



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 20, 2025

AGENDA TITLE

Continued public hearing and consideration of the following items as part of the implementation of the East Boulder Subcommunity Plan:

1. Consideration of a motion to amend the East Boulder Subcommunity Plan, including the 55th and Arapahoe Station Area Plan, to align the East Boulder Connections Plan with the refined vision for East Boulder areas of change and to include additional supporting information;

AND

2. Second reading and consideration of a motion to amend, as recommended by staff in the staff memorandum, Ordinance 8669, amending Title 9, "Land Use Code," B.R.C. 1981, by adopting form-based code standards for parts of East Boulder, moving the form based code from Appendix M to Chapter 9-14, "Form-Based Code," B.R.C. 1981, revising rezoning and trip reduction standards for East Boulder; and setting forth related details.

(Note that the public hearing on these items was closed on December 5, 2024. Reopening of the public hearing is not anticipated.)

PRESENTER(S)

Nuria Rivera-Vandermyde, City Manager
Mark Woulf, Assistant City Manager
Planning & Development Services
Brad Mueller, Director
Kristofer Johnson, Comprehensive Planning Senior Manager
Kathleen King, Principal City Planner
Kalani Pahoia, Principal Urban Designer
City Attorney’s Office
Teresa Taylor Tate, City Attorney
Hella Pannewig, Senior Counsel

EXECUTIVE SUMMARY

The [East Boulder Subcommunity Plan](#) was adopted by Planning Board and City Council in 2022. City staff have been working with boards, council and community members to implement a project identified in the Plan (Project D9), the East Boulder Zoning Update. The project launched in May 2023 and included a community engagement process to inform general updates to the city’s form-based code (FBC) and new regulations to specifically apply to East Boulder.

The purpose of this item is for City Council to act on Ordinance 8669, which, if adopted, will amend Title 9, “Land Use Code,” B.R.C. 1981, by adopting form-based code standards for parts of East Boulder, moving the form-based code from Appendix M to Chapter 9-14, “Form-Based Code,” B.R.C. 1981, and revising rezoning and trip reduction standards for East Boulder; and setting forth related details.

First Reading: City Council passed Ordinance 8669 on first reading and ordered the ordinance published by title only on November 21, 2024. The first reading ordinance can be found [here](#).

Second Reading: On December 5, 2024, council held a public hearing and discussed the code updates included in Ordinance 8669 and proposed amendments to the East Boulder Subcommunity Plan. The staff memo and associated attachments can be found [here](#). Immediately before and at the second reading, comments and suggestions were provided by the community – primarily property owners – and councilmembers. Following these discussions, council continued consideration of the amendment of the East Boulder Subcommunity Plan and the second reading of Ordinance 8669. Council directed staff to continue outreach with area property owners and to draft amendments to the ordinance based on that outreach and councilmember feedback.

Staff have conducted additional outreach and are proposing amendments to Ordinance 8669 based on community member and council feedback. The proposed second reading amendments are incorporated in Ordinance 8669 found in **Attachment A** to this memo. Staff recommend amending the ordinance at the continued second reading on February 20, 2025. Second reading amendments are highlighted in the ordinance in yellow. If the

ordinance is amended by council, a third reading is required. The third reading could be scheduled on the consent agenda of the March 6, 2025, council meeting. Additionally, staff have also prepared a summary list of topics received through community and council feedback, analysis for consistency with the adopted Subcommunity Plan and/or existing form-based code, and proposed amendments to Ordinance 8669 for those items recommended for accommodation in **Attachment B**.

This memorandum focuses on amendments to Ordinance 8669 staff is proposing based on council direction and additional community feedback. For a comprehensive description and analysis of the proposed amendments to the East Boulder Subcommunity Plan and Ordinance 8669 please see the staff memorandum provided for the December 5, 2024 meeting which can found [here](#).

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to amend the East Boulder Subcommunity Plan, including the 55th and Arapahoe Station Area Plan, to align East Boulder Connections Plan with the refined vision for East Boulder areas of change and to include additional supporting information.

Motion to amend, as recommended by staff in the staff memorandum, Ordinance 8669, amending Title 9, “Land Use Code,” B.R.C. 1981, by adopting form-based code standards for parts of East Boulder, moving the form-based code from Appendix M to Chapter 9-14, “Form-Based Code,” B.R.C. 1981, revising rezoning and trip reduction standards for East Boulder; and setting forth related details.

PUBLIC FEEDBACK

Community Correspondence

Staff and City Council received letters from both Holland & Hart and Biomed Realty prior to the December 5, 2024, public hearing. These letters expressed concern with the proposed ordinance in that it conflicted with council’s direction to maintain flexibility and deviates from the EBSP intent to foster East Boulder’s evolution into a hub for innovation and active lifestyles. The letters also expressed concerns related to timing of the implementation process, requesting more time to collaborate with the city on the final proposal. Along with process issues, several items related to FBC content were described in the letters, including the following:

- Perceived loss of flexibility in Site Review process due to requirements to still be compatible with form-based code design standards
- Mandatory production business space requirements
- Mandatory residential requirements
- Elimination of Workshop buildings on 55th Street
- Impact on existing site review/PUD approvals
- Creation of nonconforming uses
- Ambiguities in code requirements and design restrictions
- Mandatory pitched roofs or floor reductions
- 15' minimum occupied space requirement on Type A frontages
- Requirement for mechanical equipment to be housed inside buildings

Staff also received letters in early February 2025 from several property owners in the area. While some continue to express concerns about the proposed amended ordinance, other property owners are supportive of the revised ordinance and encourage council members to adopt it. The comments are summarized as follows:

- Letters from Holland & Hart and their client, Biomed Realty, express concerns that the proposed amendment to allow properties to opt-out of the form-based code and instead utilize the Site Review process may still lead to mandatory residential requirements, rather than the optionality they prefer. They also commented that prohibiting the Workshop building type along 55th Street will limit R&D and light industrial uses. Finally, they believe the requirement to provide production business space is inconsistent with R&D uses and will potentially lead to vacant properties.
- Brant Brooks, a managing member of 5440 Conestoga LLC, another commercial property owner in East Boulder, expressed support for the revised FBC and its adoption. He acknowledged the city's efforts in developing the East Boulder Subcommunity Plan and the FBC over several years, and highlighted the code's ability to provide clear redevelopment guidelines while preserving the option to use the Site Review process.
- Erin Bagnall, a principal at Sopher Sparn Architects, and Danica Powell, owner of Trestle Strategy Group, both active in the development community and members of the East Boulder FBC Technical Advisory Committee expressed support and shared that the updates are essential for implementing the East Boulder Subcommunity Plan. They believe the proposed changes will benefit the community by expanding housing options and fostering well-connected, vibrant neighborhoods.
- Dan Kennelly, of Quad Capital Partners, also a property owner in East Boulder, expressed strong support for adopting the FBC, emphasizing its importance for moving forward with a planned development at 55th and Arapahoe. The development team plans to build a 300-unit mixed-use residential project aligned with the East Boulder Subcommunity Plan's transit-oriented development goals and including new retail space for a relocated Premier Members Credit Union. The letter expressed that delays in adopting the FBC have already impacted the

- project and further postponement could jeopardize it due to financial constraints, vacant property holding costs, and tenant commitments.
- Carlos Pacheco, Chief Executive Officer of Premier Members Credit Union, expressed support for the form-based code and encouraged council to adopt the ordinance on February 20. They are part of the development plans for the project at 55th and Arapahoe and are interested in continuing to operate in the same location. They believe the East Boulder Subcommunity Plan and proposed form-based code establish a clear and appropriate path forward for future development in this part of the Boulder community.

Community comment letters received immediately prior to and since the December 5, 2024, public hearing are included as **Attachment C**.

Public Hearing Comments

During the public hearing, some members of the community expressed concerns about topics including the implications of the FBC on square footage allowances, mandatory residential requirements, the inclusion of mandatory production space under the revised code, and the perception of restrictions for R&D uses. Community members also shared that they would like to see more flexibility in the FBC.

Community members also offered some suggestions of what they would like to see included in the FBC. One community member expressed an interest in incentives versus mandates – specifically related to production space – allowing more flexibility and options around the types of spaces allowed. Some concerns were also shared about design constraints and the requirements increasing the cost of construction.

Community Office Hours

Staff conducted two separate 2-hour public office hours meetings on January 14 and 29, 2025. The meetings were advertised on the project website and by invitation sent directly to interested property owners and Technical Advisory Committee members with an option for both in-person and virtual participation. Attendance at each meeting was comprised of East Boulder property owners, design and planning professionals, legal representatives, and some members of the community.

A summary table of community and council member comments, staff analysis, and recommended amendments to the form-based code served as a framework for the discussions (see **Attachment B**). The table was posted to the project website several days in advance of each meeting so attendees had time to review the information prior to the discussion. The amendments recommended by staff and summarized in the table were updated after both meetings in response to the feedback received during the office hours sessions.

The primary topic of discussion at the meetings revolved around the ability for property owners to choose between continuing existing uses, redeveloping under existing zoning and Site Review regulations that allow for non-residential outcomes, or utilizing the form-based code. Additional feedback was received regarding the requirement to provide

production business space within larger redevelopment projects and the potential risk that presents to single-tenant users which may have strict requirements for security, specialty equipment, vibration and noise limitations, etc.

SUMMARY OF STAFF RECOMMENDED AMENDMENTS TO ORDINANCE 8669 (proposed following Council’s meeting on December 5, 2024)

Upon review, staff have determined that a number of the requests and suggestions received at the council second reading and following (including at the office hours) can be incorporated and support the adopted Subcommunity Plan, and are, therefore, recommended as amendments to the proposed ordinance. Some of the requests are not found to be consistent with the adopted Plan or existing form-based code. For a full summary of proposed revisions and staff analysis, refer to the table of staff recommended amendments in **Attachment B**. Key considerations are as follows:

Opt-out Provision for Form-based Code

The most significant recommended change is related to the applicability of the form-based code. Critical to the overall context, the form-based code only applies to property modifications that exceed the following thresholds:

- Expansion of more than 60% of existing floor area;
- Replacement of more than 60% of an existing façade located within the frontage setback;
- Replacement of more than 60% of an existing roof structure; or
- Creation of new facades in the frontage setback that are associated with any expansion of existing floor area

Currently, per the existing form-based code and referenced as Section 9-2-16(4)(C) in the proposed ordinance, properties with existing Planned Unit Development (PUD) or Site Review approvals have the ability to pursue substantial changes to existing structures or full redevelopment proposals that exceed the thresholds above through the Site Review Amendment procedures outlined in Section 9-2-14, B.R.C. 1981, rather than going through a form-based code review.

In response to conversations with property owners and further analysis by the project team, staff recommends a revision that enables all properties, regardless of the existence of a PUD or Site Review approval, to choose to use the more discretionary Site Review process provided they are eligible for Site Review per the thresholds defined in Section 9-2-14.

Allowing applicants to opt-out of the form-based code introduces discretion into the development review process and could result in less predictable outcomes. However, staff recognize the need for flexibility, particularly as form-based code begins to be applied to more areas of the city that have a wide variety of existing and planned uses, and site-specific visions for future change. The form-based code is incentivized as it generally allows more floor area, more height, and an administrative review process. Site

Review criteria still require consistency with any adopted plans, but allow for a more broad and discretionary interpretation of how a project meets that criterion through review with staff and Planning Board. Note that with the adoption of Ordinance 8666 related to the Family Friendly Vibrant Neighborhoods project, any projects with non-residential uses and any projects that include, or are allowed to include, more than 5 units are now eligible for site review.

Independence of Site Review Process

The original Form-based Code was adopted as a pilot project in April 2016 in response to a desire for predictable, high quality architectural design in the rapidly redeveloping Boulder Junction area. A provision in Section 9-2-16(4)(C) was originally included to reinforce desired outcomes from the form-based code even if a project was reviewed through the Site Review process by requiring that Site Review projects be compatible with the intent and standards of the form-based code. Since that time, the Site Review criteria were updated in February 2023 to provide clearer guidance to applicants and revise broad discretionary standards. Additionally, form-based code has become more familiar to the Boulder community and is being applied in multiple locations.

Staff recommends revisions to remove language that requires compatibility with the form-based code as part of the Site Review process to avoid confusion and more clearly distinguish these two review pathways as distinct and independent from one another.

Greater Flexibility for Production Business Space Requirements

Staff have consistently and overwhelmingly heard from Planning Board, City Council, and community members that there is a concern about losing smaller, more affordable spaces for local businesses that manufacture goods and provide community services when properties are redeveloped. This standard introduces a reasonable expectation that when properties substantially redevelop, a small portion of redevelopment area must provide spaces that present opportunities for local entrepreneurs, service providers, and makers. Concerns have also been expressed that the requirement to provide space may conflict with single-tenant users and potentially result in vacant or under-utilized light industrial space in East Boulder.

To address recent concerns and still support the goals of the Subcommunity Plan and community feedback, staff propose to introduce more flexible compliance methods to meet this standard by providing applicants with the choice of meeting the production business space requirement within the building or within a separate structure on site.

Creation of a fee-in-lieu program or equivalent is outside the scope of this project, but will continue to be explored with the Community Vitality department and others as a future implementation step. If a fee-in-lieu program or equivalent is created in the future to address the need for production business space, staff would incorporate language to accommodate this option in the future.

Greater Flexibility on Design Standards and General Clarifications

Staff propose to make several additional amendments to address comments about the specificity and limitations presented by several design standards particularly related to paseo design, stormwater elements, building materials, and mechanical equipment. Additional amendments are proposed to clarify certain standards and improve the usability of the form-based code by future designers and applicants.

ANALYSIS

Staff has identified the following key issues to help guide Council's discussion:

1. Does City Council support the recommended amendments to the East Boulder Subcommunity Plan?
2. Does City Council find that the proposed form-based code ordinance implements the adopted policies of the Boulder Valley Comprehensive Plan and the East Boulder Subcommunity Plan?

Are the amendments to the East Boulder Subcommunity Plan and associated 55th and Arapahoe Station Area Plan consistent with the Boulder Valley Comprehensive Plan?

Staff finds that the proposed amendments to the East Boulder Subcommunity Plan are consistent with community feedback collected during this process and key policies of the Boulder Valley Comprehensive Plan (BVCP). The amendments carry forward the Planning Board motions made on October 15, 2024, maintaining the Land Use Plan adopted in 2022.

Amendments to the Connections Plan help realize the following BVCP policies in East Boulder:

- 2.24 Commitment to a Walkable & Accessible City
- 2.25 Improve Mobility Grid & Connections

Are there consequences in not approving the amendments to the Subcommunity Plan?

If council approves amendments to the East Boulder Subcommunity Plan that are different than the amendments approved by the Planning Board, staff would return to Planning Board for reconsideration of the Council's proposed changes. If all the amendments are not agreed upon, only the changes that received approval from both Planning Board and City Council would be carried forward. If no amendments are agreed upon, the existing plan will continue to provide a vision for East Boulder and guidance on future Land Use, Place Types, Transportation Connections, and policies. However, the plan would not reflect the most recent community input and could incorrectly influence future redevelopment review processes.

As a reminder, no changes are proposed to the East Boulder Subcommunity Plan Land Use Plan along 55th Avenue, north of the railroad tracks, as per the Planning Board

approval motion from October 15, 2024, that the current Land Use Plan (and associated Place Types Diagram) be maintained.

How will this ordinance implement the Boulder Valley Comprehensive Plan and East Boulder Subcommunity Plan?

The ordinance will directly implement project D9 of the East Boulder Subcommunity Plan and deliver the necessary regulations to meet the community vision described in the plan. Additionally, while the ordinance considers many of the policies in the Boulder Valley Comprehensive Plan, it will directly implement the following BVCP policies:

- 2.03 Compact Development Pattern
- 2.09 Neighborhoods as Building Blocks
- 2.14 Mix of Complementary Land Uses
- 2.16 Mixed Use & Higher Density Development
- 2.19 Neighborhood Centers
- 2.21 Light Industrial Areas
- 2.24 Commitment to a Walkable & Accessible City
- 2.25 Improve Mobility Grid & Connections
- 2.33 Sensitive Infill & Redevelopment
- 5.01 Revitalizing Commercial & Industrial Areas
- 6.21 Mobility Hubs
- 7.11 Balancing Housing Supply with Employment Base

Are there consequences in not approving this ordinance?

If the ordinance is not approved, the form-based code as it exists today, in Title 9 Appendix M of the B.R.C., will continue to regulate properties as identified on the current Appendix L, Form-Based Code areas map. This is limited to Boulder Junction Phase 1 and the Alpine Balsam site. Form-based code would not apply to properties in East Boulder and future changes would follow typical by-right or Site Review processes, potentially impacting imminent redevelopment projects interested in utilizing the form-based code. Additionally, the Rezoning Criteria of 9-2-19(g) would remain in place and would potentially limit rezoning and redevelopment in the area.

The goal of the form-based code is to implement the applicable policies of the Subcommunity Plan and provide a more predictable development review process to achieve outcomes that move in the direction of the community vision established by the plan. The Site Review process also requires consistency with the Subcommunity Plan, but allows for a more discretionary interpretation of how a project will result in an outcome aligned with the goals envisioned by the community.

Regardless of which review procedure is followed (form-based code or Site Review), staff recognize that all of the policies will not be realized through each individual project.

The form-based code and Site Review processes are not intended to, nor capable of, achieving the full vision of the Subcommunity Plan. The East Boulder Subcommunity Plan will be achieved over time through multiple incremental changes to the area.

NEXT STEPS

Based on council member feedback received on December 5, 2024, and community input over the last two months, staff have prepared amendments to Ordinance 8669. If City Council amends Ordinance 8669 at the continued second reading on February 20, 2025, a third reading will be required. A third reading could be scheduled for March 6, 2025, for consideration of final adoption of the ordinance. Ordinances go into effect 30 days after final adoption. If the ordinance is finally adopted on March 6, the code changes would become effective on April 5, 2025.

If City Council approves the same amendments to the East Boulder Subcommunity Plan as Planning Board, the process is complete, and the plan will be revised. If City Council approves amendments to the East Boulder Subcommunity Plan that are different than Planning Board, staff will bring the proposed amendments back to Planning Board to attempt to reconcile the differences. Only amendments that have received approval from both Planning Board and City Council will be made in the revised plan.

ATTACHMENT(S)

- Attachment A: Proposed Amended Ordinance 8669
- Attachment B: Summary of Staff Recommended Amendments to Ordinance 8669
- Attachment C: Letters from Community Members (received since December 5, 2024)

ORDINANCE 8669

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, BY ADOPTING FORM-BASED CODE STANDARDS FOR PARTS OF EAST BOULDER, MOVING THE FORM-BASED CODE FROM APPENDIX M TO A NEW CHAPTER 9-14, "FORM-BASED CODE" B.R.C. 1981, REVISING REZONING AND TRIP REDUCTION STANDARDS FOR EAST BOULDER; AND SETTING FORTH RELATED DETAILS.

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

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

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

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

(a) Organization: This title is divided into sixteen chapters. Each chapter is further subdivided into sections, subsections, paragraphs and subparagraphs. A consistent numbering and formatting convention is used throughout the title to identify these divisions and to help orient the user to the organization of information. The example below illustrates the formatting and numbering convention:

....

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

...

(2) Form Module: The form module establishes the physical parameters for development such as setbacks, building coverage, height and special building design characteristics. Solar access standards, located in Section 9-9-17, "Solar Access," B.R.C. 1981, may also impact building form and should be reviewed in conjunction with the form standards. On parcels and lots designated in Appendix

L, "Form-Based Code Areas," the regulations of ~~Appendix M~~Chapter 9-14, "Form-~~b~~Based Code," apply.

(3) Intensity Module: The intensity module establishes the density at which development may occur and includes: minimum lot sizes, minimum open space per dwelling unit, number of dwelling units per acre, minimum open space per lot or parcel, and floor area ratios when applicable. On parcels and lots designated in Appendix L, "Form-Based Code Areas," the regulations of ~~Appendix M~~Chapter 9-14, "Form-Based Code," apply.

(4) **Form-Based Code Review:** The requirements for the form-based code review process are found in Section 9-2-16, "Form-Based Code Review," B.R.C. 1981. Parcels and lots designated in Appendix L, "Form-Based Code Areas," ~~are~~ **may be** subject to the requirements of ~~Appendix M~~Chapter 9-14, "Form-Based Code," and ~~will~~ **may** be required to complete a form-based code review. **Projects on lots or parcels designated in Appendix L, "Form-Based Code Areas," and eligible for a site review process may complete a site review or form-based code review.** **Projects** required to complete ~~or completing~~ a form-based code review, are not eligible for the variance process ~~and site review process~~.

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:

...

(b) Scope and Application:

(1) The requirements of this section apply to all development on parcels and lots designated in Appendix L, "Form-Based Code Areas-" **and developed pursuant to a form-based-code review.** No person shall develop or apply for a building permit for a project on, or for, subdivision of a parcel or lot designated in Appendix L, "Form-Based Code Areas," until a form-based code review, **or, alternatively, if eligible and developed pursuant to a site review, a site review** has been completed.

- 1 (2) Projects required to complete or completing a form-based code review are neither
2 required nor eligible to complete the processes under Sections 9-2-13, "Concept
3 Plan," and 9-2-14, "Site Review," B.R.C. 1981.
- 4 (3) Administrative Form-Based Code Review for Minor Floor Area Expansions:
5 Projects to expand floor area by no more than 500 square feet that are limited to
6 one story and do not entail changes to existing form-based code review approvals
7 may be reviewed as an administrative form-based code review pursuant to the
8 process of Section 9-2-2, "Administrative Review Procedures," B.R.C, 1981, and
9 applicants for such projects shall not be required to complete a pre-application
10 review under Subsection (c) of this section; otherwise, such projects shall meet all
11 of the requirements of this section and the requirements of ~~Appendix M~~Chapter 9-
12 14, "Form-Based Code."
- 13 (4) Exceptions to Form-Based Code Review Process: The following developments
14 shall not be required to complete a form-based code review:
- 15 (A) Administrative form-based code reviews pursuant to Paragraph 9-2-
16 16(b)(3), B.R.C. 1981;
- 17 (B) Minor modifications to approved form-based code review applications;
- 18 (C) Site Reviews: Lots and parcels eligible for a site review pursuant to the
19 thresholds established in Section 9-2-14, B.R.C. 1981, may be developed
20 pursuant to the standards of Section 9-2-14, B.R.C. 1981, instead of the
21 standards of this Chapter 9-14, "Form-Based Code," B.R.C. 1981, at the
22 discretion of the applicant. If a lot or parcel is developed pursuant to a site
23 review process, as authorized in this subparagraph (C), the form-based
24 code standards of this section and Chapter 9-14, B.R.C. 1981, do not
25 apply;
- (D) Previously Approved Developments: Any development on a lot or parcel
designated in Appendix L, "Form Based Code Areas," for which an
application for site review was made prior to the adoption of an ordinance
including said lot or parcel in the designation of said appendix and that is
approved or for which subject to a valid site review approval or planned
unit development (PUD) approval. Valid site review and PUD approvals
exists shall not be subject to these requirements and may be amended or
modified in accordance with the minor modification and amendment
provisions of Section 9-2-14, "Site Review," B.R.C. 1981. If a site review
or PUD approval is amended or modified, as authorized in this
subparagraph (D), the form-based code standards of this section and
Chapter 9-14, B.R.C. 1981, do not apply; such minor modification or
amendment shall not be approved unless the proposed changes are, to the
extent practicable, compatible in terms of building height, mass, scale,
orientation, architecture, and project configuration with the regulations
applicable to the area pursuant to Appendix L, "Form Based Code Areas,"

and Appendix M, "Form-Based Code," and consistent with the standards established in Subsection M-1-5(e) of Appendix M, "Form-Based Code";

(ED) Interior building remodels or modifications that do not include an expansion of floor area, do not change the exterior appearance of the building, and otherwise conform to this section and Appendix M Chapter 9-14, "Form-Based Code," B.R.C. 1981;

(F) Projects not developed pursuant to a form-based code review consistent with the standards in Section 9-14-5, "Existing Structures and Uses Not Conforming with this Chapter," B.R.C. 1981.

(GE) Subdivisions solely for the purpose of amalgamating lots or parcels of land; and

(HE) Subdivisions solely for the purpose of conveying property to the city.

...

(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:

...

(4) Site Plan: A site plan with a north arrow showing the major details of the proposed development, prepared on a scale of not less than one-inch equals one hundred feet, providing sufficient detail to evaluate the features of the development required by this section. The site plan shall contain, insofar as applicable, the information set forth as follows:

(A) Topography. The existing topographic character of the land, showing contours at two-foot intervals;

(B) Flood Areas. If applicable, the areas subject to the ~~one-hundred-year~~ one-hundred-year flood as defined in Chapter 9-16, "Definitions," B.R.C. 1981, and any area of the site that is within a designated space conveyance zone or high hazard zone;

(C) Building Footprints. The location and size of all existing and proposed buildings, structures and improvements with dimensions indicating the distance from lot lines, structure low point elevations pursuant to the definition of "height," and the general location of adjacent streets, structures and properties;

(D) Uses. Site and location of existing and proposed uses, including density and type of uses;

- 1 (E) Outdoor Spaces. The following shall be illustrated on a site plan:
- 2 (i) The areas intended to function as outdoor space as specified within
- 3 ~~Appendix M~~ Chapter 9-14, "Form-Based Code";
- 4 (ii) Detailed design for outdoor space, illustrating hardscape and site
- 5 furnishings; and
- 6 (iii) Any other areas that qualify as useable open space per Section 9-9-
- 7 11, B.R.C. 1981;

- 8 (F) Public Spaces. The following shall be illustrated on a site plan:
- 9 (i) The areas that are to be conveyed, dedicated or reserved as parks,
- 10 recreation areas, playgrounds, outlots or open space and as sites for
- 11 schools and other public buildings; and
- 12 (ii) The areas that are to be conveyed, dedicated or reserved for streets,
- 13 alleys, paths, sidewalks, and utility easements.

14 (G) Streets and Block Layout. For project sites that are subject to the

15 requirements of Section 9-14-13, "Large Site Development Standards,"

16 B.R.C. 1981, a block plan analysis demonstrating compliance with the

17 standards of that section, Section 9-9-5, "Site Access Control," B.R.C.

18 1981, and Section 9-9-8, "Reservation, Dedication, and Improvement of

19 Rights of Way, B.R.C. 1981, including, but not limited to the following

20 information:

- 21 (i) Block length of each portion of a block;
- 22 (ii) Total block perimeter;
- 23 (iii) On- and off-street parking;
- 24 (iv) Paseos;
- 25 (v) Type A, B, and C frontage designations; and
- 26 (vi) If applicable, terminated vistas.

27 ...

28 (8) Streetscape Plan. A detailed streetscape plan, consistent with Sections 9-9-13, and

29 ~~B.R.C. 1981, and Section M-19-14-10, B.R.C. 1981~~ of Appendix M to this title,

30 shall include the following:

- 31 (A) The location of street trees;
- 32 (B) Designation of ground plane vegetation for any landscape bed areas,
- 33 planter areas, and open tree wells;
- 34 (C) The location and quantities of all pedestrian and vehicular lighting. Cut
- 35 sheets and samples shall also be submitted;

- (D) Specification of materials and patterns for street and sidewalk pavement design;
- (E) The location and quantities of furnishings, such as benches, seat walls, planters, planter fences, tree grates, tree guards, and trash receptacles on each street and for other public way where furnishings are required or proposed; and
- (F) The location and quantities of any other elements designed to establish the identity of the street, such as pavement markers or artwork.

...

(14) Architectural Plans. Detailed architectural plans that include the following:

- (A) Building Schematic Floor plans. Building floor plans shall be included for each floor, illustrating the location of uses, common spaces, doors, and windows;
- (B) Building Details. Plans, sections, and elevations illustrating compliance with Sections ~~M-1-13~~9-14-14 through 9-14-33~~M-1-28~~, B.R.C. 1981 of Appendix M, "Form-Based Code," to this title;

...

- ~~(D) Golden Rectangle Use. Diagram or series of diagrams demonstrating the use of the golden rectangle in the design of each building, to demonstrate compliance with Section M-1-29, of Appendix M, "Form-Based Code," to this title.~~

(15) View Corridor Analysis. A view corridor analysis, including the following:

- (A) A plan illustrating location of mountain range and notation of Flatirons 1 through 5, location of other features subject to view corridor protection, location of building footprints with heights noted, location of streets, and location of outdoor spaces;
- (B) A three-dimensional, geographically accurate digital site and proposed building model illustrating views required to be preserved through the site and photographically depicting the mountains in their accurate geographic locations. Refer to Figure ~~14-9M-1(4)~~, "Example Documentation of Preserved Views from Junction Place Bridge," in Appendix M Chapter 9-14, "Form-Based Code";
- (C) Additional Submittal Requirements by Request. The city manager may request additional information to illustrate compliance with the requirements of this section; and
- (D) Waiver. The city manager may waive submittal requirements if the city manager finds that the requirement is not applicable to a project and would

1 not illustrate compliance with the requirements of this section.

2 ...
3 (g) Criteria for Review: No form-based code review application shall be approved unless the
4 approving agency finds that:

5 (1) Consistency with ~~Appendix M~~Chapter 9-14, "Form-Based Code." The proposed
6 plans and building designs are consistent with the requirements of ~~Appendix~~
~~M~~Chapter 9-14, "Form-Based Code."

7 ...
8 (i) Exceptions: Exceptions to the requirements of ~~Appendix M~~Chapter 9-14, "Form-Based
9 Code," may be approved under the form-based code review process pursuant to the
following standards:

10 (1) Application Requirements: If an application includes a request for an exception to
11 the requirements of ~~Appendix M~~Chapter 9-14, "Form-Based Code," the requested
12 exceptions shall be noted on the plans and the application shall include a written
statement describing how the standards applicable to the exception are being met.

13 (2) Exceptions:

14 (A) An exception may be granted by the approving authority if the following
15 criteria are met:

- 16 (i) The proposed exception is consistent with the goals and intents of
17 the adopted area plan applied to the area, and
18 (ii) The proposed exception will not create any adverse impacts on
residents of the development or surrounding properties beyond
what is ordinarily expected through implementation of the
standards within ~~Appendix M~~Chapter 9-14, "Form-Based Code".

19 (B) An exception may be granted by the approving authority if the approving
20 authority finds that individual conditions of the property that were not
21 created by the applicant make compliance with a provision of ~~Appendix~~
~~M~~Chapter 9-14, "Form-Based Code," impractical and the proposed
22 alternative design is the minimum modification of the requirements of
~~Appendix M~~Chapter 9-14 that provides relief and is consistent with the
23 intent and purpose of the section being modified and the form-based code
review process described in Subsection (a) of this section;

24 (C) An exception may be granted by the approving authority if otherwise the
25 requirements of ~~Appendix M~~Chapter 9-14, "Form-Based Code," would

1 result in a violation of federal or state legislation, including but not limited
2 to the Americans with Disabilities Act, and the exception would be the
3 minimum modification of the requirements of Appendix M Chapter 9-14
4 that provides relief; or

5 (D) An exception may be granted by the approving authority if the building or
6 property has been designated as an individual landmark or recognized as a
7 contributing building to a designated historic district and as part of the
8 review of an alternation certificate pursuant to Chapter 9-11, "Historic
9 Preservation," B.R.C. 1981, the approving authority has found that the
10 development in conforming locations on the lot or parcel or conforming
11 with other requirements of Appendix M Chapter 9-14, "Form-Based
12 Code," would have an adverse impact upon the historic character of the
13 individual landmark or the contributing building and the historic district, if
14 a historic district is involved. The exception may be approved only if the
15 modification to the requirements of Appendix M Chapter 9-14, B.R.C.
16 1981, is the minimum modification that provides relief.

17 (j) Minor Modifications to Approved Form-Based Code Reviews: Modifications to the site
18 plan, building plans, landscaping and parking plans previously approved through a form-
19 based code review application may be approved by the city manager without requiring an
20 amendment to the approved form-based code review if such changes are minor. All minor
21 modifications shall be noted, signed, and dated on the approved form-based code review
22 plans. For proposed minor modification of form-based code review projects that are
23 partially or totally developed, the applicant shall provide notice to any owners of property
24 within the development that might be affected, as determined by the manager. The
25 following standards apply to minor modifications:

(1) On a street facing façade, the following shall be met:

- (i) Window sizes, types, and dimensions are not shifted by more than 10 feet in either direction per floor, transparency requirements are not reduced by more than 10 percent of the approved percentage and required minimum transparency per floor is maintained, and the general pattern of the windows is not substantially altered from the form-based code review approval;
- (ii) The approved total percentage of major materials is not reduced; and
- (iii) Building bay configurations may be shifted or transposed, if otherwise consistent with these criteria;

(2) No modification or cumulative modifications from the form-based code review approval results in an expansion or shifting of floor area by more than ten percent of the floor area of the project;

1 (3) The sum of all cumulative modifications to the site plan, building plans,
2 landscaping and parking plans approved under this subsection (j) does not exceed
3 ten modifications per building and may be considered under one or more minor
4 modification applications so long as ten modifications per building is not
5 exceeded. For the purposes of this subsection, one modification shall mean one
6 aspect of the design that is changing in respect to an ~~Chapter 9-14~~ Appendix M
7 standard and not every individual change. For example, one particular
8 dimensional change applied to ten windows shall count as one modification, not
9 ten modifications; and

6 (4) All modifications are consistent with the requirements of ~~Appendix M~~ Chapter 9-
7 14, "Form-Based Code," and do not include any exception requests.

8 ...
9 (l) Existing Buildings: Existing buildings may be modified and expanded pursuant to the
10 standards established in ~~Appendix M~~ Chapter 9-14, "Form-Based Code."
11 ...

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

12 **9-2-19. Rezoning.**

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

16 ~~(g) — Additional Criteria for Land within the East Boulder Subcommunity Plan and 55th and
17 Arapahoe Station Area Plan Boundaries. In the East Boulder Subcommunity Plan
18 boundary and in the 55th and Arapahoe Station Area Plan boundary, for an application not
19 incidental~~

19 ~~to a general revision of the zoning map, the city council shall also find, in addition to
20 requirements in Subsection (e) above, that the land use code contains standards necessary
21 to achieve the vision of the East Boulder Subcommunity Plan for the area proposed for
22 rezoning. The intent of this requirement is to ensure that the land use code contains
23 standards that will result in development of the area proposed for rezoning consistent
24 with the vision of the plan, to ensure the rezoning will not otherwise negatively impact
25 the achievement of the vision of the plan, and to not prevent rezoning until all anticipated
land use code projects and programs of the plan have been completed. In making this
determination, council shall consider, to the extent applicable for the area proposed for
rezoning:~~

24 ~~(1) — The ability of the proposed rezoning to achieve the place types and meet the place
25 type performance standards established in the plan,~~

1 ~~(2) The ability of the proposed rezoning to achieve new and upgraded transportation~~
2 ~~connections designated in the East Boulder Subcommunity Connections Plan~~
3 ~~concurrent with development or redevelopment, and~~

4 ~~(3) Whether the proposed rezoning may impact the city's ability to incentivize the~~
5 ~~creation of or participation in one or more general improvement districts, or an~~
6 ~~equivalent organization, proposed in the plan.~~

7 (gh) Solar Access Areas: A request for rezoning may seek to amend a solar access area, as
8 defined in Subsection 9-9-17(c), B.R.C. 1981, if all applicable requirements of
9 Subsection 9-9-17(e), B.R.C. 1981, are met.

10 Section 5. Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, is amended to
11 read as follows:

12 **9-6-1. Schedule of Permitted Land Uses.**

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

15 ...

16 (b) Additional Standards:

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

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

19 (A) Uses in Form-Based Code Areas: Uses located on a lot or parcel
20 designated in Appendix L, "Form-Based Code Areas," are subject to the
21 requirements of this chapter, but, **if developed pursuant to a form-based**
22 **code review,** may also be subject to additional use standards pursuant to
23 **Appendix M Chapter 9-14, "Form-Based Code."**

24 Section 6. Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, is
25 amended to read as follows:

9-7-1. Schedule of Form and Bulk Standards.

The purpose of this chapter is to indicate the requirements for lot dimensions and
building form, bulk, location and height for all types of development. All primary and accessory
structures are subject to the dimensional standards set forth in Table 7-1 of this section with the
exception of structures located in an area designated in Appendix L, "Form-Based Code Areas,"
and developed pursuant to a form-based code review pursuant to the standards in Chapter 9-

14, subject to the standards of Appendix M, "Form-Based Code," 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 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

...

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(d), B.R.C. 1981.
- (f) Where a rear yard backs on a street, see Paragraph 9-7-2(c), B.R.C. 1981.
- (g) This maximum height limit applies to poles that are light poles at government-owned recreation facilities but not to other poles. Other poles have a maximum height of 55 feet in all zones. For additional criteria regarding poles, see Section 9-2-14, "Site Review," B.R.C. 1981.
- (h) For front yard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981.
- (i) For side yard setback requirements based on building height, see 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 developed pursuant to a form-based code review subject to the standards of Appendix M, "Form-Based Code," refer to Appendix M Chapter 9-14, "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 do not apply to projects developed pursuant to a form-based code review 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, do not apply to projects developed pursuant to a form-based code review.

Section 7. Section 9-7-5, "Building height," B.R.C. 1981, is amended to read as follows:

9-7-5. Building Height.

1 (a) Permitted Height: The height permitted without review within the City is set forth in
2 Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, except as provided
3 in Paragraph (b)(2) of this section and except under a form-based code review. Buildings
4 greater than the permitted height may be approved under Section 9-2-14, "Site Review,"
5 B.R.C. 1981. Buildings developed under a form-based code review are subject to the
6 minimum and maximum height standards established in Chapter 9-14, "Form-Based
7 Code," B.R.C. 1981, and shall not exceed the height limit of Charter Section 84, "Height
8 limit."

9 ...

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

12 **9-7-7. Building Height, Appurtenances.**

13 (a) Appurtenances: Appurtenances May be added under the following circumstances:

14 (1) The addition of an appurtenance to a building is permitted if it does not cause the
15 building height to exceed the height allowed in Sections 9-7-5, "Building Height,"
16 and 9-7-6, "Building Height, Conditional," or Chapter 9-14, "Form-Based Code,"
17 B.R.C. 1981, as applicable, considering, for this purpose only, the uppermost
18 point of the appurtenance to be the uppermost point of the roof.

19 ...

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

22 **9-8-1. Schedule of Intensity Standards.**

23 The purpose of this chapter is to indicate the requirements for the allowed intensity of all types
24 of development, including maximum density for residential developments based on allowed
25 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~~ Chapter 9-
14, "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~~ Chapter 9-14, "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

...

Footnotes:

- (a) This requirement may increase based on building height pursuant to Subsection 9-9-11(c), B.R.C. 1981.
- (b) For properties within an area designated in Appendix L, "Form-Based Code Areas," and **developed pursuant to a form-based code review**, subject to the standards of Appendix M, "Form Based Code," the footnoted requirement is not applicable. Refer to Appendix M Chapter 9-14, "Form-Based Code," for specific form, bulk, intensity, and outdoor space requirements.
- (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 in 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.
- (-) No standard.

...

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

follows:

9-8-2. Floor Area Ratio Requirements.

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

...

TABLE 8-2: FLOOR AREA RATIO ADDITIONS

...

Footnotes:

- (a) FAR up to 1.85 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 are ratio limit.
- (c) See Subparagraph 9-2-14(h)(6)(B), B.R.C. 1981.
- (d) For properties located in an area designated in Appendix L, "Form-Based Code Areas," and **developed pursuant to a form-based code review**, subject to the standards of Appendix M, "Form Based Code," the floor

1 area and floor area ratio (FAR) requirements do not apply. Refer to ~~Appendix M~~ Chapter 9-14, "Form-Based Code," B.R.C. 1981, for specific form, bulk, intensity, and outdoor space requirements.

- 2 (e) See Subsection 9-6-3(a)(2), B.R.C. 1981.
- 3 (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.
- 4 (g) FAR in the BT-1 zoning district may be increased up to a maximum FAR of 1.4 in a site review.
- 5 (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."
- 6 (-) Not applicable.

7 ...

8 Section 11. Section 9-9-22, "Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts," B.R.C. 1981 is amended as follows:

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

10 (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:

- 11 (1) Provide approaches to mitigate the impacts of traffic generated by development and redevelopment.
- 12 (2) Ensure that the amount of land used for parking is the minimum necessary to serve development in the area.
- 13 (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.

14 (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 transportation demand management and parking management programs that have been approved by the city council to generally meet the objectives described in this section.

15 (c) Trip Generation Allowance. The applicant for any development subject to the requirements of this section shall demonstrate that a certain percentage of trips generated by the development during the highest peak travel time will be by alternative modes or avoided, as specified below:

- 16 (1) In all areas except the Alpine-Balsam and East Boulder areas identified in Appendix L, "Form-Based Code Areas," B.R.C. 1981, at least fifty-five percent

of the trips generated by 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.

(3) In the East Boulder form-based code areas, at least 30 percent of the trips generated by the development shall be by alternative modes or avoided.

(34) Alternative modes are modes of transportation other than single occupant motor-vehicle use and include, without limitation, walking, bicycling, carpooling, vanpooling, micromobility, or public transportation.

(54) Trips are avoided through programs such as alternate work schedules, including telecommuting or compressed work week programs.

...

Section 12. A new Chapter 9-14, "Form-Based Code," B.R.C. 1981, is added to read as follows:

TITLE 9

Land Use Code

Chapter 14

Form-Based Code

GENERAL PROVISIONS

9-14-1. PURPOSE OF FORM-BASED CODE

The purpose of this chapter is to establish building form and design requirements for development within the areas designated in Appendix L to Title 9, "Form-Based Code Areas," B.R.C. 1981. The requirements for these areas implement the desired development, including functional characteristics, form, design character and quality, as guided by the plans for each designated area and the Boulder Valley Comprehensive Plan.

9-14-2. FORM-BASED CODE REQUIREMENTS

No person shall occupy, use, change the use of, alter or develop any building, structure or land within the areas shown in Appendix L, "Form-Based Code Areas," B.R.C. 1981, and subject to or developed pursuant to a form-based code review pursuant to Section 9-2-16, "Form-Based Code Review," B.R.C. 1981, except in conformance with the requirements of this chapter unless modified through an exception under Subsection 9-2-16(i), B.R.C. 1981.

1 (a) Specific Locations. The locations where form-based code standards apply are shown in
2 Appendix L, "Form-Based Code Areas," B.R.C. 1981.

3 **9-14-3. DESIGN GOALS FOR THE FORM-BASED CODE AREAS**

4 The requirements of this chapter are intended to accomplish the following objectives:

5 (a) Character, Context, and Scale. Preserve or enhance the character, context, and scale
6 planned for the area while supporting a more sustainable future by accommodating future
7 residents, reducing dependence on single occupant vehicles, increasing energy efficiency,
8 and promoting safe transportation options for pedestrians and bicycles.

9 (b) Human-Scaled Building Design. Design to a human scale and create a safe and vibrant
10 pedestrian experience.

11 (c) Building Design Quality and Aesthetics. Design high-quality buildings that are
12 compatible with the character of the area or the character established by adopted plans for
13 the area through simple, proportional, and varied design, high quality and natural
14 building materials that create a sense of permanence, and building detailing, materials
15 and proportions.

16 (d) A Variety of Housing Types. Produce a variety of housing types, such as attached
17 dwelling units, townhouses, live-work units, and duplexes , as well as a variety of lot
18 sizes, number of bedrooms per unit, and sizes of units within the form-based code area.

19 (e) Adaptable Buildings. Build adaptable buildings with flexible designs that allow changes
20 in uses over time.

21 (f) Provision of Outdoor Space. Provide outdoor space that is accessible and close to
22 buildings. Active and passive recreation areas will be designed to meet the needs of
23 anticipated residents, occupants, employees, and visitors to the property.

24 (g) Support of Multi-Modal Mobility. Provide safe and convenient multi-modal
25 connections and promote alternatives to the single occupant vehicle. Connections shall be
26 accessible to the public within the project and between the project and the existing and
27 proposed transportation systems, including, without limitation, streets, bikeways, paseos,
28 and multi-use paths.

29 **9-14-4. ORGANIZATION AND SCOPE**

30 This section describes how this chapter is organized to provide the user with some guidance
31 using this chapter and it addresses the scope of its application.

32 (a) Organization. This chapter is organized into the following sections:

1 (1) **Sections 9-14-1 through 9-14-8: General Provisions.** The general provisions
 2 include a purpose statement for the form-based code, a description of where the
 3 requirements for the form-based code apply, a description of this chapter's
 4 organization and scope, the regulating plans for each form-based code area, and
 5 definitions that apply to the terms of this chapter.

6 (2) **Sections 9-14-9 through 9-14-13: Site Design.** These sections establish general
 7 site design and minimum outdoor space requirements, applicable to all form-
 8 based code areas, unless otherwise specified. Outdoor space types are established
 9 to guide the design of common outdoor spaces.

10 (3) **Sections 9-14-14- through 9-14-26: Building Types.** These sections establish a
 11 variety of building types and building form, design, location, and use
 12 requirements applicable to each building type. The regulating plans determine
 13 which building type may be used on a particular site.

14 (4) **Sections 9-14-27- through 9-14-33: Building Design.** These sections establish
 15 general building design requirements that are applicable to all of the building
 16 types, unless otherwise stated.

17 (b) **Scope.** The requirements of this chapter supplement those imposed on the same lands by
 18 underlying zoning provisions and generally applicable development standards of this title
 19 and other ordinances of the city. If there is a conflict between the requirements of this
 20 chapter and **other standards of** Title 9, "Land Use Code," B.R.C. 1981, the standards of
 21 this section control. The following describes how specific requirements of this title relate
 22 to requirements of this chapter:

23 (1) **Chapter 9-6: Use Standards.** Chapter 9-6, "Use Standards," B.R.C. 1981,
 24 regulates uses which are permitted, conditionally permitted, prohibited, or which
 25 may be permitted through use review. Additional use standards may be
 26 established in this chapter.

27 (2) **Chapter 9-7: Form and Bulk Standards.** This chapter supersedes the standards
 28 in Chapter 9-7, "Form and Bulk Standards," B.R.C. 1981, with the exception of
 29 Sections 9-7-3, "Setback Encroachments," 9-7-5, "Building Heights," and 9-7-7,
 30 "Building Heights, Appurtenances," B.R.C. 1981. Building height shall be
 31 measured in accordance with the requirements of Section 9-7-5, B.R.C. 1981.

32 (3) **Chapter 9-8: Intensity Standards.** This chapter supersedes the standards in
 33 Chapter 9-8, "Intensity Standards," B.R.C. 1981, with the exception of Sections 9-
 34 8-5, "Occupancy of Dwelling Units," 9-8-6, "Occupancy Equivalencies for Group
 35 Residences," and 9-8-7, "Density and Occupancy of Efficiency Living Units,"
 36 B.R.C. 1981.

1 (4) Chapter 9-9: Development Standards. Chapter 9-9, "Development Standards,"
2 B.R.C. 1981, applies to developments that are regulated by this chapter as
follows:

3 (A) Applicable Sections. The following sections of Chapter 9-9,
4 "Development Standards," B.R.C. 1981, are applicable:

- 5 (i) 9-9-1. Intent.
- 6 (ii) 9-9-2. General Provisions.
- 7 (iii) 9-9-4. Public Improvements.
- 8 (iv) 9-9-5. Site Access Control, in addition to the access location
9 requirements in Section 9-14-11(a) "Driveways," B.R.C. 1981.
- 10 (v) 9-9-6. Parking Standards.
- 11 (vi) 9-9-7. Sight Triangles.
- 12 (vii) 9-9-8. Reservations, Dedication, and Improvement of Right-of-
13 way.
- 14 (viii) 9-9-9. Loading, except as specifically allowed in the site access
15 requirements in Subsection 9-14-11(a) and the loading
16 requirements in Subsection 9-14-14(l), B.R.C. 1981.
- 17 (ix) 9-9-10. Easements.
- 18 (x) 9-9-12. Landscape and Screening Standards.
- 19 (xi) 9-9-13. Streetscape Design Standards, in addition to the
20 requirements established in 9-14-10. Streetscape and Paseo Design
21 Requirements.
- 22 (xii) 9-9-14. Parking Lot Landscape Standards.
- 23 (xiii) 9-9-15. Fences and Walls.
- 24 (xiv) 9-9-16. Lighting, Outdoor.
- 25 (xv) 9-9-17. Solar Access.
- 26 (xvi) 9-9-18. Trash Storage and Recycling Areas, in addition to the
27 requirements established in 9-14-14(j). Trash & Recycling Areas.
- 28 (xvii) 9-9-19. Swimming Pools, Spas, and Hot Tubs.
- 29 (xviii) 9-9-20. Addressing.
- 30 (xviii) 9-9-21. Signs.
- 31 (xix) 9-9-22. Trip Generation Requirements for the MU-4, RH-6, and
32 RH-7 Zoning Districts.

33 (B) Superseded Sections. The following sections of Chapter 9-9,
34 "Development Standards," B.R.C. 1981, are superseded by this chapter:

- 35 (i) 9-9-3, Building Design, is superseded by this chapter.
- 36 (ii) 9-9-11, Useable Open Space, is superseded by the requirements of
37 this chapter.

38 (c) Other Sections and Ordinances. The Boulder Revised Code and other ordinances of the
39 city are applicable unless expressly waived or modified in this chapter. If there is a
40 conflict between the requirements of this chapter and other portions of the Boulder

1 Revised Code other than Title 9, "Land Use Code," B.R.C. 1981, the most restrictive
2 standards shall control.

3 **9-14-5. EXISTING STRUCTURES AND USES NOT CONFORMING WITH THIS**
4 **CHAPTER**

5 (a) **Purpose.** Adoption of the requirements of this chapter will create buildings, structures,
6 and uses that were legally established but do not conform to the requirements of this
7 chapter. The purpose of this section is to allow these preexisting buildings, structures, and
8 uses to be continued and, to some extent, changed and upgraded without requiring their
9 elimination and to establish when modifications and expansions of existing buildings
10 have to comply with form-based code standards.

11 (b) **Scope.** The provisions of this section apply to buildings, structures, and uses that were
12 legally established on the effective date¹ of the ordinance first adopting form-based code
13 standards for the area the building is located in or were legally established pursuant to a
14 building permit or development approval granted under the standards applicable prior to
15 said effective date, except that this section does not apply to lots and parcels that are
16 developed pursuant to the standards of Section 9-2-14," Site Review," B.R.C. 1981, or
17 subject to a valid site review or planned unit development. The buildings, structures, and
18 uses subject to this section may be continued, restored, modified, or expanded in
19 compliance with the standards of this title that would apply if the area was not identified
20 in Appendix L, except as otherwise set forth in subsection (c) and (d) of this section.

21 (c) **Expansions and Modifications to Existing Structures That Must Comply with**
22 **Form-Based Code Standards.** The following modifications and expansions to existing
23 buildings and structures subject to this section must meet form-based code standards as
24 set forth below:

25 (1) **Expansions of More Than 60 Percent of Floor Area.** Any expansion that adds
26 more than sixty percent to the floor area existing at the time of the effective date¹
27 of the ordinance first adopting form-based code standards for the area the building
28 is located in or otherwise legally constructed under standards in effect prior to
29 said effective date¹ shall meet the requirements of this chapter. For the purposes
30 of calculating the amount of floor area being added, all floor area added in the
31 five years preceding the building permit application shall be included except for
32 floor area that was legally added pursuant to a building permit or development
33 approval granted under the standards applicable prior to the effective date of the
34 ordinance first adopting form-based code standards for the area.

35 ¹ The effective date of the ordinance first adopting the form-based code for the Boulder Junction Phase I area is
36 July 21, 2016 (Ordinance 8121), for the Alpine – Balsam area is November 11, 2021 (Ordinance 8484), and for the
37 East Boulder area is _____, 2025 (Ordinance 8669).

1 (2) **New Facade Due to Expansion.** Any facade being added or replaced due to
2 expansion of floor area that is located within the frontage setback established for
3 said facade under this chapter must meet the applicable height, façade, and base
4 requirements found in the applicable building type table and the applicable
5 building design requirements of sections 9-14-27 through 9-14-33 of this chapter.

6 (3) **Replacement of More Than 60 Percent of Existing Facade.** If a façade that is
7 located within the frontage setback established for said façade under this chapter
8 is modified so as to completely replace more than sixty percent of the existing
9 façade, calculated cumulatively across the facade, the entire façade must meet the
10 applicable façade and base requirements found in the applicable building type
11 table and the applicable building design requirements of sections 9-14-27 through
12 9-14-33 of this chapter.

13 (4) **Replacement of More Than 60 Percent of Roof Structure.** If more than sixty
14 percent of the structure of the roof is changed and more than thirty percent of the
15 façade is within the frontage setback of the applicable building type, the cap type
16 requirements of the applicable building type must be met.

17 (d) **Damage by Fire, Flood, Wind or Other Calamity or Act of God and Unsafe**
18 **Buildings.** Notwithstanding the provisions of this section, a building, structure, or use
19 that was legally established under standards of this title applicable prior to the currently
20 applicable standards, that has been damaged by fire, flood, wind, or other calamity or act
21 of God may be restored to its original condition, or any building declared unsafe under
22 the building code or any other applicable safety or health code may be restored to a safe
23 condition, provided that such work is consistent with the requirements of Section 9-3-3,
24 “Regulations Governing the One-Hundred-Year Floodplain,” B.R.C. 1981, started within
25 two years of such event, and completed within three years of the date on which the
restoration commenced.

9-14-6. REGULATING PLANS

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

22 (a) **Boulder Junction Phase I Regulating Plan.** Within the Regulating Plan: Boulder
23 Junction Phase I, as shown on Figure 14-1, the following standards apply:

24 (1) **Transportation Connections.** The arrangement, type, character, extent, and
25 location of streets, alleys, paseos, paths, and other transportation connections shall
conform to the regulating plans shown in Figure 14-1 and the Transit Village
Area Plan.

- 1 (2) **Required Building Types.** The building shall be of the building type shown for
2 the property in Figure 14-1 or the civic building type meeting the requirements of
3 Section 9-1421, "Civic Building Type," B.R.C. 1981.
- 4 (3) **Location Based Height Limits.** No building shall exceed the maximum height
5 and number of stories established for specific locations by Figure 14-1 and Figure
6 14-7. These location-based maximum height and story limitations supersede the
7 maximum height and number of stories established in this chapter for the
8 applicable building type.
- 9 (4) **Required Residential.** Developments that include general, main street, or row
10 type buildings with a total combined floor area exceeding 15,000 square feet shall
11 include a minimum of fifty percent of residential floor area.
- 12 (5) **Required Shopfront Base.** Buildings shall meet the requirements of the
13 shopfront base in the locations shown on Figure 14-1 .
- 14 (6) **Type A and Type B Streets.** Type A and B street designations establish design
15 standards for how a building must address the street and regulate access to the
16 property; all buildings shall meet the standards applicable to the types of street
17 frontages shown for the property in Figure 14-1 and Figure 14-7. (See building
18 type regulations and Section 9-14-14, "Requirements Applicable to All Building
19 Types," B.R.C. 1981.)
- 20 (7) **Required Outdoor Space Locations.** Outdoor space shall be provided in the
21 locations shown in Figure 14-1. The required outdoor space must meet the
22 standards of Section 9-14-12, "Outdoor Space Requirements," B.R.C. 1981.
- 23 (8) **Terminated Vistas.** When a street terminates or curves on a property as
24 designated on Figure 14-1 or Figure 14-7, the site design or building shall include
25 a feature to terminate the view from the street consistent with the standards in
 Subsection 9-14-14(i), "Terminated Vistas," B.R.C. 1981.

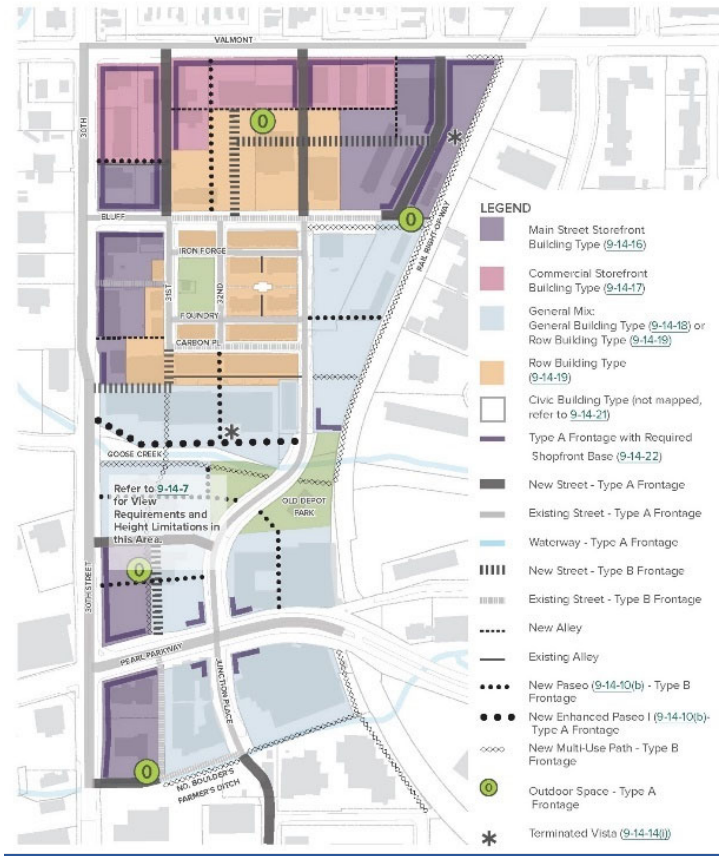


Figure 14-1. Regulating Plan: Boulder Junction Phase I

(b) Alpine-Balsam Regulating Plan. Within the Regulating Plan: Alpine-Balsam, as shown on Figure 14-2, the following standards apply:

- (1) Transportation Connections. The arrangement, type, character, extent, and location of streets, alleys, paseos, multi-use paths, and other transportation connections shall conform to the regulating plans shown in Figure 14-2 and the Alpine-Balsam Area Plan.
- (2) Required Building Types. The building shall be of the building type shown for the property in Figure 14-2.
- (3) Location-Based Height Limits. No buildings shall exceed the maximum height and number of stories established for specific locations by Figure 14-2. These location-based maximum height and story limitations supersede the maximum height and number of stories established in this chapter for the applicable building type.
- (4) Required Residential Mix. The area designated general mix 2 shall include at least two row buildings, and at least twelve dwelling units shall be included in row buildings.

1 (5) Required Storefront. Buildings shall have storefronts in the locations shown on
 2 Figure 9-14 (2) along the Broadway frontage, turning the corners of the building
and extending west a minimum of thirty feet along the paseos.

3 (6) Type A and Type B Streets. Type A and B street designations establish design
 4 standards for how a building shall address the street and regulate access to the
 5 property; all buildings shall meet the standards application to the types of street
 6 frontages shown for the property in Figure 14-2. (See building type regulations
 7 and Section 9-14-14, "Requirements Applicable to all Building Types," B.R.C.
 8 1981.

9 (7) Required Outdoor Space Locations. Outdoor space shall be provided in the
 10 locations shown in Figure 14-2. The required outdoor space shall be of the type
 11 specified in Figure 14-2 or, if no type is specified in Figure 14-2, meet the
 12 standards of Section 9-14-12 "Outdoor Space Requirements," B.R.C. 1981.



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20 **Figure 14-2. Regulating Plan: Alpine-Balsam**

21 (c) East Boulder Regulating Plans. Within the regulating plans for East Boulder, as shown
 22 on Figures 14-3 through 14-6, the following standards apply:

23 (1) Transportation Connections. The arrangement, type, character, extent, and
 24 location of streets, alleys, paseos, multi-use paths, and other transportation
 25 connections shall conform to the regulating plans shown in Figures 14-3 through
14-6 and the East Boulder Subcommunity Plan.

1 (2) **Mid-Block Pathway.** Developments with two opposite frontages of more than
2 450 feet of street, park, or multi-use path frontage that is uninterrupted by a
3 perpendicular street shall provide a mid-block pathway consistent with Subsection
4 9-14-11(e), “Mid-Block Pathways,” B.R.C 1981.

5 (3) **Required Building Types.** The building shall be of the building type shown for
6 the property in the applicable regulating plan in Figures 14-3 through 14-6.

7 (4) **Required Residential.** In developments that add general or row building types
8 with a total combined new floor area of 35,000 square feet or more, at least 50
9 percent of new floor area must be residential floor area.

10 (A) **Exception.** The approving authority may approve an exception to the
11 residential floor area requirement of this subparagraph for properties in the
12 IG and IM zoning districts if the applicant demonstrates that:

13 (i) A residential use would be affected by adverse health or safety
14 impacts associated with on-site pollution or contamination beyond
15 that which is customarily acceptable for land that is used for
16 residential purposes and that such impacts cannot be adequately
17 alleviated through mitigation measures, or

18 (ii) Potential negative impacts from neighboring properties on the
19 residential use cannot be reasonably mitigated.

20 The applicant shall provide an environmental assessment and an analysis of
21 identified potential health and safety impacts or an assessment and analysis of
22 potential negative impacts from neighboring properties, as applicable, including
23 potential mitigation measures.

24 (B) **Review Process.** Residential uses in the IG, IM, and BC zoning districts
25 required pursuant to this paragraph (4) are permitted by right, do not
require a use review, as otherwise required under Chapter 9-6, “Use
Standards,” B.R.C. 1981, and are not required to meet the specific use
standards of Paragraph 9-6-3(a)(2), “Residential Uses in The IG and IM
Zoning Districts,” and Subsection 9-6-2(c), “Specific Use Standards that
Apply to Several Use Types,” B.R.C. 1981.

(5) **Required Production Business Space.** In developments that add general or
workshop building types with a total combined new floor area exceeding 15,000
square feet, a minimum of ten percent of the ground story floor area of the new
general and workshop buildings shall be for production business spaces.

(A) **Floor Area Calculation.** When calculating the total combined floor area
under this paragraph (5) to determine whether production business space is

1 required, automobile parking and access thereto shall not be considered
2 floor area.

3 (B) **Ground Story Floor Area Calculation.** When calculating the required
4 minimum ten percent of ground story floor area under this paragraph (5),
5 ground story residential floor area shall not be considered when
6 determining the total combined ground story floor area.

7 (C) **Production Business Space Standards.** The production business space in
8 the development shall meet the following standards:

9 (i) The space shall meet the requirements of either the service base set
10 forth in Section 9-14-24, "Service Base," B.R.C. 1981, or the
11 shopfront base set forth in Section 9-14-22, "Shopfront Base,"
12 B.R.C. 1981, and shall be located consistent with the applicable
13 regulating plan in Figures 14-3 through 14-6.

14 (ii) Production business space shall be between 500 square feet and up
15 to 5,000 square feet in size and provided in a variety of sizes,
16 totaling the required ten percent of ground floor area, and shall be
17 available to be separately leased or purchased. **The required**
18 **production business space may be provided in the building with a**
19 **production business space requirement or may be provided in the**
20 **ground story of a separate building provided the total required**
21 **production business space is met within the development pursuant**
22 **to the form-based code review.**

23 (iii) Any use within the following use classification, category, or type is
24 prohibited within the production business space:

25 a. Use classifications:

1. Residential uses
2. Public and institutional uses

b. Use categories:

1. Retail sales uses
2. Vehicle-related uses, except the service of vehicles
 use type
3. Storage, distribution, wholesaling uses, except the
 wholesale business use type
4. Industrial services uses

c. Use types:

1. Hostel
2. Hotel and motel
3. Restaurant, brewpub, and tavern

- 4. Medical office
- 5. Office
- 6. Financial institution

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3 **(6) Location-Based Maximum Building Height.** No building shall exceed the maximum height and number of stories established for specific locations in Figure 14-3 through Figure 14-6. These location-based maximum height and story limitations supersede the maximum height and number of stories established in this chapter for allowed building types in the location.

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6 **(7) Required Shopfront Base.** Buildings shall use the shopfront base in the locations shown on Figure 14-3 through Figure 14-6, turning the corners of the building and extending a minimum of thirty feet around the corner of the building along any street, paseo, multi-use path, or outdoor space frontage. Refer to Section 9-14-22, B.R.C. 1981, for shopfront base requirements.

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10 **(8) Type A, Type B, and Type C Streets.** Type A, B, and C street designations establish design standards for how a building shall address the street and regulate access to the property; all buildings shall meet the standards applicable to the types of street frontages shown for the property in Figure 14-3 through Figure 14-6. (See building type requirements and Section 9-14-14, “Requirements Applicable to All Building Types,” B.R.C. 1981.)

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13 **(9) Valmont City Park Frontage.** Portions of any building facade fronting on Valmont City Park shall meet the Type A frontage requirements.

14
15 **(10) Large Site Requirements.** Any development that occupies four or more acres shall meet the large site development standards in Section 9-14-13, B.R.C. 1981.

16
17 **(A)** All contiguous lots or parcels under common ownership or control, not subject to a planned development, planned residential development, planned unit development, site review or form-based code approval, shall be considered as part of the development for purposes of determining whether the large site development standards apply and shall be part of the development subject to the application.

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20 **(11) Terminated Vistas.** When a street terminates or curves on a property as designated on the applicable regulating plan in Figure 14-3 through Figure 14-6, the site design or building shall include a feature to terminate the view from the street or path consistent with the standards in Subsection 9-14-14(i), B.R.C. 1981.

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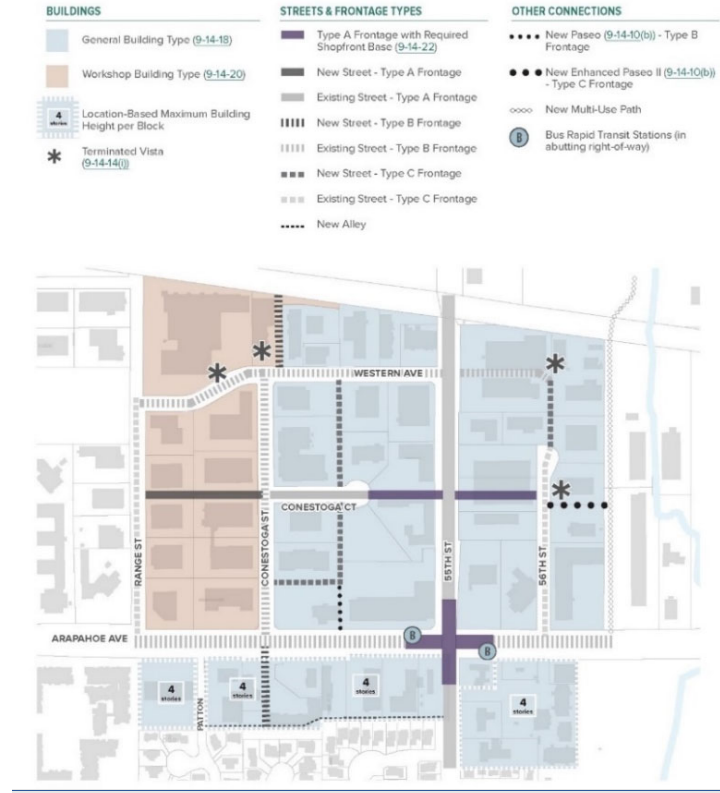


Figure 14-3. Regulating Plan: East Boulder – 55th and Arapahoe Station Area

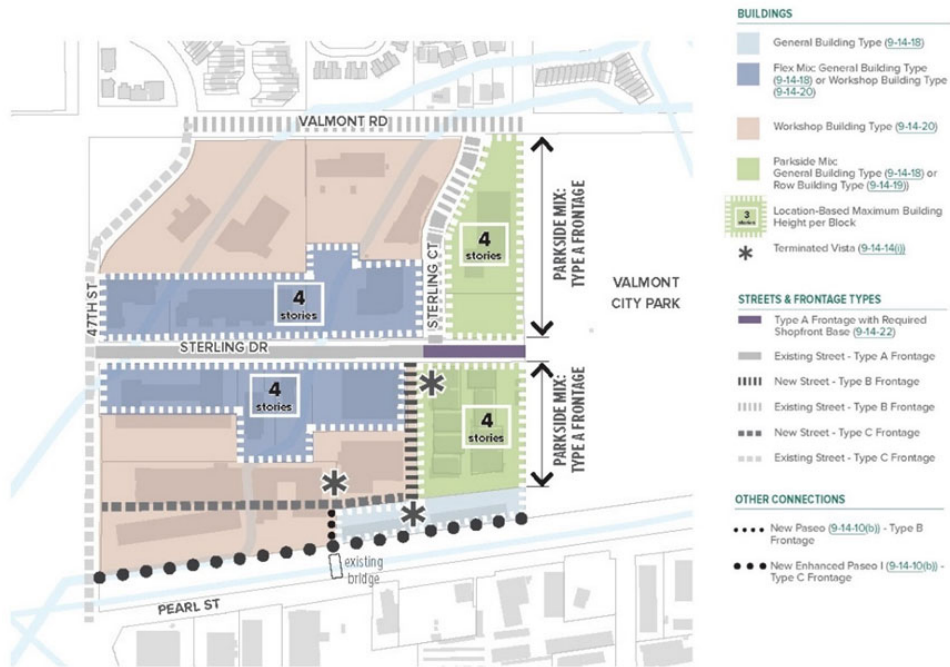


Figure 14-4. Regulating Plan: East Boulder - Valmont Park West



Figure 14-5. Regulating Plan: East Boulder - Valmont Park East



Figure 14-6. Regulating Plan: East Boulder - Flatiron Business Park

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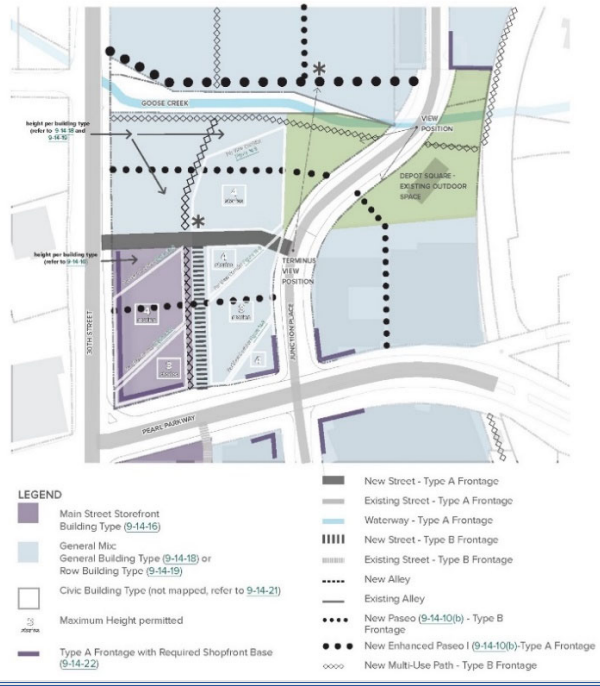


Figure 14-7. Regulating Plan Inset: SE Corner of Boulder Junction Phase I

9-14-7. VIEW CORRIDORS

(a) **Purpose.** Projects should be designed to protect important public view corridors. The purpose of this section is to identify and preserve within the built environment view corridors of identified features when viewed from the public locations described in this section.

(b) **Boulder Junction Phase I.** The view corridors identified in Figure 14-7 and Figure 14-8 shall be preserved consistent with the requirements of this section.

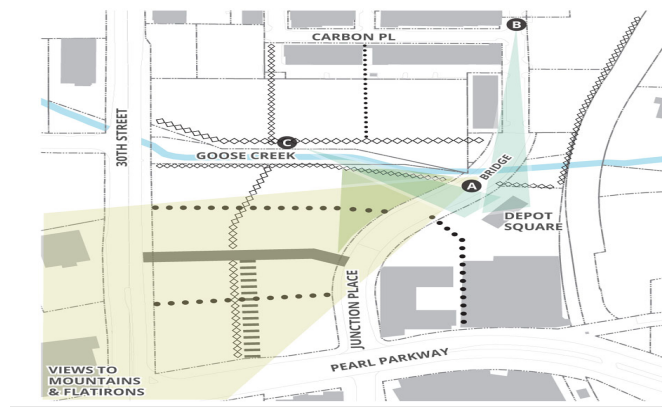


Figure 14-8. View Corridors to Retain

(1) View Corridors. The following views are intended to be preserved:

(A) From the southernmost point of the Depot Square bridge through the site to the Flatirons and west to tops of mountains as shown in yellow in Figure 914-8. The view corridor shall preserve the complete view of all five Flatirons when viewed from the identified location.

(B) From Junction Place north of the Depot Square bridge, south to the old Depot Building in Depot Square as shown in light blue in Figure 14-8. The view corridor shall preserve the view of the entire Depot Building when viewed from the identified location.

(C) From the north side of Goose Creek at approximately the intersection between the north-south multi-use path and the east-west enhanced paseo, to the old Depot Building in Depot Square as shown in light blue in Figure 14-8. The view corridor shall preserve the view of the entire Depot Building when viewed from the identified location.

(2) Height Limitations. Building heights shall be limited on the sites affected by the view corridors pursuant to the following standards:

(A) The maximum number of stories shall not exceed the number of stories shown for a particular location in Figure 14-7. (Refer to the building types requirements for floor-to-floor heights requirements for stories.)

(B) Roof top mechanical equipment, utilities, and appurtenances shall not be located within the view corridors.

(C) Roof decks are permitted on all roofs provided they do not exceed any overall building height limitations and do not inhibit the views established by the view corridors. Roof deck structures are to be included in building modeling.

(3) Specific Location. The specific location of the horizontal limits of the view corridors established in paragraph (1) of this subsection shall be established by the reviewing authority based on a view corridor analysis so as to preserve the views described in paragraph (b)(1) of this section.

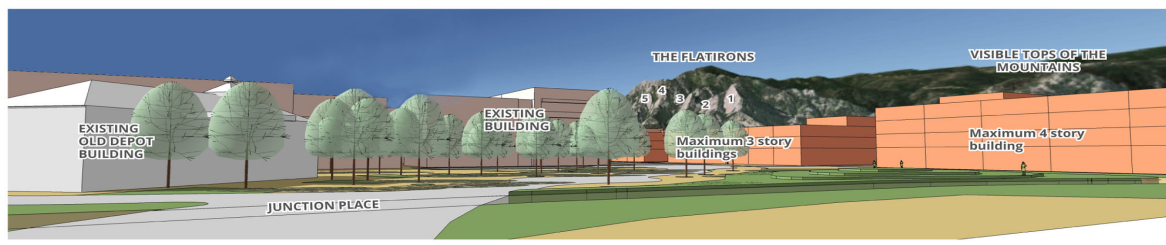


Figure 14-9. Example Documentation of Preserved Views from Junction Place Bridge

9-14-8. DEFINITIONS

The definitions in Chapter 1-2, "Definitions," and Chapter 9-16, "Definitions, B.R.C. 1981, apply to this chapter unless a term is defined different in this chapter or the context clearly indicates otherwise. For the purposes of this chapter, the following terms shall have the following meanings:

(a) **Balcony.** Balcony means a platform that projects from a facade of a building above grade and is enclosed by a parapet or railing but excludes false balconies. False balconies consist of a rail and door, and any outdoor platform less than eighteen inches in depth.

(b) **Courtyard.** A courtyard means any street-level area that is generally enclosed by a building or multiple buildings on three sides, is open to the sky, and includes landscape and pedestrian pathways, and may include patio, terrace, or deck space. Sides may be enclosed by buildings on abutting lots or lots across a street.

(c) **Expression Line.** Expression line means an architectural feature consisting of a decorative, three-dimensional, linear element, horizontal or vertical, protruding or recessed at least two inches from the exterior facade of a building. Vertical elements may include a column, pilaster, or other vertical ornamentation. Horizontal elements may include a cornice, belt course, molding, string courses, canopy, balcony, or other horizontal ornamentation and projections. Expression lines are typically utilized to delineate the top or bottom of floors or stories of a building or divide a facade into smaller sections. Expression lines are also subject to the following:

(1) Expression lines must extend continuously the full length of the facade. Breaks may occur in the expression line provided that they are no more than two feet in length and the cumulative length of the breaks does not exceed twenty percent of the facade length.

(2) The minimum protrusion or recession of an expression line in brick masonry may be achieved through the use of up to three consecutively vertically stacked bricks that are corbeled or racked.

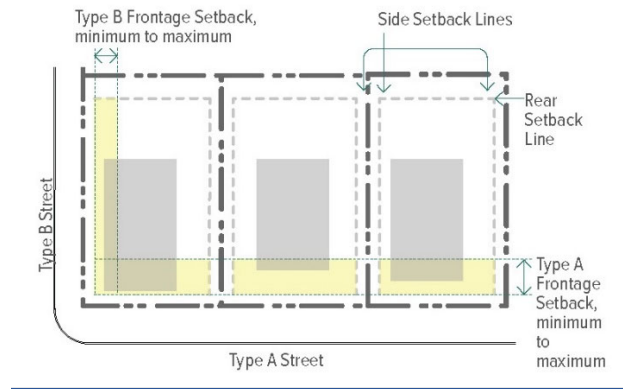


Figure 14-10. Minimum and Maximum Frontage Setback Lines

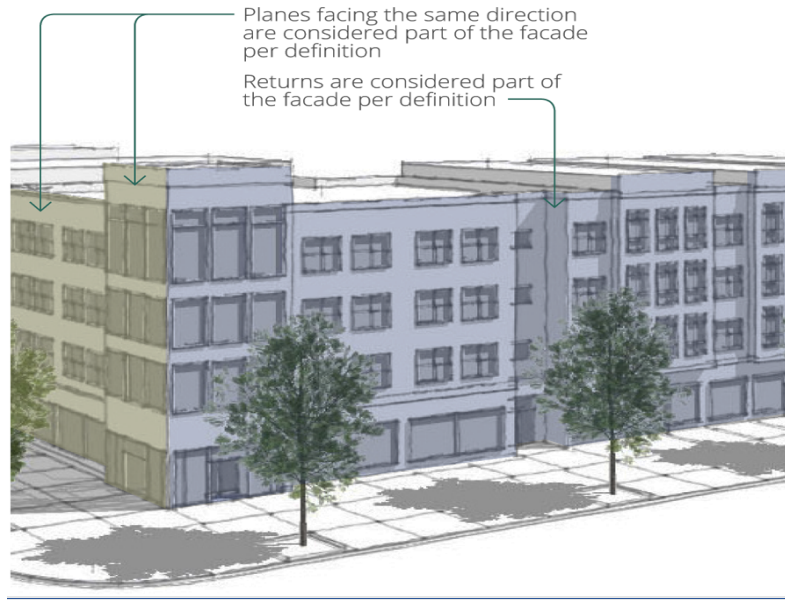


Figure 14-11. Facade Definition

- (d) **Facade.** Facade means the exterior walls of a building exposed to public view and includes walls as shown in Figure 14-11. Facade Definition.
- (e) **Frontage Setback.** Frontage setback means a minimum and maximum setback and is the area in which the facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The frontage setback dictates the minimum and maximum distance a structure may be placed from a lot or parcel line, easement, or outdoor space in accordance with the measurement requirements of Subsection 9-14-2(b), Frontage Setback,” B.R.C. 1981. Refer to Figure 14-10. Minimum and Maximum Frontage Setback Lines, and Figure 14-11. Facade Definition.
- (f) **Impervious Site Coverage.** Impervious site coverage means the percentage of a lot or parcel developed with principal or accessory structures and other surfaces that prevent the absorption of stormwater into the ground, including without limitation, driveways, sidewalks, and patios.
- (g) **Major Material.** Major material means a façade material meeting the standards for major materials established in Section 9-14-28 "Façade Materials," B.R.C. 1981.
- (h) **Minor Material.** Minor material means a façade material meeting the standards for minor materials established in Section 9-14-28, "Façade Materials," B.R.C. 1981.
- (i) **Mobility Hub.** Mobility hub means a designated, easily accessible outdoor space where people can access and transfer between multiple transportation modes, such as public transit, bike share, ride-share, taxis, and micromobility devices.

- 1 (j) **Occupied Building Space.** Occupied building space means interior building spaces
2 regularly occupied by the building users. It does not include storage areas, utility space,
3 vehicle service areas, parking, or other uninhabitable spaces.
- 4 (k) **Parking Yard.** Parking yard means an area extending from the rear building facade to
5 the rear property line between the side yards or, on a corner property, between the street
6 adjacent side and side yards. Parking yards are fully screened from Type A frontages by
7 the building and do not extend to any side lot line or street lot line.
- 8 (l) **Paseo.** Paseo means a path designed for use by pedestrians and by vehicles that may
9 generally be operated on a sidewalk in the city. The paseo is located mid-block, allowing
10 pedestrian movement through the block from one street to another without traveling
11 along the block's perimeter.
- 12 (m) **Permeable Surface.** Permeable surface means a surface that allows water and air to
13 permeate through it, for example, soil or a semi-pervious material.
- 14 (n) **Porch.** Porch means a roofed, raised structure at the entrance to the building, providing a
15 transition between the interior of the building and the exterior yard or adjacent sidewalk.
16 Refer to Figure 14-12. Example of a Porch.
- 17 (o) **Public Way.** Public way means streets, paseos, and multi-use paths, but not alleys.
- 18 (p) **Semi-Pervious Surface or Material.** Semi-pervious surface or material means a material
19 such as pervious pavers, permeable asphalt and concrete, or a green roof that allows for
20 absorption of water into the ground or roof.

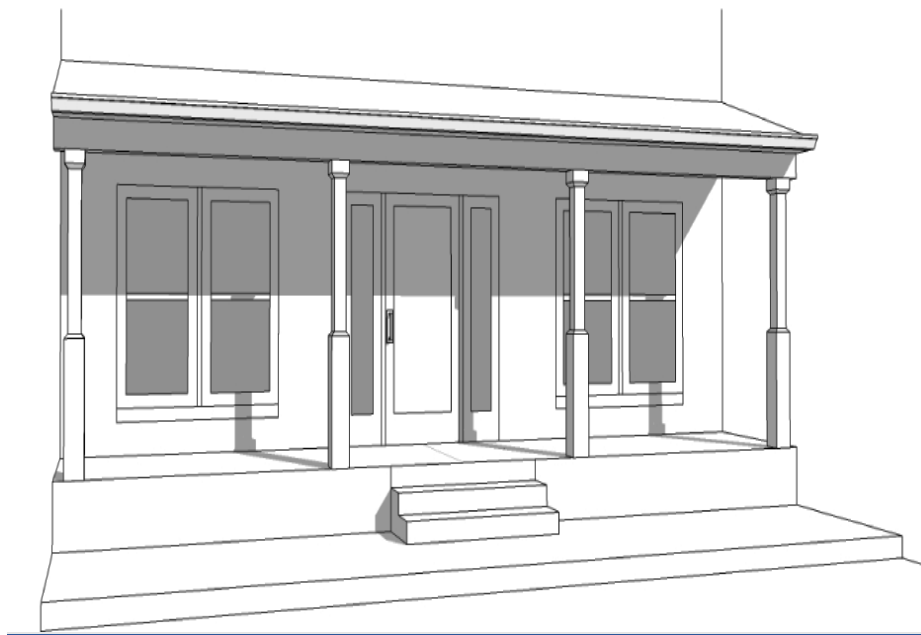


Figure 14-12. Example of a Porch



Figure 14-13. Example of a Stoop

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- (q) **Stoop.** Stoop means an elevated or at grade platform entranceway at the door to a building, providing a transition between the interior of the building and the sidewalk outside the building. A stoop may be covered by a canopy or awning. Refer to Figure 14-13. Example of a Stoop.
 - (r) **Story, Ground.** Ground story means the first floor of a building that is level to or elevated above the finished grade on the front and corner facades. The ground story excludes basements or cellars. Refer to Section 9-16-1, "General Definitions," B.R.C., 1981, for a definition for basement.
 - (s) **Story, Half.** Half story means either a story in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with windows or doors facing the street.
 - (t) **Story, Upper.** Upper story means a story located one story or more above the ground story of a building.
 - (u) **Streetwall.** Streetwall means the portion of the building façade that is located generally parallel to and facing the street right-of-way line. Refer to definition of facade.
 - (v) **Street Yard.** Street yard means any yard located between the principal building and a street right-of-way.

1 (w) **Transparency.** Transparency means the measurement of the percentage of a facade that
2 has highly transparent, low reflectance windows with

3 (1) on a storefront base, a minimum sixty percent transmittance factor and a
4 reflectance factor of not greater than 0.25, and

5 (2) on any facade other than a storefront base, a minimum fifty percent transmittance
6 factor and a reflectance factor of not greater than 0.25.

7 (x) **Type A Frontage.** Type A frontage means a frontage along a Type A street or other
8 feature as defined in this chapter that receives priority over other frontages in terms of
9 locating principal entrances, prioritizing facade design elements, and incorporating
10 design requirements associated with pedestrian orientation.

11 (y) **Type A Street.** Type A street means a street designated on the regulating plan that
12 receives priority over other streets in terms of setting front lot lines and locating building
13 entrances.

14 (z) **Type B Frontage.** Type B frontage means a frontage along a Type B street or other
15 feature as defined in this chapter that allows for a lower level of facade treatment as well
16 as permits limited locations for garage and parking lot driveway entrances.

17 (aa) **Type B Street.** Type B street means a street designated on the regulating plan that
18 receives lower priority than Type A street in terms of building frontage and facade
19 requirements; it allows for a lower level of facade treatment as well as permits locations
20 for garage and parking lot driveways entrances.

21 (ab) **Type C Frontage.** Type C frontage means a frontage along a Type C street or other
22 feature as defined in this chapter that allows for a lower level of facade treatment as well
23 as typically permits limited locations for multiple garage and parking lot driveway
24 entrances.

25 (ac) **Type C Street.** Type C street means a street designated on the regulating plan that
26 receives lower priority than Type A and Type B street in terms of building frontage and
27 facade requirements.

28 (ad) **Visible Basement.** Visible basement means a half story partially below grade and
29 partially exposed above.

30 (ae) **Yard Definition.** Yard is defined in Section 9-16-1, “General Definitions,” B.R.C. 1981.
31 For the purposes of this chapter, the following standards shall supplement and, where
32 inconsistent, supersede the definition of Section 9-16-1, B.R.C. 1981:

33 (1) **Side and Rear Yards.** On a property located in an area designated in Appendix
34 L, “Form-Based Code Areas,” only yards not abutting a Type A, B, or C frontage
35 as designated on the regulating plan are considered side or rear yards.

1 (2) **Front Yards, Side Adjacent Street Yards, and Side Equals Front Yards.**
2 Front yards, side adjacent street yards, and side equals front yards are regulated
3 through the designation of Type A, Type B, and Type C frontages on the
4 regulating plan.

5 **SITE DESIGN**

6 **9-14-9. RIGHTS-OF-WAY**

7 The arrangement, type, character, extent, and location of all rights-of-way shall conform to the
8 requirements of Section 9-14-6, "Regulating Plans," and Section 9-9-8, "Reservations,
9 Dedication, and Improvement of Rights-of-Way," B.R.C. 1981, unless modified in accordance
10 with this section.

11 (a) **Amendments.** Amendments to the location of rights-of-ways and addition to or deletion
12 of rights-of-ways shown in the connections plan of the applicable area or subcommunity
13 plan or the regulating plan may be approved pursuant to the process and criteria
14 established in the applicable area or subcommunity plan for amendments to such plans. A
15 request for such an amendment may be processed in conjunction with a form-based code
16 review under Section 9-2-16, "Form-Based Code Review," B.R.C. 1981.

17 **9-14-10. STREETScape AND PASEO DESIGN REQUIREMENTS**

18 (a) **General Requirements.** In addition to the requirements of the Boulder Revised Code
19 and the City of Boulder Design and Construction Standards, the streetscape of all new
20 and existing streets, and the design of all paseos and enhanced paseos shall meet the
21 standards of this section.

22 (1) **Conformance to Plans.** The streetscape and paseos shall be designed and
23 completed consistent with the streetscape guidelines of the connections plan of
24 the applicable area or subcommunity plan.

25 (2) **Compatible Design.** The design, including but not limited to paving patterns,
 seating areas, and bulb-outs, of all street frontages and paseos within the
 development shall be compatible in character.

(3) **Additional Design Requirements.** The streetscape and paseo design shall meet
 the following standards:

(A) **Bulb-outs.** To shorten pedestrian crossings, pedestrian bulb-outs shall be
 installed at each end of any pedestrian crossing located at an intersection
 except in locations where the city manager determines that the street
 design would not adequately accommodate the turning movements of
 emergency vehicles.

1 (B) **Sight Triangle Area.** The requirements of Section 9-9-7, "Sight
 2 Triangle," B.R.C. 1981, shall be complied with.

3 (i) **Alternative Method of Compliance.** The approving authority
 4 may approve an alternative design to the sight triangle
 5 requirements of Section 9-9-7, "Sight Triangle," B.R.C. 1981, if
 6 the applicant demonstrates that accepted engineering practice
 7 would indicate that a modified visibility distance, either greater or
 8 lesser, would be acceptable or necessary for the safety of
 9 pedestrians, motorists, and bicyclists.

10 (C) **Street Furnishings.** At least two benches and one trash receptacle shall be
 11 installed in each block of a street in either the streetscape or street yard.

12 (D) **Permeable Surface Area for Trees.** For each tree planted, permeable
 13 surface area shall be provided meeting the minimum size requirements
 14 established in Table 14-1. Permeable surface means the ground surface
 15 above the tree's critical root area that allows water and air to penetrate
 16 down to the roots.

17 (i) **Per Tree.** Permeable area for one tree shall not count towards that
 18 of another tree.

19 (ii) **Suspended Pavement System.** When the required permeable
 20 surface area of a tree extends below any non-permeable hardscape,
 21 a modular suspended pavement system (Silva Cells, Root Space, or
 22 an approved equivalent) shall be used below that hardscape to
 23 ensure root growth and access to air and water.

24 **Table 14-1. Minimum Required Permeable Surface Area**

<u>TREE SIZE</u>	<u>ESTIMATED MATURE CANOPY SIZE</u>	<u>MINIMUM REQUIRED PERMEABLE SURFACE AREA</u>
<u>Small</u>	<u>300 sq. ft.</u>	<u>120 sq. ft.</u> <u>(e.g. 4 ft. x 30 ft.)</u>
<u>Medium</u>	<u>700 sq. ft.</u>	<u>240 sq. ft.</u> <u>(e.g. 8 ft. x 30 ft.)</u>
<u>Large</u>	<u>1,000 sq. ft.</u>	<u>400 sq. ft.</u> <u>(e.g. 8 ft. x 50 ft.)</u>

25 (b) **Paseos.** Paseos shall be designed consistent with the following:

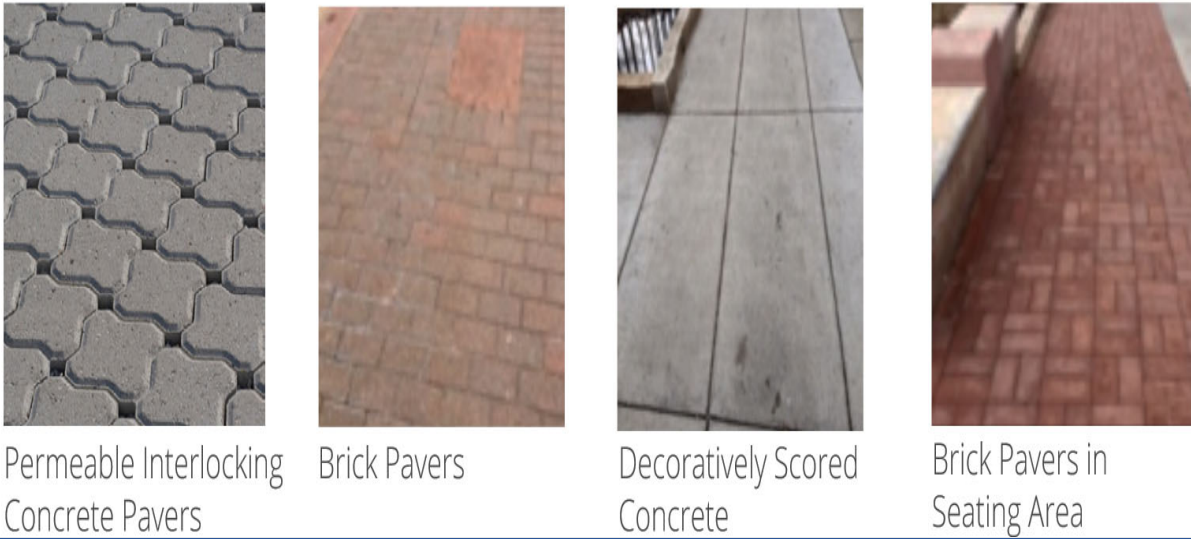
- 1 (1) **General Paseo Design Requirements.** Paseos shall be designed to meet the
 2 standards of Table 14-2. Table of Paseo Design Requirements.
- 3 (2) **Paseo Surface Design.** Comprehensively designed paving patterns and materials
 4 shall be utilized for the entire length of the paseo. Designs may include intentional
 5 changes to material, color, and pattern to distinguish different functional areas.
- 6 (3) **Maintenance.** Paseos shall be maintained by the property owner in good repair
 7 and safe and unobstructed condition. Any repairs or replacements to the paseo
 8 must be consistent with the form-based code review approval.
- 9 (A) If the city manager finds that any portion of a paseo does not meet this
 10 standard, the manager may require that the owner of the paseo or
 11 underlying property repair or replace the non-complying portion to bring it
 12 into conformity with city standards.
- 13 (B) If the city manager determines to proceed under paragraph (A) of this
 14 section, the manager shall notify the property owner of the duty to repair
 15 or replace and that such owner has thirty days from the date of the notice
 16 to commence such repair or replacement and has sixty days from the date
 17 of the notice to complete such repair or replacement. The manager may
 18 extend the time limit if weather would impede the work. Notice under this
 19 section is sufficient if it is mailed first class to the address of the last
 20 known owner of property on the records of the Boulder County Assessor,
 21 or hand-delivered to an owner.
- 22 (C) If the property owner fails to commence or complete repair or replacement
 23 as required by the notice prescribed by paragraph (B) of this section, the
 24 manager may perform the repair or replacement and charge the costs
 25 thereof, plus up to fifteen percent for administrative costs, to the property
owner.
- (D) If any person fails or refuses to pay when due any charge imposed under
this section, including any agreed charge, the city manager may, in
addition to taking other collection remedies, certify due and unpaid
charges to the Boulder County Treasurer for collection as provided by
Section 2-2-12, "City Manager May Certify Taxes, Charges and
Assessments to County Treasurer for Collection," B.R.C. 1981.

Table 14-2. Table of Paseo Design Requirements

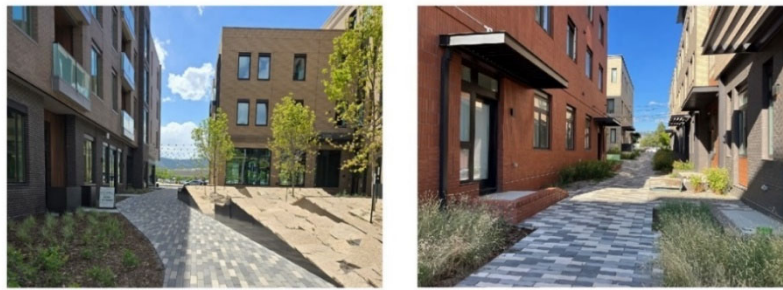
<u>DESIGN STANDARDS</u>	<u>NARROW PASEO</u>	<u>WIDE PASEO</u>	<u>ENHANCED PASEO I</u>	<u>ENHANCED PASEO II</u>
<u>Minimum Width of Paseo</u>	<u>9 feet</u>	<u>20 feet</u>	<u>25 feet</u>	<u>35 feet</u>

<p><u>Minimum Width of Public Access Easement</u></p>	<p><u>6 feet</u></p>	<p><u>6 feet</u></p>	<p><u>10 feet</u></p>	<p><u>20 feet minimum</u></p>
<p><u>Elements within public access easement</u></p>	<p>All elements in the public access easement must receive approval as part of a revocable permit or lease, as applicable. Doors shall be recessed and shall not open into the public access easement.</p>			
<p><u>Minimum Width of Pedestrian Travel Way</u></p>	<p><u>6 feet</u></p>	<p><u>6 feet</u></p>	<p><u>10 feet</u></p>	<p><u>10 feet</u></p>
<p><u>Surface Treatment of Pedestrian Travel Way</u></p>	<p>Brick and pavers, permeable interlocking concrete pavers, Buff or gray concrete with decorative scoring pattern. In an enhanced paseo I and an enhanced paseo II, brick and pavers shall constitute at least 30% of the surface treatment. See Figure 14-14. Images of Paseo Surface Treatment.</p>			
<p><u>Minimum distance between Pedestrian Travel Way and Adjacent Buildings</u></p>	<p><u>18 inches</u></p>	<p><u>18 inches</u></p>	<p><u>18 inches</u></p>	<p><u>18 inches</u></p>
<p><u>Minimum Slope between Pedestrian Travel Way and Adjacent Buildings</u></p>	<p><u>2%</u></p>	<p><u>2%</u></p>	<p><u>2%</u></p>	<p><u>2%</u></p>
<p><u>Minimum dimensions for adjacent outdoor seating areas</u></p>	<p><u>6 feet by 6 feet</u></p>	<p><u>6 feet by 6 feet</u></p>	<p><u>5 feet by 10 feet</u></p>	<p><u>3 feet by 5 feet</u></p>
<p><u>Outdoor Lighting</u></p>	<p>Pedestrian-scaled, wall mounted lighting at intervals of no less than 15 feet on center; catenary lighting between buildings or above outdoor seating areas and building entries. Pedestrian scaled pole mounted lighting except in narrow paseo.</p>			
<p><u>Special Design Requirements</u></p>	<p>See paragraph 9-14-10(b)(6) for special design requirements for each paseo.</p>			

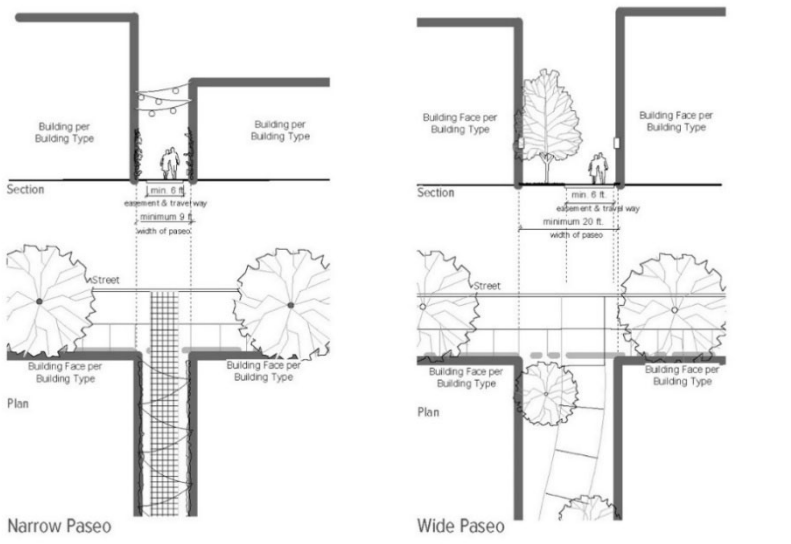
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10 **Figure 14-14. Images of Paseo Surface Treatment**



17 *Illustrative Examples of Paseos*



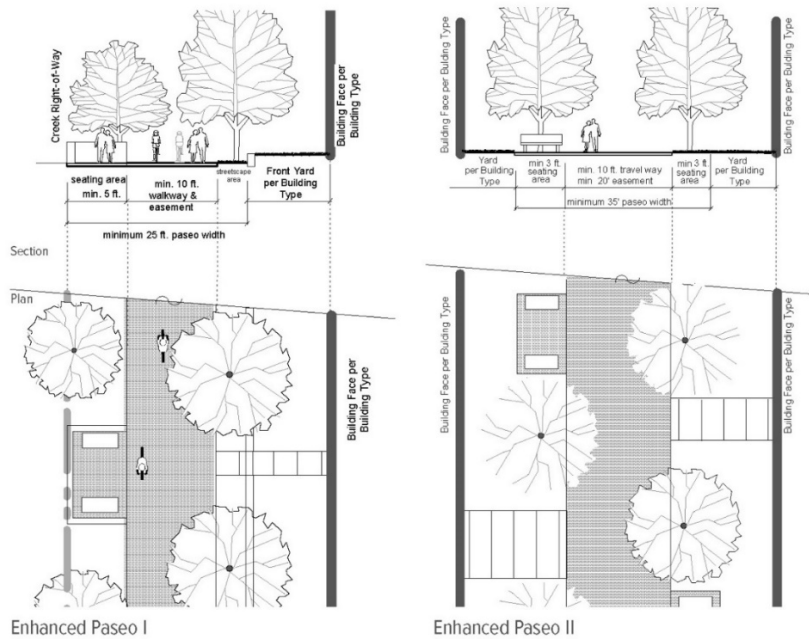


Figure 14-15. Paseo Illustrations

- (4) **Outdoor Lighting.** The city manager may waive lighting standards under Subsection 9-9-16(g), "Outdoor Lighting," B.R.C. 1981, to allow catenary lighting between buildings and over paseos for bulbs greater than seven watts and no greater than eleven watts.
- (5) **Fire Access.** Where required by the City of Boulder Fire Code or City of Boulder Design and Construction Standards, the easement and travel way may be expanded to accommodate the fire truck access, where required. All other elements required must be included in the paseo design.
- (6) **Special Design Requirements.** Refer to Figure 14-15 for paseo illustrations.

(A) Narrow Paseo.

- (i) Narrow paseos shall be open to the sky. At least one of the buildings along a paseo shall be two stories or less along the paseo or the third and higher stories shall be set back a minimum of fifteen feet from the paseo.
- (ii) Narrow paseos shall be designed to include landscaping in decorative pots and planters where sufficient space exists between the pedestrian travel path and the buildings.

(B) Wide Paseo.

- (i) Wide paseos shall be open to the sky with the exception of canopies and trellises.
- (ii) Wide Paseos shall be designed to include art, such as a sculpture or mural.
- (iii) Wide paseos shall include a mix of hardscaping and landscaping; no less than twenty-five percent of the paseo shall be landscaped, evenly distributed for the length of the paseo.

(C) Enhanced Paseo I and II.

- (i) Where a transitioning of grades occurs in an enhanced paseo I or II, the grades shall transition with terraced retaining walls of a height not to exceed thirty-six inches; if the walls are intended for seating, their height shall not exceed twenty-four inches.
- (ii) Enhanced paseos I and II shall include a mix of hardscaping and landscaping; all areas other than pedestrian travel ways, seating areas, and entranceways to buildings must be landscaped.
- (iii) In East Boulder, the width of the enhanced paseo I along the Goose Creek frontage shall be measured from the outer northern edge of the ditch easement. The approving authority may approve a different configuration if the applicant is able to obtain ditch company approvals for the incorporation of the North Boulder Farmer’s Ditch and associated easement area into the paseo design.
- (iv) In East Boulder, the enhanced paseo I along the Goose Creek frontage is designated as Type C, allowing a service base consistent with the service base requirements in Section 9-14-24, B.R.C. 1981. Garage access for motor vehicles may not be located on a paseo.

9-14-11. SITE DESIGN REQUIREMENTS

(a) Site Access. Site access locations shall be consistent with Section 9-9-5, "Site Access Control," B.R.C. 1981, except as modified below:

- (1) **Frontage Hierarchy.** For the purposes of this chapter and determining site access, Type C frontages are lower category streets than Type B frontages, and Type B frontages are lower category streets than Type A frontages.
- (2) **Service Base Access.** Multiple access points will be allowed on a lot or parcel to serve a building with a service base, provided the requirements of Section 9-14-24, "Service Base," B.R.C. 1981, are met.
- (3) **Driveways.** Driveways may not be located in any street yard or setback unless consistent with Section 9-9-5, "Site Access Control," B.R.C. 1981, to cross perpendicularly through the setback to access or connect to an adjacent parking lot per subsection (d), Inter-Lot Drives, of this section.

1 (4) **Trash and Recycling Areas.** One mountable, rolled curb section is allowed at a
2 Type B or C street per development, maximum ten feet in width, in order to roll
3 receptacles out to the street.

4 (b) **Street Yard Design.** Street yards, including courtyards and streetscape plazas designed
5 to meet the requirements of Subsection 9-14-14(h), “Required Streetwall Variation,”
6 B.R.C. 1981, shall be designed consistent with the following:

7 (1) **Coordinated Design.** The combined streetscape and street yard area from
8 building facade to the back of curb is coordinated and comprehensibly designed
9 with a combination of hardscape and landscape areas, although differences in
10 materials and functional areas may exist.

11 (2) **Shopfront Streetscape.** Where the shopfront base is required, hardscape is
12 located within 24 inches or less of the shopfront windows and that hardscape is
13 connected to the path between the public sidewalk and the building entrances.

14 (3) **Trees.** At least one tree is planted for every 1,000 square feet of any street yard,
15 courtyard, or streetscape plaza area, located in planting areas or tree wells. Street
16 yard trees meet the minimum permeable area requirements in Paragraph 9-14-
17 10(a)(3)(D), B.R.C. 1981.

18 (4) **Hardscape.** Hardscape areas are paved with unit pavers, such as bricks, quarry
19 tiles, porous pavers, or poured-in-place materials. If poured-in-place materials are
20 selected, they must be of decorative color or textures.

21 (5) **Landscape Beds.** A minimum of twenty-five percent of the street yard areas,
22 including courtyards and streetscape plazas to meet the requirements in
23 Subsection 9-14-14(h), B.R.C. 1981, include landscape beds with shrubs,
24 perennials, grasses, and/or annual plants.

25 (6) **Seating and Amenities.** Seating and amenities shall be provided in courtyards
and streetscape plazas required per Subsection 9-14-14(h), B.R.C. 1981,
consistent with the following:

(A) Temporary or permanent seating is provided. Temporary seating shall be
available or in place between March 15 and November 15.

(B) In addition to seating, at least one other amenity is provided, such as a
pergola, multiple trellises, catenary or string overhead lighting, a fountain,
or artwork (sculpture or mural).

(c) **Yards and Setbacks.** Setbacks and yards, with the exception of street yards, courtyards,
street yard plazas, parking areas, driveways, loading zones, mechanical equipment, and
refuse and recycling areas, shall meet the following standards:

1 (1) Trees. To the extent practical and achievable, trees shall be planted at a
2 minimum of one per 1,500 square feet, located in planting areas or tree wells.

3 (2) Landscape Areas. Yards and setbacks shall be designed for a mix of paved and
4 landscaped areas, consistent with the maximum impervious and semi-pervious
5 areas allowed per the building type.

6 (d) Inter-Lot Drives. Adjacent parking lots in a development shall be connected with a
7 shared drive that perpendicularly crosses any side and/or rear setback.

8 (e) Mid-Block Pathways. In East Boulder, mid-block pathways are required on longer
9 blocks consistent with the following:

10 (1) Pathway Location. Mid-block pathways shall continuously connect the two
11 opposite frontages specified in Paragraph 9-14-6(c)(2), B.R.C. 1981, and be
12 located within 50 feet of the midpoint of the frontage.

13 (2) Pathway Width. The minimum width of the pathway area between building
14 facades shall be ten feet with a minimum pathway of five feet. The unpaved areas
15 shall be landscaped.

16 (3) Path Construction Standards. The pathway shall be constructed to accommodate
17 pedestrians and vehicles that may generally be operated on a sidewalk in the city
18 and shall meet the construction standards of a concrete walk and multi-use paths
19 in the City of Design and Constructions Standards.

20 (4) Open-Air. Mid-block pathways shall be open to the sky, except buildings may
21 bridge over the pathways for distances along the pathway of no more than thirty
22 feet and covering no more than thirty percent of the length of the mid-block
23 pathway. The clear opening under the bridge shall be at least fifteen feet in height.

24 9-14-12. OUTDOOR SPACE REQUIREMENTS

25 (a) Intent. The intent of the outdoor space requirements is the provision of common outdoor
26 spaces for gathering and socializing between neighbors as well as to provide breaks in the
27 urban fabric of the area buildings. Outdoor spaces are intended to be directly accessible
28 from the street and other public ways.

29 (b) Applicability. Outdoor space shall be designed and constructed or improved consistent
30 with the requirements of this section.

31 (c) Outdoor Space Types. All required outdoor space shall comply with one of the outdoor
32 space types defined in subsections 9-14-12(m) through (q) of this section and the
33 specifications applicable to the type used.

1 (1) **Specified Type.** If a type of outdoor space is specified in Figure 14-17 for
2 Boulder Junction or Figure 14-18 for Alpine-Balsam for the project site, such type
3 shall be utilized.

4 (2) **No Specified Type.** If no type is specified in Figure 14-17 or Figure 14-18 or the
5 type is designated as flexible, any one of the outdoor space types defined in
6 subsections 9-14-12(m) through (q) of this section may be utilized provided that
7 the type utilized will result in a mix of outdoor spaces in the vicinity of the
8 development.

9 (d) **Outdoor Space Required.** At least one outdoor space shall be provided in the
10 development, except, if the development is located in an East Boulder form-based code
11 area and includes more than 75,000 square feet of residential floor area, at least two
12 outdoor spaces shall be provided.

13 (1) **Specific Locations.** Outdoor space shall be provided within 150 feet of the
14 locations shown in Figure 14-17. Boulder Junction: Required Locations for
15 Outdoor Space or Figure 14-18. Alpine-Balsam: Required Locations for Outdoor
16 Space, as applicable.

17 (2) **Underpass Outdoor Space.** Outdoor space shall be provided in any location
18 where Figure 14-17 shows a future underpass. The minimum size of such outdoor
19 space shall be determined by the city manager. The space shall be not less than
20 200 feet in length and 35 feet in width and must be long enough to provide for
21 transition grades and wide enough to allow for landscaping and paving area.

22 (3) **Existing Public Space.** An outdoor space requirement of this section may be met
23 with an outdoor space outside of the development that is located within 1/8 of a
24 mile of all public entrances to buildings in the development provided the space is a
25 public outdoor space or a space to which the anticipated residents, tenants,
employees, customers, and visitors to the development have a right of access and
use.

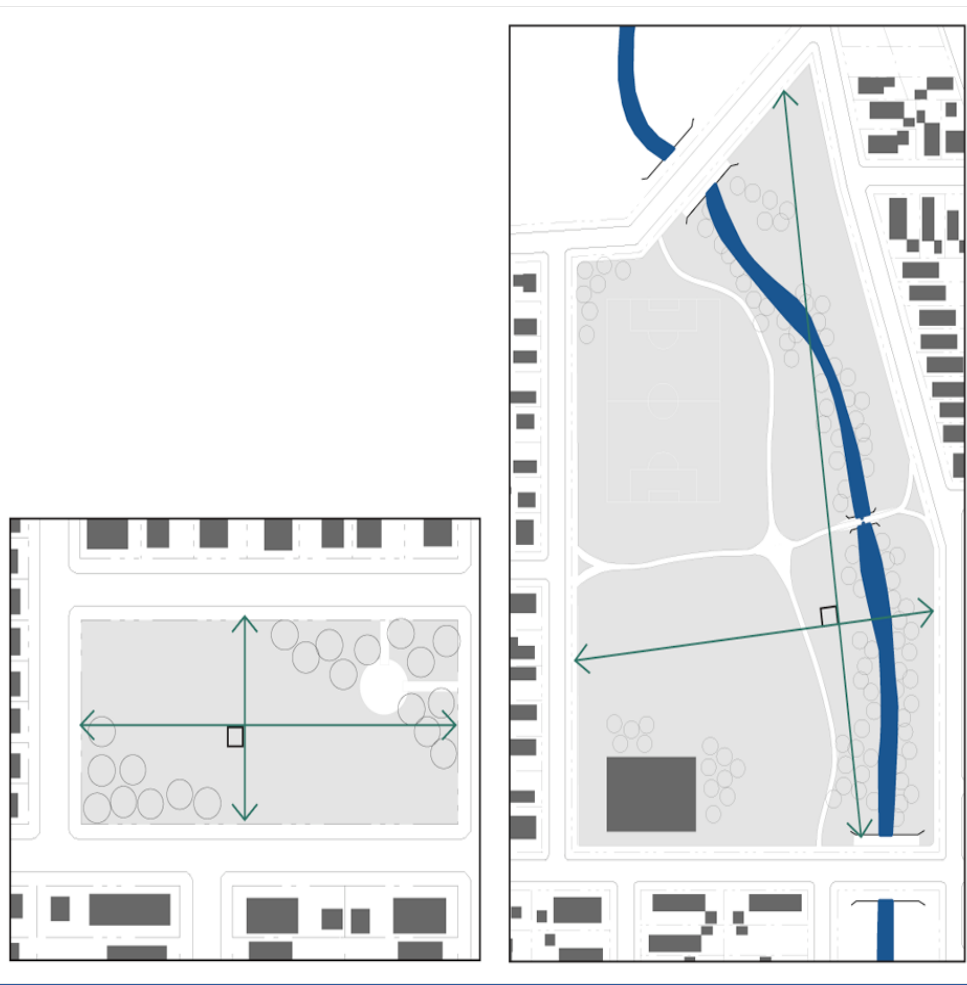
(4) **Optional Areas.** Where two outdoor spaces are required, the following may be
utilized to meet the requirement for one or both outdoor spaces:

(A) **Courtyard.** A courtyard in the development meeting the
requirements of Subsections 9-14-14(g) or (h), B.R.C, 1981,
and of a size of at least 1,600 square feet.

(B) **Playground.** An outdoor area dedicated to playground use and
including playground equipment, play surfaces, and seating areas.
The playground surface area shall be a at least 1,400 square-feet
in size, with the perimeter edged by walls, seating areas, or fences

1 meeting the requirements of subsection (g) to provide enclosure
2 and protection from streets and public ways. A playground
3 located wholly or partially within another outdoor space type does
4 not count as a separate outdoor space.

5 **(5) Small Projects Exception.** If the project site is smaller than 0.7 acres in size, the
6 minimum size requirement of an outdoor space type is fifteen percent of the
7 project site. All contiguous lots or parcels under common ownership or control
8 are considered the project site for purposes of determining the project site under
9 this subparagraph. Contiguity shall not be affected by the existence of a platted
10 street or alley or any other public or private right-of-way.



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22
23 **Figure 14-16. Outdoor Space: Measuring Minimum Dimensions**

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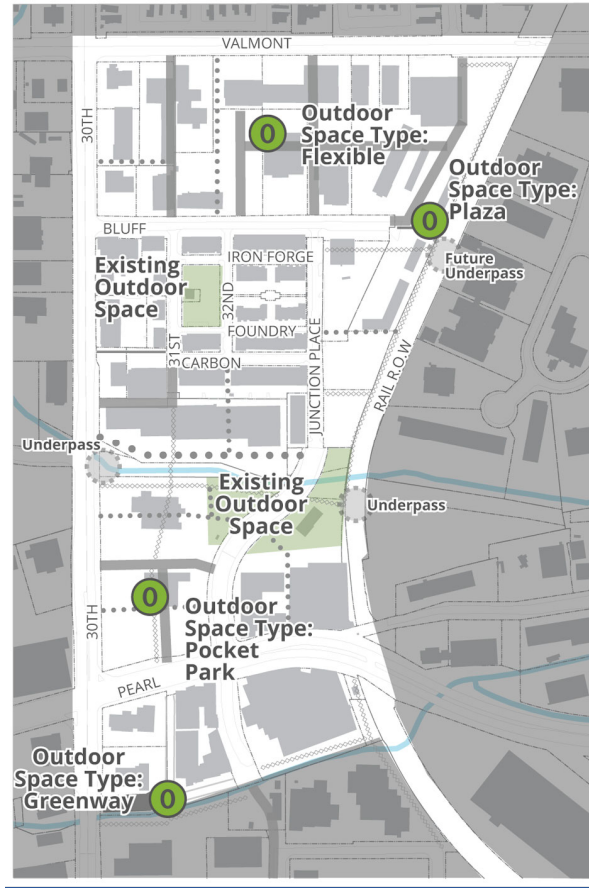


Figure 14-17. Boulder Junction: Required Locations for Outdoor Space

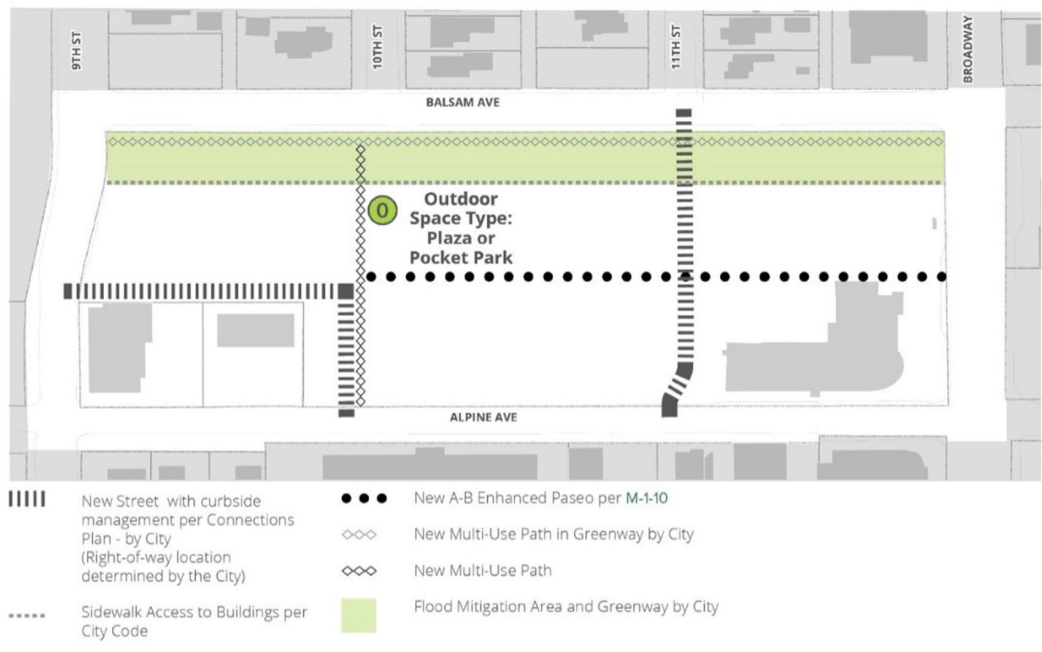


Figure 14-18. Alpine-Balsam: Required Locations for Outdoor Space

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1 (e) **General Design Standards.** All outdoor space shall be designed and maintained to meet
2 the following standards:

3 (1) **Landscaped Areas.** Landscaped areas must meet the requirements of Section 9-
4 9-12, "Landscaping and Screening Standards," B.R.C. 1981;

5 (2) **Exterior Paved Areas.** Exterior paved areas shall meet the standards of
6 Subparagraphs 9-9-11(e)(5)(A) and (B), B.R.C. 1981; and

7 (3) **Recreational Amenities.** Seating and other elements encouraging use and
8 occupation of the space and spatially defining the space shall be included in the
9 design so as to make the space attractive and an integral part of the circulation
10 pattern of the development. Such elements may include benches, tables,
11 ornamental lighting, sculptures, landscape planters or movable containers, trees,
12 tree grates, water features, or other recreational amenities.

13 (f) **Access.** All required outdoor spaces shall be accessible from a pedestrian route associated
14 with a vehicular right-of-way and/or adjacent building entrances or exits.

15 (g) **Fencing.** Outdoor space types may incorporate fencing provided that the following
16 requirements are met:

17 (1) **Height.** No fence shall exceed forty-eight inches in height. This maximum fence
18 height may be modified by the approving authority to ensure functionality and
19 safety of the users of the outdoor space, for example, in proximity to railroad
20 right-of-way and around swimming pools, ball fields, and ballcourts.

21 (2) **Level of Opacity.** Fence opacity shall not exceed sixty percent.

22 (3) **Type.** Chain-link fencing is prohibited along any street frontage. The approving
23 authority may modify this standard around sports field or courts to ensure the
24 safety of the users and visitors to the property and functionality of the outdoor
25 space use.

(4) **Openings.** Openings or operable, unlocked gates shall be provided on every street
frontage at a minimum of one per every 100 feet of frontage.

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

(i) **Continuity.** New outdoor space shall connect to abutting or proximate existing or
planned public way or open space.

(j) **Measuring Size.** When determining whether dimensions requirements of this section are
met, the following standards apply:

1 (1) **Size.** The size of the outdoor space is measured to include all landscape and
2 hardscape areas associated directly with the outdoor space.

3 (2) **Minimum Dimension.** The minimum length or width of the outdoor space type
4 shall be measured along the longest two straight lines intersecting at a right angle
5 defining the maximum length and width of the lot consistent with Figure 14-16.
6 Outdoor Space: Measuring Minimum Dimensions. B.R.C. 1981.

7 (3) **Minimum Percentage of Street Frontage Required.** A minimum percentage of
8 the outdoor space perimeter, as measured along the outer edge of the space, shall
9 be located directly adjacent to a street.

10 (k) **Improvements.** When determining the specific improvement standards applicable to
11 each outdoor space type, the following shall apply:

12 (1) **Designated Sports Fields.** Designated sports field shall mean sports fields or ball
13 courts designated for one or more particular sports, including but not limited to
14 baseball fields, softball fields, soccer fields, basketball courts, football fields, and
15 tennis courts.

16 (2) **Playgrounds.** Playgrounds shall mean a defined area with play structures and
17 equipment typically designed for children under twelve years of age, such as
18 slides, swings, climbing structures, and skate parks. Where a playground is
19 required, it shall include soft surfacing and structures and shall be a minimum of
20 1,800 square feet in total area.

21 (3) **Mobility Hub.** Mobility hubs may be incorporated into an outdoor space if noted
22 in the applicable outdoor space type table. Mobility hubs may range from pick-up
23 locations for taxis or ride-share services to stations for bike-share systems and
24 may range in size. A mobility hub incorporated into an outdoor space shall have a
25 designated space and include paving, seating, and landscaping.

26 (4) **Fully Enclosed Structures.** Where permitted, fully enclosed structures may
27 include such uses as small cafes, kiosks, community centers, and restrooms. For
28 some outdoor space types, fully enclosed structures are subject to a maximum
29 building coverage limitation, limiting the building coverage to a percentage of the
30 outdoor space area.

31 (5) **Semi-Enclosed Structures.** Semi-enclosed structure shall mean open-air
32 structure, such as a gazebo. Semi-enclosed structures are permitted in all outdoor
33 space types.

34 (6) **Maximum Impervious and Semi-Pervious Surface.** Limitations on impervious
35 and semi-pervious surfaces are provided separately for each open space type to
36 allow an additional amount of semi-pervious surface, such as permeable paving,

1 above the impervious surfaces permitted, including, but not limited to, sidewalks,
2 paths, and structures as permitted.

3 (7) **Maximum Percentage of Open Water Body.** Maximum percentage of open
4 water body shall mean the maximum amount of area within the outdoor space that
5 may be covered by an open water body, including but not limited to ponds, lakes,
6 and pools.

7 (1) **Stormwater in Outdoor Space Types.** Stormwater management practices, such as
8 storage and retention facilities, may be integrated into any of the outdoor space types and
9 utilized to meet stormwater requirements for surrounding parcels subject to the following
10 standards:

11 (1) **Stormwater Features.** Stormwater features in outdoor space may be designed as
12 formal or natural amenities with additional uses other than stormwater
13 management, such as an amphitheater, sports field, pond, or pool, as part of the
14 landscape design.

15 (2) **Fencing.** Stormwater features shall not be fenced and shall not impede public use
16 of the space.

17 (3) **Walls.** Retaining walls over 2.5 feet in height are not allowed in any outdoor
18 space accommodating stormwater, except in a Greenway type and as required by
19 the City of Boulder.

20 (4) **Structures.** All inlets, pipes, overflows, outfalls, and other structures required for
21 the stormwater facility shall be incorporated into a landscape design and designed
22 as unobtrusively as feasible.

23 (5) **Qualified Professional.** A qualified landscape architect shall be utilized to design
24 the space for use by people, incorporating the stormwater features into the design.

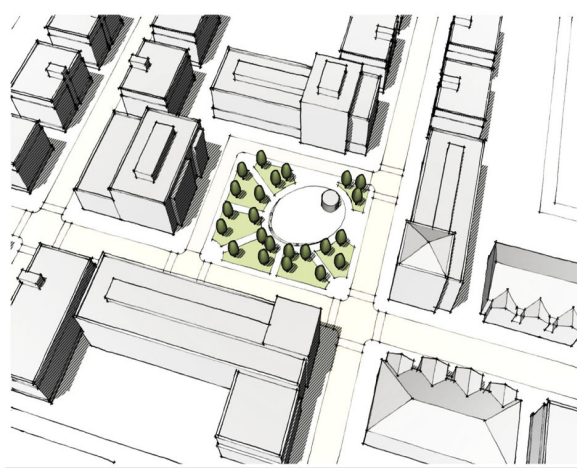


Figure 14-19. Example of a Plaza

(m) **Plaza.** The intent of the plaza is to provide a formal outdoor space of medium scale that may serve as a gathering place for civic, social, and commercial purposes. The plaza may contain a greater amount of impervious coverage than any other type of outdoor space regulated in this section. Special features, such as fountains and public art installations, are encouraged. Plazas shall be designed to meet the standards of Table 14-3. Plaza Requirements. See Figure 14-19. Example of a Plaza.

Table 14-3. PLAZA REQUIREMENTS

<u>Dimensions</u>	
<u>Minimum Size</u>	<u>0.10 acres</u>
<u>Maximum Size</u>	<u>1 acre</u>
<u>Minimum Dimension</u>	<u>80 feet</u>
<u>Minimum Percentage of Street or Public Way Frontage Required</u>	<u>25%</u>
<u>Improvements</u>	
<u>Designated Sports Fields</u>	<u>Not permitted</u>
<u>Playgrounds</u>	<u>Not permitted</u>
<u>Mobility Hub</u>	<u>Permitted</u>
<u>Fully Enclosed Structures</u>	<u>Permitted; may cover maximum 5% of plaza area</u>
<u>Maximum Impervious Surface + Semi-Pervious Surface</u>	<u>60%+ 20%</u>
<u>Maximum Percentage of Open Water</u>	<u>30%</u>



Figure 14-20. Example of a Green

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(n) **Green.** The intent of the green is to provide an informal outdoor space of medium scale for active or passive recreation located within walking distance for building occupants and visitors. The green is intended to be fronted mainly by streets. Greens shall be designed to meet the standards of Table 14-4. See Figure 14-20. Example of Green.

Table 14-4. GREEN REQUIREMENTS

<u>Dimensions</u>	
<u>Minimum Size</u>	<u>0.25 acres</u>
<u>Maximum Size</u>	<u>2 acres</u>
<u>Minimum Dimension</u>	<u>45 feet</u>
<u>Minimum Percentage of Street or Public Way Frontage Required</u>	<u>100% for greens less than 1.25 acres; 50% for greens 1.25 or more acres in size</u>
<u>Improvements</u>	
<u>Designated Sports Fields</u>	<u>Not permitted</u>
<u>Playgrounds</u>	<u>Permitted</u>
<u>Mobility Hub</u>	<u>Permitted</u>
<u>Fully Enclosed Structures</u>	<u>Not permitted</u>
<u>Maximum Impervious Surface + Semi-Pervious Surface</u>	<u>20% + 15%</u>
<u>Maximum Percentage of Open Water</u>	<u>30%</u>



Figure 14-21. Example of a Commons

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(o) **Commons.** The intent of the commons is to provide an informal, small to medium scale outdoor space for active or passive recreation. Commons are typically internal to a block and tend to serve adjacent building occupants. Commons shall be designed to meet the standards of Table 14-5. See Figure 14-21. Example of Commons.

Table 14-5. COMMONS REQUIREMENTS

<u>Dimensions</u>	
<u>Minimum Size</u>	<u>0.25 acres</u>
<u>Maximum Size</u>	<u>1.5 acres</u>
<u>Minimum Dimension</u>	<u>45 feet</u>
<u>Minimum Percentage of Street or Public Way Frontage Required</u>	<u>0%; requires a minimum of two access points (minimum 20 feet wide)</u>
<u>Improvements</u>	
<u>Designated Sports Fields</u>	<u>Not permitted</u>
<u>Playgrounds</u>	<u>Permitted</u>
<u>Mobility Hub</u>	<u>Not permitted</u>
<u>Fully Enclosed Structures</u>	<u>Not permitted</u>
<u>Maximum Impervious Surface + Semi-Pervious Surface</u>	<u>30% + 10%</u>
<u>Maximum Percentage of Open Water</u>	<u>30%</u>



Figure 14-22. Example of a Pocket Park

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(p) **Pocket Park.** The intent of the pocket park is to provide a small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance. Pocket parks shall be designed to meet the standards of Table 14-6. See Figure 14-22. Example of Plaza.

Table 14-6. POCKET PARK REQUIREMENTS

<u>Dimensions</u>	
<u>Minimum Size</u>	<u>0.10 acres</u>
<u>Maximum Size</u>	<u>1</u>
<u>Minimum Dimension</u>	<u>None</u>
<u>Minimum Percentage of Street Frontage Required</u>	<u>30%</u>
<u>Improvements</u>	
<u>Designated Sports Fields</u>	<u>Not permitted</u>
<u>Playgrounds</u>	<u>Required</u>
<u>Mobility Hub</u>	<u>Permitted</u>
<u>Fully Enclosed Structures</u>	<u>Not permitted</u>
<u>Maximum Impervious Surface + Semi-Pervious Surface</u>	<u>30% + 10%</u>
<u>Maximum Percentage of Open Water</u>	<u>30%</u>



Figure 14-23. Example of a Park/Greenway

(q) Park/Greenway. The intent of the park/greenway is to provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees. Parks/greenways shall be designed to meet the standards of Table 14-7. See Figure 14-23. Example of Parks/Greenways.

Table 14-7. PARK/GREENWAY REQUIREMENTS

<u>Dimensions</u>	
<u>Minimum Size</u>	<u>2 acres</u>
<u>Maximum Size</u>	<u>None</u>
<u>Minimum Dimension</u>	<u>30 feet; minimum average width of 80 feet</u>
<u>Minimum Percentage of Street Frontage Required</u>	<u>30% for parks less than 5 acres; 20% for parks 5 or more acres in size</u>
<u>Improvements</u>	
<u>Designated Sports Fields</u>	<u>Permitted</u>
<u>Playgrounds</u>	<u>Permitted</u>
<u>Mobility Hub</u>	<u>Permitted</u>
<u>Fully Enclosed Structures</u>	<u>Permitted in parks 5 acres or larger in size</u>
<u>Maximum Impervious Surface + Semi-Pervious Surface</u>	<u>20% + 10%</u>
<u>Maximum Percentage of Open Water</u>	<u>50%</u>

9-14-13. LARGE SITE DEVELOPMENT STANDARDS

(a) Applicability. A development four acres in size or larger shall meet the requirements of this section. Developments subject to this section shall be designed consistent with the standards of this section and a block plan analysis meeting the standards of this section required under Subsection 9-2-16(d), "Application Requirements," B.R.C. 1981. This section does not require a development project to develop all properties considered part of the large site development. Dedication and construction requirements will consider the scope of the project and may be imposed to the extent that they are roughly proportionate to the transportation impact of the project or necessary to serve the development project. No structure shall be constructed so as to prevent compliance with the standards of this section as established in the block plan analysis.

(b) Streets and Block Layout. The development shall provide safe and convenient vehicular and pedestrian transportation between and through lots and parcels to adequately serve the new development. To accomplish this, the approving authority may require connections in addition to those required under the regulating plan and any approved connections plan for the area consistent with the following considerations and requirements:

(1) Block Length. Block lengths is approximately 400 feet or less.

1 (2) Block Perimeter. Block perimeter is approximately 1,600 feet or less.

2 (3) Cul-de-Sac and Dead-End Streets. Cul-de-sac and dead-end streets are not
3 allowed except due to site constraints or natural features.

4 (4) Configuration. Additional connections shall be consistent with the standards of
5 Section 9-9-8, "Reservation, Dedication, and Improvement of Rights of Way,"
6 B.R.C. 1981, and other required connections.

7 (A) On-Street Parking. Parking lanes shall be provided on both sides of the
8 street.

9 (5) Paseos. Paseos shall meet the standards in Section 9-14-10, B.R.C. 1981.

10 (6) Plan Amendments. Any additions or other amendments to a connections plan for
11 the area shall be reviewed pursuant to the process and criteria established therefor
12 in the applicable plan and in conjunction with the form-based code review of the
13 application.

14 (c) **Type A, B, and C Frontage Designation.** Frontages along new connections shall be
15 designated as Type A, B, or C frontages consistent with the standards in Section 9-14-15,
16 "Type A, B, and C Frontages," B.R.C. 1981, and the following:

17 (1) Frontage designation shall be consistent with the intent of the area or
18 subcommunity plan.

19 (2) A minimum of 25% of frontages of new and existing streets in and abutting the
20 development shall be designated as Type A frontage.

21 (d) **Terminated Vistas.** Views down streets that terminate at parcels, including where streets
22 angle at less than 90 degrees, shall meet the terminated vista requirements in Subsection
23 9-14-14(i), B.R.C. 1981.

24 **BUILDING TYPES**

25 **9-14-14. REQUIREMENTS APPLICABLE TO ALL BUILDING TYPES**

26 (a) **Purpose.** The purpose of the building type requirements is to establish standards for
27 building design, building form, siting of buildings, and specific uses based on the
28 building type that may be utilized on a property pursuant to the applicable regulating plan
29 or as otherwise authorized.

30 (b) **Building Types Requirements.** No person shall develop, use, or occupy any building or
31 other property located within the area designated in Appendix L, "Form-Based Code
32 Areas," B.R.C. 1981, except in conformance with the building type standards of sections

1 9-14-16 through 9-14-21 of this chapter unless modified through an exception under
 2 Subsection 9-2-16(i), B.R.C. 1981. This following generally describes the building types:

3 (1) **Main Street Storefront Description.** The main street storefront building type is a
 4 highly pedestrian-oriented, mixed-use building. Ground story storefront is
 5 required along all Type A streets with only personal service, retail, dining, and
 6 entertainment uses to provide activity. Upper story uses are flexible. Parking is in
 7 the rear of the lot or located off-site. Refer to Section 9-14-16, B.R.C. 1981, for
 8 requirements.

9 (2) **Commercial Storefront Description.** The commercial storefront building type
 10 permits single use buildings and more parking locations, but still addresses
 11 pedestrian orientation with buildings built up to the sidewalk and storefront glass
 12 requirements. This building type allows a broader variety of commercial, retail,
 13 and industrial uses on the ground story, including vehicle-related uses. Refer to
 14 Section 9-14-17, B.R.C. 1981, for requirements.

15 (3) **General Building Description.** The general building type is a basic building that
 16 serves as urban fabric, built along the sidewalk connecting the more commercial
 17 spaces with open spaces. This building can accommodate a wide range of uses. It
 18 differs from the storefront by its lower requirement for ground story glass and
 19 allowance for an above-sidewalk level ground story elevation. Refer to Section 9-
 20 14-18, B.R.C. 1981, for requirements.

21 (4) **Row Building Description.** The row building type is similar to the general
 22 building but is smaller in scale. The ground story is required to be divided into
 23 different units, each with separate entrances. Townhouses, rowhouses, live-work
 24 units, incubator space, or small width industrial or craftsman spaces fit well into
 25 this building type. Refer to Section 9-14-19, B.R.C. 1981, for requirements.

(5) **Workshop Building Description.** The workshop building type is similar to the
general building but allows the service base with garage door access more widely.
The ground story is also typically taller to allow for production uses. Refer to
Section 9-14-20, B.R.C. 1981, for requirements.

(6) **Civic Building Description.** The civic building type is the most flexible building,
meant to allow for more iconic designs within the urban fabric of the area. This
building type is limited to specific public and institutional uses, such as
governmental facilities, religious assemblies, schools, colleges, and universities,
as well as parks and recreation uses, museums, and live theaters. Refer to Section
9-14-21, B.R.C. 1981, for requirements.

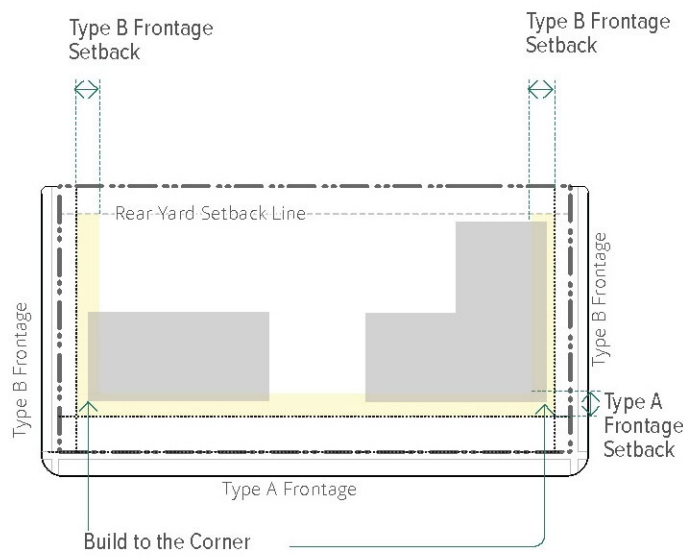
(c) **Uses in Building Types.** All uses of a property shall meet the requirements of Chapter 9-
6, "Use Standards," B.R.C. 1981. Where use regulations are imposed by this chapter

1 based on the building type, the use of the property shall also be consistent with those
 2 standards.

3 (d) **General Building Design Requirements.** All buildings shall comply with the building
 4 design requirements of sections 9-14-22 through 9-14-33 of this chapter.

5 (e) **Multiple Principal Structures.** Multiple structures may be constructed on a lot or parcel.
 6 All structures shall meet the applicable building type requirements, including the frontage
 7 setback requirements.

8 (f) **Build to the Corner.** On corners, a building or structure shall be located at the
 9 intersection of the two frontage setbacks as shown in Figure 14-24. The standards of
 10 Subparagraph 9-14-10(a)(3)(B), "Sight Triangle Area," B.R.C. 1981. must also be met.



18 **Figure 14-24. Build-to Corner and Frontage Setbacks**

19 (g) **Streetwall Courtyards.** Where minimum streetwall is required and streetwall variation
 20 is not required, courtyards meeting the requirements of Paragraph 9-14-14(h)(1), B.R.C.
 21 1981, are allowed provided they do not exceed thirty-five percent of the streetwall. The
 22 courtyard counts towards the required minimum streetwall percentage.

23 (h) **Required Streetwall Variation.** Where streetwall variation is required, a courtyard or
 24 streetscape plaza meeting the following requirements shall be provided for streetwall
 25 increment required per the building type:

(1) **Courtyard.** Courtyards shall meet the following requirements:

- 1 (A) The courtyard is at least thirty feet in width and thirty feet in depth.
- 2 (B) The courtyard abuts the frontage setback.
- 3 (C) There is no motor vehicle parking in the courtyard.
- 4 (D) The courtyard facades are treated with the frontage type of the adjacent
5 street frontage per facade requirements for the building type and building
6 design requirements in Sections 9-14-27 through 9-14-33, B.R.C. 1981.
- 7 (E) The courtyard design includes the following:
 - 8 (i) No more than sixty-five percent of the area is paved and the
9 hardscape includes special paving materials and patterns.
 - 10 (ii) Landscape beds and trees consistent with Subsection 9-14-11(b),
11 “Street Yard Design,” B.R.C. 1981.
 - 12 (iii) Seating and amenities consistent with Subsection 9-14-11(b),
13 “Street Yard Design,” B.R.C. 1981.

14 (2) **Streetscape Plaza.** Streetscape plazas shall meet the following requirements:

- 15 (A) The streetscape plaza is located within the maximum setback.
- 16 (B) At least thirty-five percent of the streetwall fronts one or more streetwall
17 plazas extending from the right-of-way to the maximum setback.
- 18 (C) The minimum width of each streetscape plaza along the frontage is 20
19 feet.
- 20 (D) The streetscape plaza is designed to integrate with the street yard and
21 streetscape design and includes the following:
 - 22 (i) Hardscape in the plaza includes special paving materials and
23 patterns.
 - 24 (ii) Landscape beds and trees are provided consistent with the
25 requirements of Subsection 9-14-11(b), “Street Yard Design,”
 B.R.C. 1981.
 - (iii) Seating and amenities are provided consistent with the
 requirements of Subsection 9-14-11(b), “Street Yard Design,”
 B.R.C. 1981.

26 (i) **Terminated Vistas.** street terminates or curves on or adjacent to a property as designated
27 on the regulating plan, the site or building design shall include a feature to terminate the
28 view from the street or path. The project shall meet the following standards:

- 29 (1) **Open Space.** If the property where the vista is required to be terminated is open
30 space, one of the outdoor space types established in Section 9-14-12, “Outdoor

1 Space Requirements,” B.R.C. 1981, shall be utilized, and a vertical feature shall
2 terminate the view. Acceptable vertical features include, but are not limited to, a
3 stand or grid of at least three large maturing trees, listed in the approved tree list
4 published annually by the city manager, a sculpture, a gazebo, or a fountain.

5 (2) Building. If the property where the vista is required to be terminated is not
6 utilized as open space, the facade of a building shall terminate the view. At the
7 termination point designated on the regulating plan, a minimum of sixty feet of
8 the building facade shall meet the standards applicable to a Type A frontage,
9 whether or not fronting on a Type A street, with the exception of the entrance
10 requirements. The building shall include a feature that terminates the view, such
11 as, a tower, cupola, bay, courtyard, or a streetscape plaza consistent with the
12 streetwall variation requirements in Section 9-14-14(h), B.R.C. 1981.

13 (3) Parking or Other Facades. A parking structure, surface parking lot, or side or rear
14 facade shall not terminate a vista.

15 (j) Trash and Recycling Areas. Unless otherwise allowed by the building type, all trash,
16 recycling, and other waste areas shall be located inside the building or in the parking yard
17 consistent with the following requirements:

18 (1) Interior of the Building. Refuse, recycling, and other waste areas located inside
19 the building shall meet the following requirements:

20 (A) Access doors to the area shall be located on the rear or interior side facade.

21 (B) If no rear or interior side facade exists, access doors may be located off a
22 Type B or C street facade.

23 (C) Access doors or gates on a street facade shall have a minimum opacity of
24 80 percent.

25 (D) Access gates shall be set back a minimum of five feet from any street
facade.

(2) Other Locations. When no parking yard exists, the parking or rear yard is less
than ten feet in depth, and an interior building location is not available, trash,
recycling, and other waste areas may be located in the rear yard, interior side
yard, or in a Type B or C street yard.

(k) Garage Entrances. Garage doors shall be located on a Type B frontage, Type C
frontage, rear or interior yard, or along an interior side facade, except that on the service
base garage doors may also be located consistent with the standards in Section 9-14-24,
“Service Base,” B.R.C. 1981.

(1) Garage doors on Type B frontages shall be set back from the majority of the

1 frontage facade a minimum of three feet.

2 (2) Garage doors on Type B frontages shall meet minimum facade transparency
3 requirements unless art is incorporated into the door.

4 (l) **Loading Locations.** All on-site loading areas shall be located in the rear or interior yard
5 for all building types, except that on the service base on-site loading areas may also be
6 located consistent with the standards in Section 9-14-24, B.R.C. 1981.

7 (m) **Modifications.** The approving authority may approve the following modifications to
8 building type requirements if it finds the proposed design substantially meets the intent of
9 the requirement being modified:

10 (1) **Building Location.** The location of the building within up to one foot from any
11 minimum setback or frontage setback width or location requirement.

12 (2) **Impervious Coverage.** Up to a ten percent increase in total impervious coverage,
13 not to exceed the total amount of allowed impervious plus semi-pervious
14 coverage.

15 (3) **Type A Frontage Streetwall.** For the commercial storefront building only, up to
16 ten percent decrease in Type A frontage streetwall requirements.

17 (4) **Story Height.** An additional height of any floor-to-floor story height up to two
18 feet, provided the overall building height does not exceed the maximum permitted
19 height.

20 (5) **Transparency.** Up to two percent reduction of the required transparency on a
21 non-Type A frontage facade; and up to four square feet increase of the blank wall
22 area limitation of paragraph 9-14-26(g)(2) on a non-Type A frontage facade.

23 9-14-15. TYPE A, B, AND C FRONTAGES

24 A hierarchy of frontages is established for properties located within the area shown on Appendix
25 L, "Form-Based Code Areas." Frontages are designated on the regulating plans pursuant to the
standards of this section.

(a) **Type A Frontage.** Type A frontages shall be provided as follows:

(1) **Regulating Plans.** Type A frontage requirements shall be met in those locations
where a Type A frontage is designated on the regulating plan.

(2) **Outdoor Space Types.** Where a lot or parcel contains or abuts a required outdoor
space, the frontage of a building abutting the outdoor space shall meet Type A
frontage requirements, unless otherwise defined on the regulating plan.

1 (3) **Building Type Requirements.** Type A frontages shall meet the Type A frontage
2 requirements established for the applicable building type.

3 (4) **Corners.** Where a Type A frontage façade is located perpendicular to a Type B or
4 C frontage, or a rail corridor façade, the Type A frontage façade requirements,
5 such as transparency, entrance, and materials requirements, shall be continued
6 around the corner along the perpendicular façade for a minimum of thirty feet.

7 (5) **Multiple Type A Frontages and No Type B Frontage.** If multiple Type A
8 frontages and no Type B or C frontages exist on a site, one Type A frontage may
9 be treated as a Type B frontage for the building type requirements if the
10 approving authority finds that one of the following standards is met with regard to
11 such frontage:

12 (A) Configuration of other parcels along the street, including fronts of
13 buildings and locations of vehicular access, are more consistent with Type
14 B requirements.

15 (B) The classification of the street is more focused on traffic movement than
16 pedestrian orientation.

17 (C) The area plan prioritizes the street lower than other Type A frontages.

18 (6) **No Type A Frontage.** If no Type A frontage is designated on a parcel, a Type B
19 frontage shall be treated as a Type A frontage for the building type requirements.
20 If no Type A or B frontage is designated for a parcel, a Type C frontage shall be
21 treated as a Type A frontage for the building type requirements.

22 (b) **Type B Frontages.** Type B frontages have to be provided as follows:

23 (1) **Regulating Plan.** Type B frontage requirements shall be met in those locations
24 where a Type B frontage is designated on the regulating plan.

25 (2) **Building Type Requirements.** Type B frontages shall meet the Type B frontage
26 requirements established for the applicable building type.

27 (3) **Alternate Treatment.** A designated Type B frontage may alternatively be treated
28 as a Type A frontage.

29 (c) **Type C Frontages.** Type C frontages shall be provided as follows:

30 (1) **Regulating Plan.** Type C frontage requirements shall be met only in those
31 locations where a Type C frontage is designated on the regulating plan.

32 (2) **Building Type Requirements.** Type C frontages shall meet the Type C frontage
33 requirements established for the applicable building type.

(3) Alternate Treatment. A designated Type C frontage may alternatively be treated as a Type A or Type B frontage.

9-14-16. MAIN STREET STOREFRONT BUILDING TYPE

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

		<u>BOULDER JUNCTION PHASE I</u>	<u>REFERENCES/ ADDITIONAL REQUIREMENTS</u>
<u>BUILDING SITING</u> Refer to Figure 14-25.			
<u>1</u>	<u>Type A Frontage Streetwall, minimum</u>	<u>90%</u>	<u>Refer to Subsection 9-14-14(g), B.R.C. 1981, for courtyard allowance.</u>
<u>2</u>	<u>Type A Frontage Setback, minimum to maximum</u>	<u>0 ft. to 5 ft.</u>	<u>Refer to Subsection 9-14-26(b), B.R.C. 1981, for measuring minimum and maximum setbacks.</u>
<u>3</u>	<u>Type B Frontage Setback, minimum to maximum</u>	<u>0 ft. to 5 ft.</u>	
<u>4</u>	<u>Side Yard Setback, minimum</u>	<u>5 ft.; 0 ft. required at paseo or multi-use path</u>	<u>For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.</u>
<u>5</u>	<u>Rear Yard Setback, minimum</u>	<u>10 ft.; minimum 25 ft. if no alley; 0 ft. required at paseo or multi-use path</u>	
<u>6</u>	<u>Building Length along any Type A & B Frontage, maximum</u>	<u>150 ft.</u>	<u>Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.</u>
<u>7</u>	<u>Site Impervious Coverage, maximum</u> <u>Additional Semi- Pervious Coverage</u>	<u>70%</u> <u>25%</u>	<u>Refer to Section 9-14-8, “Definitions,” B.R.C. 1981, for semi- pervious coverage.</u>
<u>8</u>	<u>Surface or Accessory Parking Location</u>	<u>Parking yard only</u>	<u>Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k),</u>

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1			and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.
2			
3	HEIGHT Refer to Figure 14-26.		
4	<u>9</u> Overall: <u>Minimum Height</u> <u>Maximum Height</u>	<u>2 stories minimum</u> <u>3 stories maximum and up to 40' in height north of Goose Creek and west of Junction Place; 5 stories maximum elsewhere up to 55'</u>	<u>Refer to subsection 9-14-26(e) for height measuring requirements and section 9-14-31 for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.</u>
5		<u>Heights shown may be otherwise regulated by Section 9-14-6, "Regulating Plans," and/or Section 9-14- 7, "View Corridors," B.R.C. 1981</u>	
6	<u>10</u> Story: <u>Minimum Height</u> <u>Maximum Height</u>	<u>9'</u> <u>12'</u>	<u>Stories are measured floor to floor. Refer to subsection 9-14-26(f) for explanation of measurement.</u>
7		<u>Refer to allowed base types for story height requirements in ground story.</u>	
8			
9			
10			
11			
12			
13			
14			

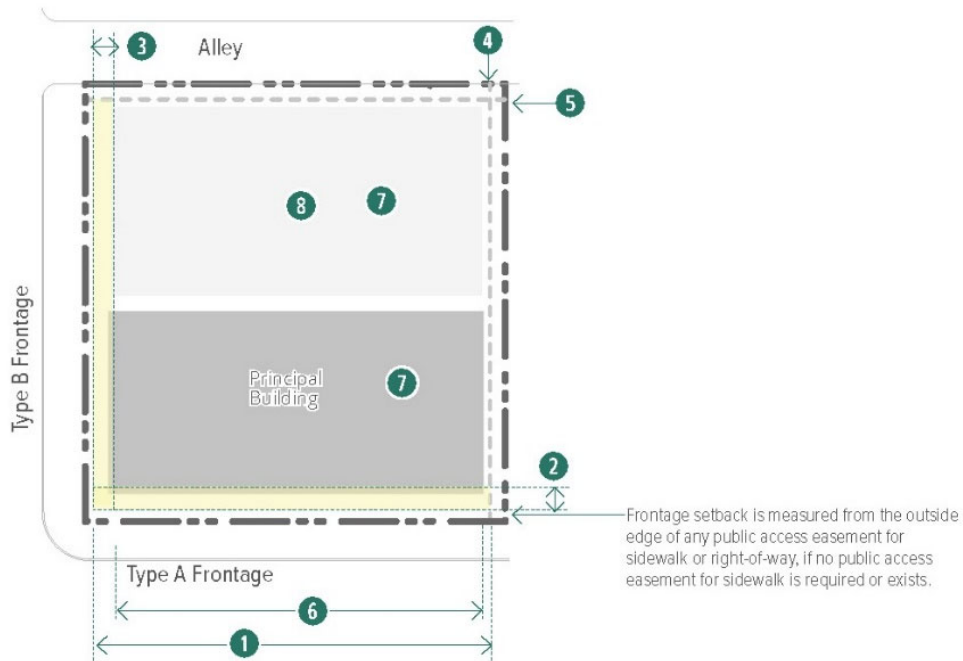


Figure 14-25. Main Street Storefront Building: Building Siting

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		<u>BOULDER JUNCTION PHASE I</u>	<u>REFERENCES/ADDITIONAL REQUIREMENTS</u>
<u>USES</u> Refer to Figure 14-26.			
<u>11</u>	<u>All Frontages & Stories</u>	All uses consistent with chapter 9-6 Base Types: refer to allowed base types for use requirements in ground story.	Refer to Chapter 9-6, B.R.C. 1981, for permitted uses per zoning district and definition of uses.
<u>12</u>	<u>Required Occupied Building Space</u> , minimum depth from Type A or B frontage facade, all stories	20 ft.	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for occupied building space. Occupied building space applies only to full height floors and does not apply to basements.
<u>13</u>	<u>Parking within Building</u>	Permitted fully in any basement and in all other stories except where occupied space is required.	Refer to occupied building space requirement above.
<u>FACADE REQUIREMENTS</u> Refer to Figure 14-27.			
<u>14</u>	<u>Transparency on All Type A, B, and C Frontage Facades</u> , minimum	20% Blank wall limitations defined in Section 9-14-26(g). Additional transparency required on ground story by allowed base type.	Measured per each story. Refer to Subsection 9-14-26(g), B.R.C. 1981, for information on measuring transparency.
<u>15</u>			
<u>16</u>			
<u>17</u>			
<u>18</u>	<u>Horizontal Facade Divisions</u>	At least one expression line, minimum 2" deep, is required within 3 ft. of the top of the ground story and the bottom of any 5th story.	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for expression line.
<u>19</u>			
<u>20</u>			
<u>BASE REQUIREMENTS</u> Refer to Figure 14-27.			
<u>21</u>	<u>All ground story Type A, B, and C frontage facades shall meet the requirements of an allowed or required base type.</u>		
<u>22</u>	<u>Shopfront Base</u>	Provide where required per regulating plans, Section 9-14-6, B.R.C. 1981; Allowed on any frontage.	Refer to Section 9-14-22, B.R.C. 1981, for shopfront base requirements.
<u>23</u>			
<u>24</u>			
<u>25</u>			

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1	<u>Stoop Base</u>	<u>Allowed on any frontage, except where shopfront base is required.</u>	<u>Refer to Section 9-14-23, B.R.C. 1981, for stoop base requirements.</u>
2			
3	<u>Service Base</u>	<u>Not allowed.</u>	<u>Refer to Section 9-14-24, B.R.C. 1981, for service base requirements.</u>
4			
5	<u>CAP REQUIREMENTS Refer to Figure 14-27.</u>		
6	<u>17</u> <u>Permitted Cap Types, all not listed are prohibited</u>	<u>Parapet, pitched, flat</u>	<u>Refer to Section 9-14-25, B.R.C. 1981, for cap types, and other cap requirements.</u>
7			

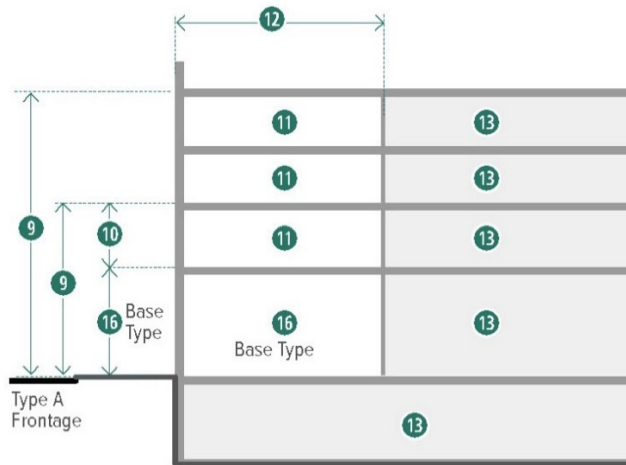


Figure 14-26. Main Street Storefront Building Section: Height & Use Requirements

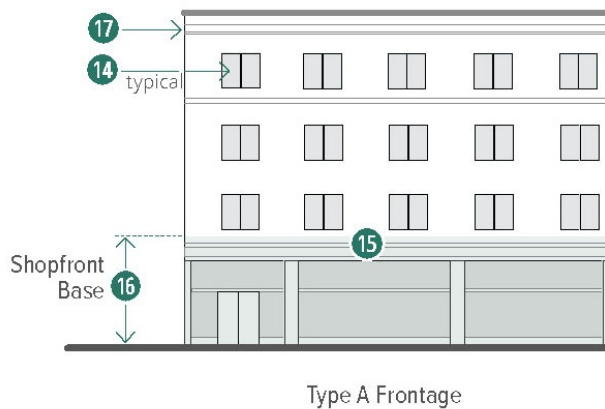


Figure 14-27. Main Street Storefront Building Elevation: Facade Design Requirements

9-14-17. COMMERCIAL STOREFRONT BUILDING TYPE

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

		<u>BOULDER JUNCTION PHASE I</u>	<u>REFERENCES/ ADDITIONAL REQUIREMENTS</u>
<u>BUILDING SITING</u> Refer to Figure 14-28.			
<u>1</u>	<u>Type A Frontage Streetwall, minimum</u>	<u>60% required</u>	
<u>2</u>	<u>Type A Frontage Setback, minimum to maximum</u>	<u>12 ft. to 20 ft. along Valmont and 30th Street; 0 ft. to 10 ft. along new streets</u>	
<u>3</u>	<u>Type B Frontage Setback, minimum to maximum</u>	<u>0 ft. to 10 ft.</u>	
<u>4</u>	<u>Side Yard Setback, minimum</u>	<u>5 ft.; 0 ft. required at paseo or multi-use path</u>	<u>For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.</u>
<u>5</u>	<u>Rear Yard Setback, minimum</u>	<u>15 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path</u>	
<u>6</u>	<u>Building Length any Type A & B Frontage, maximum</u>	<u>90 ft.</u>	<u>Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.</u>
<u>7</u>	<u>Site Impervious Coverage, maximum</u> <u>Additional Semi-Pervious Coverage</u>	<u>70%</u> <u>25%</u>	<u>Refer to Section 9-14-8, “Definitions,” B.R.C. 1981, for semi-pervious coverage.</u>
<u>8</u>	<u>Surface or Accessory Parking</u>	<u>Parking yard & interior side yard</u>	<u>Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements.</u> <u>Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access.</u> <u>Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981,</u>

			<u>for trash & recycling, garage entrances, and loading.</u>
HEIGHT Refer to Figure 14-29.			
<u>9</u>	Overall: <u>Minimum Height</u> <u>Maximum Height</u>	<u>1 story</u> <u>3 stories, 35 ft.</u>	<u>Refer to Subsection 9-14-26(e), B.R.C. 1981, for height measuring requirements and Section, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint. 9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.</u>
<u>10</u>	Ground Story: <u>Minimum Height</u> <u>Maximum Height</u>	<u>12 ft.</u> <u>18 ft.</u>	<u>Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.</u>
<u>11</u>	Story Height: <u>Minimum Height</u> <u>Maximum Height</u>	<u>9 ft.</u> <u>14 ft.</u>	<u>Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.</u>

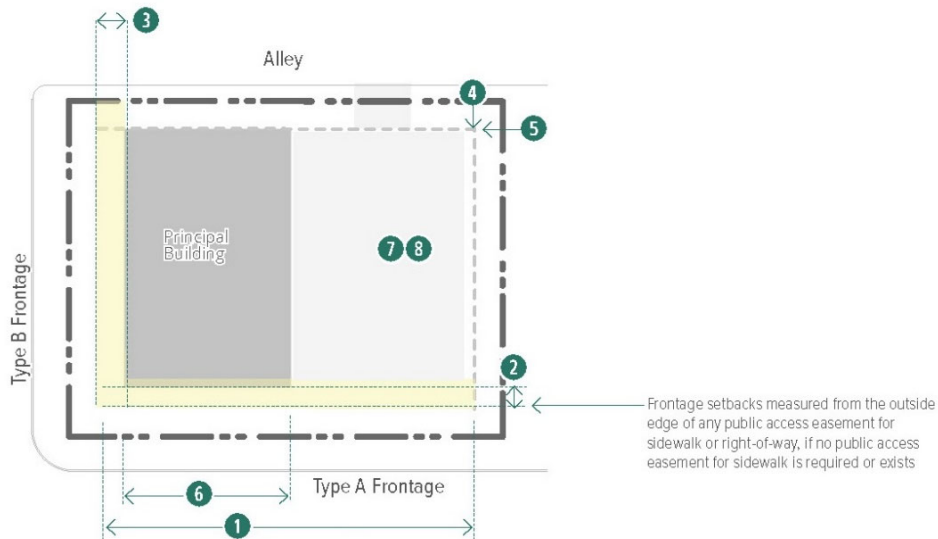


Figure 14-28. Commercial Storefront Building Plan: Building Siting Requirements

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		<u>BOULDER JUNCTION PHASE I</u>	<u>REFERENCES/ADDITIONAL REQUIREMENTS</u>
<u>USES Refer to Figure 14-29.</u>			
<u>12</u>	<u>All Frontages & Stories</u>	<u>All uses consistent with chapter 9-6</u>	<u>Refer to Chapter 9-6, B.R.C. 1981, for permitted uses per zoning district and definition of uses.</u>
<u>13</u>	<u>Required Occupied Building Space,</u> <u>minimum depth from Type A or B frontage facade, all stories</u>	<u>20 ft.</u>	<u>Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for occupied building space. Occupied building space applies only to full height floors and does not apply to basements.</u>
<u>14</u>	<u>Parking Location within Building</u>	<u>Permitted fully in any basement and in all other stories except where occupied space is required.</u>	<u>Refer to occupied building space requirement above.</u>
<u>FACADE REQUIREMENTS Refer to Figure 14-30.</u>			
<u>15</u>	<u>Type A Frontage Ground Story Transparency,</u> <u>minimum</u>	<u>55% measured between 2' and 8' vertically from average grade of adjacent sidewalk.</u>	<u>Note that Subsection 9-14-15(a)(4), B.R.C. 1981, requires this treatment to turn corners. Refer to Subsection 9-14-26(g), B.R.C. 1981, for measuring transparency.</u>
<u>16</u>	<u>Transparency on All Other Frontages & Stories,</u> <u>minimum</u>	<u>15%, measured per story of all stories, including blank wall limitations defined in subsection 9-14-26(g).</u>	<u>Refer to subsection 9-14-26(g) for information on measuring transparency.</u>
<u>17</u>	<u>Entrance Location & Number</u>	<u>Principal entrance required on Type A frontage facade; entrances required a minimum of one per every 50' of building facade</u>	<u>Refer to Section 9-14-26(h), B.R.C. 1981, for information on measuring entrance location.</u>
<u>18</u>	<u>Entrance Configuration</u>	<u>Recessed between 3' and 8', maximum 8' wide, from the portion of the Type A frontage facade closest to the street</u>	<u>Refer to Subsection 9-14-32(e), B.R.C. 1981, for principal entryway requirements.</u>
<u>19</u>	<u>Entrance/Ground Story Elevation Grade</u>	<u>80% of entrances and the ground story shall be within 1.5'</u>	

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1		(vertically) of adjacent sidewalk elevation	
2			
3	<u>20</u>	<u>Ground Story Vertical Facade Divisions</u>	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for expression line.
4		At least one expression line, minimum 2" deep, per every 30' of facade width is required.	
5	<u>21</u>	<u>Horizontal Facade Divisions</u>	
6		At least one expression line, minimum 2" deep, is required within 3' of the top of the ground story	
7	CAP REQUIREMENTS Refer to Figure 14-30.		
8	<u>22</u>	<u>Permitted Cap Types, all not listed are prohibited</u>	Refer to section 9-14-25 for cap types, and other cap requirements.
9			

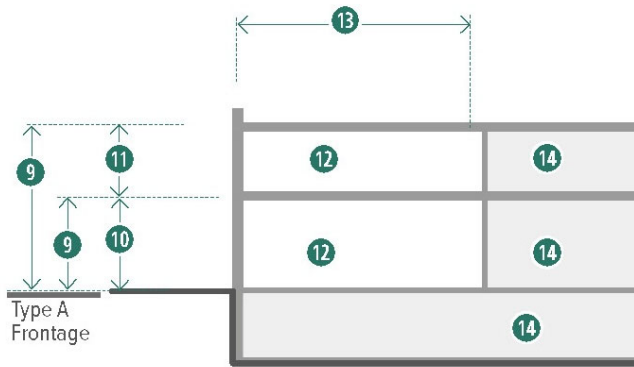


Figure 14-29. Commercial Storefront Building Section: Height & Use Requirements

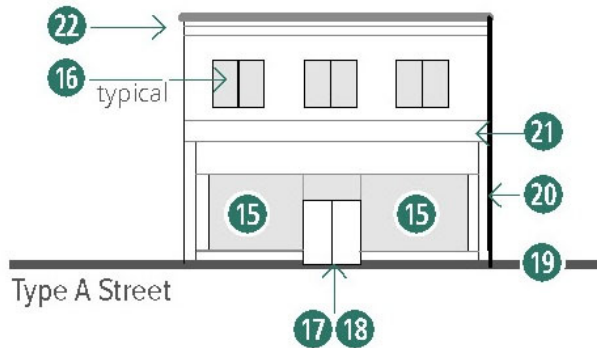


Figure 14-30. Commercial Storefront Building Elevation: Facade Design Requirements

9-14-18. GENERAL BUILDING TYPE

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

		<u>BOULDER JUNCTION PHASE I</u>	<u>ALPINE-BALSAM</u>	<u>EAST BOULDER</u>	<u>REFERENCES/ ADDITIONAL REQUIREMENTS</u>
BUILDING SITING Refer to <u>FIGURE 14-31</u> .					
<u>1</u>	<u>Type A Frontage Streetwall, minimum</u>	<u>90%</u>	<u>80%</u>	<u>80%</u>	Refer to 9-14-14(g) for allowed courtyards in the streetwall and 9-14-14(h) for definition of required streetwall variation.
<u>2</u>	<u>Streetwall Variation for Type A and Type B Frontages</u>	<u>==</u>	<u>==</u>	<u>Required for buildings over 180 ft. in width</u>	
<u>3</u>	<u>Type A Frontage Setback, minimum to maximum</u>	<u>5 ft. to 10 ft.</u>	<u>5 ft. to 20 ft.</u>	<u>10 ft. to 25 ft.</u>	Refer to Section 9-14-26, B.R.C. 1981, for measuring minimum and maximum setbacks.
<u>4</u>	<u>Type B Frontage Setback, minimum to maximum</u>	<u>5 ft. to 10 ft.</u>	<u>5 ft. to 20 ft.</u>	<u>5 ft. to 20 ft.</u>	
<u>5</u>	<u>Type C Frontage Setback, minimum to maximum</u>	<u>==</u>	<u>==</u>	<u>0 to 15 ft.</u>	
<u>6</u>	<u>Side Yard Setback, minimum</u>	<u>5'; 0' required at paseo or multi-use path</u>			For paseos and multi-use path locations, refer to the regulating plans and the connections plans for the form-based code area.
<u>7</u>	<u>Rear Yard Setback, minimum</u>	<u>10 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path</u>		<u>15 ft.; 0 ft. required at paseo or multi-use path</u>	
<u>8</u>	<u>Building Length along Type A & B Frontage, maximum</u>	<u>150 ft.</u>	<u>65 ft. in General Mix 2 area; none in General Mix 1 area; refer to map,</u>	<u>---</u>	Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.

1			<u>Figure 14-2.</u>			
2						
3	<u>9</u>	<u>Site Impervious Coverage, maximum</u>	<u>70%</u>	<u>65%</u>	<u>65%</u>	<u>Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.</u>
4		<u>Additional Semi-Pervious Coverage</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>	
5						
6	<u>10</u>	<u>Surface or Accessory Parking Location</u>	<u>Parking yard only</u>	<u>No surface parking allowed</u>	<u>Parking yard only except limited side yard parking allowed in Valmont Park West, Valmont Park East, and Flatiron Business Park</u>	<u>Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements.</u> <u>Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access.</u> <u>Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.</u> <u>Refer to Subsection 9-14-26(c) for limited side yard parking.</u>
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14						
15	HEIGHT <u>Refer to FIGURE 14-32.</u>					
16	<u>11</u>	<u>Overall: Minimum Height</u>	<u>2 stories</u>	<u>2 stories</u>	<u>2 stories</u>	<u>Refer to Subsection 9-14-26(e), B.R.C. 1981, for height measuring requirements and Section 9-14-31, B.R.C. 1981, for building massing requirements.</u>
17		<u>Maximum Height</u>	<u>3 stories, 40 ft. north of Goose Creek and west of Junction Place;</u>	<u>3 stories and 35' without pitched roof; 3 stories and 55' with pitched roof; or 4 stories and 55';</u>	<u>5 stories, 55 ft.</u>	<u>Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.</u>
18			<u>5 stories, 55 ft. elsewhere</u>	<u>see regulating plan for maximum</u>		
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1			<u>height</u>		
2			<u>location</u>		
3		<u>Location-Specific Maximum Height</u>	<u>Heights shown may be otherwise regulated by Section 9-14-6, B.R.C., "Regulating Plans," and/or Section 9-14-7, "View Corridors," B.R.C. 1981.</u>		
4					
5	<u>12</u>	<u>All Stories:</u>			<u>Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of</u>
6		<u>Minimum Height</u>	<u>9 ft.</u>	<u>9 ft.</u>	<u>9 ft.</u>
7		<u>Maximum Height</u>	<u>18 ft.</u>	<u>--</u>	<u>18 ft.</u>
8			<u>Base Types: See allowances for additional height within specific base types allowed, line of this table</u>		
9					<u>measurement.</u>

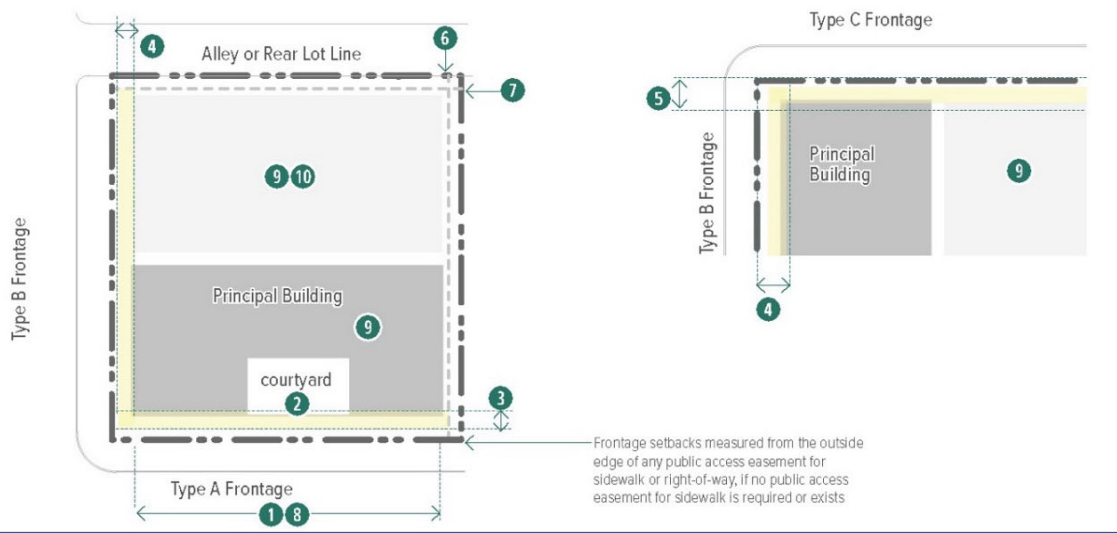


Figure 14-31. General Building: Building Siting

	<u>BOULDER JUNCTION PHASE I</u>	<u>ALPINE-BALSAM</u>	<u>EAST BOULDER</u>	<u>REFERENCES/ADDITIONAL REQUIREMENTS</u>	
20	<u>USES Refer to FIGURE 14-32.</u>				
21					
22					
23	<u>13</u>	<u>All Frontages & Stories</u>	<u>All uses consistent with chapter 9-6</u>	<u>All uses consistent with chapter 9-6; in General Mix 2.</u>	<u>Refer to Chapter 9-6, B.R.C. 1981, for permitted uses per zoning district and definition of uses.</u>
24					
25					

1			<u>residential and accessory uses only, maximum 4 dwelling units per building, consistent with chapter 9-6; refer to map, Figure 14-2.</u>			
2						
3						
4						
5						
6						
7						
8			<u>Base Types: See use requirements and allowances per base types.</u>			
9	<u>14</u>	<u>Required Occupied Building Space, minimum depth from Type A & B frontages, all stories</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>15 ft. on Type A only</u>	<u>Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for occupied building space. Occupied building space applies only to full height floors and does not apply to basements.</u>
10						
11						
12						
13						
14	<u>15</u>	<u>Parking Location within Building</u>	<u>Permitted fully in any basement and in all other stories except where occupied space is required.</u>			<u>Refer to occupied building space requirement above.</u>
15						
16	<u>FACADE REQUIREMENTS Refer to FIGURE 14- 33.</u>					
17	<u>16</u>	<u>Transparency on All Type A, B, and C Frontage Facades, minimum</u>	<u>20%</u>	<u>20%</u>	<u>20%</u>	<u>Refer to Subsection 9-14-26(g), B.R.C. 1981, for information on measuring transparency.</u>
18			<u>Blank wall limitations apply as defined in subsection 9-14-26(g). Additional transparency required by base type.</u>			
19						
20						
21	<u>17</u>	<u>Horizontal Facade Divisions</u>	<u>At least one expression line, minimum 2 inch deep, is required within 3 ft. of the top of the ground story and the bottom of any 5th story</u>			<u>Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for expression line.</u>
22						
23	<u>BASE REQUIREMENTS Refer to FIGURE 14-33.</u>					
24	<u>18</u>	<u>All ground story Type A, B, and C frontage facades shall meet the requirements of an allowed or required base type</u>				
25						

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1	<u>Shopfront Base</u>	Provide where required per Section 9-14-6, “Regulating Plans,” B.R.C. 1981; allowed on any frontage.		Refer to Section 9-14-22, B.R.C. 1981, for shopfront base requirements.	
2					
3	<u>Stoop Base</u>	Allowed on any frontage, except where shopfront base is required.		Refer to Section 9-14-23, B.R.C. 1981, for stoop base requirements.	
4					
5	<u>Service Base</u>	==	==	Allowed on any Type C frontage, except where shopfront base is required. Otherwise prohibited.	
6				Refer to Section 9-14-24, B.R.C. 1981, for service base requirements.	
7					
8					
9	CAP REQUIREMENTS Refer to FIGURE 14-33.				
10					
11	<u>19 Permitted Cap Types, all not listed are prohibited</u>	Parapet, pitched, flat.	Parapet, pitched, flat.	Parapet, pitched, flat.	Refer to Section 9-14-25, B.R.C. 1981, for cap types, and other cap requirements.
12					

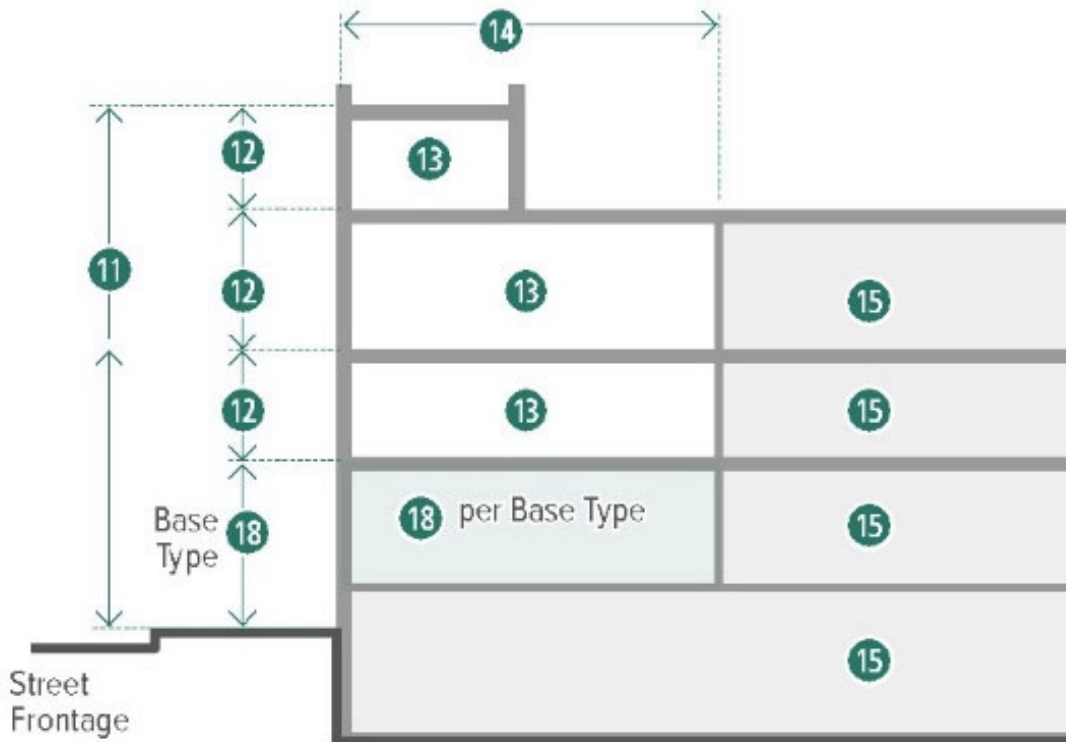


Figure 14 -32. General Building: Height & Use Requirements

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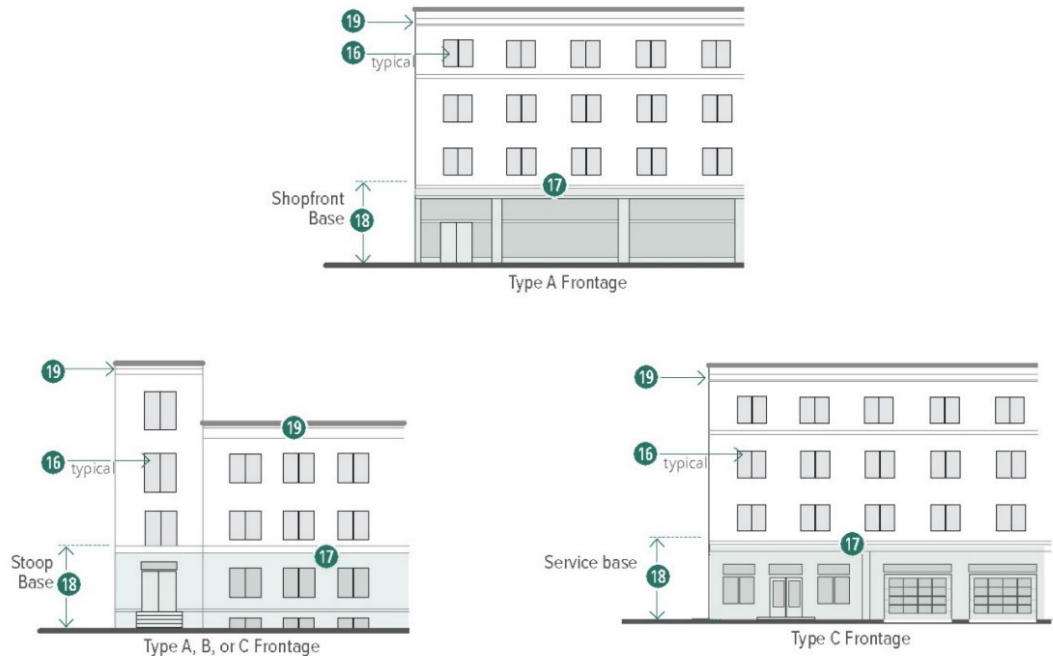


Figure 14-33. General Building: Facade Design Requirements

9-14-19. ROW BUILDING TYPE

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

	<u>BOULDER</u> <u>R</u> <u>JUNCTION</u> <u>N</u> <u>PHASE I</u>	<u>ALPINE-</u> <u>BALSAM</u>	<u>EAST</u> <u>BOULDER</u>	<u>REFERENCES/ADDITIONAL</u> <u>REQUIREMENTS</u>
<u>BUILDING SITING</u> Refer to FIGURE 14-34. For the purposes of the Row Building, a building consists of multiple vertical units.				
<u>1</u>	<u>Type A Frontage</u> <u>Streetwall,</u> <u>minimum</u>	<u>80%</u>	<u>80%</u>	<u>Each unit shall have a facade</u> <u>located within the frontage</u> <u>setback, except 1 of every 2 units</u> <u>may front a courtyard or outdoor</u> <u>space type. Courtyards,</u> <u>minimum 30 feet wide and 30</u> <u>feet deep, may count towards</u> <u>Type A streetwall.</u>

1	<u>2</u>	<u>Type A Frontage Setback, minimum to maximum</u>	<u>5 ft. to 15 ft.</u>	<u>5 ft. to 15 ft.</u>	<u>5 ft. to 25 ft.</u>	<u>Frontage setbacks are measured from the outside edge of any public access easement for sidewalk or the right-of-way, if no public access easement for sidewalk and streetscape is required or exists, or from the outside edge of any flood or drainage easement, where the frontage is along a flood or drainage area. Refer to subsections 9-14-26(b) for additional information.</u>
2						
3	<u>3</u>	<u>Type B Frontage Setback, minimum to maximum</u>	<u>5 ft. to 15 ft.</u>	<u>5 ft. to 15 ft.</u>	<u>5 ft. to 25 ft.</u>	
4						
5						
6						
7						
8	<u>4</u>	<u>Side Yard Setback, minimum</u>	<u>7.5 ft.; 0 ft. required at paseo or multi-use path</u>			
9	<u>5</u>	<u>Rear Yard Setback, minimum</u>	<u>20 ft.; 30 ft. if no alley; 5 ft. for detached garage</u>			
10						
11	<u>6</u>	<u>Building Length, minimum to maximum</u>	<u>3 to 6 units or 120 ft., whichever is less</u>			
12		<u>Space between Buildings, minimum</u>	<u>10 ft.</u>			
13						
14						
15	<u>7</u>	<u>Site Impervious Coverage, maximum</u>	<u>60%</u>	<u>60%</u>	<u>60%</u>	<u>Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.</u>
16		<u>Additional Semi-Pervious Coverage</u>	<u>20%</u>	<u>20%</u>	<u>20%</u>	
17						
18	<u>8</u>	<u>Yard Area, minimum</u>	<u>225 square feet rear yard required for each unit not fronting a courtyard or outdoor space type.</u>			
19						
20	<u>9</u>	<u>Surface or Accessory Parking Location</u>	<u>Parking yard only</u>	<u>Parking yard only</u>	<u>Parking yard only</u>	<u>Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.</u>
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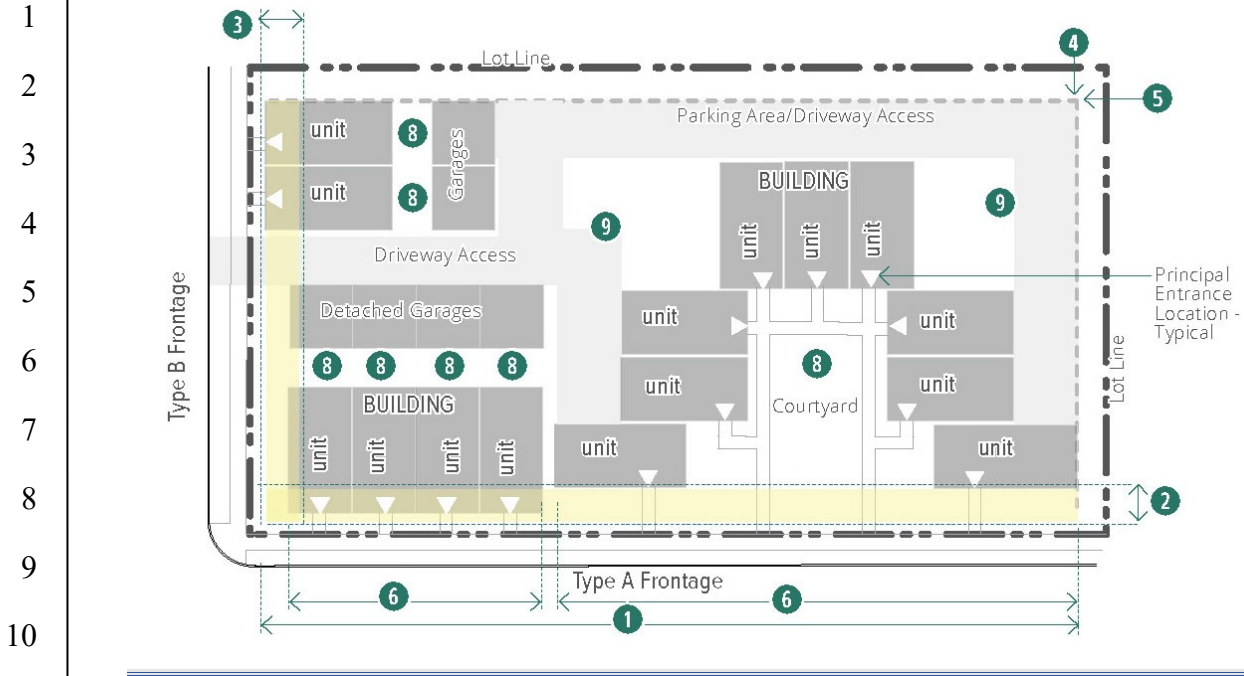


Figure 14-34. Row Building: Building Siting

	<u>BOULDER JUNCTION PHASE I</u>	<u>ALPINE-BALSAM</u>	<u>EAST BOULDER</u>	<u>REFERENCES/ADDITIONAL REQUIREMENTS</u>	
HEIGHT Refer to FIGURE 14-35.					
<u>10</u>	Overall: <u>Minimum Height</u> <u>Maximum Height</u>	<u>2 stories</u> <u>3.5 stories, 35 ft.</u>	<u>2 stories</u> <u>3 stories, 35 ft.</u>	<u>2 stories</u> <u>3.5 stories, 35 ft.</u>	Refer to Subsection 9-14-26(e), B.R.C. 1981, for height measuring requirements and Section 9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Tower," B.R.C. 1981, allows additional height in a limited footprint.
<u>11</u>	All Stories: <u>Minimum Height</u> <u>Maximum Height</u>	<u>9 ft.</u> <u>16 ft.</u>	<u>9 ft.</u> <u>14 ft.</u>	<u>9 ft.</u> <u>14 ft.</u>	Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.
USES Refer to FIGURE 14-35.					
<u>12</u>	All Frontages & Stories	<u>All uses consistent</u>	<u>Only residential and accessory</u>	<u>All uses consistent</u>	Refer to Chapter 9-6, B.R.C. 1981, for permitted uses per

		<u>with chapter 9-6</u>	<u>uses consistent with chapter 9-6</u>	<u>with chapter 9-6</u>	<u>zoning district and definition of uses.</u>
<u>13</u>	<u>Required Occupied Building Space, minimum depth from Type A or B frontage facades, all stories</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>15 ft.</u>	<u>Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for occupied building space. Occupied building space applies only to full height floors and does not apply to basements.</u>
<u>14</u>	<u>Parking within Building</u>	<u>Permitted only in any basement and in ground story except where occupied space is required.</u>			<u>Refer to occupied building space requirement above.</u>
FACADE REQUIREMENTS Refer to FIGURE 14-36.					
<u>15</u>	<u>Type A and B Frontage Transparency</u>	<u>Minimum 20%, measured per story of all stories.</u>			<u>Refer to Subsection 9-14-26(g), B.R.C. 1981, for information on measuring transparency.</u>
		<u>Blank wall limitations, defined in Subsection 9-14-26(g), B.R.C. 1981, apply only on Type A & B frontages.</u>			
<u>16</u>	<u>Entrance Location & Number</u>	<u>One entrance required per unit on the Type A frontage facade except 1 of every 2 units may front a courtyard or Type B frontage; minimum of one principal entrance per 30 ft. of facade.</u>			<u>Refer to Subsection 9-14-26(h), B.R.C. 1981, for information on measuring entrance location.</u>
<u>17</u>	<u>Entrance Configuration</u>	<u>Entry doors shall be off a stoop, minimum 4 ft. wide and 3 ft. deep; OR a porch, minimum 8 ft. wide & 5 ft. deep. No more than 2 entry doors may be located off each stoop or porch.</u>			<u>Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for stoop and porch. Refer to Subsection 9-14-32(e), B.R.C. 1981, for principal entryway requirements.</u>
<u>18</u>	<u>Entrance/Ground Story Elevation Grade on Type A Frontage Facade</u>	<u>All Type A frontage facade entrances and the ground story shall be within 30" (vertically) of adjacent street sidewalk average elevation OR between 30" and 5 ft. (vertically) with visible basement (transparency required).</u>			<u>Exception: In Boulder Junction Phase I, entrances along Goose Creek frontage shall be located in reference to the elevation of 30th Street, Carbon Place, and/or Junction Place, whichever is closest.</u>

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1	<u>19</u>	<u>Ground Story Vertical Facade Divisions</u>	At least one expression line, minimum 2” deep, is required per every 60 ft. of facade width or every 2 units, whichever is less.	Refer to Section 9-14-8, “Definitions,” B.R.C. 1981, for expression line and visible basement.
2				
3	<u>20</u>	<u>Horizontal Facade Divisions</u>	At least one expression line, minimum 2” deep, is required within 3 ft. of any visible basement.	
4				

CAP REQUIREMENTS Refer to FIGURE 14-36.

6	<u>21</u>	<u>Permitted Cap Types, all not listed are prohibited</u>	Parapet, pitched, flat; one tower is permitted per building.	Parapet, pitched, flat; one tower is permitted per building.	Parapet, pitched, flat; one tower is permitted per building.	Refer to Section 9-14-25, B.R.C. 1981, for cap types and other cap requirements.
7						
8						
9						

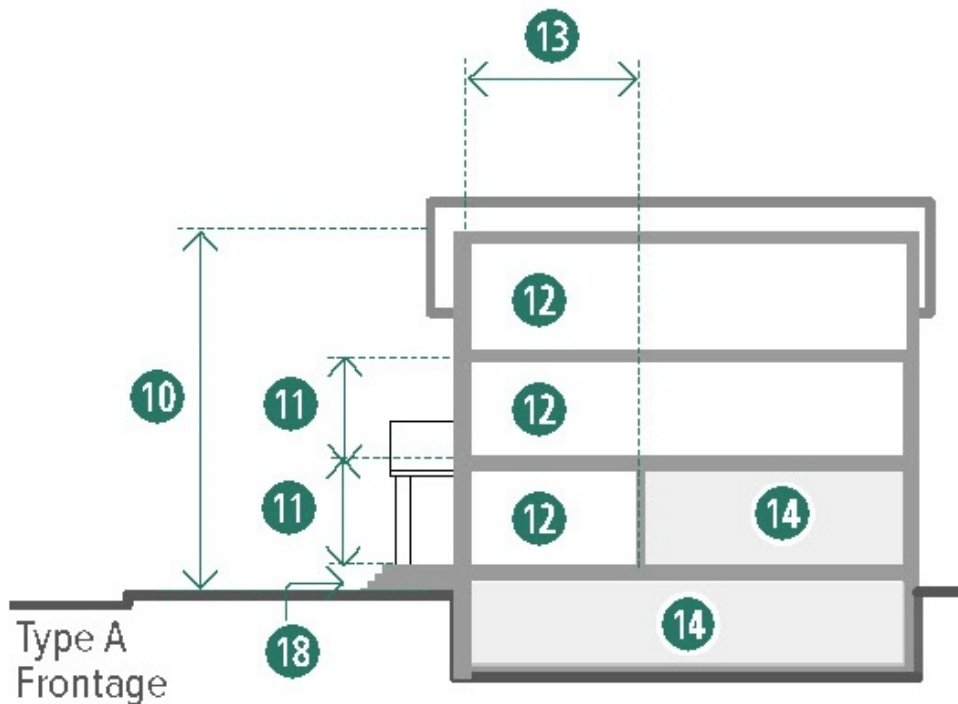


Figure 14-35. Row Building: Height & Use Requirements

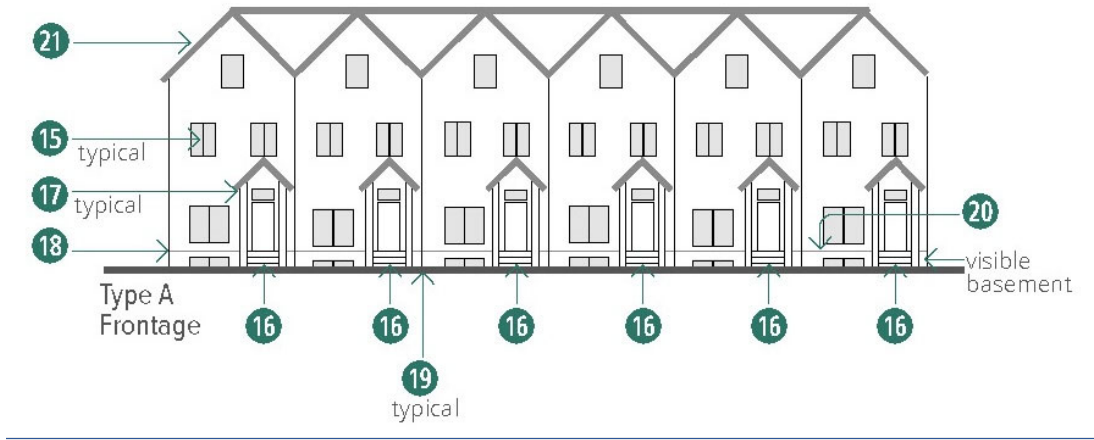


Figure 14-36. Row Building: Facade Design Requirements

9-14-20 WORKSHOP BUILDING TYPE

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

		<u>EAST BOULDER</u>	<u>REFERENCES/ADDITIONAL REQUIREMENTS</u>
<u>BUILDING SITING</u> Refer to FIGURE 14-37.			
<u>1</u>	<u>Type A Frontage Streetwall, minimum</u>	<u>65%</u>	<u>Refer to 9-14-14(g) for allowed courtyards in the streetwall and 9-14-14(h) definition of required streetwall variation.</u>
<u>2</u>	<u>Streetwall Variation for Type A Frontages</u>	<u>Required</u>	
<u>3</u>	<u>Type A Frontage Setback, Minimum to maximum</u>	<u>5 ft. to 25 ft.</u>	<u>Refer to Section 9-14-26, B.R.C. 1981, for measuring minimum and maximum setbacks.</u>
<u>4</u>	<u>Type B Frontage Setback, minimum</u>	<u>5 ft.</u>	
<u>5</u>	<u>Type C Frontage Setback, minimum</u>	<u>5 ft.</u>	
<u>6</u>	<u>Side Yard Setback, minimum</u>	<u>5 ft.; 0 ft. required at paseo or multi-use path</u>	<u>For paseos and multi-use paths, refer to the regulating plans and section 9-14-6 for locations and details.</u>
<u>7</u>	<u>Rear Yard Setback, minimum</u>	<u>10 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path</u>	
<u>8</u>	<u>Site Impervious Coverage, maximum</u>	<u>70%</u>	<u>Refer to Section 9-14-8, “Definitions,” B.R.C. 1981, for semi-pervious coverage.</u>

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	<u>Additional Semi-Pervious Coverage</u>	<u>25%</u>	
<u>9</u>	<u>Surface or Accessory Parking Location</u>	<u>Limited side yard & parking yard only</u>	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading. Refer to Subsection 9-14-26(c) for limited side yard parking.
HEIGHT Refer to FIGURE 14-38.			
<u>10</u>	Overall: <u>Minimum Height</u> <u>Maximum Height</u>	<u>1 story</u> <u>3 stories, 55 ft.</u>	Refer to Subsection 9-14-26(e), B.R.C. 1981, for height measuring requirements and Section 9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.
<u>11</u>	<u>All Stories: Minimum Height</u> <u>Maximum Height</u>	<u>9 ft.</u> <u>18 ft.</u> <u>Base Types: See allowances for additional height within specific base types allowed, line of this table</u>	Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.

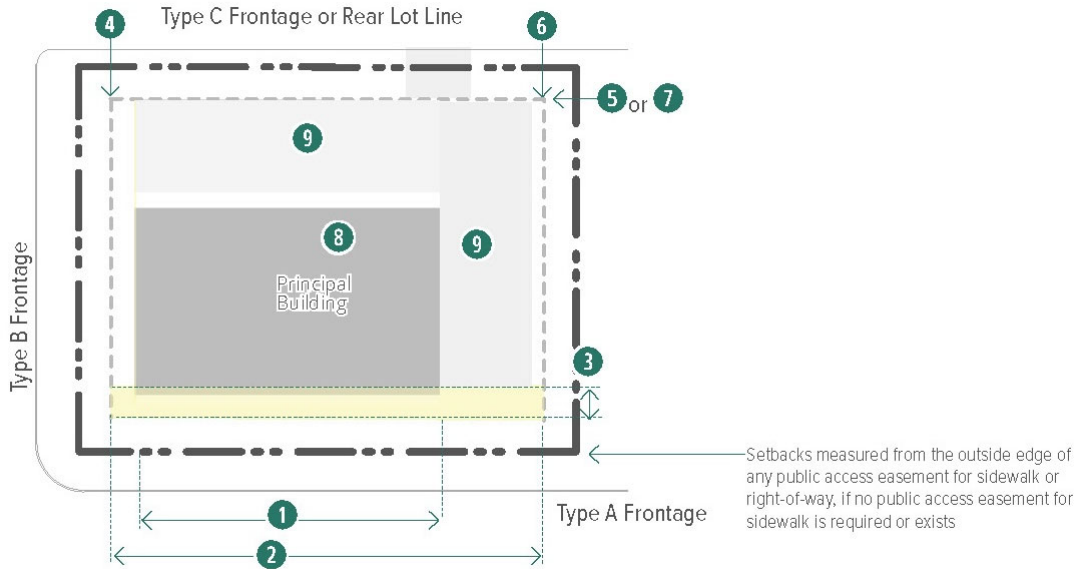


Figure 14-37. Workshop Building: Building Siting

		<u>EAST BOULDER</u>	<u>REFERENCES/ADDITIONAL REQUIREMENTS</u>
<u>USES</u> Refer to <u>FIGURE 14-38.</u>			
<u>12</u>	<u>All Frontages & Stories</u>	All uses consistent with chapter 9-6 except where base type requirements may be more limited.	Refer to Chapter 9-6, B.R.C. 1981, for permitted uses per zoning district and definition of uses.
<u>13</u>	<u>Required Occupied Building Space, minimum depth from Type A frontages, all stories</u>	15 ft.	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for occupied building space. Occupied building space applies only to full height floors and does not apply to basements.
<u>14</u>	<u>Parking Location within Building</u>	Permitted fully in any basement and in all other stories except where occupied space is required.	Refer to occupied building space requirement above.
<u>FACADE REQUIREMENTS</u> Refer to <u>FIGURE 14-39.</u>			
		<u>15%</u>	

15	<u>Transparency on All Type A, B, and C Frontage Facades, minimum</u>	<u>Blank wall limitations, as defined in subsection 9-14-26(g), apply only to Type A frontages</u>	<u>Refer to Subsection 9-14-26(g), B.R.C. 1981, for information on measuring transparency.</u>
16	<u>Horizontal Facade Divisions</u>	<u>At least one expression line, minimum 2-inch deep, is required within 3 ft. of the top of the ground story and the bottom of any 5th story</u>	<u>Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for expression line.</u>
BASE REQUIREMENTS Refer to <u>FIGURE 14-39.</u>			
17	<u>All ground story street, courtyard, & public way facades shall meet the requirements of an allowed or required base type.</u>		
	<u>Shopfront Base</u>	<u>Allowed on any frontage</u>	<u>Refer to Section 9-14-22, B.R.C. 1981, for shopfront base requirements.</u>
	<u>Stoop Base</u>	<u>Allowed on any frontage</u>	<u>Refer to Section 9-14-23, B.R.C. 1981, for stoop base requirements.</u>
	<u>Service Base</u>	<u>Allowed on any frontage</u>	<u>Refer to Section 9-14-24, B.R.C. 1981, for service base requirements.</u>
CAP REQUIREMENTS Refer to <u>FIGURE 14-39.</u>			
18	<u>Permitted Cap Types, all not listed are prohibited</u>	<u>Parapet, pitched, flat.</u>	<u>Refer to Section 9-14-25, B.R.C. 1981, for cap types, and other cap requirements.</u>

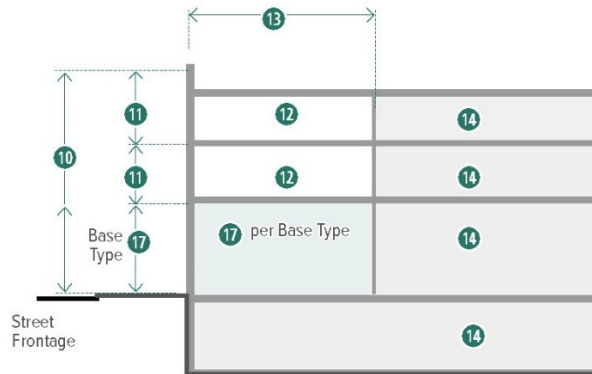


Figure 14-38. Workshop Building: Height & Use Requirements

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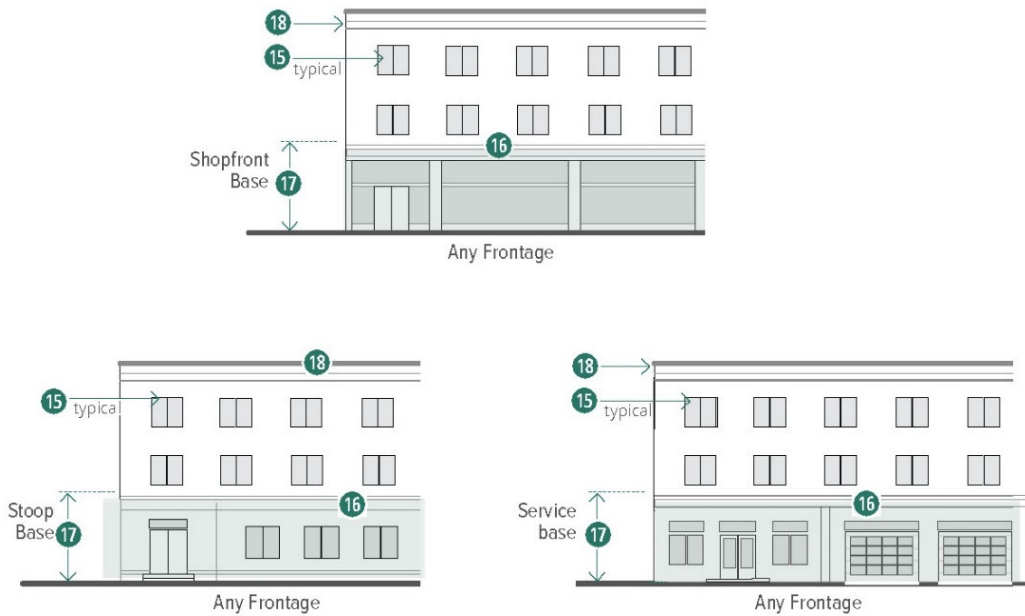


Figure 14-39. Workshop Building: Facade Design Requirements

9-14-21. CIVIC BUILDING TYPE

The Civic building type is not mapped on the regulating plans. It is permitted in any location in any of the form-based code areas except it is prohibited in East Boulder. The uses permitted in this building type are very limited. Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981.

		<u>BOULDER JUNCTION PHASE I</u>	<u>ALPINE- BALSAM</u>	<u>REFERENCES/ADDITIONAL REQUIREMENTS</u>
<u>BUILDING SITING</u> Refer to <u>FIGURE 14-40.</u>				
<u>1</u>	<u>Minimum Type A Streetwall, minimum</u>	<u>None required</u>	<u>None required</u>	
<u>2</u>	<u>Type A Frontage Setback, minimum</u>	<u>20'</u>	<u>20'</u>	
<u>3</u>	<u>Type B Frontage Setback, minimum</u>	<u>15'</u>	<u>15'</u>	
<u>4</u>	<u>Side Yard Setback, minimum</u>	<u>15'; 0' required at paseo or multi-use path</u>		<u>For paseos and multi-use paths, refer to the regulating plans and</u>

1	<u>5</u>	<u>Rear Yard Setback, minimum</u>	<u>15'; 0'</u> required at paseo or multi-use path	<u>the Transit Village Connections Plan for locations and details.</u>
2				
3	<u>6</u>	<u>Building Length, maximum</u>	<u>None required</u>	<u>None required</u>
4				<u>Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.</u>
5	<u>7</u>	<u>Site Impervious Coverage, minimum</u>	<u>50%</u>	<u>50%</u>
6		<u>Additional Semi-Pervious Coverage</u>	<u>20%</u>	<u>20%</u>
7				<u>Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi- pervious coverage.</u>
8	<u>8</u>	<u>Surface or Accessory Parking Location</u>	<u>Parking yard only</u>	<u>No surface parking allowed</u>
9				<u>Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements.</u>
10				<u>Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access.</u>
11				<u>Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.</u>
12				
13				
14	<u>HEIGHT</u> Refer to <u>FIGURE 14-41.</u>			
15	<u>9</u>	<u>Overall: Minimum Height Maximum Height</u>	<u>1 story 5 stories up to 55'</u>	<u>1 story 5 stories up to 55'</u>
16				<u>Refer to Subsection 9-14-26(2), B.R.C. 1981, for height measuring requirements and Section 9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.</u>
17				
18				
19				
20	<u>10</u>	<u>All Stories: Minimum Height Maximum Height</u>	<u>9' 18'; 24' on single story building</u>	<u>9' 18'; 24' on single story building</u>
21				<u>Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.</u>
22				
23				
24				
25				

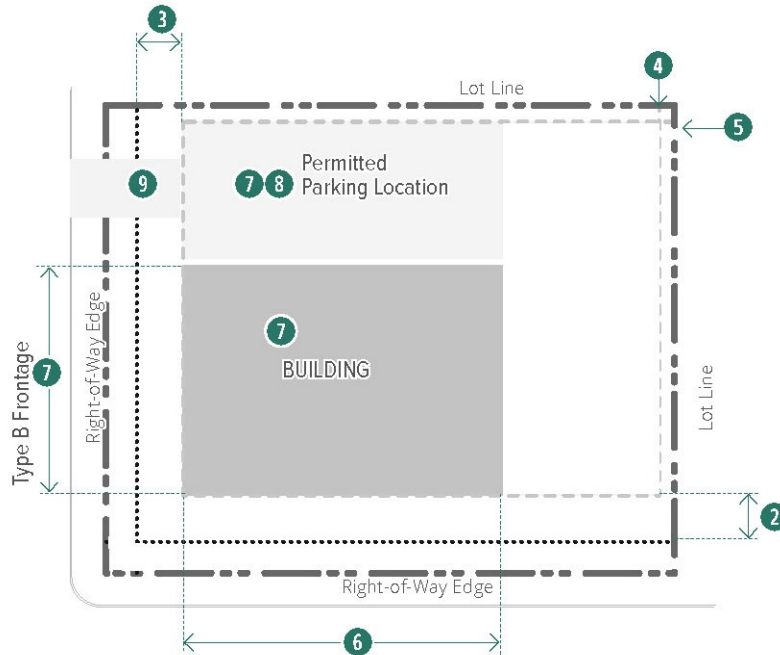


Figure 14-40. Civic Building: Building Siting

	<u>BOULDER JUNCTION PHASE I</u>	<u>ALPINE- BALSAM</u>	<u>REFERENCES/ADDITIONAL REQUIREMENTS</u>
<u>USES</u> Refer to FIGURE 14-41.			
<u>11</u>	<u>All Frontages & Stories</u>	Limited to any use in the Public and Institutional use classification consistent with chapter 9-6.	Refer to Chapter 9-6, B.R.C. 1981, for permitted uses per zoning district and definition of uses.
<u>12</u>	<u>Required Occupied Building Space</u>	Minimum 20' deep on all full height floors from any street facade	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for <u>occupied building space</u> . <u>Occupied building space</u> applies only to full height floors and does not apply to basements.
<u>13</u>	<u>Parking within Building</u>	Permitted fully in any basement and in all other stories except where occupied space is required.	Refer to occupied building space requirement above.
<u>FACADE REQUIREMENTS</u> Refer to FIGURE 14-42.			

1	<u>14</u>	<u>Required Transparency on All Street, Courtyards, & Public Way Facades</u>	<u>Minimum 15%, measured per story of all stories.</u>	<u>Refer to Subsection 9-14-26(g), B.R.C. 1981, for information on measuring transparency.</u>
2				
3				
4				
5	<u>15</u>	<u>Entrance Location & Number</u>	<u>Principal entrance required on Type A frontage facade.</u>	<u>Refer to Section 9-14-26(h), B.R.C. 1981, for information on measuring entrance location.</u>
6				
7	<u>16</u>	<u>Entrance Configuration</u>	<u>No requirement other than principal entryway requirements.</u>	<u>Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for stoop and porch. Refer to Subsection 9-14-32(e), B.R.C. 1981, for principal entryway requirements.</u>
8				
9				
10	<u>17</u>	<u>Entrance/Ground Story Elevation Grade</u>	<u>80% of entrances and the ground story shall be within 30" (vertically) of adjacent street sidewalk average elevation OR between 30" and 5' (vertically) with visible basement (transparency required)</u>	<u>Exception: entrances along Goose Creek frontage shall be located in reference to the elevation of 30th Street, Carbon Place, and/or Junction Place, whichever is closest.</u>
11				
12				
13	<u>18</u>	<u>Ground Story Vertical Facade Divisions</u>	<u>No requirement</u>	<u>Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for expression line.</u>
14				
15	<u>19</u>	<u>Horizontal Facade Divisions</u>	<u>No requirement</u>	
16				
17	<u>CAP REQUIREMENTS Refer to FIGURE 14-42.</u>			
18	<u>20</u>	<u>Permitted Cap Types, all not listed are prohibited</u>	<u>Parapet, pitched, flat</u>	<u>Refer to Section 9-14-25, B.R.C. 1981, for cap types, and other cap requirements.</u>
19			<u>Parapet, pitched, flat</u>	
20				
21				
22				
23				
24				
25				

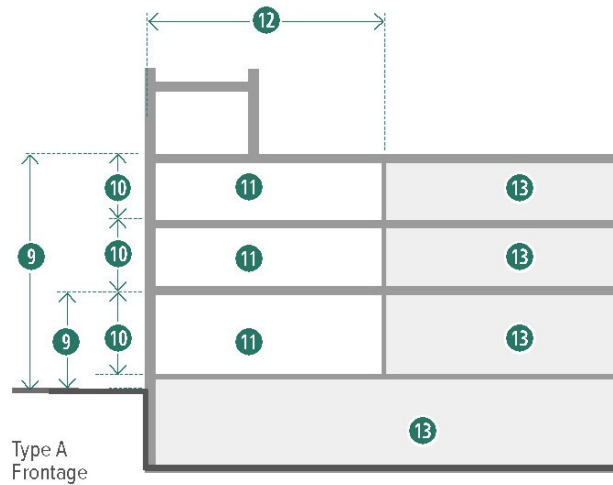


Figure 14-41. Civic Building: Height & Use Requirement

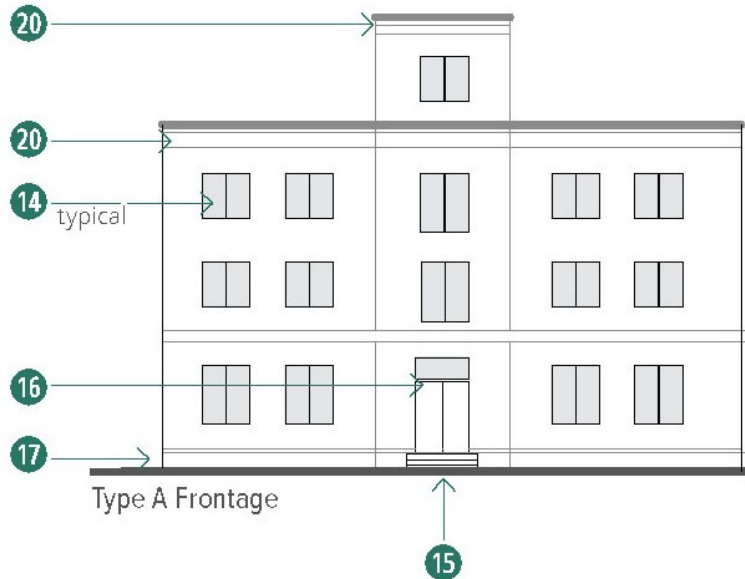


Figure 14-42. Civic Building: Facade Design Requirements

9-14-22. SHOPFRONT BASE

The intent of the shopfront base is to provide convenient, at-grade access between the interior space of the shopfront and the adjacent sidewalk, creating a high level of permeability. The shopfront base may be required or allowed per building type requirements. Where a shopfront base is required or used, shopfront base requirements supersede any building type requirements for the shopfront base portion of the ground story, street facade. See Figure 14-43.

USES		ADDITIONAL/REFERENCES	
1	<u>Allowed Uses</u> <u>Required Shopfront Base Locations per Regulating Plan</u>	<u>A use within the following use categories is required: Food, Beverage, and Lodging; Recreation and Entertainment; Retail Sales Uses; Service Uses; and any category in the Public and Institutional Use Classification.</u>	<u>Refer to the building type requirements for occupied building space requirement.</u>
	<u>Other Shopfront Base Locations</u>	<u>Any use meeting the requirements of Chapter 9-6, B.R.C. 1981, except residential uses are prohibited.</u>	
GROUND STORY HEIGHT			
2	<u>Ground Story:</u> <u>Minimum Height</u> <u>Maximum Height</u>	<u>12 ft.</u> <u>24 ft.</u>	<u>Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.</u>
FACADE REQUIREMENTS			
3	<u>Ground Story Transparency, minimum</u>	<u>75% measured between 2 ft. and 10 ft. vertically from average grade of adjacent sidewalk.</u>	<u>Measured per story. Note that Subsection 9-14-15(a)(4), B.R.C. 1981, requires this treatment to turn corners. Refer to Subsection 9-14-26(g), B.R.C. 1981, for information on measuring transparency.</u>
4	<u>Entrance Location & Number</u>	<u>Entrances are required a minimum of one per every 60 ft. of building facade.</u>	<u>Refer to Section 9-14-26(i), B.R.C. 1981, for information on measuring entrance location.</u>
5	<u>Entryway Configuration</u>	<u>Recessed between 3 ft. and 8 ft., maximum 8 ft. wide, from the portion of the Type A frontage ground story facade closest to the street</u>	<u>Refer to Subsection 9-14-32(e), B.R.C. 1981, for principal entryway requirements.</u>
6	<u>Entrance/Ground Story Elevation Grade</u>	<u>At least 80% of entrances and the ground story shall be within 30 in. (vertically) of adjacent sidewalk elevation.</u>	
7	<u>Ground Story Vertical Facade Divisions</u>	<u>At least one expression line, minimum 2-inch deep, required per every 30 ft. of facade width.</u>	

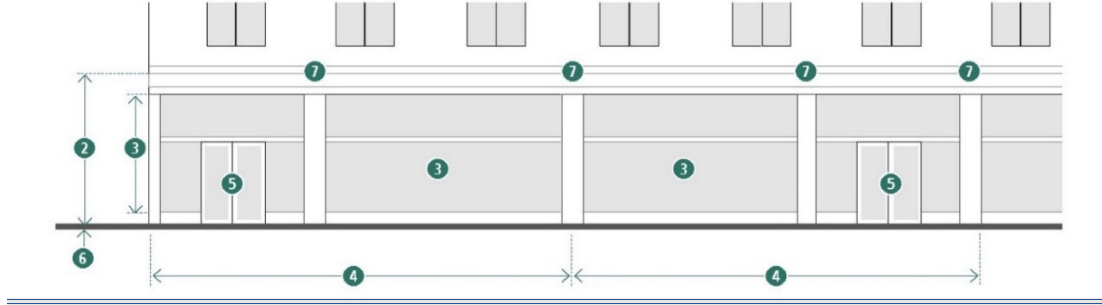


Figure 14-43. Shopfront Base

9-14-23. STOOP BASE

The stoop base is a flexible base type intended to allow residential and office-related uses, providing pedestrian-friendly access while allowing an elevated base for privacy on the ground story. The stoop base may be allowed per building type requirements. Where a stoop base is used, stoop base requirements supersede any building type requirements for the stoop base portion of the ground story, street facade. See Figure 14-44.

USES		ADDITIONAL/REFERENCES	
1	Allowed Uses	Any use meeting the requirements of Chapter 9-6, B.R.C. 1981.	Refer to the building type requirements for occupied building space requirement.
GROUND STORY HEIGHT			
2	Ground Story: Minimum Height Maximum Height	Per building type.	Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.
FACADE REQUIREMENTS			
3	Ground Story Transparency, minimum	Per building type.	Measured per story. Note that Subsection 9-14-15(a)(4), B.R.C. 1981, requires this treatment to turn corners. Refer to Subsection 9-14-26(g), B.R.C. 1981, for information on measuring transparency.
4	Number & Spacing of Entrances, minimum Type A Frontage	One per ground story residential unit and one per every 50 ft. of facade for other uses.	

	<u>Type B Frontage</u>	<u>One per 75 ft. of facade.</u>	
5	<u>Entryway Configuration</u>	<u>Off a stoop/platform, minimum 6 ft. wide and 3 ft. deep.</u>	<u>Refer to Subsection 9-14-32(e), B.R.C. 1981, for principal entryway requirements.</u>
6	<u>Entrance/Ground Story Elevation Grade</u>	<u>At least 80% of entrances and the ground story shall be either: within 30 in. (vertically) of adjacent street sidewalk average elevation OR between 30 in. and 5 ft. (vertically) with visible basement (transparency required)</u>	
7	<u>Ground Story Vertical Facade Divisions</u>	<u>At least one expression line, minimum 2-inch deep, required per every 30 ft. of facade width.</u>	

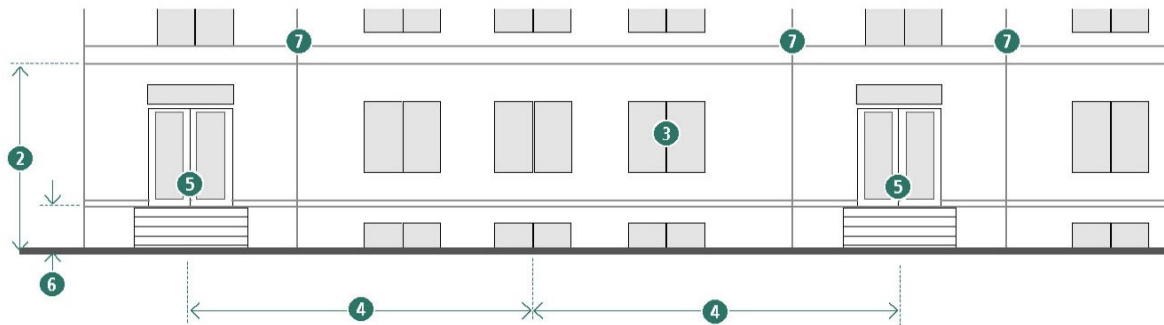


Figure 14-44. Stoop Base

9-14-24. SERVICE BASE

The intent of the service base is to allow workshops for maker or manufacturing spaces with garage entrances and loading bays along certain frontages, while maintaining pedestrian-friendly facades. The service base may be allowed per building type requirements. Where a service base is used, service base requirements supersede any building type requirements for the base portion of the ground-story, street facade. See Figure 14-45.

USES		ADDITIONAL/REFERENCES
1	<u>Allowed Uses</u>	<u>Any use meeting the requirements of Chapter 9-6, B.R.C. 1981, except residential uses are prohibited.</u>
		<u>Refer to the building type requirements for occupied building space requirement.</u>
GROUND STORY HEIGHT		
2	<u>Ground Story:</u> <u>Minimum Height</u> <u>Maximum Height</u>	<u>12 ft.</u> <u>24 ft.</u>
		<u>Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.</u>
FACADE REQUIREMENTS		
3	<u>Ground Story</u> <u>Transparency, minimum</u> <u>Type A Frontages</u> <u>Type B and C Frontages</u>	<u>60% between 2 ft. and 10 ft. above adjacent sidewalk.</u> <u>Consistent with building type requirement.</u> <u>Blank wall limitations apply only on Type A frontages.</u>
		<u>Measured per story. Note that Subsection 9-14-15(a)(4), B.R.C. 1981, requires this treatment to turn corners. Refer to Subsection 9-14-26(g), B.R.C. 1981, for information on measuring transparency.</u>
4	<u>Number & Spacing of Pedestrian Entrances, minimum</u>	<u>One per each 75-foot portion of street facade</u>
5	<u>Allowed Garage Bays on Frontages, Number</u>	<u>Type A Frontage: One per 90 ft. of Type A frontage facade</u> <u>Type B & C Frontage: One per 30 ft.</u>
	<u>Opening/Door width, maximum</u>	<u>12 ft. wide</u>
	<u>Door Transparency, minimum</u>	<u>Glass required between 2 ft. and 10 ft. above sidewalk; One-way glass allowed on Type B and C frontages</u>
		<u>Garage bay glass counts towards minimum facade transparency</u>
6	<u>Entrance/Ground Story Elevation Grade</u>	<u>At least 80% of entrances and the full ground story shall either be within 30 in. (vertically) of adjacent street sidewalk average elevation OR between 30 in. and 5 ft. (vertically) with visible basement (transparency required on street facades). Visible basement transparency is not required below elevated loading bays with garage doors.</u>
7	<u>Ground Story Vertical Facade Divisions</u>	<u>At least one expression line, minimum 2-inch deep required per every 30 ft. of facade width</u>

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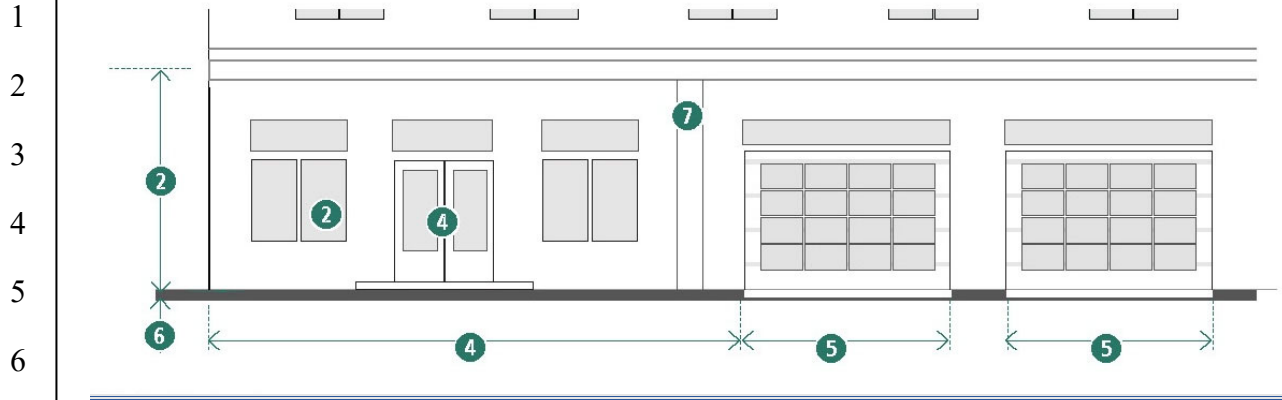


Figure 14-45. Service Base

9-14-25. CAP TYPES

The major components of any roof shall meet the requirements of one or a combination of the cap types permitted for the building type pursuant to the building types requirements of Sections 9-14-16 through 9-14-21, B.R.C. 1981.

(a) **Minor Roofs.** Roofs for bay or bow windows, porches, canopies, and dormers are not required to meet the standards of a cap type.

(b) **Terraces, Green Roofs, Rooftop Gardens, and Other Outdoor Rooftop Facilities.** Terraces, green roofs, rooftop gardens, and other outdoor facilities are allowed on any roof; however, the roof and any vertical elements of the outdoor facilities shall be consistent with the standards of a cap type.

(c) **Encroachments.** Roofs, including all eaves or overhangs, shall be fully located within the property lines of the lot, but may encroach into yards consistent with the standards in Section 9-7-3, “Setback Encroachments,” B.R.C. 1981.

(d) **Pitched Cap Type.** The pitched cap type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run, as shown in Figure 14-46. Examples of Pitched Cap Type.

(1) **Pitch Measure.** The roof shall not be sloped less than 4:12 (rise:run) or more than 14:12. Slopes less than 4:12 are permitted to occur on second story or higher roofs.

(2) **Configurations.**

(A) **Gambrel, hipped, gabled, or a combination of hips and gables with or without dormers are permitted.**

(B) **Butterfly (inverted gable roof) and shed roofs are permitted.**

(C) Mansard roofs are permitted, provided dormers meeting the transparency requirement of a story are incorporated into the roof design.

(3) **Parallel Ridge Line.** A gabled end or perpendicular ridge line shall occur at least every 100 feet of the roof when the ridge line runs parallel to the front lot line. See Figure 14-46. Examples of Pitched Cap Type.

(4) **Roof Height.** Roofs without occupied building space or dormers shall have a maximum height on Type A and Type B frontage facades equal to no more than 1.5 times the upper story floor-to-floor height used on the building.

(5) **Occupied Building Space.** Occupied building space may be incorporated within the pitched cap type. If occupied, the space counts as a half story.

(6) **Rooftop Appurtenances.** Any rooftop appurtenances shall be recessed within the pitched roof with no visibility when viewed from the sidewalk across the street and from any adjacent outdoor space. See Figure 14-47. Recessed Mechanicals in Pitched Cap Type. See Section 9-14-33, "Mechanical and Utility Elements," B.R.C. 1981, for additional requirements.

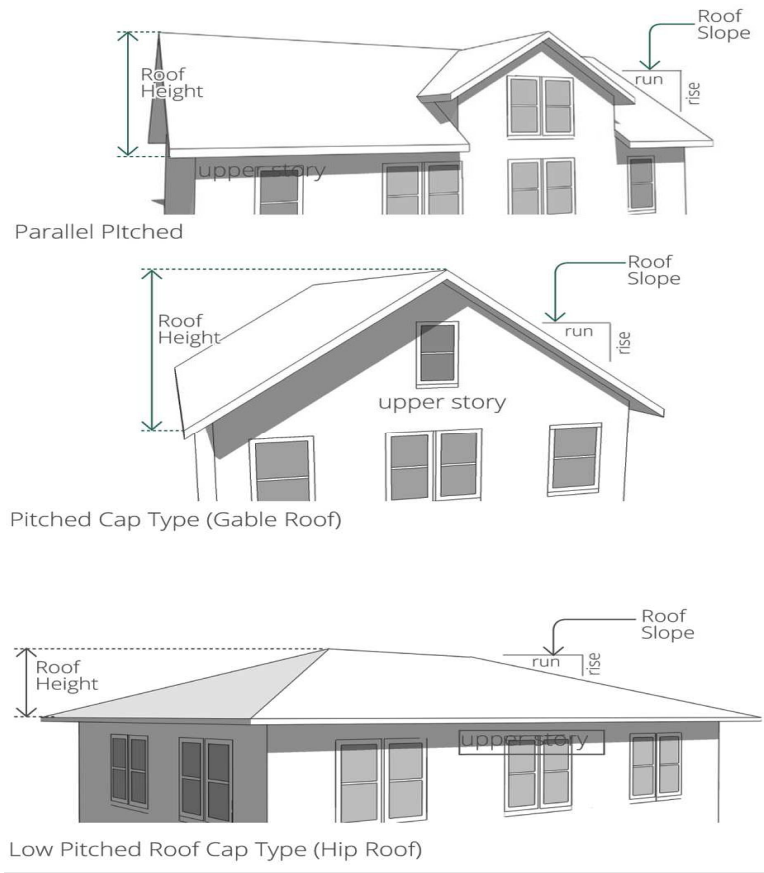
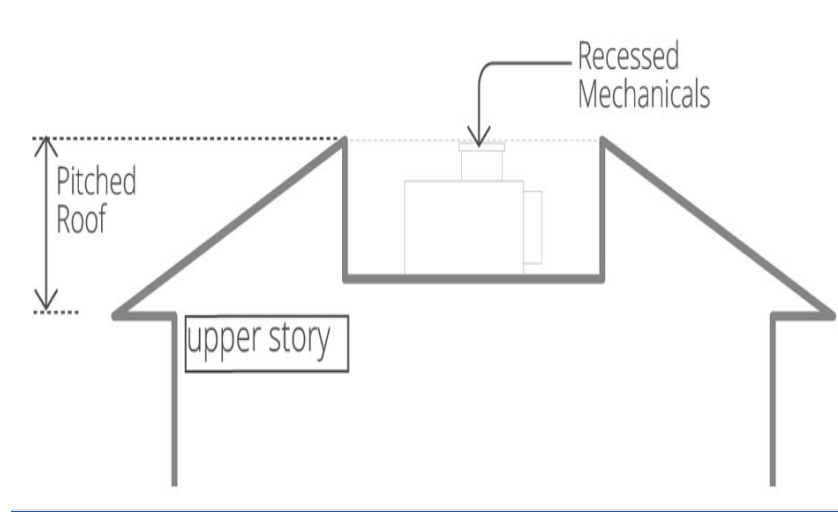


Figure 14-46. Examples of Pitched Cap Type



9 **Figure 14-47. Recessed Mechanicals in Pitched Cap Type**

10 (e) **Parapet Cap Type.** A parapet is a low wall projecting above a building's roof along the
11 perimeter of the building as shown in Figure 14-48. Example of a Parapet Cap Type.

12 (1) **Parapet Height.** Parapet height is measured from the top of the upper story to the
13 top of the parapet.

14 (A) **General Parapet Heights.** Minimum parapet height is two feet with a
15 maximum height of six feet.

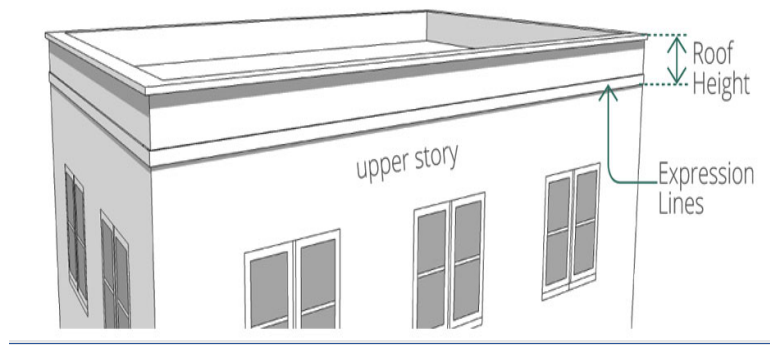
16 (B) **Parapets Exceeding Maximum Height.** The approving authority may
17 approve a parapet causing the building height to exceed the maximum
18 permitted height if the approving authority finds the standards for parapet
19 walls of Section 9-7-7, B.R.C. 1981, are met.

20 (2) **Horizontal Expression Lines.** An expression line that is at least two inches deep
21 and extends along at least eighty percent of the facade shall define the parapet
22 from the upper stories of the building and shall define the top of the cap.

23 (3) **Occupied Building Space.** No building shall have occupied space behind a
24 parapet cap.

25 (4) **Roof Terraces and Roof Decks.** Roof terraces and roof decks are permitted on
the parapet cap type.

(5) **Rooftop Appurtenances.** Any rooftop appurtenances shall be located towards the
rear or interior of the parapet roof. The parapet shall screen the mechanicals when
viewed from the sidewalk across the street and from any adjacent outdoor space.
See Section 9-14-33, "Mechanical Equipment & Appurtenances," B.R.C. 1981,
for additional requirements.



7 **Figure 14-(48). Example of a Parapet Cap Type**

8 (f) **Flat Cap Type.** The flat cap type has a visually flat roof with overhanging eaves as
9 shown in Figure 14-49. Example of a Flat Cap Type.

10 (1) **Configuration.** The roof shall have no visible slope from the street, and eaves are
11 required on all Type A and Type B frontage facades.

12 (2) **Eave Depth.** Eave depth is measured from the building facade to the outside edge
13 of the eave. Eaves shall have a depth of at least fourteen inches.

14 (3) **Eave Thickness.** Eaves shall be a minimum of six inches thick. Eave thickness is
15 measured at the midpoint of the eave depth, from the bottom of the eave to the top
16 of the eave. The measurement may be taken from a structural support element of
17 the eave to the top of the eave, provided the structural support element occurs at
18 least every four feet along the entire length of the eave.

19 (4) **Interrupting Vertical Walls.** Vertical walls may interrupt the eave and extend
20 above the top of the eave with no discernible cap if the following requirements are
21 met:

22 (A) **No more than one-third of the front facade shall consist of an interrupting
23 vertical wall.**

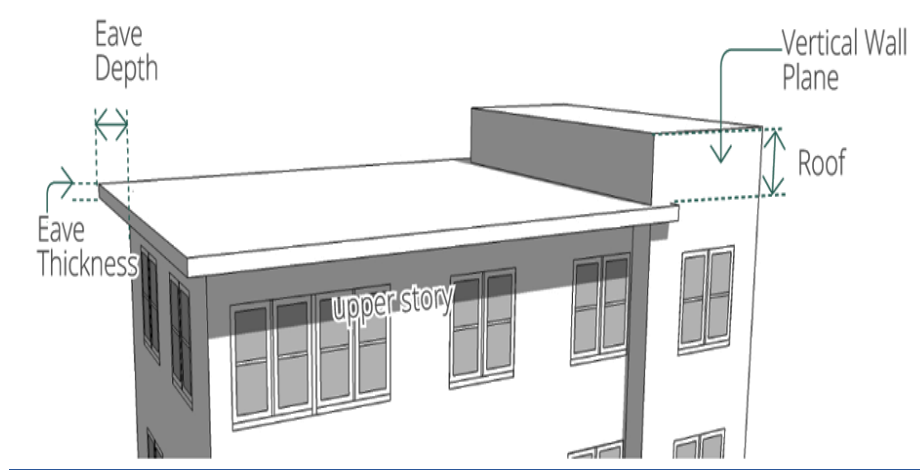
24 (B) **Vertical walls shall extend no more than six feet above the top of the eave.
25 See Figure 14-49) Example of a Flat Cap Type.**

(5) **Occupied Building Space.** No building shall have occupied space behind a flat
cap.

(6) **Roof Terraces and Roof Decks.** Roof terraces and roof decks are permitted on
the flat cap type.

(7) **Rooftop Appurtenances.** If the interrupting vertical wall is utilized, any rooftop

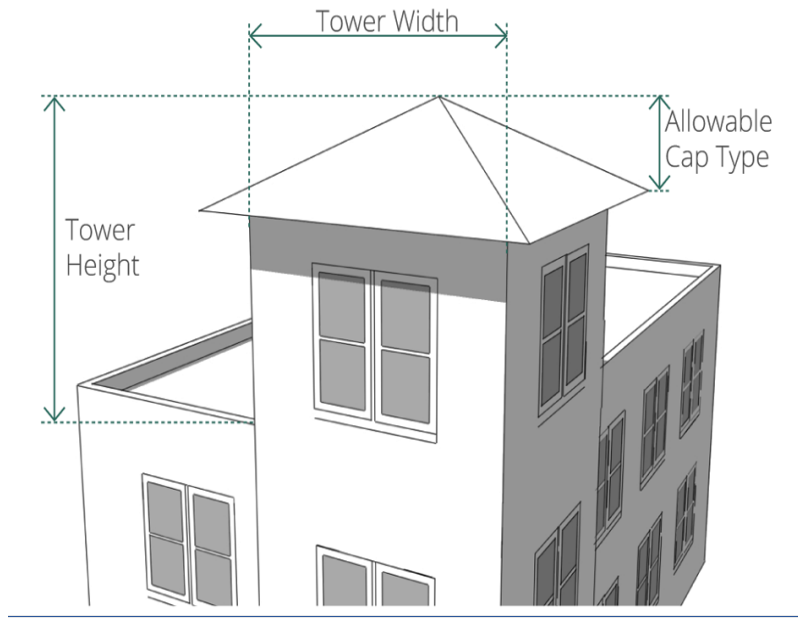
1 appurtenances shall be located behind the vertical wall with no visibility when
 2 viewed from the sidewalk across the street and from any adjacent outdoor space.
 3 If no interrupting vertical wall is utilized, rooftop appurtenances shall be located
 4 such that the mechanicals are not visible when viewed from the sidewalk across
 5 the street or from any adjacent outdoor space. See Section 9-14-33, "Mechanical
 6 Equipment & Appurtenances," B.R.C. 1981, for additional requirements.



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12 **Figure 14-49. Example of a Flat Cap Type**

- 13 (g) **Towers.** A tower is a vertical element, polygonal (simple), rectilinear, or cylindrical in
 14 plan that shall only be used with other cap types. See Figure 14-50. Example of a Tower.
- 15 (1) **Additional Height.** Towers may add a single story of additional height beyond
 16 the maximum height allowed per building type, however, a tower may not exceed
 17 a maximum height of fifty-five feet.
- 18 (2) **Tower Width.** The maximum tower width along all facades shall be one-third the
 19 width of the front facade or fifteen feet, whichever is less, and may not occupy
 20 more than 25% of the roof area. See Figure 14-50. Example of a Tower.
- 21 (3) **Transparency.** Towers that meet the minimum floor-to-floor height of the
 22 building type shall meet the minimum transparency requirements of the building.
- 23 (4) **Horizontal Expression Lines.** A minimum two inches deep expression line is
 24 required at the cap of the tower.
- 25 (5) **Occupied Building Space.** Towers with minimum floor-to-floor heights required
by the building type shall be occupied space and may contain any of the uses
allowed in upper stories of the building type to which it is attached.
- (6) **Rooftop Appurtenances.** No rooftop appurtenances are permitted on tower roofs.

1 (7) **Tower Cap.** The tower shall be capped by a cap permitted on the building per the
 2 building type.



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12 **Figure 14-50. Example of a Tower**

13 **9-14-26. MEASUREMENT OF BUILDING TYPE REQUIREMENTS**

14 The standards outlined in the tables in Sections 9-14-16 through 9-14-21, B.R.C. 1981,
 15 applicable to each building type, shall be measured and calculated consistent with the following
 16 standards:

17 (a) **Minimum Type A Frontage Streetwall Coverage.** The minimum percentage of
 18 building facade along the Type A frontage of a lot is measured as follows:

19 (1) **Measurement.** The minimum Type A frontage streetwall shall, at a minimum,
 20 equal the width of the principal structures, as measured within the minimum and
 21 maximum setback along the frontage, divided by the length of the frontage
 22 parallel to the property line following the street minus setbacks along
 23 perpendicular property lines. Refer to Figure 14-51. Minimum Type A Frontage
 24 Streetwall.

25 (2) **Courtyards.** For some building types, courtyards located along the facade in the
 26 frontage setback count towards the minimum coverage. Refer to building type
 27 requirements of Sections 9-14-16 through 9-14-21, B.R.C. 1981.

28 (3) **Outdoor Space Type.** Open spaces meeting the requirements of one of the
 29 outdoor space types established in this chapter are exempt from the minimum
 30 Type A frontage streetwall requirement.

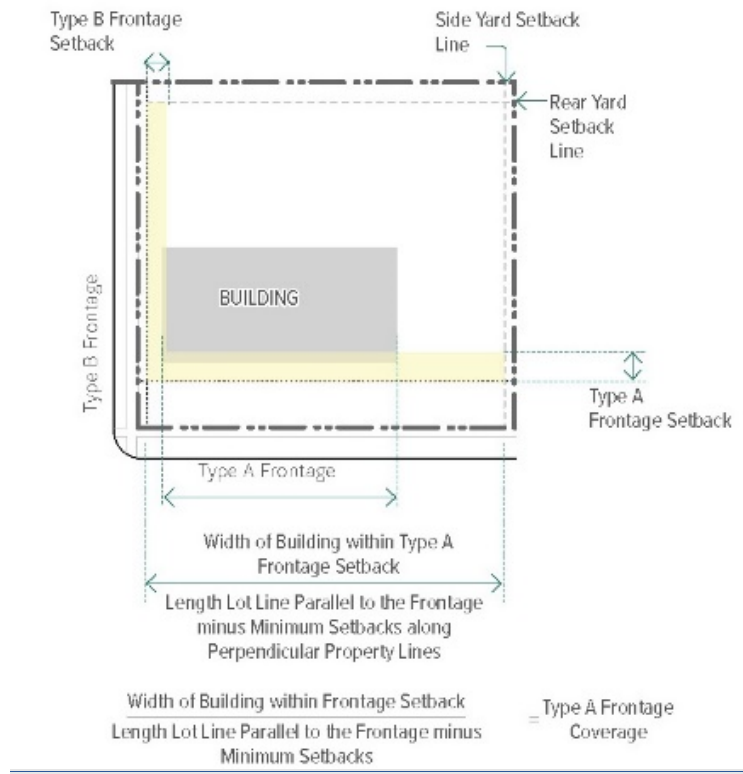


Figure 14-51. Minimum Type A Frontage Streetwall

(b) **Frontage Setback.** The minimum to maximum frontage setback shall be calculated and measured as follows. Refer to Figure 14-52. Frontage Setbacks.

(1) **Measurement.** If the frontage is a Type A, B, or C frontage along a transportation improvement or waterway, the minimum and maximum frontage setbacks are measured from the outside edge of an easement for the transportation improvement or waterway, or, if no easement exists, from the parcel or lot line abutting the transportation improvement or waterway, as applicable. If the frontage is along a required outdoor space, the minimum and maximum frontage setbacks are measured from the outside edge of an easement for the outdoor space, or, if no easement exists, from the parcel or lot line abutting to the outdoor space, or if not within a separate parcel or lot, from the outer edge of the outdoor space as delineated on the site plan.

(2) **Height.** All building facades located within the frontage setback shall meet the minimum building height of the building.

(3) **Encroachments.** Awnings, architectural projections, balconies, and building mounted signage may extend beyond the frontage setback into any yard area but shall not extend into the street right-of-way or public easement unless approved with a revocable permit or lease, as applicable.

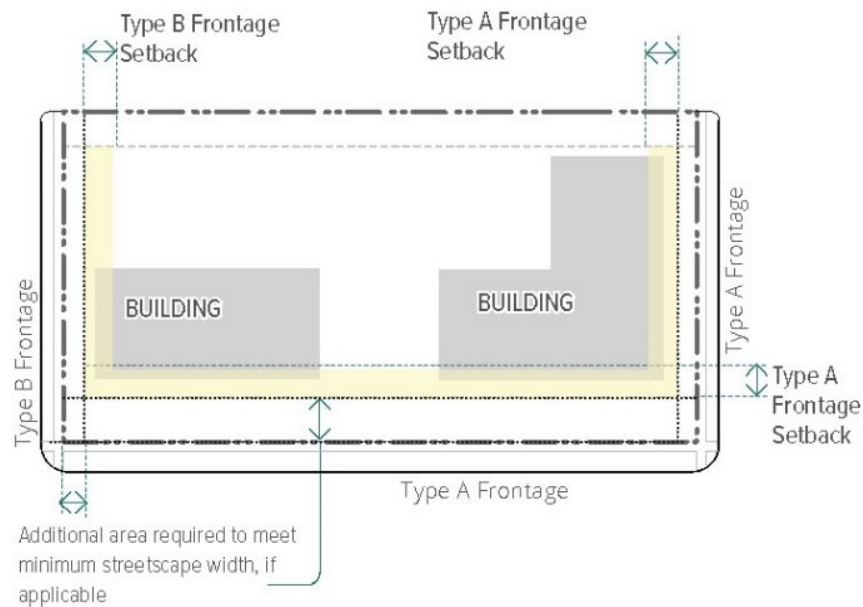


Figure 14-52. Frontage Setbacks

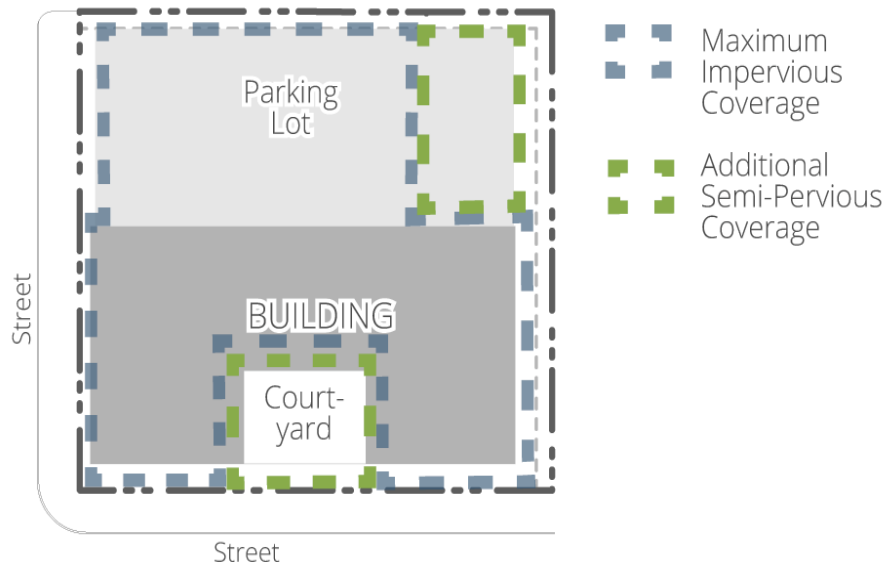
(c) Limited Side Yard Parking. Where allowed by building type, parking may be located in the interior side yard, consistent with the following requirements:

- (1) The limited side yard parking lot is located fully in an interior side yard.
- (2) The limited side yard parking is configured as one double- or one single-loaded aisle of parking and the centerline of the aisle is located perpendicular to the street.
- (3) The limited side yard parking is not located on corners in any street yard.
- (4) No more than one limited side yard parking lot per building is located along any street frontage.
- (5) The limited side yard parking lots is not located next to another limited side yard parking lot.

(d) Maximum Site Impervious and Additional Semi-Pervious Coverage. Site impervious and additional semi-pervious coverage shall be calculated and measured as follows. Refer to Figure 14-53. Site Impervious and Semi-Pervious Coverage.

- (1) **Maximum Site Impervious Coverage.** The maximum site impervious coverage is the maximum percentage of a lot permitted to be covered by structures, pavement, and other impervious surfaces.

1 (2) Additional Semi-Pervious Coverage. In addition to the allowable impervious
 2 coverage on a site, a maximum amount of additional semi-pervious coverage is
 3 permitted.



12 **Figure 14-53. Site Impervious and Semi-Pervious Coverage**

13 (e) Overall Minimum and Maximum Height. (Refer to Figure 14-54. Measuring Stories
 14 with Floor-to-Floor Height).

15 (1) Minimum Overall Height. Each building type requires a minimum number of
 16 stories. The building must meet the minimum required height along all Type A
 17 frontage facades and measured a minimum of thirty feet deep into the building.

18 (2) Maximum Overall Height. Maximum heights are specified both in number of
 19 stories and overall dimension. This requirement applies to the entire building.

20 (A) Towers. Where specifically allowed in the building type tables, Sections
 21 9-14-16 through 9-14-21, B.R.C. 1981, towers may exceed the overall
 22 maximum height of the building type per subsection (f) of Section 9-14-
 23 25, "Cap Types," B.R.C. 1981. Towers shall not exceed the maximum
 24 height per section 84 of the charter of the City of Boulder.

25 (B) Cap Type. Where specified in subsection (f) of Section 9-14-25, "Cap
 Types," B.R.C. 1981, certain cap types may allow additional height.

(C) Maximum Heights per the City Charter. Under no circumstances may
 any building or structure exceed the height limitations established in
 section 84 of the charter of the City of Boulder.

1 (D) **Height Measurement Standards.** Height shall be measured consistent
2 with height measurement standards of Section 9-7-5, "Building Height,"
3 B.R.C. 1981, and the definition of "height" within Section 9-16-1,
4 "General Definitions," B.R.C. 1981.

5 (E) **View Corridors.** Height is subject to additional limitations where
6 maximum heights are restricted pursuant to the regulating plan to preserve
7 a view corridor. Refer to Sections 9-14-6, "Regulating Plans," and 9-14-7,
8 "View Corridors," B.R.C. 1981.

9 (3) **Two Half Stories.** If a building has both a half story within the roof and a half
10 story that is partially above and partially below grade, the combined height of the
11 two half stories shall be considered one full story.

12 (f) **Minimum and Maximum Height per Story.** Each story is measured with a range of
13 permitted floor-to-floor heights. Refer to Figure 14-54. Measuring Stories with Floor-to-
14 Floor Height.

15 (1) **Measurement.** Story height shall be measured in feet between the floor of a story
16 to the floor of the story above it. Minimum and maximum floor-to-floor heights
17 are required to be met along facades for a minimum of eighty percent of each
18 story.

19 (2) **Single Story Buildings and Top Story Measurement.** For single story buildings
20 and the uppermost story of a multiple story building, the minimum floor-to-floor
21 height shall be one foot less than that required per building type. The
22 measurement shall be from the floor of the story to the ceiling.

23 (3) **Mezzanines.** Mezzanines may be included within the floor-to-floor height of any
24 story. Mezzanines occupying more than thirty percent of the floor area below and
25 extending above the story's allowable floor-to-floor height shall count as an
 additional story and shall meet transparency requirements in subsection (e)(5),
 below.

(4) **Taller Spaces.** Spaces exceeding the allowable floor-to-floor heights of the
 building type are permitted on any facade., On Type A and B frontage facades,
 the taller space is limited to no more than 35% of the length of the façade or 35
 feet, whichever is less. Taller spaces may not exceed the total height of the
 surrounding stories, and the façade meet the transparency requirements of the
 surrounding stories.

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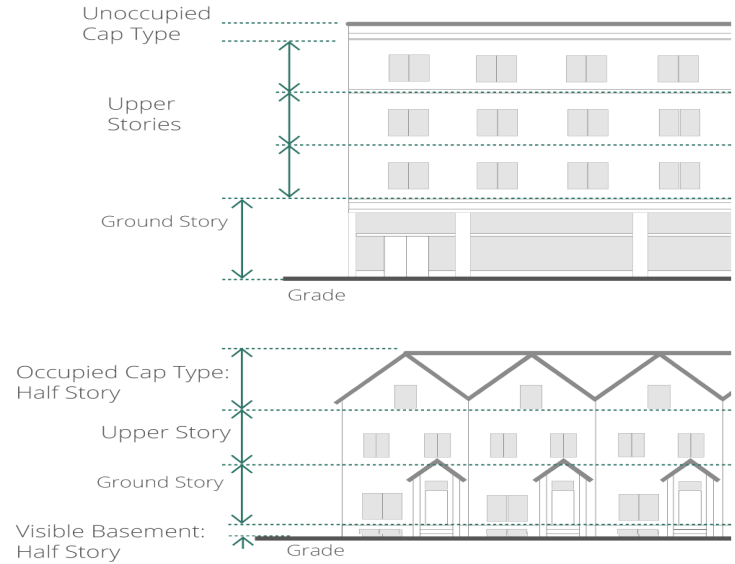


Figure 14-54. Measuring Stories with Floor-to-Floor Height

(g) Minimum Required Transparency. Per the requirements of each building type, a minimum amount of transparency is required on all stories of street, courtyard, and public way facades. **The following applies to transparency requirements:**

(1) Measurement. Minimum facade transparency is measured from floor-to-floor of each story separately, except for required minimum ground story transparency (refer to Paragraph 9-14-26(g) (4), B.R.C. 1981, below). Refer to Figure 14-55. **Measuring Minimum Facade Transparency.** Transparency requirements shall be met with windows or glass in doors meeting the standards for transparency as defined in Section 9-14-8, "Definitions," B.R.C. 1981. The measurement may include the frame, mullions, and muntins, but shall not include trim or casing.

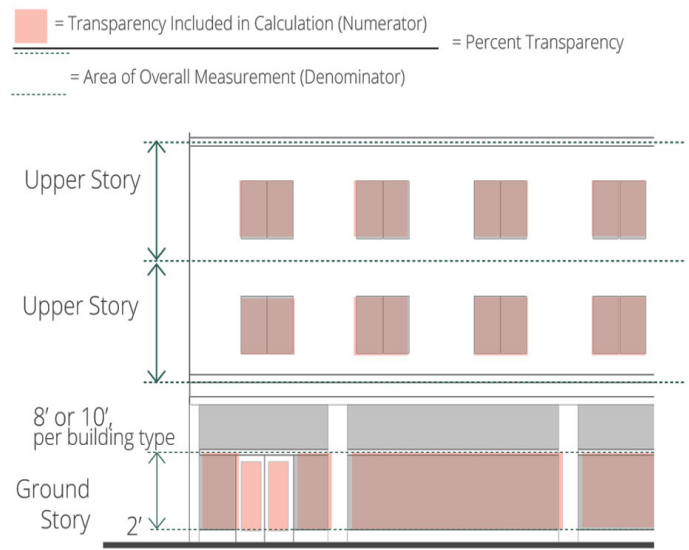


Figure 14-55. Measuring Minimum Facade Transparency

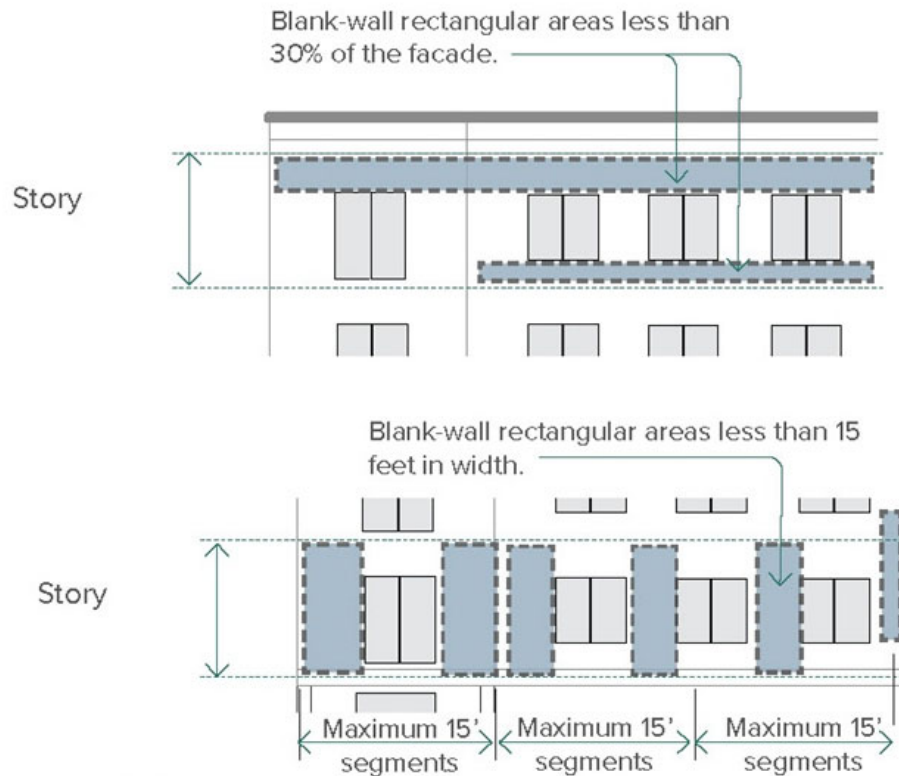
1 (2) Blank Wall Limitations. Refer to Figure 14-56. Measuring Blank Wall
2 Limitations.

3 (A) Intent. The intent of the blank wall limitations is to avoid long stretches of
4 blank walls, distribute transparency within a story, and ensure that
5 windows are located at the height of a person standing within the story.

6 (B) Where the building type standards impose blank wall limitations, the
7 following applies:

8 (i) No rectangular area greater than thirty percent of the story's facade,
9 as measured floor to floor, shall be without transparency. Refer to
10 Figure 14-56. Measuring Blank Wall Limitations.

11 (ii) No horizontal segment of a story's facade greater than fifteen feet
12 in width shall be without transparency. Refer to Figure 14-56.
13 Measuring Blank Wall Limitations.



14 **Figure 14-56. Measuring Blank Wall Limitations**

15 (3) Exception. When the facade of any story is located less than six feet from another
16 parallel building facade, no minimum transparency is required for that story.

1 (4) **Minimum Ground Story Transparency.** When required by the building type
 2 tables of Sections 9-14-16 through 9-14-21, B.R.C. 1981, ground story
 3 transparency shall be measured between two feet and either eight or ten feet, as
 4 specified per building type, from the average grade at the base of the facade. The
 5 minimum ground story transparency requirements supersede the minimum
 6 transparency required for the building type.

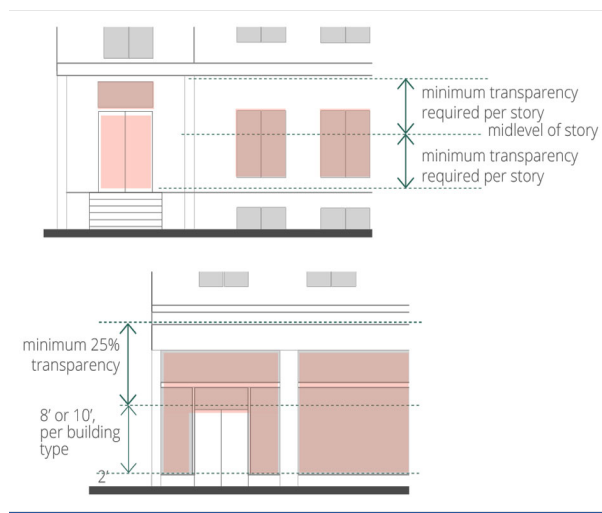
7 (5) **Mezzanines.** Mezzanines shall be treated as a separate story and include the
 8 required upper story transparency amounts.

9 (6) **Tall Stories.** Stories that are eighteen feet or taller in height shall include
 10 additional transparency consistent with the following standards. Refer to Figure
 11 14-57. Transparency on Tall Stories.

12 (A) **Separate Ground Story Transparency Required.** When a separate
 13 minimum ground story transparency is required per the building types
 14 requirements of Sections 9-14-16 through 9-14-21, B.R.C. 1981, the
 15 facade design shall fulfill that requirement in addition to a minimum of
 16 twenty-five percent transparency for the remainder of the ground story.

17 (B) **No Separate Ground Story Transparency Required.** Except on a
 18 ground story facade to which a Type A frontage ground story facade
 19 transparency requirement applies, a tall story shall be treated as two
 20 separate stories, divided in half horizontally, with the minimum
 21 transparency per story applied to each half.

22 (7) **Half Stories.** All half stories located within the roof structure and within visible
 23 basements are required to meet the minimum required transparency.



24 **Figure 14-57. Transparency on Tall Stories**

(h) **Minimum Number of Required Entrances.** Entrances shall be provided consistent with the entrance location and number requirements established for the building type and consistent with Figure 14-58. Number of Required Entrances.

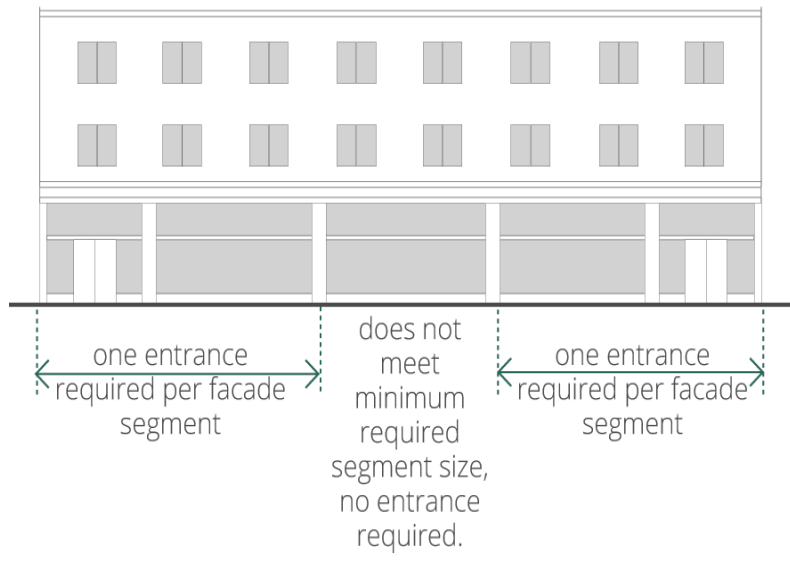


Figure 14-58. Number of Required Entrances

BUILDING DESIGN

9-14-27. APPLICABILITY AND INTENT OF BUILDING DESIGN REQUIREMENTS

(a) **Intent.** The intent of the requirements in Sections 9-14-27 through 9-14-33, B.R.C. 1981, is to implement the vision for the area as defined in adopted plans for the area, create a sense of place and community, elicit simple, honest, high quality, durable buildings of appropriate scale and massing that are visually interesting, aesthetically pleasing, create a sense of permanence, and are human scaled to enhance the pedestrian experience.

(1) **Simple.** Simple means the building design is organized and easy-to-comprehend through the use of repetition, regularity, and a clear hierarchy.

(2) **Honest.** Honest means the building is easily interpreted by the casual observer. Entrances, floors, and building use are apparent and the form of the building follows the function. The overall bulk and mass of the building clearly represents the structure, spatial layout, and materiality.

(3) **Human-Scaled.** Human-scaled means the buildings are scaled to proportions comfortable to people. Typically, human-scaled buildings have smaller building material units, architectural detailing to accentuate building elements, and a predictable rhythm to the facade pattern. This design approach is used particularly on the ground story where people walk adjacent to the building.

1 (b) **Applicability.** The requirements of Sections 9-14-27 through 9-14-33, B.R.C. 1981,
 2 establish general building design requirements applicable to all buildings located on a
 3 property designated in Appendix L, "Form-Based Code Areas," regardless of the building
 4 type. No person shall use or develop land in such areas except in conformance with the
 5 requirements of Sections 9-14-27 through 9-14-33, B.R.C. 1981, unless an exception has
 6 been granted pursuant to Subsection 9-2-16(i), B.R.C. 1981.

5 9-14-28. FACADE MATERIALS

6 (a) **Intent.** The intent of the facade materials standards of this section is to:

7 (1) Provide minimum material standards to ensure use of well-tested, high quality,
 8 durable, weather-resistant, exterior grade, preferably natural materials on the
 9 majority of finished surfaces, while permitting a wider range of materials for
 10 details. High quality materials can improve quality of buildings in that they
 11 weather well, have a low failure rate, require a low level of maintenance, and
 12 create buildings with a longer life cycle and a sense of permanence;

11 (2) Limit the number of facade materials to promote simpler, clearly articulated
 12 facades; and

12 (3) Encourage a high level of detail from smaller scaled, less monolithic materials in
 13 order to relate facades to pedestrians, especially at the ground level.

14 (b) **Major Materials.** The major material requirements of this section may be met only with
 15 materials listed as allowed major facade materials in Table 14-8, "Allowed Major Facade
 16 Materials," for the relevant form-based code area. See Figure 14-59. Examples of
 17 Allowed Facade Materials.

17 (1) **Type A Frontages.** A minimum of eighty percent of each Type A frontage
 18 facade, not including window and door areas, shall be composed of major
 19 materials, as specified in this section.

19 (2) **Type B and C Frontages.** A minimum of sixty percent of each Type B and C
 20 frontage facades, not including window and door areas, shall be composed of
 21 major materials, as specified in this section.

21 (3) **Simplicity of Surface Materials.** To meet the major facade materials
 22 requirements of this section, a minimum of sixty percent of each Type A, B, and
 23 C facade, not including window and door areas, shall be faced of a single major
 24 material. In Boulder Junction I and Alpine-Balsam, architectural metal panel
 25 systems shall not be used to meet this standard.

24 (4) **Corners of Buildings.** Where Type A, B, or C facades are located perpendicular
 25 to a rear, interior side, or rail corridor facade, the major materials on the Type A,

B, or C facade shall be continued around the corner along the perpendicular facade for a minimum of thirty feet.

(c) **Prohibited Materials.** The materials listed in Table 14-11, “Prohibited Materials,” are prohibited on any building facade. See Figure 14-60. Examples of Prohibited Facade Materials.

(d) **Minor Materials.** Minor materials may be installed on the remaining facade areas of the building not required to meet major material requirements. Minor materials are materials listed as allowed minor facade materials in Table 14-9, “Allowed Minor Facade Materials,” for the relevant form-based code area.

(e) **Details and Accents.** Detail and accent materials listed in Table 14-10 may be installed as a detail or accent on any facade. The approving authority may allow other details and accent materials that are similar in quality and durability to those listed in Table 14-10, “Allowed Detail & Accent Materials.”

(f) **Solar Panels.** Where solar panels are mounted on any facade, any major or minor facade material may be used on that facade, provided the material is not visible through the panels.

TABLE 14-8. ALLOWED MAJOR FACADE MATERIALS

	<u>BOULDER JUNCTION</u>	<u>ALPINE- BALSAM</u>	<u>EAST BOULDER</u>	
<u>MAJOR FACADE MATERIAL (alphabetical)</u>	<u>ALL BUILDING TYPES</u>	<u>ALL BUILDING TYPES</u>	<u>GENERAL, ROW BUILDINGS</u>	<u>WORKSHOP BUILDINGS</u>
<u>Brick</u> full dimensional, unit, face brick	<u>▲</u>	<u>▲</u>	<u>▲</u>	<u>▲</u>
<u>Brick</u> economy size (larger than 3 inches in height)	<u>Limited to rear, alley, and rail corridor facades</u>		<u>▲</u>	<u>▲</u>
<u>Concrete Masonry Units, Architectural</u> architectural, minimum 3-inch depth, “artisan stone” look, varied sizes, “stone” face, “hewn stone”, rock cut; with complementary trim pieces and finished corner units; integral color	=	=	<u>▲</u>	<u>▲</u>
<u>Concrete Masonry Units</u> minimum 3-inch depth, split-faced, burnished/ground face, glazed, or honed	<u>Limited to rear, alley, and rail corridor facades</u>			

1	<u>Fiber Cement Board</u> <u>panels, finished lap siding or</u>	<u>Row Building only</u>			<u>△</u>
2	<u>shingles</u>				
3	<u>Glass</u> <u>curtain wall</u>	<u>△</u>	<u>≡</u>	<u>△</u>	<u>△</u>
4	<u>Metal, Architectural</u> <u>architectural panel, cladding</u>	<u>△</u>	<u>On rear,</u> <u>alley, and</u> <u>Type B</u>	<u>△</u>	<u>△</u>
5	<u>system (steel, titanium, zinc)</u>		<u>facades only</u>		
6	<u>Metal, Corrugated, Other</u> <u>ribbed, corrugated, sheet</u>	<u>≡</u>	<u>≡</u>	<u>On rear, alley, rail corridor, and</u> <u>Type C facades only</u>	
7	<u>Solar Facade System</u> <u>PV cladding system or rainscreen</u>		<u>≡</u>		
8	<u>system</u>	<u>△</u>		<u>△</u>	<u>△</u>
9	<u>Stone</u> <u>natural, units</u>	<u>△</u>	<u>△</u>	<u>△</u>	<u>△</u>
10	<u>Stucco</u> <u>cement-based, 2–3-layer hard coat</u>	<u>On rear, alley, and Type B facades only</u>			<u>△</u>
11	<u>Terra Cotta or Ceramic</u> <u>tiles or panels, rainscreen system</u>	<u>≡</u>	<u>≡</u>	<u>△</u>	<u>△</u>
12	<u>Wood</u> <u>painted, stained, treated, natural, or</u>				
13	<u>aged lap siding, shingles,</u>	<u>△</u>	<u>△</u>	<u>△</u>	<u>△</u>
14	<u>board & batten</u>				
15	<u>Wood, Composite</u> <u>lap siding, shingles, board &</u>	<u>△</u>	<u>△</u>	<u>△</u>	<u>△</u>
16	<u>batten, rainscreen system</u>				
17	<u>KEY: A = Allowed Major Material – = Prohibited</u>				

18

19 **TABLE 14-9. ALLOWED MINOR FACADE MATERIALS**

	BOULDER JUNCTION I	ALPINE- BALSAM	EAST BOULDER	
<u>MINOR FACADE MATERIAL</u> (alphabetical)	<u>ALL BUILDING TYPES</u>	<u>ALL BUILDING TYPES</u>	<u>GENERAL, ROW BUILDINGS</u>	<u>WORKSHOP BUILDINGS</u>
<u>Brick</u> <u>thin, veneer</u>	<u>≡</u>	<u>≡</u>		<u>a</u>
<u>Concrete Surfaces, Unfinished</u> <u>untreated, unstained, unpainted</u>	<u>≡</u>	<u>≡</u>	<u>a</u>	<u>a</u>
<u>Concrete Surfaces, Finished</u> <u>stained, painted, treated</u>	<u>≡</u>	<u>≡</u>	<u>a</u>	<u>a</u>

25

1	<u>Concrete Masonry Units, Architectural</u> architectural, minimum 3-inch depth, “artisan	<u>a</u>	<u>a</u>	<u>a</u>	<u>a</u>
2	stone” look, varied sizes, (Echelon Masonry or				
3	<u>approved equal), “stone” face, “hewn</u>				
4	<u>stone,” rock cut</u>				
5	<u>Concrete Masonry Units</u> minimum 3-inch depth, split-faced,	<u>a</u>	<u>a</u>	<u>a</u>	<u>a</u>
6	burnished/ground face, glazed,				
7	or honed,				
8	<u>Fiber Cement Board</u> finished panels	<u>a - Upper stories only</u>			<u>a</u>
9	<u>Glass</u> curtain wall	<u>a</u>	<u>a</u>	<u>a</u>	<u>a</u>
10	<u>Glass Block</u>	<u>≡</u>	<u>≡</u>	<u>a</u>	<u>a</u>
11	<u>High-Pressure Laminate (HPL)</u> panels, rainscreen system	<u>≡</u>	<u>≡</u>	<u>a</u>	<u>a</u>
12	<u>Metal Architectural</u> architectural panel, cladding system (steel,	<u>a</u>	<u>a</u>	<u>a</u>	<u>a</u>
13	titanium, zinc, corten, steel)				
14	<u>Metal, Aluminum Composite</u> aluminum composite materials (ACM) or panels	<u>≡</u>	<u>≡</u>	<u>≡</u>	<u>a</u>
15	(ACP)				
16	<u>Metal, Corrugated, Other</u> ribbed, corrugated, sheet	<u>≡</u>	<u>≡</u>	<u>a</u>	<u>a</u>
17	<u>Stucco</u> cement-based, 2–3-layer hard coat	<u>a</u>	<u>a</u>	<u>a</u>	<u>a</u>
18	<u>Terra Cotta or Ceramic</u> tiles or panels	<u>a</u>	<u>a</u>	<u>a</u>	<u>a</u>
KEY: a = Allowed Minor Material – = Prohibited					

TABLE 14-10. ALLOWED DETAIL & ACCENT MATERIALS

All allowed major and minor facade materials may be used for details, trim, and accents.

Concrete Details

precast stone ornamentation, lintels, sills, banding, columns, beams

Fiber Cement Details

trim, soffits

Metal Details

trim, ornamentation, lintels, beams, columns

Wood and Wood Composite Details

painted/treated trim, soffits, other approved details

Vinyl Details

limited to soffits, window trim; minimum .04 inches thick

TABLE 14-11. PROHIBITED MATERIALS

Fiberglass and Acrylic Panels

All

Plastic Panels

all, including high-density polyethylene, polyvinyl chloride (PVC), and polycarbonate panels

Stucco or Synthetic Stucco Moldings &

Assemblies trim, sills, cornices, banding, columns, pilasters or other 3-dimensional decorative details

Synthetic Stucco Surfaces

all

Vinyl & PVC Siding

all

Wood

unfinished, untreated plywood siding or panels



Brick with Metal Details



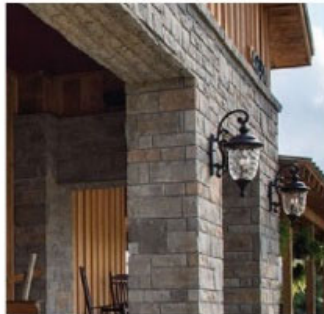
Architectural Metal Panels



Glass Curtain Wall



Wood with Metal Details

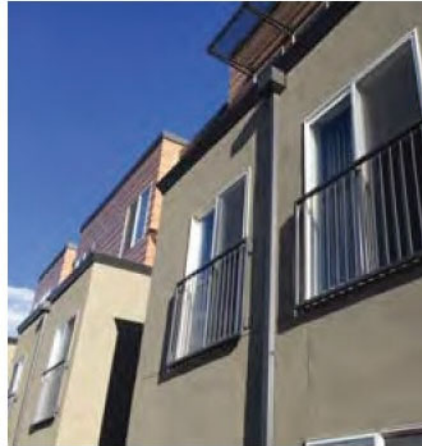


Concrete Masonry Units:
architectural

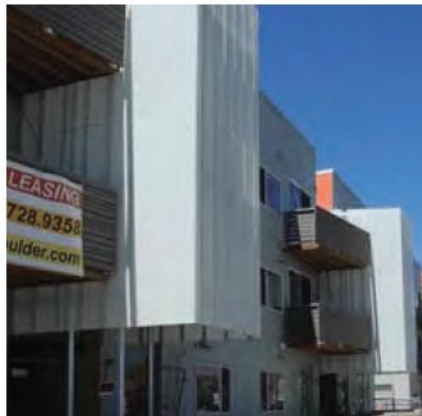


Terra Cotta Rainscreen

Figure 14-59. Acceptable Materials



Synthetic Stucco



Plastic Panels

Figure 14-60. Unacceptable Major Materials

(d) Other Materials with Approval. Materials that are not listed in this section for its proposed application as an allowed major material or allowed minor material may not be installed on any facade unless approved by the approving authority pursuant to this subsection (d).

(1) The approving authority may approve facade materials that are not listed in this section for its proposed application if the applicant demonstrates the material in its proposed application meets the intent of the facade material standards described in subsection (a) of this section. Samples and examples of successful high quality local installation shall be provided by the applicant.

9-14-29. BUILDING CONSTRUCTION QUALITY

(a) Intent. The intent of the building construction quality requirements is to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials.

1 (b) **Changes in Material.** Changes in vertical surface materials shall meet the following
2 standards:

3 (1) **Changes in Surface Materials.** Changes in surface materials, whether major
4 materials or minor materials, shall occur only at concave corners, where the
5 distance to the next generally parallel facade plane is a minimum of eight inches.
6 Surface materials are materials intended to cover the facade surface (such as unit
7 materials, siding, stucco, panels) and do not include detail materials, such as but
8 not limited to cast stone for lintels or cornices, exposed metal beams, or any
9 material used to create an expression line. See Figure 14-61. Diagram of
10 Allowable Changes in Surface Materials.

11 (2) **Materials Hierarchy.** Unit materials shall be elevated from the face of the
12 building above less detailed, surface materials. For example, stucco, as a constant
13 surface material, shall be recessed behind a bricked surface.

14 (3) **Shadow Lines on Surfaces.** Shadow lines shall be created with solid materials of
15 a depth that is greater than two inches, such as cast stone, masonry, or stone. For
16 example, cast stone pieces may be offset to create a shadow, where the convex
17 corner of the piece is used to create the corner of the detail.

18 (c) **Appropriate Grade of Materials.** Except on row buildings, all doors, windows, and
19 hardware shall be of commercial quality.

20 (d) **Applique Materials.** Materials with thickness of less than two and a half inches,
21 including but not limited to stucco, shall not be used or formed to create expression lines.

22 (e) **Stucco Installation.** Stucco, when allowed, shall be of the highest installation quality,
23 meeting the following criteria:

24 (1) **Contractor Submittal.** The contractor utilized for installing the stucco shall have
25 a minimum of five years' experience with a minimum of at least thirty projects.
26 The applicant shall submit as part of the design review application the contractor
27 name, address, experience level, including years and number of projects, and
28 examples of installations within the last five years. Examples of installation shall
29 be of high-quality installations meeting the requirements of this subsection (e).

30 (2) **Jointing.** All stucco joints shall be aligned along the facade in the pattern shown
31 on the elevations submitted for the design approval. Joints shall also align with
32 the locations of windows and doors and other changes in material.

33 (3) **Construction.** The stucco wall assembly shall be indicated on the plans
34 specifying stucco type and construction.

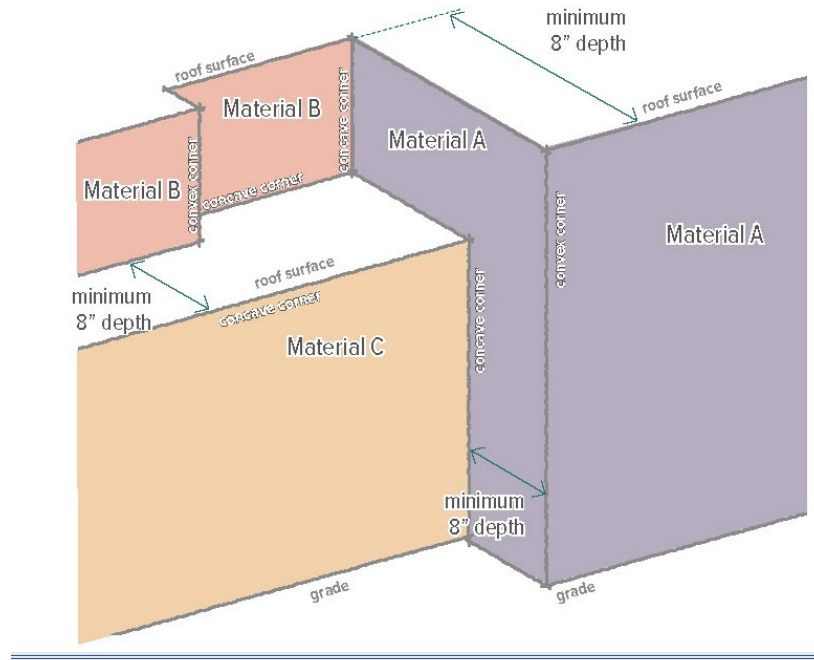


Figure 14-61. Diagram of Allowable Changes in Surface Materials

9-14-30. BUILDING ARTICULATION

- (a) **Intent.** The intent of this section is to require building design that achieves balanced and articulated building composition, a perceived intimate scale of buildings, and pedestrian interest.
- (b) **Articulation of the Base.** With the exception of entryways, the ground story of a building with a required storefront pursuant to Section 9-14-6 "Regulating Plans," B.R.C. 1981, shall not be recessed more than eighteen inches from the second story facade.
- (c) **Building Facade Variety.** See Figure 9-14(52). Illustrations of Building Massing and Articulation. All buildings 120 feet in width or greater along any Type A, B, or C frontage shall fulfill the following requirements:
 - (1) **Increments.** Each Type A, B, or C frontage facade shall be varied in segments less than or equal to ninety feet.
 - (2) **Requirements.** Each facade segment shall vary by the type of dominant material or by color, scale, or orientation of that material, and by at least two of the following:
 - (A) **The proportion of recesses and projections. within the frontage setback.**

1 (B) The location of the entrance and window placement, unless storefronts are
2 utilized.

3 (C) Roof type, plane, or material, unless otherwise stated in the building type
4 requirements.

5 (D) Building heights.

6 (3) **Alternative Method of Compliance.** The reviewing authority may approve a
7 facade design that does not meet requirements of this subsection (c) if the
8 applicant demonstrates that the proposed design achieves the intent of the
9 building articulation requirements of this section without meeting the building
10 facade variety requirements. The applicant shall submit fully rendered elevations
11 and 3-dimensional drawings of all streets, paseo and multi-use path facades with
12 materials samples for all surfaces to demonstrate that the intent of this section is
13 met.

14 9-14-31. BUILDING MASSING

15 (a) **Intent.** The goals of the building massing standards are to ensure an appropriate
16 perceived scale of buildings from the public ways — breaking up large buildings in a
17 simple way to ensure a human-scaled place and to provide a high level of permeability to
18 all blocks.

19 (b) **Buildings over Forty Feet in Height.** See Figure 14-52. Illustrations of Building
20 Massing and Articulation. With the exception of the civic building in Alpine-Balsam, any
21 building of the project over forty feet in height and not utilizing a pitched cap on at least
22 sixty percent of the roof shall meet the following standards:

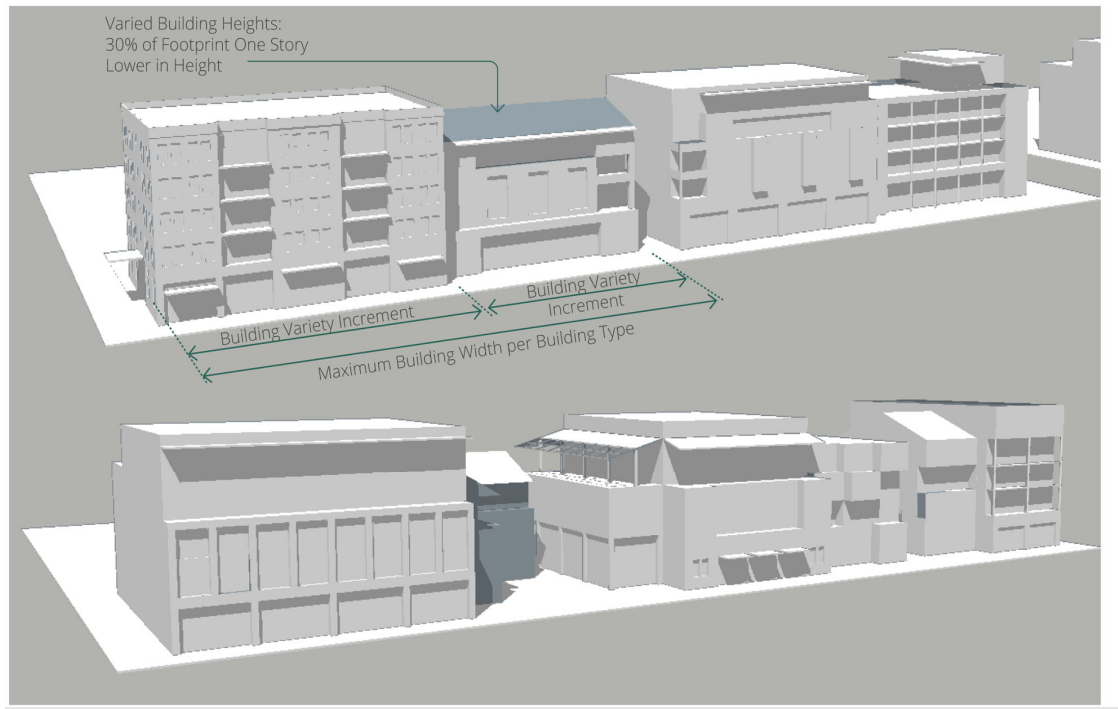
23 (1) **Varied Building Heights.** A minimum of thirty percent of the total footprint of
24 all buildings combined on the site shall be at least one story lower than the tallest
25 portion of the building footprint, not including towers.

(A) **Along Type A Frontages.** A portion of the lower height shall occur along
 at least one Type A frontage.

(B) **Stepped-Back Facade.** The requirement for varied building heights in
 paragraph (b)(1), above, shall not be met by a linear stepping-back of the
 facade along the top story, but shall constitute a change in massing of the
 building.

(C) **Pitched Roofs.** The lower height area may include a pitched roof with or
 without a half story beneath. The half story may not exceed 65% of the
 floor area of each of the stories below the half story.

1 (D) Terraces. Roof areas on lower height portions of buildings may be
 2 occupied by roof terraces; however, areas of the terraces covered by
 3 permanent roof structures do not count as a lower story for the purposes of
 4 this requirement.



14 **Figure 14-52. Illustrations of Building Massing and Articulation**

15 **9-14-32-. BUILDING FACADE ELEMENTS**

16 (a) **Windows.** Windows on all buildings shall be constructed consistent with the following
 17 requirements:

18 (1) **Amount.** Each building shall meet the transparency requirements applicable to
 19 the building type pursuant to Sections 9-14-16 through 9-14-21, B.R.C. 1981.

20 (2) **Recessed.** All windows, with the exception of ground story storefront systems,
 21 shall be recessed with the glass a minimum of two inches back from the facade
surface material or adjacent trim.

22 (3) **Vertically Oriented.** All windows on Type A, B, and C frontage facades shall be
 23 vertically oriented unless the following standards are met:

24 (A) **Upper Stories.** Horizontally oriented windows may be used for up to
 25 thirty percent of the total transparency area of each upper story.

(B) **Window and Height Location.** Horizontally oriented windows may be used if the height of at least seventy-five percent of the windows is a minimum of five feet, and the windows are located no more than three feet above the interior floor level.

(4) **Visibility Through Glass.** Reflective glass is prohibited on Type A, B, and C frontage facades. Windows shall meet the transmittance and reflectance factors established in the transparency definition of Section 9-14-8 "Definitions," B.R.C. 1981.

(5) **Expressed Lintels.** Lintels shall be expressed above all windows and doors by a change in brick coursing or by a separate element. See Figure 14-63. Vertically Oriented Windows with Expressed Lintels.



Figure 14-63. Vertically Oriented Windows with Expressed Lintels

(b) **Awnings, Canopies, & Light Shelves.** On Type A, B, and C frontage facades, awnings, canopies, and light shelves shall be constructed consistent with the requirements of this subsection. See Figure 14-64. Examples of Permitted Awnings.

(1) **Encroachment.** Awnings, canopies, and light shelves shall not extend into a city right-of-way or easement except consistent with the requirements of Section 8-6-6, "Requirements for Revocable Permits, Short-Term Leases and Long-Term Leases," B.R.C. 1981.

(2) **Attached Awnings & Canopies.** Awnings and canopies that are attached to the building and could be removed shall meet the following standards:

1 (A) **Material.** Plastic awnings are prohibited.

2 (B) **Solar Panels.** Solar awnings or canopies are allowed.

3 (C) **Lighting.** Backlit awnings are prohibited.

4 (D) **Structures.** Support poles are prohibited unless utilized for outdoor eating
5 areas over eight feet in depth.

6 (E) **Multiple Awnings on the Facade.** When more than one awning is
7 mounted on a facade, the awning types and colors shall be coordinated by
8 matching the color, shape, material, or other element.

8 (3) **Canopies & Light Shelves.** Permanent canopies, projections, or overhangs used
9 as architectural features, light shelves, or shading devices are permitted, subject to
10 materials standards of Section 9-14-28, "Facade Materials," B.R.C. 1981.

10 (4) **Clearance.** All portions of any awning, canopy, or light shelf shall provide at
11 least eight feet of clearance over any walkway and shall not extend over any
12 driveway.



13 Metal Awning



14 Canvas Awning

15 **Figure 14-64. Examples of Permitted Awnings**

16 (c) **Balconies.** On a Type A frontage facade, any balconies shall meet the requirements of
17 this subsection (c), and false balconies are prohibited. On Type B and Type C frontage
18 facades, any balconies shall meet the requirements of this subsection (c) or be false
19 balconies. See Figure 14-65. Examples of Balconies.

20 (1) **Balcony Requirements.** Balconies shall meet the following:

1 (A) **Definition.** For the purpose of this subsection (c), balconies shall include
2 any roofed or unroofed platform that projects from the wall of a building
3 above grade and is enclosed only by a parapet or railing.

4 (B) **Size.** Balconies shall be a minimum of four feet deep and five feet wide.

5 (C) **Integrated Design.** The balcony shall be designed to be integrated with
6 the building facade through techniques that may include, without
7 limitation, structural integration, minimal protrusion, facade articulation,
8 material consistency, and color consistency. Separate columns or posts
9 supporting any balcony from the ground are prohibited.

10 (D) **No Drip-through Decks.** Drip-through decks are prohibited.

11 (E) **Platform.** The balcony platform shall be at least three inches thick. Any
12 underside of a balcony that is visible from any public way shall be
13 finished.

14 (F) **Facade Coverage.** No more than forty percent of Type A and Type B
15 frontage facades, calculated separately for each facade, may be covered by
16 balconies. The balcony area is calculated by drawing a rectangle around
17 the platform or floor of the balcony, any columns or indentations, and any
18 ceiling, roof, or upper balcony.

19 (2) **False Balconies.** False balconies consist of a rail and door, and any outdoor
20 platform less than eighteen inches in depth. The requirements of paragraph (1) of
21 this subsection (c) do not apply to false balconies.



22 **Figure 14-65. Examples of Balconies**

23 (d) **Shutters.** If included in the design, shutters, whether functional or not, shall meet the
24 following requirements:

25 (1) **Size.** All shutters shall be sized for the windows, so that, if the shutters were to be
closed, they would not be too small for complete coverage of the window.

1 (2) **Materials.** Shutters shall be wood, metal, fiber cement, composite wood, or high-
2 pressure laminate (HPL). Vinyl shutters are prohibited. Other "engineered"
3 materials may be approved provided that the applicant submits a sample and
4 examples of high quality, local installations of the material, installed a minimum
5 of five years earlier and showing no degradation or wear of the material.

6 (e) **Principal Entryway.** See Figure 14-66. Examples of Defined Principal Entryway.
7 Principal entrances to buildings or units, with the exception of ground story storefront
8 systems, are subject to the following:

9 (1) Principal entrances shall be clearly delineated through at least two of the
10 following design features:

11 (A) **Cap or Canopy.** The entryway is covered by a cap or canopy
12 differentiating it from the overall building cap.

13 (B) **Porch.** The entryway is through a porch.

14 (C) **Sidelights and Transom.** Sidelights or transom windows are included
15 around the entryway.

16 (D) **Lighting Feature.** The entrance is lit with a sculptural lighting feature or
17 other unique lighting system visible during daylight.

18 (E) **Sculpture or Mural.** The entryway is defined by a special art feature,
19 either a sculpture or mural.

20 (F) **Extended Articulation.** The entryway is included in a separate bay of the
21 building that extends up at least two stories.

22 (2) **Other Design.** The approving authority may approve a design that does not meet
23 the standards of this subsection if the authority finds that the design adds
24 emphasis and draws attention to the entryway.

25 (3) **Right-of-Way.** Doors shall not swing into city right-of-way or easement.



Figure 14-66. Examples of Defined Principal Entryway

9-14-33. MECHANICAL AND UTILITY EQUIPMENT

(a) **Intent.** Mechanical equipment and utility equipment can have a negative visual impact and detract from the quality of the design of a building. The purpose of the standards of this section is to ensure that the visual impact of mechanical and utility equipment is minimized.

(b) **Mechanical Equipment in Building.** Mechanical equipment shall be located within the building, unless the applicant demonstrates the equipment is necessary for the function of the building and locating the equipment within the building would conflict with the equipment's function or present a health and safety risk to the occupants of the building. If the mechanical equipment is necessary for the function of the building and locating it within the building would conflict with its function or present a health and safety risk to building occupants, the equipment may be located on the rooftop, on facades, or on horizontal surfaces consistent with the standards of this section.

(c) **Rooftop Mechanical Equipment.** In addition to the meeting the requirements of Section 9-7-7, "Building Height, Appurtenances," B.R.C. 1981, any rooftop mechanical equipment, including without limitation vents, ventilators, skylights, and antennas, and excluding solar energy and wind energy conversion systems, shall meet the following standards:

(1) **Rooftop mechanical equipment shall be located consistent with one of the following methods:**

1 (A) Incorporate equipment into the roof design consistent with the applicable
2 standards of Section 9-14-25, "Cap Types," B.R.C. 1981.

3 (B) Set the equipment back a minimum of twenty feet from any Type A or B
4 frontage facade.

5 (d) **Mechanical Equipment on Facades.** Mechanical equipment shall not be located on a
6 facade unless the applicant demonstrates that locating the equipment in a different
7 location would conflict with the equipment's function. Any mechanical equipment on a
8 facade, such as dryer vents, gas meters, and air conditioners, shall be located consistent
9 with the following standards:

10 (1) **Facade.** The mechanical equipment may be located on a non-Type A frontage
11 facade. The equipment and appurtenances may be located on a Type A frontage
12 facade only if the following requirements are met:

13 (A) The equipment is located on a surface perpendicular to any right-of-way;

14 (B) The equipment extends from the facade surface no more than three inches;
15 and

16 (C) The equipment is screened from the sidewalk.

17 (2) **Alignment.** Multiple pieces of mechanical equipment shall be organized on the
18 facade in a regular pattern and aligned. Compliance with this standard shall be
19 illustrated on the drawing elevations submitted as part of the application.

20 (3) **Material Coordination.** To the extent practicable, facade-mounted mechanical
21 equipment shall be located on a material that limits their visibility. For example,
22 dark colored vents will be more visible on light colored stucco than a textured,
23 darker surface such as brick.

24 (4) **Screening.** Mechanical equipment shall be screened from view unless the
25 approving authority finds that such screening conflicts with the function of the
26 equipment. The form, material, and color of the screening shall meet the
27 following criteria:

28 (A) Screening, other than landscaping, is consistent with the building design,
29 colors, and materials;

30 (B) The equipment is placed where it is least visible from adjacent streets;

31 (C) The height of any screen is the minimum appropriate to adequately screen
32 the mechanical equipment; and

(D) Screening does not increase the apparent height of the walls of the building.

(5) No encroachment. Mechanical equipment shall not extend into any public right-of-way or easement.

(e) **Mechanical and Utility Equipment on Other Horizontal Surfaces.** Mechanical equipment and utility equipment located on the ground, decks, or horizontal surfaces other than the roof, such as, but not limited to, electrical equipment and air conditioners, shall be located consistent with the following standards:

(1) All equipment may be located in the parking yard or a Type B Street yard.

(2) Equipment may be located in a side yard provided the side yard does not contain or abut a paseo.

(3) All equipment shall be screened from view from any public way with landscaping, fencing, or walls consistent with the building design, colors, and materials.

(4) The reviewing authority may approve mechanical or utility equipment to located on a Type A street or on a paseo only if the following conditions are met:

(A) The applicant demonstrates that the equipment cannot be located in a parking yard, Type B Street yard, or in a side yard that does not contain a paseo.

(B) The equipment is fully screened with a wall that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the equipment and that does not prevent the facade from fulfilling any transparency requirements.

Section 13. Appendix L., “Form Based Code Areas,” to Title 9, “Land Use Code,” B.R.C. 1981, is repealed and replaced with Appendix L to Title 9 - “Form Based Code Areas” as shown in **Exhibit A** to this ordinance.

Section 14. Appendix M. Form-Based Code, B.R.C. 1981, is repealed in its entirety to read as follows:

APPENDIX M (Reserved)

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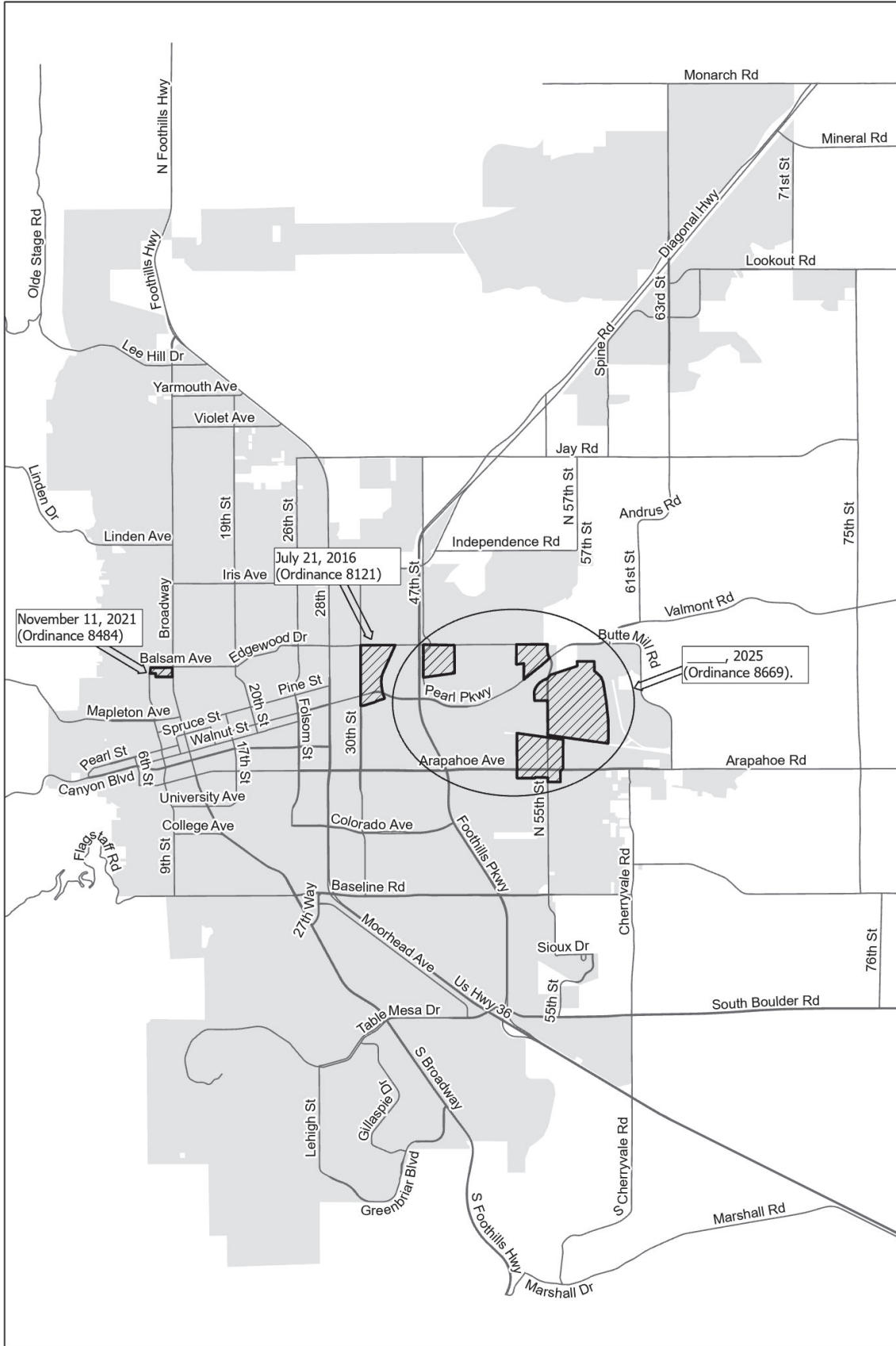
READ ON CONTINUED SECOND READING, AMENDED AND ADOPTED this 20th
day of February 2025.


Aaron Brockett,
Mayor

Attest:

Elesha Johnson,
City Clerk

Appendix L to Title 9 – Form-Based Code Areas



 Appendix L Form-Based Code Areas
 City Limits



East Boulder Form-based Code Table of Comments and Recommended Changes

February 12, 2025

The table below summarizes comments received from community and Council members prior to the Dec. 5, 2024, public hearing on the proposed amendments to the East Boulder Subcommunity Plan and associated Form-based Code updates (Ordinance 8669), and subsequent outreach. Staff have analyzed each request and make the following suggestions on those to be incorporated, incorporated with modifications, or are not recommended.

Comments Recommended to be Incorporated or Incorporated with Modifications

Item #	Topic	Short Reference	Comment/Request	Code Reference	Type of Change	Staff Analysis	Draft Ordinance Revision
1	Procedures	Form-Based Code Opt-In / Opt-Out	Create the ability for all properties to opt-in to the Form-based Code, or alternatively, create the ability for all properties to opt-out of the Form-based Code.	9-2-16(b)(4), 9-14-5(c)	Major policy	<p>Incorporate.</p> <p><i>This proposed change represents a substantial shift in the current policy to use Form-based Code to define a set of objective design standards based on the adopted Area or Subcommunity Plan to yield more predictable outcomes in locations where substantial redevelopment potential exists. Allowing applicants to opt-out of the Form-based Code introduces discretion into the development review process and could result in less predictable outcomes that may not fully realize the goals and policies of the adopted plans.</i></p> <p><i>However, staff recognize the need for flexibility, particularly as Form-based Code begins to be applied to more areas of the city that have a wide variety of existing and planned uses, and site-specific visions for future change. Staff propose to allow future applicants to opt-out of the more objective Form-based Code review process and instead use the more discretionary Site Review process provided they are eligible for Site Review per the thresholds defined in Section 9-2-14. The Form-based Code is incentivized as it generally allows more floor area, more height, and an administrative review process. In exchange, it defines certain design and activity expectations that directly reflect the goals and policies of the adopted plans. Site Review criteria still require consistency with any adopted plans, but allow for a more broad and discretionary interpretation of how a project meets that criterion through review with staff and Planning Board.</i></p>	<p>New subsection under 9-2-16(b)(4): (C) Site Reviews: Lots and parcels eligible for a site review pursuant to the thresholds established in Section 9-2-14, B.R.C. 1981, may be developed pursuant to the standards of Section 9-2-14, B.R.C. 1981, instead of the standards of this Chapter 9-14, "Form-Based Code," B.R.C. 1981, at the discretion of the applicant. If a lot or parcel is developed pursuant to a site review process, as authorized in this subparagraph (C), the form-based code standards of this section and Chapter 9-14, B.R.C. 1981, do not apply;</p> <p>Delete section 9-14-5(c): No New Site Review. Modifications and expansions to existing buildings, structures, and uses not already subject to a valid site review or planned unit development approval and subject to this section are not eligible for a review under Section 9-2-14, "Site Review," B.R.C. 1981.</p>

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2	Procedures	Site Review vs. Form-Based Code	<p>Remove requirement for Site Review projects to be compatible with Form-based Code standards to the extent practicable.</p> <p>(Note, modifications to properties with existing PUDs or Site Review approvals are reviewed through the Site Review process unless the applicant chooses to utilize Form-based Code.)</p>	9-2-16 (b)(4)(C)	Major policy	<p>Incorporate.</p> <p><i>The original Form-based Code was adopted as a pilot project in April 2016 in response to a desire for predictable, high quality architectural design in the rapidly redeveloping Boulder Junction area. This provision was included to reinforce desired outcomes even if a project was reviewed through the Site Review process due to an existing PUD or Site Review approval.</i></p> <p><i>Since then, the Site Review criteria were updated in February 2023 to provide clearer guidance to applicants and revise broad discretionary standards. Additionally, Form-based Code has become more familiar to the Boulder community and is being applied in multiple locations.</i></p> <p><i>Staff recommend removal of this standard because of recent changes to the Site Review criteria and to eliminate confusion between Site Review and Form-based Code review processes.</i></p>	<p><u>(C) Site Reviews: Lots and parcels eligible for a site review pursuant to the thresholds established in Section 9-2-14, B.R.C. 1981, may be developed pursuant to the standards of Section 9-2-14, B.R.C. 1981, instead of the standards of this Chapter 9-14, "Form-Based Code," B.R.C. 1981, at the discretion of the applicant. If a lot or parcel is developed pursuant to a site review process, as authorized in this subparagraph (C), the form-based code standards of this section and Chapter 9-14, B.R.C. 1981, do not apply;</u></p> <p>(D) Previously Approved Developments: Any development on a lot or parcel designated in Appendix L, "Form-Based Code Areas," for which an application for site review was made prior to the adoption of an ordinance including said lot or parcel in the designation of said appendix and that is approved or for which subject to a valid site review approval or planned unit development (PUD) approval. <u>Valid site review and PUD approvals exists shall not be subject to these requirements and</u> may be amended or modified in accordance with the minor modification and amendment provisions of Section 9-2-14, "Site Review," B.R.C. 1981. <u>If a site review or PUD approval is amended or modified, as authorized in this subparagraph (D), the form-based code standards of this section and Chapter 9-14, B.R.C. 1981, do not apply; such minor modification or amendment shall not be approved unless the proposed changes are, to the extent practicable, compatible in terms of building height, mass, scale, orientation, architecture, and project configuration with the regulations applicable to the area pursuant to Appendix L, "Form-Based Code Areas," and Appendix M, "Form-Based Code," and consistent with the standards established in Subsection M-1-5(c) of Appendix M, "Form-Based Code";</u></p> <p>Scope. The provisions of this section apply to buildings, structures, and uses that were legally established pursuant to a building permit or development approval granted under the standards applicable prior to <u>on</u> the effective date of the ordinance first adopting form-based code standards for the area the building is located in <u>or were legally established pursuant to a building permit or development approval granted under the standards applicable prior to said effective date</u>, except that this section does</p>
3	Procedures	Established Buildings and Uses	Clarify the standards related to buildings, structures, and uses legally established prior to the effective date of the Form-based Code to ensure it allows buildings, structures, and uses that may have been established without a building permit or	9-14-5(b), 9-14-15(e)	Clarification	<p>Incorporate.</p>	<p>Scope. The provisions of this section apply to buildings, structures, and uses that were legally established pursuant to a building permit or development approval granted under the standards applicable prior to <u>on</u> the effective date of the ordinance first adopting form-based code standards for the area the building is located in <u>or were legally established pursuant to a building permit or development approval granted under the standards applicable prior to said effective date</u>, except that this section does</p>

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			development approval to continue.				not apply to properties lots and parcels that are developed pursuant to the standards of Section 9-2-14, "Site Review," B.R.C. 1981, or subject to a valid site review or planned unit development. The buildings, structures, and uses subject to this section may be continued, restored, modified, or expanded in compliance with the standards of this title that would apply if the area was not identified in Appendix L, except as otherwise set forth in subsection (c) and (d) of this section.
4	Procedures	Reconstruction Timeframe	Extend the timeframe for an existing structure or use to be re-established to original condition after a calamity or be restored to a safe condition under existing zoning regulations to allow construction to begin within 2 years of a calamitous event and be completed within 3 years of the date construction commenced.	9-14-5(e)	Minor policy	Incorporate. <i>Note, this change will also create consistency with other nonconformance standards outlined in Section 9-10-2(b) that allow reconstruction to be "started within two years of such event, and completed within three years of the date on which the restoration commenced."</i>	Damage by Fire, Flood, Wind or Other Calamity or Act of God and Unsafe Buildings. Notwithstanding the provisions of this section, a building, structure, or use that was legally established pursuant to a building permit or development approval granted under standards of this title applicable prior to the currently applicable standards, that has been damaged by fire, flood, wind, or other calamity or act of God may be restored to its original condition, or any building declared unsafe under the building code or any other applicable safety or health code may be restored to a safe condition, provided that such work is consistent with the requirements of Section 9-3-3, "Regulations Governing the One-Hundred-Year Floodplain," B.R.C. 1981, started within twelve months two years of such event, and completed within twenty-four months three years of the date on which the restoration commenced.
5	Building Uses	Production Business Space in Large General and Workshop Buildings	Remove requirement to provide production business space in General and Workshop buildings that exceed 15,000 sf in total combined floor area.	9-14-6(c)(5)	Major policy	Incorporate with modifications. <i>Staff have consistently and overwhelmingly heard from Planning Board, City Council, and community members that there is a concern about losing smaller, more affordable spaces for local businesses that manufacture goods and provide community services when properties are redeveloped. This standard introduces a reasonable expectation that when properties substantially redevelop, a small portion of redevelopment area must provide spaces that present opportunities for local entrepreneurs, service providers, and makers.</i> <i>Rather than removing the requirement, staff propose to introduce more flexible compliance methods to meet this standard to address recent concerns and still support the goals of the Subcommunity Plan. Applicants would have the</i>	Section 9-14-6(c)(5): Required Production Business Space. In developments that include add general or workshop type building types with a total combined new floor area exceeding 15,000 square feet, a minimum of ten percent of the ground story floor area of the new general and workshop buildings shall be for production business spaces. shall include a minimum of ten percent of the ground story floor area of the general and workshop buildings for production business spaces Section 9-14-6(c)(5)(C)(ii): Production business space shall be between 500 square feet and up to 5,000 square feet in size and provided in a variety of sizes, totaling the required ten percent of ground floor area, and shall be available to be separately leased or purchased. The required production business

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						<p><i>choice of meeting the production business space requirement within the building or within a separate structure on site. If a fee-in-lieu program or equivalent is created in the future to address the need for production business space, staff would incorporate language to accommodate this option in the future,</i></p>	<p><i>space may be provided in each building with a production business space requirement or may be provided in the ground story of another building provided the total required production business space is met within the form-based code development</i></p>
6	Procedures	Applicability of Standards for Large Sites	Clarify the large site standards only apply when the proposed project is 4 acres or larger, but not to smaller projects on a single parcel that is 4 acres or larger.	9-14-6(c)(10), 9-14-13(a)	Clarification	<p>Incorporate with modifications.</p> <p><i>The large site standards are intended to create a basic framework of site design considerations and additional mobility connections (streets, pedestrian connections, etc.) on properties larger than 4 acres, rather than a piecemeal approach that may result in buildings being located inappropriately.</i></p> <p><i>Staff recommend revisions to clarify the standards do not apply to a project that consists of a single building on a property larger than 4 acres; however, the city retains the ability to request an applicant meet these standards if future phases are anticipated or likely to occur.</i></p>	<p>Section 9-14-14(a): Applicability. A development four acres in size or larger shall meet the requirements of this section. <i>Developments subject to this section shall be designed consistent with the standards of this section and a block plan analysis meeting the standards of this section required under Subsection 9-2-16(d), "Application Requirements," B.R.C. 1981. This section does not require a development project to develop all properties considered part of the large site development. Dedication and construction requirements will consider the scope of the project and may be imposed to the extent that they are roughly proportionate to the transportation impact of the project or necessary to serve the development project. No structure shall be constructed so as to prevent compliance with the standards of this section as established in the block analysis plan.</i></p>
7	Public Space Design	Brick/Pavers in Paseos	Remove requirement for brick or pavers to comprise 30% of the surface treatment of the pedestrian travel way of a paseo.	9-14-10(b), Table 14-2	Minor policy	<p>Incorporate with modifications.</p> <p><i>The minimum travel way width in paseos is 6 feet, or 10 feet in the case of Enhanced Paseos due to their higher visibility and use by pedestrians. These standards are already proposed to be significantly simplified from the original Form-based Code. Staff recognize the value of flexibility and believe requirements for higher quality materials are important for pedestrian-oriented areas.</i></p> <p><i>Staff recommend removing this requirement from Narrow and Wide paseos, and maintaining it for Enhanced Paseos which were specifically created to provide a higher-quality design and pedestrian experience.</i></p>	<p><i>In an enhanced paseo and an enhanced paseo II, brick and pavers shall constitute at least 30% of the surface treatment.</i></p>
8	Public Space Design	Planters in Paseos	Remove design and dimensional requirements for planters within paseos.	9-14-10 (b)(6)(B)(iii)	Minor policy	<p>Incorporate.</p>	<p>Wide paseos shall include a mix of hardscaping and landscaping; no less than twenty-five percent of the paseo shall be landscaped, evenly distributed for the length of the paseo. <i>Planters shall be at least six feet and no more than eleven feet wide and at least six feet, but no more than twenty feet long. Planters may be longer than twenty feet where not adjacent to a patio.</i></p>

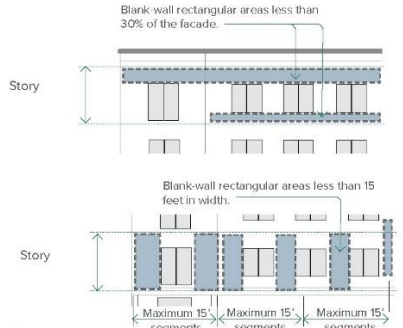
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							Planting over underground parking structures shall be accommodated in recessed, extensive green roof planters and/or full depth vaults and shall not project above the grade of the adjacent paseo. Ornamental or columnar trees adapted to the low light conditions of the paseo shall be planted where possible, at a distribution of no less than one per every fifty linear feet.
9	Public Space Design	Unique Stormwater Design Standards	Remove design requirements for stormwater features.	9-14-12(l)	Minor policy	<p>Incorporate with modifications.</p> <p><i>These standards only apply to stormwater features that are incorporated into required Outdoor Space areas to ensure they are sensitively integrated into pedestrian-oriented public spaces. Stormwater features located outside of Outdoor Spaces do not have any Form-based Code design standards.</i></p> <p><i>Staff recommend removing the material standards but retaining the wall height requirements to ensure that terraces and short walls that do not require guardrails are incorporated into Outdoor Spaces rather than tall, monolithic structures wherever possible. If stormwater standards require a taller wall instead of terraces, these requirements will supersede Form-based Code standards, even if located in an Outdoor Space.</i></p>	<p>(3) Walls. Retaining walls over 2.5 feet in height are not allowed in any outdoor space accommodating stormwater, except in a Greenway type and as required by the City of Boulder. Exposed concrete is prohibited; all concrete shall be faced with stone or brick.</p> <p>(4) Structures. All inlets, pipes, overflows, outfalls, and other structures required for the stormwater facility shall be incorporated into a landscape design and designed as unobtrusively as feasible. Exposed concrete is prohibited; all concrete shall be faced with stone or brick.</p>
10	Building Design	Occupied Space in Buildings	Remove requirement for occupied building space on Type A and B frontages from the Workshop building.	9-14-20(13)	Minor policy	<p>Incorporate with modifications.</p> <p><i>Occupied building space standards are intended to move inactive spaces such as storage, utilities, and parking garages away from the most visible street frontages and pedestrian spaces. It is critical for buildings to contribute to the safety and vibrancy of these pedestrian-oriented frontages through active uses and window transparency that put ‘eyes on the street’. Occupied building space is <u>not</u> required to be retail or commercial space. It is defined as being regularly occupied by building users and does not include storage areas, utility space, vehicle service areas, parking, or other uninhabitable spaces.</i></p> <p><i>Staff recommend revising this standard to apply only to Type A frontages in the Workshop building. Occupied building space would not be required on Type B or Type C street frontages, or side/rear yard facades.</i></p>	<p>Required Occupied Building Space, minimum depth from Type A & B frontages, all stories</p>

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11	Building Design	Service Base Clarification	Clarify the description of the Service Base to not be limited to Type C frontages	9-14-24	Clarification	Incorporate.	The intent of the service base is to allow workshops for maker or manufacturing spaces with garage entrances and loading bays along certain Type C frontages, while maintaining pedestrian-friendly facades. The service base may be allowed per building type requirements. Where a service base is used, service base requirements supersede any building type requirements for the base portion of the ground-story, street facade.
12	Building Design	Transparency & Blank Wall Rules	Simplify transparency and blank wall rules of measurement.	9-14-26(g)(1)	Clarification	Incorporate. <i>Staff have attempted to reorganize and refine this section to better explain the intent behind the rules. The standards are presented in a more intuitive sequence for the applicant and reviewers to follow.</i>	<p>(1) Measurement. Minimum facade transparency is measured from floor-to-floor of each story separately, except for required minimum ground story transparency (refer to Paragraph 9-14-26(g)(4), B.R.C. 1981, below). Refer to Figure 14-55. Measuring Minimum Facade Transparency. Transparency requirements shall be met with windows or glass in doors meeting the standards for transparency as defined in Section 9-14-8, "Definitions," B.R.C. 1981. The measurement may include the frame, mullions, and muntins, but shall not include trim or casing.</p> <p>(2) Blank-Wall SegmentsLimitations. Refer to Figure 14-56. Measuring Blank Wall Limitations.</p> <p>(A) Intent. <u>The intent of the blank wall limitations is to avoid long stretches of blank walls, distribute transparency within a story, and ensure that windows are located at the height of a person standing within the story</u></p> <p>(B) <u>Where the building type standards impose blank wall limitations, the following applies:</u></p> <p>(i) <u>No rectangular area greater than thirty percent of the story's facade, as measured floor to floor, shall be without</u></p>

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							<p>transparency. Refer to Figure 14-56. Measuring Blank Wall Limitations</p> <p>(ii) No horizontal segment of a story's facade greater than fifteen feet in width shall be without transparency. Refer to Figure 14-56. Measuring Blank Wall Limitations</p>  <p>FIGURE 14-56. Measuring Blank Wall Limitations</p>
13	Materials	Glass Block & Unfinished Concrete	Allow glass block and unfinished concrete as minor materials on all building types.	9-14-28, Table 14-9 and 14-11	Minor policy	Incorporate.	
14	Building Design	Canopy Rules	Revise canopy and awning standards to be more flexible.	9-14-32(b)(2)	Minor policy	Incorporate.	<p>(A) Material. All awnings and canopies shall be canvas or metal. Plastic awnings are prohibited.</p> <p>(B) Solar Panels. Solar awnings or canopies are allowed.</p> <p>(C) Shapes. Waterfall or convex, dome, and elongated dome awnings are prohibited.</p> <p>(D) Lighting. Backlit awnings are prohibited.</p> <p>(E) Structures. Frames shall be metal and shall be wall mounted. Support poles are prohibited unless utilized for outdoor eating areas over eight feet in depth.</p>
15	Building Design	Integrated Balconies	Remove requirement for structurally integrated balconies. Would support	9-14-32(c)(1)(C)	Minor policy	Incorporate.	<p>(C) Integrated Design A minimum of thirty-five percent of the perimeter of each balcony shall abut an exterior wall of the building, partially enclosing the balcony. The balcony support</p>

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			prohibition of drip-thru decks.				<p>structure shall be designed to be integrated with the building facade through techniques that may include, without limitation, structural integration, minimal protrusion, facade articulation, material consistency, and color consistency; separate columns or posts supporting any balcony from the ground are prohibited.</p> <p><i>(D) No Drip-through Decks. Drip-through decks are prohibited.</i></p>
16	Building Design	Mechanical Equipment	Clarify that mechanical equipment may be placed outside of the building when locating it within (and/or on top of) the building is not feasible.	9-14-33(b)	Clarification	<i>Incorporate.</i>	<p>(b) Mechanical Equipment in Building. Mechanical equipment shall be located within the building, unless the applicant demonstrates the equipment is necessary for the function of the building and locating the equipment within the building would conflict with the equipment's function <u>or present a health and safety risk to the occupants of the building. If the mechanical equipment is necessary for the function of the building and locating it within the building would conflict with its function or present a health and safety risk to the building occupants, the equipment may be located on the rooftop, on facades, or on horizontal surfaces consistent with the standards of this section.</u></p>

Comments/Requests Not Recommended for Council Support by Staff

Item #	Topic	Short Reference	Comment/Request	Code Reference	Type of Change	Staff Analysis
17	Procedures	Site Review vs. Form-Based Code	Clarify the requirement for Site Review projects to be compatible with Form-based Code standards to the extent practicable is limited to the physical/architectural characteristics of the project and exclude "site configuration" which could be misinterpreted to include use-related standards.	9-2-16(b)(4)(C)	Clarification	<i>No longer applicable per recommendation to remove the requirement to be compatible with Form-based Code per Item 1.</i>
18	Procedures	Clarify 60% Threshold Also for Facades	Clarify the requirement for new facades that are located within the frontage setback and associated with the expansion of floor area of an existing building to comply with the Form-based Code only when the expansion is more than 60% of the existing floor area as specified in 9-14-5(d)(1).	9-14-5(d)(2)	Minor policy	<p><i>The frontage setback area is the space where the building is located closest to the street and most visible to the neighborhood. The Form-based Code prioritizes design quality, placemaking, and the relationship of the building to the pedestrian in this critical area.</i></p> <p><i>This standard was included in the original Form-based Code to ensure that any new façade associated with an addition, regardless of size, that is in the frontage setback meets the design and activation standards appropriate for the most visible sides of the building. This standard also</i></p>

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						<i>encourages additions that do not meet the design standards of the Form-based Code to be located on the rear of the building or further away (ie, outside the frontage setback distance) from the pedestrian realm.</i>
19	Procedures	Façade Opt-Out When FBC Applies	Allow staff to exempt an applicant from complying with Form-based Code standards for new facades located within the frontage setback that are added to existing buildings.	9-14-5(d)(2)	Minor policy	<i>Form-based code review is a staff-level administrative review process and applicants can request exceptions to Form-based Code standards. Allowing staff to exempt projects from certain regulations of the Boulder Revised Code would require specific criteria for when exemptions could apply.</i>
20	Building Types	Add Workshop Type Along 55 th Street North of Railroad	Modify the East Boulder – Flatirons Business Park Regulating Plan to allow the Workshop building type along 55 th Street corridor north of the railroad (eg, western side of Flatirons Business Park).	9-14-6(c), Figure 14-6	Major policy	<i>The adopted East Boulder Subcommunity Plan clearly sets an expectation for residential uses to be introduced along the 55th Street corridor over time as appropriate, as evidenced by the future land use map and Place Types map in the plan. The Boulder Valley Comprehensive Plan designates this area as Mixed Use Transit Oriented Development (MUTOD) which is defined as consisting predominantly of attached residential uses with supporting uses including office, retail, service, commercial and light industrial. The goal of MUTOD areas is to transform existing, disparate uses into mixed use, transit-oriented neighborhoods rich with amenities and services.</i> <i>Staff believe it would be inconsistent with the Subcommunity Plan and Comprehensive Plan to introduce the Workshop building in this location. However, staff recognize the value of continued business and production uses along the 55th Street corridor and have increased the threshold for new General buildings in East Boulder to include residential uses from 15,000 sf to 35,000 sf.</i> <i>Additionally, the recommendation to allow all properties to choose between using the Form-based Code or Site Review process provides the desired flexibility (see Item 1). As noted above in Item 2, staff also recommend further emphasizing the independence of the Site Review process by removing the current requirement to be compatible with the Form-based Code and make explicit that the standards of the Form-based Code are not applicable to Site Review.</i>
21	Building Uses	Applicability Language	Revise the language for the required residential standard to specifically state it does not apply to the Workshop building type.	9-14-6-(c)(4)	Drafting	<i>The City Attorney’s Office does not recommend adding this language as it is not best practice in legislative drafting and the proposed language is unnecessary. There is no language in the proposed form-based code that creates a requirement to provide residential in the workshop building type. Adding this language could call into question other areas of the code where the code is silent and does not expressly list uses that are not impacted by a requirement. The current draft code is clear about when standards do and do not apply.</i>
22	Building Uses	Applicability Language	Revise the language related to required residential and production business space to specifically state they do not apply to existing structures unless they	9-14-6(c)(4), 9-14-6(c)(5)	Drafting	<i>The City Attorney’s Office does not recommend adding this language as it is not best practice in legislative drafting and</i>

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			are modified to an extent where full compliance with the Form-based Code applies per 9-14-5.			<i>the proposed language is unnecessary. The current draft code is clear about when standards do and do not apply.</i>
23	Building Uses	Residential Uses in Large General Buildings	Remove requirement to provide at least 50% residential floor area in General buildings that exceed 35,000 sf in total combined floor area.	9-14-6-(c)(4)	Major policy	<i>Refer to staff analysis under Item 1, 2, 17 and 20.</i>
24	Building Uses	Fee Alternative for Production Business Space Requirements	Support small scale commercial business and production uses through a fee-in-lieu program (or similar) rather than requiring space through zoning.	9-14-6(c)(5)	Major policy	<i>Staff recognize incorporating production business space into large redevelopments is only one approach to support small businesses and that additional programmatic strategies will likely be necessary. Establishing a fee-in-lieu program or other similar mechanism is outside the scope of the Form-based Code update which is focused on defining the physical space associated with redevelopment. Staff are recommending the Form-based Code be optional and introducing alternative compliance methods for this standards to further support flexibility.</i> <i>The 55th & Arapahoe Station Area is being considered for a possible future improvement district that could serve as a governing framework to manage a fee-in-lieu or affordable commercial program in the future. This will continue to be explored with the Community Vitality department through future implementation steps.</i>
25	Building Design	Mid-Block Pathways for Long Buildings	Remove requirement for mid-block pathway to be incorporated on frontages longer than 450 feet.	9-14-6(c)(2)	Minor policy	<i>The road network is more spread out and property sizes are larger in East Boulder than in most other locations in the city. One goal of the East Boulder Subcommunity Plan and proposed Form-based Code is to create a more fine-grained mobility network with smaller blocks that contribute to a more walkable, mixed use neighborhood.</i> <i>The standard only applies to sites that have a frontage that exceeds 450 feet (approximately 1 ½ typical blocks). Staff recognize a full break of a building (as in the case of a paseo) may not be appropriate and have allowed for the bridging of up to 30 feet or 30% of the total length (whichever is less) to enable a single structure to span the mid-block pathway. Staff believe this is a reasonable balance of creating better pedestrian connectivity, breaking down long building facades, and enabling cost effective architectural outcomes.</i>
26	Building Design	Designating Type A Frontage	Remove the requirement for one frontage to be designated as a Type A frontage where no Type A frontages exist in the Workshop building.	9-14-15(a)(6)	Major policy	<i>The need to identify at least one Type A frontage is a fundamental concept of the Form-based Code and applies to all areas, not only East Boulder. Type A standards orient the building to present a 'front door' to pedestrians and motorists on the most prominent and visible street frontage.</i>
27	Building Design	Floor-to-Floor Heights	Remove minimum and maximum floor-to-floor heights.	9-14-16 thru 9-14-21	Minor policy	<i>The Form-based Code includes design parameters that are easily measured for the base, middle, and top of a building to ensure the basic architectural framework is well-defined for both applicants and staff to facilitate an efficient development review process. These standards also provide predictability to the community about redevelopment outcomes and were created through broad community</i>

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						<p><i>participation and visual preference analysis when the Form-based Code was originally created in 2016.</i></p> <p><i>Staff believe removing these standards introduces additional ambiguity and discretion into a process that is intended to be objective and routine. Applicants can request exceptions to all Form-based Code standards as needed.</i></p>
28	Building Design	Parapet Height Minimum	Remove minimum dimension requirements for parapet heights.	9-14-25(e)(1)(A)	Minor policy	Refer to staff analysis under Item 27.
29	Building Design	Roof Overhang Minimum	Remove minimum dimension requirements for flat roof overhangs.	9-14-25(f)(2)	Minor policy	Refer to staff analysis under Item 27.
30	Building Design	Transparency Standard	Revise transparency requirements to apply to only 80% of the façade.	9-14-26(g)	Minor policy	<p><i>Staff believe the flexibility intended by this comment is already captured in the transparency standards. The code requires the General building to incorporate only 20% transparency on each story of Type A, B, and C street frontages (ie, does not apply to side or rear yards) and the Workshop building to incorporate only 15% transparency on each story of only Type A street frontages. Note also the blank wall standards related to transparency only apply to the Type A frontage of the Workshop building creating additional flexibility on Type B and C frontages.</i></p>
31	Building Design	Tall Building Standards	Remove requirement for buildings taller than 40 feet to have 30% of the building be one story lower in height.	9-14-31	Major policy	<p><i>Staff believe this standard represents a reasonable balance between the increased floor area enabled by Form-based Code and the architectural outcomes desired by the community. During the creation of the original Form-based Code, community members and policy makers clearly identified a desire to break down taller buildings that exceeded 40 feet in height. The goal was to avoid buildings with monolithic façades and introduce variability in roof lines along the most visible Type A frontages in exchange for the increased height allowed by the Form-based Code.</i></p> <p><i>The Form-based Code allows greater floor area and building height than would be feasible under existing zoning standards, so staff do not believe this represents an undue reduction in buildable outcomes. Areas of reduced height may be repurposed as rooftop terraces and outdoor amenity spaces to support indoor uses.</i></p>
32	Public Space Design	Courtyard Standards	Allow smaller courtyard requirements.	9-14-14(h)(1)	Minor policy	<p><i>Small courtyard spaces are allowed and encouraged. Courtyards intended to meet minimum streetwall variation standards must meet minimum dimensions of 30 ft x 30 ft = 900 sf, so they are meaningful spaces and contribute to street level activity. Courtyards intended to qualify as a required Outdoor Space must be at least 1600 sf, which is substantially smaller than the minimum sizes of other Outdoor Spaces (0.1 acres = 4356 sf). Note that all of the Outdoor Space requirements required by the Form-based Code already represent a notable reduction of open space area standards required by existing zoning and Site Review.</i></p>

Attachment B - Summary of Staff Recommended Amendments to Ordinance 8669

33	Building and Public Space Design	Impervious Coverage Standards	Increase allowable impervious coverage in the General building form to provide flexibility for buildings, drives, and sidewalks.	9-14-18(9)	Major policy	<p><i>Staff believe the current impervious standards provide a reasonable balance between the goals of the Subcommunity Plan and increased intensity allowed by the FBC. Note that green roofs can also be used to meet the semi-pervious standard. This allows additional building coverage beyond the 65% impervious limitation.</i></p> <p><i>Community members and policy makers have consistently expressed a need for better public open spaces and landscape areas to soften urban densities, provide space for gathering, and mitigate urban heat effects. In response, the East Boulder Subcommunity Plan identifies Innovation TOD Residential as a Place Type with the highest expectation for usable open space to balance the anticipated intensity of redevelopment. The General building form is proposed in these Innovation TOD Residential areas.</i></p> <p><i>MU-4 is the closest zone district equivalent that would allow similar scale and intensity as allowed by the General form in the FBC. This district requires 15% open space or 20% for buildings greater than 45 feet. MU-4 has a FAR limit of 2.0, whereas the FBC has no FAR limit and based on staff analysis can yield as much as 3.0 or more.</i></p>
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J. Marcus Painter
Partner
Phone 303.473.2713
mpainter@hollandhart.com

February 4, 2025

VIA EMAIL: muellerb@bouldercolorado.gov

Brad Mueller
Director
Planning and Development Services
City of Boulder

Re: Form Based Code Amendments and Proposed “Off-Ramp” – Remaining Issues for Resolution

Dear Brad:

You have asked for our comments to the redraft sent out on Friday evening, January 31. While we appreciate the effort that has been made to have meetings with the stakeholders, we appear to largely remain in the same position that we were in on several fundamental issues when Council directed Planning Staff to work with stakeholders. However, we continue to believe that these remaining issues can be easily addressed in a manner consistent with Council’s direction, and we hope that you will further modify the proposed Code language before it goes back to Council. Below is an explanation of our principal remaining concerns with the draft Form Based Code (FBC) and our proposed solutions to each item. Of course, we are very open to other language options that achieve the needed solutions.

1. THE SITE REVIEW “OFF RAMP” IS ILLUSORY

Fundamental among our concerns is Staff’s proposed “Off Ramp” to elect out of the housing and other requirements under the FBC, by using the Site Review process. While you have stated this is not the intent, our concern is that this could lead right back to allowing Staff, the Planning Board or City Council to try to require housing in this zone. This is because the criteria for Site Review approval include consistency with the East Boulder Subcommunity Plan (EBSP) and the Boulder Valley Comp Plan (BVCP). Indeed, some *Planning Board members have recently suggested that Site Review applications in the area in question should include housing in order to be consistent with the EBSP.* If the EBSP were to be interpreted to require housing, the proposed Off Ramp would become illusory and inconsistent with the Council’s direction to make housing optional.

Requiring housing through Site Review is inconsistent with the EBSP, the Site Review process, and Council’s prior direction. The EBSP calls for expanded opportunities for integration of new uses in East Boulder, but the EBSP is clear that new opportunities will not involve mandates or eliminate the option to pursue other uses, including light industrial uses, by right. In particular, the EBSP states that its goal is to “expand mixed use opportunities” while ensuring that Flatiron Business Park “will continue to offer high-quality light industrial” space. The EBSP repeatedly describes its policies in terms of “incentives,” not mandates.

Location
1800 Broadway, Suite 300
Boulder, CO 80302

Contact
p: 303.473.2700 | f: 303.473.2720
www.hollandhart.com

Further, requiring particular *uses* is outside the scope of Site Review. The Site Review criteria and the requirements that may be modified through Site Review involve *form and design*, not *use*. Use requirements are addressed through the separate Use Review process. Creating an Off Ramp from the housing requirement under the FBC that in turn leads to a housing requirement under Use Review would be directly at odds with Council's expressed intent that housing and other provisions of the FBC remain "optional" for owners to elect as a different path for redevelopment. To clarify that Staff's and the Planning Board's interpretations of the EBSP in the process of adopting the FBC will not affect future Site Review applications, we continue to request *express clarification in the Code that uses will not be mandated through Site Review*.

Specifically, we would suggest the following revisions:

- *Proposed new subsection under Code Section 9-2-16(b)(4): "Site Reviews: ~~Any development of a lot or parcel subject to a Site Review approval pursuant to Section 9-2-14," Site Review," B.R.C. 1981.~~ Lots and parcels eligible for a Site Review pursuant to the thresholds established in Section 9-2-14, B.R.C. 1981, may be developed pursuant to the standards of Section 9-2-14, B.R.C. 1981, instead of the standards of this Chapter 9-14, "Form-Based Code," B.R.C. 1981, at the discretion of the applicant. [Alternative 1: Any lack of mixed uses, including, without limitation, residential or production business space, shall not be considered in the Site Review process. Alternative 2: So long as the uses proposed by the applicant are not inconsistent with uses permitted for the Property, specific permitted uses may not be mandated as part of such Site Review"]*
- *Proposed Code Section 9-2-16(b)(4)(C): "Previously Approved Developments: Any development on a lot or parcel ~~designated in Appendix L, "Form-Based Code Areas," for which an application for Site Review was made prior to the adoption of an ordinance including said lot or parcel in the designation of said appendix and that is approved or for which~~ is subject to a valid Site Review approval or planned unit development (PUD) approval ~~shall not be subject to these requirements.~~ Valid Site Review and PUD approvals may be amended or modified in accordance with the minor modification and amendment provisions of Section 9-2-14, "Site Review," B.R.C. 1981. ~~Any lack of mixed uses, including, without limitation, residential or production business space, shall not be considered in the process for amendment or modification of a Site Review or PUD approval."~~*

2. "WORKSHOP" BUILDINGS SHOULD BE ALLOWED ALONG 55th STREET

We continue to disagree with Staff's position that the Innovation TOD place type designation in the EBSP requires prohibition of the Workshop Building type in the corridor along 55th Street. The Workshop Building type is the only viable way to create new or expanded light industrial and R&D space under the FBC since, as noted by Council, the General Building type's residential requirements would be inconsistent with R&D uses. Thus, prohibiting the Workshop Building type along 55th Street will effectively prohibit R&D uses, such as the recently completed state-of-the-art building at 5505 Central Avenue.

Prohibiting optionality is not what Council wanted, and again, allowing continued optionality is entirely consistent with the language of the EBSP, as explained above. We therefore continue to *request that the Workshop Building type be allowed along the 55th Street corridor*; this request is consistent with Council's repeated instructions throughout this process to maintain optionality and opportunities for R&D and other existing uses in the area *without* simultaneously mandating housing in the same buildings. No modification to the EBSP is required to allow this flexibility.

3. PRODUCTION BUSINESS SPACE SHOULD NOT BE MANDATORY

At the December 5, 2024, Council meeting, multiple Councilmembers specifically instructed Staff to revisit and revise the FBC’s proposed requirement for mandatory, separately leaseable production business space within each building. Staff’s proposed solution—allowing required production business space to be located in another building within the same FBC project—would not solve the concerns that Councilmembers and stakeholders have expressed. As we have explained, the production business space requirement is *inconsistent with R&D uses, would require construction of space that potentially could not be tenanted, and would lead to vacant suites across East Boulder*. The complications of monitoring and enforcing this requirement as leases turn over, or tenants for such mandated space cannot be found, are many and unwieldy. We therefore continue to request revision of the FBC to *eliminate the production business space requirement for the Workshop Building type, if not altogether*.

As we have discussed, nothing would be more pleasing for all parties than for the upcoming Council meeting on February 20, 2025, to be a confirmation that the changes made since the last Council meeting satisfactorily address the concerns of all parties. With the circularity that arises from housing being required as part of any Site Review modification, we simply cannot say to Council that our concerns or Council’s concerns on this threshold issue have been satisfactorily addressed. The fixes that we have proposed, which in our view are entirely consistent with both Council’s stated intent to preserve optionality and the intent and language of the EBSP, would (i) allow this codification process to successfully conclude, (ii) fulfill the City’s intent while also (iii) providing added certainty and protection for the reasonable expectations of affected landowners.¹

Very truly yours,



J. Marcus Painter and
Mark E. Hamilton
Partners
of Holland & Hart LIP

cc: Kristopher Johnson
Hella Pannewig, Esq.

34149111_v8

¹ With resolution of these three issues as we have proposed, the other issues which we have continued to raise but which have yet to be addressed, are largely resolved. However, we reserve those unresolved objections should these three fundamental issues remain in the draft going to Council.

February 3, 2025
Submitted via email

City Council
City of Boulder
1777 Broadway
Boulder, CO 80302

Dear City Council Members:

I am writing to express my support for the adoption of the Form Based Code on February 20, 2025.

As an owner of a commercial property within the 55th and Arapahoe Station Area of East Boulder, we have been following the City's progress on the Subcommunity Plan and Form Based Code over the past several years.

The East Boulder Subcommunity Plan provides a compelling vision for the future of this area, and the Form Based Code will provide the detailed guidance individual property owners need to consider redevelopment. The specificity provided by the Form Based Code gives clear direction, while also maintaining the option of opting out of its provisions and following the City's standard site review process if preferred.

We appreciate the City's work on the Form Based Code and believe it is now ready for adoption.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brant Brooks', with a stylized flourish at the end.

Brant Brooks
Managing Member
5440 Conestoga LLC

Monday, Feb 03, 2025

Boulder City Council
1777 Broadway
Boulder, CO 80302

Re: Support for Form Based Code Adoption

Dear Members of the City Council,

We, Erin Bagnall and Danica Powell, as members of the Technical Advisory Committee for the recent Form-Based Code (FBC) updates, are writing to express our strong support for the proposed modifications to the FBC that are scheduled for review by the City Council on February 20th. We believe that these modifications are a crucial step toward implementing the East Boulder Subcommunity Plan, which has been carefully crafted in collaboration with the community and was adopted by both the Planning Board and the City Council.

Since 2019, the City of Boulder Long Range Planning Staff have worked effectively and diligently with the community to shape a vision for the areas of change in East Boulder. This planning process is rooted in a broader vision that dates to 2016, when the Boulder Chamber, along with numerous business and citizen organizations, collaborated with The Urban Land Institute on the *'Boulder's New East Edge'* report. This report explored opportunities for redevelopment in the 55th and Arapahoe area, focusing on transportation, mixed-use development, and sustainability. In 2019, the City began engagement and work on the East Boulder Subcommunity Plan, finalized and adopted in 2022. The adoption of the Form-Based Code for East Boulder represents the final step in codifying the above long-term visions into the municipal code, clearing the way for the much-anticipated changes to begin.

We are confident that these proposed changes will benefit the entire community by providing a variety of housing options and fostering artful, well-connected neighborhoods that integrate seamlessly with the broader city and region. We hope the City Council will approve these modifications, recognizing the positive impact they will have not only on East Boulder but on the city as a whole.

Thank you for your consideration of this important matter. We look forward to the continued progress of creating a better, more vibrant Boulder for both businesses and residents alike.

Sincerely,

Erin Bagnall & Danica Powell
Members, Technical Advisory Committee



February 3, 2025

Submitted via email

Boulder City Council
1777 Broadway
Boulder, CO 80302

Re: Support for Form Based Code Adoption

We are writing to express our strong support for the adoption of the Form Based Code (FBC) on February 20.

Quad Capital Partners acquired 5501 Arapahoe (former Boulder Dinner Theater) in 2022 after the theater announced it was closing, and we are under contract to purchase the adjacent Premier Members Credit Union site at 5505 Arapahoe. We secured these properties as the East Boulder Subcommunity Plan was nearing completion. Our proposed project will create 300 residential units in the heart of the Station Area at 55th and Arapahoe. Building housing in this location, in a TOD environment, is in direct alignment with the plan and the city's goal of increasing housing opportunities in East Boulder. In addition to the 300 units of new housing, the project will contribute several million dollars to the city's affordable housing fund.

The building we are proposing will be 100% electric, use high efficiency building systems, incorporate rain gardens, and include other sustainability elements. Further, the building's retail space includes a designated production business area in accordance with the code, and the primary retail tenant will be Premier Members Credit Union, ensuring that an important East Boulder business remains in place.

Over the past five plus years, the City of Boulder staff has worked diligently with the community to develop the East Boulder Subcommunity Plan and subsequently the FBC. We have collaborated with the City and our design team to create a project that aligns with the City's vision for East Boulder as a mixed-use, transit-oriented area and we are ready to build a high quality, well-designed, mixed-use building that showcases the type of development envisioned in the East Boulder Plan and FBC.

However, because the adoption and implementation of the FBC is significantly behind schedule from what was communicated when we acquired the site, it is critically important for our project that the code is adopted on February 20. A variety of factors including the holding costs of the now vacant building, the timing of our investment fund, and the needs of our future retail tenant necessitate that we stay on track to start construction as soon as possible. Failure to adopt the code on February 20 will jeopardize our ability to implement this important project.

We truly appreciate the hard work of the City staff and your efforts as policymakers in understanding the details of the code language. As a developer who will be subject to the code, we believe it provides an effective blueprint for the implementation of the City's vision for East Boulder. We are excited to move forward with our project and we strongly encourage you to approve the FBC on February 20.

Sincerely,

Dan Kennelly
Quad Capital Partners

Attachment: Project Summary

5501 Arapahoe Proposed Mixed-Use Building

Attachment C - Letters from Community Members (received since December 5, 2024)



Working with a local design team led by Sopher Sparn Architects, Quad Capital Partners is excited to propose a 300-unit mixed-use building to the corner of 55th and Arapahoe. The project has been on hold pending the approval of the Form Based Code. **For this project to move forward, it is critical that the Form Based Code is adopted without further delay. We strongly encourage the City Council to adopt the Code on Feb 20.**

Item 5B - 2nd Rdg East Boulder Subcommunity Plan
Amendment and Form-Based Code Updates

Page 156

What this project means for Boulder:

- ✓ 300 units of needed new housing in East Boulder
- ✓ Millions of dollars for Affordable Housing Fund
- ✓ Sustainable, transit-oriented, 100% electric building
- ✓ High-quality design and materials
- ✓ New retail space for an existing neighborhood business
- ✓ Aligns with the East Boulder Subcommunity Plan
- ✓ Conforms with the Form Based Code
- ✓ **Ready to move forward pending Form Based Code Approval**

Project Background

- **2022 Acquisition** – Quad Capital Partners (QCP) purchased 5501 Arapahoe Ave (Boulder Dinner Theater) and secured the adjacent 5505 Arapahoe (Premier Members Credit Union) in 2022 after the dinner theater planned to close.
- **Our Plan** - Guided by the East Boulder Subcommunity Plan (adopted fall of 2022), we worked with Sopher Sparn on a plan for a mixed-use building closely aligns with the City’s vision.
- **Community Impact** – Our mixed-use building will bring 300 needed housing units to East Boulder and provide funding to the City’s Affordable Housing Fund. The ground floor will include retail space for the Credit Union to move back in, retaining and exiting business.
- **Delay** - The project has been stalled 14 months due to the delayed adoption of the Form Based Code. Given the long timeline, we are at risk of not being able to move forward.
- **Need the FBC Adopted** - We have appreciated a great working relationship with City staff, have designed our project in conformance with the draft code, and are eager to move forward. We strongly encourage the City to adopt the Form Based Code so our project can advance.



Preliminary Concept for Corner of 55th/Arapahoe

Project Timeline To Date



East Boulder Subcommunity Plan

The Plan calls for this site to be “Mixed Use TOD” characterized by predominantly attached residential with supporting retail/services. Our planned project is consistent with the plan.



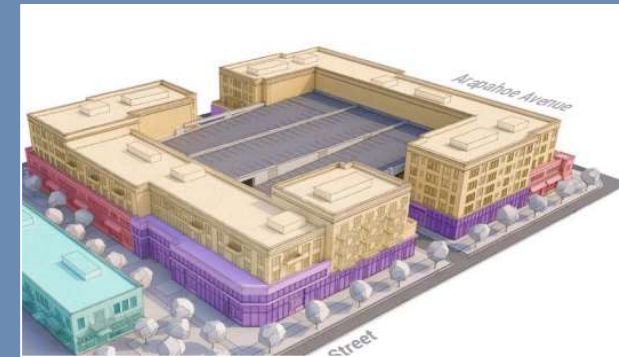
The proposed project fits with the Mixed-Use TOD Land Use designation in the East Boulder Subcommunity Plan

Aligned with City’s Vision

Our proposed project aligns with the carefully-crafted vision, plan, and code for East Boulder that the City and the community worked hard to create over the last five years.

Station Area Master Plan (STAMP)

The more detailed 55th and Arapahoe STAMP plan includes a conceptual rendering for our site showing a 5-story mixed-use building with structured above grade parking and ground floor retail. Our current design was guided by and closely matches this community-supported vision.



The proposed project aligns with the STAMP Plan’s concept for the corner of 55th/Arapahoe as a 5-story mixed-use building

Form Based Code

The draft FBC includes intricate requirements on street wall plazas, façade variation, high quality materials, ceiling heights, retail locations, production business space, and much more. We have collaborated with the city on a design that meets these requirements, and is ready to be submitted to the City for approval.



The proposed project meets the requirements of the Form Based Code

High Quality Housing and Support for Affordable Housing

- Project will build approximately 300 units of high-quality housing including a range of unit types and sizes to accommodate different households
- The project will help balance jobs and housing and address the acute shortage of housing in East Boulder (*the East Boulder Plan notes that the area currently has 17,000 jobs and only 466 residents*)
- In addition to directly creating housing, the project will generate millions in funding for Boulder's Affordable Housing Fund.

Sustainability

- The project will be a model of sustainability and will comply with Boulder's newly energy code, including being a 100% electric building
- The building incorporates numerous sustainable and energy efficient elements including efficient electric heat pumps, EV charging stations.
- The building will use stormwater management best practices including rain gardens and green roofs
- Located on a future Bus Rapid Transit route, the project is fulfilling Boulder's goal of transit-oriented development on this corner

Maintaining an Existing East Boulder Business

- The Premier Members Credit Union branch that will be demolished for this project will move back into the ground floor of the new building
- The project is retaining an existing East Boulder Business in the area to continue providing financial services to this neighborhood.

Form Based Code Demonstration Project

- The project will be the first to use the new Form Based Code in East Boulder
- The development will demonstrate how the code can achieve high quality well-designed mixed-use buildings in this part of the community

Community Benefits

The proposed development advances Boulder's policy goals and will bring numerous benefits to the community



QUAD
CAPITAL PARTNERS

**First
Martin**
CORPORATION

Quad Capital Partners (QCP) is a real estate development and investment management company based in Ann Arbor, Michigan. QCP grew out of a 54-year-old family company called **First Martin Corporation (FMC)**. With a focus on investing in communities anchored by flagship universities, the QCP/FMC approach to development emphasizes building strong local partnerships and investing in high quality projects that are held for the long term.

5501 Arapahoe will be our first project in Boulder. We are investing in the City's vision for East Boulder. and we have appreciated working with the city's skilled and professional staff. We are excited to be part of this dynamic community and look forward to next steps.

About Us

Quad Capital Partners has assembled a best-in-class design/construction team

Locally-Led Design and Construction Team



Please Adopt the Form Based Code on February 20

Quad Capital Partners and our locally-led design team strongly encourage the Boulder City Council to support and adopt the Form Based Code. The adoption of the code will represent the culmination of years of thorough community outreach and excellent planning work by the City staff, policymakers, and partners.

Our 55th and Arapahoe project aligns with the code and is ready to move forward. Because of factors with our investors and partnerships, further delay in the code adoptions will jeopardize our ability to move forward with the project.

Contacts:

If you have questions about the development, please contact our team.



Dan Kennelly
Quad Capital Partners
(608) 217-7470
dkennelly@quadcp.com



Erin Bagnall AIA
Sopher Sparn Architects LLC
Office: (303) 442.4422 ext. 239
Direct: (720) 316 5917
ebagnall@sophersparn.com



Danica Powell
Trestle Strategy Group
(303) 579-6221
danica@trestlestrategy.com

Our Request

Adopt the Form Based Code without further delay



**PREMIER
MEMBERS**
CREDIT UNION

February 3, 2025
Submitted via email

Boulder City Council
City of Boulder
1777 Broadway
Boulder, CO 80302

Dear City Council Members:

I am writing to express my support for the adoption of the Form Based Code on February 20.

As a business and property owner operating in East Boulder for nearly 30 years, I have been following the City's progress on the Subcommunity Plan and Form Based Code over the last several years. I believe the East Boulder Subcommunity Plan and Draft Form Based Code establish a clear and appropriate path forward for the future development in this part of the Boulder community.

Premier Members Credit Union is part of an exciting redevelopment plan for the corner of 55th and Arapahoe that will allow us to continue operating in this location for possibly the next 30 years, while also creating 300 new apartments in a new mixed-use building. The adoption of the Form Based Code is needed for this project to move forward.

I appreciate the City's work on the Form Based Code and believe now is the time for adoption. Again, I encourage you to adopt the code on February 20.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Carlos Pacheco'.

Carlos Pacheco
Chief Executive Officer
Premier Members Credit Union

December 4, 2024

VIA EMAIL

Boulder City Council Members
City of Boulder
1777 Broadway
Boulder, CO 80302

Re: Form Based Code Proposal

Dear Mayor Brockett and Honorable Members of the City Council:

We are writing on behalf of our client BioMed Realty L.P. and its affiliates (collectively “BioMed Realty”) concerning the Form Based Code proposal that is now coming before you (the “Proposal”).

Significant concerns remain with the Proposal as currently drafted. Significant concerns also exist with the apparent disconnect between the current recommendations of the Planning and Development Services Department (“Staff”) and the direction given to Staff by the City Council on October 6, 2022, which direction the Council reaffirmed at its subsequent study session on June 13, 2024. As discussed in more detail below, that direction was to provide for flexibility and incentives to encourage certain new uses within the IG Zoning District (“IG District”), while allowing landowners within the IG District to maintain all permitted land use scenarios allowable under current zoning. However, the Proposal imposes new use requirements and design considerations upon existing projects, thereby effectively amending current zoning.

We also note that the Proposal’s current language does not correspond to the intent expressed by Staff to City Council and/or various stakeholders on several occasions, or the expressed intent of the East Boulder Subcommunity Plan (“EBSP”), which at present does not mandate use changes. Accordingly, we respectfully ask that Council defer immediate adoption of the Proposal and instead direct Staff to further revise the Proposal to align with Council’s prior direction. ***There is simply too much at stake for many area landowners and tenants to rush this important decision.***

Below is an outline of some of the primary outstanding issues, with bolded suggested resolutions. We have expressed these concerns in more detail to Staff, and we hope to work further with Staff to address them before the Council adopts a final version of the Proposal.

I. Intent

Council has consistently stated that the purpose of the EBSP is to *expand* allowed uses and to provide *flexibility* and *optionality*. The EBSP specifically sets out the vision for Flatiron Business Park to “continue to offer high-quality light industrial, flex and office spaces...evolve to inspire innovation, encourage active lifestyles and create a local destination district that exemplifies a finely tuned work-life balance.” This intent was the guidepost for the stakeholder work with Staff and Council to revise the IG District zoning requirements in 2022-2023. That zoning update included an expansion of retail and restaurant uses and R&D uses to reflect the evolving character of East Boulder, as well as an expansion of housing opportunities within the IG District. That significant effort and the resulting changes to the Code, when combined with the Form Based Code and the optionality desired by Council, can both allow housing where feasible as well as Boulder’s continued evolution into a community rich in innovative businesses. But the current draft of the Form Based Code before Council for second reading replaces this optionality with mandates, and replaces flexibility with rigid restrictions – the result of which would be to stifle East Boulder’s evolution rather than encourage it.

The stated intent of the Form Based Code is to specify physical parameters for development, such as setbacks, building coverage, height and special building design characteristics. However, the Proposal introduces numerous use mandates beyond such “physical parameters” – mandates that should be governed by the underlying zoning districts. *As discussed in more detail below, these use mandates, and their many unintended consequences, should be eliminated from the Proposal before its ultimate adoption.*

II. Changes from Planning Board Recommendation

In addition to the above issues, while Staff has stated its intent that the new “workshop building type” was intended to house life science and R&D facilities, the Proposal has been amended since the October 15, 2024 Planning Board meeting to eliminate the possibility of workshop type buildings in the area along 55th Street. This effectively requires housing for any redevelopment under the Form Based Code in this area. Further, the design standards for the general building type would not permit a functional building to be built to house R&D and life science uses. As a result, while the IG Zone District allows R&D and life science uses, the changes to the Proposal after the Planning Board meeting effectively prevent such uses along the 55th Street corridor. This is a de facto downzoning of this area – a downzoning Staff specifically committed to Council at the October 6, 2022, meeting would NOT occur. Staff did not mention these additional changes in the agenda packet for first reading nor during recent discussions with stakeholders. These many changes are evident only through careful review of the 129-page proposed text. *The workshop building type should be restored along the 55th Street corridor.*

III. Mandatory Production Business Spaces

As currently drafted, the Proposal requires developments with a total combined floor area exceeding 15,000 sq. ft. to set aside 10% of the ground floor for “production business space.” Previously, Staff stated that “workshop” type buildings would be exempt from the production

business space requirement. However, more recently, Staff has apparently reversed this decision. The current Proposal would require production business spaces within all building types, including workshop type buildings, to be separately leased. This effectively eliminates single-tenant buildings. Many tenants, including life science and R&D users, lease an entire building (and sometimes multiple buildings) because they have a business necessity to be able to exercise complete control over (i) the building systems supplying critical support to their activities, (ii) access and security within the building and (iii) the very specific parameters surrounding scientific experiments, including ensuring the absence of extraneous vibrations, noise and odors. Many uses that could fall within the category of “production business space” create noise, vibrations, fumes, and other similar effects which are fundamentally incompatible with research and development facilities.

In addition, the production space appears to be trying to address a market segment that may not even exist, or for which no demand exists for prolonged periods. The permitted uses within production business spaces are defined by exclusion via a long list of what cannot happen in such spaces. While it appears the laudable intent is to create affordable space for small manufacturing operations, in many cases the high cost to construct certain of these building types (such as lab or R&D buildings) may negate that affordability for such uses even if the demand existed. As such, the likely effect would be to force owners to set aside 10% of the ground floor of every building for a use with no demand or an occupant that doesn’t materialize. ***The requirement of inclusion or production space should be eliminated***; the additional potential unintended consequence, as Council has previously noted, would be a stagnation of redevelopment and the discouragement and ultimate loss of both existing small businesses as well as larger users.

IV. Mandatory Residential Spaces

The Proposal continues to require developments in East Boulder with a total combined floor area exceeding 35,000 sq.ft. within all “general or row building types” to devote a minimum of fifty percent of floor area to residential use. Staff has stated that the intent of the Proposal is to exempt workshop type buildings from this residential requirement; ***however, the Proposal does not include a clear exemption***. Neither the City nor the business community will be served by adopting the Proposal if it contains ambiguous language. Therefore, while Council has consistently stated that residential uses should not be mandated within any building types within East Boulder unless an owner specifically chose to rezone its property, if Council ultimately moves away from its prior directives that the Proposal allow for flexibility and optionality, ***we would continue to request that the Proposal at least be revised to expressly state that no residential spaces are required within workshop type buildings***.

V. Existing Site Review/PUD Approvals

Staff has previously stated that the Proposal will not affect properties that are subject to existing site plan or PUD approvals. However, the Proposal, in combination with the existing Code, would require any amendment to or modification of a previously approved site plan or

PUD to comply with many components of the Form Based Code. More specifically, while Staff has indicated that the many use restrictions contained within the Proposal would not apply to any properties with existing site plans or PUDs (an exemption that would solve many of our concerns with the Proposal), unfortunately the Proposal combined with the existing Code would mandate the consideration of “project configuration” requirements under the Form Based Code in the context of amendments to prior land use approvals. In the future this could be interpreted to mean that housing and/or production business spaces are considerations even in the context of prior approvals. As such, while we generally understand that Staff’s current goal is not to apply the Form Based Code in the context of amendments or modifications to approved site plans or PUDs, the current Code language appears to invite future confusion over whether use-based components of the Form Based Code apply in the context of amendments to prior approvals. ***To provide future City officials and stakeholders with clear parameters, language should be added to the Proposal that specifically precludes the application of all components of the Form Based Code to properties developed under prior existing land use approvals.***

VI. Nonconforming Uses

Council previously directed Staff not to create nonconforming uses with the implementation of the EBSP, and Staff has similarly stated more recently that the Proposal would only create nonstandard structures, not nonconforming uses. However, this is not clear from the Proposal’s language. Many existing, legal uses would not meet the Proposal’s use requirements, meaning that such uses could become nonconforming per the Code’s definition. In addition, creating either nonconforming uses or nonstandard structures would discourage renovations and upgrades because property owners tend to avoid alterations that would forfeit the right to continue operating an existing use or structure. ***The Proposal should therefore be amended to provide that its use requirements will not apply unless a structure is physically altered in a manner that otherwise requires compliance with the Form Based Code.*** This would avoid the unnecessary creation of nonconforming uses, prevent the unintended discouragement of investment, and ensure consistent application of the Proposal’s form and use provisions.

VII. Additional Clarifications to Proposal’s Language/Appendix

Further to the above, the Proposal’s treatment of a variety of design and use issues create problematic standards and unintended consequences. For instance, the description of nonstandard structures is also unusually and unnecessarily restrictive; a façade that is added or replaced due to the addition of *any* floor area must meet all Form Based Code requirements. This provision would be impractical in many cases and could prevent owners of existing buildings from conducting routine maintenance or minor alterations. This is but one example of many. ***and an Appendix discussing these proposed modifications in detail is attached to this letter. BioMed recommends that Council allow Staff and the stakeholders the opportunity to consider those issues before final adoption.***

Conclusion and Recommendations for Resolution

As always, we appreciate the Council's time and attention to these important concerns that affect millions of square feet of current and future East Boulder buildings and businesses. We hope that the Council will recognize the need for further evaluation of and adjustment to the Proposal, and we believe that many issues can be resolved readily, through either:

(1) express articulation that the uses and design requirements of the new Form Based Code, including in particular housing components and production business spaces, ***will continue to be optional for all property owners***; or if Council wishes to move away from that prior direction, at a minimum,

(2) (a) express clarification that the Form Based Code will not be considered when evaluating applications to amend or modify existing site review or PUD approvals; and (b) express allowance of future development of workshop building types throughout the Flatiron Business Park.

As always, we look forward to working with the City and Staff to ensure that the Form Based Code meets the needs of all stakeholders and furthers the intent of the EBSP and encourages sustainable and innovative development in Boulder.

Thank you for your consideration.

Very truly yours,



J. Marcus Painter
Partner
of Holland & Hart LLP

Mark E. Hamilton
Partner
of Holland & Hart LLP

cc: Hella Pannewig, City Attorney (Pannewigh@bouldercolorado.gov)
Brad Mueller, Director of Planning (MuellerB@bouldercolorado.gov)
Kristopher Johnson, Comprehensive Planning Manage (JohnsonK3@bouldercolorado.gov)
BioMed Realty client team (via email)

APPENDIX

Suggested Changes to Proposed Code Language

- **Building Massing, 9-14-31:** This section requires a minimum of 30% of a building to be one story lower than the rest of the building. We are requesting that this requirement be limited to four-story buildings and/or excluded from Workshop type buildings.

Workshop type buildings are the only building type compatible with R&D due to the proposed floor to floor height. Workshop type buildings are limited to just 3 stories, thus 30% of R&D buildings would be limited to only 2 stories. This represents a significant loss of usable square footage, especially where the ground floor is typically utilized for parking due to the city's desire to contain parking under the building. Note, below grade parking is not feasible in Flatiron Park due to the high water table. Limiting this variation requirement to buildings over three stories would increase usable square footage for R&D tenants by at least 15%.

Proposed Modification to 9-14-31 (b): "... With the exception of the Civic building in Alpine-Balsam, any building of the project over ~~forty feet in height~~ **over 3 stories** and not utilizing a pitched cap on at least sixty percent of the roof shall meet the following standards..."

- **Occupied Building Space, 9-14-20(13):** This section requires 15 feet of occupied building space on all Type A & B frontages for all stories. We are requesting that Workshop type buildings be excluded from this requirement, or this requirement not apply to the ground floor.

The ground floor of our buildings is typically utilized for parking, allowing us to achieve the city's goal of decreasing the amount of surface parking while increasing the amount of landscaping. This requirement prohibits parking on the ground floor within 15 feet of frontages, drastically decreasing the amount of parking that can fit under a building. We are requesting Workshop type buildings be excluded from this requirement so we can help the city achieve their goal of reducing surface parking while increasing landscaping.

Proposed Modification to 9-14-20(13): Modify "15 ft." to "N/A".

- **Production Business Space, 9-14-6(c)(5):** This section requires developments to include 10% "production business space" on the ground floor, in spaces ranging from 500 – 5,000 sf. We are requesting that Workshop type buildings be excluded from this requirement.

Similar to the occupied building space requirement above, this would decrease the amount of ground floor parking we can have, thus increase the amount of surface parking and decreasing the amount of landscaping. Further, this requirement poses challenges that would be untenable for many of our tenants. For example, many companies have security and/or contamination concerns that would not be compatible with small businesses on the ground floor. Excluding Workshop type buildings from this requirement would allow us to limit surface parking and retain many tenants that would otherwise be driven to other markets.

Proposed Modification to 9-14-6(c)(5): “Developments that include general ~~or workshop~~-type buildings with a total combined floor area exceeding 15,000 square feet shall include a minimum of ten percent of the ground story floor area of the general ~~type and workshop~~ buildings for production business spaces. No production business spaces shall be required in workshop building types.”

- **Mechanical, 9-14-33:** This section imposes extremely onerous requirements to limit the visual impact of mechanical equipment and appurtenances. We are requesting excluding Workshop type buildings from these mechanical and utility restrictions.

R&D tenants have robust mechanical requirements that would not be compatible with this section. As one example, this section states that “mechanical equipment shall be located within the building”. R&D tenants require rooftop mechanical to supply clean outside air, outside exhaust fans to dispense contaminants, outside HAZMAT storage areas, and more. This section would require tenants to request exceptions of each one of these needs, driving R&D tenants to other markets.

Proposed Modification to 9-14-33(a): “Intent and Scope. ... The purpose of the standards of this section is to ensure that the visual impact of mechanical and utility equipment and appurtenances is minimized. This Section shall not apply to workshop type buildings.”

- **General, Use Restrictions:** We understand staff's intent is for Form Based Code to regulate form and character and for the existing zoning code to continue to regulate Use. However, the proposed Form Based Code includes use restrictions, including residential and production business requirements. We continue to request the removal of all use restrictions from the Form Based Code and clarification that applicable provisions of the existing zoning code to continue to regulate required uses.

Proposed Modification to 9-14-6(c)(4) and 9-14-6(c)(5): Delete the cited sections in order to remove the residential and Production Business Space requirements from the Form Based Code.

- **Frontages, 9-14-15:** We understand the Type A frontage requirements were not intended for Flatiron Park nor for Workshop Type buildings. However, 9-14-15(a)(6) treats Type B frontages as Type A frontages where no Type A frontage is designated on a parcel. We request clarification that Workshop type buildings are exempt from Type A frontage requirements, or the deletion of 9-14-15(a)(6) so that Workshop type buildings are not treated as Type A frontages.

Proposed Modification to 9-14-15(a)(6): “If no Type A frontage is designated on a parcel, a Type B frontage shall be treated as a Type A frontage for the building type requirements. If no Type A or B frontage is designated for a parcel, a Type C frontage shall be treated as a Type A frontage for the building type requirements. Notwithstanding

the foregoing, in no circumstances shall Type A frontage requirements apply to workshop type buildings.”

- **Façade Additions, 9-14-5(d)(2):** We request modifying language to provide that façade replacements or additions require compliance with the Form Based Code only if a modification to a structure increases the floor area of the structure by more than sixty percent.

Proposed Modification to 9-14-5(d)(2): “The portion(s) of any facade being added or replaced due to an expansion of floor area that adds more than sixty percent to the floor area existing at the time of the effective date of the ordinance first adopting form-based code standards for the area in which the building is located or otherwise legally constructed under standards in effect prior to said effective date must . . .”

- **Large Site Requirements, 9-14-6(c)(10) and 9-14-13:** It is unclear if is the large site requirements are intended to only apply if someone were to completely redevelop the entirety of a "large site" or if it is triggered if a party redevelops a portion of a "large site". Staff has stated that the intent is for the requirements to apply only if an entire site is redeveloped. We request clarification that this section applies only to development or redevelopment of the entirety of a "large site" as it would be very onerous to require a large site to be redeveloped if only a portion is being touched.

Proposed Modification to 9-14-6(c)(10): “Any application for development of property consisting of that occupies four or more acres which application is required to comply with form-based code standards shall meet the large site development standards in Section 9-14-13, B.R.C. 1981.”

Proposed Modification to 9-14-6(c)(10)(A): “All contiguous lots or parcels under common ownership or control, not subject to a planned development, planned residential development, planned unit development, site review or form-based code approval, that have been included in an application subject to the form-based code during any 24-month period shall be considered as part of the development for purposes of determining whether the large site development standards apply and shall be part of the development subject to the application.”

Proposed Modification to 9-14-13: “An application for development of property consisting of four or more acres in size or larger which application is required to comply with form-based code standards shall meet the requirements of this section.”

- **Existing Structures, 9-14-5, 9-14-6(c)(4), and 9-14-6(c)(5):** As proposed, the Form Based Code would cause many existing uses in East Boulder to become nonconforming. Staff has expressed an intent not to create nonconforming uses and instead to allow existing properties to continue to be regulated under the current Code unless and until a physical alteration triggers Form Based Code requirements. We request that staff revise the proposed Form Based Code to clarify that the Form Based Code’s use requirements (to the extent included in the adopted Form Based Code) apply only to buildings developed under the Form Based Code and do not apply to existing

buildings unless a physical alteration to the structure requires the structure to meet the standards of the Form Based Code per proposed Section 9-14-5. Vacancy for a year or restoration after a casualty should not trigger use requirements under the Form Based Code.

Further, the language in the Form Based Code addressing the right to continue existing uses differs from the language in the current Code (Section 9-10-2) in that the proposed language applies not to all “legally established uses” but, instead, only to uses “legally established *pursuant to a building permit or development approval granted under the standards applicable prior to the effective date.*” While we doubt staff intends to change the right to continue existing uses with this language, the proposed language is problematic because a legally established use may have been established without a building permit or development approval. We request clarification of this language.

Also, the new casualty provision differs from the casualty provision in the current Code (Section 9-10-2) in that less time is allowed for commencement and completion of reconstruction work. We request revision of this provision to match the time periods in the current Code.

Proposed Modification to 9-14-6(c)(4): “Developments that add general or row building types with a total combined new floor area of 35,000 square feet or more must include a minimum of fifty percent of residential floor area. This section shall not apply to existing buildings unless and until a physical alteration to a building requires the entire building to comply with form-based code standards pursuant to Section 9-14-5.”

Proposed Modification to 9-14-6(c)(5): “Developments that include general or workshop type buildings with a total combined floor area exceeding 15,000 square feet shall include a minimum of ten percent of the ground story floor area of the general and workshop buildings for production business spaces. This section shall not apply to existing buildings unless and until a physical alteration to a building requires the entire building to comply with form-based code standards pursuant to Section 9-14-5.”

Proposed Modification to 9-14-5(b): “The provisions of this section apply to buildings, structures, and uses that were legally established ~~pursuant to a building permit or development approval granted under the standards applicable prior to~~ on the effective date of the ordinance first adopting form-based code standards for the area the building is located in ~~or were established pursuant to a building permit or development approval granted under the standards applicable prior to~~ such date, except that this section does not apply to properties that are subject to a valid site review or planned unit development.”

Proposed Modification to 9-14-5(e): “Notwithstanding the provisions of section, a building, structure, or use that was legally established ~~pursuant to a building permit or development approval granted under the standards applicable prior to~~ on the effective date of the ordinance first adopting form-based code standards for the area the building is located in or was established pursuant to a building permit or development approval ~~granted under the standards applicable prior to such date~~ the currently applicable standards, may be restored to its original condition, or any building declared unsafe under

the building code or any other applicable safety or health code may be restored to a safe condition, provided that such work is consistent with the requirements of Section 9-3-3, “Regulations Governing the One-Hundred-Year Floodplain,” B.R.C. 1981, started within ~~twelve months~~ two years of such event, and completed within ~~twenty-four months~~ three years of the date on which the restoration commence.”

- General, Site Review:** Staff has stated that properties subject to existing PUDs or site review approvals will be able to pursue alterations and redevelopment pursuant to the site review process and that such alterations or redevelopments will not be required to comply with the Form Based Code. However, the Code’s existing site review provisions appear to require site review approvals within Form Based Code areas to be consistent with the Form Based Code (see e.g. current Code section 9-2-16(b)(4)(c) which requires minor modifications or amendments to approved site plans to be compatible with Form Based Code elements “to the extent practicable”). We therefore request additional Code language stating that, notwithstanding any other provision of the Code, the Form Based Code shall not be considered when evaluating applications for site plan amendments.

Proposed Modification to Section 9-2-16(b)(4)(c): *We request that Section 9-2-16(b)(4)(c) be amended as follows so that Form Based Code requirements are not applied in the context of future minor modifications or amendments to prior PUDs and site plan approvals: “Any development on a lot or parcel designated in Appendix L, “Form-Based Code Areas,” for which an application for site review was made prior to the adoption of an ordinance including said lot or parcel in the designation of said appendix and that is approved or for which valid planned unit development (PUD) approval exists shall not be subject to these requirements and may be amended or modified in accordance with the minor modification and amendment provisions of Section 9-2-14, “Site Review,” B.R.C. 1981; ~~such minor modification or amendment shall not be approved unless the proposed changes are, to the extent practicable, compatible in terms of building height, mass, scale, orientation, architecture, and project configuration with the regulations applicable to the area pursuant to Appendix L, “Form-Based Code Areas,” and Appendix M, “Form-Based Code,” and consistent with the standards established in Subsection M-1-9-14-5(c), “Expansions and Modifications to Existing Structures That Do Not Meet the Standards of this Chapter,” B.R.C. 1981.”~~ Alternatively, if City Council supports staff’s recommendation to have Form Based Code elements continue to apply in the context of future modifications to existing PUDs or site review approvals, we would request that the above portion of Section 9-2-16(4)(c) be amended to clarify that only physical design elements will be considered, not use requirements (like production business space and or residential requirements) so that this Section would read as follows: “... such minor modification or amendment shall not be approved unless the proposed changes are, to the extent practicable, physically compatible in terms of building height, mass, scale, orientation, and architecture and ~~project configuration~~ with the regulations otherwise applicable to the area pursuant to Appendix L, “Form- Based Code Areas,” and Appendix M, “Form-Based Code,” and consistent with the standards established in Subsection M-1-9-14-5(c), “Expansions and Modifications to Existing Structures That Do Not Meet the Standards of this Chapter,” B.R.C. 1981.”*

Proposed New Section 9-14-5(c): “Notwithstanding any other provision of the Boulder Revised Code to the contrary, consistency with the form-based code shall not be considered when evaluating an application for a minor modification or an amendment to an approved site review or planned unit development.” *Alternatively, if the City Council supports Staff’s recommendation that Form Based Code standards continue to be evaluated in the context of future minor modification or amendments to approved site reviews or PUDs, we would ask that this new section read as follows:* “Notwithstanding any other provision of the Boulder Revised Code to the contrary, consistency with any use requirements in the form-based code, including but not limited to any requirements related to required residential uses or production business spaces, shall not be considered when evaluating an application for a minor modification or an amendment to an approved site review or planned unit development.”

- **Required Residential, 9-14-6(c)(4):** We understand from staff that their intent is not to require residential spaces within workshop type buildings. While proposed Section 9-14-6(c)(4) states that the residential space requirement applies to “general or row building types,” we request additional Code language expressly stating that no residential spaces are required within workshop type buildings.

Proposed Modification to 9-14-6(c)(4): “Developments that add general or row building types with a total combined new floor area of 35,000 square feet or more must include a minimum of fifty percent of residential floor area. No residential floor area shall be required within workshop building types.”

- **Service Base, 9-14-24:** This section implies service bases are intended for Type C frontages. We request clarification that Service Bases are permitted along Type A, B, and C frontages.

Proposed Modification to 9-14-24: “The intent of the service base is to allow workshops for maker or manufacturing spaces with garage entrances and loading bays along ~~Type C~~ frontages, while maintaining pedestrian-friendly facades.”

- **Mid-Block Pathway, 9-14-6(C)(2):** We request staff remove this section. Breaking up building footprints to provide mid-block pathways will make building footprints inefficient.
- **Regulating Plan: East Boulder – Flatiron Business Park, Figure 14-6:** We request revision of Figure 14-6 to provide that both general and workshop type buildings are permitted throughout the entire shaded area on the Plan, including the 55th Street corridor.

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Boulder City Council Members
City of Boulder
1777 Broadway
Boulder, CO 80302

December 05, 2024

Re: **December 5th City Council Agenda – Form Based Code**

Dear Honorable Members of the City Council:

The Form Based Code (FBC) draft published this week contains 6 significant issues. Unaddressed, these issues would undo the efforts that Council, various advisory boards and community members have invested in over many years.

1. Site Review Process, flexibility and optionality taken away:

(Section 9-2-16 (b) (4), Exceptions to Form-Based Code Review Process, pg-22/278)

On the surface, it might appear that the FBC follows prior City Council direction to maintain optionality (reference Council sessions dated 6 Oct '22 and 13 Jun '24) and that FBC does so by making exceptions for vested PUDs and Site Reviews. However, a closer read of pg-22 reveals the opposite of Council direction: major inflexibility and elimination of optionality.

*9-2-16 (b) (4), Previously Approved Developments: shall not be subject to these requirements and may be amended or modified in accordance with the minor modification and amendment provisions of Section 9-2-4, "Site Review," B.R.C. 1981; such minor modification or amendment **shall not be approved unless the proposed changes are, to the extent practicable, compatible in terms of building height, mass, scale, orientation, architecture, and project configuration** with the regulations applicable to the area pursuant to Appendix L, "Form- Based Code Areas," and Chapter 9-14, "Form-Based Code," and consistent with the standards established in Subsection 9-14-5(c)...*

RECOMMENDATION: Follow prior Council direction. Section 9-2-16 (b) (4), delete grey highlighted language above.

2. Mandatory Housing, downzoning:

(Section 9-14-6 (c)(4), Required Residential, pg-44/278.

Figure 14-6, Regulating Plan: East Boulder – Flatiron Business Park, pg-48/278)

The light blue section allows only the General Building Type, which **'must include a minimum of 50% of residential floor area'** for all but the smallest buildings. It prohibits Workshop Building Type, the only one that could reasonably be made to work for R&D. The potential exceptions to this requirement appear to be convoluted, cumbersome and at the approver's discretion. The effect is downzoning R&D and pushing industrial uses out of a vast portion of Flatiron Park.



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RECOMMENDATION: Follow prior Council direction. Figure 14-6, don't prohibit Workshop Building Type.

3. Production Business Space in new R&D buildings:

(Section 9-14-6(C)(5), pg-45/278)

This section as drafted has (a) ambiguous definitions vulnerable to discretionary interpretation (e.g., ‘industrial service uses’...?), and (b) forces co-location of non-compatible uses (e.g., vehicle service + vibration/noise sensitive high-security research lab...?)

More fundamentally, thousands of square feet of existing, underutilized space supply across East Boulder, has not attracted the type of use contemplated by this language. We submit that a requirement to force the creation of even more supply, by carving out portions of expensive purpose-built infrastructure within new R&D buildings would eliminate single-tenant buildings, leave behind vacant suites, not achieve the desired policy outcome – and as such would effectively be a **tax to nowhere on research companies**.

RECOMMENDATION: Section 9-14-6(C)(5), delete ‘Workshop’.

4. ‘Pitched roof, or else...’:

(Section 9-14-31, Building Massing, pg-139/278):

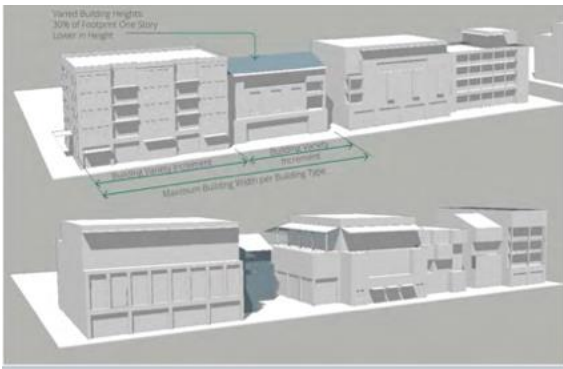


Figure 14-52. Illustrations of Building Massing and Articulation

This section requires either a pitched cap (non-starter for R&D buildings) across 60% of the building footprint, or 1 floor to be eliminated from 30% of the building footprint to achieve massing articulation.

Forcing deletion of 30% of R&D floors at the top of buildings would (a) impact research space continuity and functionality, (b) push the deleted floor area into the lowest podium parking floor, forcing architecturally screened interior parking out onto asphalt surface lots, in turn increasing heat islands, and reducing landscaped park areas.

5505 Central Ave



We submit that City Council leverage a recent precedent it set with the approval of 5505 Central Ave. This is a **successful R&D typology**. It employs well-screened podium parking, architectural features, massing and class-A materials to accomplish the policy goals of high-quality, well scaled buildings, without mandating pitched roofs or deleted floor sections.



RECOMMENDATION: Replace a phrase in 9-14-31 (b): ‘...With the exception of the Civic building in Alpine-Balsam, any building of the project [~~over forty feet in height~~] [over 3 stories] and not utilizing a pitched cap on at least sixty percent of the roof shall meet the following standards...’

5. 15’ Minimum Occupied Building Space...’empty storefronts’:

(Section 9-14-20(13), pg-105/278):

If applied to the successful typology for R&D buildings (referenced above), this requirement would create side effects analogous to those in #4 above. It would (a) create slivers of ‘occupied’ space at the podium parking level-1, discontinuous from the research floors above, (b) displace to the exterior, storage and R&D utility infrastructure that are otherwise ideally located at level-1, but now prohibited under ‘Occupied Building Space’ (c) force architecturally screened interior parking out onto asphalt surface lots, in turn increasing heat islands, and reducing landscaped park areas.

RECOMMENDATION: 9-14-20(13), modify “15 ft.” to “N/A”.

6. Mechanical Yard Elimination:

(Section 9-14-33):

This section oddly contradicts a provision in the current code (9-9-(d)(6)) that is essential to R&D users - to locate appropriately screened mechanical and utility infrastructure in yards. It now appears to require such equipment (transformers, nitrogen tanks, etc.) to be inside the building, with exceptions at approver’s discretion and the burden on users to plead the case each time.

RECOMMENDATION: Retain current code.

We look forward to working with the City Council and Staff to resolve these concerns and towards a better Boulder.

Sincerely,

Salil Payappilly
Senior Vice President, Development

Andrew Faulkner
Director, Development

Cc: Planning & Development staff