



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 17, 2024

AGENDA TITLE

Introduction, first reading and consideration of a motion to order published by title only Ordinance 8668 amending Title 9, "Land Use Code," B.R.C. 1981, to adopt trip reduction standards and a revised regulating plan for the Alpine-Balsam Area and to eliminate SUMP principles for certain buildings with permanently affordable units, and setting forth related details.

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Mark Woulf, Assistant City Manager
Brad Mueller, Director of Planning & Development Services
Charles Ferro, Senior Planning Manager
Karl Guiler, Senior Policy Advisor

EXECUTIVE SUMMARY

Ordinance 8668, found in [Attachment A](#), is associated with a complex redevelopment plan for the Alpine Balsam site with consolidated government facilities and permanently affordable housing. The purpose of this item is for City Council to consider the ordinance on first reading, which would apply revised trip reduction standards appropriate to the Alpine Balsam area, a revised regulating plan for the Alpine-Balsam Area consistent with an area plan amendment based on right-of-way design of 11th Street, and to eliminate SUMP principles for certain buildings with permanently affordable units, all of which would enable the Alpine Balsam redevelopment project to move forward.

For the background, process, details on the Alpine Balsam project, review the detailed [Planning Board memorandum from Sept. 24 at this link](#) or review the separate memorandum to City Council on the development project within the same council packet. The development review applications (i.e., Form-Based Code and Site Review) were unanimously approved by Planning Board on Sept. 24. The requested Use Review application was denied based on the proposed removal of commercial space along Broadway. All the applications will be considered for call up by the City Council on the same date as this first reading of the ordinance on Oct. 17.

Planning Board also recommended approval of an amendment to the Alpine Balsam area plan and the subject ordinance with one change as noted in the ‘Board and Commission Feedback’ section.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to introduce and order published by title only Ordinance 8668 amending Title 9, “Land Use Code,” B.R.C. 1981, to adopt trip reduction standards and a revised regulating plan for the Alpine-Balsam Area and to eliminate SUMP principles for certain buildings with permanently affordable units, and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** – The ordinance enables an important project to move forward for local governance and affordable housing opportunities in close proximity to an active transit corridor. The addition of housing and government employees to the site will enhance the economic vitality of businesses north of downtown.
- **Environmental** – The project includes important flood channel improvements along Balsam. The project also a significant mixed-use, infill project consistent with the following BVCP policies: Policy 2.24 Commitment to a Walkable & Accessible City, Policy 2.33 Sensitive Infill & Redevelopment, Policy 2.37 Environmentally Sensitive Urban Design, and Policy 2.41 Enhanced Design for All Projects.
- **Social** – The ordinance is associated with a larger project that will provide significant community benefit in the form of a new local government facility with consolidated work functions outside of the high hazard flood zone. It also enables the construction of permanently affordable units and flood channel improvements on the subject site.

OTHER IMPACTS

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

RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE

None.

BOARD AND COMMISSION FEEDBACK

Planning Board – Ordinances changing the Land Use Code require Planning Board recommendation to City Council. Planning Board reviewed the Alpine Balsam redevelopment applications (i.e., Form-Based Code Site Review and Use Review) and associated area plan amendment and ordinance on Sept. 24, 2024. At the hearing, the board unanimously approved the Form-Based Code and Site Review applications, but did not recommend approval of the Use Review, since the proposal was found to not meet the criteria for mixed-use by removing the commercial uses along Broadway. Planning Board recommended approval of Ordinance 8668 per the motions below:

- *Motion by ML Robles, seconded by K. Nordback, to recommend to City Council approval of an ordinance amending Title 9, “Land Use Code,” B.R.C. 1981, to adopt trip reduction standards and a revised regulating plan for the Alpine-Balsam Area and to eliminate SUMP principles for certain buildings with permanently affordable units, and setting forth related details. 7:0. Main motion passes as amended below.*
- *Motion by L. Kaplan, seconded by J. Boone, to amend the main motion such that in the ordinance, Section 9-9-22(c) shall read “in the Alpine-Balsam area as a whole, at least 30% of the trips generated by the development shall be made by alternative modes or avoided.” 7:0 Motion to amend passes.*

Staff has incorporated the proposed change to the trip generation percentage (i.e., increase from 20 percent to 30 percent) per the board recommendation within the proposed ordinance in [Attachment A](#). Planning Board felt that the site is in a transit rich area and could achieve a higher percentage of alternative modes use. Planning Board also recommended approval of the associated Alpine Balsam area plan amendment and development review applications as discussed in the ‘Executive Summary’ above and as further outlined in the Planning Board memo.

PUBLIC FEEDBACK

For each of the applications, required public notice was provided in the form of written notifications to property owners within 600 feet of the subject property. In addition, a public notice sign was posted on the property and therefore, all public notice requirements of section 9-4-3, “Public Notice Requirements,” B.R.C. 1981 were met. Staff has received questions via phone from nearby community members, two of whom expressed concerns about traffic and parking and several others with questions about

proposed street connections. Staff has also received several phone calls and emails from residents expressing support for the proposed redevelopment. All written public comments received by staff may be reviewed in the [Sept. 24 Planning Board memo at this link](#).

BACKGROUND

Ordinance 8668 is associated with a complex redevelopment plan for the Alpine Balsam site. For the background, process, details on the proposal, which includes new government facilities and residential uses, and staff analysis of the application compliance with code criteria, review the detailed [Planning Board memorandum from Sept. 24 at this link](#). The development review applications (i.e., Form-Based Code, Site Review and Use Review) were unanimously approved by Planning Board and will be considered for call up by the City Council on the same date as this first reading of the ordinance on Oct. 17. Planning Board also recommended approval of ordinance with one change as noted in the ‘Board and Commission Feedback’ section.

Proposed Ordinance 8668

The proposed ordinance in **Attachment A** would amend the FBC Regulating Plan Map in Appendix M of the Land Use Code to reflect the requested Area Plan Amendments related to changing the 11th Street public right-of-way to a private access lane. The regulating map is also proposed to be updated to depict a more accurate alignment of a required east-west right-of-way on the west side of the site (with the center of the connection on the property lines) and the relocation of the mobility hub to the east side of the north-south right-of-way on the west side of the site. The proposed ordinance would also do the following:

- Amend Section 9-9-6(i) of the Land Use Code to allow the city manager to exempt buildings with permanently affordable units that are funding with LITHC funding from the requirement in in the MU-4 and RH-7 districts for certain residential uses to unbundle parking from other costs. This would allow those projects to maximize use of LITHC funding for the building. This amendment would support the financial viability of some permanently affordable housing projects. If unbundling of parking were required of such projects, other funding sources would have to be found for any parking that is provided (unbundled parking is when parking spaces are leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units); and
- Modify the [trip generation requirements of Section 9-9-22](#) to require 30% of trips of a project in the MU-4 or RH-6 or RH-7 zone within the Alpine Balsam area to be avoided or by a mode of transportation other than the single-occupant motor vehicle. Current 55% requirement was originally created for the Boulder Junction transit-oriented development area. A higher trip reduction was established for that area as Boulder Junction benefits from managed parking and access districts, increased density, enhanced walkability, and proximity to transit routes like bus

rapid transit, current bus routes, and future rail transit. Staff finds that a 30% avoidance or alternative mode requirement will accomplish the goal to minimize traffic impacts in the area, minimize land used for parking in the area, and for efficient use of parking this area while being reasonably achievable considering the transit opportunities and characteristics of the Alpine-Balsam area.

Without adoption of the proposed ordinance, the FBC and Site and Use Review Applications cannot meet all applicable code requirements. If adopted, changes would go into effect 30 days after adoption by City Council. The ordinance would allow the proposed changes to apply to the applications under call up consideration by the City Council.

ANALYSIS

Staff recommends that City Council adopt the proposed ordinance (found in [Attachment A](#)) at second reading for the following reasons:

- The code changes would enable the proposed project discussed within this memorandum to proceed as designed with equivalent connectivity and mobility hub service provision. Design of 11th Street as a private access lane will allow for enhanced curbside demand management applications, including Flexible Loading Zones and designated Transportation Network Company (Uber and Lyft) pick-up and drop-off locations, the use of permeable pavers supporting stormwater quality, and narrow, raised crossings at both the enhanced paseo and greenway for increased pedestrian visibility and safety. The private access lane design would also create enhanced access to mobility hub services including micromobility compared to the standard public right-of-way design with drive lanes, sidewalks, and tree lawns. These considerations are consistent with the following BVCP Policies: Policy 2.24 Commitment to a Walkable & Accessible City, Policy 2.25 Improve Mobility Grid & Connections, Policy 2.40 Design Excellence for Public Projects, and Policy 2.41 Enhanced Design for All Projects.;
- Would create trip avoidance and reduction standards consistent with Policy 6.03 of the BVCP, Reduction of Single Occupancy Auto Trips for the Alpine Balsam area that are appropriate and achievable for the context and transit opportunities of this particular area. The new standards would replace standards tailored to the context of Boulder Junction area (i.e., 30% trip reduction or avoidance versus the 55% required in the Boulder Junction transit-oriented development), and
- Would support the BVCP's affordable housing goals (see for example Policy 7.01 and 7.02) by authorizing a waiver of unbundled parking requirement for certain LITHC funded permanently affordable housing projects where unbundled parking requirements to avoid negative impacts of the unbundling requirement on the availability and scope of financing as further set forth in this memo.

Further analysis supporting the ordinance is provided below:

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

The ordinance would change to the Form-Based Code Alpine Balsam regulatory map to allow for better alignments of public rights-of-way, the use of circulation space that favors bike and pedestrian users over the automobile, and a more appropriate location for the mobility hub on the site.

The ordinance also applies trip generation standards that are more appropriate for the Alpine-Balsam area which does not share the same mode shifts as would be expected in the Boulder Junction transit-oriented development area for which the current standards were developed.

Finally, the ordinance would allow certain permanently affordable housing projects to maximize their LITHC funding by allowing the city manager to waive unbundled requirements that may negatively impact the ability to receive such funding.

How is the ordinance consistent with the purpose of the zoning districts or code chapters being amended?

The ordinance makes updates to requirements that apply in the MU-4 and RH-7 zoning districts to apply more appropriate standards for transportation characteristics specific to the Alpine-Balsam area. MU-4 and RH-7 standards were originally developed for Boulder Junction. The proposed changes in the ordinance are otherwise consistent with the intents for the zones, which are outlined in [Chapter 9-5, “Modular Zone System,” B.R.C. 1981](#), and below:

MU-4: Mixed Use - 4: Mixed use residential areas generally intended for residential uses with neighborhood-serving retail and office uses; and where complementary uses may be allowed. It is anticipated that development will occur in a pedestrian-oriented pattern, with buildings built up to the street.

RH-7: Residential - High 7: High density residential areas that have a fine grain of residential streets either existing or as part of a right-of-way plan approved by the city council and limited pedestrian-oriented neighborhood-serving retail uses in close proximity to either a primary destination or a transit center and where complementary uses may be allowed.

Are there consequences in denying this ordinance?

The benefits of the proposed changes would not be realized and some standards found to be not appropriate for the Alpine-Balsam area would continue to apply. In addition, denial of the ordinance would stall the progress of the current project as proposed. Significant changes would be necessary to the site plan and delay the development schedule. Application of standards that were originally intended for another area of the city could also impact the feasibility of the project.

What adverse effects may result with the adoption of this ordinance?

Staff has not identified any adverse effects from the adoption of the ordinance.

How will this ordinance implement the comprehensive plan?

This project implements several relevant BVCP policies noted below.

BVCP Built Environment Policy 2.24 Commitment to a Walkable & Accessible City

The city will promote the development of a walkable and accessible city by designing neighborhoods and mixed-use business areas to provide easy and safe access by foot, bike and transit to places such as neighborhood centers, community facilities, transit stops or centers and shared public spaces and amenities (i.e., 15-minute neighborhoods). The city will consider additional neighborhood centers or small mixed use retail areas where appropriate and supported by the neighbors they would serve. In some cases, the definition of mixed use and scale and character will be achieved through area planning.

BVCP Built Environment Policy 2.25 Improve Mobility Grid & Connections

The walkability, bikeability and transit access should be improved in parts of the city that need better connectivity and mobility, for example, in East Boulder. This should be achieved by coordinating and integrating land use and transportation planning and will occur through both public investment and private development.

BVCP Built Environment Policy 2.33 Sensitive Infill & Redevelopment With little vacant land remaining in the city, most new development will occur through redevelopment in mixed-use centers that tend to be the areas of greatest change. The city will gear subcommunity and area planning and other efforts toward defining the acceptable amount of infill and redevelopment and standards and performance measures for design quality to avoid or adequately mitigate negative impacts and enhance the benefits of infill and redevelopment to the community and individual neighborhoods. The city will also develop tools, such as neighborhood design guidelines, to promote sensitive infill and redevelopment.

BVCP Built Environment Policy 2.36 Physical Design for People The city and county will take all reasonable steps to ensure that public and private development and redevelopment be designed in a manner that is sensitive to social, health and psychological needs. Broadly defined, this will include factors such as accessibility to those with limited mobility; provision of coordinated facilities for pedestrians, bicyclists and bus-riders; provision of functional landscaping and open space; and the appropriate scale and massing of buildings related to neighborhood context.

BVCP Built Environment Policy 2.37 Environmentally Sensitive Urban Design

For capital improvements and private development, the city and county will strive to ensure that buildings, streets, utilities and other infrastructure are located and designed to protect natural systems, minimize energy use, reduce urban heat island effects and air and water pollution and support clean energy generation.

BVCP Built Environment Policy 2.40 Design Excellence for Public Projects

Public projects bear a special responsibility to exhibit design excellence. The city and county will work to ensure that new capital projects and transportation

facilities are visually attractive and contribute positively to the desired community character.

BVCP Built Environment Policy 2.41 Enhanced Design for All Projects

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

- a. Area planning. Where there is a desire to improve the character of the surroundings, a new character and positive identity as established through area planning or a community involvement process should be created for the area as the city work plan and resources allow.
- b. The context. Projects should become a coherent part of the neighborhood in which they are placed. Special attention will be given to protecting and enhancing the quality of established residential areas that are adjacent to business areas.
- c. Relationship to the public realm. Projects should relate positively to public streets, plazas, sidewalks, paths and natural features. Buildings and landscaped areas—not parking lots—should present a well-designed face to the public realm, should not block access to sunlight and should be sensitive to important public view corridors. Future strip commercial development will be discouraged.
- d. Ditches. Project sponsors should collaborate with irrigation ditch companies on design and construction. Where possible, project elements should educate and inform about the connection between irrigation ditches and agricultural lands.
- e. Transportation connections. Projects should provide a complete network of vehicular, bicycle and pedestrian connections both internal to the project and connecting to adjacent properties, streets and paths, including dedication of public rights-of-way and easements where required.
- f. Parking. The primary focus of any site should be quality site design. Parking should play a subordinate role to site and building design and not jeopardize open space or other opportunities on the property. Parking should be integrated between or within buildings and be compact and dense. The placement of parking should be behind and to the sides of buildings or in structures rather than in large street-facing lots. Surface parking will be discouraged, and versatile parking structures that are designed with the flexibility to allow for different uses in the future will be encouraged.
- g. Human scale and art in public spaces. Projects should provide pedestrian interest along streets, paths and thoughtfully designed public spaces that support a mix of events, destinations and art. Projects should model investment in public art in the city, and the city should encourage individuals, businesses, organizations and developers to invest in improvements to public spaces through the addition of meaningful, innovative and quality works of art.
- h. Permeability. Create permeability in centers with a mix of semi-public and public spaces that are connected visually for intuitive navigation. Include civic and cultural uses as well as outdoor seating, shade trees and green spaces in the public spaces to create a unique identity and sense of place. Projects should provide multiple opportunities to walk from the street into projects, thus

presenting a street face that is permeable. Where appropriate, they should provide opportunities for visual permeability into a site to create pedestrian interest.

i. On-site open spaces. Projects should incorporate well-designed functional open spaces with quality landscaping, access to sunlight and places to sit comfortably. Where public parks or open spaces are not within close proximity, shared open spaces for a variety of activities should also be provided within developments.

j. Buildings. Buildings should be designed with a cohesive design that enhances the streetscape and is comfortable to the pedestrian. Buildings should demonstrate approachability and a relationship to the street, with inviting entries that are visible from public rights of way, multiple entrances and four-sided design. Foster appeal of buildings through attractive, well-designed architecture made of high-quality, long-lasting materials and innovative approaches to design.

NEXT STEPS

Second reading for Ordinance 8668 is currently scheduled for Nov. 21, 2024. The Alpine Balsam Area Plan amendment is also scheduled for that date. Further, if City Council calls up the development review applications, that date is also being considered for the public hearing on the applications if called up. The development review applications are conditioned on adoption of Ordinance 8668 as the ordinance permits changes to the trip generation and form-based code standards that more appropriately fit the project. If not adopted, the development review applications would ultimately require amendments.

ATTACHMENT

Attachment A - Proposed Ordinance 8668

ORDINANCE 8668

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO ADOPT TRIP REDUCTION STANDARDS AND A REVISED REGULATING PLAN FOR THE ALPINE-BALSAM AREA AND TO ELIMINATE SUMP PRINCIPLES FOR CERTAIN BUILDINGS WITH PERMANENTLY AFFORDABLE UNITS; AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 8-4-10, "Advisory Committee," B.R.C. 1981, is amended to read as follows:

8-4-10. Advisory Committee.

(a) Those district electors named in the petition to represent the petitioners during organization constitute an advisory committee to the board of directors after the district is formed. The first district elector named in the petition shall serve for up to one year, until the board shall appoint successor members. Thereafter, the advisory committee shall consist of three persons who are district electors, owners of taxed real or personal property in the district, or designated representatives of such owners who are regularly employed in the district, and two citizens at large who may or may not have such qualifications, serving terms of five years each. The initial terms shall be staggered to assure that one term expires in each year. The board shall fill any vacancy with a similarly qualified person.

...

(l) None of the provisions of this section, except Subsections (g) and (i), apply to the Boulder Junction Access General Improvement District - ~~Travel~~ Transportation Demand Management ("BJAGID - TDM"). The Boulder Junction TDM Commission established by Section 2-3-21, "Boulder Junction TDM Commission," B.R.C. 1981, shall serve in lieu of an advisory committee for BJAGID - TDM, and shall have the duties set forth in Subsection (c) of this section in addition to and not by way of limitation on those duties, powers, and functions delegated to the Boulder Junction TDM Commission elsewhere in this code.

...

Section 2. Section 9-2-13, "Concept Plan Review and Comment," B.R.C. 1981, is amended to read as follows:

9-2-13. Concept Plan Review and Comment.

(a) Purpose of Concept Plan Review: The purpose of the concept plan review step is to determine a general development plan for the site, including, without limitation, land uses, arrangement of uses, general circulation patterns and characteristics, methods of encouraging use of alternative transportation modes, areas of the site to be preserved from development, general architectural characteristics, any special height and view corridor limitations, environmental preservation and enhancement concepts, and other factors as needed to carry out the objectives of this title, adopted plans, and other city requirements. This step is intended to give the applicant an opportunity to solicit comments from the reviewing authority early in the development process as to whether the concept plan addresses the requirements of the city as set forth in its adopted ordinances, plans, and policies. Comments on a concept plan are not binding, but are meant to inform any subsequent site review application. A concept plan review and comment shall not relieve the applicant of the burden to seek approvals for elements of the plan that require review and approval under the Boulder Revised Code.

...

(c) Application Requirements: A concept plan should be a preliminary plan for the development of a site of sufficient accuracy to be used for discussing the plan's conformance with adopted ordinances, plans, and policies of the city. The concept plan provides the public, the city manager, and the planning board opportunity to offer input in the formative stages of the development. An application for a concept plan review and comment may be filed by a person having a demonstrable property interest in land to be included in a site review on a form provided by the manager and shall include the following:

- (1) The written consent of the owners of all property to be included in the development;
- (2) A context map, drawn to scale, showing the site and an area of not less than a 300-foot radius around the site, including streets, zoning, general location of buildings, and parking areas of abutting properties;
- (3) A scaled and dimensioned schematic drawing of the site development concept and an area of not less than 200 feet around the site, showing:
 - (A) Access points and circulation patterns for all modes of transportation;
 - (B) Approximate locations of trails, pedestrian and bikeway connections, on-site transit amenities, and parking areas;

(C) Approximate location of major site elements, including buildings, open areas, natural features such as watercourses, wetlands, mature trees, and steep slopes; and

(D) Proposed land uses and approximate location;

(4) Architectural character sketches showing building elevations and materials; and

(5) A written statement that describes, in general, how the proposed development meets this title, city plans and policies, and addresses the following:

(A) Techniques and strategies for environmental impact avoidance, minimization, or mitigation;

(B) Techniques and strategies for practical and economically feasible ~~travel~~ transportation demand management techniques, including without limitation, site design, land use, covenants, transit passes, parking restrictions, information or education materials, or programs that may reduce single-occupant vehicle trip generation to and from the site; and

...

Section 3. Section 9-2-16, "Form-Based Code Review" B.R.C. 1981, is amended to read as follows:

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

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

...

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

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

(2) Written Statement: A written statement containing the following information:

(A) A statement of current ownership and a legal description of all of the land included in the project;

- (B) An explanation of the objectives to be achieved by the project, including, without limitation, building descriptions, sketches or elevations that may be required to describe the objectives;
- (C) A development schedule indicating the approximate date when construction of the project, or phases of the project, can be expected to begin and be completed; and
- (D) Copies of any special agreements, conveyances, restrictions or covenants that will govern the use, maintenance and continued protection of the goals of the project and any related parks, recreation areas, playgrounds, outlots or open space;

...

- (10) ~~Travel~~ Transportation Demand Management Techniques. A description of ~~travel~~ transportation demand management techniques with an implementation plan, including, without limitation, site design, land use, covenants, transit passes, parking restrictions, information or education materials, or programs to reduce single-occupant vehicle trip generation to and from the site.

...

Section 4. Section 9-2-19, "Rezoning," B.R.C. 1981, is amended to read as follows:

9-2-19. Rezoning.

- (a) Initiation: An amendment to rezone any area of the city may be initiated by the city council, the planning board or a person with an ownership interest in property proposed for rezoning.

...

- (f) Additional Criteria for the MU-4, RH-3, RH-6 and RH-7 zoning districts. In the MU-4, RH-3, RH-6 and RH-7 zoning districts, for an application not incidental to a general revision of the zoning map, the city council shall also find that the rezoning meets the following criteria, in addition to Subsection (e) above:

...

- (3) ~~Travel~~ Transportation Demand Management Services. In the MU-4, RH-6 and RH-7 zoning districts, the property subject to the rezoning is located within an area that has parking and transportation related service provided by a general improvement district or an equivalent organization or otherwise meets the trip generation requirements of Section 9-9-22, "Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts," B.R.C. 1981.

...

Section 5. Section 9-9-6, "Parking Standards," B.R.C. 1981, is amended to read as follows:

9-9-6. Parking Standards.

(a) Rationale: The intent of this section is to provide adequate off-street parking for all uses, to prevent undue congestion and interference with the traffic carrying capacity of city streets, and to minimize the visual and environmental impacts of excessive parking lot paving.

...

(i) Parking Costs Separated From Housing Costs in New Residential Buildings in the RH-7 and MU-4 Zoning Districts: In the RH-7 and MU-4 zoning districts, all off-street parking spaces accessory to residential uses in new structures of ten dwelling units or more, or in new conversions of nonresidential buildings to residential use of ten dwelling units or more, shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space. Parking spaces that are unused or unsold with a residential unit may be leased or otherwise permitted to be used by persons who are not residents, tenants, or visitors to the property. The city manager will waive the requirements of this subsection for a building if the applicant demonstrates that the building is financed with low-income housing tax credit financing pursuant to 26 U.S.C.S. §42.

Section 6. Section 9-9-22, "Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts," B.R.C. 1981, is amended to read as follows:

9-9-22. Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts.

(a) Purpose. The purpose of this section is to provide the trip generation requirements for the MU-4, RH-6 and RH-7 zoning districts for developments that are not served by a general improvement district or other approved organization that provides transportation related services. Further, it is the purpose of this section to:

- (1) Provide approaches to mitigate the impacts of traffic generated by development and redevelopment.
- (2) Ensure that the amount of land used for parking is the minimum necessary to serve development in the area.
- (3) Provide opportunities for parking that is provided in a development to be used in an efficient manner during all times of the day or evening.

- (b) Scope. The applicant for any additional floor area for a property located in the MU-4, RH-6 and RH-7 zoning districts shall demonstrate that the development does not exceed the trip generation allowance standards of this section. The requirements of this section do not apply to development proposals within general improvement districts or other organizations that have service plans which include ~~travel-transportation~~ demand management and parking management programs that have been approved by the city council to generally meet the objectives described in this section.
- (c) ~~Property~~ Trip Generation Allowance. The applicant for any development subject to the requirements of this section shall ~~be required to demonstrate that fifty-five percent of the a specified certain percentage of trips generated by the development during the highest peak travel time shall~~ will be by alternative modes or avoided, as specified below:
- (1) In all areas except the Alpine-Balsam area identified in Appendix L, "Form-Based Code Areas," B.R.C. 1981, Alternative mode trips generated by the development shall be at least fifty-five percent- of the trips generated by for the development shall be by alternative modes or avoided.
 - (2) In the Alpine-Balsam form-based code area, at least 30 percent of the trips generated by the development shall be by alternative modes or avoided.
 - ~~(4)(3)~~ Alternative modes Made by a are modes of transportation that is an alternative to other than single occupant motor-vehicle use and include, including, without limitation, walking, bicycling, carpooling, vanpooling, micromobility, or public transportation.
 - ~~(2)(4)~~ Trips are avoided through programs such as alternate work schedules, including telecommuting or compressed work week programs.
- (d) Trip Generation Calculation. The trip generation allowance shall be calculated using standard calculation methods commonly accepted by the Institute of Traffic Engineers for the uses of land that are proposed for the development during the highest peak travel times. The applicant shall provide the city manager with information necessary to demonstrate that the appropriate number of trips for the proposed development has been provided.
- (e) Trip Reduction and Mitigation. The applicant shall demonstrate how it will achieve the generate fifty-five percent alternative mode use and trip avoidance as described required pursuant to in subsection (c) at the highest peak travel time through a ~~travel-transportation~~ demand management plan.
- (f) ~~Travel-Transportation~~ Demand Management Plan. A ~~travel-transportation~~ demand management plan shall be submitted with all development applications that add a nonresidential use floor area or an additional dwelling unit that demonstrates compliance with the trip generation requirements. Any combination of the following methods may be incorporated into the ~~travel-transportation~~ demand management plan to achieve the requirements of this section.
- (1) Parking management strategies.
 - (2) Enhanced design and amenities.

- (3) Financial incentives.
- (4) Trip reduction and avoidance programs and policies.
- (5) Marketing and outreach.

(g) Components of a ~~Travel~~ Transportation Demand Management Plan. An applicant may divide a ~~travel-transportation~~ demand management plan into two components: (1) infrastructure and amenities; and (2) a ~~travel-transportation~~ demand management operations program. As part of a development approval, the city manager will approve separate trip generation reductions attributable to each element of the ~~travel~~ transportation demand management plan.

(1) Infrastructure and Amenities. The infrastructure and amenities component of the ~~travel-transportation~~ demand management plan shall include all of the elements of the ~~travel-transportation~~ demand management plan that require the construction of either private or public improvements. The improvements may include, without limitation, facilities such as showers and changing facilities, parking area design, amenities that support alternate mode use such as covered and secure bicycle parking or enhanced pedestrian, bicycle and transit access. Unless otherwise approved in the infrastructure and amenities plan, all public and private improvements shall be constructed prior to or concurrent with the construction of the buildings within the development. If construction of such improvements is to occur later, the applicant shall submit, subject to the review and approval of the city manager, an improvement construction phasing plan. The applicant shall demonstrate that phasing of the construction of improvements is necessary because such improvement cannot be effectively or efficiently utilized until a given level of development has been completed on the property.

(2) Demand Management Operations Program. The demand management operations program shall be the plan that is used by the tenant or occupant of a development or a portion thereof. The demand management operations plan shall include those programs necessary to meet the trip reduction requirements of this section, including without limitation the following:

- (A) Parking management strategies that may include unbundled parking, paid parking areas or carpool or vanpool preferred parking areas.
- (B) Active promotion of alternate modes through marketing and outreach programs to employees or residents.
- (C) Financial incentives for employees or residents to alternate modes such as public transit passes, subsidized transit or vanpool fares or a parking cash-out program.
- (D) Policies and programs including bicycle or carshare services, telework stations in residential buildings or telecommuting and compressed work week programs for employees.

(E) A plan for monitoring the effectiveness of the ~~travel-transportation~~ demand management plan that is submitted to the city manager on a biannual basis, using guidelines and performance measures developed by the city. The monitoring plan shall state whether the monitoring shall be done by the owner, occupant, tenant or other designated organization.

(3) Sustainable Funding. The costs of a ~~travel-transportation~~ demand management program shall be the responsibility of the owner, occupants, tenants or visitors to the development. The applicant shall be required to demonstrate how the facilities and programs will be initially funded and funded over time to ensure implementation and ongoing operation of the facilities and programs.

(h) Monitoring and Evaluation. The owner of any property that has a ~~travel-transportation~~ demand management plan shall be responsible for ensuring that the monitoring and evaluation component of the ~~travel-transportation~~ demand management plan is completed as required by this section. Monitoring and evaluation data shall be submitted to the city manager on a biannual basis. The monitoring and evaluation data shall be in a form acceptable to the city manager and shall address the effectiveness of the approved ~~travel-transportation~~ demand management plan in reaching the trip generation requirements of this section. If the monitoring data shows that the ~~travel-transportation~~ demand management plan is not meeting the trip generation requirements of this section, the owner shall submit a revised ~~travel-transportation~~ demand management plan that meets the requirements of this section within thirty days of a request by the city manager.

Section 7. Figure M-1(2) located in Section M-1-6, "Regulating Plans," B.R.C. 1981, is amended to read as follows:

M-1-6. REGULATING PLANS

No person shall construct, develop, use or occupy a property located in the area designated in Appendix L, "Form-Based Code Areas," except in conformance with Title 9, "Land Use Code," B.R.C. 1981, this appendix, and the regulating plan that applies to such property, except as otherwise specified in this appendix.

...



Figure M-1 (2). Regulating Plan: Alpine Balsam



1 ...

2 Section 8. Ordinance 8699 is being considered for adoption close in time to this ordinance
3 and, if adopted, moves the form-based code standards from Appendix M to Title 9, “Land Use
4 Code,” B.R.C. 1981 to a new Chapter 9-14, B.R.C. 1981, and otherwise amends and renumbers
5 sections, tables and figures or the form-based code. This ordinance, if adopted after Ordinance
6 8699 shall adopt the substantive changes herein, but nothing in this ordinance shall amend the
7 relocating and renumbering of Ordinance 8699.

8 Section 9. This ordinance shall apply to any building permit, form-based code review and
9 site review applied for on or after the effective date of this ordinance. Any project for which a
10 complete building permit, site review, or form-based code review application has been submitted
11 to the city or which has received a site review or form-based code approval prior to the effective
12 date of this ordinance will be permitted to establish the development under the standards in effect
13 at the time the building permit, site review, or form-based code review application was submitted
14 to the city; however such applicants may request that this ordinance be applied to their application.
15 Applicants with applications subject to standards in effect at the time the application was filed and
16 not this ordinance shall be required to pursue such development approvals and meet all
17 requirements deadlines set by the city manager and the Boulder Revised Code necessary to
18 establish the proposed development. The applications for such project shall demonstrate
19 compliance with all applicable laws. Any failure to meet requirements of the city manager or this
20 section of this ordinance will result in a denial of such application. Any subsequent application
21 shall meet the requirements in place at the time of such subsequent application.
22
23
24
25

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 17th day of October 2024.

Attest:

K:\PLCU\o-8653 1st rdg Alpine Balsam-.docx

1 READ ON SECOND READING, PASSED AND ADOPTED this 21st day of November
2 2024.

3
4
5
6 Attest:

Aaron Brockett,
Mayor

7
8 Elesha Johnson,
9 City Clerk