB-D)</del>
5	BT-1	B1	f	15	1 acre	2 acres or 30,000 square feet of floor area	<del>(TB-D)</del>
6	BT-2	B1	e	21	0	2 acres or 30,000 square feet of floor area	<del>(TB-E)</del>
7	DT-1	D3	p	25	0	1 acre or 50,000 square feet of floor area	<del>(RB3-X/E)</del>
8	DT-2	D3	p	26	0	1 acre or 50,000 square feet of floor area	<del>(RB2-X)</del>
9	DT-3	D3	p	27	0	1 acre or 50,000 square feet of floor area	<del>(RB2-E)</del>
10	DT-4	D1	q	27	0	1 acre or 50,000 square feet of floor area	<del>(RB1-E)</del>
11	DT-5	D2	p	27	0	1 acre or 50,000 square feet of floor area	<del>(RB1-X)</del>
12	IG	I2	f	22	2 acres	5 acres or 100,000 square feet of floor area	<del>(IG-E/D)</del>
13	IM	I3	f	20	2 acres	5 acres or 100,000 square feet of floor area	<del>(IM-E/D)</del>
14	IMS	I4	r	18	0	3 acres or 50,000 square feet of floor area	<del>(IMS-X)</del>
15	IS-1	I1	f	11	2 acres	5 acres or 100,000 square feet of floor area	<del>(IS-E)</del>
16	IS-2	I1	f	10	2 acres	5 acres or 100,000 square feet of floor area	<del>(IS-D)</del>
17	MH	MH	s	-	5 or more units are permitted on the property	-	<del>(MH-E)</del>
18	MU-1	M2	i	18	0	1 acre or 20 dwelling units	<del>(MU-D)</del>

1	MU-2	M3	r	18	0	3 acres or 50,000 square feet of floor area	<del>(RMS-X)</del>
2	MU-3	M1	n	24	5 or more units are permitted on the property	1 acre or 20 dwelling units or 20,000 square feet of nonresidential floor area	<del>(MU-X)</del>
3	MU-4	M4	o	24.5	0	3 acres or 50,000 square feet of floor area	-
4	P	P	c	5	2 acres	5 acres or 100,000 square feet of floor area	<del>(P-E)</del>
5	RE	R1	b	3	5 or more units are permitted on the property	-	<del>(ER-E)</del>
6	RH-1	R6	j	12	0	2 acres or 20 dwelling units	<del>(HR-X)</del>
7	RH-2	R6	c	12.5	0	2 acres or 20 dwelling units	<del>(HZ-E)</del>
8	RH-3	R7	l	14	5 or more units are permitted on the property	2 acres or 20 dwelling units	<del>(HR1-X)</del>
9	RH-4	R6	h	15	5 or more units are permitted on the property	2 acres or 20 dwelling units	<del>(HR-D)</del>
10	RH-5	R6	c	19	5 or more units are permitted on the property	2 acres or 20 dwelling units	<del>(HR-E)</del>
11	RH-6	R8	j	17.5	5 or more units are permitted on the property	3 acres or 20 dwelling units	-
12	RH-7	R7	i	14	5 or more units are permitted on the property	2 acres or 20 dwelling units	-
13	RL-1	R1	d	4	5 or more units are permitted on the property	3 acres or 18 dwelling units	<del>(LR-E)</del>
14	RL-2	R2	g	6	5 or more units are permitted on the property	3 acres or 18 dwelling units	<del>(LR-D)</del>
15	RM-1	R3	g	9	5 or more units are permitted on the property	2 acres or 20 dwelling units	<del>(MR-D)</del>

RM-2	R2	d	13	5 or more units are permitted on the property	2 acres or 20 dwelling units	<del>(MR-E)</del>
RM-3	R3	j	13	5 or more units are permitted on the property	2 acres or 20 dwelling units	<del>(MR-X)</del>
RMX-1	R4	d	7	5 or more units are permitted on the property	2 acres or 20 dwelling units	<del>(MXR-E)</del>
RMX-2	R5	k	8	0	2 acres or 20 dwelling units	<del>(MXR-D)</del>
RR-1	R1	a	2	5 or more units are permitted on the property	-	<del>(RR-E)</del>
RR-2	R1	b	2	5 or more units are permitted on the property	-	<del>(RR1-E)</del>

...

(c) Modifications to Development Standards: The following development standards of B.R.C. 1981 may be modified under the site review process set forth in this section:

...

(17) Land use intensity modifications pursuant to Paragraphs 9-2-14(h)(7)(2)(I) and ~~(h)(2)(J)~~.

...

(22) The height standards in Paragraph 9-10-3(b)(2), "Maximum Height," to the extent permitted for existing buildings or structures exceeding the height limitation of that paragraph and the number of permanently affordable units requirement in Paragraph 9-10-3(c)(4)(B), "No Reduction in Affordable Units," pursuant to the standards of that paragraph.

...

(d) Application Requirements: An application for approval of a site plan may be filed by any person having a demonstrable property interest in land to be included in a site review on a form provided by the city manager that includes, without limitation:

...

(17) Plans for preservation of natural features existing on the site or plans for mitigation of adverse impacts to natural features existing on the site from the proposed development and anticipated uses. Natural features include, without limitation, ~~healthy long-lived trees,~~ significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas and habitat for species on

- the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or, if prairie dogs (*Cynomys ludovicianus*) are present on the site, a statement of intent that specifies how the applicant will address the prairie dogs consistent with the applicable standards of Chapter 6-1, "Animals," B.R.C. 1981. ~~which is a species of local concern.~~
- (18) A tree inventory that includes the location, size, species, and general health of all trees with a diameter of six inches and over measured fifty-four inches above the ground on the property or in the landscape setback of any property adjacent to the development. The inventory shall indicate which trees will be adversely affected and what if any steps will be taken to mitigate the impact on the trees. The tree inventory shall be prepared by a certified arborist that has a valid contractor license pursuant to Chapter 4-28, "Tree Contractor License," B.R.C.
- ~~(1819)~~ A three-dimensional, digital model illustrating the project site and surrounding context for view and scale analysis, unless exempted by the city manager due to small project size.
- ~~(1920)~~ An acoustic study prepared by an acoustic consultant who is INCE-USA (The Institute of Noise Control Engineering of the USA) Board Certified or a firm that is a member of the National Council of Acoustical Consultants for any building located within 200 feet of a railroad, freeway, expressway, or principal arterial demonstrating the interior noise level the building is designed to achieve for such external noise source.
- ~~(2021)~~ For projects with any new building exceeding 30,000 square feet of floor area, any documentation necessary to demonstrate compliance with the greenhouse gas emission reduction standards of Subparagraph 9-2-14(h)(1)(C), B.R.C. 1981.
- ~~(22)~~ A transportation demand management (TDM) plan which outlines strategies to mitigate traffic impacts created by the proposed development and measures that the development will implement to promote alternate modes of travel, in accordance with Section 9-2-14(h)(2)(A), B.R.C. 1981, and Section 2.03(I) of the City of Boulder Design and Construction Standards.
- (e) Additional Application Requirements for Height Modification: The following additional application requirements apply if the development proposal includes a request for the modification of the permitted height:
- ...
- (8) Plans and a written statement demonstrating that the development meets the requirements for a height bonus specified in Subparagraph 9-2-14(h)~~(72)~~(C), B.R.C. 1981.
- ...
- (g) Review and Recommendation: The city manager will review and decide an application for a site review in accordance with the provisions of Section 9-2-6, "Development Review Application," B.R.C. 1981, except for an application involving the following,

which the city manager will refer with a recommendation to the planning board for its action:

- (1) A reduction in off-street parking of more than fifty percent subject to compliance with the standards of Subsection 9-9-6(f), B.R.C. 1981.
- (2) A reduction of the open space or lot area requirements allowed by Subparagraph (h)(72)(4) of this section.

...

(h) Criteria for Review: No site review application shall be approved unless the approving agency finds that:

(1) Boulder Valley Comprehensive Plan: To ensure consistency with the goals and policies of the BVCP and other adopted plans of the community, projects shall meet the following criteria:

(A) Land Use Map: The proposed ~~site plan~~project is consistent with the land use map ~~and the service area map and, on balance, the policies of the Boulder Valley Comprehensive Plan~~BVCP.

(B) Subcommunity and Area Plans or Design Guidelines: If the project is subject to an adopted subcommunity or area plan or adopted design guidelines, the project is consistent with the goals and objectives of the applicable plan and intents of the guidelines.~~The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation. Additionally, if the density of existing residential development within a three hundred foot area surrounding the site is at or exceeds the density permitted in the Boulder Valley Comprehensive Plan, then the maximum density permitted on the site shall not exceed the lesser of:~~

(i) ~~The density permitted in the Boulder Valley Comprehensive Plan,~~  
or

(ii) ~~The maximum number of units that could be placed on the site without waiving or varying any of the requirements of Chapter 9-8, "Intensity Standards," B.R.C. 1981, except as permitted for building sites with permanently affordable units meeting the requirements of Paragraph 9-10-3(e)(4), "Nonconforming Permanently Affordable Units," B.R.C. 1981.~~

~~(C) The proposed development's success in meeting the broad range of BVCP policies considers the economic feasibility of implementation techniques required to meet other site review criteria.~~

(C) Reducing Greenhouse Gas Emissions:  
If the project includes any new building with a floor area that is greater than 30,000 square feet, the project shall meet one of the following requirements:

- (i) Reduce Embodied CO<sub>2</sub>e of Concrete Materials: The total CO<sub>2</sub>e of the concrete mixes used in the project shall not exceed the values set in Table 2-3, Maximum CO<sub>2</sub>e Content Standards, based on the compressive strength of the concrete product. CO<sub>2</sub>e content shall be documented by a product specific Type III Environmental Product Declaration for each concrete product utilized. The Type III Environmental Product Declaration shall be certified as complying with the goal and scope for the cradle-to-gate requirements in accordance with ISO Standards 14025 and 21930.

TABLE 2-3: MAXIMUM CO<sub>2</sub>e CONTENT STANDARDS

<u>Minimum specified compressive strength</u>  f. psi	<u>Maximum CO<sub>2</sub>e content of concrete mix (kg/m<sup>3</sup>)<sup>1</sup></u>
<u>Up to 2499</u>	<u>222</u>
<u>2500-3499</u>	<u>336</u>
<u>3500-4499</u>	<u>376</u>
<u>4500-5499</u>	<u>409</u>
<u>5500-6499</u>	<u>433</u>
<u>6500 and greater</u>	<u>426</u>

<sup>1</sup> Portland cement compliance with ASTM C150.

- (ii) Electrification: The space and water heating appliances in new buildings exceeding 30,000 square feet shall be fueled by electricity.
- (iii) Whole-Building Life Cycle Assessment: A life-cycle assessment shall be conducted of any building with floor area exceeding 30,000 square feet. The assessment shall demonstrate a minimum of 10% life-cycle carbon reduction compared with a baseline reference building. The baseline and proposed buildings must be of comparable size, function, orientation, and operating energy performance as defined in the Athena Guide to Whole Building LCA in Green Building Programs. The service life of the baseline and proposed buildings must be the same and at least 60 years to fully account for maintenance and replacement. The same life-cycle assessment and software tools and data sets shall be used to evaluate both the baseline building and proposed building.



- 1       (D) Community Designs and Edges: If the project is located within the  
2       urbanizing areas along the boundaries between Area I and Area II or III of  
3       the BVCP, the building and site design provide for a well-defined urban  
4       edge, and, if, in addition, the project is located on the major streets shown  
5       in Appendix A of this title, the buildings and site design establish a sense  
6       of entry and arrival to the city by creating a defined urban edge through  
7       site and building design elements visible upon entry to the city.
- 8       (E) Historic or Cultural Resources: If present, the project protects significant  
9       historic and cultural resources. This may require application and good  
10       faith pursuit of local landmark designation.
- 11       (F) Housing Diversity and Bedroom Unit Types: Excepting the RR, RE and  
12       RL-1 zoning districts, for projects that are more than 50 percent residential  
13       by measure of floor area, not counting enclosed parking areas, the  
14       following housing and bedroom unit type requirements apply:
- 15               (i) For lots or parcels five acres or less, at least one qualifying housing  
16               type shall be provided;
- 17               (ii) For lots or parcels that are greater than five acres but less than ten  
18               acres, at least two qualifying housing types shall be provided;
- 19               (iii) For lots or parcels that are ten acres or more, at least three  
20               qualifying housing types shall be provided;
- 21               (iv) The minimum number of units of any qualifying housing types for  
22               lots or parcels that are more than five acres shall be five dwelling  
23               units;
- 24               (v) The minimum number of bedroom types in a project with greater  
25               than 20 attached dwelling units shall be two different bedroom  
              types; and
- (vi) For the purposes of this subparagraph, qualifying housing type  
              shall mean duplexes, attached dwelling units, townhouses, or  
              efficiency living units (ELUs) and bedroom type shall mean  
              studios, one-bedroom units, two-bedroom units, or three-bedroom  
              units.
- (G) Environmental Preservation:
- (i) The project provides for the preservation of or mitigation of  
                  adverse impacts to natural features, including, without limitation,  
                  significant plant communities, ground and surface water, wetlands,  
                  riparian areas, drainage areas, and species on the federal  
                  Endangered Species List, "Species of Special Concern in Boulder  
                  County" designated by Boulder County and their habitat.
- (ii) Where excavation occurs, the location and design of buildings  
                  shall conform to the natural contours of the land with tiered floor  
                  plates and the site design shall avoid over-engineered tabling of

land. Slopes greater than 50 percent should be avoided and, to the extent practicable, any such areas shall be stabilized with vegetation.

- (2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design techniques which are consistent with the purpose of site review in Subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency ~~will consider the following factors~~ must find consistency with the following criteria:

(A) Access, Transportation, and Mobility: The project efficiently accommodates all modes of travel, promotes pedestrian and bicycle use, minimizes motor vehicle miles traveled, and meets the following criteria:

- (i) The project enables or provides vehicular and pedestrian connectivity between sites consistent with adopted connections plans relative to the transportation needs and impacts of the project, including but not limited to construction of new streets, bike lanes, on-street parking, sidewalks, multi-use paths, transit stops, streetscape planting strips, and dedication of public right-of-way or public access easements, as applicable considering the scope of the project. Where no adopted connections plan applies, the applicant shall, in good faith, attempt to coordinate with adjacent property owners to establish and, where practicable, establish reasonable and useful pedestrian connections or vehicular circulation connections, such as between parking lots on abutting properties, considering existing connections, infrastructure, and topography.
- (ii) Alternatives to the automobile are promoted by incorporating site design techniques, land use patterns, and infrastructure that support and encourage walking, biking, and other alternatives to the single-occupant vehicle.
- (iii) The transportation demand management (TDM) plan will be complied with that results in a significant shift away from single-occupant vehicle use to alternate modes.
- (iv) Streets, bikeways, pedestrian ways, trails, open space, buildings, and parking areas are designed and located to optimize safety of all modes and provide connectivity and permeability through the subject site.
- (v) The design of vehicular circulation and parking areas make efficient use of the land and minimize the amount of pavement necessary to meet the circulation and parking needs of the project.

(AB) Open Space: Open space, including, without limitation, parks, common gathering areas, recreation areas, landscaped areas, and playgrounds, shall be designed to create an attractive site plan, promote use, and meet the following criteria:

- (i) Useable open space is arranged to be accessible and functional designed to encourage use by incorporating and incorporates quality landscaping, a mixture of sun and shade, hardscape areas and green spaces for gathering; and places to gather;
- (ii) Private open space is provided for each detached residential unit; The open space will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property. In mixed-use projects, the open space provides for a balance of private and common areas for the residential uses and common open space that is available for use by both the residential and nonresidential uses.
- (iii) If the project site is greater than one acre in size, an outdoor garden or landscaped courtyard, designed for the use of the occupants of the building, with a minimum dimension of at least twenty feet, shall be incorporated into the site open space. The minimum dimension of this space shall increase at least one foot in width for each one foot of height over thirty-five feet. This space shall be designed to encourage use through incorporation of seating and other design elements and to be an integral part of the circulation pattern within the project. To the extent practical, such space shall also meet the following standards:
  - a. The space shall have southern exposure and sunlight;
  - b. Hard surface areas shall be paved with unit pavers, such as bricks, quarry tiles, or porous pavers, or poured-in-place materials. If poured-in-place materials are selected, they shall be of decorative color or textures;
  - c. At least twenty-five percent of the area shall be dedicated to gathering areas that include amenities such as seating, tables, grills, planting, shade, horseshoe pits, playground equipment, and lighting;
  - d. The space shall be directly visible from an adjoining public sidewalk along a street frontage; and
  - e. The space shall include a minimum of one tree per one thousand square feet of space, planted in the ground or accommodated in tree vaults over parking garages.
- (iv) If the project includes more than 50 dwelling units, including the addition of units that causes a project to exceed this threshold, and is more than one mile walking distance to a public park with any of the amenities described herein, at least 30 percent of the required

- open space shall be designed for active recreational purposes. Active recreation areas may include amenities such as children's play equipment, picnic areas, open lawn, gardens, or organized sport fields or courts.
- (v) If the project is adjacent to a zoning district of lower intensity in terms of allowable use, density, massing, or scale, open space is located to create a buffer along the abutting property lines to create an appropriate transition to the adjacent properties, unless inconsistent with the predominant building pattern of the area.
- (vi) A pedestrian linkage from and through the on-site open space to a public open space may be provided if consistent with Department of Open Space and Mountain Parks plans and planning for the area.
- ~~(iii) The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas and species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (*Cynomys ludovicianus*), which is a species of local concern, and their habitat;~~
- ~~(iv) The open space provides a relief to the density, both within the project and from surrounding development;~~
- ~~(v) Open space designed for active recreational purposes is of a size that it will be functionally useable and located in a safe and convenient proximity to the uses to which it is meant to serve;~~
- ~~(vi) The open space provides a buffer to protect sensitive environmental features and natural areas; and~~
- ~~(vii) If possible, open space is linked to an area or city wide system.~~
- ~~(B) Open Space in Mixed Use Developments (Developments That Contain a Mix of Residential and Nonresidential Uses):~~
- ~~(i) The open space provides for a balance of private and shared areas for the residential uses and common open space that is available for use by both the residential and nonresidential uses that will meet the needs of the anticipated residents, occupants, tenants and visitors of the property; and~~
- ~~(ii) The open space provides active areas and passive areas that will meet the needs of the anticipated residents, occupants, tenants and visitors of the property and are compatible with the surrounding area or an adopted plan for the area.~~
- (C) Landscaping: Landscaping shall exceed by-right standards, contribute to an attractive site plan, conserve water, and meet the criteria below:

- (i) The project provides significant amounts of plant material exceeding the minimum landscaping requirements of Section 9-9-12, "Landscaping and Screening Standards," B.R.C. 1981, by at least fifteen percent in terms of planting quantities, includes a commensurate area to accommodate the additional plantings, and, where practical, preserves healthy long-lived trees.
- (ii) The project provides for aesthetic enhancement of the site by including a variety of plants providing a variety of colors and contrasts in terms of texture and seasonality and high-quality hard surface materials, such as stone, flagstone, porous pavers, and decorative concrete.
- (iii) The landscaping design conserves water through use of native and adaptive plants, reduction of exotic plant materials, and landscaping within stormwater detention facilities to create bioswales or rain gardens, or other similar design strategies.
- ~~(D) — Circulation: Circulation, including, without limitation, the transportation system that serves the property, whether public or private and whether constructed by the developer or not:~~
- ~~(i) — High speeds are discouraged or a physical separation between streets and the project is provided;~~
- ~~(ii) — Potential conflicts with vehicles are minimized;~~
- ~~(iii) — Safe and convenient connections are provided that support multi-modal mobility through and between properties, accessible to the public within the project and between the project and the existing and proposed transportation systems, including, without limitation, streets, bikeways, pedestrian ways and trails;~~
- ~~(iv) — Alternatives to the automobile are promoted by incorporating site design techniques, land use patterns and supporting infrastructure that supports and encourages walking, biking and other alternatives to the single-occupant vehicle;~~
- ~~(v) — Where practical and beneficial, a significant shift away from single-occupant vehicle use to alternate modes is promoted through the use of travel demand management techniques;~~
- ~~(vi) — On-site facilities for external linkage are provided with other modes of transportation, where applicable;~~
- ~~(vii) — The amount of land devoted to the street system is minimized; and~~
- ~~(viii) — The project is designed for the types of traffic expected, including, without limitation, automobiles, bicycles and pedestrians, and provides safety, separation from living areas and control of noise and exhaust.~~

(E) ~~Parking:~~

- ~~(i) The project incorporates into the design of parking areas measures to provide safety, convenience and separation of pedestrian movements from vehicular movements;~~
- ~~(ii) The design of parking areas makes efficient use of the land and uses the minimum amount of land necessary to meet the parking needs of the project;~~
- ~~(iii) Parking areas and lighting are designed to reduce the visual impact on the project, adjacent properties and adjacent streets; and~~
- ~~(iv) Parking areas utilize landscaping materials to provide shade in excess of the requirements in Subsection 9-9-6(d), and Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981.~~

(D) Public Realm and Building Locations: Building facades shall orient to the public realm, which means for the purpose of subsection 9-2-14(h), B.R.C. 1981, building facades along public streets, not including alleys, and along common open space areas intended for gathering, and meet the criteria below:

- (i) Building entries along the public realm shall be emphasized by windows and architectural features that include one or more of the following: protruding or recessed elements; changes in building materials, color, or detailing; or increased window glazing.
- (ii) No building along the public realm shall have less than one defined entry for every 75 feet of the frontage as described in subparagraph (i).
- (iii) New buildings and, to the extent practicable, additions to existing buildings shall be positioned towards the street, respecting the existing conditions or the context anticipated by adopted plans or guidelines. In urban contexts, buildings are intended to be close to the property line and sidewalk along a street; in lower intensity contexts, a greater landscaped setback is in intended to be provided.
- (iv) Operational elements, such as electrical transformers, trash storage and recycling area, parking, and circulation, are screened from the public realm through design elements, such as landscaping, fencing, or placement of structures, to mitigate negative visual impacts.
- (v) Wherever practical considering the scope of a project (e.g., new buildings versus additions to existing building), parking areas shall be located behind buildings or set back further from the streetscape than the building façade along a streetscape.

(vi) If there are prominent views of the mountains from the site, open spaces on the site or elevated common areas on the building are located to allow users of the site access to such views.

(vii) In circumstances where a building is proposed to exceed the by-right zoning district height limit and is located adjacent to a public park, plaza, or open space, buildings are sited or designed in a manner that avoids or minimizes blocking of prominent public views of the mountains from these spaces.

(F)(3) Building Design: The following criteria apply to the exterior of all buildings to ensure high-quality, enduring architecture and simplicity in design; Livability and Relationship to the Existing or Proposed Surrounding Area:

(i) ~~The building height, mass, scale, orientation, architecture and configuration are compatible with the existing character of the area or the character established by adopted design guidelines or plans for the area;~~

(ii) ~~The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans or design guidelines for the immediate area;~~

(iii) ~~The orientation of buildings minimizes shadows on and blocking of views from adjacent properties;~~

(iv) ~~If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs and lighting;~~

(v) ~~Projects are designed to a human scale and promote a safe and vibrant pedestrian experience through the location of building frontages along public streets, plazas, sidewalks and paths, and through the use of building elements, design details and landscape materials that include, without limitation, the location of entrances and windows, and the creation of transparency and activity at the pedestrian level;~~

(vi) ~~To the extent practical, the project provides public amenities and planned public facilities;~~

(vii) ~~For residential projects, the project assists the community in producing a variety of housing types, such as multifamily, townhouses and detached single family units, as well as mixed lot sizes, number of bedrooms and sizes of units;~~

(viii) ~~For residential projects, noise is minimized between units, between buildings and from either on-site or off-site external sources through spacing, landscaping and building materials;~~

(ix) ~~A lighting plan is provided which augments security, energy conservation, safety and aesthetics;~~

- (x) ~~The project incorporates the natural environment into the design and avoids, minimizes or mitigates impacts to natural systems;~~
- (xi) ~~Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality;~~
- (xii) ~~Exteriors of buildings present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing;~~
- (xiii) ~~Cut and fill are minimized on the site, the design of buildings conforms to the natural contours of the land, and the site design minimizes erosion, slope instability, landslide, mudflow or subsidence, and minimizes the potential threat to property caused by geological hazards;~~
- (xiv) ~~In the urbanizing areas along the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the building and site design provide for a well-defined urban edge; and~~
- (xv) ~~In the urbanizing areas located on the major streets shown on the map in Appendix A to this title near the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the buildings and site design establish a sense of entry and arrival to the City by creating a defined urban edge and a transition between rural and urban areas.~~

(A) Building Materials: The following requirements apply to each new building or additions to existing buildings in the project:

- (i) A minimum of 75 percent of the total façade area, not including window and door areas, of all sides of the building shall be composed of high-quality building materials, such as brick, stone, polished concrete masonry units, wood, high density panel systems, high pressure laminate, cementitious or composite siding, architectural metal panels, or any combination of these materials. Split-faced concrete masonry units, stucco, fiber cement board, vinyl siding, or unfinished or untreated wood shall not be considered high-quality materials. EIFS is prohibited. Alternative materials may be considered by the approving authority if it is demonstrated that the material will be high quality, durable, and human scaled.
- (ii) Excluding detached dwelling units, duplexes, townhouses, and mobile home parks, no more than three primary building materials shall be employed upon the facades of the building. Primary



materials shall mean those materials listed in (i) above and exclude trim, fascia, windows, and other similar secondary façade features.

- (iii) Excluding detached dwelling units, duplexes, townhouses, and mobile home parks, transitions of primary building materials, irrespective of trim, fascia, windows, and other similar secondary façade features, shall not occur at any exterior corner or on a building façade facing a street unless there is at least a 12-inch wall off-set. Other building material transitions shall occur at interior, concave corners or on a non-street facing façade at least 20 feet back from a corner (see Figure 9-1).

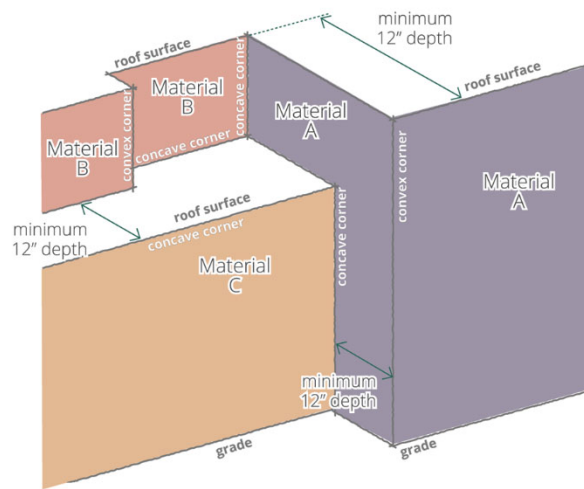


Figure 9-1: Building Material Transitions on Facades.

- (iv) If a building is located within 200 feet of a railroad, freeway, expressway, or principal arterial, and contains residential uses, an acoustic study prepared by an acoustical consultant who is INCE-USA (The Institute of Noise Control Engineering of the USA) Board Certified or a firm that is a member of the National Council of Acoustical Consultants that demonstrates that the building is designed to reduce normal daily traffic, including train, noise, such that an interior decibel reading from the exterior noise source shall not exceed a day-night average sound level of 45 (dbA) A-weighted decibels. The day-night average sound level (DNL) shall be calculated according to the standards of 24 C.F.R. 51 Subpart B.
- (v) To the extent practical, appurtenances that are not architectural features are located within or concealed by the building and, if they cannot be located within or concealed by the building, their

visibility from streetscapes and other areas of the public realm shall be minimized.

(vi) At least three elements of the proposed building design, including but not limited to use of materials, color, or style, shall draw from or improve upon the character of the surrounding area.

(B) Window and Balcony Requirements: The following requirements apply to windows on all buildings and to balconies on certain buildings to ensure an appropriate amount of window transparency, avoid large expanses of blank walls, contribute to visual interest on building facades, and ensure well-designed balconies:

(i) Minimum Transparency Per Floor: Each floor shall have a minimum transparency of 20 percent on building facades facing the public realm and a minimum of 15 percent on all other facades. In the DT, MU-3, MU-4, BMS, BC, and BR zoning districts, any ground floor facade facing a street shall have a minimum transparency of 70 percent if it is within 20 feet of a property line, excepting ground floor residential uses which shall have a minimum transparency of 20 percent (see Figure 9-2).

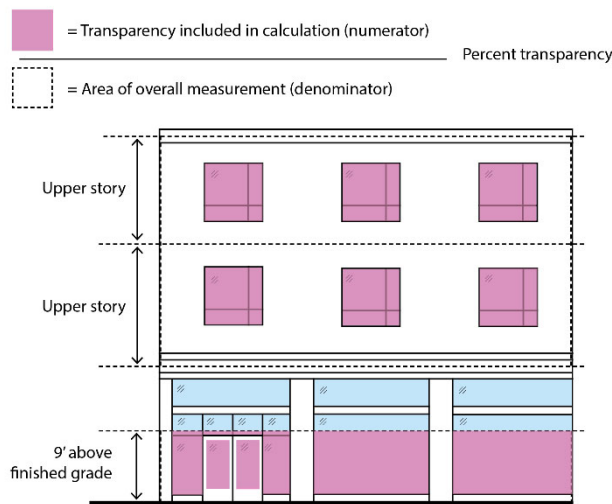
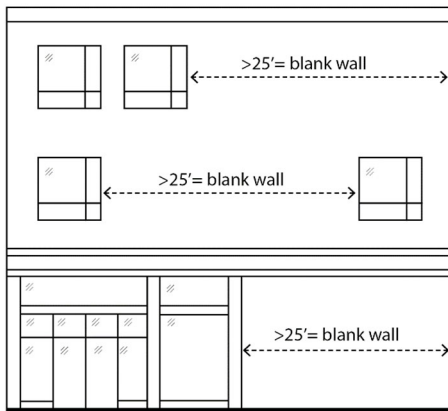


Figure 9-2: Window Transparency Per Floor.

- (ii) Blank Walls: On any floor, no exterior wall area wider than 25 feet shall be without windows (see Figure 9-3) with the following exceptions:
- a. Ground floor walls facing alleys, or
  - b. Loading areas not located along a public street, or
  - a-c. For buildings designed for industrial uses and not primarily office space, walls not facing a public street where such wall is designed with a decorative element that creates visual interest.



*Figure 9-3: Blank Wall Examples.*

- (iii) Recessed Windows: The glass of all windows, with the exception of windows provided pursuant to (i) above within the DT, MU-3, MU-4, BMS, BC, and BR zoning districts along a ground floor façade facing a street, shall be recessed at least two inches from the façade surface material or adjacent trim.
- (iv) Balconies: Balconies on buildings containing attached dwelling units shall meet the following requirements:
- a. The balcony shall be integrated into the form of the building;
  - b. The balcony shall be at least four feet deep and five feet wide, and at least 50 percent of the perimeter of the balcony shall abut an exterior wall of the building, partially enclosing the balcony (see Figure 9-4); and
  - a-c. The balcony platforms shall be at least three inches thick, and any underside that is visible from any public street, not

including alleys, or installed over another balcony shall be finished.

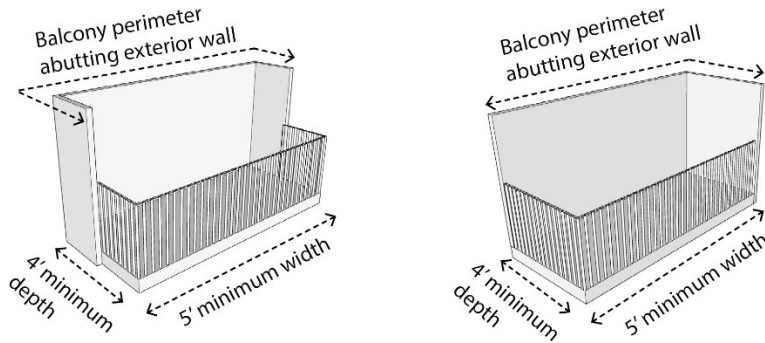


Figure 9-4: Balcony Requirements.

(C) Building Detailing: The following requirements apply to all buildings to encourage visual interest and simplicity in design on the most visible parts of the building:

- (i) On commercial or mixed-use buildings, the first floor along the public realm shall be distinguished from the floors above by a horizontal expression line within three feet of the top of a ground story.
- (ii) On buildings that are not proposed with an angled or gable roof, the top of the building façade shall be distinguished through a horizontal expression line within two feet of the top of the building.

(4) Building Design, Massing, and Height Requirements for Buildings Proposed Above the Zoning District Permitted Height and/or Maximum Floor Area Ratio: Any building exceeding the by-right zoning district height as permitted by Section 9-2-14(b)(1)(E)(vii), B.R.C. 1981, and any building exceeding the by-right floor area limits as permitted by Section 9-2-14(h)(7)(B), B.R.C. 1981, shall meet the following requirements to ensure high quality, appropriately sized buildings that are compatible with the context and of a design that is attractive, but simple with a discernable base, middle, and top:

(A) Additional Building Design Requirements:

- (i) The first floor shall be distinguished from the floors above by a horizontal expression line within three feet of the top of the ground story.
- (ii) On buildings that are not proposed with an angled or gable roof, the top of the building façade shall be distinguished through a

horizontal expression line within two feet of the top of the building and also between the uppermost story and the story below.

(iii) A vertical expression line shall be provided at least every 60 feet on each façade.

(B) Special Building Massing, Height, and Siting Requirements:

(i) No building shall exceed 150 feet in length along any public right-of-way. This requirement may not be exceeded by creating a wall angle of greater than 90 degrees from each of the furthest corner.

(ii) Building facades exceeding 120 feet in length along a public street, excluding alleys, shall differentiate the building façade into distinguishable building modules to appear as more than one building rather than one long expanse. Such facades shall vary in type of dominant material or in color, scale, or orientation of that material and in at least two of the following elements at least every 90 feet of the length:

a. the proportion of recesses and projections along the building façade;

b. the location of entrance and window placements, unless storefronts are utilized;

c. roof cap types; and

d. building height.

(iii) Building height modification or height bonus requests shall be consistent with one of the following criteria:

a. Height Modification: If the building is no taller than three stories and the request is made pursuant to Section 9-2-14(b)(1)(E)(i) through (vi), B.R.C. 1981, the applicant demonstrates that the building's height, mass, and scale is compatible with surrounding development, or

b. Height Bonus: If the building is taller than three stories and the request is made pursuant to Section 9-2-14(b)(1)(E)(vii), B.R.C. 1981, for a height bonus, the applicant demonstrates that:

1. The building's height is consistent with the building heights anticipated by the adopted subcommunity or

area plan or design guidelines applicable to the site,  
or

2. If no subcommunity or area plan or design  
guidelines are adopted for the site or the  
subcommunity or area plan or design guidelines do  
not specify anticipated heights for buildings, the  
applicant demonstrates that the proposed height is  
generally compatible with the height of other  
buildings within 1,000 feet of the site. Where there  
are no buildings that exceed the height limit within  
1,000 feet, the applicant shall demonstrate that the  
building is near a high frequency transit corridor  
and the building's height, mass and scale is  
compatible with other buildings along said corridor  
and the character of the surrounding area.

(C) Roof Cap Types: Any roof forms above the by-right zoning district height  
limit shall be one or more of the following cap types:

- (i) Pitched Cap Type: As shown in Figure 9-5, gable, hip, shed, or  
butterfly roofs or any combination thereof. No such roof shall be  
sloped less than 4:12 (rise:run) or be sloped more than 14:12  
except that slopes less than 4:12 are permitted to occur on second  
story or higher roofs. Gambrel and mansard roofs are prohibited.
- (ii) Parapet Cap Type: As shown in Figure 9-6, parapets meeting the  
requirements of Section 9-7-7, "Building Height, Appurtenances,"  
B.R.C. 1981, and subparagraph (h)(3)(C)(ii) on expression lines of  
this section.
- (iii) Flat Cap Type: As shown in Figure 9-7, flat cap types if the eave  
depth (horizontal measurement) is at least 14 inches from the

building façade and eave thickness (vertical measurement) is at least 6 inches from the top of eave to bottom of eave.

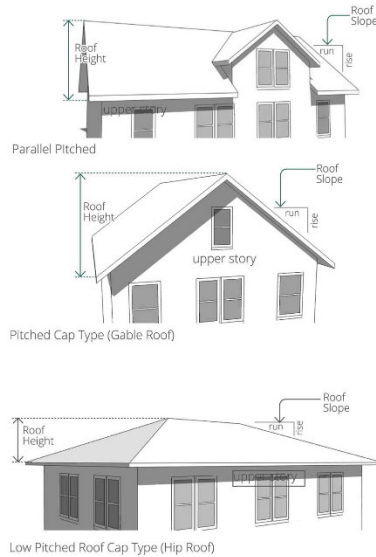


Figure 9-5: Pitched Cap Type.

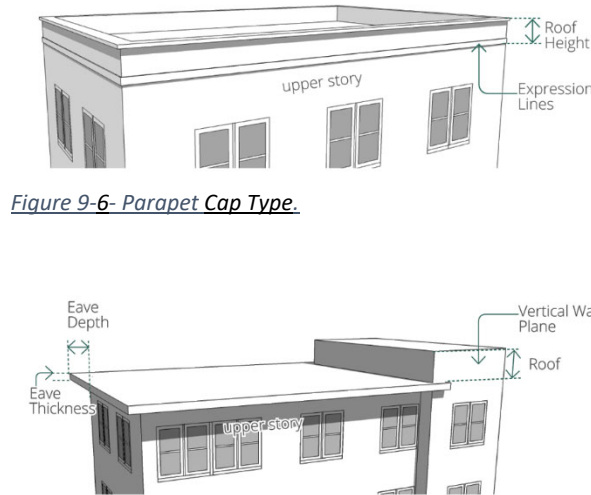


Figure 9-6: Parapet Cap Type.

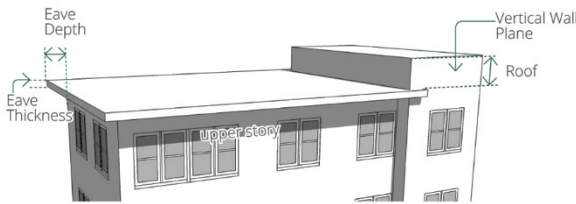


Figure 9-7: Flat Cap Type.

(G) ~~Solar Siting and Construction: For the purpose of ensuring the maximum potential for utilization of solar energy in the City, all applicants for residential site reviews shall place streets, lots, open spaces and buildings so as to maximize the potential for the use of solar energy in accordance with the following solar siting criteria:~~

- ~~(i) Placement of Open Space and Streets: Open space areas are located wherever practical to protect buildings from shading by other buildings within the development or from buildings on adjacent properties. Topography and other natural features and constraints may justify deviations from this criterion.~~
- ~~(ii) Lot Layout and Building Siting: Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building. Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical, buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading.~~
- ~~(iii) Building Form: The shapes of buildings are designed to maximize utilization of solar energy. Buildings shall meet the solar access protection and solar siting requirements of Section 9-9-17, "Solar Access," B.R.C. 1981.~~
- ~~(iv) Landscaping: The shading effects of proposed landscaping on adjacent buildings are minimized.~~

1       (5) Alternative Compliance for Site Review Projects: With the exception of criteria  
2       (h)(1)(A), (h)(1)(B), and (h)(7), the minimum standards of the criteria of  
3       subsection (h) may be modified by the approving authority if the applicant  
4       demonstrates for each criterion not met that:

5           (A) The height, mass, scale, orientation, architecture, and configuration of the  
6           project is compatible with the existing character of the area or the character  
7           established in adopted design guidelines or plans for the area;

8           (B) The project is designed to a human scale and promotes a safe and vibrant  
9           pedestrian experience through the location of building frontages and the  
10          use of building elements, design details, and landscape materials that  
11          include, without limitation, the location of entrances and windows and the  
12          creation of transparency and activity at the pedestrian level;

13          (C) Open space is arranged to be accessible and functional and incorporates  
14          quality landscaping, a mixture of sun and shade and places to gather  
15          meeting the needs of the anticipated residents, occupants, tenants, and  
16          visitors of the property;

17          (D) The proposed alternative is consistent with the purpose of site review  
18          described in subsection (a) of this section; and

19          (E) The project meets one of the following criteria:

20           (i) The proposed alternative is innovative in meeting BVCP policies  
21           on the built environment, energy, climate and waste,  
22           transportation, or housing and such innovation prevents the project  
23           from complying with the standard being modified, or  
24  
25



(ii) Strict adherence to the standard being modified is impractical because of site location, site conditions, or the building's use, or

(iii) The project is an amendment or minor amendment to a site review that was approved under site review criteria in effect prior to adoption of Ordinance 8515 and meets all the following standards:

a. The modification is for a previously approved or existing building and the floor area of said building is not being enlarged by more than 60 percent;

b. The project site and building design are of a quality at least equal to or better than that previously approved; and

c. Application of the standard being modified to the approved or constructed building or site plan is impractical.

(H6) Additional Criteria for Poles Above the Permitted Height: No site review application for a pole above the permitted height will be approved unless the approving agency finds all of the following:

(iA) The light pole is required for nighttime recreation activities which are compatible with the surrounding neighborhood, light or traffic signal pole is required for safety or the electrical utility pole is required to serve the needs of the City; and

(iB) The pole is at the minimum height appropriate to accomplish the purposes for which the pole was erected and is designed and constructed so as to minimize light and electromagnetic pollution.

(47) Land Use Intensity and Height Modifications: Modifications to minimum open space on lots, floor area ratio (FAR), maximum height, and number of dwelling units per acre requirements will be approved pursuant to the standards of this subparagraph:

(A) (i) General Land Use Intensity Modifications with Open Space Reduction:

a. The density of a project may be increased in the BR-1 district through a reduction of the lot area requirement or in the Downtown (DT), BR-2 or MU-3 districts through a reduction in the open space requirements.

(b.i) The open space requirements in all Downtown (DT) districts may be reduced by up to one hundred percent. In the DT, BMS, BR-2, and MU-3 Zoning Districts: The open space requirements in Chapter 9-8, "Intensity Standards," B.R.C. 1981, may be reduced

in all DT districts and the BR-2, BMS, and MU-3 districts subject to the following standards:

c. ~~The open space per lot requirements for the total amount of open space required on the lot in the BR-2 district may be reduced by up to fifty percent.~~

d. ~~Land use intensity may be increased up to twenty five percent in the BR-1 district through a reduction of the lot area requirement.~~

(ii) ~~Additional Criteria for General Land Use Intensity Modifications: A land use intensity increase pursuant to Subparagraph (i) above will be permitted up to the maximum amount set forth below if the approving agency finds that the criteria in Paragraph (h)(1) through Subparagraph (h)(2)(H) of this section and following criteria have been met:~~

a. ~~Open Space Needs Met: The needs of the project's occupants and visitors for high quality and functional useable open space can be met adequately;~~

b. ~~Character of Project and Area: The open space reduction does not adversely affect the character of the development or the character of the surrounding area; and~~

c. ~~Open Space and Lot Area Reductions: The specific percentage reduction in open space or lot area requested by the applicant is justified by any one or combination of the following site design features not to exceed the maximum reduction set forth above:~~

1. ~~Close proximity to a public mall or park for which the development is specially assessed or to which the project contributes funding of capital improvements beyond that required by the parks and recreation component of the development excise tax set forth in Chapter 3-8, "Development Excise Tax," B.R.C. 1981: maximum one hundred percent reduction in all Downtown (DT) districts and ten percent in the BR-1 district;~~

2. ~~Architectural treatment that results in reducing the apparent bulk and mass of the structure or structures and site planning which increases the openness of the site: maximum five percent reduction;~~

3. ~~A common park, recreation or playground area functionally useable and accessible by the development's occupants for active recreational~~

purposes and sized for the number of inhabitants of the development, maximum five percent reduction; or developed facilities within the project designed to meet the active recreational needs of the occupants: maximum five percent reduction;

4. ~~Permanent dedication of the development to use by a unique residential population whose needs for conventional open space are reduced: maximum five percent reduction;~~

a. In the DT, BMS, or MU-3 zoning districts, the reduction in open space is necessary to avoid siting of open space that is inconsistent with the urban context of neighborhood buildings or the character established in adopted design guidelines or plans for the area, such as along a property line next to zero-setback buildings or along alleys: maximum fifty percent reduction.

~~5.b.~~ In the BR-2 zoning district, the following shall be met:

~~51.~~ The reduction in open space is part of a development with a mix of residential and nonresidential uses ~~within a BR-2 zoning district~~ that, due to the ratio of residential to nonresidential uses and because of the size, type and mix of dwelling units, the has a reduced need for open space is reduced: maximum fifteen percent reduction; and/or

~~62.~~ The reduction in open space is part of a development with a mix of residential and nonresidential uses ~~within a BR-2 zoning district that provides with~~ high quality urban design elements. This common open space that will meet the needs of anticipated residents, occupants, tenants, and visitors of the property or will accommodate public gatherings, important activities or events in the life of the community and its people, that may include, and may include, without limitation, recreational or cultural amenities, intimate spaces that foster social interaction, street furniture, landscaping, gardens, sculptures, and hard surface treatments for the open space: maximum twenty-five percent reduction.

(~~iii~~B) Land Use Intensity and Density Modifications with Height Bonus: In the BMS, BR-1, IMS, IS, MU-1 and MU-2 zoning districts if associated with a request for a height bonus, the density and floor area of a building may

be increased above the maximum allowed in Chapter 9-8, "Intensity Standards," B.R.C. 1981, as follows, provided the building meets the requirements for a height bonus under Subparagraph 9-2-14(h)(7)(C)(h)(2)(K), B.R.C. 1981:

a.(i) In the BMS zoning district outside a general improvement district providing off-street parking, and in the IMS, IS, MU-1, and MU-42 zoning districts, the base floor area ratio (FAR) in Table 8-2, Section 9-8-2, "Floor Area Ratio Requirements," B.R.C. 1981, may be increased by up to 0.5 FAR.

b.(ii) In the BR-1 zoning district, the allowed number of dwelling units per acre in Table 8-1, Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, may be increased by up to fifty percent and the maximum allowable floor area ratio (FAR) may be increased up to a 3.0 FAR.

~~(J) Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1 District:~~

~~(i) Process: For buildings in the BR-1 district, the floor area ratio ("FAR") permitted under Table 8-2, Section 9-8-2, "Floor Area Ratio Requirements," B.R.C. 1981, may be increased by the city manager under the criteria set forth in this subparagraph.~~

~~(ii) Maximum FAR Increase: The maximum FAR increase allowed for buildings thirty-five feet and over in height in the BR-1 district shall be from 2:1 to 4:1.~~

~~(iii) Criteria for the BR-1 District: The FAR may be increased in the BR-1 district to the extent allowed in Subparagraph (h)(2)(J)(ii) of this section if the approving agency finds that the following criteria are met:~~

~~a. Site and building design provide open space exceeding the required useable open space by at least ten percent: an increase in FAR not to exceed 0.25:1.~~

~~b. Site and building design provide private outdoor space for each office unit equal to at least ten percent of the lot area for buildings twenty-five feet and under and at least twenty percent of the lot area for buildings above twenty-five feet: an increase in FAR not to exceed 0.25:1.~~

~~c. Site and building design provide a street front facade and an alley facade at a pedestrian scale, including, without limitation, features such as awnings and windows, well-defined building entrances and other building details: an increase in FAR not to exceed 0.25:1.~~

~~d. For a building containing residential and nonresidential uses in which neither use comprises less than twenty-five~~

percent of the total square footage: an increase in FAR not to exceed 1:1.

e. ~~The unused portion of the allowed FAR of historic buildings designated as landmarks under Chapter 9-11, "Historic Preservation," B.R.C. 1981, may be transferred to other sites in the same zoning district. However, the increase in FAR of a proposed building to which FAR is transferred under this subparagraph may not exceed an increase of 0.5:1.~~

f. ~~For a building which provides one full level of parking below grade, an increase in FAR not to exceed 0.5:1 may be granted.~~

(KC) Additional Criteria for a Height Bonuses and Land Use Intensity Modifications ~~for Properties Designated within Appendix J:~~ A building proposed with a fourth or fifth story or addition thereto that exceeds the permitted height requirements of Section 9-7-5, "Building Height," or 9-7-6, "Building Height, Conditional," B.R.C. 1981, together with any additional floor area or residential density approved under Subparagraph ~~(h)(7)(B)(h)(2)(I)(iii)~~, may be approved if it meets the requirements of this Subparagraph ~~(h)(7)(C)(h)(2)(K)~~. For purposes of this Subparagraph ~~(h)(7)(C)(h)(2)(K)~~, bonus floor area shall mean floor area that is on a fourth or fifth story and is partially or fully above the permitted height and any floor area that is the result of an increase in density or floor area described in Subparagraph ~~(h)(7)(B)(h)(2)(I)(iii)~~. The approving authority may approve a height up to fifty-five feet if ~~the building is in an area designated in Appendix J, "Areas Where Height Modifications May Be Considered," and one of the following criteria is met:~~

(i) Residential Developments: If the development is residential, it will exceed the requirements of Subparagraph 9-13-3(a)(1)(A), B.R.C. 1981, as follows:

a. For bonus units, the inclusionary housing requirement shall be increased as follows: Instead of twenty-five percent, at least thirty-six percent of the total number of bonus units shall be permanently affordable units. If the building is a for-sale development, at least fifty percent of all the permanently affordable units required for the building shall be built in the building; this fifty percent on-site requirement may not be satisfied through an alternative means of compliance. A minimum of one bonus unit shall be assumed to be provided in the building if any bonus floor area is in the building.

b. For purposes of this Subparagraph (i), bonus units shall mean a number of units that is determined as follows: A percentage of all the units in the building that equals in

number the percentage of bonus floor area in the building. For example, if twenty percent of the building's floor area is bonus floor area and the building has one hundred units, twenty percent of those one hundred units are bonus units, resulting in twenty bonus units.

c. The city manager shall review the development's compliance with this increased inclusionary housing requirement pursuant to the standards and review procedures of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981.

(ii) Non-Residential Developments: For non-residential developments, the applicant shall pay the affordable housing portion of the capital facility impact fee in Section 4-20-62, B.R.C. 1981, at a rate of 1.43 above the base requirement for the bonus floor area. In a building with several types of non-residential uses, the bonus floor area of each type identified under Section 4-20-62, B.R.C. 1981, shall be a percentage of the bonus floor area that equals in number the percentage of the total floor area in the building of such use type. For nonresidential uses with a fee that is calculated per room or bed under Section 4-20-62, B.R.C. 1981, the increased rate for the affordable housing portion of the fee shall apply to bonus rooms or bonus beds as applicable under that section; the number of bonus rooms or bonus beds shall be determined consistent with the methodology for bonus units in Subparagraph (i)b. above.

(iii) Mixed Use: If the development is a residential mixed-use development, the requirements of Subsections (i) and (ii) above shall apply to the bonus floor area according to the percentage of the total building floor area of each use.

(iv) Alternative Community Benefit: Pursuant to the standard in this Subparagraph (iv), the approving authority may approve an alternative method of compliance to provide additional benefits to the community and qualify for a height bonus together with any additional floor area or density that may be approved under Subparagraph (h)(7)(B)(2)(I). The approving authority will approve the alternative method of compliance if the applicant proposes the alternative method of compliance and demonstrates that the proposed method:

a. ~~w~~Will improve the facilities or services delivered by the city, including without limitation any police, fire, library, human services, parks and recreation, or other municipal ~~facility~~~~office~~, ~~or~~ land or service, or will provide an arts, cultural, human services, housing, or other benefit that is a community benefit objective in the BVCP, and

~~a-b.i~~Is of a value that is equivalent to or greater than the benefits required by this Subparagraph (h)(~~27~~)(~~C~~K).

(~~8~~) Additional Criteria for Parking Reductions: The off-street parking requirements of Section 9-9-6, "Parking Standards," B.R.C. 1981, may be modified as follows:

(~~A~~i) Process: The city manager may grant a parking reduction not to exceed fifty percent of the required parking. The planning board or city council may grant a reduction exceeding fifty percent.

(~~B~~ii) Criteria: Upon submission of documentation by the applicant of how the project meets the following criteria, the approving agency may approve proposed modifications to the parking requirements of Section 9-9-6, "Parking Standards," B.R.C. 1981 (see Tables 9-1, 9-2, 9-3 and 9-4), if it finds that:

(~~i~~a) For residential uses, the probable number of motor vehicles to be owned by occupants of and visitors to dwellings in the project will be adequately accommodated;

(~~ii~~b) The parking needs of any nonresidential uses will be adequately accommodated through on-street parking or off-street parking;

(~~iii~~c) A mix of residential with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking;

(~~iv~~d) If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; and

(~~v~~e) If the number of off-street parking spaces is reduced because of the nature of the occupancy, the applicant provides assurances that the nature of the occupancy will not change.

(~~M~~9) Additional Criteria for Off-Site Parking: The parking required under Section 9-9-6, "Parking Standards," B.R.C. 1981, may be located on a separate lot if the following conditions are met:

(~~A~~i) The lots are held in common ownership;

(~~B~~ii) The separate lot is in the same zoning district and located within three hundred feet of the lot that it serves; and

(~~C~~iii) The property used for off-site parking under this subparagraph continues under common ownership or control.

...

(I) Minor Amendments to Approved Site Plans:

(1) Standards: Changes to approved building location or additions to existing buildings, which exceed the limits of a minor modification, may be considered through the minor amendment process if the following standards are met:

...

(2) Amendments to the Site Review Approval Process: Applications for minor amendment shall be approved according to the procedures prescribed by this section for site review approval, except:

- (A) If an applicant requests approval of a minor amendment to an approved site review, the city manager will determine which properties within the development would be affected by the proposed change. The manager will provide notice pursuant to Subsection 9-4-3(b), B.R.C. 1981, of the proposed change to all property owners so determined to be affected, and to all property owners within a radius of 600 feet of the subject property.
- (B) Only the owners of the subject property shall be required to sign the application.
- (C) The minor amendment shall be found to comply with the review criteria of Subparagraphs (h)(2)(A), (h)(32)(C), and (h)(42)(F) of this section.
- (D) The minor amendment ~~is found to~~ shall be substantially consistent with the intent of the original approval, including conditions of approval, the intended design character, and site arrangement of the development, and specific limitations on additions or total size of the building which were required to keep the building in general proportion to others in the surrounding area or minimize visual impacts.
- (E) The city manager may amend, waive, or create a development agreement.

Section 2. Section 9-7-7, "Building Height, Appurtenances," B.R.C. 1981, is amended as follows:

**9-7-7. Building Height, Appurtenances.**

(a) Appurtenances: Appurtenances may be added under the following circumstances:

- (1) The addition of an appurtenance to a building is permitted if it does not cause the building height to exceed the height allowed in ~~this in~~ Sections 9-7-5, "Building Height," and 9-7-6, "Building Height, Conditional," B.R.C. 1981, considering, for this purpose only, the uppermost point of the appurtenance to be the uppermost point of the roof.

...

- (3) No appurtenance may have useable floor area except for mechanical equipment installations; ~~have more than twenty-five percent coverage of the roof area of the building;~~ or be more than sixteen feet in height. Mechanical equipment, considered cumulatively, may not cover more than twenty-five percent of the roof area of the building. For the purposes of this paragraph, *coverage* means the total area enclosed by the screening and *roof area* means the outside top covering of a building which is parallel to the ground.

...

Section 3. Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, is amended as follows:



**9-8-1. Schedule of Intensity Standards.**

The purpose of this chapter is to indicate the requirements for the allowed intensity of all types of development, including maximum density for residential developments based on allowed number of units and occupancy. All primary and accessory structures are subject to the standards set forth in Table 8-1 of this section except that developments within an area designated in Appendix L, "Form-Based Code Areas," and subject to the standards or Appendix M, "Form-Based Code," are exempt from Table 8-1 and Sections 9-8-1 through 9-8-4, B.R.C. 1981. Developments within an area designated in Appendix L, "Form-Based Code Areas," and subject to the standards or Appendix M, "Form-Based Code," are subject to the standards of Sections 9-8-5, "Occupancy of Dwelling Units," 9-8-6, "Occupancy Equivalencies for Group Residences," and 9-8-7, "Density and Occupancy of Efficiency Living Units," B.R.C. 1981. No person shall use any land within the city authorized by Chapter 9-6, "Use Standards," B.R.C. 1981, except according to the following requirements unless modified through a use review under Section 9-2-15, "Use Review," B.R.C. 1981, or a site review under Section 9-2-14, "Site Review," B.R.C. 1981, or granted a variance under Section 9-2-3, "Variances and Interpretations," B.R.C. 1981, or approved through a form-based code review under Section 9-2-16, "Form-Based Code Review," B.R.C. 1981.

**TABLE 8-1: INTENSITY STANDARDS**

Zoning District	Intensity Module	Minimum Lot Area (in square feet unless otherwise noted)	Minimum Lot Area Per Dwelling Unit (square feet) <sup>(c)</sup>	Number of Dwelling Units Per Acre <sup>(c)</sup>	Minimum Open Space Per Dwelling Unit (square feet) <sup>(c)</sup>	Minimum Open Space on Lots (Residential Uses) <sup>(c)</sup>	Minimum Open Space on Lots (Nonresidential Uses) <sup>(a), (c)</sup>	Minimum Private Open Space (Residential Uses) (square feet) <sup>(c)</sup>	Maximum Floor Area Ratio <sup>(c)</sup>
Mixed-use developments require the greater amount of the residential or nonresidential standard for open space. See Section 9-9-11 for additional open space requirements.									
A	1	5 acres	5 acres	0.2	-	-	10-20%	-	-
RR-1, RR-2	2	30,000	30,000	1.4	-	-	10-20%	-	See Table 8-3
RE	3	15,000	15,000	2.9	-	-	10-20%	-	See Table 8-3
RL-1	4	7,000	7,000	6.2	-	-	10-20%	-	See Table 8-3
P	5	7,000	7,000	6.2	-	-	10-20%	-	-
RL-2	6	-	-	-	6,000	-	10-20%	-	See Table 8-3
RMX-1	7	6,000	6,000	7.3	600	-	10-20%	-	See Table 8-3

1	RMX-2	8	-	-	10 (up to 20 by site review )	-	15%	15%	60	-
2										
3	RM-1	9	-	-	-	3,000	-	10-20%	-	-
4	IS-2	10	-	-	-	600	-	10-20%	60	0.5:1
5	IS-1	11	7,000	-	-	-	-	10-20%	60	0.5:1
6	RH-1	12	-	-	-	1,600	-	10-20%	-	-
7	RH-2	12.5	6,000	3,000 (down to 1,600 by Site review)	14 (up to 27.2 by site review )	600	-	10-20%	-	-
8	RM-2, RM-3	13	6,000	3,500	12.4	-	-	10-20%	-	-
9	RH-3, RH-7	14	-	-	-	-	60% <sup>(b)</sup>	60% <sup>(b)</sup>	60	-
10	RH-4, BT-1, BC-1	15	-	-	-	1,200	-	10-20%	-	-
11	BR-2	16	-	-	-	-	40% <sup>(d)</sup>	10-20% <sup>(d)</sup>	60	-
12	BMS	17	-	-	-	-	15% <sup>(d)</sup>	15% <sup>(d)</sup>	60	0.67 (1.85 if within CAGID or UHGID ) <sup>(d)</sup>
13										
14										
15	RH-6	17.5	-	1,800	-	600	-	-	-	-
16	MU-1, MU-2, IMS	18	-	-	-	-	15% <sup>(d)</sup>	15% <sup>(d)</sup>	60	0.6:1 <sup>(d)</sup>
17										
18	RH-5, BC-2	19	6,000	1,600 <sup>(d)</sup>	27.2	600 (400 by site review if in a mixed use development)	-	10-20%	-	-
19										
20										
21	IM	20	7,000	1,600	27.2	600	-	10-20%	60	0.4:1
22	BT-2	21	6,000	1,600	27.2	600	-	10-20%	-	0.5:1
23	IG	22	7,000	1,600	27.2	600	-	10-20%	60	0.5:1
24	BR-1	23	6,000	1,600	27.2 <sup>(d)</sup>	-	-	10-20%	-	2.0:1 <sup>(d)</sup>
25	MU-3	24	-	-	-	-	15% <sup>(d)</sup>	15% <sup>(d)</sup>	60	1.0:1
	MU-4	24.5	-	-	-	-	15%	15%	60	2.0
	DT-1	25	-	-	-	-	-	10-20% <sup>(d)</sup>	60	1.0:1
	DT-2	26	-	-	-	-	-	10-20% <sup>(d)</sup>	60	1.5:1

DT-3, DT-4, DT-5	27	-	-	-	-	-	10-20% <sup>(d)</sup>	60	1.7:1
BCS	28	-	-	-	-	-	10-20%	-	-

Footnotes:

(a) This requirement may increase based on building height pursuant to Subsection 9-9-11(c), B.R.C. 1981.

(b) Open space may be reduced using the standards in Sections 9-8-3, "Density in the RH-1, RH-2, RH-3 and RH-7 Districts," and 9-9-11, "Useable Open Space," B.R.C. 1981.

(c) For properties within an area designated in Appendix L, "Form-Based Code Areas," and subject to the standards of Appendix M, "Form-Based Code," the footnoted requirement is not applicable. Refer to Appendix M, "Form-Based Code," for specific form, bulk, intensity, and outdoor space requirements.

(d) This requirement may be modified pursuant to Section 9-2-14(h)(7), B.R.C. 1981, for specified zoning districts.

(-) No standard.

Section 4. Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, is amended as follows:

## 9-8-2. Floor Area Ratio Requirements.

**TABLE 8-2: FLOOR AREA RATIO ADDITIONS**

	<i>DT-1</i>	<i>DT-2</i>	<i>DT-3</i>	<i>DT-4</i>	<i>DT-5</i>	<i>MU-1</i>	<i>MU-2</i>	<i>MU-3</i>	<i>BT-2</i>	<i>BM-S</i>	<i>IS-1/2, IS-2</i>	<i>IG</i>	<i>IM</i>	<i>IM-S</i>	<i>BR-1(c)</i>
Base FAR	1.0	1.5	1.7	1.7	1.7	0.6	0.6	1.0	0.5	0.6 7 <sup>(a)</sup>	0.5	0.5	0.4	0.6	-
Maximum total FAR additions (FAR) <sup>(d)</sup>	1.0	0.5	1.0	0.5	1.0	0.0 7	-	-	-	0.3 3	-	-	-	-	-
FAR additional components:															
1) Residential floor area (FAR)	0.5	0.5	0.5	0.5	1.0 <sup>(b)</sup>	-	-	-	-	-	-	Not counted	Not counted	-	-
2) Residential floor area if at least 35% of units are permanently affordable and at least 50% of total floor area is residential (FAR)	-	-	-	-	-	0.0 7	-	-	-	-	-	-	-	-	-
3) Residential floor area for a project NOT located in a general improvement district that provides off-street parking	-	-	-	-	-	-	-	-	-	0.3 3	-	-	-	-	-
4) Floor area used as off-street parking and circulation that is above grade and	0.5	0.5	0.5	0	0.5	Not counted	Not counted	Not counted	-	Not counted	Not counted	Not counted	Not counted	Not counted	-

1	provided entirely within the structure														
2	5) Below grade area used for occupancy	Not counted	Not counted	Not counted	Not counted	Not counted	-	-	-	Not counted	Not counted	-	-	-	-
3															
4	6) Nonresidential floor area (FAR) (see Paragraph 9-8-2(e)(3) and Section 4-20-62, Table 4)	-	-	-	-	1.0 <sup>(b)</sup>	-	-	-	-	-	-	-	-	-
5															
6	Maximum allowable FAR (sum of base plus all available additions)	2.0 + row 5	2.0 + row 5	2.7 + row 5	2.2 + row 5	2.7 + row 5	0.67 + row 4 above	0.6 + row 4 above	1.0 + row 4 above	0.5 + row 5 above	1.0 + row 4 and 5 above	0.5 + row 4 above	0.5 + row 1 and 4 above	0.4 + row 1 and 4 above	0.6 + row 4 above
7															43.0 <sup>(c)</sup>
8															
9															

## Footnotes:

(a) FAR up to 1.85:1 if property is located in a general improvement district providing off-street parking.

(b) The maximum additional FAR component is 1.0. FAR additional components may be combined, but shall not exceed the 1.0 maximum total floor area ratio limit.

(c) See Subparagraph 9-2-14(h)(2)(17), B.R.C. 1981.

(d) For properties located in an area designated in Appendix L, "Form-Based Code Areas," and subject to the standards of Appendix M, "Form-Based Code," the floor area and floor area ratio (FAR) requirements do not apply. Refer to Appendix M, "Form-Based Code," for specific form, bulk, intensity, and outdoor space requirements.

(-) Not applicable.

...

**Section 5.** Section 9-16-1, "General Definitions," B.R.C. 1981, is amended as follows:

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

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

(b) Terms identified with the references shown below after the definition are limited to those specific sections or chapters of this title:

- (1) Airport influence zone (AIZ).
- (2) Floodplain regulations (Floodplain).
- (3) Historic preservation (Historic).
- (4) Inclusionary housing (Inclusionary Housing).
- (5) Residential growth management system (RGMS).
- (6) Solar access (Solar).
- (7) Wetlands Protection (Wetlands).
- (8) Signs (Signs).

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

...

BVCP means Boulder Valley Comprehensive Plan.

...

Expression line means a slight change in the layup of a building material through an offset, indentation, or protrusion of a building material by at least two inches to create detail, shadow lines, and variation.

...

Transparency means the measurement of the percentage of a facade that has highly transparent, low reflectance windows with a minimum fifty percent transmittance factor and a reflectance factor of not greater than 0.25.

...

Section 6. This ordinance repeals Appendix J to Title 9, “Areas Where Height Modifications May be Considered,” and reserves Appendix J to read: APPENDIX J: Reserved.

Section 7. For the limited purpose of adopting this ordinance, city council suspends the provisions of Subsection 9-1-5(a), “Amendments and Effect of Pending Amendments,” B.R.C. 1981.

Section 8. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 9. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

Section 10. This ordinance shall become effective on January 1, 2023. It shall be applied to site review applications submitted on or after the effective date. Complete site review applications submitted before the effective date shall be considered under the standards in effect at the time of application.

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
2 TITLE ONLY this 21<sup>st</sup> day of June 2022.

3  
4  
5 Attest: Aaron Brockett, Mayor

6  
7 Elesha Johnson, City Clerk

8 READ ON SECOND READING, PASSED AND ADOPTED this 4<sup>th</sup> day of August 2022.

9  
10  
11 Attest: Aaron Brockett, Mayor

12  
13  
14 Elesha Johnson, City Clerk

# Site Review Criteria Update

## Summary of Proposed Changes

### Background

Staff has been working on updates to the Site Review criteria as part of the Community Benefit project since 2018. Phase Two of that project includes considering additional community benefits in exchange for additional height and/or density in projects, updating the city's Site Review criteria to be more in line with city policies, and making the criteria more streamlined and the development review process more predictable for developers, neighbors, review bodies, and staff.

This document summarizes the proposed amendments. Draft code text and detailed information and analysis of the amendments can be found in the memo.

### Public and Stakeholder Input

There have been ongoing opportunities for public feedback on the Community Benefit project through in-person and virtual open house meetings, focus groups with the development community and neighborhoods, specific meetings with stakeholders, segments on Channel 8 news, and Be Heard Boulder questionnaires. Stakeholders and interested residents have been notified of the status of the project and updates have been included in the Planning Newsletter. The feedback that has been received throughout the project has helped to shape the draft code text summarized here.

### Project Goals and Objectives

**Identify other aspects of the Site Review criteria to further city goals and create more predictability in projects.**

**Determine additional design standards for projects requesting a height modification.**

**Identify incentives to address the community economic, social and environmental objectives of the comprehensive plan.**

## Existing Criteria Structure

14 pages of ordinance text

### 9-2-14(h)(1) - Boulder Valley Comprehensive Plan

#### 9-2-14(h)(2) - Site Design

- (A) Open Space
- (B) Open Space in Mixed-Use Projects
- (E) Landscaping
- (D) Circulation
- (E) Parking
- (F) Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area
- (G) Solar Siting and Construction
- (H) Additional Criteria for Poles Above the Permitted Height
- (I) Land Use Intensity Modifications
- (J) Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1 District
- (K) Additional Criteria for Parking Reductions
- (L) Additional Criteria for Off-Site Parking

## Proposed Criteria Structure

16 pages of ordinance text, with graphics

### 9-2-14(h)(1) - Boulder Valley Comprehensive Plan

- (A) Land Use Map
- (B) Subcommunity and Area Plans and Design Guidelines
- (C) Reducing Greenhouse Gas Emissions
- (D) Community Design and Edges
- (E) Historic or Cultural Resources
- (F) Housing and Unit Diversity
- (G) Environmental Preservation

#### 9-2-14(h)(2) - Site Design

- (A) Access, Transportation and Mobility
- (B) Open Space
- (C) Landscaping
- (D) Public Realm and Building Locations

#### 9-2-14(h)(3) - Building Design

- (A) Building Materials
- (B) Window and Balcony Requirements
- (C) Building Detailing

### 9-2-14(h)(4) - Building Design, Massing and Height Requirements for Buildings Proposed Above the Zoning District Permitted Height and/or Maximum Floor Area

### 9-2-14(h)(5) - Alternative Compliance for Site and Building Design Standards

### 9-2-14(h)(6) - Additional Criteria for Poles Above the Permitted Height

#### 9-2-14(h)(7) - Land Use Intensity and Height Modifications

- (A) Land Use Intensity and Density Modifications with Open Space Reduction
- (B) Land Use Intensity and Density Modifications with Height Bonus
- (C) Additional Criteria for a Height Bonus and Land Use Intensity Modifications

#### 9-2-14(h)(8) - Additional Criteria for Parking Reductions

#### 9-2-14(h)(9) - Additional Criteria for Off-Site Parking



# Boulder Valley Comprehensive Plan

**Intent: To ensure consistency with the goals and policies of the BVCP and other adopted plans of the community.**

## Consistency with specific policies of the BVCP

Replaces current language about consistency “on balance” with the policies of the BVCP with specific criteria furthering policies on:

### Greenhouse Gas Emissions Reduction

Requires that large projects meet at least one of three options to conserve energy and reduce carbon impact.

### Enhanced design

Moves existing criterion about gateway sites creating a sense of entry to the community, which is currently in the building design section, up to this section.

### Historic or cultural resources

Adds new criteria regarding the protection of significant buildings on site.

### Housing diversity and bedroom unit types

Includes new criteria specifying a minimum number of housing types and bedroom unit types for some projects.

### Environmental Preservation

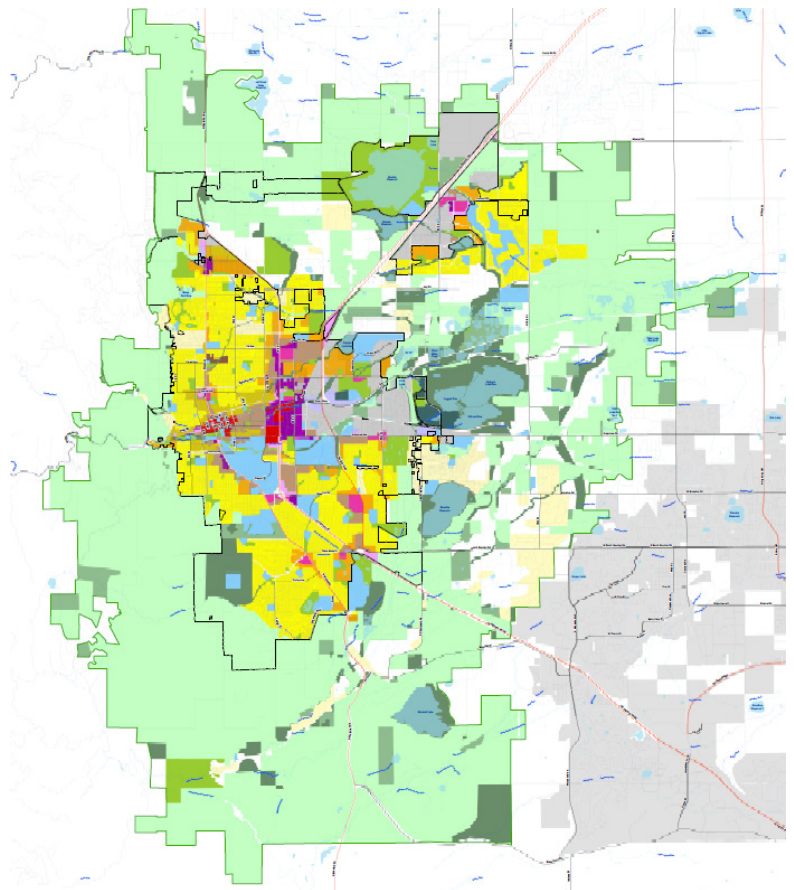
Updates an existing site review criterion about preservation of natural resources and moves it up to this policy-related section.

## Density and economic feasibility

Simplifies existing BVCP criteria language with respect to density and replaces with clear language that refers to consistency with the BVCP land use map. Removes criterion regarding consideration of the economic feasibility of implementation techniques.

## Consistency with adopted plans and design guidelines

Updates criteria ensuring consistency with adopted area plans or design guidelines.



# Site Design

**Intent: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting.**



## Access, Transportation, and Mobility

**Intent: The project efficiently accommodates all modes of travel, emphasizes pedestrian and bicycle use over motor vehicle use, and reduces motor vehicle miles traveled.**

- Consolidates existing redundant parking and circulation criteria into this new section.
- Updates language to better reflect the city's commitment to multi-modal transportation solutions, encouraging modes other than the vehicle, and more clearly states expectations regarding connectivity.

## Open Space

**Intent: Open space shall be designed to create an attractive site plan and promote use.**

- Removes redundant criteria about open space.
- Adds more objective and specific criteria to indicate the required level of open space quality.
- Establishes new thresholds for when active recreation and/or courtyard spaces are required.
- Increases specificity regarding buffering between higher and lower intensity uses, rather than the currently vague "providing relief to density" language.

## Landscaping

**Intent: Landscaping shall exceed by-right standards, contribute to an attractive site plan, and conserve water.**

- Adds specificity that planting quantities must exceed minimum requirements by at least 15 percent, rather than currently vague language.
- Updates criteria to set clear expectations for design quality, including hardscape materials, conserving water, and incorporating bioswales.

## Public Realm and Building Locations

**Intent: Building facades shall orient to the public realm, which includes public streets, plazas, sidewalks, paths and natural features.**

- Replaces currently vague language about "human scale," "attractive streetscape," and "pedestrian interest" with this new section requiring defined building entries along streetscapes every 75 feet.
- Emphasizes the expectation that buildings should be oriented to the street instead of parking areas in many contexts.
- Incorporates requirements for screening of operational features with design elements to mitigate negative visual impacts.
- Updates existing vague language about blocking views with a criterion that sets expectations for maintaining prominent views of the mountains.



# Building Design

## Intent: To ensure high-quality, enduring architecture and simplicity in design.

Overall, these changes replace the highly subjective and vague criteria on building design with more specific requirements for building design quality. These have primarily been drawn from tested elements of the Form-Based Code that staff and the design community have been found to be successful.

## Building Materials

### Intent: To ensure buildings are attractive, well-designed, and are composed of long-lasting materials to give a sense of permanency.

- Specifies a minimum percentage of high-quality building materials, defines which materials qualify, and sets a maximum number of primary building materials to be used on a building.
- Requires that building material transitions may only occur away from public-facing facades and within interior corners.
- Requires acoustic studies for certain buildings close to areas with exterior transportation noise.
- Clarifies expectations to conceal appurtenances.
- Incorporates new criteria requiring building design to draw from or improve upon the character of the surrounding area.

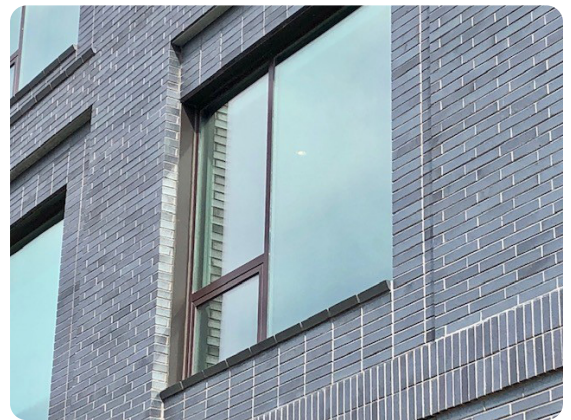




## Window and Balcony Requirements

**Intent:** To ensure an appropriate amount of window transparency, avoid blank walls, contribute to visual interest on building facades and ensure well-designed balconies on larger projects where more balconies are common.

- Specifies minimum transparency requirements per floor, with higher requirements on facades facing the public realm and in certain zoning districts.
- Sets a standard for maximum length of 25 feet for blank walls.
- Requires a two-inch recess for glass of windows to create shadow lines and contribute to wall detailing.
- Establishes new balcony requirements for larger buildings to integrate balconies into the design of the building and require finished platforms.



## Building Detailing

**Intent:** The following requirements apply to all building facades facing a public right-of-way or common open space to encourage visual interest and simplicity in design.

- Adds new requirements for expression lines on certain buildings to add visual interest.
- Incorporates new criteria requiring building detail elements to draw from or improve upon the character of the surrounding area.





# Requirements When Proposing Additional Height or Floor Area Ratio

**Intent:** Ensure high quality, appropriately sized buildings that are compatible with the context and of a design that is attractive, but simple with a discernable base, middle and top.

## Additional Building Design Requirements

- Requires horizontal and vertical expression lines incorporated within specific distances on the building.

## Special Building Massing, Height and Siting Requirements

- Specifies a maximum length along a public right-of-way, and requirements for façade variation.
- Incorporates specific criteria to ensure consistency with the anticipated or the existing context for taller buildings in the area.

## Roof Cap Types

- Outlines design requirements for pitched, parapet, and flat roof cap types.



# Alternative Compliance

With more prescriptive performance standards integrated into the criteria for more predictability, there is also a need for some flexibility as the regulations may not be appropriate or practical in all scenarios. This new option allows some modification from the Site Review requirements, where a project meets certain criteria. Alternative compliance is only available for site and building design standards. A summary of the criteria that need to be met to obtain alternative compliance is below.

**Compatibility with existing character or character in established design guidelines or plans for the area.**

**Human scale, pedestrian-oriented building design and placement.**

**Functional, accessible, and high-quality landscaping.**

**Consistency with the purpose of Site Review.**

**Meets one of the following specific criteria:**

- Innovative approach to meeting BVCP policies
- Impracticality of the standard due to certain conditions
- Specific standards for amendments or minor amendments for previously approved projects

# Land Use Intensity and Height Modifications

Modifications to the minimum open space on lots, dwelling units per acre requirement, maximum height, and minimum lot area per dwelling unit standards may be requested if the requirements of this section are met. Requirements are outlined for specific zoning districts.

## Open space requirements

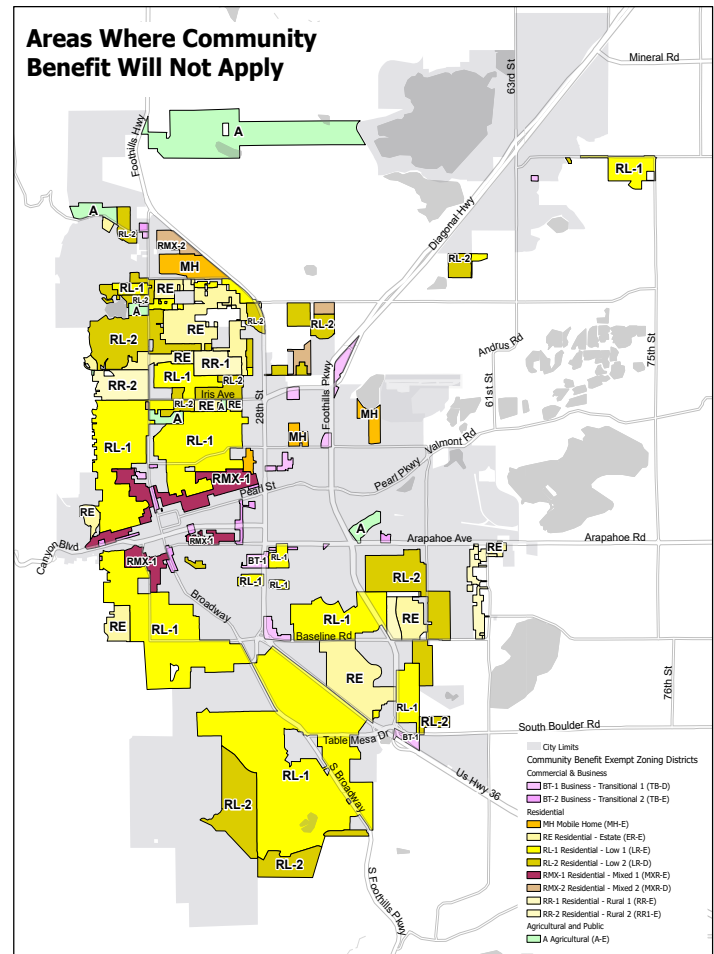
- In the DT, BMS, BR-2, and MU-3 districts, up to 50% reduction of open space requirements is allowed, provided certain criteria outlined for that district are met.

## Criteria for height bonuses and land use intensity modifications

- Adds arts, cultural, human services, housing or other community benefit from the BVCP as eligible alternative community benefits.

## Density and floor area requirements with height bonus

- Modifies this existing standard, removing references to the Appendix J map and instead allowing in districts other than RR, RE, RL, RMX-1, MH, and A (as shown in the map to the right).
- Makes projects in MU-2 district now eligible for 0.5 FAR increase, in addition to other districts where this is currently allowed.
- Projects in BR-1 district eligible for FAR increase up to 3.0. Removes section allowing for bonuses up to 4.0 with additional criteria.



## ATTACHMENT C

**Description of the proposed Site Review changes and how the changes meet the goals and objectives of the project.**

Code section	Section 9-2-14(h)(1), B.R.C. 1981- Boulder Valley Comprehensive Plan (BVCP)
Description of changes	<ul style="list-style-type: none"> <li>• <b>BVCP criteria</b> language have been simplified with respect to density and replaced by clear language that refers to consistency with the BVCP land use map and designation.</li> <li>• Specific criteria have been added to focus on consistency with adopted area plans or guidelines as well as <b>specific criteria furthering policies</b> on:             <ul style="list-style-type: none"> <li>○ Reducing Greenhouse Gas Emissions [<i>three options below would apply to buildings or additions over 30,000 square feet</i>]                 <ul style="list-style-type: none"> <li>✓ <i>Reduce the Embodied CO<sub>2</sub>e of concrete materials</i></li> <li>✓ <i>Design an Electric Project</i></li> <li>✓ <i>Whole-Building Life-Cycle Assessment</i></li> </ul> </li> <li>○ Preservation of important historic or cultural resources (<i>applies when there are buildings qualifying for landmarking on the site</i>)</li> <li>○ Housing and unit diversity (<i>depending on the size of the project or site, requires a minimum specified number of housing types or unit types [3-bedroom vs. 2-bedroom etc.], and</i></li> </ul> </li> <li>• <b>Economic feasibility</b> criteria have been removed; An applicant would not move forward with a project if not found economically feasible, so the criterion is unnecessary.</li> <li>• The existing criterion about <b>gateway</b> sites creating a sense of entry to the community, which is currently in the building design section, has been moved up to this section as it derives from the BVCP policy on enhanced design.</li> <li>• An existing criterion about <b>preservation of natural resources</b> has been updated and moved up to this policy related section.</li> </ul> <p>This criterion is discussed further in Key Issue #2. Planning Board also discussed the ‘greenhouse gas reduction’ criterion of this section at length and thus, this is discussed further in Key Issue #3.</p>



<b>Goals and Objectives met</b>	<p><b><u>Identify other aspects of the Site Review criteria to further city goals and create more predictability in projects.</u></b></p> <p>The BVCP criteria have been debated by community members, applicants, and neighbors for being somewhat vague criteria in the Site Review criteria since the “<i>on balance</i>” application of many BVCP policies leading to unpredictable decisions on applications because of competing policies. The combination of making this section clearer and more explicit about key city policies guiding development, along with the other proposed changes to the criteria, would further city goals and create more predictability in projects.</p>
<b>Code section</b>	<b>Section 9-2-14(h)(2), B.R.C. 1981- Site Design</b>
<b>Description of changes</b>	<ul style="list-style-type: none"> <li>○ A more <b>top-down approach</b> to the criteria has been employed starting with the more holistic elements that inform the overall design being listed first.</li> <li>○ Parking and circulation, which have similar and redundant criteria, have been consolidated into a new <b>Access, Transportation, and Mobility</b> section. This section has been updated to reflect the city’s commitment to multi-modal transportation solutions, encouraging modes other than the vehicle, and more clearly stating expectations regarding connectivity.</li> <li>○ Redundant criteria about <b>open space</b> have been removed. More objective and specific criteria have been added that indicate what the level of quality open space must be and new size thresholds applying to larger sites for active recreation (i.e., &gt;50 units) and/or courtyard spaces (i.e., &gt;1 acre) is added to help break up the size and scale of buildings and provide attractive gathering spaces.</li> <li>○ More specific criteria are added regarding <b>buffering between higher and lower intensity uses</b> instead of the currently vague language of “<i>providing relief to density</i>”.</li> <li>○ The <b>landscaping criteria</b> have been updated to set the expectations for design quality, including language about high quality hardscape materials into landscaped areas, conserving water and incorporating bioswales.</li> <li>○ The vague, subjective language that <b>landscaping</b> shall be “in excess” of by-right standards has been updated to require a minimum of 15% more plantings than by-right projects and a</li> </ul>

	<p>commensurate increase in the size of planting areas to accommodate the additional plantings.</p> <ul style="list-style-type: none"> <li>○ Currently vague language about “<i>human scale</i>,” “<i>attractive streetscape</i>,” and “<i>pedestrian interest</i>” has been replaced by a new <b>Public Realm and Building Location</b> section that requires defined building entries along streetscapes every 75 feet and more specific language on the amount of fenestration in such areas.</li> <li>○ The expectation that <b>buildings should be oriented to the street</b> instead of parking areas is emphasized in this new section.</li> <li>○ Staff is proposing to update the currently vague language on protecting views (minimizing blocking of views) with criteria that set expectations for <b>maintaining prominent views</b> of the mountains for the public or for users of the site.</li> </ul>
Goals and Objectives met	<p><b><u>Determine additional design standards for projects requesting a height modification.</u></b></p> <p><b><u>Identify other aspects of the Site Review criteria to further city goals and create more predictability in projects.</u></b></p> <p>The updates above would more clearly specify the level of quality site designs must achieve in Site Review projects. The proposed criteria include several new metrics that would have to be met for larger projects which are often requesting height modifications. These changes are intended to achieve better design outcomes from the onset of a project, rather than the current criteria which often necessitate repeated revisions and iterations. The changes would remove ambiguity and redundancy in the criteria resulting in more predictable and efficient outcomes and are meant to encourage projects that are more consistent with the criteria upon initial submittal rather than the back and forth to often necessary with current reviews to meet the criteria.</p>
Code section	<b>Section 9-2-14(h)(3)- Building Design</b>
Description of changes	<ul style="list-style-type: none"> <li>• Replace the highly subjective and vague criteria on building design with more specific requirements for building design quality. These have primarily been drawn from tested elements of the <a href="#">Form Based Code (FBC)</a> that staff and the design community have been found to be successful.</li> <li>• Some examples of currently vague criteria are the following existing language:</li> </ul>

	<p>(i) <i>The building height, mass, scale, orientation, architecture and configuration are compatible with the existing character of the area or the character established by adopted design guidelines or plans for the area;</i></p> <p>(iii) <i>The orientation of buildings minimizes shadows on and blocking of views from adjacent properties;</i></p> <p>(iv) <i>If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs and lighting;</i></p> <p>(v) <i>Projects are designed to a human scale and promote a safe and vibrant pedestrian experience through the location of building frontages along public streets, plazas, sidewalks and paths, and through the use of building elements, design details and landscape materials that include, without limitation, the location of entrances and windows, and the creation of transparency and activity at the pedestrian level;</i></p> <p>(vii) <i>For residential projects, the project assists the community in producing a variety of housing types, such as multifamily, townhouses and detached single family units, as well as mixed lot sizes, number of bedrooms and sizes of units;</i></p> <ul style="list-style-type: none"> <li>• To address this, the following new criteria or changes are proposed: <ul style="list-style-type: none"> <li>- (vii) has been moved up to the BVCP section and replaced by a new more specific criterion on <b>housing diversity</b></li> <li>- (v) has been replaced by the new <b>Public Realm and Building Location</b> section discussed above.</li> <li>- (iii) has been replaced by the aforementioned criteria on <b>views</b>.</li> <li>- Where “<i>character of the area</i>” and issues of “<i>compatibility</i>” are relatively subjective, more specific criteria are proposed that are drawn from basic elements of the FBC, such as: <ul style="list-style-type: none"> <li>○ the requirement for at least 75% of facades be composed of <b>high-quality materials</b> such as brick, stone, wood, high density panel systems, high pressure laminate, cementitious or composite siding with a wood finish, or architectural metal panels, in any combination</li> <li>○ <b>building material transitions</b> may only occur away from public facing facades and within interior corners</li> <li>○ <b>minimum transparency requirements</b> per floor (amount of area that must have window and door openings) are proposed at a minimum of 20% per</li> </ul> </li> </ul> </li> </ul>
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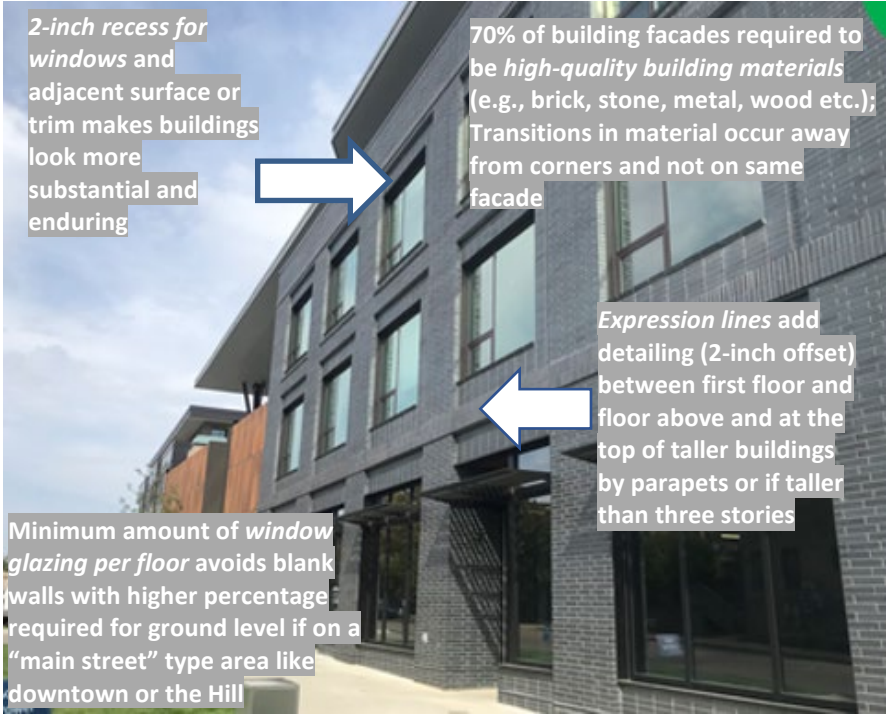
	<p>floor or 70% in storefront, walkable, more urban areas</p> <ul style="list-style-type: none"> <li>○ <b>no blank walls</b> wider than 25 feet</li> <li>○ <b>required recess of windows</b> by 2 inches which creates shadow lines and contributes to wall details and higher quality construction</li> <li>○ <b>new balcony requirements</b> to integrate balconies into the design of the building and also requirements to finish the bottoms of balconies (no drip through slats), which also contributes to higher quality construction</li> <li>○ <b>new building detailing requirements</b> for “expression lines”, which like the recessed windows, are small changes in materials or the layout of materials with an offset of 2 inches adding to the visual interest on facades.</li> </ul> <p>This section has been the primary focus of Planning Board and DAB discussions and is discussed further in Key Issue #4.</p>
<p><b>Goals and Objectives met</b></p>	<p><b><u>Identify other aspects of the Site Review criteria to further city goals and create more predictability in projects.</u></b></p> <p>Like the BVCP section, concerns about the subjective nature of the current building design section have been raised. Further, the section has been a “catch all” for new criteria that have been added over the years meant to compensate for projects that were less successful in meeting the criteria. While many criteria have been added, the current criteria do not always successfully result in higher quality buildings. Rather than vague references to “<i>authentic materials</i>” and “<i>human scale</i>,” the proposed changes above would set a new baseline for quality.</p> <p>While most of the criteria above are more like “black and white” performance standards, staff recognizes that it is important to ensure a project fits in with its surroundings, but the criterion related to compatibility is challenging as it is a relatively subjective concept. Rather than removing it entirely, to provide more direction staff has added new criteria that would require that the applicant to demonstrate at least three elements of a building’s materials and detailing in how it meets or improves the character of the area. While this is one of the more subjective criteria to remain, this additional specificity will provide more guidance to the review authorities in assessing whether a project fits within its surroundings or not.</p> <p>Staff finds that the more specific requirements discussed above, which have been borrowed from the FBC and have been demonstrated in</p>

projects at 30Pearl as ensuring a higher level of quality, would meet the goals above to further city goals on community design, improving the appearance of buildings, and increasing the level of predictability in projects.

See Figure 1 below for examples of less successful, lower quality designs that the updated criteria would address and Figure 2 for the form-based code derived requirements that would be the basis of the new criteria intended to achieve better design:



*Figure 1- Lower quality design examples*

	<p style="text-align: center;"><i>Figure 2- Primary building design criteria in Ordinance 8515</i></p>  <p>Please note that the FBC-type requirements that are proposed only apply to commercial, mixed-use and multi-family development projects (and on a limited scope to industrial buildings). This application is not meant to impact smaller scale development projects and rather to focus on buildings that prompted community concern.</p>
<b>Code section</b>	<b>Section 9-2-14(h)(4)- Building Design, Massing and Height Requirements for Buildings Proposed Above the Zoning District Permitted Height and/or Maximum Floor Area</b>
	<ul style="list-style-type: none"> <li>• With the exception of the relatively new criteria on Community Benefit (permanently affordable housing) and the criteria below, there are few additional requirements for buildings that include height modification or land use intensity modification requests, as outlined in the code:             <ul style="list-style-type: none"> <li>(i) <i>The building height, mass, scale, orientation, architecture and configuration are compatible with the existing character of the area or the character established by adopted design guidelines or plans for the area;</i></li> <li>(ii) <i>The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans or design guidelines for the immediate area;</i></li> </ul> </li> <li>• Add new criteria from the FBC that relate to taller buildings including the following:             <ul style="list-style-type: none"> <li>○ <b>addition of “expression lines”</b> (see Figure 1) on taller buildings including horizontal detailing between the</li> </ul> </li> </ul>

	<p>ground floor and upper floors, between any 4<sup>th</sup> and 5<sup>th</sup> floor, if applicable, below any parapet and the top of building and vertical detailing at least every 60 feet</p> <ul style="list-style-type: none"> <li>○ <b>maximum building length</b> of 150 feet</li> <li>○ <b>required façade variation</b> at least every 90 feet for building greater than 120 feet in length</li> </ul> <p>• Additionally, a new criterion for taller buildings would include <b>more specific requirements for consistency with context</b> for taller buildings. This was one of the key issues discussed at length by Planning Board on May 19<sup>th</sup>.</p> <p>While the criterion is more on the subjective side, it specifies the area that should be analyzed if there are other buildings taller than the zoning district height limit, <u>if</u> the project is not in an area that has an adopted area plan.</p> <p>• Like the FBC on taller buildings, there would be new requirements for <b>roof cap types</b> including pitched (gable, hip) roofs, parapets, and flat roofs.</p>
<b>Goals and Objectives met</b>	<p><b><u>Determine additional design standards for projects requesting a height modification.</u></b></p> <p><b><u>Identify other aspects of the Site Review criteria to further city goals and create more predictability in projects.</u></b></p> <p>One of the primary goals of updating the Site Review criteria has been to “<i>determine additional design standards for projects requesting a height modification.</i>” This new section would apply many of the same baseline requirements that apply in the FBC area to buildings proposed over the zoning district height limit. These standards on height and massing are already demonstrated in the FBC areas to be successful in resulting in higher quality buildings that are detailed but not overly “busy” in design.</p> <p>Staff finds that the combination of the new requirements for building design, maximum building length, respect for public views, and new ground level open spaces for larger buildings would result in taller buildings that better fit into their context and result in better designs. Applicants and staff alike have noted that the standards of the FBC have resulted in less back and forth revisions to meet criteria, achieve better design outcomes and ultimately have a greater level of predictability in the process, consistent with the goals of the project.</p>
<b>Code section</b>	<b>Section 9-2-14(h)(5)- Alternative Compliance for Site Review Projects</b>
<b>Description of changes</b>	With more prescriptive, “black and white,” performance standards integrated into the criteria for more predictability and clear



	<p>expectations, there is a need for some flexibility as the regulations may not be appropriate in all scenarios. As with the FBC process where exceptions may be requested (albeit on a limited basis), staff is proposing an “alternative compliance” option that allows some modification from the Site Review criteria in accounts where it makes sense to afford some flexibility. Alternative compliance is <u>not</u> a separate process and can be considered as part of any Site Review. The applicant would need to demonstrate that an alternative design, that may not meet some criteria, otherwise achieves the intent of the criteria in terms of quality and other factors. Specific criteria in subsection (h)(5) of Ordinance 8515 would need to be met for alternative compliance to be approved.</p>
<b>Goals and Objectives met</b>	<p><b><u>Identify incentives to address the community economic, social and environmental objectives of the comprehensive plan.</u></b></p> <p><b><u>Identify other aspects of the Site Review criteria to further city goals and create more predictability in projects.</u></b></p> <p>Including an alternative compliance section that would be used on a limited basis would allow some necessary flexibility in the regulations where the typical standard should not always apply, or to allow other ways to meet the intents of the BVCP in an alternative way.</p>
<b>Code section</b>	<b>Section 9-2-14(h)(7), B.R.C. 1981- Land Use Intensity Modifications</b>
<b>Description of change</b>	<p>One of the objectives of the project has been to “<i>Identify incentives to address the community economic, social and environmental objectives of the comprehensive plan.</i>” Staff has focused on how to get more permanently affordable housing and smaller sized housing units in locations that are designated for more housing like the Boulder Valley Regional Center (BVRC) and within neighborhood centers to address the housing needs of the community and the jobs: housing imbalance. Such areas include residential areas along Broadway and east of 28th Street and neighborhood centers of the BC zones. Other approaches to work toward the objective are criteria to better achieve designs that are appropriate to the context of an area.</p> <p>Staff has heard from the development community that there are barriers to additional permanently affordable housing and smaller housing units by virtue of some intensity standards – one prime example being the 1,600 square feet of lot area per dwelling unit standard of the BR-1, RH-5 and BC-2 zones which are in areas incentivized for housing in the BVCP as discussed above. Allowing more flexibility in the code, like density bonuses for permanently affordable or smaller units, could incentivize these uses and better BVCP goals.</p>



	<p>Following discussions on the Site Review changes in 2021, City Council requested that staff bring the previously discussed density modifications forward. Such density bonuses, like other land use intensity modifications, would require Planning Board approval at a public hearing as well as consistency with the Site Review criteria, parking and other development standards that would ensure that the proposed intensity, design, and configuration will be consistent with the surroundings.</p> <p>The ordinance in <b>Attachment A</b> contains the following modifications but does not include the density bonus provisions linked to permanently affordable housing as outlined in detail below:</p> <ul style="list-style-type: none"> <li>• DT, BMS, and MU-3 zones: The DT, BMS and MU-3 zones are the most pedestrian oriented of zones in Boulder and have a “Main Street” typology of buildings built up to the street with wide sidewalks and trees in grates etc. Oftentimes, the city’s requirements for up to 20 percent open space on a narrow downtown or West Pearl property results in this “Main Street” design pattern being interrupted by less useable open space. For instance, to meet the open space requirements, developers have pushed buildings back from the sidewalk to have open space along the streetscape or provided less than optimal open space along an alley given the constraints on these sites, which results in a less than ideal design solution and open spaces that are largely meant to meet the code despite not being functional.</li> <li>• A new modification is proposed that would allow requests to reduce the open space by up to 50 percent if it is necessary to avoid siting of open space that is inconsistent with the urban context of neighboring buildings or the character established in adopted design guidelines or plans for the area, such as along a property line next to zero-setback buildings or along alleys. These zones already largely benefit from public open space like the downtown pedestrian mall and the Boulder Creek corridor or other nearby open spaces or parks. An existing modification to reduce open space by up to 100 percent already exists for the DT zones and is proposed to be removed since it currently requires the applicant to demonstrate that the owner of the site has paid into a community fund for the Pearl Street Mall and other nearby open spaces. This has proved to be difficult to track and administer and thus, is proposed to be replaced by the criterion above.</li> <li>• BR-1 zone: An existing section of the Site Review criteria that allows bonuses for up to 4.0 FAR (Floor Area Ratio) is proposed to be removed. Requests for over 2.0 FAR are rare</li> </ul>
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	<p>and oftentimes, the setback, open space, landscaping and circulation requirements limit buildings to not much more than the 2.0 FAR permitted without the modification. Staff has not found any examples of projects that built to a 3.0 or 4.0 FAR. Further, the criteria to obtain more floor area are redundant to the existing open space criteria and do not necessarily result in enhanced design above what the Site Review criteria already require. The vast majority of projects in BR-1 are possible at around 2.0 FAR and if a developer wanted to go beyond the 2.0 FAR, they would have the option to increase that through the Community Benefit requirements. As an alternative, staff is proposing that the modification be changed to simply allow requests for up to a 3.0 FAR if the bonus floor area meets the community benefit standards.</p> <p><u>Density Bonus for Permanently Affordable Units</u>: Staff had previously presented density bonuses linked to permanently affordable housing units in the BR-1, RH-5 and BC-2 zones by modifying the 1,600 square feet of lot area per dwelling unit standard. A separate density modification in the BC-1 zone was also proposed, which would have enabled more permanently affordable housing on sites where a reduction in open space is done to incentivize on-site affordable units. The reasons for exclusion <u>at this point</u> are listed below:</p> <ul style="list-style-type: none"> <li>• Legislative changes at the state level impact how the city's permanently affordable housing program may be administered, primarily related to how rent control is conducted. Rent control was previously not permitted by state law, but now can be, so staff is evaluating this and will determine what changes to the Boulder Revised Code will be necessary. Implementing the density bonus provisions, as previously drafted, would be premature based on change in state law.</li> <li>• At the October 2021 discussion, Planning Board raised equity concerns related to density bonuses in the BC-1 zone because the allowance for more density and permanently affordable units involved an open space reduction. While individual permanently affordable units would not have ended up with less open space than market rate units, the approach to the open space reduction prompted staff to reconsider.</li> <li>• Concerns have been raised related to allowance of density bonuses through the Site Review process which prompted staff to look into other approaches for bonuses that could be done <u>by-right</u> rather than through Site Review. The concern is that tying increased affordability to increased density in a Site Review complicates the application of inclusionary housing</li> </ul>
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	<p>standards significantly, while they result in only minimal additional affordable units. In comparison, a by-right density increase automatically results in additional inclusionary housing benefits.</p> <ul style="list-style-type: none"> <li>• At its retreat in January 2022, some City Council members requested that changes to the Land Use Code Intensity Standards be considered that would allow for more dwelling units in certain zones and provide flexibility for a wider range of more affordable and attainable housing types through the city's Intensity Standards rather than the Site Review process. Suggestions included changes to zoning district density requirements such as removing lot area per dwelling unit restrictions (e.g., BR-1, RH-5, BC-2) as discussed above and replacing with more straightforward floor area ratio (FAR) limits etc. As this concept is similar to the density bonuses concepts discussed as part of the Site Review project and these new concepts will likely change the intensity standards for the same zoning districts, staff found it more appropriate to address the density questions as part of the new work program items presented by council and remove the density bonuses from the Site Review criteria project. This work program item has commenced and will be discussed with City Council in October of this year.</li> </ul>
<p><b>Goals and Objectives met</b></p>	<p><b><u>Identify incentives to address the community economic, social and environmental objectives of the comprehensive plan.</u></b></p> <p>As with the prior ordinance for the Community Benefit project (which was not acted upon by City Council), staff finds that these modifications would be consistent with <i>BVCP Policy 1.11, Enhanced Community Benefit</i> and <i>BVCP Policy 7.12, Permanently Affordable Housing for Additional Intensity</i> and consistent with the goal above related to finding incentives to further objectives of the BVCP.</p> <p>The proposed changes, while leaving out the density bonus provisions, would still work towards incentivizing more affordable housing in locations that are already identified as areas where additional housing (e.g., along multi-modal corridors, in the Boulder Valley Regional Center and in neighborhood centers around the city) is to be encouraged such as the within the BR-1 zone where a floor area ratio (FAR) bonus would be possible to achieve any FAR above 2.0 FAR, an increase commercial linkage fee or provision of permanently affordable units would be required for the “bonus floor area.”</p>

## Summary of Public Comment on the Site Review criteria project

Neighborhood Review Group (*this group is composed of members of the public that are interested in planning issues in Boulder*):

- There was general support for the changes and purpose behind the amendments.
- Commenters felt that the new criteria on BVCP compliance and the increase in specificity aligned with the goals and objectives of the project.
- Criteria should increase the housing supply where possible.
- There were concerns about restricting ability for more affordable housing and the proposed mechanisms to incentivize such uses (e.g., density modifications).
- There was discussion about ensuring that new projects are compatible with surrounding properties through the Site Review process – there should be specific listed examples of “elements” that ensure compatibility.
- Example photos of good vs. bad design should be developed to show the intent of the criteria.
- There were concerns about one-size-fits-all nature of the criteria. Need to ensure that Site Review is not overly burdensome on smaller developers who may be able to provide types of housing that are desirable and supported by goals/policies.

Site Review Focus Group (*this group is composed of local design professionals, representatives in the affordable housing industry and people associated with active development projects*):

- Comments from members of the group have been mixed.
- Attendees felt the proposed regulations were too prescriptive (too many “shall” statements, metrics that have to be met) and more than anticipated; others were relatively positive to the more prescriptive elements borrowed from the Form-Based Code (e.g., building materials, detailing etc.) to create more predictability. The more descriptive language used to set the level of expectation for quality in buildings was also commended. Some examples of this included how buildings address the street, open space quality and pedestrian interest.
- Workforce housing should be a BVCP priority criterion.
- Some were supportive for the more specific BVCP criteria vis-à-vis the current language which is vague about policy compliance whereas others were concerned about the new housing diversity and environmental preservation criteria.
- Most of the attendees were concerned with the new embodied energy/life cycle carbon section and found that it should be better handled later and through changes to the energy code rather than the Site Review criteria. Others noted that it should not apply to residential projects as to incentivize more housing.
- Concerns were expressed about the applicability of new Site Review criteria and how it would impact smaller projects and/or previously approved projects, and had questions about how amendments would be considered.
- Raised concern that new high quality building materials requirements and blank wall standard should perhaps not be applicable in all parts of Boulder.
- Some interest and openness to the alternative compliance standard, while some had concerns about how such exceptions would be reviewed.

- Attendees felt that the criteria should work for all types of projects, not just large-scale new construction.
- There was some concern about the updated criteria would prevent investment in existing buildings.
- There was a desire to have a broader range of architects to review and provide their opinion on whether criteria are workable.
- There was disagreement with the sentiment that open space reductions to gain more affordable housing would be inequitable. Affordable housing, in and of itself, provides for equity. Creating barriers to encouraging more affordable housing is a greater harm to providing equity in the community.

Staff has shared the draft criteria with architects that work in Boulder and has presented to ULI and PLAN Boulder (see below) on the topic. Staff has reached out to architects and the stakeholder groups about specific criteria since the Planning Board work session and has received little feedback. One communication requested specific changes to the criteria (some of which has been incorporated into the ordinance) and another cautioned the city from adopting additional Site Review criteria which are already lengthy and arduous for many developers. These comments can be found in **Attachment E**.

At a discussion with PLAN Boulder, there was interest in the criteria related to building design quality and housing diversity. The group also had the following comments:

- The Cool Boulder initiative should be considered either through this process or a process to update the city's landscaping and open space standards.
- The city should look more into energy standards that address the need for microgrids and encourage more on-site solar generation.
- Caution was expressed about any type of open space reduction offered by the criteria and that there should be a focus on family friendly and middle-income housing.
- Interest was expressed about criteria that would require a certain minimum percentage of home ownership units to create greater community stability and passing of intergenerational wealth.

Staff has also continued to meet with the Site Review Focus Group members to address concerns related to the prescriptive nature of the criteria.

**ATTACHMENT D****Public Comments Received Since October 2021****Message from member of the public (11/2021):**

Dear Council:

**"Let's compare the physical characteristics of the 2004 and 2021 Site Review Criteria:**

	<b>2004 Site Review Criteria</b>	<b>2021 Site Review Criteria</b>
Page Length	9	20
Words	3,514	8,588
References outside the Site Review Criteria to other sections of the BRC that contain additional restrictions	9	63

And while the Site Review Criteria together with its external references to yet more land use regs that require compliance have more than doubled since 2004, you would be hard pressed to find people in our City who think that the quality of our buildings has improved during that period of time.

**Message from member of the focus group (3/2022):**

Thanks for this additional information. In general I support having clearer, more objective criteria and language, and I think the proposed changes accomplish this in many ways. However, I have a few other comments.

1. I completely agree that the open space requirements for affordable units. Calling this an equity issue is a false flag, in my opinion. Nothing is more inequitable than not providing enough affordable housing, so removing barriers to that should be our top priority.
2. I'd still like this project to look at the thresholds for SR. In particular, the thresholds based on number of units seem very clearly to fly in the face of Council's intent, expressed at their retreat, to identify and eliminate code provisions that encourage fewer, larger units instead of more, smaller ones, which the unit-based thresholds do.
3. I would also like to see higher thresholds (or waiver of SR criteria altogether) for projects that are mostly affordable housing.
4. I still object to the blanket requirement for an acoustic study. There are uses for which acoustics matter, and uses for which acoustics don't matter. I don't understand why we're requiring all uses to do the study. I would suggest removing this requirement.
5. I still have concerns that the energy conservation requirements don't account for bigger-picture emissions implications, including those from transportation. Since additional housing (at least workforce-oriented housing) reducing in-commuting, I would like to see projects that provide some threshold amount of housing be exempt from this requirement.
6. Paragraphs 2(A)(ii) and 2(A)(iii) continue to reflect our schizophrenia regarding automobiles. If we're encouraging alternatives to the automobile, as required in (ii), then why is a TDM plan required for projects that ask for **more** than a given level of parking reduction? It should be the reverse: if you're **not** asking for a parking reduction, then a TDM plan should be required.
7. I'm supportive of the garden/courtyard requirement in 2(B)(iii), but I think it should be specifically required to be publicly accessible. Private, gated open space detracts from rather than enhances community.
8. I'd like to see "operational elements" as described in 2(D)(iv) required to be away from streets and main entrances. Too often we've gotten street-side entrances that don't feel like entrances because they're next to transformers or other equipment.
9. I feel 2(D)(v) doesn't reflect the new realities of climate change. Shading is becoming at least as important as sun access.
10. I object to some of the definitions of "high-quality" building materials in 3(A)(i). In particular, I don't see why polished masonry is high-quality but split-faced masonry is not, and why cementitious siding is but fiber-cement board is not. These seem like transitory aesthetic judgements.
11. I don't support 3(C)(iii). This seems to encourage homogeneity.

**Message from member of the focus group (4/2022):**

Karl,

First, please know that I understand the herculean nature of the task you are undertaking, the shifting political climate of those that will implement it, and the outstanding quality of work and thought you have brought to the process so far. After further consideration, I think I'm still in the same place I was on the call. The intent of this project was to make Site Review more predictable, but not to change its purpose. Site Review, by code, exists to "allow flexibility and encourage innovation in land use development." 9-2-14 (a), first sentence - under Purpose. I don't believe that adding metrics or strict requirements complies with this code intent and in fact seems clearly in conflict with it.

Therefore, I think the idea of this update is to make clearer the considerations that staff, PB and CC should be using to judge a project. As we all know, right now the Criteria for review are numerous, conflicting and gray. Your work thus far is a great basis for changing that.

It is specifically against the intent of Site Review to mandate metric-based compliance – for example, 3 types of parapets or a specific percentage of glass. That is not Site Review, but is instead code. In fact, those types of metric exist in two places – the base code and the Form Based Code, both of whom, through using "code" in their name, are explicit about their purpose, which is to establish strict requirements. Site Review, again, is to encourage innovations and flexibility to those requirements, so we if we feel something should be a black and white requirement, it should not be in Site Review, it should sit in one of these two Code sections.

The work you've done would work very well, in my opinion, for the basis of the Site Review changes if the compliance requirements are removed. For example, the old building design section of the Site Review criteria was very general without giving the reviewers many specifics by which to judge the projects, leading to hugely divergent opinions regarding compliance. Your new work would make for an excellent, more direct basis for this criteria if you removed the metrics that are only appropriate in an FBC or base code. As an example, using that building design section as an example, you could specify that the review should consider the following (please notice that there are no absolute metrics and the term "should" is liberally used):

- high quality building materials, including stone, brick, wood, composite wood, etc.
- a preference should be given to using 2-4 high quality materials rather than a large numbers of disparate surfaces, except when the extras are accents
- building material transitions should occur on inside corners, away from public faces, and/or be hidden
- the buildings should be responsive to their area and surroundings, though not necessarily a repeat of the surroundings
- large blank wall areas should be avoided
- shadow or control lines should be created, including vertical ones to break up building length and horizontal ones to establish the level of the first floor and accent the pedestrian area
- windows should be designed to create shadows and depth, either large or small



- particular attention should be given to the first floor of the building, and this first floor level should include items to engage and support the pedestrian, potentially including, but not limited to, things like water tables, bases, kick plates, lighting, signage, awnings, expressed doors, increased horizontal planar movement, material changes, expression lines, overhangs, eaves, planters, landscaping, steps, railings, and artistic and architectural expression.

This approach takes your ideas and translates them into a set of guidelines by which a design can be judged without that judgement being purely discretionary. It would establish what the conversation will include so designers can address the points of the criteria, but not hem in a specific response. It would allow architects to explain to developer clients the standards that will constitute the discussion points at staff and board level, and it sets guidelines and railings for the Planning Board and City Council to discuss the building. It does, however, leave the code language in the code, not in the Site Review criteria, where it, by definition, does not belong.

While this is a shift in thinking for you within the update project, I don't think it is a huge change, but I believe it lines up much better with the code and process, and I think this shift in approach is existentially important to the way the code works. Please note, due to the critical nature of these criteria, I've copied Charles Ferro on this email.

Again, Karl, I think your work thus far has been both dogged and excellent, but I believe this shift in approach is critical for this to be successful.

**From:** [Liz Hanson](#)  
**To:** [boulderplanningboard](#)  
**Cc:** [Guiler, Karl](#); [Ferro, Charles](#)  
**Subject:** New Site Review Criteria: Liz Hanson's comments on 5/19 Agenda Item 5.A.  
**Date:** Wednesday, May 18, 2022 3:53:42 PM

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## External Sender

To Members of the Boulder Planning Board:

I am writing about tomorrow's Agenda Item 5.A., Update the Site Review Criteria, based on my experience working for the City of Boulder for 30 years (20 years as a development review planner and planning manager) - and, for the past six years as a planning consultant and as a Senior Planner with law firm Holland & Hart. I appreciated the opportunity to serve on a city focus group for two years to provide feedback on the evolving ordinance. I particularly appreciate the hard work and determination of Senior Planner Karl Guiler and other planning staff who have worked on this challenging but much needed project. Most of the existing criteria are the same ones I've worked with since 1986.

*I have considerable concerns about the recommended ordinance for new Site Review Criteria that I have shared with the focus group and Karl Guiler. My concerns include:*

- **Code standards rather than discretionary criteria:** I understand the goal to make the criteria less subjective, but most of the new criteria are prescriptive, use "shall" statements and read more like code standards than discretionary review criteria. These are like "form based codes" (e.g. window spacing, numerical requirements for elevation features), but they apply to all site reviews in the whole city. I can think of many projects that could not - and should not - comply with the ordinance. I support writing criteria as guidelines with examples for compliance.
- **Alternative Compliance:** This section was added to address the issue above, however I believe it would only be effective if staff can determine that this code section would apply to a project prior to application. This is how staff confirms standard vs. complex Site Review or Minor Modification vs. Amendment now.
- **Site Review and PUD Amendments:** These make up a large number of Site Review applications and the new standards may not fit remodels, new small buildings in large projects (e.g. Shake Shack at Twenty Ninth Street, with two blank walls), and older projects. Staff has added an Alternative Compliance section for amendments which is a good start, but think this needs more work to solve the "amendment issue." This issue could also discourage property owners from investing in upgrades.
- **Limits on Height Requests:** As proposed, height modification requests would not be allowed in certain residential zones. Since some properties may be appropriate for any increased height over 35 feet (particularly needed housing), why couldn't an application be considered by staff and Planning Board? I also disagree with only allowing height modifications to be applied for where there are other tall buildings nearby; again, allow the request for consideration.
- **New Requirements Duplicate the Code:** Some of the new proposed requirements duplicate existing codes. New energy conservation requirements are proposed even though Boulder already has the toughest energy codes. Acoustical consultant requirements would add cost. Both seem out of place in Site Review criteria.

Site Review is intended as a way to incentivize flexibility, creativity, and design excellence in Boulder projects. I fear that the proposed ordinance will discourage many applicants from applying for Site Review (choosing a by-right option instead) or from upgrading their property. I think with certain changes, the new Site Review Criteria can help ensure projects achieve Boulder's goals.

Thank you for your service to Boulder,

Liz Hanson

[Hanson Business Strategies](#)

303-859-0333

**From:** [David Biek](#)  
**To:** [boulderplanningboard](#)  
**Cc:** [Guiler, Karl](#)  
**Subject:** Proposed changes to Site Review Criteria  
**Date:** Tuesday, May 17, 2022 6:17:49 PM

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## External Sender

Dear Members of Planning Board,

I have great respect for Karl Guiler and other members of Staff and appreciate the hard work that has gone into this project. My apologies to Karl for not providing feedback along the way, but the sheer size and amount of material to ingest and reflect upon was beyond me. My guess is that most of my colleagues have been in the same boat. Our profession has been swamped with work. Even now, I cannot say that I've looked into this in adequate detail to comment in a thorough manner.

I do fear, however, that the intent of simplifying and clarifying these criteria in the way they have been done will instead make the process more complex and difficult in many circumstances that cannot be foreseen. Just judging by the increase in the number of pages would suggest it is not simpler. I recommend not implementing them until they can be tested on several real life projects in different places in the City with different design teams. While the intention of the criteria come from a very good place (many are even things I've personally advocated for over the years), I believe they will add considerable cost to the design and construction of most projects.

This cost is already untenable.

A couple of examples:

We currently have a Site Review underway for an addition to the Cain Travel building at Valmont and Foothills Parkway (2990 Center Green Ct.). If we were to apply these new design criteria regarding horizontal lines, we would not be able to achieve our goals to blend the new addition with the existing building, which does not have a language of horizontal expression.

The requirement to set windows back 2" from the wall surface can be extremely costly for some building types.

Having spent 10 years serving on BDAB, it was a common occurrence that 'Guidelines' came to be viewed by both Staff and the applicants as rules to be followed. They often did not contribute to better architectural designs, but in some cases they worked beautifully. Form based codes have their place in neighborhoods where a particular form is intended, but can be very inflexible and unworkable when applied to an entire city built over many decades with many different scales, uses, and contexts, etc. The language of these new criteria seems to be taken from form based codes and are probably too prescriptive.

This is a VERY challenging assignment that Karl and his team have been tasked with and they have done a great job. Even still, the results may not have the outcome hoped for and could be disastrous in some circumstances. I believe we should hit pause until we can vet them more thoroughly.

Thanks,

David

David Biek  
Principal Architect



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**CITY OF BOULDER  
PLANNING BOARD ACTION MINUTES  
May 19, 2022  
Virtual Meeting**

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:**

Jorge Boone  
John Gerstle, Chair  
Laura Kaplan  
Mark McIntyre  
ml Robles  
Sarah Silver  
Lisa Smith

**PLANNING BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

David Gehr, Interim Director for Planning & Development Services  
Charles Ferro, Planning Senior Manager  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Planning & Zoning Specialist  
Sarah Huntley, Meeting Moderator  
Karl Guiler, Policy Senior Advisor  
Lisa Houde, City Senior Planner

**1. CALL TO ORDER**

Chair, **J. Gerstle**, declared a quorum at 6:04 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **M. McIntyre** and seconded by **L. Kaplan** the Planning Board voted 7-0 to approve the March 31, 2022 and April 21, 2022 minutes as amended.

**3. PUBLIC PARTICIPATION**

a) Lynn Segal

**4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS**

There were no items to review.

## 5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public hearing and recommendation to City Council regarding proposed Ordinance 8515, amending Title 9, "Land Use Code," B.R.C. 1981, to update the Site Review criteria as part of the Community Benefit code change project.

### Staff Presentation:

C. Ferro introduced the item.

K. Guiler presented the item to the board.

### Board Questions:

K. Guiler answered questions from the board.

### Public Hearing:

- 1) Kurt Nordback
- 2) Macon Cowles
- 3) Lynn Segal

### Board Comments:

**Key Issue #1:** Does Planning Board find that the updated Site Review criteria meet the goals and objectives outlined for the project (see goals and objectives below)?

- ❖ *Identify incentives to address the community economic, social and environmental objectives of the comprehensive plan.*
- ❖ *Determine additional design standards for projects requesting a height modification.*
- ❖ *Identify other aspects of the Site Review criteria to further city goals and create more predictability in projects.*
- **L. Kaplan** suggested having a working group consisting of current and past Planning Board members to think about how the BVCP policies should be included in the Site Review Criteria in the future because this could be a bigger question than the Board could handle in real time during a meeting. If we are going to significantly change the way the Planning Board uses the BVCP, all areas of the BVCP need to be thought about and discussed. The current staff proposed revisions to the Site Review criteria significantly narrow the BVCP policies that the Planning Board would be able to apply. She agreed that better defining which BVCP policies apply would be a positive change.
- **J. Boone** said the board's purview goes beyond building and site design. It is detailed planning for the future of Boulder therefore it would be appropriate for us to discuss as a current Planning Board and run through this criterion and how it relates to the BVCP. The jobs housing imbalance is a material planning issue in Boulder which he said he did not see represented and should be considered.
- **S. Silver** disagreed with having a working group. She suggested giving the staff guidance on where there are challenges on what has been presented. She supported the additional design criteria that had been taken from the Form Based Code. She said the conversations had a Site Review about BVCP goals turn out to be valuable because the board needs to prioritize the city priorities. She said there are six or seven that have been left out of this current proposal that may need to be part of the conversation that are priorities to the community. She said she understood

why staff focused the BVCP priorities from a Site Review process, but she thought it was limiting.

- **ml. Robles** said she found the BVCP a powerful and useful tool. The community benefit program intends its outcome to be accountable to sustainability and resilience parameters that the BVCP has put out there. Sustainability and resiliency are big and reduce either to a particular stratum would be a disservice to the board members' roles. She liked that the community benefit program has given direction and has done so in a comprehensive way. Climate considerations need to be inserted and reviewed in policy.
- **L. Smith** said she enjoys the long-range goals within the Comp Plan. She appreciates staff's work trying toward trying to be honest about how decisions are actually made and how the process works.
- **M. McIntyre** acknowledged the work of staff under difficult circumstances. He thought this project has crept beyond its original intent and has morphed into a project that has concerns about preventing a building from being built that we may not like rather than encouraging a vision for where we want to go. This is a plan that was developed under a different Council and Planning Board. He said he had concerns about creating new height limitations. We currently have height limitations, but now there are one-thousand-foot radius zones of varying height restrictions based on existing building. He said that should not be included in this new plan and new ordinance. Universal sound studies required in every instance and every industrial area; we should be cognizant of increased costs. Prescriptive elements cannot work in a number of cases. The alternative criteria would make the process more difficult and more expensive for applicants. He said that difficulty and expense would create a small pool of people who would have the wherewithal, money and knowledge to navigate a project through the process. He said that would speak poorly of us achieving our equity goals. He would like to see an ordinance that allowed for someone other than major developers to bring forth a commercial or housing project that could go through Site Review without having to hire those sorts of consultancies. Finally, he was in support of the idea of a working group, not a focus group, because those people live with the code and they would produce the product we would like to see. While there are a lot of positive aspects of what has been presented, the number of negatives, the importance and time frame mean this should not be approved tonight.
- **J. Gerstle** said the primary objective was to improve the design quality of the buildings that are being built is excellent. He approved of the manner in which this is being done. After learning more about Form Based Code, he would find it a reasonable approach becoming more efficient and to achieve a more aesthetically pleasing outcome. However, he was not in favor of diminishing the Planning Board's ability to deal with BVCP compliance and to decide which elements would be appropriate to consider. He said if the board were to move ahead with the proposed, the discretion of the Planning Board would be lost. He agreed with **S. Silver** and **ml. Robles'** comments.
- **L. Kaplan** said she understood the work of the Planning Board was linked to the BVCP and all plans that tier from it. She was sympathetic to staff's and the development community's perspectives of the barrier that it poses to a developer or applicant to have to look through the BVCP and guess what sections would be relevant to their site design and building as it is going through Site Review. Therefore, she suggested a working group, not a general public outreach or



community focus group, but a specifically on the idea of what policies in the BVCP should be relevant to the specific task of Site Review. The people specific to that would be current and former Planning Board members who have had to make the decision of what within the BVCP would be relevant to Site Review. She would like to see that conversation happen. When something comes for Site Review, we would like to hold it to a higher standard than just a by-right project. She would not be ready to approve this tonight. It should be sent back for some changes, one about the BVCP and the other about the prescriptive metrics. There should be more flexibility built in.

- **ml. Robles** said she was not clear if a working group should be implemented and taken out of staff's hands would be a good idea. Staff has put a lot of focus on this.
- **J. Boone** disagreed that it would be the same group developers coming through this process. The projects would be around thirty thousand square feet or more and Boulder is extremely competitive. Planning Board and staff are extremely busy due to the number of projects coming through and we do not have to try to make things simpler to try and get more development or more people involved. In his opinion, asking for the extra costs or studies are equity issues and making sure the buildings would be built appropriately for that environment. They would not be barriers and keep anyone from building in Boulder or keep developers from building with prescriptive high-quality materials. Secondly, as it relates to creating an environment where BVCP would not be used as a lens, there would be a lot of people that would like the Planning Board to look at this only on a project-by-project basis. But the board must also have a macro lens as they review projects and understand where an individual project might fit into the fabric of Boulder. Overall, he appreciated where this project has been and where it would be going and he would like to see more of the BVCP put into it, but he would not like to see it sent to a working group when the Planning Board should be tasked with moving it forward.
- **S. Silver** agreed with **J. Boone**. She suggested focusing on Site Design within the draft ordinance, moving through the document, address some of the concerns regarding the BVCP component, and giving feedback to staff. Regarding the question of a working group, she said the Planning Board would be the working group and out task to figure out the challenges.
- **L. Kaplan** said that she would like to have the criteria modified to be less prescriptive and she would like to see a rewrite of what that would look like in line with that comment about changing it from "*you will meet this standard*" to "*the project will fulfill this intent and here are some ways to do it*". She said she has heard this from many people who have come before Planning Board, traditional developers and affordable housing advocates, that the prescriptive criteria were going too far. She said by doing that there would be less back and forth, less cost, less onerous than meeting the prescriptive standard or going through alternative compliance. Secondly, she suggested that Design Advisory Board (DAB) weigh in on the question of whether the elements which were pulled out of the Form Based Code would be universally applicable everywhere there would be a Site Review project or if some would be more applicable than others. Finally, she was concerned with the removal of the density bonus provisions from Site Review. She understood there were other work plan components which may replace the density bonus however, if we do not get the outcomes expected from those other work plan items, she questioned what would happen to the idea of a density bonus through Site Review. She suggested the board recommend that if the density bonus were removed from the Site Review,

then we make sure that option would not drop off the table and it would be carried through the consideration of all the other alternatives to see which one would be best. If the density bonus would turn out to be viable, then it would come back to Planning Board. She would like to tie it to the other work plan items.

**Key Issue #2: Does Planning Board recommend any modifications to the criteria in the draft ordinance? Does the Planning Board find that the criteria should be modified to be less prescriptive?**

- **M. McIntyre** agreed that the criteria were too prescriptive.
- **S. Silver** said in certain sections, particularly in the Site Design and Building Design, combined with the alternative compliance, it was not too prescriptive. The alternative compliance would give an applicant a tool by which they can say a particular component would not work for them and here is why. Then they would be able to go into discussion with staff to figure out if it would work or not. It would eliminate the subjectiveness of the Site Review.
- **J. Boone** agreed with **S. Silver**.
- **L. Kaplan** said making it less prescriptive and being more descriptive would be more conducive to innovation, creativity and separate neighborhood character rather than have every building coming through Site Review have the same elements. She agreed that the level of detail should be retained in the Site Review criteria so people know what it would take to get a project through, however it could leave more room for creativity without people having to go through alternative compliance.
- **L. Smith** agreed with **J. Boone** and **S. Silver** that it was not too prescriptive.
- **J. Gerstle** agreed with **J. Boone** and **S. Silver**. He agreed because there would be an alternative compliance method for people who would not want to follow the prescriptions. He also added that the job of the Planning Board was to make sure that people are designing and creating things which we would be happy with for the long term. The primary concern is not to speed up a developer's application time and effort.
- The Planning Board did a straw poll to ask the question if they found the criteria should be modified to be less prescriptive. (3-4)
- The board reviewed the proposed Site Review Criteria in the draft ordinance and proposed modifications within specific sections.
  - **9-2-14 (h)(1) Boulder Valley Comprehensive Plan**
    - Straw poll to keep the BVCP "on balance" compliance and no need to start identifying within the BVCP which policies should be explicitly considered. The board agreed staff still needs to review this section but not enough time. (4-3)
  - **9-2-14 (h)(1)(B) Subcommunity and Area Plans or Design Guidelines**
    - **L. Kaplan** suggested to add the language to "the project is consistent with the applicable plan and guidelines".
  - **9-2-14 (h)(1)(C) Energy Conservation and Building Life-Cycle Impact Carbon Reduction**

- **ml. Robles** suggested this to be modified so that all three options would be required. To be a truly robust community benefit, then we should not diminish the opportunity to put climate action within this in as comprehensive manner as possible.
- **L. Kaplan** noted that she is not certain of the feasibility of requiring all three elements for every project and asked staff to consider this. In addition, she said she was interested in exempting buildings that meet the inclusionary housing requirements. More information would be helpful about the costs involved if all three of the criteria were required.
- **9-2-14 (h)(1)(F)(i) Housing Diversity and Bedroom Unit Types**
  - **S. Silver** proposed that staff consider two qualifying housing types in projects that include only efficiency living units (ELUs) so we do not end up with a building that would be nothing but efficiencies. She said more diverse housing is needed.
  - **M. McIntyre** opposed.
  - Other board members supported her comment.
  - **L. Kaplan** noted that the way staff have defined qualifying housing types would make it difficult to have two qualifying housing types including ELUs.
- **9-2-14 (h)(2)(A)(i) Access, Transportation, and Mobility**
  - **S. Silver** said she would like to make sure staff would be a part of the discussion. Perhaps staff already is, but she was unsure if it was an implied part to staff participation. She said it would be important to make sure that city interests are part of the discussion.
- **9-2-14 (h)(2)(A)(iv) Access, Transportation, and Mobility**
  - **S. Silver** said, regarding the possibility of wider sidewalks, she would like for staff to consider that. She said the more we encourage pedestrian and bicycle use, the more we would want to have wider sidewalks.
- **9-2-14 (h)(2)(A)(v) Access, Transportation, and Mobility**
  - **M. McIntyre** said the number of curb cuts and access has not been addressed. He questioned if this should be addressed in the Site Review criteria vs. DCS.
- **9-2-14 (h)(2)(B)(iii) Open Space**
  - **S. Silver** mentioned the language “*minimum dimension of at least twenty feet*” is not a dimension. It would be a length. She suggested looking at it.
- **9-2-14 (h)(2)(B)(iii)(b) Open Space**
  - **ml. Robles** questioned the specificity around the materials mentioned and why that was placed in this section. In addition, she questioned where a pervious ground requirement would be located within the criteria.
  - **L. Kaplan** would like to have language to specify that if it counts towards open space for the whole project, then it has to be open to all of the users / residents of the whole project.
  - **J. Gerstle and J. Boone** said they would support **L. Kaplan’s** suggestion.
- **9-2-14 (h)(2)(B)(iii)(e) Open Space**
  - **M. McIntyre** said one tree per thousand square feet seemed to be too few. He suggested a doubling of the number.

- **S. Silver** and **J. Boone** were in favor.
- **9-2-14 (h)(2)(D) Public Realm and Building Locations**
  - **ml. Robles** said that she thought there was an unnecessary amount of prescriptive burden placed into the process. She understood that we are trying to have control over an outcome however, overly prescribing design criteria does not result in a better building or better aesthetics. She said she would be opposing many of the prescriptive directives for design. She said we would like a performance outcome and it cannot be done by telling people what windows to put in. It can be accomplished by putting parameters in that say a building should function in an environmentally sustainable and resilient manner and describe that. She said this would not meet the goal.
  - **D. Gehr** summarized by stating that the standards of this section of the code are overly prescriptive, that we need to have more of a performance-based approach, and to add some level of flexibility based on context in terms of what we bring back to the board.
- **9-2-14 (h)(2)(D)(i) & (ii) Public Realm and Building Locations**
  - **M. McIntyre** said that he understood the intent of this, however he thought this could be abused could be detrimental in certain circumstances.
  - **D. Gehr** summarized by stating that while this may be a generally good design standard, however it is not a good design standard in all instances and staff should figure out the flexibility associated with how it might be applied in different contexts.
  - **J. Boone** said he did not believe this was too prescriptive. He said what staff has developed here, while not perfect, it makes sense to him but he wanted to acknowledge what **ml. Robles** said regarding sustainability and performance. He was not sure if what she outlined would belong in this section, but perhaps in environmental energy parameters.
- **9-2-14 (h)(3)(A)(i) & (ii) Building Materials**
  - **ml. Robles** said she did not need the level of prescription which was included. She said her previous comments would apply to this section. She said she saw some redundancies within these sections.
  - **D. Gehr** summarized by stating that these are overly specific as general standards and they should be more context specific.
  - **L. Kaplan** said there were several locations where exemptions were made for smaller projects such as single-family homes, duplexes, townhouses and mobile home parks and the prescriptive requirements would not be a deterrent. She was supportive of exempting out the uses from the requirements. She would like to expand the kinds of units included in these exemptions. She said she would peg it to the definition of “*core missing middle housing*” from Daniel Parolek’s book “Missing Middle Housing”.
- **L. Kaplan** proposed DAB review the building characteristics to weigh in if they feel they are generally applicable to Site Review situations across the city. Staff agreed to commit to that.
- **9-2-14 (h)(3)(B)(iii) Recessed Windows**
  - **L. Smith** said it might be useful to look back at past presentations of what had been happening in developments and what led to these code changes.

- **D. Gehr** summarized by stating that staff would focus with DAB and find the appropriate standard and where it should be applied.
- **ml. Robles** said it would be useful if there could be some evidence that these kinds of codes actually lead to a shift in the building results.
- **D. Gehr** said that this would be more aesthetics as opposed to functionality. What would be helpful for staff would be for either the Planning Board or DAB to help sort out the aesthetic issue.
- **9-2-14 (h)(3)(B)(iv) Balconies**
  - **M. McIntyre** said he understood the intent but found it to be too prescriptive.
  - **D. Gehr** said that this would one of the issues that DAB would help sort out the appropriate standard.

**L. Smith** left the meeting at 11:00 p.m.

- **9-2-14 (h)(4) Building Design, Massing, and Height Requirements for Buildings Proposed Above the Zoning District Permitted Height and/or Maximum Floor Area Ratio**
  - **ml. Robles** suggested eliminating “high quality” and adding “that are compatible with the context” and add “environmental considerations in human scale”. She would like for this to give some direction which could bring it back toward the BVCP values.
  - **J. Boone** said “human scale” has no definition when it comes to trying to direct someone to do something. He said no one really knows what that means.
  - **D. Gehr** said that this would one of the issues that DAB would help sort out the appropriate standard.
- **9-2-14 (h)(4)(B)(iii)(b)(1) Special Building Massing, Height, and Siting Requirements**
  - **L. Kaplan** said she supported.
- **9-2-14(h)(4)(B)(iii)(b)(2) Special Building Massing, Height, and Siting Requirements**
  - **L. Kaplan** said she would strike entirely. She did not believe we needed to limit where buildings could ask for extra height in exchange for the community benefits that are in the appropriate zones. Height exemptions should not be just limited to the transit corridors within those zones or where another tall building already exists. If more language should be added to make that clear rather than striking this section, then she would propose that.
  - **M. McIntyre** agreed. He said that adding on the overlay of one-thousand-foot circles would be unnecessary. He would prefer to have this stricken and return to context.
  - **J. Boone** said he was fine with sticking with what we currently have which is context, which means Planning Board would be able to look at the surrounding area, the community would be able to be involved with the decision and look at context before it would be approved. He said what has been proposed would be less of a barrier to context that what currently exists and would be more aggressive. He said what L. Kaplan was suggesting would take context, the discretion of Planning Board and community input away and would become only community benefit.
  - **S. Silver** said context would matter. How staff would define that would be up to them.
  - **J. Gerstle** agreed and said the existing language would be satisfactory.

- **L. Kaplan** amended her earlier suggestion. She suggested keeping the last portion of the sentence “*the building’s height, mass and scale is compatible with other buildings and the character of the surrounding area*”. The language “*being near a high frequency transit corridor or being within another building that is one thousand feet*” should be examples of where height might be appropriate rather than being a requirement. She would not like to see additional restrictions layered on.
- **K. Guiler** summarized the discussion. Subsection one would remain and perhaps combine with subsection two but eliminate the specific limitation of the one thousand feet and the specific of being near a high frequency transit corridor. The context language would remain related to height, mass and scale. It would not necessarily need to be located near a corridor, but we could potentially it could be inserted as areas which would be more appropriate for taller buildings. All height modifications would still have to come before Planning Board.
- **D. Gehr** added that what he has heard was that context would be more important than distance, the standard would be tied to however we define that context and that context would probably be something we could have an exploration with DAB.
- **9-2-14(h)(4)(C)(i) Roof Cap Types**
  - **J. Gerstle** said he found it odd to completely prohibit the gambrel and mansard roofs.
  - **S. Silver** said the elements of the Form Based Code which were brought over regarding the windows and brickwork are awesome. This Form Based Code appeared specifically for Transit Village. While the other components would be valuable, the roofs indicated may be more appropriate. She suggested staff think through if it was the right thing to do despite coming from Form Based Code.
  - **L. Kaplan** would like to have DAB give input if it would be applicable across the city.
- **9-2-14(h)(4)(G) Solar Siting and Construction**
  - **ml. Robles** questioned why this section had been removed. She suggested staff review this section again to see if part of this could be valuable to help us meet some climate goals. She said this could help buildings to accommodate the sun and its energy via its orientation.
- **9-2-14(h)(5) Alternative Compliance for Site Review Projects**
  - **S. Silver** said she would appreciate some clarification about what would trigger alternative compliance and an explanation that it would not have to be alternative compliance for the entire project but it might be for components of the project. She said to make it clear that it would not be an alternative to going through Site Review and perceived to be a completely separate process for the entire project.
- **9-2-14(h)(7)(C)(iv)(a) Alternative Community Benefit**
  - **ml. Robles** suggested including “*climate action*” after housing.
  - **L. Kaplan** suggested adding “affordable commercial” in the list.

### **Motion:**

There was no action by the board. The board provided feedback to staff. The staff will revise the draft ordinance and bring it in front of the board for review at a future meeting.

**6. ADDITIONAL MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**

**A.** AGENDA TITLE: City ROW and Transportation Circulation Near CU Conference Center

**Staff Presentation:**

**H. Pannewig** provided the board with background information.

**Board Comments:**

- **M. McIntyre** will draft a letter for review by the board.

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 12:35 a.m.

APPROVED BY

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
DATE

**CITY OF BOULDER  
DESIGN ADVISORY BOARD MINUTES  
June 8, 2022  
Virtual Meeting**

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/>

**DAB MEMBERS PRESENT:**

Brendan Ash  
Rory Bilocerkowycz  
Todd Bryan (Chair)  
Mark McIntyre, Planning Board Ex-Officio Member

**DAB MEMBERS ABSENT:**

Matthew Schexnyder

**STAFF PRESENT:**

Kalani Pahoa, City Principal Planner  
Cindy Spence, Board Specialist  
Amanda Cusworth, Planning & Zoning Supervisor  
Karl Guiler, Policy Senior Advisor  
Charles Ferro, Development Planning Senior Manager  
Brad Mueller, Director of Planning & Development Services  
Kristofer Johnson, Comprehensive Planning Senior Manager

**1. CALL TO ORDER**

Chair, **T. Bryan**, declared a quorum at 4:05 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

The board approved the December 8, 2021 and January 12, 2022 Design Advisory Board minutes as amended.

**3. PUBLIC PARTICIPATION**

No one spoke.

**4. DISCUSSION ITEMS**

- A. PROJECT REVIEW:** Design Advisory Board (DAB) review and feedback on the building design criteria of the Site Review criteria, as requested by Planning Board, and part of the project to update the criteria to be more reflective of city goals and to add more predictability to the process.

**Staff Introduction**

**K. Guiler** provided a summary of the Site Review criteria.



## Public Participation

Bill Holicky, with Coburn Architecture

### Board Discussion of Referral Questions:

**Key Issue #1:** Based on the established goals and objectives of the Site Review update project, what is DAB's feedback on the proposed building design criteria (Section 9-2-14(h)(3)) in Attachment A?

- **R. Bilocerkowycz** summarized his thoughts regarding the packet. He said his initial major reaction as an architect in Boulder was that if one were to over constrain the design problem, then we were going to be left with solutions that start to feel like one could read the code as they walk downtown as opposed to allowing people to innovate. He said that would be a very fine line and a difficult task for staff to deal with. Having guidelines and criteria which folks would be encouraged to focus on, and if they were not necessarily as educated in the design profession, would give them a lot of rubrics to work with. Ultimately the beauty of a Site Review Process (SRP) would allow for creative flexibility and interpretation of codes if they could be demonstrated to be providing design, value and benefits to community in a way that might not be captured by a black and white set of metrics. He said if the ability for design teams were eliminated, developers to be afforded flexibility, he was concerned that we would end up with a prescriptive set of buildings.
- **B. Ash** said that as a board, we are tasked with the downtown building design and architecture. She said that when you break the design requirements apart into different parts of Boulder, some would make more sense than others. She said that making them the requirement would make it too constraining for certain building types and it may not fit in all parts of the city. She said that she feels drawn to human scale and design section, and she felt the city was broken apart into different types of human scale. For example, on the Pearl Street Mall, the human scale is pedestrian whereas the Diagonal or even 28<sup>th</sup> Street is less of a pedestrian scale and more of an automotive scale. Overall, she found some of these moves to more applicable to downtown design and there may need to be loosened a little for areas outside of downtown.
- **T. Bryan** agreed with the previous comments. He agreed with an earlier point regarding those certain criteria should be followed not necessarily shall be followed. If one of the criteria were human scale, he would want to know how the applicant accomplished the design around human scale and see if they could explain it to us in a convincing way. And if they are successful in explaining, then they have met the criteria. However, from his experience on the board, an applicant will mention human scale but they will not explain what it means specifically. He would be more inclined to ask the applicant how they met the criteria and to be specific. However now, it sounds like they may be looking guidance from DAB and what it means to the board.
- **R. Bilocerkowycz** said the board was in agreement that Site Review criteria should function has guidelines and not as prescriptive criteria.
- **B. Ash** agreed however staff and Planning Board need a solid document that would back them up on decisions. From a legal and enforcing standpoint, there would needs to some level of language for the board to enforce and encourage good design.

**Key Issue #2:** More specifically, what is DAB's input on the following proposed Site Review criteria and questions?

- a. Minimum window transparency per floor [(B)(i)]
- b. Balcony requirements for buildings with attached dwelling units [(B)(iv)]
- c. Building detailing requirements (e.g., expression lines) [(C)]

- d. **Building height modification or height bonus criteria (for buildings over the zoning district height) relative to compatibility and context area [(B)(iii)]**
- e. **In the roof types section for taller buildings, should gambrel and mansard roofs be prohibited? [(4)(C)(i)]**
- f. **What does DAB consider “human scale” design?**
  - ***e. In the roof types section for taller buildings, should gambrel and mansard roofs be prohibited? [(4)(C)(i)]***
    - **T. Bryan** said, for DAB, this would not be a yes or no question.
    - **B. Ash** said she did not like gambrel or mansard roofs and are not necessarily found in Colorado. Having these roofs prohibited did not seem like a big loss.
    - **R. Bilocerkowycz** said this would not be an uncommon prohibition. Mansard roofs would illicit a kind of seventies architecture where third and fourth floors were inserted into the roofs and it was a way to skirt zoning requirements. He said that type of architecture would not be desirable or aesthetically pleasing in today’s context. However, he would hate to think there would not be a creative way to interpret what a mansard roof could be in the future. He was apprehensive to flat out prohibit that roof type. He challenged a full-on prohibition to allow for creative interpretations of what a contemporary version could be. Prohibition is a strong word and suggested using the words “*strongly discouraged*”.
    - **T. Bryan** agreed.
    - **B. Ash** agreed and suggested “*on a case-by-case basis*”.
  - ***f. What does DAB consider “human scale” design?***
    - **T. Bryan** said that human scale was not just one thing. That there is a pedestrian scale and there may be an automotive scale. That human scale is contextual. He questioned if there was more to it.
    - **R. Bilocerkowycz** said in his opinion that human scale was design that intentionally was intended for a human. The human would be the reception of the design intent. He said this was very open ended.
    - **B. Ash** said human scale was creating a space where one invites people to participate in it. It would be made by the community in their own participation. She did not think it should be prescriptive. She said it would be creating spaces which humans bring life to, the space that they would inhabit. Humans perceive their surroundings at eye level and we should consider what are the moments that make people stop, pause and look up or just creating a comfortable environment at that level for a human being. And that would be different if a person were driving in a car. We should consider what would draw you into that space physically.
    - **T. Bryan** said that should include materials, patterns, and textures that people could relate to in that kind of context. It would be a number of different things that would go into what would be considered a human scale and how people respond to that environment.
    - **R. Bilocerkowycz** said that while this is a subjective term, it forces people to justify some of the design moves they would be making in reference to a human scale design.
  - ***a. Minimum window transparency per floor [(B)(i)]***
    - **R. Bilocerkowycz** said that he liked seeing minimum transparency in any jurisdictions design guidelines or review criteria, particularly on the ground level. He thought it was paramount as there is an inherent safety. Generally, he said some level of transparency guidelines would make sense, however it could get tricky. He thought a minimum transparency criterion that addressed the ground

floor vs. upper levels and addressed the uniqueness of the program beyond the wall would be important. While the proposed seventy percent for ground level is good, he was having a difficult time understanding the impact. While he did not feel qualified to elicit a metric for the percentage, he did feel it was important to have a guideline.

- **B. Ash** struggled with the proposed seventy percent because it left very few solutions other than aluminum storefront windows and all the ground level facades would start looking too similar to achieve the seventy percent. She said it would not allow for flexibility in materiality and detailing at ground floor level. She thought there should be language included for exceptions regarding party walls or graded walls. She was in favor of sixty percent as it would be easier to achieve.
- **T. Bryan** summarized that there were comments about being overly strict.

➤ ***b. Balcony requirements for buildings with attached dwelling units [B)(iv)]***

- **R. Bilocerkowycz** like the spirit in eliminating the tack-on decks. He questioned how we could ensure that high quality balconies were developed through multi-family buildings without telling developers exactly what to do and then over the next decade every building has the exact same integrated balconies. He cautioned that we do not want to create a complexity, waterproofing and envelope condition. He said having high quality balconies would be important. He was nervous about too much prescriptive direction by prescribing the means by which to do, based on certain amount of recess or containment with the building walls. He said he supported the idea of a minimum balcony size and the underside being finished. The minimum size and the finish on all sides could be prescriptive. He agreed with guiding folks away from the tack-on balcony and integrated into the design of the building.
- **T. Bryan** said it appeared the criteria was trying to define a high-quality balcony. However, it sounds like there may be other quality design criteria that could also be met that might allow more flexibility in these criteria.
- **B. Ash** said this seemed clear and that if we said the balcony should be integrated into the design rather than the form, it would be subjective and less enforceable. She did not mind how the criteria had been written. She was surprised by the size of the balcony and thought it was small. She agreed it would be nice to have the underside of balconies to be finished.

➤ ***c. Building detailing requirements (e.g., expression lines) [(C)]***

- **B. Ash** liked the imagery included on the Boulder Junction which was used as a case study. Her initial thought was, in a high-density area, it might make an entire city block look horizontal. She said sometimes we need vertical expression of a corner or entry. She was concerned it would create too much uniformity.
- **R. Bilocerkowycz** said we are ultimately trying to get people to do nice things. He suggested the first statement could end after “above” so all the buildings do not end up looking all the same.
- **T. Bryan** summarized that this would be trying to get at some consistency in terms of pattern and in terms of a visual expression without being overly prescriptive so there would not appear to have a line running all the way down the entire block. He said it should fit within the architectural expression of the area. He said we are trying to get at a consistency of patterning and expression.

➤ ***d. Building height modification or height bonus criteria (for buildings over the zoning district height) relative to compatibility and context area [(B)(iii)]***

- **M. McIntyre** shared his concern with this section. He said there are a set of height restrictions within the city, which are relatively clear, and by adding the one-thousand-foot radius on

top of that, he said we are creating a vision which says what we have is what we will see in the future vs what we have can be modified to what we want to see in the future. He found that quite concerning in terms of reaching community goals for housing for different types of building for multi-use areas.

- **R. Bilocerkowycz** liked **M. McIntyre's** comments. He said it was not easy to get a height bonus and he would hate to over constrain an applicant or to shut down anyone's attempt if they would bring community benefits. The whole point of bonus structures and Site Review is to encourage above and beyond community gifts and benefits.
  - **T. Bryan** said DAB asked City Council to focus on expanding the definition of community benefits so it would be more than afford housing.
  - **B. Ash** wondered if the height limit was not giving Boulder the density it needs. She said it may be taking away from architecture and design.
- ***Full length Block [B] "Special Building Massing, Height, and Siting Requirements"***
- **R. Bilocerkowycz** cautioned the language '*more than one building*'. He thought it would be more important to have attention applied to proportion and relief.

#### **Summary of the Board Recommendations:**

- **B. Ash** said DAB could be helpful however this board does not see many projects. She said she thought DAB could help streamline the process.
- **R. Bilocerkowycz** said

#### **5. BOARD MATTERS**

#### **6. CALENDAR CHECK**

#### **7. ADJOURNMENT**

The Design Advisory Board adjourned the meeting at 6:27 p.m.

**APPROVED BY**

\_\_\_\_\_  
**Board Chair**

\_\_\_\_\_  
**DATE**