



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 5, 2023

AGENDA TITLE

Third reading and consideration of a motion to adopt Ordinance 8599 amending Title 9, "Land Use Code," B.R.C. 1981, related to the site review process and intensity, form and bulk, use, parking, and subdivision standards, concerning affordable and modest-sized housing; and setting forth related details

REQUESTING DEPARTMENT / PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Brad Mueller, Director of Planning & Development Services
Charles Ferro, Senior Planning Manager
Karl Guiler, Senior Policy Advisor
Sloane Walbert, Inclusionary Housing Program Manager

EXECUTIVE SUMMARY

The purpose of this item is for City Council to consider a motion to adopt an ordinance on third reading to amend the Land Use Code to remove regulatory barriers to affordable or modest-sized housing through changes to the site review process, intensity, form and bulk, use, parking, and subdivision standards. The amended ordinance is found in **Attachment A**.

This project is part of a larger effort to address the current housing crisis by expanding housing supply and diversity of available housing types, and in turn reduce housing costs and limit displacement. In recent years land use policies combined with labor and material costs have made it harder and more expensive to build residential development in the city. Other projects to address these housing challenges include loosening

regulations on accessory dwelling units (ADUs), occupancy reform, and inclusionary housing changes.

City Council identified updating the Land Use Code to “*increase affordable housing by revising density calculations, reducing parking restrictions and looking at other zoning amendments that could better incentive smaller, more affordable housing*” as one of their top work program priorities for 2022-2023. Staff discussed the project in detail with City Council on [Mar. 23](#), Planning Board on [Apr. 18](#) and again, with City Council on [June 15](#) to receive specific direction. Housing Advisory Board recommended 5-0 to approve the ordinance on Aug. 23 and Planning Board recommended 5-0 to approve the ordinance with amendments on Aug. 29. Those amendments have been incorporated into the ordinance. More detail on these board discussions, background on the project, staff analysis on the ordinance can be found in the Sept. 21 memo at this [link](#).

City Council held a public hearing on Ordinance 8599 at its second reading on Sept. 21 and several council members proposed changes to the ordinance. The council deliberation related to the proposed changes and which ones could be accomplished with Ordinance 8599 and others that would be more appropriately handled as a future phase of the project. The changes that were supported by a majority of council members are discussed in the ‘Analysis’ section of this memorandum and are incorporated into Ordinance 8599 within **Attachment A**. Suggestions for things to be considered as a second phase of this project are found in the ‘Background’ section below.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt Ordinance 8599 amending Title 9, “Land Use Code,” B.R.C. 1981, related to the site review process and intensity, form and bulk, use, parking, and subdivision standards, concerning affordable and modest-sized housing; and setting forth related details

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** – Recent studies (some included within the [June 15 memorandum](#)) indicate that zoning restrictions can impact the cost of housing if the supply of housing is constrained and the demand for housing is high. Enabling more housing choice in Boulder could help reduce the cost of housing.
- **Environmental** – Allowing more housing options could enable some people to live closer to where they work, increase transit use, and encourage people to walk or bike, which are consistent with city of Boulder environmental goals. Further, allowing more occupancy and more housing types consistent with Boulder Valley Comprehensive Plan (BVCP) land use designation density limits would allow more housing without increasing strain on the public infrastructure serving

neighborhoods as more units would be permitted in areas already anticipated for housing (like high density residential and business zones) and enabling additional units in low density areas at the same level of density currently allowed in such areas through subdivision.

- **Social** – Two Core Values of the [Boulder Valley Comprehensive Plan \(BVCP\)](#) are being a “*A welcoming, inclusive and diverse community*” and providing “*A diversity of housing types and price ranges.*” Further, one of the focus areas of the BVCP is Housing Affordability and Diversity. Addressing housing needs in a way that minimizes potential impacts to existing neighborhoods (such as requiring additional parking requirements for new units, or only allowing new duplex or triplex units in single-family neighborhoods where zoning would already allow new single-family homes through subdivision) would be consistent with the following BVCP Policies:

- *1.11 Jobs: Housing Balance*
- *2.10 Preservation & Support for Residential Neighborhoods*
- *7.01 Local Solutions to Affordable Housing*
- *7.06 Mixture of Housing Types*
- *7.08 Preserve Existing Housing Stock*
- *7.10 Housing for a Full Range of Households*
- *7.11 Balancing Housing Supply with Employment Base*
- *7.12 Permanently Affordable Housing for Additional Intensity*

Adding additional housing is also one way the BVCP notes that the city could mitigate the jobs: housing imbalance. Increased housing options would broaden access for more affordable housing throughout the city, which is consistent with the city’s racial equity goals. Such changes may present more affordable housing choices for people of all races and incomes. Increasing housing options within the city would enable more workforce housing in the city and reduce the need for in-commuting which increases greenhouse gas emissions and a burden for in-commuters and residents alike. Allowing more housing in some areas could contribute to additional impacts to neighborhoods such as parking, noise or trash from the greater intensity. This may necessitate increased funding for zoning and police enforcement citywide.

OTHER IMPACTS

- **Fiscal** – This project is being completed using existing resources.
- **Staff time** – This project is being completed using existing staff resources.

BACKGROUND

For a complete background on the project including but not limited to the City Council’s initial direction on the project, board and public feedback and the original goals and objectives, refer to the second reading memo found at this [link](#).

City Council voted 5-0 on Sept. 21 to amend Ordinance 8599 with the changes discussed in the ‘Analysis’ section. Now council is asked to consider the amended ordinance for final adoption on third reading. Other changes, which were found to necessitate additional public outreach and analysis, to be considered as a future phase of the project, are listed below:

- **Exemption for middle housing** – Consider an exemption to the Site Review process for projects that provide 100% middle housing if there are no land use modifications associated with the project. Solicit feedback from groups assisting with those with disabilities on these changes.
- **Add RMX-1 (Mixed Density Residential – 1) to the scope of the project** – Explore changes to the RMX-1 zone that would apply the current floor area ratio (FAR) maximums per lot, but removes the lot area per dwelling unit requirement.
- **Add RM-1 (Medium Density Residential – 1) to the scope of the project** – Explore changes to the RM-1 zone that would remove the minimum open space per dwelling unit requirement and replace with the FAR limit of the RMX-1 zone.
- **Rethink whether research and development (R&D) uses should allow additional residential FAR in the industrial zones** – Consider removal of R&D uses from the allowance for additional residential FAR and list other light industrial uses that should be promoted for light industrial areas.
- **Further analyze minimum thresholds for Site Review and whether any thresholds should be tied to number of dwelling units** – Consider changing additional zones in [Table 2-2 in Section 9-2-14, “Site Review,” B.R.C. 1981](#) to “0” to make them eligible for Site Review.
- **Opportunities for additional density in lower density areas** – Analyze density in low density areas in more depth and explore whether there are areas where additional density, consistent with the Boulder Valley Comprehensive Plan (BVCP) land use designations, may be possible (e.g., allowance for duplexes on corner lots along multi-modal corridors etc.) before any BVCP updates.
- **Explore additional restrictions in low density residential zones** – Explore whether additional regulations to enable homeownership in low density residential zones and preserving the character of such areas, such as owner-occupancy on lots where additional dwelling units may be allowed.

PUBLIC FEEDBACK

A summary of public feedback throughout the process of the project can be found in the Sept. 21 memorandum at this [link](#). Several commenters spoke to the item at the Sept. 21 public hearing some in support of the project noting the need to add housing opportunities and others against the project citing that there was no affordable housing required by the changes. Written public comments throughout the course of the project are found attached to the Sept. 21 memorandum and those that were sent immediately preceding the public hearing are found in **Attachment B**.

ANALYSIS

For a complete list of the content of Ordinance 8599 as proposed for second reading by staff (not including any changes that council approved based on its September 21 discussion) and the staff analysis on the project, refer to the second reading memo found at this [link](#).

City Council changes to Ordinance 8599 discussed and adopted on September 21

City Council held a public hearing on Ordinance 8599 at its second reading on Sept. 21 and several council members proposed changes to the ordinance. The council deliberation focused on the proposed changes and, in particular, which ones could be accomplished with this ordinance and others that would be more appropriately considered as a future phase of the project. The amendments to Ordinance 8599 that were approved by a majority of council members are listed below and are incorporated into Ordinance 8599 within **Attachment A**. The approved amendments included:

- Removal of the Site Review exemption for 100% middle housing projects. (This exemption is instead to be considered in a second phase of the project);
- Amendment to [Table 8-1, “Intensity Standards,” B.R.C. 1981](#) to permit the following increased floor area ratio (FAR) (i.e., a 0.4 FAR increase) limits if a project is approved through Site Review:
 - RH-2 (Residential High – 2): Allowable increase to 1.07 FAR from 0.67 FAR;
 - BT-1 (Business Transitional – 1): Allowable increase to 1.4 FAR from 1.0 FAR, and
 - BT-2 (Business Transitional – 1): Allowable increase to 0.9 FAR from 0.5 FAR.
- Amendment to [Table 8-1, “Intensity Standards,” B.R.C. 1981](#) to permit an increased FAR of 2.0 in the BC (Business Commercial) zones in areas identified within [Appendix N](#). (The areas identified in Appendix N are generally the main shopping and neighborhood centers in the city);
- Amendment to include bicycle parking in the floor area additions of [Table 8-2](#), so that bicycle parking does not count as floor area where parking is not counted as floor area; and
- Removal of proposed changes to the intensity standards for the RL-2 (Residential Low – 2) zoning district as suggested by a letter from Sopher Sparr Architects found in **Attachment B**. After removal of the proposed change, certain FAR limitations will continue to only apply to single-family homes on lots that are greater than 8,000 square feet and will not impact development of townhouses in that zone.

City Council is considering Ordinance 8599 for final adoption on third reading on October 5. If finally adopted on that date, per its terms, the ordinance would go into effect on Jan. 1, 2024.

ATTACHMENTS

A- Amended Ordinance 8599

B- Written public comments received preceding the Sept. 21 public hearing

ORDINANCE 8599

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, RELATED TO THE SITE REVIEW PROCESS AND INTENSITY, FORM AND BULK, USE, PARKING, AND SUBDIVISION STANDARDS, CONCERNING AFFORDABLE AND MODEST SIZED HOUSING; 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 to read as follows:

...

(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:

(A) Minimum Thresholds for Voluntary Site Review: No person may apply for a site review application unless the project exceeds the thresholds for the "minimum size for site review" category set forth in Table 2-2 of this section or a height modification pursuant to Subparagraph (E) below on any lot is requested.

(B) Minimum Thresholds for Required Site Review: No person may apply for a subdivision or a building permit for a project that exceeds the thresholds for the "concept plan and site review required" category set forth in table 2-2 of this section until a site review has been completed.

...

TABLE 2-2: SITE REVIEW THRESHOLD TABLE

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

1	BCS	B4	m	28	1 acre	3 acres or 50,000 square feet of floor area
2						
3	BMS	B2	o	17	0	3 acres or 50,000 square feet of floor area
4						
5	BR-1	B5	f	23	0	3 acres or 50,000 square feet of floor area
6						
7	BR-2	B5	f	16	0	3 acres or 50,000 square feet of floor area
8						
9	BT-1	B1	f	15	1 acre	2 acres or 30,000 square feet of floor area
10						
11	BT-2	B1	e	21	0	2 acres or 30,000 square feet of floor area
12						
13	DT-1	D3	p	25	0	1 acre or 50,000 square feet of floor area
14						
15	DT-2	D3	p	26	0	1 acre or 50,000 square feet of floor area
16						
17	DT-3	D3	p	27	0	1 acre or 50,000 square feet of floor area
18						
19	DT-4	D1	q	27	0	1 acre or 50,000 square feet of floor area
20						
21	DT-5	D2	p	27	0	1 acre or 50,000 square feet of floor area
22						
23	IG	I2	f	22	2 acres	5 acres or 100,000 square feet of floor area
24						
25	IM	I3	f	20	2 acres	5 acres or 100,000 square feet of floor area
	IMS	I4	r	18	0	3 acres or 50,000 square feet of floor area
	IS-1	I1	f	11	2 acres	5 acres or 100,000 square feet of floor area

IS-2	I1	f	10	2 acres	5 acres or 100,000 square feet of floor area
MH	MH	s	-	5 or more units are permitted on the property	-
MU-1	M2	i	18	0	1 acre or 20 dwelling units <u>30,000 square feet of floor area</u>
MU-2	M3	r	18	0	3 acres or 50,000 square feet of floor area
MU-3	M1	n	24	5 or more units are permitted on the property	1 acre or <u>30,000 square feet of residential floor area</u> 20 dwelling units or 20,000 square feet of nonresidential floor area
MU-4	M4	o	24.5	0	3 acres or 50,000 square feet of floor area
P	P	c	5	2 acres	5 acres or 100,000 square feet of floor area
RE	R1	b	3	5 or more units are permitted on the property	-
RH-1	R6	j	12	0	2 acres or <u>30,000 square feet of floor area</u> 20 dwelling units
RH-2	R6	c	12.5	0	2 acres or <u>30,000 square feet of floor area</u> 20 dwelling units
RH-3	R7	l	14	5 or more units are permitted on the property	2 acres or <u>30,000 square feet of floor area</u> 20 dwelling units
RH-4	R6	h	15	5 or more units are permitted on the property	2 acres or <u>30,000 square feet of floor area</u> 20 dwelling units
RH-5	R6	c	19	5 or more units are permitted on the property	2 acres or <u>30,000 square feet of floor area</u> 20 dwelling units

RH-6	R8	j	17.5	5 or more units are permitted on the property	3 acres or <u>30,000 square feet of floor area</u> <u>20 dwelling units</u>
RH-7	R7	i	14.5	5 or more units are permitted on the property	2 acres or <u>30,000 square feet of floor area</u> <u>20 dwelling units</u>
RL-1	R1	d	4	5 or more units are permitted on the property	3 acres or 18 dwelling units
RL-2	R2	g	6	5 or more units are permitted on the property	3 acres or 18 dwelling units
RM-1	R3	g	9	5 or more units are permitted on the property	2 acres or <u>30,000 square feet of floor area</u> <u>20 dwelling units</u>
RM-2	R2	d	13	5 or more units are permitted on the property	2 acres or <u>30,000 square feet of floor area</u> <u>20 dwelling units</u>
RM-3	R3	j	13	5 or more units are permitted on the property	2 acres or <u>30,000 square feet of floor area</u> <u>20 dwelling units</u>
RMX-1	R4	d	7	5 or more units are permitted on the property	2 acres or <u>30,000 square feet of floor area</u> <u>20 dwelling units</u>
RMX-2	R5	k	8	0	2 acres or <u>30,000 square feet of floor area</u> <u>20 dwelling units</u>
RR-1	R1	a	2	5 or more units are permitted on the property	-
RR-2	R1	b	2	5 or more units are permitted on the property	-

Footnote to Table 2-2, Site Review Threshold Table:

(a) See Section 9-2-14(b)(3), B.R.C. 1981, for development projects that are exempt from the Concept Plan and Site Review Required threshold.

...

(3) Exceptions: The following developments that exceed the minimum site review thresholds set forth in this section shall not be required to complete a site review:

- (A) Minor modifications and amendments under this section to approved development review applications;
- (B) Building permits for additions to existing structures that do not exceed a

1 cumulative total, over the life of the building, of twenty-five percent of the size of
 2 the building on which the addition is proposed and that do not alter the basic
 intent of an approved development;

3 (C) Subdivisions solely for the purpose of amalgamating lots or parcels of land;

4 (D) Subdivisions solely for the purpose of conveying property to the City;

5 (E) City of Boulder public projects that are otherwise required to complete a public
 review process; and

6 (F) Projects located in areas defined by Appendix L, "Form-Based Code Areas," that
 are required to complete form-based code review pursuant to Section 9-2-16,
 "Form-Based Code Review," B.R.C. 1981.

7 ...

8 (d) Application Requirements: An application for approval of a site plan may be filed by any
 9 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:

10 (1) All materials and information required by Subsection 9-2-6(a), B.R.C. 1981;

11 ...

12 (21) 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.~~

14 ...

15 (g) Review and Recommendation: The city manager will review and decide an application for a
 16 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:

17 (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.

18 (2) A reduction of the open space or lot area requirements allowed by Subparagraph (h)(6)
 19 of this section.

20 (3) An application for any principal or accessory building above the permitted height for
 principal buildings set forth in Section 9-7-1, "Schedule of Form and Bulk Standards,"
 B.R.C. 1981.

21 ~~(4) An increase in density in the RH 1, RH 2 and RH 3 districts consistent with Section 9-~~
~~8-3, "Density in the RH 1, RH 2, RH 3 and RH 7 Districts," B.R.C. 1981.~~

22
 23 (h) Criteria: No site review application shall be approved unless the approving agency finds that
 the project is consistent with the following criteria:

24 ...

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

...

- (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)(6)(C), B.R.C. 1981:

- (i) In the BMS zoning district outside a general improvement district providing off-street parking, and in the IMS, IS, MU-1, and MU-2 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.
- (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.

...

- (7) ~~Additional Criteria for Parking Reductions: The applicant demonstrates, and the approving authority finds, that any reduced parking on the site, if applicable, meets the parking reduction criteria outlined in The off-street parking requirements of Section 9-9-6, "Parking Standards," B.R.C. 1981, may be modified as follows:~~

- ~~(A) 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) 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) 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) The parking needs of any nonresidential uses will be adequately accommodated through on-street parking or off-street parking;~~
 - ~~(iii) 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) If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; and~~

(v) ~~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.~~

~~(8) 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) The lots are held in common ownership;~~

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

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

...

(l) Minor Amendments to Approved Site Plans:

...

(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), and (h)(3), ~~and (h)(4)~~ of this section.

(D) The minor amendment 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 9-5-2, "Zoning Districts," B.R.C. 1981, is amended to read as follows:

- (a) Classification: Zoning districts are classified according to the following classifications based on the predominant character of development and current or intended use in an area of the community:
- ...
- (b) Zoning Districts: Under the classifications defined in Subsection (a) of this section, the particular zoning districts established for the city are as in table 5-1 of this section:

TABLE 5-1: ZONING DISTRICTS

<i>Classification</i>	<i>Zoning District (Abbreviation)</i>	<i>Use Module</i>	<i>Form Module</i>	<i>Intensity Module</i>	<i>Former Zoning District Abbreviation</i>
Residential	Residential - Rural 1 (RR-1)	R1	a	2	RR-E
	Residential - Rural 2 (RR-2)	R1	b	2	RR1-E
	Residential - Estate (RE)	R1	b	3	ER-E
	Residential - Low 1 (RL-1)	R1	d	4	LR-E
	Residential - Low 2 (RL-2)	R2	g	6	LR-D
	Residential - Medium 1 (RM-1)	R3	g	9	MR-D
	Residential - Medium 2 (RM-2)	R2	d	13	MR-E
	Residential - Medium 3 (RM-3)	R3	j	13	MR-X
	Residential - Mixed 1 (RMX-1)	R4	d	7	MXR-E
	Residential - Mixed 2 (RMX-2)	R5	k	8	MXR-D
	Residential - High 1 (RH-1)	R6	j	12	HR-X
	Residential - High 2 (RH-2)	R6	c	12.5	HZ-E
	Residential - High 3 (RH-3)	R7	l	14	HR1-X
	Residential - High 4 (RH-4)	R6	h	15	HR-D
	Residential - High 5 (RH-5)	R6	c	19	HR-E

	Residential - High 6 (RH-6)	R8	j	17.5	-
	Residential - High 7 (RH-7)	R7	l	14.5	-
	Mobile Home (MH)	MH	s	-	MH-E
Mixed Use	Mixed Use 1 (MU-1)	M2	i	18	MU-D
	Mixed Use 2 (MU-2)	M3	r	18	RMS-X
	Mixed Use 3 (MU-3)	M1	n	24	MU-X
	Mixed Use 4 (MU-4)	M4	o	24.5	-
Business	Business - Transitional 1 (BT-1)	B1	f	15	TB-D
	Business - Transitional 2 (BT-2)	B1	e	21	TB-E
	Business - Main Street (BMS)	B2	o	17	BMS-X
	Business - Community 1 (BC-1)	B3	f	15-19	CB-D
	Business - Community 2 (BC-2)	B3	f	19	CB-E
	Business - Commercial Services (BCS)	B4	m	28	CS-E
	Business - Regional 1 (BR-1)	B5	f	23	RB-E
	Business - Regional 2 (BR-2)	B5	f	16	RB-D
Downtown	Downtown 1 (DT-1)	D3	p	25	RB3-X/E
	Downtown 2 (DT-2)	D3	p	26	RB2-X
	Downtown 3 (DT-3)	D3	p	27	RB2-E
	Downtown 4 (DT-4)	D1	q	27	RB1-E
	Downtown 5 (DT-5)	D2	p	27	RB1-X
Industrial	Industrial - Service 1 (IS-1)	I1	f	11	IS-E
	Industrial - Service 2 (IS-2)	I1	f	10	IS-D
	Industrial - General (IG)	I2	f	22	IG-E/D
	Industrial - Manufacturing (IM)	I3	f	20	IM-E/D
	Industrial - Mixed Services (IMS)	I4	r	18	IMS-X
Public	Public (P)	P	c	5	P-E
Agricultural	Agricultural (A)	A	a	1	A-E
Flex District	Flex (F)	TBD	TBD	TBD	n/a

(c) Zoning District Purposes:

(1) Residential Districts and Complementary Uses:

(A) Residential - Rural 1, Residential - Rural 2, Residential - Estate, and Residential - Low 1: Single-family detached residential dwelling units at low to very low residential densities. Primarily single-family detached dwelling units with some duplexes and attached dwelling units at low to very low residential densities.

(B) Residential - Low 2, and Residential - Medium 2: Medium density residential areas primarily used for small-lot residential development, including without limitation, duplexes, triplexes, or townhouses, where each unit generally has direct access at ground level.

(C) Residential - Medium 1, and Residential - Medium 3: Medium density residential areas which have been or are to be primarily used for attached residential development, where each unit generally has direct access to ground level, and where complementary uses may be permitted under certain conditions.

...

Section 3. Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, is amended to read as follows:

The schedule in Table 6-1 shows the uses that are permitted, conditionally permitted, prohibited, or that may be permitted through use review.

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

(1) Allowed Uses: An "A" in a cell indicates that the use type is permitted by right in that zoning district, subject to compliance with any applicable specific use standards set forth in this chapter.

(2) Conditional Uses: A "C" in a cell indicates that the use type will be reviewed in accordance with the procedures established in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981. Conditional use applications shall also meet any applicable specific use standards set forth in this chapter.

(3) Use Review Uses: A "U" in a cell indicates that the use type will be reviewed in accordance with the procedures established in Section 9-2-15, "Use Review," B.R.C. 1981. Use review applications shall also meet any applicable specific use standards set forth in this chapter.

(4) Prohibited Uses: A hyphen ("-") in a cell indicates that the use type is prohibited in that zoning district.

(5) Specific Use Standards: Cells containing bracket symbols ("[]") indicate that there are specific use standards associated with the use type in that district that must be complied with. Regardless of whether or not a use is allowed by right, conditional use, or use review, specific use standards may apply. The standards may require a different

review process or impose certain limitations. The applicable specific use standards are identified and cross-referenced in the right-most column of Table 6-1. Several specific use standards may apply to a use type. If there is any inconsistency between the bracket designation in Table 6-1 and the specific use standards in Chapter 9-6, the specific use standards shall control.

(b) Additional Standards:

(1) Uses are also subject to all other applicable requirements of this title.

(2) Additional Use Standards in Form-Based Code Areas or Overlay Districts:

(A) Uses in Form-Based Code Areas: Uses located on a lot or parcel designated in Appendix L, "Form-Based Code Areas," are subject to the requirements of this chapter, but may also be subject to additional use standards pursuant to Appendix M, "Form-Based Code."

(B) Uses in Overlay Districts: Uses located on a lot or parcel located within an overlay district designated in Chapter 9-3, "Overlay Districts," B.R.C. 1981, are subject to the requirements of this chapter, but may also be subject to additional use standards pursuant to the overlay district standards described in that chapter.

(c) Structure of the Use Classification System: Land uses are organized according to a three-tiered hierarchy consisting of use classifications, use categories, and use types. This classification system is intended to provide a structure that groups similar uses together for ease in locating or identifying a use and to simplify the classification of new uses.

(1) Use Classifications: Each use is grouped under one of these seven broad use classifications: Residential Uses; Public, Institutional, and Community Uses; Commercial Uses; Industrial Uses; Agricultural and Natural Resource Uses.

(2) Use Categories: Use categories are subgroups of uses in each classification that have common functional or physical characteristics, such as the type and amount of activity, types of goods, services, occupants or users/customers, or operational characteristics.

(3) Use Types: Use types are the specific land uses that can be established in a zoning district, such as duplex, restaurant, or building material sales.

(d) Interpretation: The city manager may decide questions of interpretation as to which use type that a use not specifically listed in Table 6-1 is properly assigned to, based on precedents, similar situations, and relative impacts. Upon written application, a city manager interpretation as to which use type a use not specifically listed is properly assigned to may be appealed to the BOZA pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981. Any use not specifically listed in Table 6-1 of this section is not allowed unless it is determined to be included in a use type as provided by this section.

(e) Multiple Uses of Land Permitted and Accessory Uses: Allowed uses, conditional uses, and uses permitted by use review may be located in the same building or upon the same lot. Any use may be allowed as an accessory use if it meets the definition of an accessory use.

TABLE 6-1: USE TABLE

A = Allowed		C = Conditional Use					U = Use Review				[] = Specific Use Standards Apply										- = Prohibited		Specific Use Standards					
Zoning District	RR-1, RR-2, RR-3	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-3, RH-4, RH-5	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG		IM	IMS	P	A	
Use Module	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	
RESIDENTIAL USES																												
Household Living																												
Duplex	-A	A	A	A	[A]	A	A	-	-	[C]	A	A	A	[A]	-	[A]	-	[A]	A	A	A	-	[U]	[U]	[A]	U	-	9-6-3(a), (b), (c) 9-6-2(c)
Dwelling unit, attached	-[A]	A	A	A	[A]	A	A	[A]	-	[C]	A	A	A	[A]	[A]	[A]	-	[A]	A	A	A	-	[U]	[U]	[A]	U	-	9-6-3(a), (b), (d) 9-6-2(c)
Dwelling unit, detached	[A]	[A]	A	A	[A]	[A]	[A]	-	-	[C]	[A]	[A]	[A]	[A]	-	[A]	-	[A]	A	A	A	-	[U]	[U]	-	[U]	[U]	9-6-3(a), (b), (e) 9-6-2(c)
Efficiency living unit	-	-	-	-	[U] +A	[A] A	A	-	-	[A]	A	A	[A] A	[A] A	[A]	[A]	-	[A]	[A] A	[A] A	[A] A	-	[U]	[U]	[A]	U	-	9-6-3(a), (b), (f) 9-6-2(c)
Live-work unit	-	-	-	-	-	[A]	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	-	-	-	-	U	[U]	[U]	A	-	-	9-6-3(a), (b), (g)
Mobile home park	-	U	U	-	U	U	-	-	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Townhouse	-	A	A	A	[A]	A	A	A	-	[C]	A	A	A	[A]	-	[A]	-	[A]	A	A	A	-	[U]	[U]	[A]	U	-	9-6-3(a), (b), (h) 9-6-2(c)
Group Living																												
Boarding house	-	-	U	U	A	A	A	-	-	U	A	A	[A]	[A]	[A]	[A]	-	[A]	-	-	A	-	[U]	[U]	-	-	-	9-6-3(i) 9-6-2(c)
Congregate care facility	-	-	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	-	[U]	[U]	-	[U]	-	9-6-3(j)
Custodial care facility	-	-	[U]	[U]	[U]	[U]	[U]	[U]	-	[U]	[U]	[U]	-	[U]	-	[U]	-	[U]	-	[U]	[U]	-	[U]	[U]	-	-	-	9-6-3(j)
Fraternity, sorority, and dormitory	-	-	-	-	-	A	A	-	-	U	-	-	-	[A]	[A]	[A]	-	[A]	-	-	A	-	[U]	[U]	-	-	-	9-6-3(k) 9-6-2(c)
Group home facility	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	-	-	-	-	-	-	9-6-3(l)
Residential care facility	-	-	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	-	[U]	[U]	-	-	-	9-6-3(j)
Transitional housing	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	-	9-6-3(m)
Residential Accessory																												
Accessory dwelling unit	[C]	[C]	-	[C]	[C]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[C]	9-6-3(n)
Caretaker dwelling unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A	A	
Home occupation	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-3(o)

Section 4. Section 9-6-3, "Specific Use Standards – Residential Uses," B.R.C. 1981, is amended to read as follows:

(a) **Residential Uses:**

(1) This Subsection (a) sets forth standards for uses in the residential use classification that are subject to specific use standards pursuant to Table 6-1, Use Table.

(2) Residential Uses in the IG and IM Zoning Districts: The following standards apply in the IG and IM zoning districts to residential uses that may be approved pursuant to a use review:

(A) Location: Dwelling units may be constructed only on a lot or parcel that meets one or more of the following requirements (i), (ii), or (iii). If a lot or parcel meets this location standard, the approving authority shall presume that the standard in Paragraph 9-2-15(e)(5), B.R.C. 1981, has been met.

(i) The residential use is consistent with the land use plan or map in an adopted subcommunity or area plan; or

(ii) The lot or parcel is located within one-quarter mile of the Boulder Junction transit station. Distance shall be measured by the city manager on official maps as the radius from the closest point on the perimeter of the applicant's lot or parcel to the closest point on the transit station lot; or

(iii) At least one-sixth of the perimeter of the lot or parcel is contiguous with a residential use that includes one or more dwelling units, a residential zoning district, or a city- or county-owned park or open space. Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, or a public or private transportation right-of-way or area.

(B) Floor Area Ratios (FAR): ~~The floor area regulations for the underlying zoning district classification shall only apply to the nonresidential floor area on the site.~~ Residential floor area is limited to a 1.0 FAR on a lot or parcel and non-residential floor area is limited to a 0.5 FAR in the IG zone and 0.4 FAR in the IM zone. If at least 0.3 FAR of light industrial or research and development use is on the lot or parcel, the residential FAR may be increased to 1.25 FAR in each zone.

...

(d) **Dwelling Unit, Attached:**

(1) In the RH-6 Zoning District:

(A) In the RH-6 zoning district, attached dwelling units shall be located in a development that includes townhouse dwelling units. Attached dwelling units may only be located on a corner that has street frontage on two sides.

(2) In the BT-1, BT-2, IS-1, and IS-2 Zoning Districts:

(A) Review Process: In the BT-1, BT-2, IS-1, and IS-2 zoning districts, attached dwelling units are allowed by right if the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Attached dwelling units that are not allowed by right may be approved only pursuant to a use review.

(3) In the BMS Zoning District:

(A) Review Process Outside UHGID: Attached dwelling units located in the BMS zoning district and outside the University Hill general improvement district are allowed by right if the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Attached dwelling units that are not allowed by right may be approved only pursuant to a use review.

(B) Review Process Within UHGID: Attached dwelling units located in the BMS zoning district and within the University Hill general improvement district are subject to the following review process:

(i) Conditional Use: Attached dwelling units may be approved as a conditional use if the units meet the following standards:

- a. The units are all permanently affordable units meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; and
- b. With the exception of minimum necessary ground level access, the use is not located on the ground floor facing a street.

(ii) Use Review: Attached dwelling units that may not be approved as a conditional use may be approved only pursuant to a use review.

(4) In the BR-1 and BR-2 Zoning Districts:

(A) Review Process: In the BR-1 and BR-2 zoning districts, the following review process applies to attached dwelling units:

(i) Allowed Use: Attached dwelling units are allowed by right if the use meets the following standards:

- a. All units on the lot or parcel are permanently affordable units meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; or
- b. The use is not located on the ground floor along a major street, as defined by Appendix A, "Major Streets," B.R.C. 1981, with the exception of minimum necessary ground level access. The limitation on ground floor use along a major street applies to a depth of 30 feet measured from the building's major street facing façade.

(ii) Use Review: Attached dwelling units that are not allowed by right may be approved only pursuant to a use review.

(5) In the IMS Zoning District:

- (A) Review Process: In the IMS zoning district, attached dwelling units are allowed by right if at least fifty percent of the floor area of the building is for nonresidential use. Attached dwelling units that are not allowed by right may be approved only pursuant to a use review.

(6) In the RR-1, RR-2, RE, and RL-1 Zoning Districts:

- (A) In the RR-1, RR-2, RE, and RL-1 zoning districts, attached dwelling units are allowed by right provided that no lot exceeds three dwelling units and are otherwise prohibited.

...

(f) Efficiency Living Unit:

~~(1) In the RMX-2 Zoning District:~~

- ~~(A) In the RMX-2 zoning district, efficiency living units shall not exceed 40 percent of total units in a building.~~

~~(2) In the RH-1, RH-2, RH-4, RH-5, MU-4, BT-1, BT-2, DT-4, DT-5, DT-1, DT-2, and DT-3 Zoning Districts:~~

- ~~(A) Review Process: In the RH-1, RH-2, RH-4, RH-5, MU-4, BT-1, BT-2, DT-4, DT-5, DT-1, DT-2, and DT-3 zoning districts, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.~~

~~(3) In the MU-3 Zoning District:~~

- ~~(A) Review Process: In the MU-3 zoning district, the following review process applies to efficiency living units:~~

- ~~(i) Allowed Use: Efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units, at least fifty percent of the floor area of the building is for residential uses, and the total floor area of nonresidential uses in the building is less than 7,000 square feet.~~

- ~~(ii) Use Review: Efficiency living units that are not allowed by right may be approved only pursuant to a use review.~~

(4) In the BMS Zoning District:

- (A) Review Process Outside UHGID: Efficiency living units located in the BMS zoning district and outside the University Hill general improvement district are allowed by right if less than 40 percent of total units in the building are efficiency living units and the use is not located on the ground floor facing a street, with the

exception of minimum necessary ground level access. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.

(B) Review Process Within UHGID: The following review process applies to efficiency living units located in the BMS zoning district and within the University Hill general improvement district:

- (i) Conditional Use: Efficiency living units may be approved as a conditional use if ~~less than 40 percent of total units in the building are efficiency living units~~, the units are permanently affordable units meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, and the use is not located on the ground floor facing a street.
- (ii) Use Review: Efficiency living units that may not be approved as a conditional use may be approved only pursuant to a use review. In addition to meeting the use review criteria, the units must be permanently affordable units meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981.

~~(5) In the BC-1 and BC-2 Zoning Districts:~~

~~(A) Review Process: In the BC-1 and BC-2 zoning districts, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.~~

(62) In the BR-1 and BR-2 Zoning District:

(A) Review Process: In the BR-1 and BR-2 zoning districts, the following review process applies to efficiency living units:

- (i) Allowed Use: Efficiency living units are allowed by right if the use meets the following standards:
 - a. ~~Less than 40 percent of total units in the building are efficiency living units and:~~
 - ~~1.~~ All units on the lot or parcel are permanently affordable units meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; or
 - 2b. The use is not located on the ground floor along a major street, as defined by Appendix A, "Major Streets," B.R.C. 1981, with the exception of minimum necessary ground level access. The limitation on ground floor use along a major street applies to a depth of 30 feet measured from the building's major street facing façade.
- (ii) Use Review: Efficiency living units that are not allowed by right may be approved only pursuant to a use review.

(73) In the IS-1 and IS-2 Zoning Districts:

- (A) Review Process: In the IS-1 and IS-2 zoning districts, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units and the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.

(84) In the IMS Zoning District:

- (A) Review Process: In the IMS zoning district, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units and at least fifty percent of the floor area of the building is for nonresidential use. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.

...

Section 5. Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, is amended to read as follows:

The purpose of this chapter is to indicate the requirements for lot dimensions and building form, bulk, location and height for all types of development. All primary and accessory structures are subject to the dimensional standards set forth in Table 7-1 of this section with the exception of structures located in an area designated in Appendix L, "Form-Based Code Areas," subject to the standards of Appendix M, "Form-Based Code." No person shall use any land within the City authorized by Chapter 9-6, "Use Standards," B.R.C. 1981, except according to the following form and bulk requirements unless modified through a use review under Section 9-2-15, "Use Review," B.R.C. 1981, or a site review under Section 9-2-14, "Site Review," B.R.C. 1981, or granted a variance under Section 9-2-3, "Variances and Interpretations," B.R.C. 1981, or as approved under the provisions of Section 9-2-16, "Form-based code review," B.R.C. 1981.

TABLE 7-1: FORM AND BULK STANDARDS

Zoning District	A RR-1	RR-2 RE	RH-2 RH-5 P	RL-1 RM-2 RMX-1	BT-2	BT-1 BC BR IS-1 IS-2 IG IM	RL-2 RM-1	RH-4	MU-1	RM-3 RH-1 RH-6	RMX-2	RH-3 RH-7	BCS	MU-3	BMS MU-4	DT-1 DT-2 DT-3 DT-5	DT-4	MU-2 IMS	MH
Form module	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s
SETBACK AND SEPARATION REQUIREMENTS⁽ⁿ⁾																			
<i>Principal Buildings and Uses⁽ⁿ⁾</i>																			
Minimum front yard landscaped setback (e), (h)	25' (k)			20'			15'			10'			0' (k)			See section 9-7-13			

Minimum front yard setback for all covered and uncovered parking areas	25' (k)			20'			20'			20'	10'	20' (k)					See section 9-7-13	
Maximum front yard landscaped setback for corner lots and side yards adjacent a street	n/a			n/a			n/a			10'	n/a	n/a	10'	15' (k)	n/a	10'	n/a	
Maximum front yard landscaped setback for an interior lot	n/a			n/a			n/a			15'	n/a	n/a	15'	15'	n/a	15'	n/a	
Minimum side yard landscaped setback from a street (a)	25'	12.5' (k)		15'	10'	1' per 2' of bldg. height, 10' min. (i)	0' or 5' (b)	1' per 2' of bldg. height, 10' min. (i)	0' (attached DUs); 1' per 2' of bldg. height, 5' min. (detached DUs) (i)	1' per 2' of bldg. height, 10' min. (i)	10'	0' for first and second stories 12' for third story and above		0' (k)	0'	0'	n/a	
Minimum side yard setback from an interior lot line <u>(b)</u>	15'	10'		5'	10'	0' or 12'	1' per 2' of bldg. height, 5' min. (i)	0' or 5'	0' or 3'	0' (attached DUs); 1' per 2' of bldg. height, 5' min. (detached DUs) (i)	1' per 3' of bldg. height, 5' min. (i)	0' or 12'	0' or 5'	0' or 5'	0' or 12'	0' or 12'	0' or 5'	See section 9-7-13
Minimum total for both side yard setbacks	40'	25'	20'	15'	20'	n/a		n/a			n/a		n/a					n/a
Minimum rear yard setback (f)	25'				25'	20'		10'	15'	20'	15'	20'	15'	0'	15'	15'	10'	See section 9-7-13
Minimum side yard bulk plane	See Section 9-7-9				n/a													
Minimum front yard setback from a street for all principal buildings and uses for third story and above	n/a				n/a			n/a			n/a		20'	15' (m)	15'	20'	20'	
Accessory Buildings and Uses ⁽ⁿ⁾																		
Minimum front yard setback uses (e)	55'				55'			Behind rear wall of	55'	Behind rear wall of	Behind rear wall of	55'	55'	Behind rear wall of	55'	55'	Behind rear wall of	See Section 9-7-13

							principal structure		principal structure	principal structure			principal structure			principal structure		
Minimum side yard landscaped setback from a street (a)	25'		12.5' (k)		15'	10'	1' per 2' of bldg. height, 10' min. (i)	0' or 5'(b)	1' per 2' of bldg. height, 10' min. (i)	0' (attached DUs); 1' per 2' of bldg. height, 5' min. (detached DUs) (i)	1' per 2' of bldg. height, 10' min. (i)	10'	0'		0' (k)	0'	0'	n/a
Minimum side yard setback from an interior lot line	15'	10'	0' or 3' (b)		0' or 3' (b)			0' or 3' (b)			0' or 3' (b)		0' or 3' (b)				See Section 9-7-13	
Minimum rear yard setback (f)	0' or 3' (b)			0' or 3' (b)			0' or 3' (b)			0' or 3' (b)		0' or 3' (b)				See Section 9-7-13		
Minimum separation between accessory buildings and any other building	6'			6'			6'			6'		6'				6'		
BUILDING SIZE AND COVERAGE LIMITATION (Accessory and Principal Buildings) ⁽ⁿ⁾																		
Maximum floor area of any principal building permitted by Chapter 9-8	See Section 9-8-2 (FAR Requirements)						15,000 sq. ft.	See Section 9-8-2 (FAR Requirements)				15,000 sq. ft.	See Section 9-8-2 (FAR Requirements)		15,000 sq. ft.	n/a		
Maximum accessory building coverage within principal building rear yard setback (9-7-8)	500 sq. ft.	n/a	500 sq. ft.	n/a	500 sq. ft.	n/a	n/a			n/a		n/a					n/a	
Maximum cumulative coverage of all accessory buildings regardless of location (m)	For residential uses - no greater than coverage of the principal building																	
Maximum total building coverage	See Section 9-7-11	n/a	See Section 9-7-11	n/a	See Section 9-7-11		n/a											
PRINCIPAL AND ACCESSORY BUILDING HEIGHT ⁽ⁿ⁾																		
Maximum height for principal buildings and uses (c), (d), (l)	35'			35'; 40' (in I-zones)	35'		35'			40'		35'	38'		38'		35'	35'

Conditional height for principal buildings and uses	See Section 9-7-6 for conditional height standards													
Maximum number of stories for a building	3	3	n/a	n/a	2	3	3	2	3	2 (3 on DT-5 corner lots)	2	3		
Maximum wall height for detached dwelling units at zero lot line setback (9-7-2(b)(3))	12'	12'			12'		12'		12'			n/a		
Maximum height for all accessory buildings, structures and uses (g)	20' (30' in agricultural zone)	20' (25' in industrial zones)			20'		20'		20'			20'		
FENCES, HEDGES and WALLS (for additional standards see Section 9-9-15)														
Maximum height of fences, hedges, or walls	7'	7'			7'		7'		7'			7'		
Minimum height of fence on top of retaining wall	42"	42"			42"		42"		42"			42"		
Maximum combined height of fence/retaining wall in side yard within 3' of lot line with neighbor approval	12'	12'			12'		12'		12'			12'		
BUILDING DESIGN REQUIREMENTS ⁽ⁿ⁾														
Minimum ground floor window area facing a public street (9-9-3)	n/a	n/a			n/a			n/a		60%	60%		n/a	n/a
Primary building entrance location facing street	n/a	n/a			yes	yes	yes	yes	n/a	yes	yes		yes	n/a
Minimum percent of lot frontage that must	n/a	n/a			n/a			n/a		70%	70%		50%	n/a

1	contain a building or buildings									
2	Maximum % of 3 rd story floor area that can be in a 4 th story	n/a		n/a		n/a	70% (j)	n/a	n/a	n/a
3										
4	Wall length articulation standards for side walls over 14' in height within 20' of side property line	See Section 9-7-10	n/a	See Section 9-7-10	n/a	See Section 9-7-10	n/a			

Footnotes to Table 7-1, Form and Bulk Standards:

In addition to the foregoing, the following miscellaneous form and bulk requirements apply to all development in the city:

- (a) On corner lots, use principal building front yard setback where adjacent lot fronts upon the street.
- (b) For zero lot line development, including side yard setbacks from interior lot lines for townhouses, see Subsection 9-7-2(b), B.R.C. 1981.
- (c) The permitted height limit may be modified only in certain areas and only under the standards and procedures provided in Sections 9-2-14, "Site Review," and 9-7-6, "Building Height, Conditional," B.R.C. 1981.
- (d) For buildings over 25 feet in height, see Subsection 9-9-11(c), B.R.C. 1981.
- (e) For other setback standards regarding garages, open parking areas, and flagpoles, see Paragraph 9-7-2(b)(8), B.R.C. 1981.
- (f) Where a rear yard backs on a street, see Paragraph 9-7-2(b)(7), B.R.C. 1981.
- (g) This maximum height limit applies to poles that are light poles at government-owned recreation facilities but not to other poles. Other poles have a maximum height of 55 feet in all zones. For additional criteria regarding poles, see Section 9-2-14, "Site Review," B.R.C. 1981.
- (h) For front yard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981.
- (i) For side yard setback requirements based on building height, see Appendix B, "Setback Relative to Building Height," of this title.
- (j) The maximum percentage of the third floor area that can be in a fourth story standard may not be modified as part of a site review.
- (k) For properties located in the DT-5 and P zoning districts and shown in Appendix I, the minimum setback shall be as required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, Table 7-1, Form and Bulk Standards or sixty-five feet measured from the centerline of Canyon Boulevard right-of-way.

- (l) For buildings on nonstandard lots within the RMX-1, RL-1, RE, RR-1, and RR-2 zoning districts, refer to Table 10-1, Maximum Height Formulas, within Section 9-10-3, “Changes to Nonstandard Buildings, Structures and Lots and Nonconforming Uses.”
- (m) For setback requirements on corner lots in the DT-5 zoning district, refer to Subsection 9-7-6(c), B.R.C 1981.
- (n) For principal and accessory buildings or structures located on a lot or parcel designated in Appendix L, “Form-Based Code Areas,” and subject to the standards of Appendix M, “Form-Based Code,” refer to Appendix M, “Form-Based Code,” for design standards applicable to such lot or parcel. With the exception of Charter Section 84, “Height limit,” and Sections 9-7-3, “Setback Encroachments,” and 9-7-5, “Building Heights,” 9-7-7, “Building Height, Appurtenances,” B.R.C. 1981, the form and bulk standards of this chapter are superseded by the requirements of Appendix M, “Form-Based Code.” Building heights in areas designated in Appendix L are not subject to the height limits of Table 9-7, Form and Bulk Standards.

Section 6. Section 9-7-2, “Setback Standards,” B.R.C. 1981, is amended to read as follows:

- (a) Front Yard Setback Reductions: The front yard setback required in Section 9-7-1, “Schedule of Form and Bulk Standards,” B.R.C. 1981, may be reduced for a principal structure on any lot if more than fifty percent of the principal buildings on the same block face or street face do not meet the required front yard setback. The setback for the adjacent buildings and other buildings on the block face shall be measured from the property line to the bulk of the building, excluding, without limitation, any unenclosed porches, decks, patios or steps. The bulk of the building setback shall not be less than the average bulk of the building setback for the principal buildings on the two adjacent lots. Where there is only one adjacent lot, the front yard setback reduction shall be based on the average of the principal building setbacks on the two closest lots on the same block face. (See Figure 7-1 of this section.)

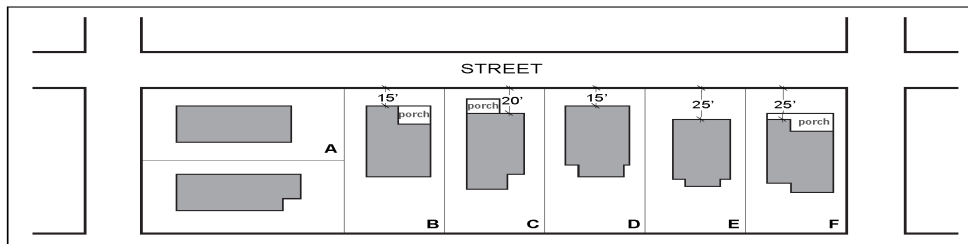


Figure 7-1: Setback Averaging Example

In this example, lots “B” through “F” are the face block. Lot “A” is not included in the face block, as the front of this lot is on a different street. Setback averaging is measured to the bulk of the buildings and does not include porches.

Assuming this block is zoned RL-1, the minimum required front yard setback would be twenty-five feet. The block face shown would qualify for setback averaging, as more than fifty percent of the principal buildings do not meet the required front yard setback. An addition to the front of lot "E" would require the averaging of the setbacks of lots "D" and "F", the two closest buildings on the same block face. In this example the resulting setback would be 20 feet - the average of lot "D" (fifteen feet) and lot "F" (twenty-five feet). An addition to the front of lot "F" would be based on the average of the two closest buildings on the same block face; in this case, lots "D" and "E."

(b) Side Yard Setback Standards:

- (1) Setbacks for Upper Floors in Non-Residential Zoning Districts: A principal building constructed with a side yard setback of zero for the first story above grade in the BC-2, BR-1, DT-1, DT-2, DT-3, DT-4, DT-5, IS-1, IG or IM zoning districts, where the side yard setback is noted as "0 or 12," will be allowed to set back stories above the first story that is at or above the finished grade the greater of five feet or the distance required by Chapter 10-5, "Building Code," B.R.C. 1981.
- (2) Maintenance Easements Required in Residential Zoning Districts: In residential zoning districts that allow a zero side yard or rear yard setback, the applicant shall be required to secure a recorded maintenance easement from the adjoining property owner if the zero setback side is not attached to another structure. The easement shall be effective for the life of the building. The easement shall not be less than three feet in width measured parallel to that portion of the building at zero setback.
- (3) Wall Height for Residential Zero Lot Line: The maximum wall height for detached dwelling units at the zero setback property line shall be twelve feet. Townhouses, consistent with Subparagraph (7), below, are not subject to this restriction.
- (4) Calculating Residential Zero Lot Line Side Yard Setbacks: For detached dwelling units, the side yard setback opposite the zero setback property line shall be the sum of both side yards for the district.
- (5) Combined Side Yard Setbacks: When combined side yard setbacks are required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, the resulting structure, including the existing structure and any addition, must meet the combined side yard setback requirements. (See Figure 7-2 of this section for compliant and noncompliant examples.)

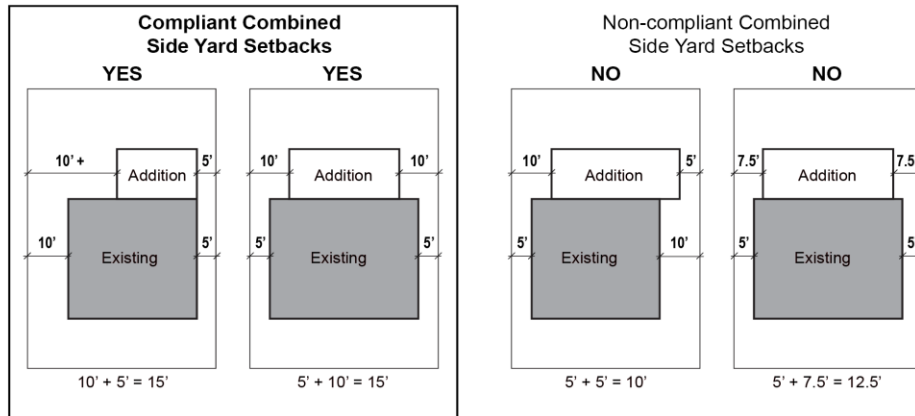


Figure 7-2: Combined Side Yard Setbacks

Example: In the RL-1 district, the combination of side yard setbacks must be no less than fifteen feet, with a minimum of five feet. Both existing structures and additions (hatched) are included in the calculation.

- (6) Existing Nonstandard Side Yard Setbacks for Existing Single-Family Detached Dwelling Units: A second story addition that does not comply with the minimum interior or combined side yard setbacks may be added to an existing single family detached dwelling unit subject to the following:
- (A) The interior side yard setback for the existing single family detached dwelling unit complied with the setback requirements in existence at the time of initial construction and was not created by a variance or other procedure;
 - (B) The resulting interior side yard setback will not be less than five feet and combined side yard setbacks will not be less than ten feet;
 - (C) That portion of the building in the side yard setback shall vertically align with the existing first story wall.
- (7) Townhouses: There is no minimum side yard setback from an interior lot line between one townhouse and an adjoining townhouse.

...

Section 7. Section 9-7-10, "Side Yard Wall Articulation," B.R.C. 1981, is amended to read

as follows:

- (a) Purpose: Buildings with tall side walls may impact privacy, views or visual access to the sky on neighboring properties. The purpose of the side yard wall articulation standard is to reduce the perceived mass of a building by dividing it into smaller components, or to step down the wall height in order to enhance privacy, preserve views and visual access to the sky for lots or parcels that are adjacent to new development.

- (b) Scope: All construction related to principal and accessory buildings shall comply with the side yard wall length articulation requirements of this section. This section applies to all construction related to buildings, including new construction, expansion or modification of existing buildings as follows:
- (1) All residential buildings in the RR-1, RR-2, RE and RL-1 zoning districts, including lots located in planned developments, planned residential developments and planned unit developments.
 - (2) All buildings that are used as a detached single family land use in the RMX-1 zoning district, including lots located in planned developments, planned residential developments and planned unit developments.
 - (3) In the RL-2 zoning district, the side yard wall articulation requirements shall apply to lots that are eight thousand square feet or larger, ~~used for detached single family land use~~ that are not within the boundaries of a planned development, planned residential development, planned unit development or an approved site review.
 - (4) In the RL-2 zoning district, the requirements shall apply to all lots and parcels ~~used for detached single family land use~~ that are within the boundaries of a planned development, planned residential development and planned unit development that are shown on Appendix H of this title.
- (c) Side Yard Wall Standards: Along each side yard property line, the cumulative length of any walls that exceed a height of fourteen feet shall not exceed forty feet in length, unless they are set back at least fourteen feet from the side property line (see Figure 7-14). For the purposes of this section, wall height shall be measured from finished grade as follows:
- (1) Sloped roofs shall be measured from adjacent finished grade to the point where the vertical wall intersects with the sloped roof.
 - (2) Flat roofs shall be measured from adjacent finished grade to the top of the parapet.
 - (3) Window wells or door wells as described under Subparagraph 9-8-2(e)(1)(D) shall not be counted as part of the wall height.

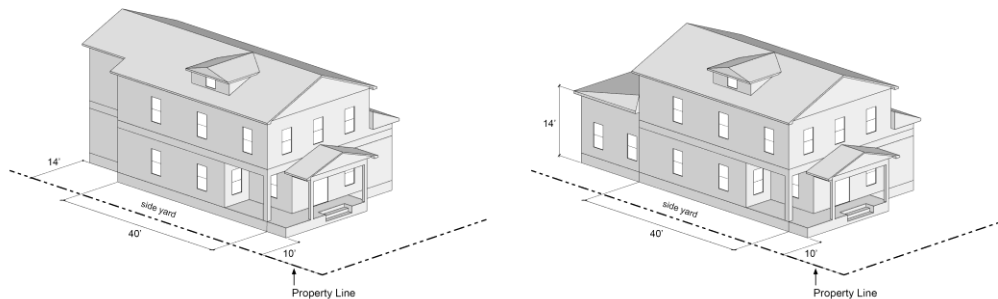


Figure 7-14: Side Yard Wall Length Articulation Examples

After the maximum 40 feet cumulative wall length, the wall must either be set back from the side property line by a minimum of fourteen feet (top image) or the height of the wall must reduce to fourteen feet or less (bottom image).

(d) Exemptions:

- (1) Individual Landmarks and Buildings Within Historic Districts. No wall shall be constructed or maintained in excess of the required wall articulation standards of this section except for any construction approved pursuant to Section 9-11-12, "Landmark Alteration Certificate Required," B.R.C. 1981, for an individual landmark or for a property within a historic district.
- (2) Lots with an average width less than forty-five linear feet. Width measurements would be taken at the front yard setback, midpoint of the lot and rear yard setback to determine the average lot width.
- (3) Lots that have less than four thousand square feet.
- (4) The side yard wall articulation standards shall not apply to an interior side yard of a lot that is adjacent to a lot that includes either only a nonresidential principal land use, ~~or a lot that includes two or more dwelling units within twenty feet of the property line for the length of the nonresidential building or the principal building of such dwelling units.~~

Section 8. Section 9-7-11, "Maximum Building Coverage," B.R.C. 1981, is amended to read as follows:

- (a) Purpose: The purposes of the building coverage standards are to establish the maximum percentage of lot surface that may be covered by principal and accessory buildings to preserve open space on the lot, and to preserve some views and visual access to the sky and enhance privacy for residences that are adjacent to new development.
- (b) Scope: All construction related to principal and accessory buildings shall comply with the building coverage requirements of this section. This section applies to all construction related to residential buildings, including new construction, building additions or modification of existing buildings as follows:
 - (1) All residential and principal and accessory buildings in the RR-1, RR-2, RE and RL-1 zoning districts, including lots located in planned developments, planned residential developments and planned unit developments.
 - (2) All principal and accessory buildings that are used as a detached single family land use in the RMX-1 zoning district, including lots located in planned developments, planned residential developments and planned unit developments.
 - (3) In the RL-2 zoning district, the building coverage requirements shall apply to lots that are eight thousand square feet or larger, ~~used for detached single family land uses~~ that are not within the boundaries of a planned development, planned residential development, planned unit development or an approved site review.
 - (4) In the RL-2 zoning district, the requirements shall apply to all lots and parcels ~~used for detached single family land use~~ that are within the boundaries of a planned

development, planned residential development and planned unit development that are shown on Appendix H of this title.

- (c) Maximum Building Coverage: All principal and accessory buildings shall be constructed in a manner that does not exceed the maximum building coverage in Table 7-2 below. For projects subject to site review in Section 9-2-14, "Site Review," B.R.C. 1981, the building coverage calculation shall be based upon each dwelling unit that is proposed for the property.

TABLE 7-2: MAXIMUM BUILDING COVERAGE FOR RESIDENTIAL LAND USES

Lot Size:	< 5,000 SF	5,000 to 10,000 SF	10,001 to 22,500 SF	> 22,500 SF
RR-1, RR-2, RE, RL-1, RL-2 and RMX-1	Lot Size x 0.41	(Lot Size x 0.2) + 1,050	(Lot Size x 0.116) + 1,890	Lot Size x 0.20

- (d) Encroachments: No building or portion thereof shall be constructed or maintained in violation of the building coverage requirements of this section, except for any construction approved pursuant to Section 9-11-12, "Landmark Alteration Certificate Required," B.R.C. 1981, for an individual landmark or within a historic district.

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

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) ^(eh)	Number of Dwelling Units Per Acre ^(e)	Minimum Open Space Per Dwelling Unit (square feet) ^(eh)	Minimum Open Space on Lots (Residential Uses) ^(a) ^(eh)	Minimum Open Space on Lots (Nonresidential Uses) ^(a) , ^(eh)	Minimum Private Open Space (Residential Uses) (square feet) ^(eh)	Maximum Floor Area Ratio ^(e) ^(b)
					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 <u>7,500</u>	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
RMX-2 ^(e)	8	-	- See footnote (e)	10 (up to 20 by site review)	-	15%	15%	60	-
RM-1	9	-	-	-	3,000	-	10-20%	-	-
IS-2	10	-	-	-	600	-	10-20%	60	0.5
IS-1	11	7,000	-	-	-	-	10-20%	60	0.5
RH-1, RH-2	12	-	-	-	1,600	-40%	10-20 40%	-	- <u>0.67</u> ^(d)
	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%	-
RM-2, RM-3	13	6,000	3,500	12.4	-	-	10-20%	-	-
RH-3, RH-7	14	-	-	-	-	60 30% ^(c) ^(b)	60 30% ^(b)	60	-
RH-7	14.5	-	-	-	-	60% ^(d)	60% ^(d)	60	-

1	RH-4, BT-1, BC-1	15	-	-	-	1,200	-30%	10-20%	-	-1.0 ^(g)
2	BR-2	16	-	-	-	-	40% ^(dc)	10-20% ^(dc)	60	-
3	BMS	17	-	-	-	-	15% ^(dc)	15% ^(dc)	60	0.67 (1.85 if within CAGI D or UHGI D) ^(dc)
4										
5										
6	RH-6	17.5	-	1,800	-	600	-	-	-	-
7	MU-1, MU-2, IMS	18	-	-	-	-	15% ^(dc)	15% ^(dc)	60	0.6 ⁺
8										
9	RH-5, BC-1, BC-2	19	6,000 ₌	1,600 ^(d) ₌	27.2 ₌	600 (400 by site review if in a mixed use development) ₌	-15%	10-20%	-	-1.5 (2.0 if within a BC zoned area identified in Appendix N)
10										
11										
12										
13	IM	20	7,000 ₌	1,600 ₌	27.2 ₌	600 ₌	-30%	10-20%	60	0.4 ⁺
14	BT-2	21	6,000 ₌	1,600 ₌	27.2	600	-	10-20%	-	0.5 ⁺ (h)
15	IG	22	7,000 ₌	1,600 ₌	27.2 ₌	600 ₌	-30%	10-20%	60	0.5 ⁺
16	BR-1	23	6,000 ₌	1,600 ₌	27.2 ^(d) ₌	-	-	10-20%	-	2.0 ⁺ (dc)
17	MU-3	24	-	-	-	-	15% ^(dc)	15% ^(dc)	60	1.0 ⁺
18	MU-4	24.5	-	-	-	-	15%	15%	60	2.0
19	DT-1	25	-	-	-	-	-	10-20% ^(dc)	60	1.0 ⁺
20	DT-2	26	-	-	-	-	-	10-20% ^(dc)	60	1.5 ⁺
21	DT-3, DT-4, DT-5	27	-	-	-	-	-	10-20% ^(dc)	60	1.7 ⁺
22	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~~c~~) This requirement may be modified pursuant to Section 9-2-14(h)(6)(C), B.R.C. 1981, for specified zoning districts.

(d) Open space per lot in the RH-7 zoning district may be reduced from sixty percent to thirty percent of the lot as part of a site review if at least half of the open space provided meets the open space requirements of Subparagraph 9-9-11(e)(3), B.R.C. 1981.

(e) Dwelling units per acre on a lot or parcel in the RMX-2 zoning district are limited to 10 dwelling units per acre. This limitation may be modified up to 20 dwelling units per acre pursuant to a site review.

(f) Floor area ratio (FAR) in the RH-2 zoning district may be increased up to a maximum FAR of 1.07 in a site review.

(g) FAR in the BT-1 zoning district may be increased up to a maximum FAR of 1.4 a site review.

(h) FAR in the BT-2 zoning district may be increased up to a maximum FAR of 0.9 in a site review.

(-) No standard.

Section 10. Section 9-8-2, "Floor Area Ratio Requirements," B.R.C. 1981, is amended to read as follows:

(a) Purpose: The purpose of the floor area ratio requirements is to limit the impacts of the use that result from increased building size.

(b) Maximum Floor Area Ratio: The maximum floor area ratio on a lot or parcel shall be the greatest of the following:

(1) The floor area set forth in this section;

(2) The floor area approved prior to June 3, 1997, as part of a valid existing or unexpired planned development (PD), planned residential development (PRD), planned unit development (PUD), or a site review; or

(3) The floor area on the lot or parcel on June 3, 1997.

~~(c) Registration and Calculation of FAR for Existing Buildings: Building floor area on a lot or parcel that exceeds the floor area ratio set forth in this section may be registered with the city manager by June 16, 1998. The manager shall determine the type of information necessary to verify the floor area. If such floor area is not registered within one year, the floor area of the lot or parcel shall be the greater of the following:~~

~~(1) The floor area ratios for the underlying zoning district;~~

~~(2) The floor area on the lot or parcel on June 3, 1997, according to city building records or county assessor records.~~

~~Upon a determination that an error exists in the calculation of the floor area under Paragraph (c)(2) of this section, the city manager will correct such error.~~

(d) Calculating Floor Area Ratios and Floor Area Ratio Additions: The floor area ratio shall be calculated based on all buildings on a lot according to the definitions in Chapter 9-16, B.R.C., 1981, "Floor Area," "Floor Area Ratio," "Uninhabitable Space," and "Basement". In addition to the floor area ratio limitations set forth in Table 8-1, Intensity Standards, B.R.C. 1981, floor area ratio additions may be added above the base floor area ratio and certain floor areas may be excluded from the floor area calculations as set forth in Table 8-2 of this section.

TABLE 8-2: FLOOR AREA RATIO ADDITIONS

	<u>DT-1</u>	<u>DT-2</u>	<u>DT-3</u>	<u>DT-4</u>	<u>DT-5</u>	<u>MU-1</u> ^(a)	<u>MU-2</u> ^(a)	<u>MU-3</u>	<u>BT-2</u>	<u>BMS</u> ^(a)	<u>IS-1, IS-2</u> ^(a)	<u>IG</u>	<u>IM</u>	<u>IMS</u> ^(a)	<u>BR-1</u> ^(a)	<u>RH-1, RH-2</u>	<u>RH-4, BT-1</u>	<u>RH-5, BC-1, BC-2</u>
Base FAR	1.0	1.5	1.7	1.7	1.7	0.6	0.6	1.0	0.5	0.67 ^(a)	0.5	0.5	0.4	0.6	- 2.0	0.67 ^(b)	1.0 ^(b)	1.5 ^(b)
Maximum total FAR additions (FAR) ^(d)	1.0	0.5	1.0	0.5	1.0	0.07	-	-	-	0.33	-	- 1.25 ^(e)	- 1.25 ^(e)	-	-	=	=	=
FAR additional components:																		
1) Residential floor area (FAR)	0.5	0.5	0.5	0.5	1.0 ^(b)	-	-	-	-	-	-	Not counted 1.0 or 1.25 ^(e)	Not counted 1.0 or 1.25 ^(e)	-	-	=	=	=
2) Residential floor area if at least 35% of units are permanently affordable and at least 50% of total floor area is residential (FAR)	-	-	-	-	-	0.07	-	-	-	-	-	-	-	-	-	=	=	=
3) Residential floor area for a project NOT located in a general improvement district that provides off-street parking	-	-	-	-	-	-	-	-	-	0.33	-	=	=	-	-	=	=	=
4) Floor area used as off-street parking, bicycle parking, and vehicular circulation that is above grade and provided entirely within the structure	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	- Not counted	Not counted	Not counted	Not counted

5) Below grade area used for occupancy	Not counted	Not counted	Not counted	Not counted	Not counted	-	-	-	Not counted	Not counted	-	-	-	-	-	-	=	=	=
6) Nonresidential floor area (FAR) (see Paragraph 9-8-2(ed)(3) and Section 4-20-62, Table 4)	-	-	-	-	1.0 ^(b)	-	-	-	-	-	-	-	-	-	-	-	=	=	=
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	+ row 4 above	1.0 + row 4 above	0.5 + row 5 above	1.0 + rows 4 and 5 above	0.5 + row 4 above	0.5 + rows 1 and 4 above	0.4 + rows 1 and 4 above	0.6 + row 4 above	32.0 ^(c) + row 4 above	0.67 + row 4 above	1.0 + row 4 above	1.5 + row 4 above	

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)(6)(CB), 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.
- (e) See Subsection 9-6-3(a)(2), B.R.C. 1981.
- (f) Floor area ratio (FAR) in the RH-2 zoning district may be increased up to a maximum FAR of 1.07 in a site review.
- (g) FAR in the BT-1 zoning district may be increased up to a maximum FAR of 1.4 in a site review.
- (h) FAR in the BC zoning districts may be increased up to a maximum FAR of 2.0 provided the lot or parcel is located within an area identified in Appendix N, "Business Community (BC) Areas Subject to Special Use Restrictions."
- (-) Not applicable.

(ed) District-Specific Standards:

- (1) Maximum Floor Area in the RR-1, RR-2, RE, RL-1, RL-2, and RMX-1 Zoning Districts:

- (A) Purpose: The purpose of a floor area ratio standard is to address the proportionality of building size to lot size and allow variation in building form within the established building envelope.
- (B) Scope: All construction related to principal and accessory buildings shall comply

with the floor area ratio requirements of this section. This section applies to all construction related to ~~residence~~residential buildings, including new construction, building additions, or modification of existing buildings as follows:

- (i) All residential and principal and accessory buildings in the RR-1, RR-2, RE, and RL-1 zoning districts, including lots located in planned developments, planned residential developments, and planned unit developments.
- (ii) All principal and accessory buildings that are used as a detached single-family land use in the RMX-1 zoning district, including lots located in planned developments, planned residential developments, and planned unit developments.
- (iii) In the RL-2 zoning district, the floor area ratio requirements shall apply to lots that are 8,000 square feet or larger, used for detached single-family land uses that are not within the boundaries of a planned development, planned residential development, planned unit development, or an approved site review.
- (iv) In the RL-2 zoning district, the floor area ratio requirements shall apply to all lots and parcels used for detached single family land uses that are within the boundaries of a planned development, planned residential development, and planned unit development that are shown on Appendix H to this title.
- (v) For projects subject to site review in Section 9-2-14, "Site Review," B.R.C. 1981, the floor area shall be calculated based upon each ~~dwelling unit that is proposed for the property lot or parcel~~. ~~Each dwelling unit within a development shall not exceed the floor area ratio that is specifically associated with the land area for such dwelling unit as part of a site review.~~

(C) Maximum Floor Area Permitted: The maximum floor area shall be the floor area that is in Table 8-3, "Maximum Floor Area Ratio for Residential Land Uses."

TABLE 8-3: MAXIMUM FLOOR AREA RATIO FOR RESIDENTIAL LAND USES

Lot Size:	< 5,000 SF	5,000 to 10,000 SF		10,001 to 22,500 SF	> 22,500 SF
RR-1, RR-2, RE, RL-1 and RL-2	0.62±	(Lot Size x 0.2) + 2,100		(Lot Size x 0.122) + 2,880	0.25±
Lot Size:	< 4,000 SF	4,000 to 4,999 SF	5,000 to 6,499 SF	6,500 to 10,000 SF	> 10,000 SF
RMX-1	0.74±	(Lot Size x 0.20) + 2,150	(Lot Size x 0.20) + 2,320	(Lot Size x 0.195) + 2,450	0.42±

(D) Floor Area Counted: The maximum floor area allowed includes the floor area of all levels.

- 1 (i) The amount of contributing floor area of the lowest level shall be calculated
2 as follows:

3 (Length of the perimeter of the wall that is exposed more than 3 feet above
4 adjacent finished grade) ÷ (Total length of the perimeter of the wall) = (the
percentage of the floor area that is counted on lowest level). See Figure 8-
1.

5 Window wells or door wells shall not be considered an exposed wall if the
6 following standards are met: distance of the opening of the well is no more
7 than four feet, measured perpendicular to the wall; the well does not exceed
8 five feet in length measured parallel to the wall; and the cumulative length of
9 all wells along any front, rear, or side yard does not exceed twenty feet in
10 length for each such yard.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

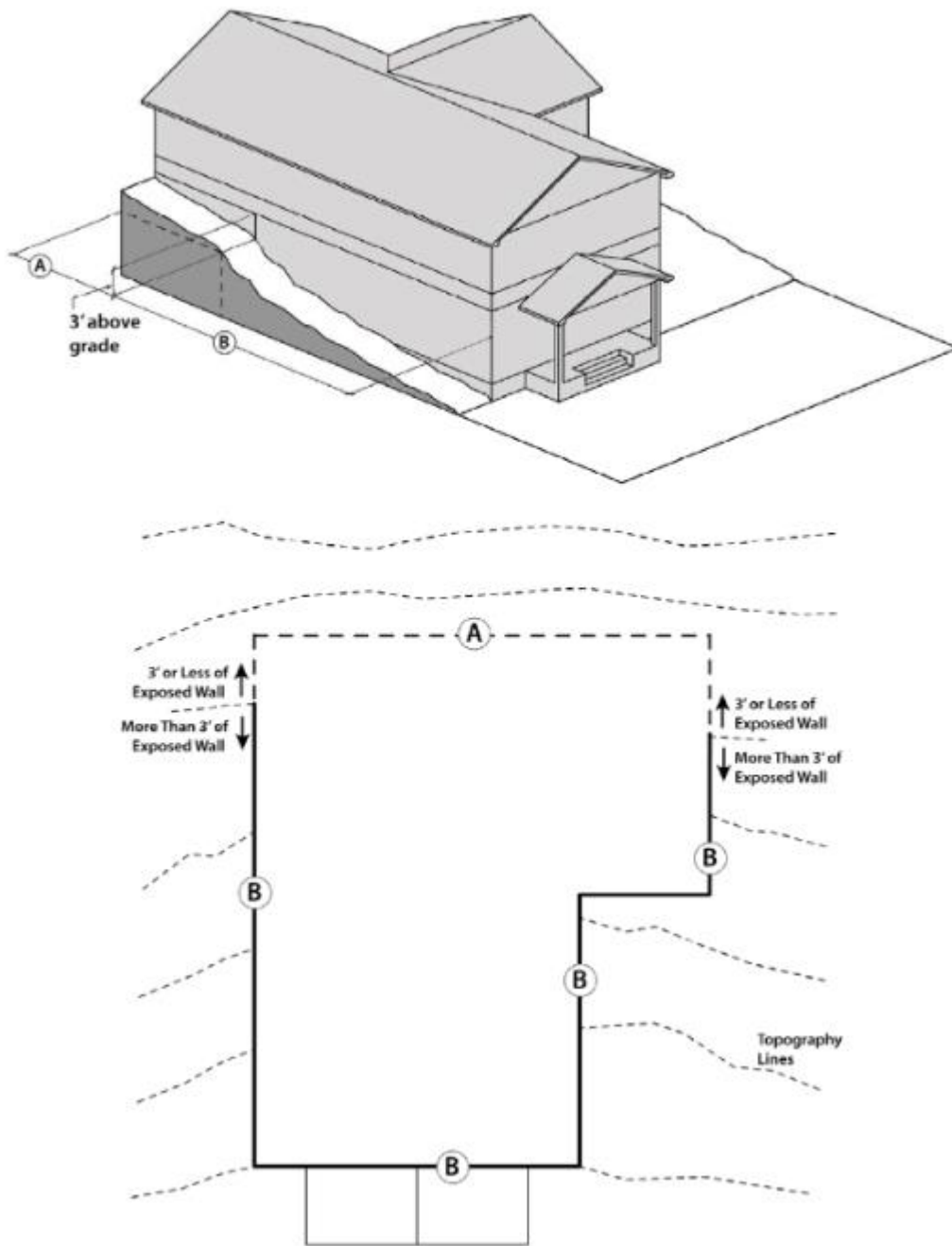
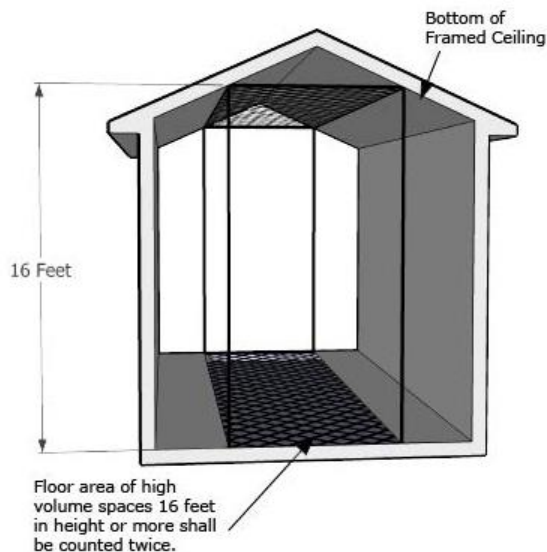


Figure 8-1: Floor Area Ratio Calculation for Lowest Level Floor with Totally or Partially Exposed Walls

Wall area A is partially exposed above grade by three feet or less. Wall area B is exposed above grade by more than three feet. For example:

$$(Length\ of\ wall\ B) / (Length\ of\ wall\ A + B) = The\ percent\ of\ floor\ area\ calculated\ towards\ FAR.$$

- (ii) The floor area of a high volume space where the distance between any floor and the bottom of the framed ceiling directly above it is sixteen feet or more shall be counted twice. If the distance between any floor and the bottom of the framed ceiling above it is twenty-six feet or more, the floor area shall be counted three times. Up to 150 square feet of a stairwell shall not be considered a high volume space subject to the requirements of this paragraph.



High Volume Spaces

- (E) Floor Area Exempt for Accessory Buildings in Historic Districts and associated with Individual Landmarks: Floor area for accessory buildings may be exempted from the maximum floor area permitted if the following standards are met:

- (i) The accessory building contributes to the historic significance of an individual landmark or a historic district;
- (ii) The accessory building was built during the individual landmark or historic district's period of significance;
- (iii) Only that portion of the accessory building built during the period of significance is eligible for an exemption; and
- (iv) The floor area subject to this exemption is added to another principal or accessory building on the same property and approved as part of a landmark alteration certificate pursuant to Section 9-11-12, "Landmark Alteration Certificate Required," B.R.C. 1981.

- (2) ~~Below Grade Area Used for Occupancy in the DT Zoning Districts. Any below grade area used for occupancy in the DT zoning districts will not be counted towards the maximum floor area permitted on the property. For the purposes of this paragraph, below grade areas are those areas that are completely below grade on the side of the~~

building to which the front yard setback standards apply or the side the approving authority determines is the predominant frontage of pedestrian access from the public right of way for the block face.

(3) Maximum Additional Floor Area:

- (A) In the DT-2 district, the maximum FAR additional components floor area consisting of either residential floor area, parking within the principal building or detached garages that is not included in the FAR calculation is 0.5 FAR.
- (B) In the DT-5 district, the maximum FAR additional components that can be added to the base FAR in Table 8-2 shall be a floor area ratio of 1.0. Each component of the additional FAR shall not exceed the maximum FAR additional components listed in Table 8-2. To be eligible for the nonresidential floor area, prior to issuance of a building permit, the applicant shall pay the housing linkage fee in Section 4-20-62, "Capital Facility Impact Fee," B.R.C. 1981, for each square foot of additional floor area above the base floor area ratio for which the addition is requested.

(43) Floor Area Transfers in the DT-5 Zoning Districts: In the DT-5 district, floor area may be transferred from one lot or parcel to another lot or parcel, as provided for by this paragraph. Approval of a floor area transfer shall permit the transfer of all of the supplemental floor area permitted by Table 8-2 of this section to another lot or parcel and permit the same amount of unrestricted floor area to be constructed on the parcel from which the bonus floor area was sent. A floor area transfer will be approved if the approving authority finds that the following criteria have been met as a part of a site review approval pursuant to Section 9-2-14, "Site Review," B.R.C. 1981:

- (A) The lot or parcel from which the floor area is transferred is adjacent to, with a common boundary between, the two lots or parcels. Adjacency shall not be affected by the existence of a public right-of-way;
- (B) Both the sending and receiving lots or parcels are located in the same zoning district as the lot that will receive the additional floor area;
- (C) The floor area on either lot or parcel does not exceed the floor area allowed, with floor area bonuses for each lot or parcel; and
- (D) A phasing plan that addresses the timing of the construction of all of the floor area is approved that ensures that the bonus floor area will be constructed prior to or concurrent with any unrestricted floor area that is transferred to another lot or parcel.

~~(5) Floor Area Transfers in the MU-1 District: In an MU-1 zoning district, the floor area permitted by Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, and this section may be transferred from one lot or parcel to another lot or parcel, in excess of the single lot requirements, if the approving authority finds that such transfer meets the site design criteria and is approved as part of a single site review application under Section 9-2-14, "Site Review," B.R.C. 1981.~~

(64) General Improvement Districts Providing Off-Street Parking: In the BMS district, the FAR may be increased up to 1.85 if the property is located in a general improvement district providing off-street parking.

(75) ~~BR-1 Districts: In the BR-1 district, the FAR and Use Intensity and Height~~ Modifications: The floor area ratio in select zoning districts may be increased pursuant to Subsection 9-2-14(h)(6), "Site Review," B.R.C. 1981.

~~(8) Floor Area Transfers in the IG, IM, or IS Zoning Districts: In an IG, IM, or IS zoning district, floor area may be transferred to a lot or parcel in excess of the maximum floor area ratio set forth in Table 8-2 of this section if the approving authority finds that the following criteria have been met as a part of a site review approval pursuant to Section 9-2-14, "Site Review," B.R.C. 1981:~~

~~(A) The lot or parcel from which the floor area is transferred is adjacent to and in the same zoning district as the lot that will receive the additional floor area; and~~

~~(B) The lot or parcel from which the floor area is transferred is vacant.~~

Section 11. Section 9-8-3, "Density in the RH-1, RH-2, RH-3 and RH-7 Districts,"

B.R.C. 1981, is amended to read as follows:

(a) ~~Additional Density in the RH-1 District: In the RH-1 zoning district, the planning board may reduce the minimum open space per dwelling unit of 1,600 square feet per dwelling unit to 800 square feet of open space per dwelling unit pursuant to site review approval.~~

~~(b) Additional Density in the RH-2 District: In the RH-2 zoning district, the planning board may reduce the minimum lot area of 3,000 square feet per dwelling unit to 1,600 square feet of lot area per dwelling unit pursuant to site review approval.~~

~~(c) Maximum Floor Area: In the RH-1 zoning district, 800 square feet of floor area will be permitted for each dwelling unit in a development:~~

~~(1) The floor area shall include all habitable area within the dwelling unit that is designed for or intended to be used for living, sleeping, eating, cooking, laundry, or personal storage.~~

~~(2) The floor area does not include garages and common facilities. Common facilities are elements routinely used in multi-family projects which include, without limitation, hallways, stairs, and utility rooms that are shared by all occupants of a development.~~

~~(3) The total floor area permitted in a development is the product of the number of allowed dwelling units multiplied by 800, and such dwelling units and square footage may be configured in any way which produces a number equal to or less than such product.~~

~~(4) Notwithstanding the provisions of Section 1-1-22, "Rounding Rule," B.R.C. 1981, a fraction of a permitted unit allowed by the minimum lot area per dwelling unit requirement may be included in calculating the allowable floor area.~~

~~(d) Additional Density in the RH-3 and RH-7 Districts: In the RH-3 and RH-7 zoning districts,~~

the open space per lot may be reduced from sixty percent to thirty percent of the lot if at least half of the open space provided meets the open space requirements of Paragraph 9-9-11(e)(3), B.R.C. 1981.

(e) Minimum Lot Area for Two Dwelling Units in the RH-1 and RH-2 zoning districts: Two attached units may be developed on a lot in the RH-1 and RH-2 districts without a site review if the lot is a minimum of five thousand square feet in area and the structures meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, or the requirements of Section 9-7-12, "Two Detached Dwellings on a Single Lot," B.R.C. 1981, are met.

~~(f) Exemption for Existing Single Family Dwellings: Single family dwellings in the RH-1 and RH-2 districts constructed prior to September 2, 1993, may be increased in size without planning board review and shall be exempt from the parking requirements of table 9-1, Subsection 9-9-6(b), B.R.C. 1981, if the following conditions are satisfied:~~

- ~~(1) Prior to the issuance of a building permit, the owner of the property executes a declaration of use, in a form acceptable to the city manager, stating that the dwelling will continue to be used as a single family dwelling;~~
- ~~(2) The dwelling contains no more than one kitchen; and~~
- ~~(3) At least one off street parking space, in compliance with city standards, is provided.~~

Section 12. Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, is amended to read as follows:

(a) General Occupancy Restrictions: Subject to the provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, no persons except the following persons shall occupy a dwelling unit:

- (1) Members of a family plus up to two additional persons. Quarters that roomers use shall not exceed one-third of the total floor area of the dwelling unit and shall not be a separate dwelling unit;
- (2) Up to any five persons except within a residential development exceeding a density of 1,600 square feet of lot area per dwelling unit in the RH-2 and RH-5 zoning districts up to four persons;
- (3) Three persons and any of their children by blood, marriage, guardianship, including foster children, or adoption; or
- (4) A nonconforming occupancy meeting the requirements of Subsection (c) of this section.
- (5) The occupancy level allowed by Subparagraphs 9-8-5 (a)(2) and (a)(3) do not apply to nonconforming uses or nonconforming occupancies.

...

Section 13. Section 9-9-6, "Parking Standards," B.R.C. 1981, is amended to read as follows:

...

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

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

<i>Use</i>	<i>Parking Requirement</i>
Roomers within a single unit dwelling	1 space per 2 roomers
Residential developments in which 1 bedroom units are 60 percent or more of the total	1.25 spaces per 1 bedroom unit
Rooming house, boarding house, fraternity, sorority, group living and hostels	2 spaces per 3 occupants
Efficiency units, transitional housing	1 space per DU
Bed and breakfast	1 space per guest room + 1 space for operator or owner's DU within building
Attached accessory dwelling unit, detached accessory dwelling unit	The off-street parking requirement for the principal DU must be met, plus any parking space required for the accessory unit, see Subsection 9-6-3(n), B.R.C. 1981
Group homes: residential, custodial or congregate care	Off-street parking appropriate to use and needs of the facility and the number of vehicles used by its occupants, as determined through review
Overnight shelter	1 space for each 20 occupants, based on the maximum occupancy of the facility, plus 1 space for each employee or volunteer that may be on site at any given time computed on the basis of the maximum numbers of employees and volunteers on the site at any given time
Day shelter	Use the same ratio as general nonresidential uses in the zone
Emergency shelter	1 space for each 20 occupants, based on the maximum occupancy of the facility, plus 1 space for each employee or volunteer that may be on site at any given time computed on the basis of the maximum numbers of employees and volunteers on the site at any given time, plus 1 space for each attached type dwelling unit
Existing duplexes or attached multi-family dwelling units in the RR, RE and RL-4 zoning districts	Greater of 1.5 spaces per unit or number of spaces required when units were established 1 per unit

...

(e) Motor Vehicle Parking Deferrals:

- (1) Criteria for Parking Deferral: The city manager may defer the construction and provision of up to ninety percent of the off-street parking spaces required by this section, in an industrial district, thirty-five percent in a commercial district, and twenty percent in any other district if an applicant demonstrates that:
- (A) The character of the use lowers the anticipated need for off-street parking, and data from similar uses establishes that there is not a present need for the parking;
 - (B) The use is immediately proximate to public transportation that serves a significant proportion of residents, employees, or customers;
 - (C) There is an effective private or company car pool, van pool, bus, or similar group transportation program; or
 - (D) The deferred percentage of residents, employees, and customers regularly walk or use bicycle or other nonmotorized vehicular forms of transportation.
- (2) Parking Deferral With a Concurrent Use Review: If a proposed use requires both a review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981, and a ~~public hearing~~, ~~the city manager will make a recommendation to the approving agency to approve, modify and approve, or deny the parking deferral as part of the use review approval.~~ parking deferral pursuant to this subsection, the parking deferral shall be considered in conjunction with the use review decision and not before. The approving authority and process for the parking deferral shall be the same as the use review.

...

(f) Motor Vehicle Parking Reductions:

- (1) Parking Reduction Process: The parking requirements in Section 9-9-6, "Parking Standards," B.R.C. 1981, may be reduced if the requirements of this subsection are met. The city manager may grant a parking reduction not to exceed twenty-five percent of the required parking. Parking reductions greater than twenty-five percent may be granted as part of a site review approval under Section 9-2-14, "Site Review," B.R.C. 1981. Only the planning board or city council may grant a reduction exceeding fifty percent for commercial developments, industrial developments and mixed use developments to allow the reduction of at least one parking space, with the total reduction not to exceed twenty-five percent of the required parking, if the manager finds that the requirements of Paragraph (f)(3) below are met. The city manager may grant a parking reduction exceeding twenty-five percent for those uses that are nonconforming only as to parking, if the manager finds that the requirements of Subparagraph (f)(1)(B) of this section have been met. Parking reductions are approved based on the operating characteristics of a specific use. No person shall change a use of land that is subject to a parking reduction except in compliance with the provisions of this subsection. For any parking reductions exceeding ten percent or if the parking reduction is being reviewed in conjunction with a site review, the applicant shall provide a parking study and transportation demand management (TDM) plan. Alternative administrative parking reductions (to the process set forth in this subparagraph (f)(1) and the criteria of subparagraph (f)(2)) by land use are found in Paragraph (f)(3).

(A) ~~Parking Reduction for Housing for the Elderly: The city manager may reduce by up to seventy percent the number of parking spaces required by this chapter for governmentally sponsored housing projects for the elderly.~~

(B) ~~Uses With Nonconforming Parking: The city manager is authorized to approve a parking reduction to allow an existing nonresidential use that does not meet the current off-street parking requirements of subsection (b) of this section, to be replaced or expanded subject to compliance with the following standards:~~

(i) ~~An existing permitted nonresidential use in an existing building may be replaced by another permitted nonresidential use if the new use has the same or lesser parking requirement as the use being replaced.~~

(ii) ~~A nonconforming nonresidential use in an existing building may be replaced by a conforming nonresidential use or another nonconforming nonresidential use, pursuant to Subsection 9-10-3(e), B.R.C. 1981, if the permitted or nonconforming replacement use has the same or lesser parking requirement as the use being replaced.~~

(iii) ~~An existing or replacement nonresidential use, whether conforming or nonconforming, that does not meet current parking requirements, shall not be expanded in floor area or seating or be replaced by a use that has an increased parking requirement unless a use review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981, and a corresponding parking reduction pursuant to this subsection (f) are approved.~~

(iv) ~~Before approving a parking reduction pursuant to this subsection, the city manager shall evaluate the existing parking arrangement to determine whether it can accommodate additional parking or be rearranged to accommodate additional parking in compliance with the design requirements of subsection (d) of this section. If the city manager finds that additional parking can reasonably be provided, the provision of such parking shall be a condition of approval of the requested reduction.~~

(v) ~~A nonconforming use shall not be replaced with a use, whether conforming or nonconforming, that generates a need for more parking.~~

(2) ~~Residential Parking Reductions: Parking reductions for residential projects may be granted as part of a site review approval under Section 9-2-14, "Site Review," B.R.C. 1981.~~

(3) ~~Parking Reduction Criteria: Upon submission of documentation by the applicant of how the project meets the following criteria, t~~The city manager approving authority may approve reductions of up to and including twenty five percent of~~reduce the parking requirements of this section (see Tables 9-1, 9-2, 9-3 and 9-4), if the manager it finds that the parking needs of all uses in the project will be adequately accommodated. In making this determination, the approving authority shall consider without limitation:~~

(A) Whether the probable number of all motor vehicles to be owned by occupants of and visitors to dwelling units in the project will be adequately

accommodated; The parking needs of the use will be adequately served through on-street parking or off-street parking;

(B) The availability of off-street and nearby on-street parking. A mix of residential uses with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking;

(C) Whether any proposed shared parking can adequately accommodate the parking needs of different uses of the project considering daytime and nighttime variability of the parking needs of uses. If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; or

(D) The effectiveness of any multimodal transportation program that is proposed at reducing the parking needs of the project. Applications including such programs shall describe any existing or proposed facilities and proximity to transit lines and shall demonstrate that use of multimodal transportation options will continue to reduce the need for on-site parking on an ongoing basis; The applicant provides an acceptable proposal for an alternate modes of transportation program, including a description of existing and proposed facilities, proximity to existing transit lines, and assurances that the use of alternate modes of transportation will continue to reduce the need for on-site parking on an ongoing basis.

(E) If the number of off-street parking spaces is reduced because of the nature of the occupancy, whether the applicant provides assurances that the nature of the occupancy will not change; and

(F) If considering a parking reduction for a use nonconforming as to parking, the approving authority shall evaluate the existing parking arrangement to determine whether it can accommodate additional parking or be rearranged to accommodate additional parking in compliance with the design requirements of subsection (d) of this section. If additional parking can reasonably be provided, the provision of such parking shall be a condition of approval of the requested reduction.

(3) Alternative administrative parking reductions by land use: The parking requirements in Section 9-9-6, "Parking Standards," B.R.C. 1981, may be reduced if the following standards are met. These standards shall not be permitted to be combined with the parking reduction standards in Subparagraphs (f)(2) of this section.

(A) Housing for Older Adults: The city manager may reduce the amount of required parking by up to seventy percent for governmentally sponsored housing projects for adults 65 and over.

(4B) Alternative Parking Reduction Standards for Mixed Use Developments: The parking requirements in Section 9-9-6, "Parking Standards," B.R.C. 1981, may

be reduced if the following standards are met. These standards shall not be permitted to be combined with the parking reduction standards in Paragraphs (f)(3) and (f)(5) of this section, unless approved as part of a site review pursuant to Section 9-2-14, "Site Review," B.R.C. 1981. A mixed use development may ~~reduce that~~ The city manager may reduce the amount of required parking in a mixed-use development by up to ten percent in the BMS, IMS, MU-1, MU-2, MU-3 and MX-2 zoning districts, or in all other nonresidential zoning districts in Section 9-5-2, "Zoning Districts," B.R.C. 1981, by up to a twenty-five-percent parking reduction if the following requirements are met:

(A*i*) The project is a mixed use development that includes, as part of an integrated development plan, both residential and nonresidential uses. Residential uses shall comprise at least thirty-three percent of the floor area of the development; and

(B*ii*) The property is within a quarter of a mile walking distance to a high frequency transit route that provides service intervals of fifteen minutes or less during peak periods. This measurement shall be made along standard pedestrian routes from the property.

(C) Religious Assemblies: The city manager may reduce the amount of required parking to permit additional floor area within the assembly area of a religious assembly which is located within three hundred feet of the Central Area General Improvement District if the applicant has made arrangements to use public parking within close proximity of the use and that the building modifications proposed are primarily for the weekend and evening activities when there is less demand for use of public parking areas.

(54) Limiting Factors for Parking Reductions: The city manager will consider the following additional factors to determine whether a parking reduction under this section may be appropriate for a given use:

- (A) A parking deferral pursuant to subsection (e) of this section is not practical or feasible for the property.
- (B) The operating characteristics of the proposed use are such that granting the parking reduction will not cause unreasonable negative impacts to the surrounding property owners.
- (C) The parking reduction will not limit the use of the property for other uses that would otherwise be permitted on the property.

(65) Parking Reduction With a Concurrent Use Review: If a proposed use requires both a review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981, and a ~~public hearing, the city manager will make a recommendation to the approving agency to approve, modify and approve, or deny the parking reduction as part of the use review approval~~ parking reduction pursuant to this subsection, the parking reduction shall be considered in conjunction with the use review decision and not before. The approving authority and process for the parking reduction shall be the same as for the use review.

~~(7) No Changes to Use: No person benefiting from a parking reduction shall make any changes to the use that would increase parking.~~

~~(8) Parking Reductions for Religious Assemblies: The city manager will grant a parking reduction to permit additional floor area within the assembly area of a religious assembly which is located within three hundred feet of the Central Area General Improvement District if the applicant can demonstrate that it has made arrangements to use public parking within close proximity of the use and that the building modifications proposed are primarily for the weekend and evening activities when there is less demand for use of public parking areas.~~

...

Section 14. Section 9-12-12, "Standards for Lots and Public Improvements," B.R.C.

1981, is amended to read as follows:

(a) Conditions Required: Except as provided in subsection (b) of this section, subdivision plats shall comply with Section 9-9-17, "Solar Access," B.R.C. 1981, and meet the following conditions:

(1) Standards for Lots: Lots meet the following conditions:

(A) Each lot has access to a public street.

~~(B) Except as provided in subparagraph (D) of this paragraph, e~~Each lot has at least thirty feet of frontage on a public street.

~~(C) Except as provided in subparagraph (D) of this paragraph, n~~No portion of a lot is narrower than thirty feet.

~~(D) Each townhouse lot has at least fifteen feet of frontage on a public street, and no portion of a townhouse lot is narrower than fifteen feet. Townhouse lots that do not meet the standards of paragraphs (B) or (C) above shall be used solely for townhouses.~~

~~(DE)~~ Lots and existing structures meet all applicable zoning requirements of this title and Section 9-9-17, "Solar Access," B.R.C. 1981.

~~(EF)~~ Lots with double frontage are avoided, except where necessary to provide separation from major arterials or incompatible land uses or because of the slope of the lot.

~~(FG)~~ Side lot lines are substantially at right angles or radial to the centerline of streets, whenever feasible.

~~(GH)~~ Corner lots are larger than other lots to accommodate setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.

~~(HI)~~ Residential lots are shaped so as to accommodate a dwelling unit within the setbacks prescribed by the zoning district.

~~(IJ)~~ Lots shall not be platted on land with a ten percent or greater slope, unstable land or land with inadequate drainage unless each platted lot has at least one thousand

square feet of buildable area, with a minimum dimension of twenty-five feet. The city manager may approve the platting of such land upon finding that acceptable measures, submitted by a registered engineer qualified in the particular field, eliminate or control the problems of instability or inadequate drainage.

(~~JK~~) Where a subdivision borders an airport, a railroad right-of-way, a freeway, a major street or any other major source of noise, the subdivision is designed to reduce noise in residential lots to a reasonable level and to retain limited access to such facilities by such measures as a parallel street, a landscaped buffer area or lots with increased setbacks.

(~~KL~~) Each lot contains at least one deciduous street tree of two-inch caliper in residential subdivisions, and each corner lot contains at least one tree for each street upon which the lot fronts, located so as not to interfere with sight distance at driveways and chosen from the list of acceptable trees established by the city manager, unless the subdivision agreement provides that the subdivider will obtain written commitments from subsequent purchasers to plant the required trees.

(~~LM~~) The subdivider provides permanent survey monuments, range points and lot pins placed by a Colorado registered land surveyor.

(~~MN~~) Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision, the subdivider provides an easement sufficient for drainage and maintenance.

(~~NO~~) Lots are assigned street numbers by the city manager under the City's established house numbering system, and before final building inspection, the subdivider installs numbers clearly visible and made of durable material.

(~~OP~~) For the purpose of ensuring the potential for utilization of solar energy in the City, the subdivider places 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 sited in a way which maximizes the solar potential of each principal building. Lots are designed so that it would be easy to site a structure which is unshaded by other nearby structures and so as to allow for owner control of shading. Lots also are designed so that buildings can be sited so as to maximize the solar potential of adjacent properties by minimizing off-site shading.
- (iii) Building Form: The shapes of buildings are designed to maximize utilization of solar energy. Existing and proposed 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 impact of proposed landscaping on adjacent buildings is addressed by the applicant. When a landscape plan is required, the applicant shall indicate the plant type and whether the plant is coniferous or deciduous.

...

Section 15. Section 9-16-1, “General Definitions,” B.R.C. 1981, is amended to read as follows:

- (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.

...

K-O

...

Micromobility station means a designated location of micromobility parking or docking infrastructure. Micromobility transportation includes lightweight vehicles such as bicycles or scooters.

...

P-T

Transportation Demand Management (TDM) plan means a document that outlines strategies to mitigate traffic impacts created by a development or use and the measures that the development or use will implement to promote alternate modes of travel to the single-occupant vehicle consistent with Section 2.03(I) of the City of Boulder Design and Construction Standards. Such measures may include, without limitation, car share programs, bicycle parking, access to transit, pedestrian and bicycles connections, educational programs for multimodal transportation options, transit pass benefits, unbundled parking, micromobility stations and membership benefits, and van and carpool programs.

...

Section 16. The effective date of this ordinance shall be January 1, 2024. This ordinance shall apply to any building permit, conditional use, use review, and site review applied for on or after the effective date of this ordinance; however, any project for which a complete building permit, site review, use review, or conditional use application has been submitted to the city or

1 which has received a site review, use review, or conditional use approval prior to the effective date
2 of this ordinance for a use inconsistent with the provisions of this ordinance will be permitted to
3 establish the proposed use under the use standards of Chapter 9-6, "Use Standards," B.R.C. 1981,
4 in effect at the time the building permit, site review, use review, or conditional use application was
5 submitted to the city. Such applicants shall be required to pursue such development approvals and
6 meet all requirements deadlines set by the city manager and the Boulder Revised Code necessary
7 to establish the proposed use. The applications for such project shall demonstrate compliance with
8 all applicable laws. An applicant may seek extensions of a development approval granted under
9 the use standards in effect prior to the effective date of this ordinance in accordance with the
10 standards of Subsection 9-2-12(b), "Extensions," B.R.C. 1981, and any initial review under
11 Paragraph 9-2-12(b)(2), "Planning Board Level Extension," B.R.C. 1981, shall not impose as an
12 additional condition compliance with the use standards adopted in this ordinance provided that all
13 other requirements of this Section 16 of this ordinance have been met. Any failure to meet
14 requirements of the city manager or this section of this ordinance will result in a denial of such
15 application. Any subsequent application shall meet the requirements in place at the time of such
16 subsequent application.
17

18 Section 17. If any section, paragraph, clause, or provision of this ordinance shall for any
19 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining
20 provisions of this ordinance.
21

22 Section 18. This ordinance is necessary to protect the public health, safety, and welfare
23 of the residents of the city and covers matters of local concern.
24
25

Section 19. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 7th day of September 2023.

Aaron Brockett,
Mayor

Attest:

City Clerk

READ ON SECOND READING AND AMENDED this 21st day of September 2023.

Aaron Brockett,
Mayor

Attest:

City Clerk

1 READ ON THIRD READING, PASSED AND ADOPTED this 5th day of October
2 2023.

3
4 _____
5 Aaron Brockett,
6 Mayor

7 Attest:

8
9 _____
10 City Clerk
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Cusworth, Amanda

From: Guiler, Karl
Sent: Wednesday, September 27, 2023 12:30 PM
To: Cusworth, Amanda
Subject: FW: David Adamson :- Planning and Development Services
Attachments: ATP Scan In Progress

From: Ferro, Charles <FerroC@bouldercolorado.gov>
Sent: Thursday, September 21, 2023 3:11 PM
To: Guiler, Karl <GuilerK@bouldercolorado.gov>
Subject: FW: David Adamson :- Planning and Development Services

From: No Reply <noreply@bouldercolorado.gov>
Sent: Thursday, September 21, 2023 2:58 PM
To: Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Pannewig, Hella <Pannewigh@bouldercolorado.gov>; Ferro, Charles <FerroC@bouldercolorado.gov>; Stafford, Edward <StaffordE@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>; Stanek, Cate <StanekC@bouldercolorado.gov>
Subject: David Adamson :- Planning and Development Services

Preferred Form Language: English / Inglés

Name: David Adamson

Organization (optional): Goose Creek Community Land Trust

Email: david@goosecreekclt.org

Phone (optional): (303) 545-6255

My question or feedback most closely relates to the following topic (please choose one): Planning and Development Services

Comment, question or feedback: Re: intensity ordinance "reform": I support all of Lauren Folkerts ideas EXCEPT:

As she clearly admits, the suggestions will not accomplish any affordability! Land costs are too high-driven significantly by public investments-and we are discussing the wrong thing! Density is NOT the issue. But how to have a diverse, high quality community for everyone, especially workforce members, that also responds to the climate change.

Instead we continue to go in the wrong direction: a smaller, less diverse population, completely unattainable housing stock where we use all land that can be redeveloped to build MORE luxury housing that is just as car dependent and NOT needed.

Attachment B - Written public comments received preceding the Sept. 21 public hearing

Why not START with what we need (like the Housing Pilot effort 2016-2020-“Innovate for Impact” /pages 532-560 of packet) : mixed income, mostly for sale, appreciation moderated, car-lite, highly walkable neighborhood everywhere? It could be done in a single special ordinance. See attached.

[[FSF080521]] Submission ID is #: 1144656845

[Compose a Response to this Email](#)

Cusworth, Amanda

From: Guiler, Karl
Sent: Wednesday, September 27, 2023 12:30 PM
To: Cusworth, Amanda
Subject: FW: Erin Bagnall :- Planning and Development Services
Attachments: 114330582_230921 Memo to Council - Update LU regs_RV1.pdf

From: Ferro, Charles <FerroC@bouldercolorado.gov>
Sent: Thursday, September 21, 2023 10:57 AM
To: Guiler, Karl <GuilerK@bouldercolorado.gov>
Subject: FW: Erin Bagnall :- Planning and Development Services

From: No Reply <noreply@bouldercolorado.gov>
Sent: Thursday, September 21, 2023 10:02 AM
To: Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Pannewig, Hella <Pannewigh@bouldercolorado.gov>; Ferro, Charles <FerroC@bouldercolorado.gov>; Stafford, Edward <StaffordE@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>; Stanek, Cate <StanekC@bouldercolorado.gov>
Subject: Erin Bagnall :- Planning and Development Services

Preferred Form Language: English / Inglés

Name: Erin Bagnall

Organization (optional): SOPHER SPARN ARCHITECTS

Email: ebagnall@sophersparn.com

Phone (optional): (303) 442-4422

My question or feedback most closely relates to the following topic (please choose one): Planning and Development Services

Comment, question or feedback: Hello - please see a revised copy of the previously submitted Memo regarding Ordinance 8599. thanks!

[[FSF080521]] Submission ID is #: 1144526742

[Compose a Response to this Email](#)

Cusworth, Amanda

From: Guiler, Karl
Sent: Wednesday, September 27, 2023 12:29 PM
To: Cusworth, Amanda
Subject: FW: LUC draft changes
Attachments: Memo to Council - LU regs.pdf

From: Adrian Sopher <asopher@sophersparn.com>
Sent: Thursday, September 7, 2023 11:27 AM
To: Guiler, Karl <GuilerK@bouldercolorado.gov>
Subject: LUC draft changes

External Sender

Hi Karl,

Attached is what I sent to CC last evening regarding the draft LUC changes.
Happy to discuss if you wish.

Thank you for all your efforts, as always.

Adrian

.....
Adrian Sopher, AIA



SOPHER SPARN ARCHITECTS, LLC

2505 Walnut Street, Suite 200 | Boulder, CO 80302

3300 Walnut Street, Suite 102 | Denver, CO 80205

O: 303 442-4422 x240 D: 720 316-6374 C: 303 949-4056

www.sophersparn.com || [LinkedIn](#) || [Instagram](#)

Boulder | Denver

Electronic data including but not limited to data, graphics, CADD and BIM modeling are furnished by Architect solely for the convenience of the receiving party. Any conclusion or information obtained or derived from such electronic data will be at the user's sole risk. If there is a discrepancy between electronic data and hard copies, the hard copies govern.



MEMORANDUM

To: BOULDER CITY COUNCIL
From: Adrian Sopher - SOPHER SPARN ARCHITECTS
Date: 6 September 2023

Re: THOUGHTS ARISING FROM A CURSORY REVIEW OF LAND USE CODE REGULATION CHANGES PROPOSED

Today, the Land Use Code uses three systems for limiting density in the various zones of the city:

- Limitations based on Dwelling Units per land area (for example in the RL-1 zone, 1 dwelling unit per 7000sf of land area).
- Limitations based on Open Space (for example in the BT-1 zone, each dwelling unit requires 1200sf of open space).
- Limitations based on Floor Area Ratio (for example in the DT- zones, building sizes are limited by a ratio of the building to site land area).

Arguably, these variables create complexity in the process of working with these codes and does not lead to an obvious and direct method for people to understand their implications and limitations as one moves from zone to zone.

In the changes to the code being proposed and before you now, are efforts to simplify these regulations into a simpler set of metrics. This is on the surface, a beneficial modification. Presumably also with these simplifications as proposed, comes an easier and direct path to incentivize housing being built in the city.

It is questionable however, as to whether in actual application, such an outcome will be achieved. This can only be determined when we attempt to put these changes into practice. And unless we are experienced in applying these changes to properties in the city affected by them, we might not realize their impacts.

For example (and these examples are not randomly chosen, but are zones that our office is currently working on projects that will be immediately affected by these changes...)

Change to the RL-1 zone -- Allowing duplexes and triplexes.

Great idea. As written however, no one will ever do it. Though the regs are written to make it possible to remove the interior lot lines so that units can be built closer together, the minimum lot size per unit has not been decreased from 7000sf per dwelling unit. Therefore, there is no benefit to anyone to do so. It will never happen.

The only way to incentivize the smaller units that would be expected by allowing duplexes and triplexes is to allow them to be built on the same lot size that a single unit can be built today. Without decreasing the minimum lot size per dwelling unit requirement to one half or one third of what it is today, nothing has changed other than allowing the setbacks between units to be reduced. No greater density will ensue.

Oh, and by the way... the 7000sf /DU requirement in the RL-1 zone is not met by a very substantial percentage of the lots in the RL-1 zone today. For instance, the standard lot size in the Newlands Neighborhood in North Boulder is 125'x50', or 6250sf. Therefore, to do a duplex today, you would need three lots to meet the 14,000sf threshold required, not two. How often can we expect someone to tear down three houses to build a duplex? Would you?

- **RL-1 Fix:** If your goal is to incentivize duplexes and triplex, allow them to be built on the same lot size that currently allows only one unit. Reduce the minimum lot size /DU ratio – substantially, to say 2000sf.

Change to the BT-1 zone – reducing the 1200sf open space per dwelling unit requirement.

This is another needed change. Currently, the open space requirement in this zone disincentivizes housing in favor of office or commercial space, which requires 10% of the site area for OS for a 35' high building. The proposed requirement for OS is reduced to a flat 30% of site area.

This is a good and reasonable change. However, then on top of that was added a limitation of Floor Area at a 1.0 FAR. This is an added limitation, laid on top of a zone that has no limit to FAR under current code. This makes no sense.

Please consider the following hypothetical example. **Assume a random BT-1 zone site of 100,000sf...**

- 30%, or 30,000sf is allocated to open space.
- That leaves 70,000sf of the site for a building.
- The allowable building area is 100,000sf (FAR of 1.0) to be placed over a maximum building footprint of 70,000sf that remains after OS is taken out.
- The only sane thing to do is build the largest building (100,000sf) on the smallest footprint possible, stacking floors, minimizing surface area and other impacts. Say over a footprint of 35,000sf.
- That leaves a residual 35,000sf of site area (100,000sf – 30,000sf of OS – 35,000sf of building).

The outcome of this is that the code has just incentivized a 35,000sf surface parking lot. So instead of getting more housing, we're creating parking lots. There is no other conclusion possible given the costs of construction.

Now for a concrete and specific example...

The Best Western Motel site at the south end of the 28th Street Frontage Road was approved by Planning Board and is now ready about to begin construction. Under the new code, we would lose about half of the units proposed, as follows.

- There is an existing 20,000sf 6 story office building on the property, being retained, which today does not directly count towards any limitation on the housing possible on the site, because the housing is limited by 1200sf of OS per DU.
- The 1200sf OS requirement is excessive, but we have managed to achieve a balance between OS and housing that can yield 96 4-bedroom student housing units, with all parking below the structure.
- The total FAR on the site, including office tower, housing and parking is approved at 1.2.

This would make the current project un-approvable under the proposed code, and we would lose ±20% of the currently proposed units.

Additionally, in the same zone just north of our site is the U-Club project. It is a full two stories taller than our project, and likely has an FAR of about 2.0. Like the building or not, it provides student housing in a condensed package. Is there a benefit to not allowing the possibility under the new code for that to be built?

How is this an improvement to the Land Use Code? How is this beneficial to the city?

By adding these FAR limitations there is no possibility of ever doing buildings over three stories, because there is no mechanism in the proposed regulations to allow for additional floor area in this zone. So all the effort put into creating criteria for added community benefit for height increase is meaningless unless you qualify for bonus floor area under Table 8-2. Table 8-2 has not been modified to consider the zones that have newly added FAR limitations that did not exist under the previous code.

Why? Why would you create a new limit on floor area, without creating a mechanism – even one that required Planning Board approval – to allow for greater density in areas of the city that can handle it. The entire mechanism for greater cash-in-lieu for increased height is moot unless there is a mechanism established to increase floor area wherever there is a FAR limit.

Change to the RH-2 zone – removing the lot area per dwelling unit requirement in exchange for a .67 FAR.

This is one of the more arcane regulations that almost demands a Site Review to accomplish a reasonable intensity of use, in this, one of our highest density zones. It is one that we know intimately over the years and has only recently been changed since the confusion previously associated with the zone's complexity in the Washington School redevelopment process. After that process ended, it was decided to remove the then .5 FAR limitation, in favor of an open space requirement. Fine. It was indeed a simplification, as it was determined at that time that the OS requirement would yield a good balance between building and OS.

Now, it seems, without a concrete example of why this change was not sufficient, we are changing it again. This time with an FAR of .67 and **no open space** requirement. Let's determine if this 'simplification' is an improvement.

Please consider the following hypothetical example. **Assume a random RH-2 zone site of 1 acre (43,560sf)...**

- The code states that maximum number of DU's allowable is 27.2 per acre.
- If we allocate 43,560sf to 27 DUs, this is almost certainly going to be in a multi-family structure.
- Therefore, we should assume that immediately 15% (6000sf) of the floor area is dedicated to hallways, stairs, lobby, etc. Add another ±1000sf for limited common areas (no storage).
- This leaves a residual area of ±36,000sf.
- If you divide that 36,000sf by 27 DUs, the average unit size would be 1333sf.
- So your options are to limit the average unit size to 1333sf, or reduce the amount of DUs to increase the average unit size.

This may seem on the surface to be exactly what the city is trying to do. But the outcome is that this is then, all you will get. Or you will incentivize fewer units being built.

But like the **BT-1 zone example above, for a site of 100,000sf...**

- 40%, or 40,000sf is allocated to open space.
- That leaves 60,000sf of the site for a building.
- The allowable building area is 67,000sf (FAR of .67) to be placed over a maximum building footprint of 60,000sf that remains after OS is taken out.
- Again, the only sane thing to do is build the largest building (67,000sf) on the smallest footprint possible, stacking floors, minimizing surface area and other impacts. Say over a footprint of 22,000sf.
- That leaves a residual 38,000sf of site area (100,000sf – 40,000sf of OS – 22,000sf of building).

But beyond that, once again, we are incentivizing on-grade parking because the .67 FAR is easily achieved in a three story building, **leaving the rest of the site available for... 38,000sf of cars!**

The only Floor Area Addition that the regulation allows in this zone is that it doesn't count parking within the building. The outcome of this, is that ground floors will now be devoted to parking. Is that what we are trying to encourage?

Why bother to develop regulations that allow greater height, if there is no way to achieve it with the limitations on FAR? There is no path to do anything more that yields either more units or a greater variety of unit types or on-site affordability because you have limited the product to such a degree?

- **BT-1 & RH-2 Fix:** If your goal is to incentivize housing, don't limit the FAR. Limit the amount of stories that can be built to three, unless they obtain Planning Board approval to increase the height and story limit under the guidelines established for doing so. **I have not done extensive dive into the regs, but I have no doubt that the same logic will apply to other zones being revised. Add all zones with FAR limits to Table 8-2 and identify criteria by which density bonus are possible.**

My apologies if this seems over-heated. But I fear that this is one of those regulations that we won't know what's in it until we pass it. I happy to discuss this with any and all of you, as you desire. **303 949-4056 mobile**

Cusworth, Amanda

From: Guiler, Karl
Sent: Wednesday, September 27, 2023 12:29 PM
To: Cusworth, Amanda
Subject: FW: Ordinance 8599

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

From: Steve Pomerance <stevepom335@comcast.net>
Sent: Monday, September 18, 2023 2:19 PM
To: Benjamin, Matthew <BenjaminM@bouldercolorado.gov>; Brockett, Aaron <BrockettA@bouldercolorado.gov>; Folkerts, Lauren <folkertsl@bouldercolorado.gov>; Friend, Rachel <FriendR@bouldercolorado.gov>; Joseph, Junie <JosephJ@bouldercolorado.gov>; Speer, Nicole <SpeerN@bouldercolorado.gov>; Wallach, Mark <WallachM@bouldercolorado.gov>; Winer, Tara <winert@bouldercolorado.gov>; Yates, Bob <YatesB@bouldercolorado.gov>
Cc: Rivera-Vandermyde, Nuria <Rivera-VandermydeN@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Ferro, Charles <FerroC@bouldercolorado.gov>; Guiler, Karl <GuilerK@bouldercolorado.gov>
Subject: Ordinance 8599

External Sender

To the Council and Staff:

I just read through the packet on this ordinance, and noticed that there is no analysis of the demand side for housing in Boulder.

In other words, there is no attempt whatsoever to analyze whether (or to what extent) the proposed changes and the resulting increase in density of new developments will make in meeting the demand for housing in Boulder!

So....in simple terms, that makes this a half-baked analysis. (There's another term for this, but I don't want to offend anyone further.)

Over the years, and more intensely recently, I have looked at the factors that seem to be important in generating demand (e.g. national wealth and income levels increases for the upper end of the population, relative attractiveness for remote workers, tech center, accessible recreation, etc.)

To my eyes, and based on what is happening in many parts of Colorado and also in resort and recreational areas in other states, it's pretty obvious that the demand to live in Boulder is huge, many times the amount of housing that any of this would generate, and so will not conceivably satisfy numerically.

Given that the demand appears to pretty insatiable, at least at any levels of density that are under discussion, the likely result of all of this densification is just more wealthy people crowding into Boulder, and more profits for developers, with no to minimal improvement in affordability, and all sorts of negative externalities, none of which are mentioned, other than a few in passing. (BTW this lack of carefully analyzing the external negative impacts is something that planners are supposed to do. Otherwise it's not planning, it's just development promotion.)

Attachment B - Written public comments received preceding the Sept. 21 public hearing
Worse is the relaxation of the requirements for permanently affordable units, which seems totally gratuitous, and will further distort our population's economic mix.

So... the almost certain result will be a much bigger and more dense city, with a higher percentage of wealthy people, and no real improvement in affordability, which presumably was/is the whole point. in fact the likely outcome is quite the opposite.

And, repeating myself for emphasis, the other significant effect will be higher levels of profit for developers, since the reductions in processing time and effort for applications has not been matched by an increase in the permanently affordable housing percentage or fee-in-lieu requirements, quite the contrary. So the effect is increased profits, and reduced affordability. Why that was not done properly is right up there as one of the worst outcomes of this seriously flawed ordinance.

I realize that for some of you on Council, this is a chance to maximize your impact before the next council is seated. As may happen, you may lose your majority in this election.

Please, back off on trying to do this in this half-baked fashion. Take the time to do this correctly by involving people who may not see it through your particular rose-colored glasses, and are a bit more hard-nosed about evaluating the circumstances, the goals, the means, and the externalities.

Regards,
Steve Pomerance

Cusworth, Amanda

From: Guiler, Karl
Sent: Wednesday, September 27, 2023 12:29 PM
To: Cusworth, Amanda
Subject: FW: Proposed letter from City Council to County Commissioners on Housing Tax

From: Huntley, Sarah <Huntleys@bouldercolorado.gov>
Sent: Friday, September 15, 2023 11:12 AM
To: CouncilMembers <CouncilMembers@bouldercolorado.gov>; Rivera-Vandermyde, Nuria <Rivera-VandermydeN@bouldercolorado.gov>
Cc: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>; Guiler, Karl <GuilerK@bouldercolorado.gov>; Housing Advisory Board Group <HousingAdvisoryBoardGroup@bouldercolorado.gov>
Subject: FW: Proposed letter from City Council to County Commissioners on Housing Tax

From: Lynn Segal <lynnsegal7@hotmail.com>
Sent: Friday, September 15, 2023 10:35 AM
To: Benjamin, Matthew <BenjaminM@bouldercolorado.gov>
Cc: Joseph, Junie <JosephJ@bouldercolorado.gov>; Folkerts, Lauren <folkertsl@bouldercolorado.gov>; Wallach, Mark <WallachM@bouldercolorado.gov>; Brockett, Aaron <BrockettA@bouldercolorado.gov>; Winer, Tara <winert@bouldercolorado.gov>; Yates, Bob <yatesb@bouldercolorado.gov>; Speer, Nicole <speern@bouldercolorado.gov>; Friend, Rachel <FriendR@bouldercolorado.gov>; Rivera-Vandermyde, Nuria <rivera-vandermyden@bouldercolorado.gov>; tim schoechle <timothyschoechle@yahoo.com>; plan boulder <advocate@planboulder.org>; boulderplanningboard <boulderplanningboard@bouldercolorado.gov>; Guiler, Karl <guilerk@bouldercolorado.gov>; OSBT <OSBT@bouldercolorado.gov>; Housing Advisory Board Group <HousingAdvisoryBoardGroup@bouldercolorado.gov>; lisa.sweeney-miran@bvsd.org; TAB <tab@bouldercolorado.gov>; Environmental Advisory Board <environmentaladvisoryboard@bouldercolorado.gov>; WRAB <WRAB@bouldercolorado.gov>; Kathleen Hancock <khancock@khancock.com>; will toor <willtoor@gmail.com>; Koehn, Jonathan <koehnj@bouldercolorado.gov>; Elam, Carolyn <elamc@bouldercolorado.gov>; External - Jones, Suzanne <suzanne_jones@tws.org>; TAB <tab@bouldercolorado.gov>; Human Relations Commission <hrc@bouldercolorado.gov>
Subject: Re: Proposed letter from City Council to County Commissioners on Housing Tax

External Sender

I would revise this hotline letter to meet "some" of the needs, because the quantity of need of affordable housing is phenomenal and growing logarithmically and by the instant, with unrestrained and progressive 1) developer subsidies 2) CU South, and 3) occupancy limit increase. If increased occupancy were leveraged against 1 and 2, it would have at least tempered the housing crisis and offered a cushion to come up with more truly efficient transgenerational communal housing with greater optimization and use of infrastructure such as bathrooms, laundry, kitchens, common spaces, open space, parking, cars and water/utilities. This could be applied at Alpine Balsam and leverage "many" more affordable units than the much greater high-end unit proportion that float the rest, the modus operandi. It has a far better outcome than "efficiencies" which are "efficient" for the developer and expensive for the occupant and service only one person per bathroom and kitchen. For example, 4500 sf. could handle 9 people with one washer dryer at 500 sf. per person all-

Attachment B - Written public comments received preceding the Sept. 21 public hearing inclusive common space. That could be a good largest model. Better community comes out of it than apartments.

The 25% IH requirement says it all. 100% of units should be affordable, but to a **fairly distributed demographic**. This will take effort to agree upon, but it should be determined. On this I think we could all agree.

Lynn

From: Benjamin, Matthew <BenjaminM@bouldercolorado.gov>

Sent: Friday, September 15, 2023 8:32 AM

To: HOTLINE <HOTLINE@bouldercolorado.gov>

Subject: [BoulderCouncilHotline] Proposed letter from City Council to County Commissioners on Housing Tax

Dear Hotline Readers,

I am submitting a proposed letter to the Boulder County Commissioners from which I hope my council colleagues will approve/adopt at an upcoming council meeting. The goal of this letter is to formally articulate how the County's Affordable Housing Extension Tax (Issue 1B) can be used to meet our city's and thus the county's critical needs, specifically housing access, and safety.

With gratitude,

Matt Benjamin
Boulder City Council Member
(303) 453-9896
Pronouns: he/him/his

Dear Boulder County Commissioners,

The City of Boulder is excited to see the Affordable Housing Extension Tax (County Issue 1B) on this year's ballot that focusses on investing in more affordable and attainable housing. We support the regional housing partnership goal that was adopted by every municipality in our county. The City agrees with the goals of this measure and think the best way to ensure it is approved by the voters is by demonstrating that it is a product of partnership and collaboration which will result in meeting the needs of those most acutely impacted by both the lack of housing affordability and constraints on housing inventory in our communities. Toward that end, we offer our endorsement for the County Issue 1B but we request that the Boulder County Commissioners commit to partnering with Boulder to fund and implement the following four housing and services programs.

- Invest in the programs and infrastructure to expand permanently supportive housing (PSH) across the county. We request that if the tax is approved, the county set aside no less than 25% of the revenues generated by the housing tax to make an immediate and long-term impact in providing housing

Attachment B - Written public comments received preceding the Sept. 21 public hearing coupled with services to those living on the brink. We are cautiously optimistic that the state and federal government will also begin to invest in these programs and reduce the financial and regulatory burdens currently facing cities and counties across the country.

- In coordination with the city, fund and implement transitional housing coupled with services that offer a unique opportunity to build the necessary scaffolding for individuals and families to increase their opportunities for success toward securing permanent supportive housing. This scaffolding approach to housing could range from temporary sheltering in the form of safe sleeping programs to tiny home villages.
- Join the City of Boulder and the City of Longmont in fulfilling our obligations to the Boulder Shelter for the Homeless and invest the money necessary to allow them to expand their services to meet the growing needs in our community. The shelter needs the county's investment of ~\$700,000 along with the ~\$300,000 from the City of Boulder and ~\$50,000 from the City of Longmont.
- Work with the City of Boulder to implement the High System Utilizer proposal as drafted by the Interagency task Force on Boulder Unhoused High Utilizers. Such an investment will not only create a life-changing benefit to these individuals but will offset current fiscal impacts and threats to public safety that result from failing to support them.

We recognize that there is not a single issue that our respective governments deal within isolation. The City of Boulder and Boulder County are intrinsically connected and thus we face the same challenges, we succeed together and thus fail together. This tax offers a chance for us to succeed together and lift up so many in our communities that are living on the brink and/or have been forgotten about.

We greatly appreciate your willingness to consider this request and look forward to opportunities to discuss our potential partnerships further.

Boulder City Council

Cusworth, Amanda

From: Guiler, Karl
Sent: Wednesday, September 27, 2023 12:30 PM
To: Cusworth, Amanda
Subject: FW: Support for Ordinance 8599

From: Danica Powell <danica@trestlestrategy.com>
Sent: Thursday, September 21, 2023 4:06 PM
To: Friend, Rachel <FriendR@bouldercolorado.gov>; Yates, Bob <YatesB@bouldercolorado.gov>; Brockett, Aaron <BrockettA@bouldercolorado.gov>; Joseph, Junie <JosephJ@bouldercolorado.gov>; Folkerts, Lauren <folkertsl@bouldercolorado.gov>; Benjamin, Matthew <BenjaminM@bouldercolorado.gov>; Wallach, Mark <WallachM@bouldercolorado.gov>; Winer, Tara <winert@bouldercolorado.gov>; Speer, Nicole <SpeerN@bouldercolorado.gov>
Cc: Guiler, Karl <GuilerK@bouldercolorado.gov>; Ferro, Charles <FerroC@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>
Subject: Support for Ordinance 8599

External Sender

Dear Council,

I am writing to express my support for the hard work that Staff has done to codify changes to many of our zone districts in order to simplify and promote smaller and more affordable housing typologies. Changing our zoning code and reducing barriers to building the type of housing we need and desire is an important step to get different housing results in our community. I have paid close attention to the evolution of this ordinance and the refinements that have occurred as it has been reviewed by different boards and the community.

I believe the refinements suggested this afternoon by Council member Folkerts are excellent suggestions to ensure that the outcomes sought by this ordinance are reflected in the code changes. I urge you to adopt staff's recommendations and the proposed changes posted on Hotline (and copied below). As a user of the code on a daily basis, an advocate for affordable housing, and a former Planning Board member, I support these changes and look forward to assessing the results of this effort. We have a lot more work to do on this issue, but this is a healthy step in the right direction. Thank you for taking on this important project!

Danica

1) Exempt 100% permanently affordable housing projects from site review by:

-Adding an exemption to section 9-2-14(b)(3) for projects that consist of exclusively of deed-restricted affordable housing

2) Include bike parking in floor area additions by:

-Specifically include bike parking Section 9-8-2 TABLE 8-2: FLOOR AREA RATIO ADDITIONS "Floor area used as off-street parking and vehicular circulation that is above grade and provided entirely within the structure."

3) Create density bonuses for RH-2, BT-1, and BT-2 by:

-Amending the following sections of 9-8-1 TABLE 8-1: INTENSITY STANDARDS

Attachment B - Written public comments received preceding the Sept. 21 public hearing
RH-2 Maximum Floor Area Ratio to 0.67 (up to 1.07 by site review)
BT-1 Maximum Floor Area Ratio to 1 (up to 1.4 by site review)
BT-2 Maximum Floor Area Ratio to 0.5 (up to 0.9 by site review)

4) Govern RMX-1 by floor area ratio and not dwelling units per acre by:

-Removing 6,000 from section 9-8-1 TABLE 8-1: INTENSITY STANDARDS Minimum Lot Area Per Dwelling Unit (square feet)

5) Allow for higher density in the commercial centers of BC-1 and BC-2 by:

-Amending section 9-8-1 TABLE 8-1: INTENSITY STANDARDS BC-1 and BC-2 Maximum Floor Area Ratio to 1.5 (up to 2 in areas covered by Appendix N)

6) Govern RM-1 by floor area ratio and not dwelling units per acre by:

-Removing 3,000 from section 9-8-1 TABLE 8-1: INTENSITY STANDARDS Minimum Open Space Per Dwelling Unit (square feet), and adding RM-1 to RMX-1 in section 9-8-2 TABLE 8-3: MAXIMUM FLOOR AREA RATIO FOR RESIDENTIAL LAND USES

Danica.

Schedule a meeting with me [here](#).

Danica Powell

Owner/Founder | Trestle Strategy Group

(303) 579-6221

danica@trestlestrategy.com



www.trestlestrategy.com

Cusworth, Amanda

From: Guiler, Karl
Sent: Wednesday, September 27, 2023 12:30 PM
To: Cusworth, Amanda
Subject: FW: Zoning for Affordable Housing, Ordinance 8599

From: Bryan Bowen <bryan@caddispc.com>
Sent: Wednesday, September 20, 2023 2:56 PM
To: Guiler, Karl <GuilerK@bouldercolorado.gov>
Subject: Zoning for Affordable Housing, Ordinance 8599

External Sender

Hey Karl - this is an email I just posted to the CC contact form, FYI.

Hello City Council members,

I'm writing to support the proposed land use code changes that are in the packet and to offer a few other thoughts. I'm heartened to read through the proposed land use code changes - I do believe they will result in real and implementable improvements in access to housing in the affordable and especially the middle income range. I feel like Staff has done a great job of simplifying the code as a part of this effort.

- The proposed language exempts projects that build 100% middle housing from the Site Review process - It would be good to include 100% affordable projects in this as well while keeping the door open to both for voluntary site review for the purposes of innovation, height modifications, and make setback modifications an administrative review. You can incentivize both without harming either, and it's not a trade off.
- Allowing attached dwelling units and townhomes in the RR-1, RR-2, RE, and RL-1 zones is a great idea but should be paired with a decrease in the lot area/du intensity standard? Perhaps attached dwelling units or townhomes should only require 60% of the lot area per single family dwelling unit to reflect the space saving realities of the housing type? They are likely to be two-story, after all...at least the townhomes.
- Another thought on the above is that attached units or townhomes could be considered 0.75 dwelling units as an equivalency like ELUs are 0.5m but this seems like a harder approach and it would bleed into all zones (which could actually be a good thing...)
- I'm still a big fan of the intensity bonuses allowed in RMX-2 that are tied to increase affordability levels (see 9-8-4. Housing Types and Density Bonuses Within an RMX-2 Zoning District.) and suggest they be applied in the same manner to the other RMX-, all RM-, and all RH- zones (while converting the metric from du/acre to lot area per du) to encourage affordable housing, and remove the Site Review requirement to make use of this proven affordable housing strategy.
- In looking at future phases of this effort, I recommend keeping an eye on physical accessibility as well as economic accessibility. When land that could be used for stacked flats that have elevators (required to be 100% accessible by the Fair Housing Act, generally speaking) is used for townhomes the availability of future accessible living environments is reduced.

Thanks very much for taking this community need so seriously.

- bryan bowen

Cusworth, Amanda

From: Guiler, Karl
Sent: Wednesday, September 27, 2023 12:31 PM
To: Cusworth, Amanda
Subject: FW: [BoulderCouncilHotline] Proposal related to the zoning for affordability ordinance

From: Crystal Gray <graycrystal@comcast.net>
Sent: Thursday, September 21, 2023 5:33 PM
To: Yates, Bob <YatesB@bouldercolorado.gov>; Brockett, Aaron <BrockettA@bouldercolorado.gov>; Winer, Tara <winert@bouldercolorado.gov>; Friend, Rachel <FriendR@bouldercolorado.gov>; Folkerts, Lauren <folkertsl@bouldercolorado.gov>; Speer, Nicole <SpeerN@bouldercolorado.gov>; Benjamin, Matthew <BenjaminM@bouldercolorado.gov>; Joseph, Junie <JosephJ@bouldercolorado.gov>; Wallach, Mark <WallachM@bouldercolorado.gov>
Cc: Mueller, Brad <MuellerB@bouldercolorado.gov>; Guiler, Karl <GuilerK@bouldercolorado.gov>; Pannewig, Hella <Pannewigh@bouldercolorado.gov>; Tate, Teresa <TateT@bouldercolorado.gov>; Rivera-Vandermyde, Nuria <Rivera-VandermydeN@bouldercolorado.gov>
Subject: Fwd: [BoulderCouncilHotline] Proposal related to the zoning for affordability ordinance

External Sender

Dear Council members - excuse the last minute email but the HOTLINE was a big surprise!

I find that council member Folkert's suggestions should really be part of larger community outreach to those in areas she has targeted since these sweeping suggestions came in yesterday and late today.

I live in the Whittier RMX-1 zone and her assertions about the removal of small apartments in favor of single family homes is just plain wrong. When we bought our house the 6 (7000 sq ft) lots facing the street had 8 total units on them. My house was a tri - plex with one illegal unit that the zoning administrator, Jim Tye, suggested I remove because the bedroom had no egress! The previous owner never got a building permit for 'improvements'. We immediately removed it. I have two units on my lot.

My block now has 15 units and only one single family house has been removed. If this "is the most down-zoned district in Boulder" with the density doubling and the occupancy going from a possible 32 to 60 I am not sure why that is bad - unless you want the whole place bulldozed.

Not sure the problem that council member Folkerts is trying to solve but I think involving people in the effected area before such a sweeping change is proposed. See Item 6 in the first hotline and 7 & 8 in the second one.

By the way the RMX and most of the higher density housing has always had 4 unrelated residents allowed. 16 people, right now, could live in the 4 small units (800 sq ft each) next door to me. Currently there are 6 people total living in the 4 units. Now that they are \$550,000 per unit the occupancy has actually gone down and nothing has changed about that 4 unit development except the economy.

Please remember that 'middle housing type' has nothing to do with affordably as Brad Mueller pointed out in a previous hearing on land use changes. If you want housing that is affordable for middle income people in this community you need to be intentional and for every new entitlement you give you should leverage permanently affordable housing and now just hope that it will turn out to be affordable.

Attachment B - Written public comments received preceding the Sept. 21 public hearing
I have comments and other of the last minute suggestion too and will get them to you.

I would love to walk around the Whittier RMX-1 zone with any of you to show you what is actually on the ground here!
Best,
Crystal Gray - former council member and Planning Board member
303-906-5509

Begin forwarded message:

From: "Folkerts, Lauren" <FolkertsL@bouldercolorado.gov>
Subject: [BoulderCouncilHotline] Fw: Proposal related to the zoning for affordability ordinance
Date: September 21, 2023 at 2:59:56 PM MDT
To: HOTLINE <HOTLINE@bouldercolorado.gov>

Colleges, staff, and hotline followers,
In preparation for tonight's meeting, I wanted to send out potential specific amendments related to my previous hotline post and some additional comments I've heard from other community members.

1) Exempt 100% permanently affordable housing projects from site review by:
-Adding an exemption to section 9-2-14(b)(3) for projects that consist of exclusively of deed-restricted affordable housing

2) Include bike parking in floor area additions by:
-Specifically include bike parking Section 9-8-2 TABLE 8-2: FLOOR AREA RATIO ADDITIONS "Floor area used as off-street parking and vehicular circulation that is above grade and provided entirely within the structure."

3) Create density bonuses for RH-2, BT-1, and BT-2 by:
-Amending the following sections of 9-8-1 TABLE 8-1: INTENSITY STANDARDS
RH-2 Maximum Floor Area Ratio to 0.67 (up to 1.07 by site review)
BT-1 Maximum Floor Area Ratio to 1 (up to 1.4 by site review)
BT-2 Maximum Floor Area Ratio to 0.5 (up to 0.9 by site review)

4) Govern RMX-1 by floor area ratio and not dwelling units per acre by:
-Removing 6,000 from section 9-8-1 TABLE 8-1: INTENSITY STANDARDS Minimum Lot Area Per Dwelling Unit (square feet)

5) Allow for higher density in the commercial centers of BC-1 and BC-2 by:
-Amending section 9-8-1 TABLE 8-1: INTENSITY STANDARDS BC-1 and BC-2 Maximum Floor Area Ratio to 1.5 (up to 2 in areas covered by Appendix N)

6) Govern RM-1 by floor area ratio and not dwelling units per acre by:
-Removing 3,000 from section 9-8-1 TABLE 8-1: INTENSITY STANDARDS Minimum Open Space Per Dwelling Unit (square feet), and adding RM-1 to RMX-1 in section 9-8-2 TABLE 8-3:
MAXIMUM FLOOR AREA RATIO FOR RESIDENTIAL LAND USES

Looking forward to tonight's discussion,
Lauren Folkerts

From: Folkerts, Lauren <FolkertsL@bouldercolorado.gov>

Sent: Wednesday, September 20, 2023 10:09 AM

To: HOTLINE <HOTLINE@bouldercolorado.gov>

Subject: Proposal related to the zoning for affordability ordinance

I want to start by thanking staff for the time and effort that has been put into this project. This code change represents an important step forward in how we reshape our zoning to not only deliver more affordability, but also house our community more sustainably. Our current code incentivizes less affordable, larger housing types. These changes help incentivize more affordable and sustainable, smaller housing types. These changes will help us curb our steep rental rate increases, they will absorb the ripple effect caused by higher end demand spilling over into other submarkets due to lack of supply, and as these units age they will become the more affordable portion of our market rate housing.

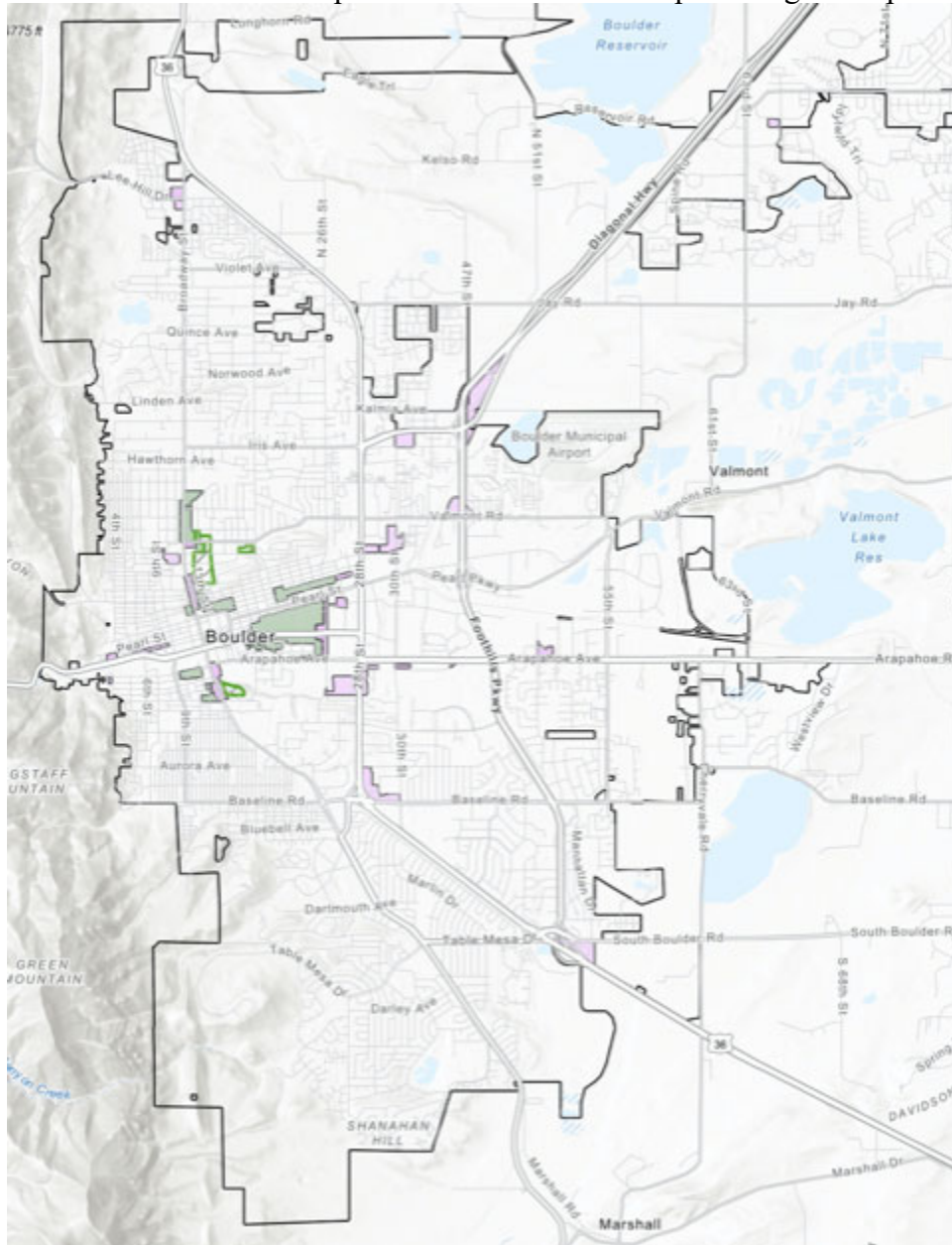
Below are some modifications I would like to make to ensure we fully realize our affordability and sustainability goals:

1. Staff has proposed exempting 100% “middle housing” projects from the site review process. I agree that Boulder needs more small infill projects and that we should find ways to make townhomes and other missing middle housing types easier to build. This is an issue we need to address, but this will not lead to the outcomes we want. Instead of allowing “middle housing” infill in our less dense zones, this will create an incentive to replace denser apartment buildings with less dense, more expensive townhomes. I may be in the minority, but I still think it would be a mistake to encourage middle density in the zones that are intended to be our densest housing zones. Rather than, or potentially in addition to exempting 100% “middle housing” projects from site review, I propose we exempt 100% permanently affordable housing projects from site review. Boulder Housing Partners and other affordable housing developers do a great job in our community of delivering high quality affordable housing. Every review process adds cost, so reducing review times by exempting affordable housing from site review is one of the easiest mechanisms we have to reduce costs of new construction. Let's prioritize making affordable housing easier and more affordable to build in our community.
2. We should specifically include bike parking as a type of parking that is exempt from floor area ratios (FAR) limitations in the zones where vehicular parking is exempted. Section 9-8-2 TABLE 8-2: FLOOR AREA RATIO ADDITIONS *“Floor area used as off-street **bike and vehicle** parking and ~~vehicular~~ circulation that is above grade and provided entirely within the structure.”* Because we want to encourage biking over driving, we need to ensure that bike parking is prioritized and not create disincentives.

Attachment B - Written public comments received preceding the Sept. 21 public hearing

4. Boulder's flood zones impact a number of properties, but the RH-2 zone in and around Goss Grove can be particularly difficult to navigate because in this zone housing is the only allowed use, and all residential floor area has to be elevated 5 feet or more above ground level to protect it from flooding and to meet FEMA requirements. I appreciate staffs desire to have code requirements that minimize the appearance of parking from streets and sidewalks. I worry that if we require parking to *"be located behind floor area on the ground floor that is used for the principal use of the lot"* as staff suggested, we will make it impossible to build anything in large portions of RH-2. Staff had many other good requirements for how parking should be shielded from the street that will help make for a better streetscape, but I would like to recommend we remove the requirement to have the principal use on the ground floor.

5. In RH-2 and BT-1 zones there are currently no floor area limits and these zones allow some of the highest residential densities. BT-1 covers the corner of 28th and Baseline where a significant student housing development is set to replace the Best Western, and it also includes the Millenium property. The current floor area ratio limits proposed by staff are in some ways a reduction in what could currently be built in these zones. Both RH-2 and BT-1 are transitional zones, and additional density beyond what staff is proposing may not make sense in all locations. I would like to suggest that through site review an additional 0.4 floor area ratio could be added to RH-2 and BT-1 zones. This additional floor area would continue to create a pathway for projects like those mentioned above to have a path forward for approval at their current density levels. The map below shows RH-2 in green and both BT-1 and BT-2 in pink.

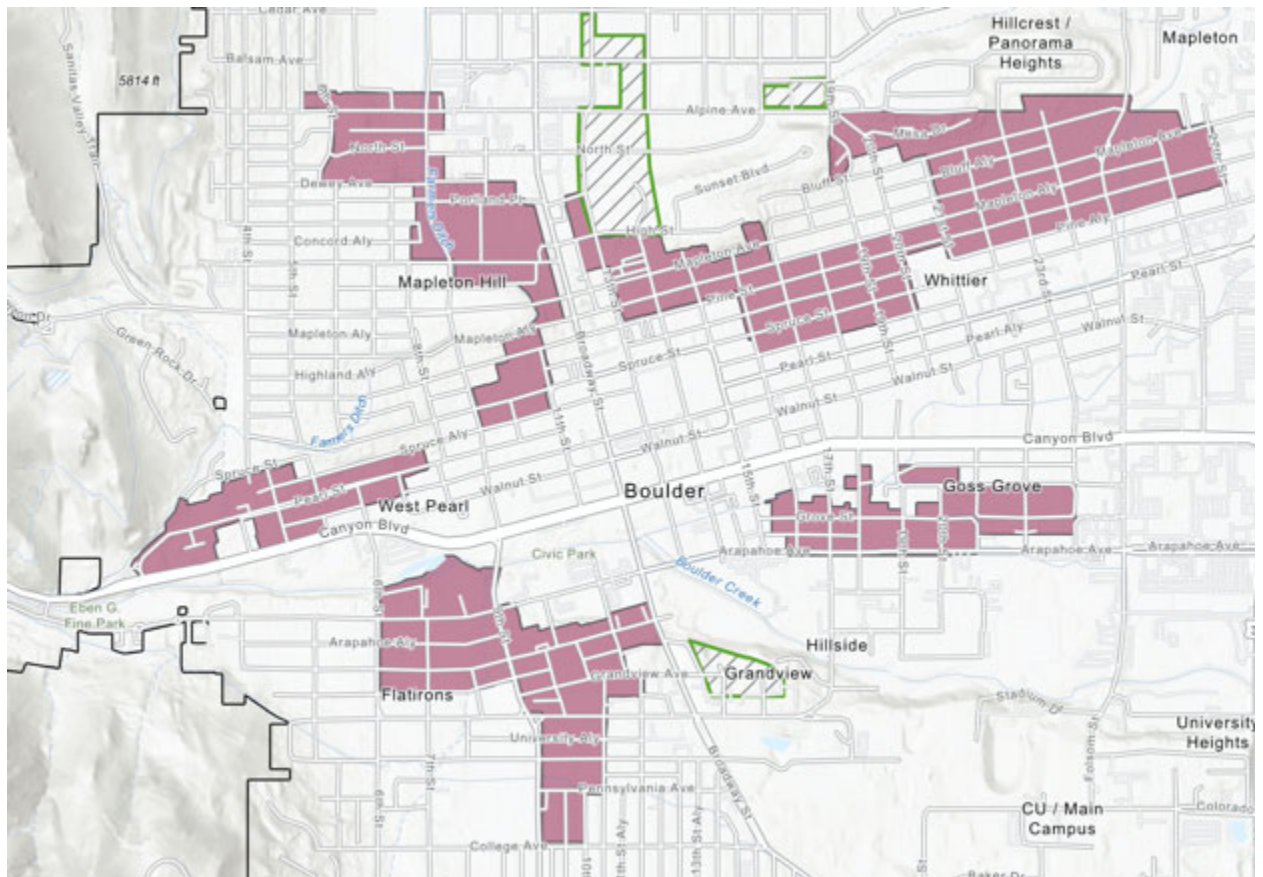


7. I also would like to see RMX-1 added to the zones that are governed strictly by floor area ratio and not dwelling units per acre. RMX-1 surrounds our downtown area and is the most down-zoned district in Boulder. Historically this zone has allowed duplexes, triplexes, quadplexes, and small apartment buildings. This can be seen in the numerous small multi-family buildings that remain to this day. Unfortunately, this zone has been downzoned to such an extent that only single-family homes would be allowed on most of these lots. Because these existing multi-family buildings are now non-conforming with their underlying zoning, making any modification (other than turning them into a single-family home) requires a difficult process. One by one these almost unnoticeable multifamily buildings are being removed, and with them we are losing both density and some of the charm of our downtown. This zone already has established floor area ratio maximums between 0.42 and 0.74 depending on the lot size. I would like to propose that we maintain the existing floor area ratio maximums for this zone and eliminate the minimum lot area per dwelling unit. This will keep the building size the

Attachment B - Written public comments received preceding the Sept. 21 public hearing same but allow more flexibility in the number of dwelling units within the building. The map below shows the RMX-1 zone in pink.

Future Items to address

8. In part of the memo staff mentions that they are “freezing” nonconformities at the occupancy levels prior to the passage of the ordinance. While I understand and appreciate the intent behind this recommendation, it will be a difficult rule for landlords, renters, and homeowners to understand and for city staff to enforce. Anytime we base a regulation on a historic point in time it creates difficulties related to documenting and communicating requirements. As the city refines our long-term city-wide parking plan, I propose we look at how we can use managed parking to mitigate some neighborhood concerns. When we use zoning to mitigate neighborhood concerns about issues such as parking, we add unnecessary complexity to our code, creating confusion about what is and isn’t allowed. When rules are hard to understand, people are less likely to follow them, explaining them is a drain on staff resources, as is enforcement.



Finally, it is important to understand and ensure the community understands what these changes are likely to accomplish, and what they’re not going to accomplish. There is always a price premium associated with new construction, so new construction is less affordable by its nature. By themselves these changes will not create immediate affordability. They are one very important set of changes we must make to address our affordable housing crisis. The links

Attachment B - Written public comments received preceding the Sept. 21 public hearing below go into more detail about how building additional dwelling units can help with affordability, and the limits to what zoning alone can deliver. Our Inclusionary Housing program, permanent deed restrictions, down payment assistance and other housing programs will continue to play an important role in helping our community members bridge the gap between their incomes and our city's housing costs, so more people can find housing that fits their budgets, their family's needs, and their lifestyles.

<https://www.pewtrusts.org/en/research-and-analysis/articles/2023/04/17/more-flexible-zoning-helps-contain-rising-rents>

<https://furmancenter.org/research/publication/supply-skepticismnbsp-housing-supply-and-affordability>

Thank you for taking the time to dive into some very specific details with me, and I look forward to our discussion on Thursday.

-Lauren Folkerts

bouldercouncilhotline -- bouldercouncilhotline-request@com-mailman1.bouldercolorado.gov

To unsubscribe send an email to bouldercouncilhotline-leave@com-mailman1.bouldercolorado.gov



MEMORANDUM

To: BOULDER CITY COUNCIL
From: Adrian Sopher - SOPHER SPARN ARCHITECTS
Erin Bagnall – Sopher Sparn Architects
Date: 19 September 2023_ *Revised 21 September 2023*

Re: LAND USE REGULATION CHANGES – Staff memo for 21 September meeting, Item 5B, Second Reading

Thank you, Council Members, for encouraging further discussions on this topic. I have since reviewed our concerns over changes proposed to specific zones with this update with Senior Policy Advisor Karl Guiler. While I think he has attempted to address some of the concerns raised, I still feel there is room for improvement to the update.

But I would firstly like to express my appreciation for the overall efforts of staff and the general intention of the direction from Council to simplify how the code is organized and increasing the ability to build housing – and specifically, housing that is affordable. Many improvements have been proposed – particularly in the changes to the BC zones. And likewise, I agree with the modifications now suggested to the IG & IM zones.

RL-1

I understand Karl's point that we need to set aside the concern I raised earlier about this zone. The stage is now set (with the proposed minor adjustment) for a hoped-for Comp Plan change to support duplexes etc. The current status of 7000sf per unit is still limited by the BVCP and cannot be affected by this change in these regs alone.

RL-2

The RL-2 zone is density restricted by open space. For each dwelling unit you need 6,000 SF of open space. The RL-2 zone also allows for attached units (townhomes), a scenario which is only available if you are going through a SPR/PUD. (Townhome density would be feasible only if you have a large enough site to share open space with another site, something we did at the SMWS to allow for development of townhomes along Broadway.) In discussion with Karl, we understand staff are trying to clean up some language in the code to allow for townhomes (middle income affordable) to occur with less brain damage in those zones where it is allowed. This is great, however, there are some changes with this ordinance that may move the needle too much in one direction and result in townhomes never occurring within the RL-2 zone again.

The proposed ordinance strikes a crucial section from 9-8-2 (Floor Area Ratio Requirements) (e) (1) (B) "used for detached single family land use that are". Deleting this language gives a .62 FAR to townhomes, rendering it undesirable for the development market.

For example, a standard 22' x 70' townhome lot would allow for a 955 SF townhome. Even in the spirit of smaller units, this math does not compute.

We suggest leaving the language in the code because it relieves townhomes from FAR requirements and keeps constraints to the (already inclusive to the code) methods of height, setback, parking, and open space.

BT-1 (RH-4, BC-1)

In discussion with Karl regarding his rationale for limiting the FAR in the BT-1 zone to 1.0, he refers to the Intensity Module that it shares with the RH-4, which also does not currently have an FAR limit. Mr. Guiler went on to state that the nature of the RH-4 is currently of a low density housing type, which he is concerned would be significantly changed if a higher FAR were allowed.

Please note firstly, that the BC-1 has wisely been separated from the other zones (thank you Karl). Their locations in the city are significantly different than the other two zones. But why hasn't the BT-1 been likewise so separated? The two remaining zones in this module have similarly, nothing in common. What is the rationale for not separating them from one another as well?

The BT-1 is a transitional zone. It commonly transitions between housing – and some of the highest density housing zones (RH-3) in the city – and commercial zones. Example: 28th Street Frontage Road as it meets Baseline. Today, it holds U-Club, which at 4 stories, is probably about an FAR of 2.0. Is it a problem that we allow larger structures to house students next to the campus in a zone that can handle that intensity? This just relieves pressure on neighborhoods that don't want it (think Goss-Grove).

Zoning District	Intensity Module	Minimum Lot Area (in square feet unless otherwise noted)	Minimum Lot Area Per Dwelling Unit (square feet) ^(C)	Number of Dwelling Units Per Acre ^(C)	Minimum Open Space Per Dwelling Unit (square feet) ^(C)	Minimum Open Space on Lots (Residential Uses) ^(C)	Minimum Open Space on Lots (Nonresidential Uses) ^{(B), (C)}	Minimum Private Open Space (Residential Uses) (square feet) ^(C)	Maximum Floor Area Ratio ^(C)
					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.				
RH-4, BT-1, BC-1	15	-	-	-	1,200	-	10-20%	-	-

But Mr. Guiler is only looking at half of the existing Intensity Table. He is only looking the part of the module that addresses RESIDENTIAL USES (see excerpt from existing Intensity Module Table).

But beyond the issue of the difference between where we find RH-3 and BT-1, there is the key point not addressed in the memo, which is that in the current code, NON-RESIDENTIAL USES can be built to as much as an FAR of 2.7 – BY-RIGHT. That is because the Open Space requirement for non-residential uses, for up to 3 stories, is 10%. Thus, 90% of the site can be built out without limitation other than setbacks and the manner in which parking is handled.

Suddenly, an area that could handle significant development is now being substantially downzoned on the presumption that some neighbor might be upset... because they live in the RH-4, which has nothing to do with the BT-1. Please understand that I am not advocating for a 2.7 FAR of office use being built. I am stating that I think staff is not properly addressing the nature of the existing zone, nor its potential for housing.

A further example is the 96 unit student housing project on the Best Western site. The project was approved thru Site Review first submitted two years ago, and under the 35' height moratorium. Even under the limitations of the moratorium, that project was approved with a ±1.2 FAR. We were able to accomplish this even with a 1200sf OS requirement because there are multiple means of providing OS that do not involve ground level landscape area. These include interior open space (common facilities of various kinds) and rooftop outdoor areas. These open space elements are accrative, adding units to the project. Interior common elements will likely no longer be provided since they count against the FAR limit and reduce area available for housing. Likewise, rooftop outdoor elements will provide no incentive to a developer unless it is needed to meet the 30% requirement for OS.

But because the FAR is limited to 1.0 – or 1.25 as now potentially offered by staff – there is still no incentive to do anything other than surface parking in the residual site area as described, in my previous email. Again here, based on a 100,000sf lot (as an example for calculation purposes)...

BT-1 zone example

- 30%, or 30,000sf of a 100,000sf lot is allocated to open space.
- That leaves 70,000sf of the site for a building.
- The allowable building area is 100,000sf (1.0 FAR) to be placed over a maximum building footprint of 70,000sf that remains after OS is taken out.
- Again, the only sane thing to do is build the largest building on the smallest footprint possible, stacking floors, minimizing surface area and other impacts. Say over a footprint of 35,000sf.
- That leaves a residual 35,000sf of site area (100,000sf – 30,000sf of OS – 35,000sf of building ground area).

That residual area will almost certainly be used for surface parking – so surface parking is being incentivized.

Beyond that, there is no method for increasing area, even in a part of the city where a greater height is not a burden on the neighbors. **With an FAR limit there needs to be a corresponding method for increases allowed thru discretionary review.**

Staff does allow for the possibility of a 1.25 FAR for this zone in the memo – should council desire it. This would help somewhat. In the example above, the 70,000sf of site left after OS is taken out of a 100,000sf lot...

- The allowable building area is 125,000sf (1.25 FAR) would be placed over a maximum building footprint of 70,000sf once 30,000sf of OS is removed.
- But in this case, a 3-story structure of that size would probably be spread over a smaller 45,000sf footprint, still leaving 25,000sf of site for surface parking – still a sizeable parking lot! (for estimating purposes, that would equal 50-60+ cars).

Again, there is no incentive to a developer to put that parking underground and build more housing – because their FAR limit won't allow more units -- so they'll do the cheaper surface lot. That's what the code is telling them to do!

- Doing away with the FAR limit, while limiting the site to 3-stories, provides more housing and puts parking underground.
- Allowing an applicant to ask for greater height thru discretionary review, allows for more housing still, while providing additional community benefit as determined by PB & Council, and added affordable housing requirements per the community benefit provisions of the code.

Why would those options not be available via the code?

At minimum, please consider an FAR maximum of 1.5, even if via Planning Board approval at Site Review.

RH-2

The issues surrounding the RH-2 are, in concept, similar to those of the BT-1. Today it has no FAR limit. It used to, and it was just a few years ago that the FAR limit was removed, and current standards were put in place.

This zone has been at the center of some controversial Site Plan Review approvals (including Washington School's). The current code was put in place to address confusion that arose due to the impacts of the previous code. It also covers Goss-Grove, and because of that, significant limits to development along the Arapahoe corridor near CU are still in place.

The key issue though, is that in order to increase the unit count in this zone, Planning Board approval was required to allow for greater density. In so doing, the FAR was felt to not be an issue. In fact, since the approval of Washington, the zone has been reasonably successful, as is. Increased density was allowed, via board approval.

With the inclusion of an FAR limitation at whatever number, once again we are limiting the potential for housing, even in those areas of town where additional density is not a problem. Planning Board has no ability to support increased density with the FAR limit as is proposed.

At an FAR of .67 and an open space requirement of 40%, again, we are incentivizing surface parking...

But like the zone example above, for a site of 100,000sf...

- 40%, or 40,000sf is allocated to open space.
- That leaves 60,000sf of the site for a building.
- The allowable building area is 67,000sf (FAR of .67) to be placed over a maximum building footprint of 60,000sf that remains after OS is taken out.
- Again, the only sane thing to do is build the largest building (67,000sf) on the smallest footprint possible, stacking floors, minimizing surface area and other impacts. Say over a footprint of 22,000sf.
- That leaves a residual 38,000sf of site area (100,000sf – 40,000sf of OS – 22,000sf of building).

Again, the residual area will be used for surface parking since staff has left no option for building more housing.

Staff does allow for the possibility of a 1.25 FAR for this zone in the memo – should council desire it. This would help somewhat. In the example above, the 60,000sf of site left after OS is taken out of a 100,000sf lot...

- The allowable building area is in this case 75,000sf (.75 FAR) and would be placed over a maximum building footprint of 60,000sf once 40,000sf of OS is removed.
- But in this case, a 3-story structure of that size would probably be spread over a smaller 25,000sf footprint, still leaving 35,000sf of site for surface parking – still a sizeable parking lot! (for estimating purposes, that would equal 75+ cars).

Why not allow more housing, even via discretionary review?

At minimum, please consider an FAR maximum of 1, even if via Site Review approval.

Again, there is no incentive to a developer to put that parking underground and build more housing – because their FAR limit won't allow more units -- so they'll do the cheaper surface lot. That's what the code is telling them to do!

- Doing away with the FAR limit, while limiting the site to 3-stories, provides more housing and puts parking underground.
- Allowing an applicant to ask for greater height thru discretionary review, allows for more housing still, while providing additional community benefit as determined by PB & Council, and added affordable housing requirements per the community benefit provisions of the code.

Why would those options not be available via the code?

IN SUMMATION...

FAR limits, on top a 3-story height limit and no option to apply for increases – even thru discretionary review – is counterproductive and will create fewer housing units and more surface parking lots in lieu of residences.

Please note:

Staff's suggestion to not count above grade and covered parking as not contribution to FAR calculations nominally helpful, but in order to make it actually attractive, an applicant would likely need to add another story, since a story is now going to parking. This could push the building higher, and thus contribute to forcing it above 35' and additional Affordable Housing contributions. It is therefore of limited incentive, except on very tight sites.

Happy to discuss this with any and all of you, as you desire. **303 949-4056 mobile.**

Intensity Reform comment 9-21-23- Why we can't make land use/mobility changes that will benefit everyone? "The Tyranny of Moderation"-Boulder's War on Itself!



Volunteer Alpine Balsam task force members worked hard 2015-2019 to ensure site control and then ensure the project achieves broad social benefit. Many of these people could probably not live in Boulder today had we had today's housing costs when we settled here. Same for [Back Porch volunteers](#) who worked for 2 years together!

After two fruitful years of discussion, the respected members of "multi-partisan" [Back Porch Group](#) (Camera op-ed) [agreed](#): **"1. Set a measurable, time-limited goal to durably house a diverse, socially equitable community in Boulder per the Boulder Valley Comprehensive Plan's values. This goal will be much more ambitious and achieve results sooner than the current Middle Income Housing Strategy."**

Why can't Council start with that? I am grateful that the packet contains (p. 532-560) Back Porch's sketch of how we could change all new development and redevelopment which we attempted to legalize during the 2019-2020 Midterm Update to take advantage of the

Neighborhood Infill option we helped get into the 2017 BVCP previously (thank you David Driskell) to broadly benefit citizens. Why is there no sign of that or any similar approach now?

Instead, this ordinance expresses the "Tyranny of Moderation"-allowing duplex or triplex or four-plexes will not create any missing middle housing at current land costs (which are so much the result of public investment- \$1B open space acquisition etc).

We are still not addressing the problem: the conflict of our BVCP values and a private land market operating with largely very low-density zoning (even with these intensity changes) on most residentially zoned land. Thus, we continue to rapidly and efficiently transfer land to ever higher bidders.

To me, this ordinance reform effort obscures Boulder's continuing "War on Itself". Our competitive advantage, our wealth, our joy is a diverse, creative, well-educated citizenry. This modest intensity reform supports the illusion that we are actually addressing the problem. Examples: a. allowing more ADU's-more rental housing which is not financial empowerment. Certainly ADU's are helpful to some workers but not the first thing we should do, b. a very modest downpayment assistance program -with barely any inventory that fits the criteria-100 condos sold for less than \$400k last year, c. the coop reform ordinance-how much did that cost in staff time?-now there are about the same or fewer coops than 2017 d. adding more subsidized rental housing-yes great but that system often continues the segregation of folks by income and race which is the heart of the whole problem, it is very hard to do, it can only be achieved by BHP-what is their total cost per unit?-and a few specialized developers.

Meanwhile, we are rapidly becoming ever more of a [Pottersville!](#) (see graph below showing the collapse of attainable modest/middle income housing).

If we cannot try the modest Housing Pilot idea ([summary](#)) to get us all moving in a productive direction, let's do an in-depth scenario plan of Business as Usual, of the Impact of gentrification on the workforce, on businesses, on non-profits and public institutions, on city finances, on physical and mental health. I believe it will show the status quo is ruinous.

Thus, in my personal opinion, it is a crime to pay staff and engage so much of the time and capacity of our highly capable elected officials and advisory board members on more Titanic deck chair relocation. We can, we must do better! With skill, which we have in a lot of in Boulder, we can achieve a Win/Win transformation of our City that embodies our, and America's, beautiful values!

