CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: February 26, 2015
(Memorandum updated February 24, 2015)

AGENDA TITLE: Second reading and consideration of a motion to adopt Ordinance No. 8028 amending the building height regulations and requirements of Title 9, "Land Use Code" B.R.C. 1981 for certain areas of the city.

PRESENTER/S
Jane S. Brautigam, City Manager
Tom Carr, City Attorney
David Driskell, Executive Director of Community Planning and Sustainability
Susan Richstone, Deputy Director of Community Planning and Sustainability
David Gehr, Deputy City Attorney
Charles Ferro, Development Review Manager

EXECUTIVE SUMMARY
On Jan. 20, 2015, City Council considered on first reading an ordinance that would limit height modifications in the city to specific areas. The proposed ordinance is intended to address the community concern that a height modification may be considered on any property in the city through Site Review. It would reinforce the community's vision of an urban form that only allows higher intensity and taller buildings in select, transit-rich areas, which have been vetted and approved through a planning process such as an area plan or other public process. The proposed ordinance also includes specific circumstances in which height modifications could still be considered to avoid potential unintended consequences. Importantly, inclusion of a specific area or circumstance in the proposed exemptions list does not infer that a building height of 55 feet is appropriate or desired in the area overall or on any specific property (55 feet being the maximum potential height on any property subject to zoning control, as established by voters in the City Charter). It does, however, acknowledge that a height greater than 35 feet (or 38 feet downtown) may be appropriately considered in these areas and circumstances, and that policies and other guidance are in place to inform that consideration. Approval of any such modification would still require public review and input, and action by the planning board subject to

council call-up. New development and Site Review applications could still be considered in all areas, and Site Review would still be required for many projects per the code; however, height modifications outside of the identified areas and circumstances could not be considered.

On Feb. 19, 2015, Planning Board considered the proposed ordinance and recommended approval of the ordinance on a vote of 4 to 2 (Putnam absent), but did not recommend approval of allowing height modification requests in the identified areas. Rather, only the following exemptions were recommended:

1) A Site Review application that has been submitted by January 21, 2015

2) A Site Review application that is for an upgrade of emergency operations antennae.

3) A Concept Plan and Site Review application for Frasier Meadows

A complete summary of the Planning Board action is included in the new 'Board and Commission Feedback' section below.

The proposed ordinance is found in **Attachment A** and would limit to specific areas and situations, the eligibility to consider the approval of buildings that could exceed the by-right height limits through the existing Site Review process. City Council voted to approve the draft ordinance on first reading (not as an emergency measure) and asked several questions of staff, which are addressed in the 'Analysis' section of the memorandum. The 'Analysis' section also includes a discussion of some of the changes made to the ordinance based on the direction from council. Staff has also added a new section in the 'Analysis' section that discusses the guidelines that would apply to exempted projects, the history and methodology for measuring height in the city of Boulder, as well as additional HOTLINE questions received since the original staff memorandum was distributed to council.

BOARD AND COMMISSION FEEDBACK

Planning Board

Planning Board reviewed the proposed ordinance on Feb. 19, 2015 and approved it on a vote of 4 to 2 (Bowen and Brockett opposed; Putnam absent) with the recommendation that it not include the proposed exempted areas. Alternatively, the board recommended the following exceptions:

1) A Site Review application that has been submitted by January 21, 2015

2) A Site Review application that is for an upgrade of emergency operations antennae.

3) A Concept Plan and Site Review application for Frasier Meadows

The draft written minutes from the meeting are found in **Attachment K**. The board made the following motions:

> *On a motion by **C. Grey**, seconded by **J. Gerstle**, that the Planning Board voted 4-2 (**A. Brockett** and **B. Bowen** opposed, **J. Putnam** absent) to recommend that City Council adopt Ordinance 8028 amending the building height regulations and requirements of Title 9, "Land Use Code, B.R.C. 1981, for certain areas of the city that meet the following conditions to be considered an exclusion:*
>
> 1) *A site review application submitted by January 21, 2015.*
> 2) *A site review application that is for an upgrade of an emergency operations antennae.*
> 3) *A concept plan and site review application for Frasier Meadows.*
>
> *All other exclusions in Ordinance 8028 are recommended to be removed. Planning Board further recommends that before other exclusions are added to Ordinance 8028 that the following take place:*
>
> 1) *City Council considers expanding the Affordable Housing Linkage fees, that are currently only applied in DT zones, to all commercial zones and the fees are at the same rate that are currently applied in the DT zones until a new study is complete and adopted. In addition the Affordable Housing Linkage fees should be for the entire building's square footage.*
> 2) *City Council considers adoption of site review criteria for height modifications that define community benefit.*

As reflected in the attached minutes, board member Brockett did not support the motion as he felt that more public outreach should be done before passage of the ordinance. Further, board member Bowen did not support the motion as he felt there may be unintended consequences from not allowing exemptions. This was a cause for concern because it could necessitate a project to require an ordinance for height that would undergo Planning Board review and two readings before council. Bowen proposed the idea that such requests could go directly to City Council as a more expeditious solution.

ANALYSIS

Discussion regarding adopted area plans and guidelines and the proposed ordinance

The intent of the ordinance is to allow consideration of height modifications through Site Review only in those areas where more intense development is anticipated based on policy direction established in the Boulder Valley Comprehensive Plan and where there is a clearly defined, approved vision for future development The ordinance also identifies other specific circumstances where not allowing the consideration of height modifications may lead to unintended consequences. . The intent of the ordinance is to limit the height of new development to the by-right height (based on current zoning) in all parts of the city except where more intense forms of development are anticipated and/or desired. The by-right height in most zone districts, including low density residential districts as well as commercial districts, is 35 feet (except downtown, where it is 38 feet).

As concerns about design outcomes have mounted in the past year, the city has facilitated conversations and analysis to better detail these concerns, and proposed potential approaches for addressing them. Work in 2014 resulted in the Jan. 15, 2015 memo (see here) to Council by consultant Victor Dover, outlining a set of recommended next steps which include a "form based code" pilot in Boulder Junction as well as the proposed height ordinance:

> *As an immediate action, I recommend that the City undertake the accelerated preparation of a Form-Based Code demonstration case for a limited area that is undergoing change or areas where there is already consensus and policy direction through area plans or adopted vision. The demonstration case will allow the City to test and showcase the ways a form based code can improve built results in Boulder. As a rapid stopgap measure for remaining areas of the City, I recommend altering the way Site Plan Review is typically used to upsize the scale of redevelopment; for example, the City can put a hold on height modifications through Site Review in all areas except those that have consensus for height and intensity. As a longer term measure, I recommend creating more complete, less vague Special Area Plans for the remaining areas undergoing change, via interactive public processes (as has been ongoing with the NoBo plan, TVAP, and now East Arapahoe), and then adopting form-based code regulations matched to those plans.*

Additionally, based on direction from Council at its January retreat, staff is working to initiate a process in early 2015 to update the city's Site Review Criteria and better define "community benefit."

Consistent with this direction, the proposed ordinance would allow height modification requests in specifically identified areas that are subject to area plans or guidelines in the following identified areas (following each is the applicable attached map that shows the specific areas):

1. Portions of the Boulder Valley Regional Center (**Attachment C)**
2. Downtown (DT-4 and DT-5 zones) **(Attachment E)**
3. Portions of Boulder Junction **(Attachment F)**
4. Gunbarrel Community Center **(Attachment G)**
5. Portions of North Boulder Subcommunity **(Attachment H)**
6. University Hill **(Attachment I);** *also see information provided to City Council regarding the University Hill Moratorium here*

All of the areas above have specific design guidelines and policies that are meant to guide development according to the established vision of the applicable plan or guidelines document. Specific guidelines for each of the areas can be reviewed by council at the following web link: adopted area plans and guidelines

Also, **Attachment L** includes summaries of the applicable area plans and guideline documents related to height as well as specific reference in each.

All height modification requests would have to be in the areas listed above, would require a Site Review application and would be evaluated for consistency with the Site Review criteria as well as for consistency with any of the applicable guidelines or policies of the particular area. As previously stated, the above-listed areas and circumstances do not represent an automatic approval for a proposed height modification. All developments proposed in these areas or circumstances would remain subject to appropriate review processes and all current city regulatory criteria.

The key provisions of the proposed ordinance include:

- It would not apply to site review applications submitted to the city prior to January 21, 2015. If said applications are requesting additional height in areas that would not permit such height under the proposed ordinance, they may continue through the site review process under the height review regulations in place at the time of the submittal.
- It would not apply to Site Review applications that have already been reviewed and approved by the Planning Board (i.e., they have already been given their entitlement for development).
- Additional areas may be added to the map and additional situations added through amendment of the ordinance at a future date if desired.
- The ordinance will expire on April 19, 2017.

History and methodology of the city's height measurement

The method of measuring building height from the lowest point of existing unaltered grade 25 feet away from a structure as well as the maximum citywide height of 55 feet is set by the City Charter Section 84. The limitation has been in effect since voters approved a charter amendment in 1971. The reason buildings are measured from a low point 25 away from the structure (typically the descending slope) is because it would avoid grade alterations around a building (e.g., landscape berms against foundation walls) that if measured from adjacent grade could result in a taller building on the site. Further, the more restrictive measurement could assist in mitigating the impacts of properties that are down slope from buildings.

The proposed 55 foot limit and method of measurement were part of a citizen driven petition to restrict height in light of a surge in proposals and construction of high-rise buildings – some of which were taller than 10-stories – within the city of Boulder. Fifty-five feet was chosen as the maximum as it would generally accommodate four to five stories and was close to the mature height of a cottonwood tree. Prior to the passage of the charter amendment, the maximum building height in the city was 100 feet measured from the grade adjacent to the building.

First reading questions

On Jan. 20th, City Council asked the following questions at first reading with each followed by the staff response:

1) **Should Reve be included in the exempted area?**
   Yes. Based on City Council's discussion on Jan. 20, 2015 and the fact that the proposed development has undergone two Concept Plan reviews with the Planning Board as well as a Concept Plan review with the City Council, staff recommends that Reve be included in the exempted area along with Phase I of the Transit Village Area.

2) **Provide the history and background of the height referendum for the Twenty Ninth Street Center.**

   In 1998, voters approved a ballot initiative (see attached ordinance. **Attachment B***) that would allow heights greater than 55' in the Twenty Ninth Street Center. With relatively large footprint buildings across the site and with each having a singular low point in which to measure the total height, the city's methodology for calculating height (measuring to a single low point 25 feet away from buildings) would have resulted in very low building heights across the site without the approved ballot initiative.*

3) **Should Frasier Meadows be included in the exempted area?**
   Yes. Based on the flood impacts that occurred on the Frasier Meadows property at 4950 Thunderbird Ln. in Sept. of 2013, staff finds that it is reasonable to include the property in the exempted area to allow flexibility in redeveloping portions of the site outside of the floodway. Staff has been working closely with Frasier Meadows staff in flood mitigation on the site, permitting for damages caused by the flood and preliminary discussions related to a potential master plan for the site.

4) **Should the Boulder Valley Regional Center (BVRC) be included in the exempted area (especially if it is considered one of our main activity centers in the BVCP)?**
   Staff does not recommend including the entire BVRC. While the BVRC has adopted design guidelines, the underlying zoning has not been reviewed or updated since the 1980's. Being that the BVRC is such a large area, staff finds that it's not appropriate to include the entire subarea. However, City Council may consider whether to include portions of the BVRC (major transit corridors along 28th & 30th, etc.). Since all of the following areas are located along high frequency transit corridors, do not have significant neighborhood interfaces, and

*are considered core areas of intensity within the BVRC, the specific areas that staff believes would make the most sense to include are (see **Attachment C** for a map):*

- *28th Street Frontage from Taft to Spruce*
- *30th Street Frontage from Arapahoe to the northern BVRC boundary near Spruce St.*
- *Arapahoe from Folsom to the eastern BVRC boundary near 33rd St.*
- *Pearl from Folsom to the eastern BVRC boundary near Junction Place*
- *The entire Twenty Ninth Street Center (per the previous voter approved ballot measure)*

5) **What process would apply to the "one offs" like the Boulder Community Heath (BCH) campuses or should they be included in the exempted area?**
If properties outside of the exempted areas were for some reason found to be appropriate sites for additional height, City Council can always exercise their legislative authority for "one off" properties and amend the ordinance.

*Based on the fact that the Mapleton and Broadway hospital sites were purpose built for hospital uses, staff finds it appropriate to include both sites in the exempted area to preserve options for adaptive reuse of the existing building stock. City Council may also consider exempting all areas of the city zoned Public (P). This would include all city owned facilities (police & fire stations, parks, the Civic Area, all hospital properties, the Federal labs, CU, the airport, etc.) in order to preserve flexibility. It is also worth noting that in the past, upgrades to emergency operations antennae have required height modifications. These facilities are typically located on city-owned properties in areas zoned P; therefore, staff would recommend preserving the ability to consider additional height in the P zones. (See **Attachment D** for a map of properties within the city zoned P, Public).*

6) **How would we pilot a form based code with the proposed height limitations in place?**
The proposed height limitations would not impact a form based code pilot. Victor Dover in his Jan. 15, 2015 letter recommended exploring a pilot in areas that would be exempt from the proposed height limitations (such as Boulder Junction, Downtown, Gunbarrel Town Center, University Hill and/or North Boulder.

7) **Will the proposed height restrictions result in more by-right projects? Is that a positive outcome?**
It is possible that more by-right projects could result; however, the city's code is designed to encourage projects to undergo the Site Review process based on the property size and building square footage thresholds. It should also be noted that properties outside of the height exemption area will be able to apply for other modifications to the code (setbacks, parking, etc.) through the Site Review process, just not height.

8) **At second reading please include maps indicating and outlining those properties with development and/or redevelopment potential within the proposed areas for exclusion from this ordinance that may request height exemptions.**
While staff cannot predict all areas where redevelopment will occur, below is a list of known potential redevelopment sites.

*<u>DT-4 & DT-5:</u> (see **Attachment E**)*
-1900 Broadway - Wells Fargo Site
-1300 Canyon / 1770 13th St. - Atrium Building / City Parking Lot
-1420 Canyon - Former Rob's Music
-1750 15th St. - Liquor mart
-1913 Broadway - Bank
-900 Walnut -Civic Pad Site
-1460 & 1480 Canyon - Bank and Gas Station Properties
-1300 Walnut - Bank

*<u>Boulder Junction</u>: (see **Attachment F**)*
-3390 Valmont Rd - S'PARK Development
-2490 Junction Pl. - The Commons
- 30th & Pearl - Former Pollard Site / City Owned Site
-3200 Bluff - Air Gas Property
-2751 30th - Boulder RV Center Property

*<u>Gunbarrel</u>: (see **Attachment G**)*
Portions of the subarea that have not recently redeveloped could potentially do so, and may request consideration of a height modification. However, the Gunbarrel subarea plan has very specific criteria and a prescribed process already defined under which any such modification would need to be considered.

*<u>North Boulder</u>: (see **Attachment H**)*
-4750 Broadway - North Boulder Armory Site

*<u>Uni Hill</u>: (see **Attachment I**)*
-1313 Broadway – Bova's Site
-1155 Pleasant & 14th St. UHGID Parking lots
-Broadway & Pennsylvania - CU Owned Parking lot

-1111 Broadway - Colorado Bookstore
-1275 13th - Everyday Market & Gas Station

<u>Industrial Zones</u>:
-Multiple potential redevelopment sites along East Arapahoe and near 63rd & Butte Mill.

9) **Are there any other properties that straddle the included and excluded areas?**
*Yes, only the western ¾ of the NoBo Armory site would be exempt (the portion zoned MU-1). The eastern portion of the site zoned RMX-2 would not be eligible to request height modifications (see **Attachment J**).*

10) **Did staff consider the Armory on North Broadway as a potential site for the form based code pilot? Why or why not?**
No. Since the property has already undergone multiple neighborhood meetings, Concept Plan review and has been discussed by City Council, staff did not consider the site for a form based code pilot since so much direction has already been provided to the applicant.

11) **Would areas outside the proposed areas of exclusion risk redevelopment based on a suburban land use form?**
It is possible. The proposed ordinance only impacts height. No other development standards would be affected or amended.

Following the Jan. 20th City Council meeting, the following questions were posed to staff (some additional clarification questions from Planning Board are also included):

12) **Provide more clarity regarding the application status of those properties where height modification requests may occur.**
On page 6 of this memorandum, a list of potential redevelopment sites was provided to council to provide a sense of possible height modification requests over the next two years that may be submitted to the city if the proposed ordinance were adopted. While the list includes some projects that have been submitted with height modification requests, the list does not represent a list of active or expected applications. The table below clarifies the status of each listed site:

Table 1- Known potential redevelopment sites in areas proposed for exemption from Ordinance No. 8028

Project Site	**Project Name**	**Review Status** (as of 2/24/15)
DT-4 and DT-5 zones		
1900 Broadway	Wells Fargo site	*No application submitted*
1300 Canyon/1770 13th Street	Atrium building	*No application submitted*
1580 Canyon	Robb's Music site	Pre-application under review
1750 15th Street	Liquor Mart site	*No application submitted*
1913 Broadway	Bank	*No application submitted*
900 Walnut	Civic use pad	*No application submitted*
Boulder Junction		
3390 Valmont Road	S*Park Development	Site Review under review
2490 Junction Place	The Commons	Concept Plan under review
30th & Pearl	Pollard site	*No application submitted*
3200 Bluff	Air Gas	*No application submitted*
2751 30th	Boulder RV Center property	Technical Document application withdrawn (no height modification)
Gunbarrel Community Center		
6315 Lookout	Gunbarrel Gateway	Technical Documents under review (no height modification)
North Boulder Subcommunity		
4750 Broadway	North Boulder Armory	Site Review under review
University Hill		
1313 Broadway	Bova's site	*No application submitted*
1155 Pleasant & 14th Street	UHGID parking lot	*No application submitted*
Broadway & Pennsylvania	CU parking lot	*No application submitted*
1111 Broadway	Colorado bookstore	*No application submitted*
1275 13th	Everyday market & gas station	*No application submitted*
Industrial zones		
No applications submitted		

13) **The Planning Board motion included a cutoff date of Jan. 21, 2015 for a complete Site Review application to be submitted to the city to be exempted from the ordinance. What is considered a complete site review application?**
Section 9-2-7, "Development Review Action" states, "No development review application will be accepted unless and until it is determined to be complete. Such determination will be made within five days after the submission of the application. The city manager will review the application and provide the applicant with a list of any deficiencies." When applications are submitted to the city, front counter staff and case managers conduct a completeness check. A complete application is one that includes all of the required materials listed in section 9-2-14(d) (see link here), includes the appropriate number of copies and the required review fee. Once deemed complete, the application is routed to all reviewers to begin review for consistency with city standards and code criteria.

14) **What specific projects are included in the Planning Board motion that have a "completed site review application by January 21, 2015"?**
Below is a table of Site Review applications that include height modification requests that are considered active Site Review applications that have not yet been approved. The table indicates ones that were submitted before Jan. 21st and ones that were received after Jan. 21st. According to the table below two applications were received before Jan. 21st. The table does not include anticipated height modifications such as the Reve project, discussed above.

Table 2- Active Site Review applications that include height modification requests and have not yet been approved.

Project Site	Project Name	Submittal before or after Jan. 21, 2015
4750 Broadway	North Boulder Armory	After (Feb. 2, 2015)
3390 Valmont Road	S*Park	After (Feb. 2, 2015)
4403 Broadway	Blue Spruce Auto site	Before (Nov. 7, 2011)
2030 Vassar	McClelland residence	Before (Oct. 20, 2014)

15) **Provide information about how the Planning Board recommendation could be amended so as to permit through Site Review roofs, parapets, belfries and architectural features above the by right limitation. I don't think that it would be complicated to write such an addition to the ordinance proposed by Planning Board, and I would like to see the language that would permit such to be drafted and available for consideration Thursday.**

Staff finds that this amendment would be unnecessary as the land use code already defines appurtenances as shown below and allows such features over the height limit if the following criteria of section 9-7-7, "Appurtenances, Building Height," B.R.C. 1981 are met: Appurtenances

"Appurtenances means:

(1) Architectural features not used for human occupancy, consisting of spires, belfries, cupolas or dormers, silos, parapet walls, and cornices without windows; and

(2) Necessary mechanical equipment usually carried above the roof level, including, without limitation, chimneys, ventilators, skylights, antennas, microwave dishes, and solar systems, and excluding wind energy conversion systems."

That said, the upcoming work to pilot a form-based code as well as work related to updating the city's height review criteria and the Downtown design guidelines could provide better guidance on when and how such architectural features might not only be considered but possibly even encouraged.

STAFF RECOMMENDATION

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

Motion to adopt Ordinance No. 8028 adopt Ordinance No. 8028 amending the building height regulations and requirements of Title 9, "Land Use Code" B.R.C. 1981 for certain areas of the city.

ATTACHMENTS

A: Ordinance No. 8028
B: Ordinance No. 6013
C: Map of Potential areas of Exemption in the Boulder Valley Regional Center
D: Map of areas Zoned Public
E: Map of Potential Redevelopment Sites in the Downtown 4 & 5 Zones
F: Map of Potential Redevelopment Sites in Boulder Junction
G: Map of Potential Redevelopment Sites in Gunbarrel
H: Map of Potential Redevelopment Sites in North Boulder
I: Map of Potential Redevelopment Sites in University Hill
J: Map of Potential Redevelopment Site in North Boulder that straddles the proposed exemption boundary
K: Draft minutes from the Feb. 19, 2015 Planning Board meeting
L. Summary of area plans and design guidelines and specific references to height

ORDINANCE NO. 8028

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE" B.R.C. 1981 BY AMENDING THE BUILDING HEIGHT REGULATIONS AND REQUIREMENTS FOR CERTAIN AREAS OF THE CITY; AND SETTING FORTH RELATED DETAILS.

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

Section 1. The City Council finds and recites the following facts leading to the adoption of interim development regulations related to the height of buildings.

a. The city values its built environment, as is reflected in the Boulder Valley Comprehensive Plan. 2010 BVCP, pages 18 to 32.

b. The voter approved a height limit for buildings no greater than 55 feet in 1971.

c. City Charter Section 84 provides the purposes of the height limitation, which applies to buildings at 55 feet and below.

d. The Boulder Revised Code allows buildings to be constructed up to 55 feet in all zoning districts, subject to a site review approval.

e. Increasingly, more buildings are being approved at heights up to 55 feet in multiple areas of the community.

f. The city council intends to limit the areas where buildings can be up to 55 feet to those areas where previous planning efforts have resulted in the adoption of a plan or clear policy intent that supports more intensive forms of development or in instances where important community values are implemented or site topography may result in height-compliance hardship.

g. The council intends to study other areas in the community where buildings that exceed the underlying permitted or conditional height may be appropriate.

h. The City Council determined that it is in the interest of the public health safety and welfare to consider whether existing zoning standards will result in development consistent with the goals and policies of the Boulder Valley Comprehensive Plan.

Section 2. Paragraphs 9-2-14 (c)(1) is amended and a new paragraph (2) is added and subsequent paragraphs renumbered, to read:

9-2-14 Site Review.

. . .

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

(1) 9-7-1, "Schedule of Form and Bulk Standards" and standards referred to in that section except for the floor area requirements and the maximum height or conditional height for principal buildings or uses, except as permitted in paragraph (c)(2) below.

(2) The maximum height or conditional height for principal buildings or uses may be modified in any of the following circumstances:

(A) For building or uses designated in Appendix J "Areas Where Height Modifications May Be Considered."
(B) Industrial General, Industrial Service, and Industrial Manufacturing districts if the building has two or fewer stories.
(C) In all zoning districts, if the height modification is to allow the greater of two stories or the maximum number of stories permitted in Section 9-7-1 in a building and the height modification is necessary because of the topography of the site.
(D) In all zoning districts if at least fifty percent of the floor area of the building is used for units that meet the requirements for permanently affordable units in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981.[1]

Section 3. The council adopts Attachment A, titled, "Appendix J to Title 9 - Areas Where Height Modifications May Be Considered," as an amendment to Title 9, "Land Use Code," B.R.C. 1981.

Section 4. The provisions of this ordinance will expire on April 19, 2017. The council intends that this ordinance will expire, be amended, or replaced with subsequent legislation after further study of appropriate building heights in the city.

Section 5. This ordinance shall apply to all building permits or land use approvals for which an application is made on January 21, 2015 or thereafter, unless specifically exempted. Building permit applications for a development that received a site review approval for height that exceeds the permitted height on or prior to January 21, 2015 may apply for and receive building permits that are necessary to construct the approved development.

[1] The provisions adopted pursuant to Ordinance No. 8028 expire on April 19, 2017.

Section 6. Complete site review applications that have been submitted to the city prior to January 21, 2015 that request additional height in areas that would not permit such height under this ordinance will be permitted to continue through the process under the height regulations in place at the time such application is made. Such applicants shall be required to pursue such development approvals and meet all requirements deadlines set by the city manager and the Boulder Revised Code. Pending developments may apply for and receive building permits that are necessary to construct the approved development.

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

Section 8. If any section paragraph clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable such decision shall not affect any of the remaining provisions of this ordinance.

Section 9. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 10. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 20th day of January, 2015.

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_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this __ day of _____, 2015.

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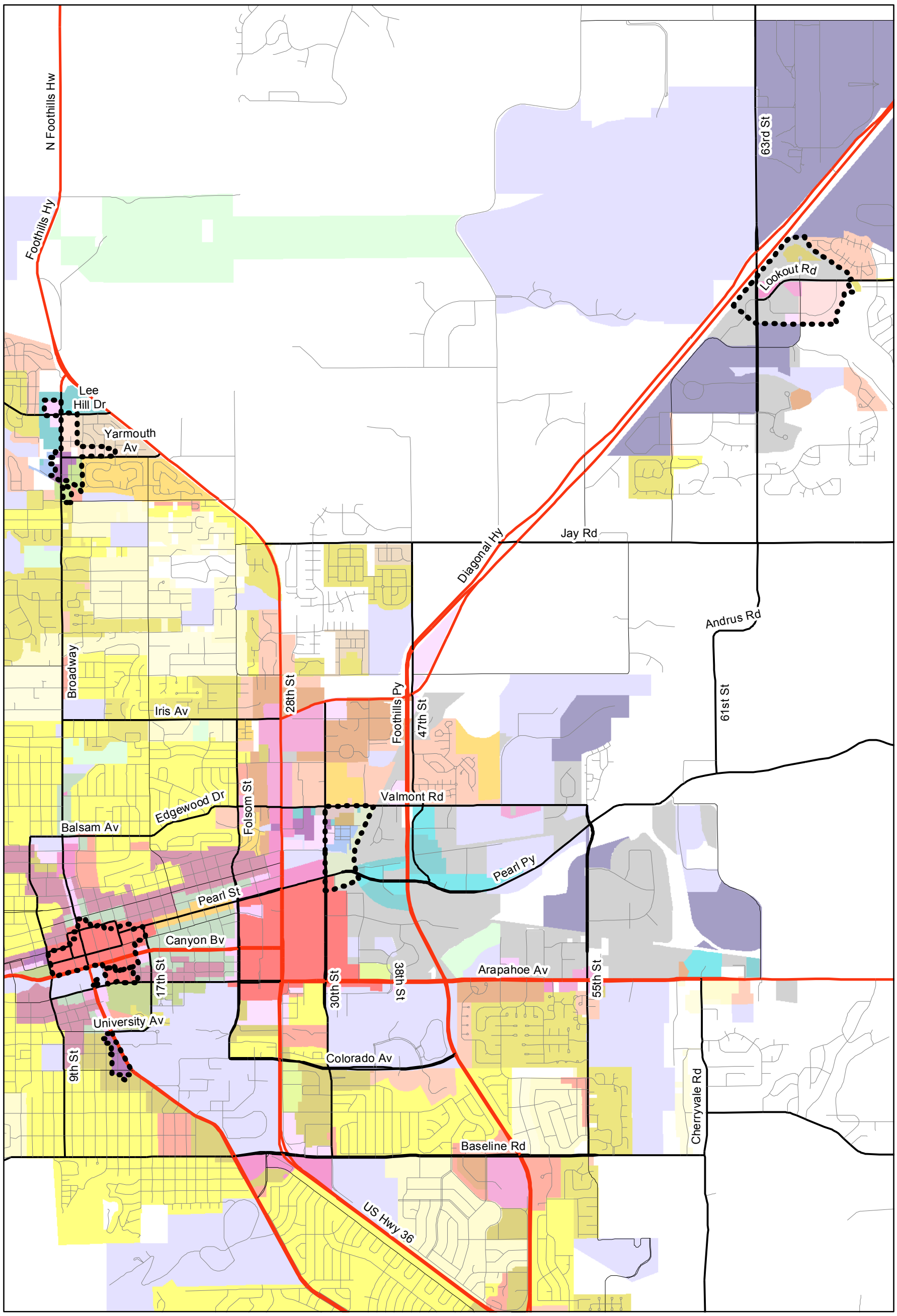
_____
Mayor

Attest:

_____
City Clerk

Appendix J to Title 9 – Areas Where Height Modifications May be Considered



Areas Where Height Modifications May be Considered

ORDINANCE NO. 6013

AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 3RD DAY OF NOVEMBER, 1998, THE QUESTION OF AMENDING SECTION 84 OF THE BOULDER CITY CHARTER REGARDING THE DEFINITION OF HEIGHT FOR A PORTION OF THE AREA KNOWN AS BOULDER CROSSROADS; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.

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

Section 1. A special municipal election is hereby called to be held in the various precincts and at the polling places of the City of Boulder, County of Boulder and State of Colorado, on Tuesday, the 3rd day of November, 1998, between the hours of 7:00 a.m. and 7:00 p.m.

Section 2. At said election, there shall be submitted to the electors of the City of Boulder entitled by law to vote thereon the question of making the following addition to Section 84 of the City Charter: (material to be added to the Charter is shown in bold, uppercase type):

Section 84. Height Limit.

All buildings and other structures throughout the city shall be limited to a height not exceeding fifty-five feet. This height limit shall not apply to spires, belfries, cupolas, or domes not used for human occupancy, nor to silos, parapet walls, cornices without windows, antennas, chimneys, ventilators, skylights, or other necessary mechanical appurtenances usually carried above the roof level so long as they do not take up more than twenty-five percent of the roof area, nor to light poles at government owned recreation facilities, nor to light and traffic signal poles in the right-of-way, nor to service and transmission line electrical utility poles. "Height" means the vertical distance from the lowest point within twenty-five feet of the tallest side of the structure to the uppermost point of the roof.

The purposes of this height limitation are to promote the health, safety, and general welfare of the community; to secure safety from fire, panic, wind turbulence, and

other dangers; to provide adequate light and air to abutting properties and the neighborhood; to prevent the overcrowding of land; to avoid undue concentration of population; to prevent the encroachment of privacy; to lessen traffic congestion in the streets; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to insure personal safety by encouraging intensive use at the sidewalk level; to encourage the most appropriate use of land; to conserve and enhance property values; to preserve the integrity and character of established neighborhoods; to preserve scenic views of the mountain backdrop, which are a unique asset to the community and provide a distinctive character and setting for the city and which provide an attraction to tourists, visitors, and students of the University of Colorado; and to protect a public investment of over three million dollars in the mountain backdrop.

NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS SECTION 84, THE FOLLOWING PROVISIONS SHALL APPLY SOLELY TO THAT PORTION OF THE AREA KNOWN AS BOULDER CROSSROADS WHICH IS DELINEATED BY (i) THE NORTHERN BOUNDARY LINE OF ARAPAHOE AVENUE, (ii) THE SOUTHERN BOUNDARY LINE OF CANYON BOULEVARD AS EXTENDED EASTWARD TO 30TH STREET, (iii) THE EASTERN BOUNDARY LINE OF 28TH STREET, AND (iv) THE WESTERN BOUNDARY LINE OF 30TH STREET:

SUBJECT TO APPROVAL THROUGH THE DEVELOPMENT REVIEW PROCESS, "HEIGHT" SHALL BE DEFINED AS THE VERTICAL DISTANCE MEASURED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD PROTECTION ELEVATION AT 28TH STREET OF 5,288 FEET, AS DETERMINED IN ACCORDANCE WITH THE NORTH AMERICA VERTICAL DATUM OF 1988, TO A PLANE ABOVE SUCH ELEVATION.

The official ballot punch card and the official absentee ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

QUESTION NO. _____

REGARDING THE DEFINITION OF HEIGHT FOR A PORTION OF THE AREA KNOWN AS BOULDER CROSSROADS

Subject to approval through the development review process, shall Section 84 of the City Charter be amended to allow Boulder Crossroads to define height for a portion of the area known as Boulder Crossroads which is delineated by (i) the northern boundary line of Arapahoe Avenue,

(ii) the southern boundary line of Canyon Boulevard as extended eastward to 30th Street, (iii) the eastern boundary line of 28th Street, and (iv) the western boundary line of 30th Street, as the vertical distance measured from the Federal Emergency Management Agency's flood protection elevation at 28th Street and Arapahoe Avenue of 5,288 feet, as determined in accordance with the North American Vertical Datum of 1988, to a plane above such elevation?

For the measure _____ Against the measure _____

Section 3. If a majority of all the votes cast at the election on the measure submitted shall be for the measure, the measure shall be deemed to have passed and shall be effective upon passage.

Section 4. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the city, the Boulder Revised Code, 1981, and this ordinance, and all contrary provisions of the statutes of the State of Colorado are hereby superseded.

Section 5. The city clerk of the City of Boulder shall give public notice of the election in the manner required by law for Charter amendments.

Section 6. The notice of the election shall include the ballot title.

Section 7. The officers of the city are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 8. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 9. This ordinance is necessary to protect the public health, safety and welfare of the residents of the city, and covers matters of local concern.

Section 10. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 4th day of August, 1998.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY this 18th day of August, 1998.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of September, 1998.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

ORDINANCE NO. 6013

STATE OF COLORADO)
COUNTY OF BOULDER) SS.: CERTIFICATE
CITY OF BOULDER)

I, Alisa D. Lewis, City Clerk of said City in the County and State aforesaid, do hereby certify that the foregoing ordinance was introduced, read on first reading at a regular meeting of the City Council thereof held on the 4th day of August, 1998, and that afterwards, to-wit: on the 6th day of August, 1998, I caused the same to be published (by title only) in the official paper of said City (the same being a paper of general circulation published in said city), and that said publication was made ten days before the passage of said ordinance.

I hereby certify that the foregoing ordinance was afterwards duly and regularly read and amended by the City Council of said City on second reading at a regular meeting thereof held on the 18th day of August, 1998, and that thereafter, to-wit: on the 20th day of August, 1998, I caused the same to be published (by title only) in the official paper of said city.

I hereby certify that the foregoing ordinance was afterwards duly and regularly read, passed and adopted as amended, by the City Council of said City on third reading at a regular meeting thereof held on the 1st day of September, 1998, and that thereafter, to-wit: on the 4th day of September, 1998, I caused the same to be published (by title only) in the official paper of said city.

WITNESS my hand and the seal of said City of Boulder hereto affixed, this 8th day of September, 1998.

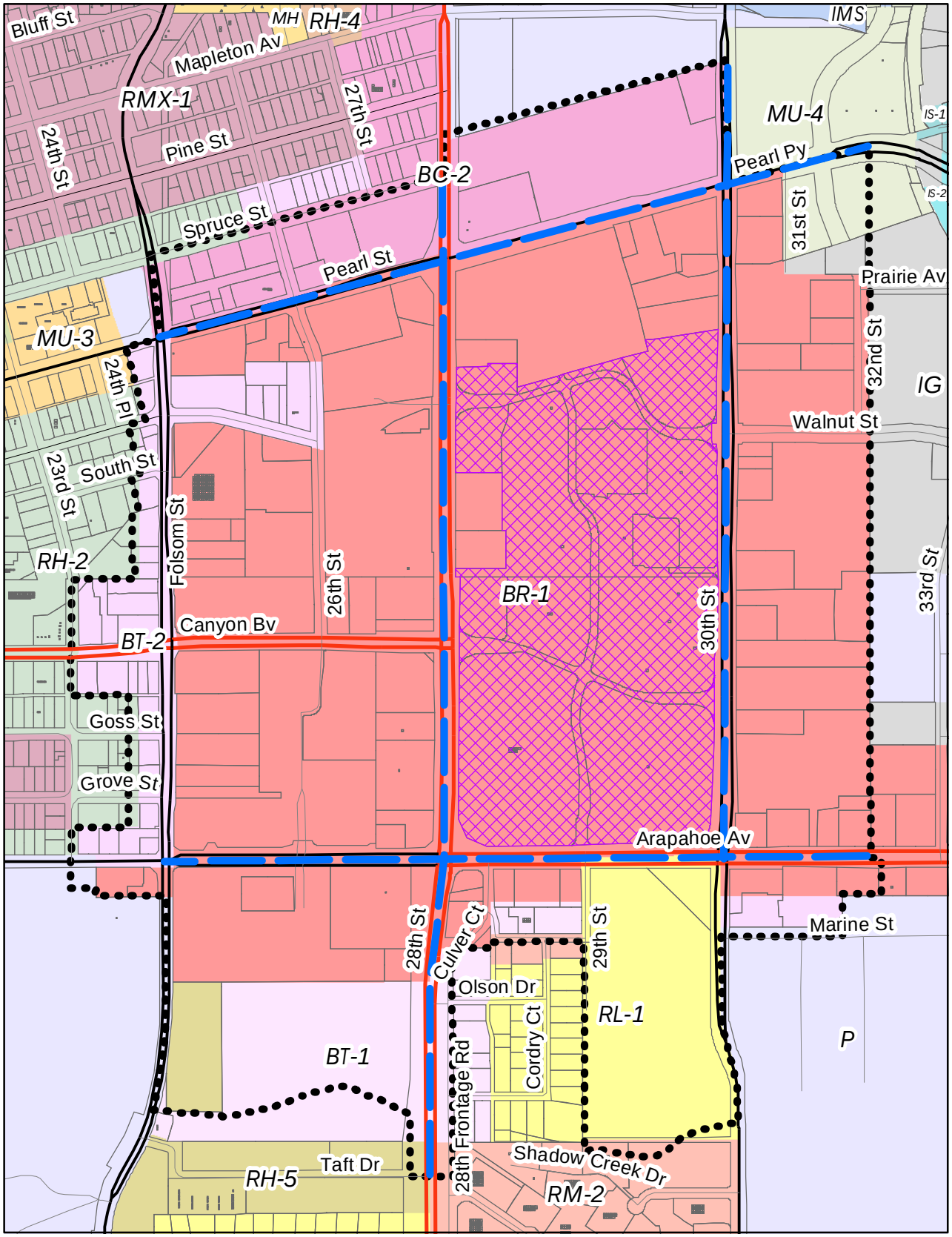
(Seal)

Alisa D. Lewis
City Clerk

cert3.ord

Attachment C - Map of Potential areas of Exemption in the Boulder Valley Regional Center

Boulder Valley Regional Center

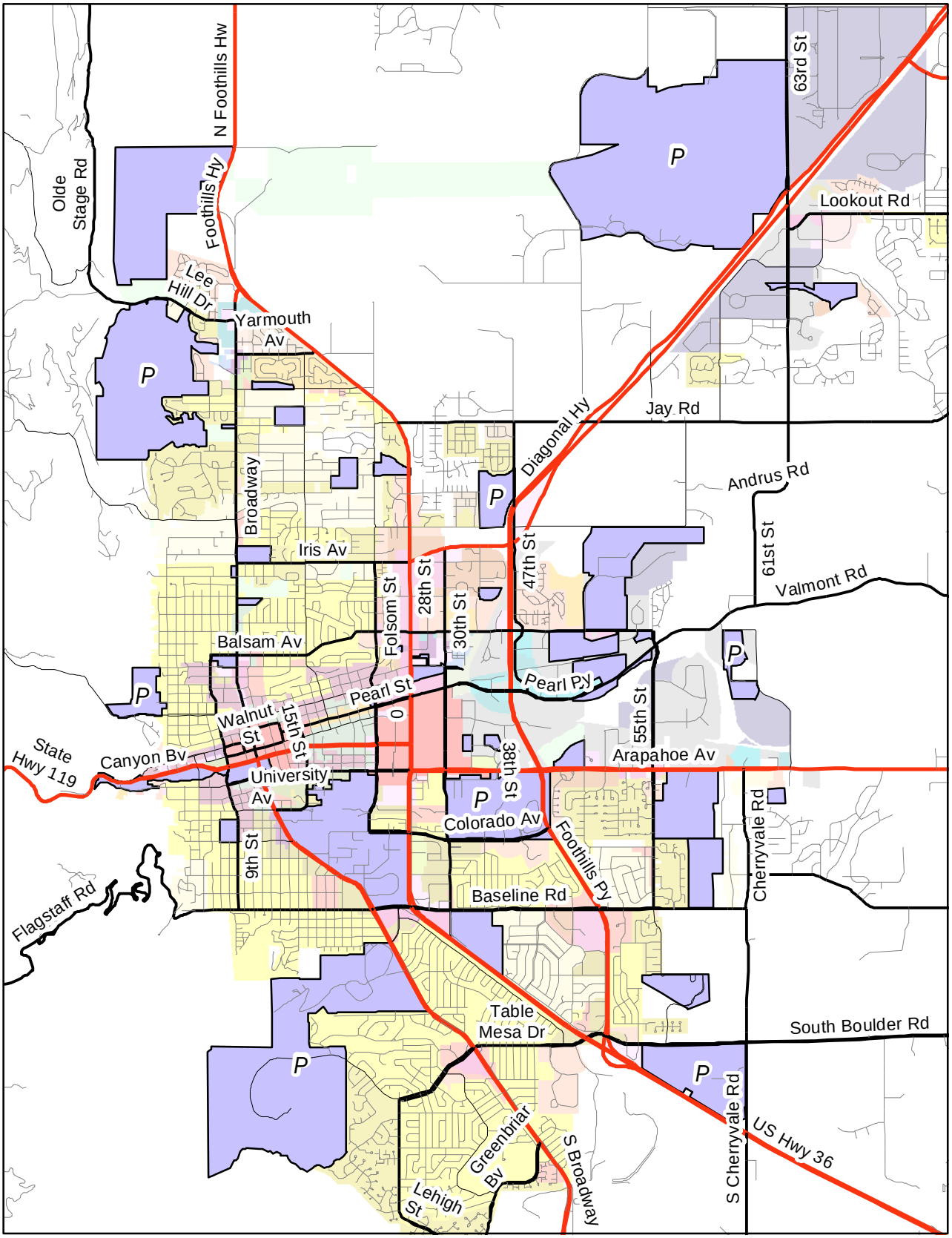


Twenty Ninth Street Mall

Street Frontage Areas

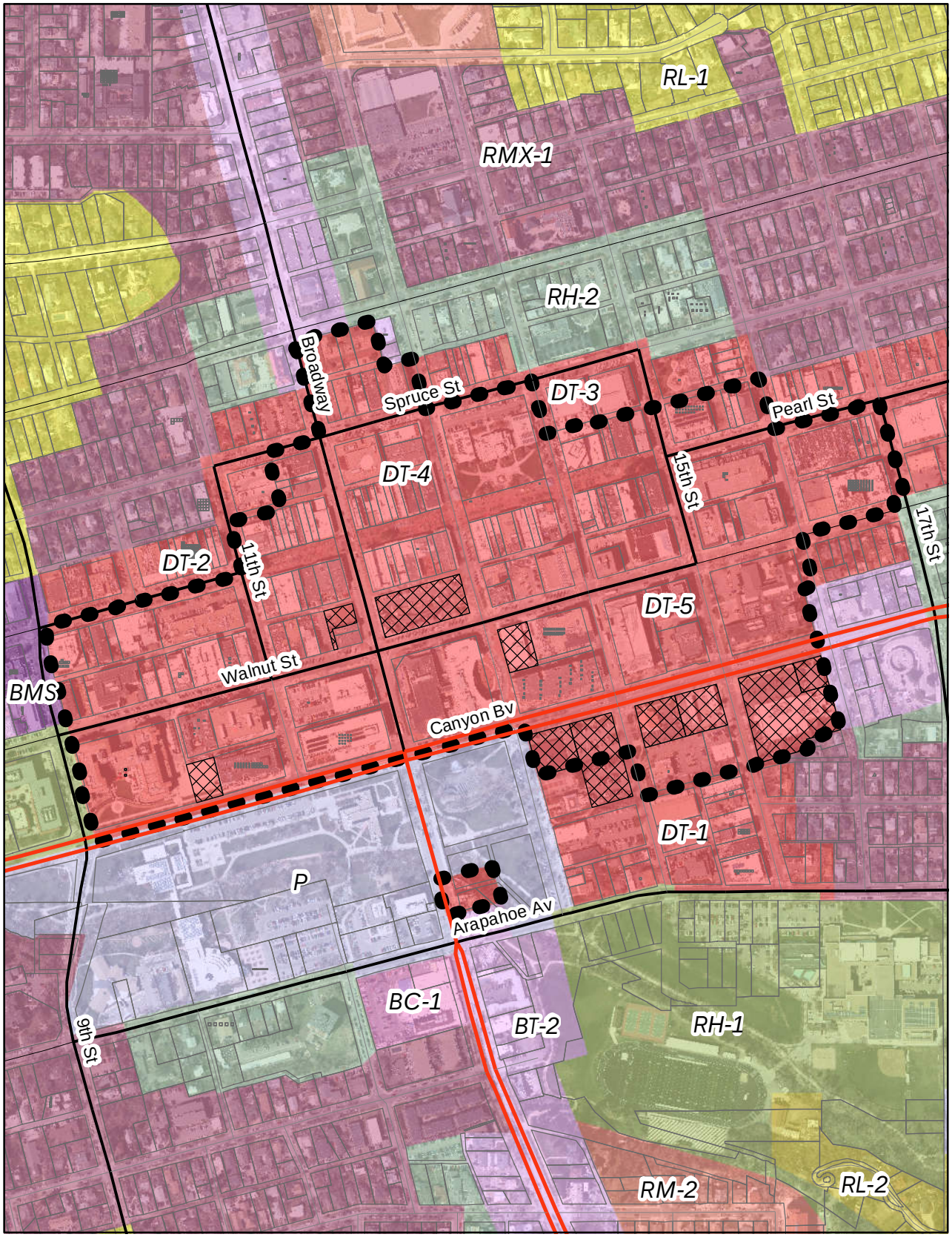
Boulder Valley Regional Center

Pubilc Zoning Districts



Public Zoning Districts

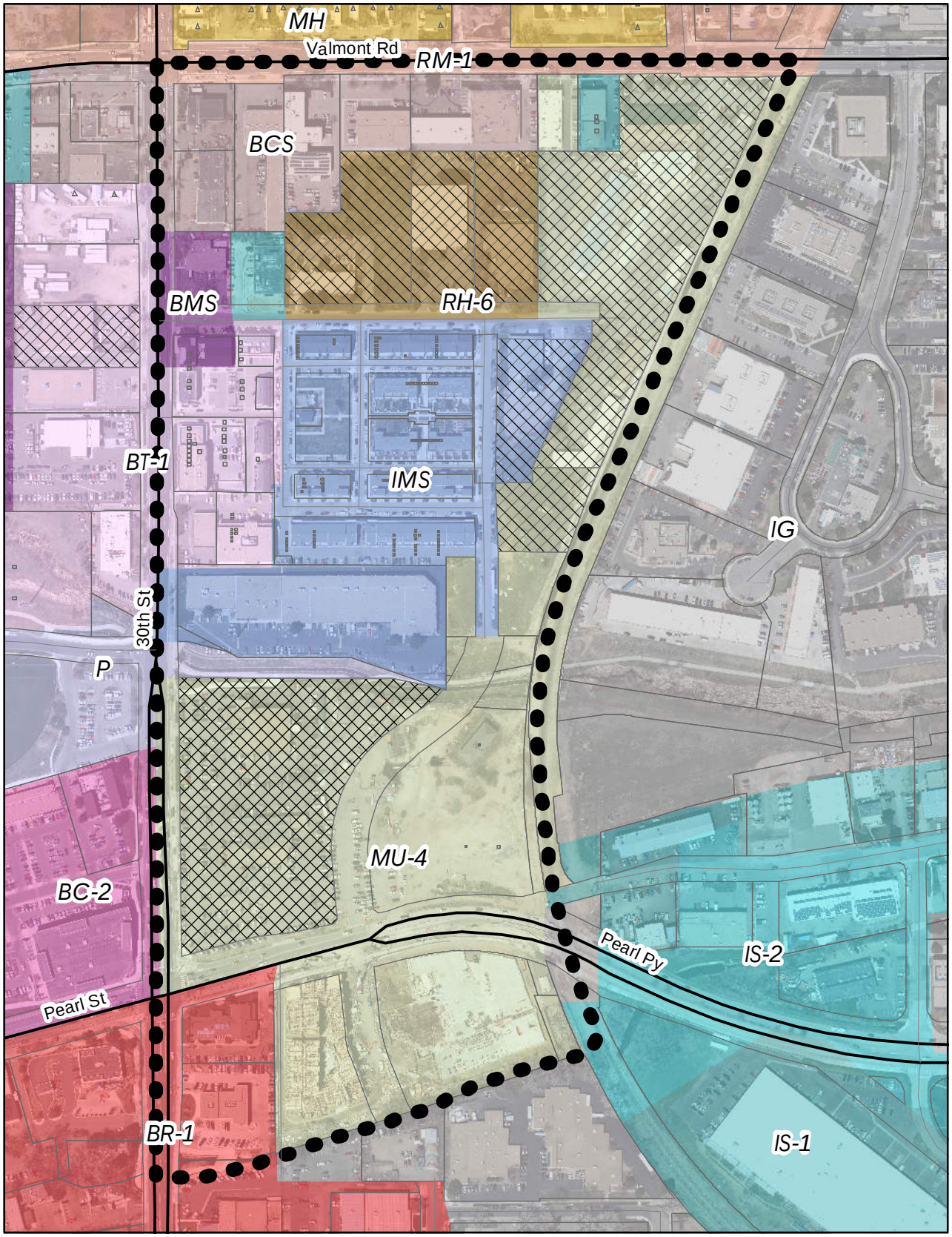
Downtown (DT-4 and DT-5)



Known Potential Redevelopment Sites

Areas Where Height Modifications May be Considered

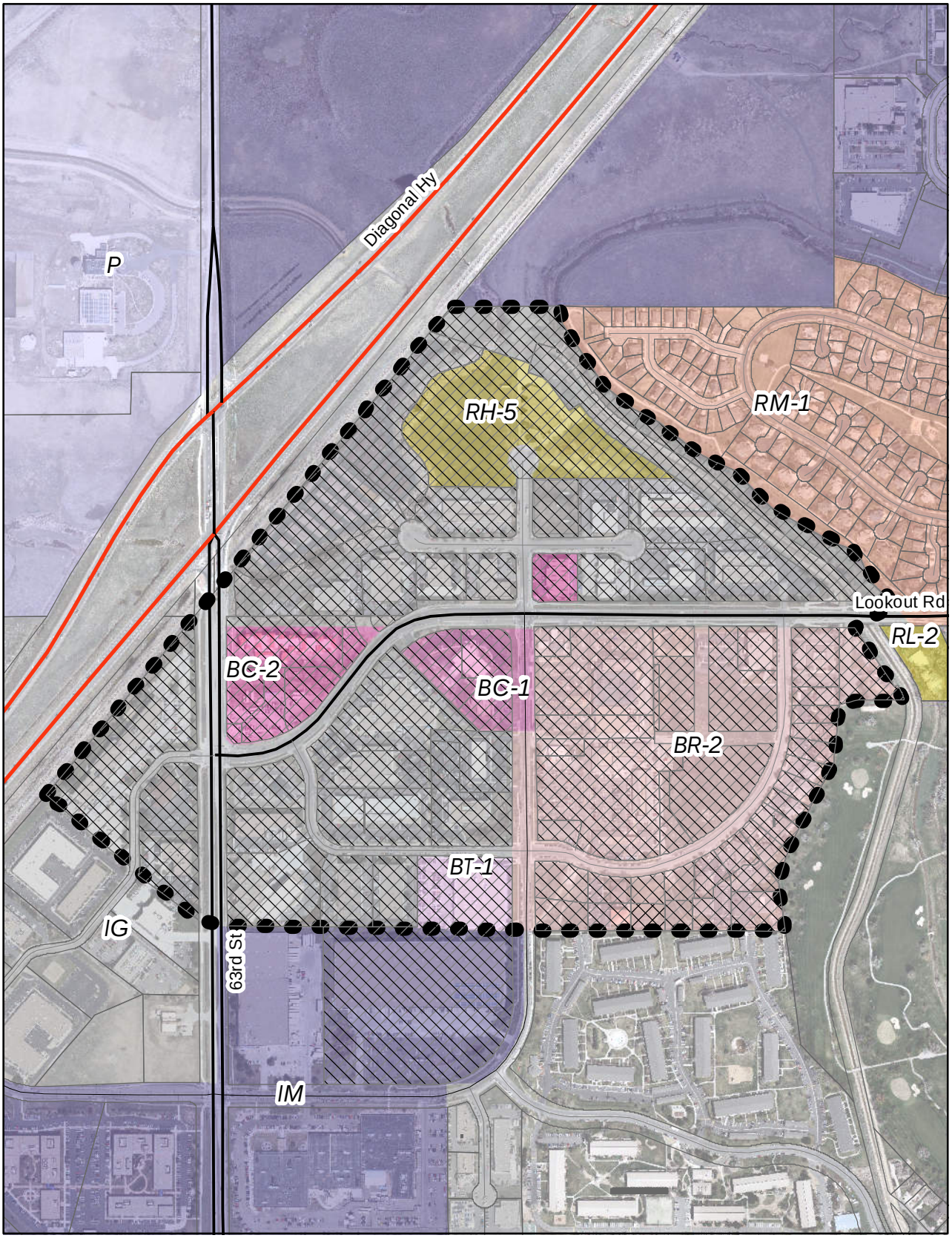
Boulder Junction



Known Potential Redevelopment Sites

Areas Where Height Modifications May be Considered

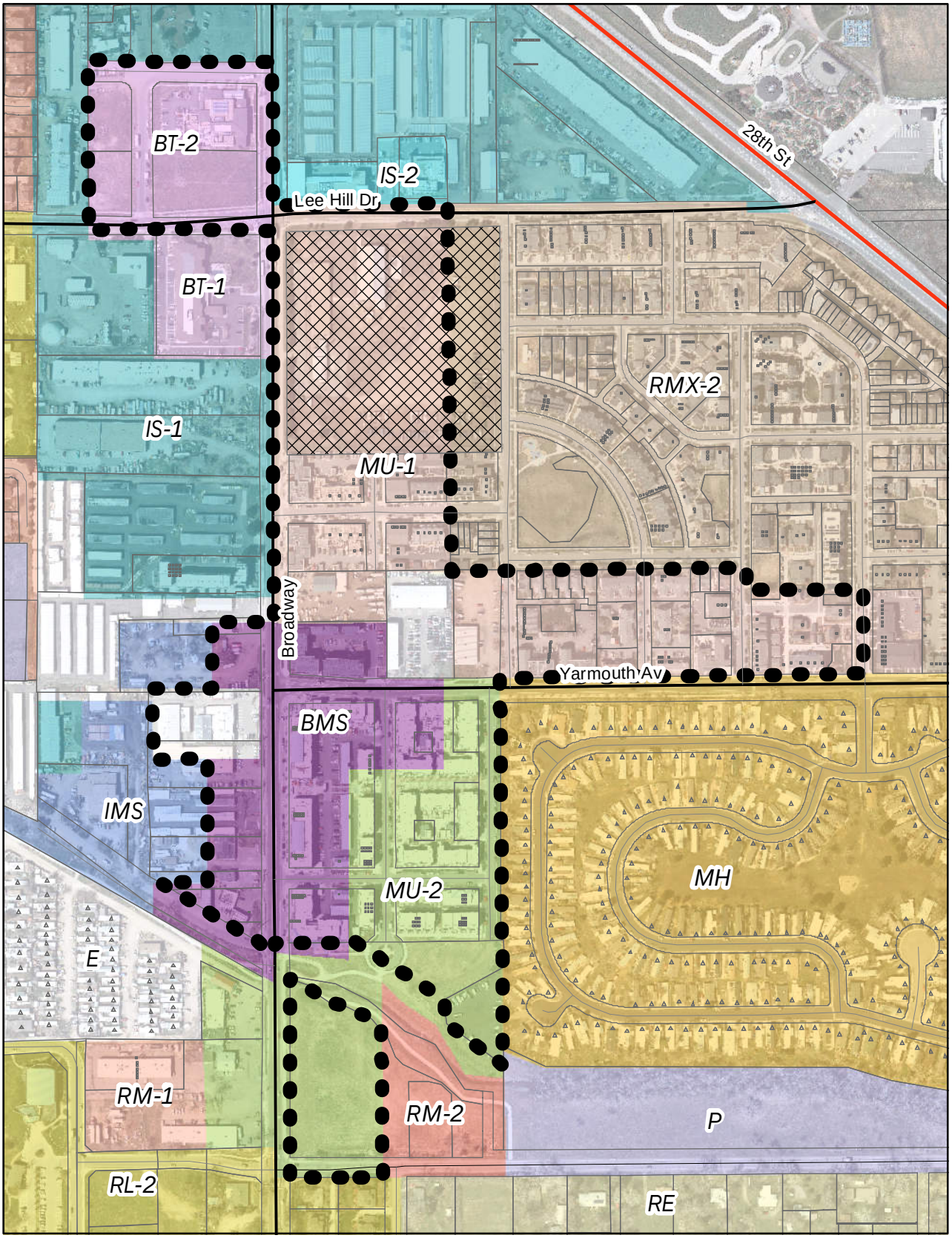
Gunbarrel Subcommunity



Known Potential Redevelopment Sites

Areas Where Height Modifications May be Considered

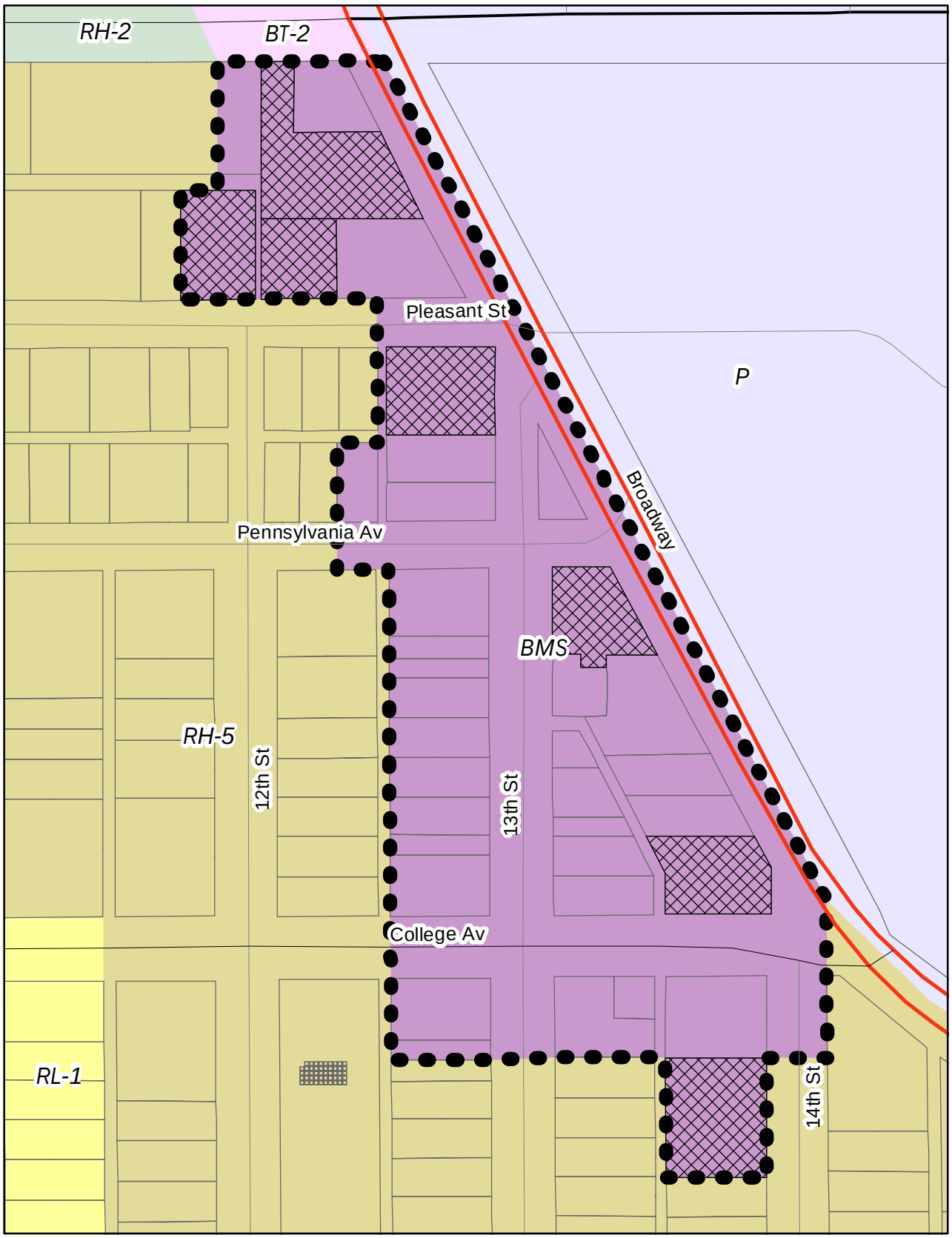
North Boulder



Known Potential Redevelopment Sites

Areas Where Height Modifications May be Considered

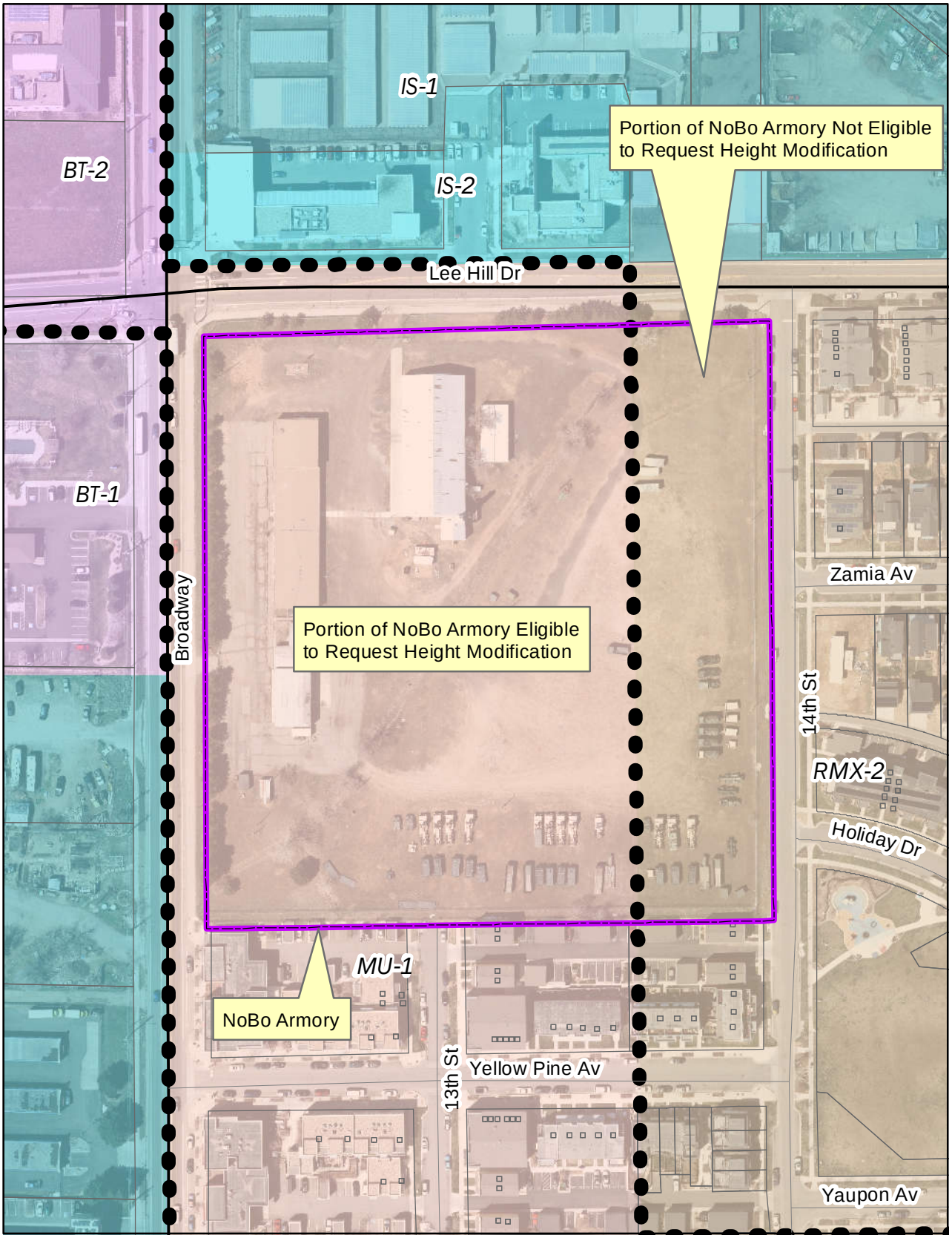
University Hill



Known Potential Redevelopment Sites

Areas Where Height Modifications May be Considered

NoBo Armory



NoBo Armory Site

Areas Where Height Modifications May be Considered

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
February 19, 2015
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

PLANNING BOARD MEMBERS PRESENT:
Aaron Brockett, Chair
Bryan Bowen
Crystal Gray
John Gerstle
Leonard May
Liz Payton

PLANNING BOARD MEMBERS ABSENT:
John Putnam

STAFF PRESENT:
David Driskell, Director of CP&S
Susan Richstone, Deputy Director of CP&S
Hella Pannewig, Assistant City Attorney
Susan Meissner, Administrative Assistant III
Lesli Ellis, Director of Comprehensive Planning
Chris Meschuk, Planner II
Beverly Johnson, Temporary Senior Planner

5. PUBLIC HEARING ITEM 5B

B. Public Hearing and Consideration of recommendations to City Council regarding an ordinance amending Title 9, "Land Use Code" B.R.C. 1981 by amending the building height regulations and requirements for certain areas of the city.

Staff Presentation:
D. Driskell presented the item to the board.

Board Questions:
D. Driskell answered questions from the board.

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Public Hearing:

1. **Lois LaCroix, 2835 Elm Street,** thought the existing ordinance should be enforced. She does not want tall buildings because they block solar access and are not helping affordable housing. She wanted development to pay its own way.
2. **Jane Angulo, 869 Dearborn Place,** did not think that any exemptions should be given until the BVCP is revisited. The height exemptions and density questions should be put to a vote.
3. **Ken Farmer, 345 South 40th Street,** did not think that the city could support the proposed density and infrastructure. Defer exemptions until questions about density are answered in the BVCP update.
4. **Kristen Momme, 375 South 40th Street,** residents love sunlight and mountain views. She would not like for them to be obstructed.
5. **Cliff Harold, 2440 Pearl Street,** proposed a shorter duration and process for special exceptions to the moratorium. The BVRC should be exempted from
6. **Raymond Bridge, 435 S. 38th Street,** spoke on behalf of PLAN Boulder. He thought that the moratorium should be more comprehensive. Create a better process for creating and enforcing subarea plans. If exceptions, do not grandfather based on concept review. They should only be granted per site review.
7. **Michael Bosma, 1885 Quince Ave., pooled with Gary Berg,** spoke on behalf of the Mapleton Hospital development group. The buildings on their site exceed the regulations. Topographic constraints will greatly impact their height. The height exemption would limit their possibilities for good design; it would create a more sprawling design.
8. **Dorothy Cohen, 2845 Elm Avenue,** did not agree with height variances or added density. She thought Boulder was too large and does not want it to become another Denver.
9. **Mike Marsh, 265 31st Street,** he thought that the exemption should be removed in the proposed areas. He thought there was a disconnect between the community desires and what is happening. He looks to the BVCP update process as an opportunity for the public to comment.
10. **Cosima Krueger-Cunningham, 977 7th Street,** quoted Victor Dover and felt that the proposed ordinance ignores his advice. She requested area plans be accelerated. She did not want any more height exemptions.
11. **Ruth Blackmore, 705 S. 41st Street,** she supported the two year pause but did not agree with the exemption. She quoted Victor Dover and quoted several of his recommendations. Stitch together meaningful area plans.
12. **Tim Johnson, 350 Ponca Place,** the CEO of Frasier Meadows, spoke about the impact of the flood on the building. If it did not have an exemption, they would be out of business and could not provide the community benefit to the senior citizens in Boulder. He endorsed the proposal.
13. **Ron DePugh, 180 S. 34th Street,** would like neighborhood planning to better involve the people. He did not want to see tall buildings in Boulder.
14. **Jan Trussell, 125 S. 36th Street,** requested that
15. **Kimberly Campbell, 29th Street,** noted that 29th Street was exempted for 55 foot heights by public vote. The site has been planned for 55 foot building heights for years and this ordinance could greatly affect its ability to bring its plan to fruition. It is a large employer and should be kept where it is currently zoned.
16. **Stephen Haydel, 1935 Grove Street,** felt that most buildings get height exemptions and did not feel that the Goss Grove neighborhood did not get much opportunity for input. He wanted the board to go back on previous decisions in the area.

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17. Lynn Segel, 538 Dewey Street, wanted to height exemptions except for Frasier Meadows until the BVCP is updated and area plans implemented.
18. Mary Eldred, 5376 Gunbarrel Circle, spoke about the changes to Gunbarrel. Consider thoughtful planning with community input, including the surrounding county.
19. Jyotsna Raj, 803 14th Street, is happy with the policies that have made Boulder the place that it is today.

Board Comments:
C. Gray thought the ordinance should be approved for areas that meet the following conditions: Site Review applications that have already been approved by Planning Board, Site Review applications for emergency operations antennae and Concept and Site Review applications for Frasier Meadows given the need and flood damage. Planning Board needs more guidance for Site Review Criteria for height modifications that would help to define community benefit and provide additional guidance. There needs to be better and clearer criteria for evaluation. There are currently no linkage fees to help provide for affordable housing; if the city limited exclusions temporarily, it could allow time for Council to adopt linkage fees. Consider extending downtown linkage fees to other parts of town.

B. Bowen thought it would be a good idea to pause and look at the BVCP and to talk with the community and neighborhoods. This is a reasonable approach given the options. Council will determine the details and decide which areas to include.

A. Brockett acknowledged and appreciated the public's viewpoints. He noted that the height limit that was adopted in a charter amendment adopted in 1971 and passed by a vote of the people is 55 feet; it does not mention 35 feet. The 55 foot height limit cannot be exceeded except by vote and has been done only once since for 29th Street. He thought that a certain level of density within the city's planning framework and in the right locations will be more environmentally sustainable. Areas with higher densities, access to public transit and are oriented for pedestrian and biking activity such as downtown significantly reduce GHG emissions. Land use decisions to locate people in strategic activity centers in town are an important tool for combating climate change. The taller buildings approved by the Planning Board in recent years have been in strategic locations; others such as Waterview and Baseline Zero have been discouraged by the public and board. He understood the concerns about the rate of growth but thought it was important to have the community conversation where differences can be defined. The zoning currently blankets the city with a 35 foot height limit. Over the next year of the BVCP update, he would like to have community conversations and come to some agreement about where height was appropriate and not appropriate. He did not support the current ordinance; it was brought about too quickly and needed more community engagement. He hoped to devise an ordinance within the next year.

L. May mostly agreed with the previous comments, especially with the environmental considerations involving density in strategic areas to reduce GHG emissions. The ordinance would pause development to allow important conversations to take place, but the exceptions would reduce its effectiveness. He applauded staff for the proactive approach but feared that it could be cited as a precedent for policy documents and would erode Planning Board's discretion to evaluate 55 foot proposals. Address community concerns about the number of 55 foot buildings that are built and the exceptions to the rules as opposed to the locations of the buildings. The BVCP, Housing Strategy and

form-based code should be determined with community input prior to resuming the current development trend. The ordinance should be applied universally to all projects not yet approved in site review or that no longer have a permit. He recommended rejecting the ordinance.

J. Gerstle thought issues such as BVCP update, community benefit, neighborhood and subarea plans, linkage fees and form based code should be in place prior to the consideration of 55 foot buildings. **C. Gray's** recommendation made sense and would accomplish the desired goals.

L. Payton commended staff for being responsive to community reaction to tall buildings but did not think the ordinance as proposed would adequately address the community's concerns. She felt that allowing tall buildings in defined areas could create some inequities. She agreed with **C. Gray's** comments and would support her motion. She is excited by the form-based code pilot. She noted that the Spark development could also be exempted given its mix of different uses and its use as a pilot for form-based code.

Motion:

On a motion by **C. Grey**, seconded by **J. Gerstle**, that the Planning Board voted 4-2 (**A. Brockett** and **B. Bowen** opposed, **J. Putnam** absent) to recommend that City Council adopt Ordinance 8028 amending the building height regulations and requirements of Title 9, "Land Use Code, B.R.C. 1981, for certain areas of the city that meet the following conditions to be considered an exclusion:

1) A site review application submitted for site review by January 21, 2015.
2) A site review application that is for an upgrade of an emergency operations antennae.
3) A concept plan and site review application for Fraiser Meadows.

All other exclusions in Ordinance 8028 are recommended to be removed. Planning Board further recommends that before other exclusions are added to Ordinance 8028 that the following take place:

1) City Council considers expanding the Affordable Housing Linkage fees, that are currently only applied in DT zones, to all commercial zones and the fees are at the same rate that are currently applied in the DT zones until a new study is complete and adopted. In addition the Affordable Housing Linkage fees should be for the entire building's square footage.
2) City Council considers adoption of site review criteria for height modifications that define community benefit.

B. Bowen noted that there might be some unforeseen and important uses for the 55 foot exclusions. To avoid a legislative process involving a Planning Board hearing and two Council readings, he proposed allowing Council to preserve the right to make some height modifications.

B. Bowen made a motion to amend **C. Gray's** motion that City Council reserve the right to allow height modifications.
This motion to amend failed as it was not seconded.

On a motion to amend by **L. Payton**, seconded by **L. May**, the Planning Board voted 2-4 (**A. Brockett**, **B. Bowen**, **J. Gerstle**, and **C. Grey** opposed, **J. Putnam** absent) to amend the proposed (c)(2) of Section 9-2-14 to read "…may be considered for modification..." instead of "…may be modified…"
The motion to amend failed.

On a motion to amend by **L. May**, seconded by **A. Brockett,** the Planning Board voted 3-3 (**L. Payton**, **C. Grey**, and **J. Gerstle** opposed) to add an additional exemption where height may be modified item (c)(2)(b) proposed in Ordinance 8028.
The motion to amend failed.

J. Gerstle voted against **L. May's** amendment because he felt that this was already addressed in the ordinance. He did not want to unnecessarily complicate the issue.

L. May discussed the possibility of linking the term of the moratorium to the BVCP revisions; many of the issues will likely be resolved in the BVCP update. There was some concern as to whether this might unduly complicate matters.

A. Brockett did not vote for **C. Gray's** motion, but did support item number one for affordable housing. He felt it was very important and should be addressed to mitigate Boulder's current housing problems. He could have voted for something similar to the staff proposal.

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SUMMARIES OF AREA PLANS AND GUIDELINES RE: HEIGHT

Below are summaries of each area plan and guideline document. The following pages include the specific references.

Boulder Valley Regional Center (BVRC)
Page 43
In general, the guidelines for the BVRC include few references to height, although building massing is addressed. The BVRC has the highest floor area ratio (FAR) in the city and therefore anticipates denser construction and potentially taller buildings. The Boulder Plaza Area Plan, which is a subset of the BVRC, contains more specific references to height on pages 5, 8, 15 and 17.

Downtown Urban Design Guidelines:
Pages 14, 29, 42
Provides requirements for submittals to BDAB for proposed buildings that exceed by-right heights to include elements such as models and shadow analyses. Guidelines indicate floor-to-floor heights within specific downtown zoning districts and recommendations for building heights in the interface area.

Transit Village Area Plan (Boulder Junction)
Pages 9, 16, 17, and 33
Provides statements about anticipated number of stories within the different "Character Districts" and "Land Use Prototypes."

Gunbarrel Community Center Plan:
Pages 26, 28
Recommends a variety of heights in the Retail Core District and Main Street from "one to an occasional four stories" and that four stories may be considered only if the project meets qualitative conditions. Also notes that four-story building proposals require referral to the County Planning Commission and Board of County Commissioners for their comments on the design of the site.

North Boulder (NoBo) Subcommunity
Pages 1,9, 12, 16, and 23
The NoBo plan has several references to building height and scale, but is generally limited.

University Hill Area Plan
There are few references to building form and more emphasis on public realm (street design etc.). One reference notes, "*Zoning code changes will be explored to encourage the appropriate location and scale of commercial buildings based on the urban design of the Hill*."

SPECIFIC CITATIONS WITHIN THE DIFFERENT GUIDELINES

BVRC Design Guidelines

Pg. 43 – Building Design Guidelines- "Part 1: Massing"

5.1.A. Break down the mass of the building
If the building exceeds two stories along a sidewalk or main interior path, consider stepping-back the upper stories (above the second story) 10 or more horizontal feet from the facade.

5.1.C. - Transition to adjacent buildings
Consider varying building height and massing to make a visual transition to adjacent buildings. Particularly respect the scale and massing of adjacent residential buildings (for example, along west side of Folsom and north side of Spruce).

Boulder Plaza Subarea Plan (subset of BVRC)

Pg. 5 - 2.7 - Land Use/Redevelopment:
Redevelopment, especially for residential use, will be encouraged through incentives. Additional building height over the 35 foot "by-right" limit may be appropriate as long the height review standards of the land use regulation are satisfied.

Pg. 8 - 3.2.1 - Pearl Gateway - *Objective one: Establish* a *gateway along Pearl Street by encouraging the development of unified architectural form and urban design.*

- Buildings and site design should Integrate principles of consistent and similar orientation, height/massing, setbacks, and architectural design to produce orderly and distinctive development along the Pearl Street corridor. The following criteria should be considered In the location and design of buildings along Pearl Street between 28th and Folsom:
    - Buildings should enhance the BVRC Identity while creating an Individual Identity along the Pearl Street corridor.
    - As compared with the whole corridor from 28th and Folsom, distinctive building height and orientation should be established at 28th and Pearl to reinforce the gateway.
    - Buildings should be compatible with surrounding and adjacent properties.
    - New buildings and streetscape design on both sides of Pearl Street should be similar in orientation, height/massing, setbacks, and architectural materials.
    - Visual continuity of building design should be established by the repetitive use of similar building materials and textures, horizontal alignment of architectural features, and the application of consistent massing, heights and setbacks.

Pg. 15 - 5.2.3 - Required Plan Elements in Development Review:

a) New developments along Pearl Street should have consistent character along both sides of the street.

b) Along the Pearl Street corridor, a pedestrian scale environment shall be developed through the construction of buildings that are one to two stories high at sidewalk level. In the case of taller buildings, the building shall then be stepped back from the street to reach its ultimate height.

o) Buildings exceeding 35 feet In height may be supported when residential development. Is proposed and the standards of the land use regulation are satisfied. In addition, heights may reach a maximum of 55 feet where the development provides for: 1) protection of views from existing residential or public areas and 2) buildings are stepped to maintain the pedestrian scale of the street.

Pg. 17 – 5.2.4 - Recommended Plan Elements in Development Review:

f) Office/ retail/ residential character In the "transitional· district along Folsom shall be maintained and enhanced through construction of 1-2 story buildings at street level that can then be stepped back to the east In order to achieve desired density.

Downtown Urban Design Guidelines

Page 14, Additional information that may be required for DDAB

"The following additional information may be required if the proposal modifies the permitted "by-right" building height, or if the project is of significant complexity that the two dimensional drawings described above do not fully illustrate the design issues:

• A simple mass model if the project is of significant size and complexity, showing the surrounding context.
• Color perspective sketches illustrating the proposed project and its surroundings, from street level, to present the project from the pedestrian's viewpoint.
• An analysis of the shadow impact of the proposed project is important, especially for projects on the south side of downtown streets."

Page 29, Guideline 1.2.5 Consider The Height And Mass of Buildings

"In general, buildings should appear similar in height, mass, and scale to other buildings in the historic area to maintain the area's visual integrity and unique character. At the same time, it is important to maintain a variety of heights to create visual interest. While the actual heights of buildings are of concern, the perceived heights of buildings are equally important. One, two and three story buildings make up the primary architectural fabric of the downtown, with taller buildings located at key intersections."

Page 29, Guideline 1.2.5 Consider The Height And Mass of Buildings

CODE: *The allowable "byright" height is up to 35 feet, with a maximum height of 55 feet through height review.*
CODE: *The maximum "byright" number of stories allowed in 35 feet is two stories.*
CODE: *Generally, for commercial and residential buildings in RB-1X, RB-2X, RB-1E, and RB-2E, the floor to floor heights should be up to 14 feet for the ground level, and up to 12 feet for the second floor.*
CODE: *In the RB1-X and RB1-E zones, principal building heights for a building located on a corner lot that faces two public streets may be increased up to 10 feet in height and up to 3 stories if: the building contains no more than 3 stories above the finished grade; the horizontal dimensions of the third story are no greater than 50 feet along the front yard street frontage by*

70 feet along the side yard street frontage, and the vertical planes of the third story are located directly above the vertical planes of the stories below.

Page 29, Guideline 1.2.5 Consider The Height And Mass of Buildings

C. Maintain a standard floor to floor height.

"Generally, for commercial and residential buildings RB-1X, RB-2X, RB-1E, and RB-2E, the ground level floor to floor heights should be approximately 13 to 15 feet and up to 12 to 14 feet for the second floor. This is particularly important in the RB-1X zone along Walnut Street. It is also important guideline for commercial buildings, but not necessarily for residential buildings in the RB- 3X and RB-3E zones."

D. Consider the effect of building height on shading and views.

"Building height can shade sidewalks during winter months leading to icy sidewalks which can discourage pedestrian activity. Wherever possible, new buildings should maintain view corridors and should not shade the northern sidewalk of east-west running streets at noon on December 21."

Page 42, Guideline 3.1 Maintain the Diverse Residential Architectural Character of the Interface Area

B. In general, construct buildings of three stories or less.

"Create a height transition by locating taller portions of buildings toward the downtown, or Pearl Street, and lower portions located toward surrounding residential areas."

Transit Village Area Plan (Boulder Junction)

Page 9, Urban Character:

"The area's present low-density, automobile-oriented environment will gradually transform into a higher-density, more urban environment. Most new buildings will range in height from two to four stories, and many will have a mixture of different uses."

Page 16, Land Use Prototypes-High Density Residential-1 Land Use (15-24 Dwelling Units per Acre):

"Urban townhomes and garden apartments with individual garages, surface parking lots, or underground parking. Mainly two to three stories."

Page 16, Land Use Prototypes-High Density Residential -2 Land Use (25-50 Dwelling Units per Acre):

"Stacked flats and lofts with underground or structured parking. Two to five stories."

Page 16, Land Use Prototypes-Service Commercial Land Use (No Floor Area Ratio):

"Areas preserved for a wide range of retail and commercial uses, including repair, service and small-scale manufacturing uses in low intensity, one- and two-story buildings with primarily surface parking."

Page 17, Land Use Prototypes - Mixed Use -1 (1.0 Floor Area Ratio)

"Two- to three-story mixed-use buildings. Predominant use may be business or residential. Tuck-under, structured and/or surface parking.

Page 17, Land Use Prototypes - Mixed Use -2 (1.5 - 2.0 Floor Area)

"Three- to four-story mixed-use buildings. Predominant use may be business or residential. Mostly structured or first-floor parking; may have some surface parking.

Page 17, Land Use Prototypes - Mixed Use Industrial -1 (0.8 - 1.3 Floor Area Ratio)

"Light industrial, service industrial and small-scale technical offices with live/work units or residential mixed vertically or horizontally in one- to three-story buildings. Structured or surface parking.

Page 17, Land Use Prototypes - Mixed Use Industrial -2 (1.5 – 2.0 Floor Area Ratio)

"Three- to four-story mixed-use buildings. Predominate use may be residential, office or industrial. Structured parking"

Page 33, Wilderness Place District

"Wilderness Place District is a stable employment area, with a mixture of technical offices and light industrial uses. Buildings range from one- story to four stories.

Gunbarrel Community Center Plan

Page 26, Character: Retail Core District

"Retail uses will be located on the first floor of the buildings lining the main pedestrian streets with office and residential above. There may be a variety of building heights ranging from one to an occasional four stories but with a massing that minimizes the perceived height along the pedestrian corridors and invites the larger community into the retail core. At a minimum, the fourth story of all buildings will be set back at least twenty feet from all roads. No more than 25% of a single building coverage may be above three stories tall. Four-story buildings may be considered but only if the project meets all of the following conditions:

- *All buildings along the pedestrian corridor have architectural features which break up the massing such as staggered storefronts and building entrances, balconies, setbacks, variation in building materials and pedestrian seating areas on the ground level; and*
- *The project provides a significant amount of public amenities which will enhance the public areas and support a lively community center; and*
- *There is no request for open space reduction.*

Four-story building proposals require referral to the County Planning Commission and Board of County Commissioners for their comments on the design of the site."

Page 28, Character: Main Street

"Spine Road and the new street east of Spine Road on the vacant parcel at Gunpark and Lookout Roads Spine Road is the heart of the community center and retail core. Redevelopment will occur in a pedestrian-oriented pattern, with buildings built up to the street along both sides of the street. Retail uses will be located on the first floor; and residential and office uses above the first floor. Street-front buildings will be designed to avoid a canyon-like feeling along the pedestrian corridor by breaking up overall massing, varying the store-front design, limiting building height to three stories, and stepping the third story back from the street. Redevelopment of the north corner properties at Spine and Lookout roads will be encouraged to provide an architectural feature to mark the entry to the retail core."

North Boulder Subcommunity

Pg. 1 - City-wide goals – "Centers"- Design neighborhood and subcommunity centers to foster a sense of community by creating vibrant people/activity places. This includes: ease of access, safety, and appropriate scale.

Pg. 9 – Neighborhoods – Goals - Design new neighborhoods with the following in mind:

- the scale and positive architectural attributes of adjacent housing.
- Provide a diversity of housing types, sizes, and prices in the subcommunity as a whole.

Pg. 12 – Yarmouth North Development Guidelines – "Building and Site Design" –

Design with noise protection from US 36 and Broadway, employing noise-sensitive building placement, height, orientation, and special construction materials.

Pg. 16 – Village Center Design Guidelines – "Building and Site Design" –

Provide one and two-story buildings along the street with pedestrian-interest windows on the ground floor and office or residential uses above.

Design with noise protection from Broadway and Yarmouth in mind. For residential and child care uses, employ noise-sensitive building placement, height and orientation, room layout, and special construction materials.

Pg. 23 – Transportation Recommendations – "Traffic Noise" –

Require the design of new residential development along Yarmouth, Violet, Broadway and U.S. 36 to minimize and mitigate noise impact (building placement, orientation and height, room layout, construction materials, noise buffering).