



Site Review

Attachment to Land Use Review Application

How to Use this Attachment

Process Information contains general information about the review type and the process used to review your application. Keep this section as a reference while your application proceeds through the review process.

Application Requirements and Checklist contains material that **you are required to fill out and submit with your application**. The Application Submittal Requirements Checklist describes the minimum information to be included in your application. Your application will not be accepted for review unless all the information is present.

Use the information in this attachment to prepare your application. The information in this, and related, attachments **identify the criteria that will be used to evaluate your application**. Your application should **focus on demonstrating how your proposal complies with all the criteria**. Effective use of this attachment can help you avoid costly revisions to your application later.

Process Information

SITE REVIEW SUMMARY

The discretionary review process called Site Review is available to modify certain development standards of the city's land use code. The purpose of Site Review, as described in [Section 9-2-14\(a\)](#), is to promote the most appropriate use of land, to improve the character and quality of new development, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic features of open space, to ensure compatible architecture, massing and height of buildings with existing, approved, and known to be planned or projected buildings in the immediate area, to ensure human scale development, to promote the safety and convenience of pedestrians, bicyclists and other modes within and around developments and to implement the goals and policies of the Boulder Valley Comprehensive Plan and other adopted plans of the community.

MODIFICATIONS THAT MAY BE REQUESTED

Specific sections of the land use regulations may be modified through Site Review (see list below). Some examples of the major categories of modifications that may be requested in a Site Review are:

► SETBACK MODIFICATIONS

Most zoning districts have specific minimum requirements for the setback of buildings from any property line. Alternative setbacks, referred to as setback modifications, can be considered through the Site Review process if the alternatives result in improved site design consistent with the Site Review criteria. Setback variances may also be considered by the Board of Zoning Adjustment and Building Appeals. However, their approval is limited to certain hardship circumstances where it is not possible to comply with the standard setbacks due to unusual characteristics of the site.

► PARKING REDUCTIONS

A reduction in the number of required off-street parking spaces. Parking reductions over 25% require Site Review approval. Parking reductions over 50% require approval by Planning Board. Some parking reductions, as permitted by [Section 9-9-6\(f\)](#), can be considered by city staff as an Administrative Review (without a Site Review).

► HEIGHT MODIFICATION

Building height over the "by-right" standard up to the 55 foot height limit, with the exception of buildings which meet the conditional height criteria of [Section 9-7-6](#). Height above the "by-right" standard can be considered through the Site Review process, if the height and building design are demonstrated to be consistent with the Site Review criteria, and if eligible per [Section 9-2-14\(b\)\(1\)\(E\)](#). Some height modifications (called height bonuses and discussed below) require additional community benefit requirements for buildings that include a 4th or 5th story. There is also an administrative Site Review (no required Planning Board meeting) for height modifications to buildings that do not exceed the permitted height for principal buildings but are on sites where height is restricted below 35 feet due to nonstandard lot size (see Section 9-10-3). Height modifications for accessory buildings may also be reviewed in this procedure if the reason for the height is due to topography.

► LAND USE INTENSITY MODIFICATIONS

Modifications to minimum open space on lots, floor area ratio, maximum height, and number of dwelling units per acre requirements may be approved pursuant to the standards of subparagraph 9-2-14(h)(6) if found to be consistent with the requirements and criteria of Site Review by Planning Board..

- In the DT, BMS, BR-2, and MU-3 zoning districts, the open space requirements may be reduced.
- In the BMS, BR-1, IMS, IS, MU-1, and MU-2 zoning districts, the density and floor area of a building may be increased above the maximum, provided the building meets the requirements for a height bonus.
- A building proposed with a fourth or fifth story or addition that exceeds the permitted height requirements, together with any additional floor area or residential density, may be approved if specific community benefit requirements and other design criteria are met.

MINIMUM AND MAXIMUM THRESHOLDS

Minimum and maximum thresholds apply to Site Review applications (see Page 5 of this document). These threshold categories are based on various measurements of a project's size - either total building floor area, land parcel size or in some case, number of units. A project that exceeds any of the Site Review maximum thresholds must complete a Site Review - "by-right" development is not permitted. Concept Plan Review is also required prior to Site Review.

If a project is large enough to meet any of the minimum thresholds, then it is eligible for a Site Review. If a project is smaller than the minimum thresholds standard, it is not eligible for Site Review.

As an example, a project with four residential units in the RL-1 zoning district may not complete a Site Review since it does not meet the minimum threshold, but a 50 unit project in the same zoning district must complete a Site Review because it exceeds the maximum threshold.

OFF-SITE AFFORDABLE HOUSING

Additional review is necessary when a development proposes to provide "off-site" affordable units on a different site than the one that generates the inclusionary housing requirement. The affordable housing review can be done through a voluntary or required Site Review. If the off-site development does not undergo these reviews, an Affordable Housing Design Review is required through an administrative review process. For more information review see [Chapter 9-13](#).

APPLICATION FEES AND RATES

► SIMPLE, STANDARD, OR COMPLEX SITE REVIEWS AND AMENDMENTS

The initial fee for a Site Review application is based on the estimated complexity of the review, according to the following guidelines. In all cases staff will determine which fee category applies.

Simple – a Site Review is Simple if one or more of the following apply:

- A pre-application review was conducted for the project, and city staff determined and documented that the Simple review fee would apply, **and**
- No code modifications other than setbacks, parking reductions, or parking deferrals are proposed, and no off-site improvements other than sidewalks and curb and gutter are required, **and**
- The application does not include multiple buildings or multiple lots.

Standard – All projects not meeting the definition of Simple or Complex are considered to be Standard or the application is an amendment of a valid existing Site Review or PUD approval pursuant to [Section 9-2-14\(m\)](#) of the land use code and is consistent with the intent of the original approval. For minor amendments pursuant to [Section 9-2-14\(l\)](#) of the land use regulations, see narrative below. A project may also be classified as Standard through a pre-application review, even it meets one of the other definitions, if staff determines the Standard classification is more appropriate to the complexity of the review.

Complex – a Site Review is Complex if one or more of the following apply:

- A pre-application review by staff determined the project would have unusual complexity and would require the fee for complex review; or
- The application includes three or more Land Use Review types (for example – Site Review, Annexation and Subdivision, or Site Review, Subdivision and Use Review); or
- The property exceeds the threshold of required Concept Plan Review and Comment; or
- Code modifications in addition to setbacks or parking are proposed, and the project includes multiple buildings or lots.

Minor Amendments – The application is considered a minor amendment if it meets the criteria of [Section 9-2-14\(l\)](#) of the land use code. This application has a different fee and set of submittal requirements. (See application requirements within the Land Use Review application for more information).

Note that each additional review after the third review may require additional fees based on the application type.

SITE REVIEW PROCESS

Applications for Site Reviews are received by the Planning and Development Services Center and are reviewed through the Land Use Review process, including public notification (see Land Use Review Process Summary in this document). The initial review of the application takes approximately three weeks from the start of the review track. If your application requires subsequent revisions, each additional staff review of the revisions will also take about three weeks from the start of the review track. Site Review projects must be found to meet the applicable review criteria listed in [Section 9-2-14](#). A list of the Site Review criteria is attached to this document.

For certain types of Site Review applications, the Planning and Development Services Department submits a recommendation to the Planning Board. The board holds a public hearing and makes a decision. Staff may also refer applications to the Planning Board that it finds to be inconsistent with the Site Review criteria or if staff finds the application warrants board review.

Planning Board action is required for Site Reviews which include the following modifications or requests:

- A reduction in off-street parking of more than fifty percent subject to compliance with the standards of [Subsection 9-9-6\(f\)](#).
- A reduction of the open space or lot area requirements allowed by [Paragraph 9-2-14\(h\)\(6\)](#).
- An application for any principal or accessory building above the permitted height for principal buildings set forth in [Section 9-7-1](#).
- An application for which the applicant intends to establish Vested Property Rights ([Section 9-2-20](#))

All other Site Review applications may be decided by the Planning and Development Services Department. Planning and Development Services Department decisions on Site Reviews are final after a 14-day "call-up" period. These decisions may be called-up by the Planning Board for a public hearing and decision or appealed to the Planning Board by the applicant or any interested person. All Site Review decisions are issued in a document called a "Notice of Disposition." The disposition specifies "approval," "approval with conditions" (and lists those conditions), or "denial."

The applicant must begin and substantially complete an approved Site Review within three years from the date of final approval (or as modified by a specific development schedule). If a project is not completed within three years or according to the project's development schedule and no extensions have been approved pursuant to [Section 9-2-12](#), "Development Progress Required," of the land use code, the approval expires. Minor modifications and amendments to approved Site Review plans may be applied for, in accordance with the procedures specified in the city code.

THRESHOLDS FOR SITE REVIEW APPLICATIONS

Excerpt of [Section 9-2-14\(b\)\(1\)](#):

- (A) Minimum Thresholds for Voluntary Site Review: No person may apply for a site review application unless the project exceeds the thresholds for the "minimum size for site review" category set forth in Table 2-2 of this section or a height modification pursuant to Subparagraph (E) below on any lot is requested.
- (B) Minimum Thresholds for Required Site Review: No person may apply for a subdivision or a building permit for a project that exceeds the thresholds for the "concept plan and site review required" category set forth in table 2-2 of this section until a site review has been completed.
- (C) Common Ownership: All contiguous lots or parcels under common ownership or control, not subject to a planned development, planned residential development, planned unit development, or site review approval, shall be considered as one property for the purposes of determining whether the maximum site review thresholds below apply. If such lots or parcels cross zoning district boundaries, the lesser threshold of the zoning districts shall apply to all of the lots or parcels.
- (D) Previously Approved Developments: Previously approved valid planned unit developments that do not otherwise meet the minimum site review thresholds may be modified or amended consistent with the provisions of this title pursuant to Subsections (k) and (l) of this section.
- (E) Height Modifications: A development which exceeds the permitted height requirements of [Section 9-7-5](#), "Building Height," or [9-7-6](#), "Building Height, Conditional," B.R.C. 1981, or of Paragraph [9-10-3\(b\)\(2\)](#), "Maximum Height," B.R.C. 1981, to the extent permitted by that paragraph for existing buildings on nonstandard lots, is required to complete a site review and is not subject to the minimum threshold requirements. No standard other than height may be modified under the site review unless the project is also eligible for site review. A development that exceeds the permitted height requirements of Section [9-7-5](#) or [9-7-6](#), B.R.C. 1981, must meet any one of the following circumstances in addition to the site review criteria:
 - (i) The height modification is to allow a roof that has a pitch of 2:12 or greater in a building with three or fewer stories and the proposed height does not exceed the maximum height permitted in the zoning district by more than ten feet.

- (ii) The building is in the industrial general, industrial service, or industrial manufacturing zoning district and has two or fewer stories and the building's height is necessary for a manufacturing, testing, or other industrial process or equipment.
- (iii) The height modification is to allow up to the greater of two stories or the maximum number of stories permitted in [Section 9-7-1](#), B.R.C. 1981, in a building and the height modification is necessary because of the topography of the site.
- (iv) The height modification is to allow up to the greater of two stories or the maximum number of stories permitted but no more than five feet above the maximum building height under [Section 9-7-5\(a\)](#) or [9-7-6](#), B.R.C. 1981, in a building where the height modification is necessary because the building has to be elevated to meet the required flood protection elevation.
- (v) At least forty percent of the dwelling units in the building meet the requirements for permanently affordable units in [Chapter 9-13](#), "Inclusionary Housing," B.R.C. 1981; at least forty percent of the floor area of the building is used for dwelling units that meet the requirements for permanently affordable units in [Chapter 9-13](#), B.R.C. 1981; all floor area above the first floor of the building is used for dwelling units; and the permanently affordable units in the building are not used to satisfy inclusionary housing requirements under [Chapter 9-13](#), B.R.C. 1981, for dwelling units located in any other building.
- (vi) The height modification is to allow an emergency operations antenna or a pole.
- (vii) The height modification is to allow an expansion of an existing building that exceeds the permitted height requirements of [Section 9-7-5](#) or [9-7-6](#), B.R.C. 1981, if the existing height was approved as part of a planned unit development, site review, or height review and the expansion is not within a fourth or fifth story.
- (viii) The building or use meets the requirements of Subparagraph [9-2-14\(h\)\(6\)\(C\)](#), B.R.C. 1981, for a height bonus, and is not in the RR, RE, RL, RMX-1, MH, or A zoning district.

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

| Zoning District Abbreviation | Minimum Size for Site Review | Concept Plan and Site Review Required |
|------------------------------|---|---|
| A | 2 acres | - |
| BC-1 | 1 acre | 3 acres or 50,000 square feet of floor area |
| BC-2 | 1 acre | 2 acres or 25,000 square feet of floor area |
| BCS | 1 acre | 3 acres or 50,000 square feet of floor area |
| BMS | 0 | 3 acres or 50,000 square feet of floor area |
| BR-1 | 0 | 3 acres or 50,000 square feet of floor area |
| BR-2 | 0 | 3 acres or 50,000 square feet of floor area |
| BT-1 | 1 acre | 2 acres or 30,000 square feet of floor area |
| BT-2 | 0 | 2 acres or 30,000 square feet of floor area |
| DT-1 | 0 | 1 acre or 50,000 square feet of floor area |
| DT-2 | 0 | 1 acre or 50,000 square feet of floor area |
| DT-3 | 0 | 1 acre or 50,000 square feet of floor area |
| DT-4 | 0 | 1 acre or 50,000 square feet of floor area |
| DT-5 | 0 | 1 acre or 50,000 square feet of floor area |
| IG | 2 acres | 5 acres or 100,000 square feet of floor area |
| IM | 2 acres | 5 acres or 100,000 square feet of floor area |
| IMS | 0 | 3 acres or 50,000 square feet of floor area |
| IS-1 | 2 acres | 5 acres or 100,000 square feet of floor area |
| IS-2 | 2 acres | 5 acres or 100,000 square feet of floor area |
| MH | 5 or more units are permitted on the property | - |
| MU-1 | 0 | 1 acre or 30,000 square feet of floor area |
| MU-2 | 0 | 3 acres or 50,000 square feet of floor area |
| MU-3 | 5 or more units are permitted on the property | 1 acre or 30,000 square feet of residential floor area or 20,000 square feet of nonresidential floor area |
| MU-4 | 0 | 3 acres or 50,000 square feet of floor area |
| P | 2 acres | 5 acres or 100,000 square feet of floor area |
| RE | 5 or more units are permitted on the property | - |
| RH-1 | 0 | 2 acres or 30,000 square feet of floor area |
| RH-2 | 0 | 2 acres or 30,000 square feet of floor area |
| RH-3 | 5 or more units are permitted on the property | 2 acres or 30,000 square feet of floor area |
| RH-4 | 5 or more units are permitted on the property | 2 acres or 30,000 square feet of floor area |
| RH-5 | 5 or more units are permitted on the property | 2 acres or 30,000 square feet of floor area |
| RH-6 | 5 or more units are permitted on the property | 3 acres or 30,000 square feet of floor area |

| Zoning District Abbreviation | Minimum Size for Site Review | Concept Plan and Site Review Required |
|------------------------------|---|---|
| RH-7 | 5 or more units are permitted on the property | 2 acres or 30,000 square feet of floor area |
| RL-1 | 5 or more units are permitted on the property | 3 acres or 18 dwelling units |
| RL-2 | 5 or more units are permitted on the property | 3 acres or 18 dwelling units |
| RM-1 | 5 or more units are permitted on the property | 2 acres or 30,000 square feet of floor area |
| RM-2 | 5 or more units are permitted on the property | 2 acres or 30,000 square feet of floor area |
| RM-3 | 5 or more units are permitted on the property | 2 acres or 30,000 square feet of floor area |
| RMX-1 | 5 or more units are permitted on the property | 2 acres or 30,000 square feet of floor area |
| RMX-2 | 0 | 2 acres or 30,000 square feet of floor area |
| RR-1 | 5 or more units are permitted on the property | - |
| RR-2 | 5 or more units are permitted on the property | - |

LAND USE REVIEW

Planning & Development Services coordinates development reviews through a Land Use Review process. The various review types are listed on the [Land Use Review Application Form](#) and include annexation, site review, use review, form-based code review, and preliminary plat for subdivision. The Land Use Review process is summarized below.

► PRE-APPLICATION

If you are considering filing a development review application, a pre-application review may be beneficial. An interdepartmental city staff team is available to answer questions about applicable regulations, application requirements, and how they may affect a project on a particular site. Many pre-application questions can be answered without need for a meeting. Occasionally, staff will determine that a meeting will be the most effective approach. In most cases, pre-application review is optional; however, there are certain types of projects and reviews for which city staff recommends a pre-application review. A pre-application review and meeting are required before an application for a form-based code review is filed. Please refer to the [Pre-Application Review](#) handout for more information.

► APPLICATION

Application forms are due by 10 a.m. on the business day prior to the application deadline to be considered for review on the next available track. Remaining application materials and fees are due by 10 a.m. on the application deadline. Track calendars are available on the [Development Review and Plan Case Applications webpage](#), refer to the LUR Calendar for this application type. Please review the [Development Review Application Guide](#) for instructions on how to submit.

► REVIEW SCHEDULE

Each application is assigned to a "track" based on availability of staff resources to conduct the review. The track assigned determines the land use review schedule which the project will follow and helps applicants gauge the time needed to complete the review process. A generalized diagram of the land use review process appears below. Once a review track has been assigned, the city commits to this time schedule, assuming the applicant meets appropriate deadlines. In addition, the schedule may be accelerated or a project may be placed on a later track based on the applicant's response time, the number of revisions, and staff, Planning Board or City Council work volume.



► REVIEWERS

The land use review process includes review by the Development Review Committee (DRC) which is made up of representatives from city departments and other referral agencies. Each representative provides review comments about how the application complies with code and policy requirements within

their area of responsibility. When the interests of individual departments diverge, developing consensus is the responsibility of the Policy Resolution Group (PRG), made up of Planning and Development Services leadership and the City Attorney's Office.

► INITIAL REVIEW AND REVIEW OF REVISED PLANS

Public notice, by mail and posting a sign on the property, occurs during the initial review. The applicant is responsible for posting of a sign that is issued by Planning and Development Services.

During a project's initial review, a summary of the city's findings, a list of requirements and informational comments are identified and given to the applicant in the form of Development Review Results and Comments.

Projects are reviewed for conformance with development standards and requirements and some are evaluated against qualitative design criteria. City comments and/or a decision are issued approximately three weeks after the start of the assigned review track.

Issuance of the Development Review Results and Comments concludes the services covered by the initial application fee. Note that each additional review after the third review may require additional fees based on the application type.

The case manager is available to meet with the applicant to review and discuss the city comments. After considering the issues identified in the initial review, the applicant is given the opportunity to propose revisions. Revisions must be submitted, or a written request for continuance received within 60 days from the date of city comments; otherwise, staff will either take action on the latest plans on file or the application is voided. Revised applications are evaluated by DRC staff members and review of revision comments are issued by the case manager within three weeks after the start of the assigned review track.

► DECISIONS/CALL-UPS/APPEALS

Depending on the potential impact, Boulder's land use regulations assign approval authority to either city staff, Planning Board, or both Planning Board and City Council. After the completion of staff review, Planning & Development Services either issues a staff decision or refers the project to the Planning Board or City Council. For site review, use review, form-based code review and subdivision (at final plat review), a "Notice of Disposition" is issued. This is a one or two-page document stating the decision and listing any conditions of approval. These decisions are final after a 14-day "call-up" period. Staff-level decisions may be called up by the Planning Board for a final decision or appealed to the Planning Board by the applicant or any interested person. Planning Board and City Council decisions are also issued as Dispositions.

Several types of Land Use Review applications do not have dispositions issued and follow a slightly different review process at the time of the project decision. For example, out-of-city utility permits are approved by city staff and subject to a call-up by the City Council. Annexations follow a state law approval process, including a recommendation by the Planning Board and approval of an ordinance after two readings by City Council. For additional information on the steps towards a final decision for a particular application type, please refer to the application attachment for the review type in the [Applications and Forms Database](#) or contact Planning and Development Services.

► EXPIRATION OF APPROVAL FOR SITE, USE, AND FORM-BASED CODE APPROVALS

For site, use, and form-based code reviews, the applicant must sign a development agreement and file a final approved plan (containing the disposition of the approval) within 90 days. If this is not complied with the approval expires. In some cases, a waiver of this expiration timeline can be requested.

The applicant must also begin and substantially complete the approved project within three years from the date of final approval (or as modified by a specific development schedule). If a project is not completed within three years, or according to the project's approved development schedule, the approval expires. If the project is not completed within this time frame, the applicant may request administrative extension of the development approval. Up to two six-month extensions can be granted by staff. After that, extensions

can only be granted by the Planning Board, after a public hearing, and upon a showing by the applicant that reasonable diligence has been exercised to complete the project.

TECHNICAL DOCUMENT AND PERMIT REVIEW

► TECHNICAL DOCUMENT REVIEW AND PERMIT REVIEW

The conditions of approval for most Land Use Review applications will generally require several documents to be prepared, filed and recorded depending on the review type. These may include final plans (architecture, site, landscape), a subdivision final plat and agreement, a development agreement, engineering plans, and dedications of easements or rights-of-way.

For city review and approval of these technical and final documents, the applicant files a Technical Document Review application. The Technical Document Review process (TEC DOC) is similar to Land Use Review (same application deadlines, but no hearings are involved).

► PERMIT REVIEW

After the required technical documents have been approved, the applicant may file a building permit application for any new construction. Information on building permits is available on the [Building Permits and Inspections webpage](#). The applicant may also need to obtain other permits or approvals to complete the project, including growth management allocations and floodplain development permits.

Application Requirements and Checklist

This section includes the following documents, to be filled out completely and submitted with your application, as specified on the [Land Use Review application form](#) and on the Site Review checklist.

- Site Review Checklist
- [Sign Posting Requirements Acknowledgement Form](#)
- [Land Use Review Project Fact Sheet](#)

SITE REVIEW APPLICATION REQUIREMENTS

A site review application must meet the basic requirements listed in the city's land use code found in [Section 9-12-6](#). These requirements are detailed below and are listed on the [Land Use Review application form](#). An application fee, as specified on the application form, is also required.

All required materials must be included in order for an application to be accepted by Planning and Development Services staff. Incomplete applications will not be accepted and will be returned to the applicant. A site review or form-based code application, under Sections [9-2-14](#) or [9-2-16](#), respectively, may also be used as a preliminary plat if it meets both the requirements of this section and those of Sections [9-2-14](#) or [9-2-16](#), as applicable.

Complete the checklist below, marking those items as they are included in your application submittal, and sign at the end. The checklist is intended to assist the applicant in collecting all of the required materials and to assist the Planning and Development Services Center in determining that all of the application requirements are met.

Application form(s), required application materials and fees are due by 10 a.m. on the application deadline. Please review the [Development Review Application Guide](#) for instructions on how to submit.

SITE REVIEW CHECKLIST

- A complete [Land Use Review Application Form](#), including signatures by or the written consent of the owners of all property to be included in the development.
- A completed [Sign Posting Acknowledgment form](#).
- An improvement survey or improvement location certificate by a registered surveyor, of the subject property. Refer to the [Survey Information Handout](#) for requirements.
- The legal description of the subject property.
- A vicinity map indicating the site and names of adjacent streets. If the site is less than one acre, the map must be drawn at a minimum scale of 1":200'.
- A written statement which describes the proposal and addresses how the application meets the applicable criteria for approval found in [Section 9-2-14\(h\)](#) (see attached Site Review Criteria). This written statement shall include the following information:
 - A statement of the current ownership;
 - An explanation of the objectives to be achieved by the project, including without limitation building descriptions, sketches, or elevations that may be required to describe the objectives;
 - A development schedule indicating the approximate date when construction of the project or phases of the project can be expected to begin and be completed; and

- Copies of any special agreements, conveyances, restrictions, or covenants that will govern the use, maintenance, and continued protection of the goals of the project and any related parks, recreation areas, playgrounds, outlots, or open space.
- A complete site development plan set prepared at a standard engineering scale sufficient to clearly show the details of the drawing, showing elements of the development, including without limitation:
 - The existing topographic character of the land, showing contours at two foot intervals;
 - The site and location of proposed uses with dimensions indicating the distance from lot lines;
 - The location and size of all existing and proposed buildings, structures, and improvements, and the general location of adjacent streets, structures, and properties;
 - The density and type of uses;
 - The internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way;
 - The location, height, and size of proposed signs, lighting, and advertising devices;
 - The areas that are to be conveyed, dedicated, or reserved as parks, recreation areas, playgrounds, outlots, or open space and as sites for schools and other public buildings;
 - The areas that are to be conveyed, dedicated, or reserved for streets, alley, and utility easements;
 - The areas subject to the one hundred-year flood as defined in [Section 9-3-3](#), "Regulations Governing the Floodplain," and any area of the site that is within a designated conveyance zone or high hazard zone;
 - A general landscaping plan at the time of initial submission to be followed by a detailed landscaping plan prior to or as a condition of approval showing the spacing, sizes, specific types of landscaping materials, quantities of all plants and whether the plant is coniferous or deciduous. All trees with a diameter of six inches and over measured 54 inches above the ground on the property or in the landscape setback of any property adjacent to the development shall be shown on the landscaping plan;
 - A north arrow and scale of drawing clearly indicated on each sheet.
 - A tree inventory that includes the location, size, species and general health of all trees with a diameter of six inches and over measured 54 inches above the ground on the property or in the landscape setback of any property adjacent to the development. The inventory shall indicate which trees will be adversely affected and what if any steps will be taken to mitigate the impact on the trees. The tree inventory shall be prepared by a certified arborist that has a valid contractor license pursuant to [Chapter 4-28](#), "Tree Contractor License."
- Architectural floor plans and elevations of the existing structure(s) and any proposed additions or renovations, including the maximum height of all buildings measured per the requirements of [Section 9-7-5](#), and building elevations showing exterior colors and materials and any anticipated roof top appurtenances. If new residential units are proposed label each unit with a discreet unit address and total floor area per definition of "floor area" in [Chapter 9-16](#). Plans must be drawn at a standard architectural scale sufficient to show the details of the drawing.
- A utility plan or utility connection plan, depending on whether public improvements are required. See [City of Boulder Design and Construction Standards](#) for specific requirements.
- Preliminary stormwater plan and preliminary stormwater report, depending on whether public improvements are required. See [City of Boulder Design and Construction Standards](#) for specific requirements. Plans must be drawn at a standard engineering scale.

- Travel demand management (TDM) plan which outlines strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternate modes of travel, in accordance with [Section 9-2-14\(d\)](#) of the Land Use Code, and Section 2.03(l) of the [City of Boulder Design and Construction Standards](#).
- A shadow analysis depicting shadows on December 21 for each structure in the project, and depicting shadows calculated pursuant to with [Section 9-9-17](#), "Solar Access Protection," for those buildings that affect adjacent properties. See [Solar Access Guide](#).
- A completed vested property rights option form (attached).
- A completed [Land Use Review Project Fact Sheet](#).
- Current title insurance commitment or attorney memorandum based on an abstract of title, current to within 30 days.
- A copy of notification sent to each Mineral Estate Owner. See [Section 9-4-3](#) for requirements or written certification that the applicant performed a Mineral Estate search and found no owners.
- Developments that include housing units must submit a [Preliminary Determination of Inclusionary Housing Form](#) and [Unit Data Spreadsheet](#) and must meet the inclusionary housing requirements of [Chapter 9-13](#), B.R.C. 1981. Review requirements at <https://bouldercolorado.gov/services/inclusionary-housing>.
- The site review fee, as listed on the [Land Use Review Application Form](#).
- Any other information that the applicant wishes to submit.

► **ADDITIONAL HEIGHT MODIFICATION APPLICATION REQUIREMENTS:**

The following additional application requirements must be met if the site review application includes a request for a height modification:

- For developments in all Downtown (DT) districts, a digital model, at a scale of no less than one inch equals 30 feet, of the proposed building and all buildings and property within 100 feet of the proposed project.
- For developments in all Downtown (DT) districts, an illustration of the proposed building shown from street level demonstrating the pedestrian view, including without limitation, a perspective, computer model, or photographic montage.
- A shadow analysis, as described in the solar analysis instructions provided by the city manager, that shows the shadow cast by a 35 foot building located at the required setback and the shadow cast by the proposed building.
- A list of the height of each principal building located or known to be proposed or approved within 100 feet of the proposed project.
- A written statement and drawings which describes the way in which the proposal accommodates pedestrians, including without limitation uses proposed for the ground level, percent of transparent material at the ground level, and signage and graphics.
- When additional open space is required by code due to building height, include a detailed plan showing the location of all useable open space and a written statement of how it serves the public interest.

► **COMBINED SITE REVIEW AND SUBDIVISION APPLICATIONS:**

An approved Site Review plan may be subdivided under [Chapter 9-12](#), "Subdivision." The approved site plan may substitute for a preliminary plat if it meets the conditions of [Section 9-12-6](#), "Application Requirements for a Preliminary Plat."

If an applicant for a Site Review intends to subdivide a project and combine Subdivision and Site Review applications, then the applicant should refer to:

- The attachment for [Preliminary Plat for Subdivision](#) including preliminary plat requirements. The site review and preliminary plat requirements may be met on the same site plan document(s).

► **APPLICATION SIGNATURE**

(signature of person who filled out checklist)

(print name)

SITE REVIEW CRITERIA RESPONSE

For a Site Review application to be approved, the approving agency must find that the application meets the applicable Site Review criteria. These criteria are found in [Section 9-2-14](#) of the city's land use code and are listed below. Applicants must provide responses to each criterion, explaining how their application complies with each criterion.

In addition to general criteria which apply to all site review applications, there are additional specific criteria which apply to certain types of requested variations. These additional criteria must be addressed by the applicant in the written statement, and are found in the following sections of the land use code:

- Additional Criteria for Buildings Requiring Height Modification or Exceeding the Maximum Floor Area Ratio: [Section 9-2-14\(h\)\(4\)](#)
- Additional Criteria for Poles or Emergency Operations Antennas above the Permitted Height: [Section 9-2-14\(h\)\(5\)](#)
- Land Use Intensity and Height Modifications: [Section 9-2-14\(h\)\(6\)](#)
- Parking Reductions: [Section 9-2-14\(h\)\(7\)](#) and [9-9-6\(f\)](#)

CRITERIA FOR REVIEW

Submit a response to each criterion with the application.

No site review application shall be approved unless the approving agency finds that the project is consistent with the following criteria:

(1) Boulder Valley Comprehensive Plan (BVCP) criteria:

- (A) **BVCP Land Use Map and Policies:** The proposed project is consistent with the BVCP land use map and, on balance, with the goals and policies of the BVCP particularly those that address the built environment. In applying this, the approving authority shall consistently interpret and apply this criterion and consider whether a particular goal or policy is intended to be applied to individual development projects or is to guide city policy decisions, such as regulatory actions. The BVCP does not prioritize goals and policies, and no project must satisfy one particular goal or policy or all of them.
- (B) **Subcommunity and Area Plans or Design Guidelines:** If the project is subject to an adopted subcommunity or area plan or adopted design guidelines, the project is consistent with the applicable plan and guidelines.
- (C) **Reducing Greenhouse Gas Emissions:** Any new commercial building greater than 30,000 square feet in floor area and any 30,000 square feet or greater addition to a commercial building shall either have a net site energy usage index (EUI) of zero or is designed to achieve a net site EUI that is 10 percent lower than required under the City of Boulder Energy Conservation Code. It shall be a condition of approval that the applicant demonstrate compliance with this criterion at time of building permit. For the purpose of this requirement, "commercial building" shall have the meaning defined in the City of Boulder Energy Conservation Code.
- (D) **Urban Edge Design:** If the project is located within the urbanizing areas along the boundaries between Area I and Area II or III of the BVCP, the building and site design provide for a well-defined urban edge, and, if, in addition, the project is located on a major street shown in Appendix A of this title, the buildings and site design establish a sense of entry and arrival to the city by creating a defined urban edge through site and building design elements visible upon entry to the city.
- (E) **Historic or Cultural Resources:** If present, the project protects significant historic and cultural resources. The approving authority may require application and good faith pursuit of local landmark designation.

(F) Housing Diversity and Bedroom Unit Types: Except in the RR, RE and RL-1 zoning districts, projects that are more than 50 percent residential by measure of floor area, not counting enclosed parking areas, meet the following housing and bedroom unit type requirements in Subsections (i) through (vi). For the purposes of this subparagraph, qualifying housing type shall mean duplexes, attached dwelling units, townhouses, live-work units, or efficiency living units, and bedroom type shall mean studios, one-bedroom units, two-bedroom units, or three-bedroom units.

- (i) Projects five acres or less shall include at least one qualifying housing type. In projects with efficiency living units, at least one additional qualifying housing type shall be provided consistent with the requirements of this paragraph;
- (ii) Projects greater than five acres shall include at least two qualifying housing types;
- (iii) Projects ten acres or more shall include at least three qualifying housing types;
- (iv) Projects greater than five acres shall include at least five dwelling units of each required qualifying housing type;
- (v) Projects with more than 20 attached dwelling units shall include at least two different bedroom types, and;
- (vi) If a project does not meet the requirements of Subsections (i) through (v) above, the applicant shall demonstrate that the project fulfills another at least equivalent community need related to housing policies identified in the BVCP.

(G) Environmental Preservation:

- (i) The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas, and species on the federal Endangered Species List and "Species of Special Concern in Boulder County" designated by Boulder County and their habitat.
- (ii) Where excavation occurs, the location and design of buildings conforms to the natural contours of the land with tiered floor plates, and the site design avoids over-engineered tabling of land. Slopes greater than 50 percent should be avoided and, to the extent practicable, any such areas shall be stabilized with vegetation.

(2) Site Design Criteria: The project creates safe, convenient, and efficient connections for all modes of travel, promotes safe pedestrian, bicycle, and other modes of alternative travel with the goal of lowering motor vehicle miles traveled. Usable open space is arranged to be accessible; designed to be functional, encourage use, and enhance the attractiveness of the project; and meets the needs of the anticipated residents, occupants, tenants, and visitors to the project. Landscaping aesthetically enhances the project, minimizes use of water, is sustainable, and improves the quality of the environment. Operational elements are screened to mitigate negative visual impacts. In determining whether this is met, the approving agency will consider the following factors:

(A) Access, Transportation, and Mobility:

- (i) The project enables or provides vehicular and pedestrian connectivity between sites consistent with adopted connections plans relative to the transportation needs and impacts of the project, including but not limited to construction of new streets, bike lanes, on-street parking, sidewalks, multi-use paths, transit stops, streetscape planting strips, and dedication of public right-of-way or public access easements, as applicable considering the scope of the project. Where no adopted connections plan applies, the applicant shall, in good faith, and in coordination with the city manager, attempt to coordinate with adjacent property owners to establish, where practicable, reasonable and useful pedestrian connections or vehicular circulation connections, such as between parking lots on abutting properties, considering existing connections, infrastructure, and topography.

- (ii) Alternatives to the automobile are promoted by incorporating site design techniques, land use patterns, and infrastructure that support and encourage walking, biking, and other alternatives to the single-occupant vehicle.
- (iii) A transportation demand management (TDM) plan will be complied with including methods that result in a significant shift away from single-occupant vehicle use to alternate modes.
- (iv) Streets, bikeways, pedestrian ways, trails, open space, buildings, and parking areas are designed and located to optimize safety of all modes and provide connectivity and functional permeability through the site.
- (v) The design of vehicular circulation and parking areas make efficient use of the land and minimize the amount of pavement necessary to meet the circulation and parking needs of the project.
- (vi) Where practicable and needed in the area and subject to coordination with the city manager, the project provides curbside parking or loading or both consistent with city policies on curbside management.

(B) Open Space:

- (i) Useable open space is arranged to be accessible and designed to encourage use by incorporating quality landscaping, a mixture of sun and shade, hardscape areas and green spaces for gathering.
- (ii) The open space will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property. In mixed-use projects, the open space provides for a balance of private and common areas for the residential uses and includes common open space that is available for use by residents of the residential uses and their visitors and by tenants, occupants, customers, and visitors of the non-residential uses.
- (iii) If the project includes more than 50 dwelling units, including the addition of units that causes a project to exceed this threshold, and is more than one mile walking distance to a public park with any of the amenities described herein, at least 30 percent of the required outdoor open space is designed for active recreational purposes.
- (iv) On-site open space is linked to adjacent public spaces, multi-use paths, city parks, or public open space if consistent with Department of Open Space and Mountain Parks or Department of Parks and Recreation plans and planning for the area, as applicable.

(C) Landscaping and Screening:

- (i) The project exceeds the minimum landscaping requirements of [Section 9-9-12](#), "Landscaping and Screening Standards," B.R.C. 1981, by at least fifteen percent in terms of planting quantities, includes a commensurate area to accommodate the additional plantings, and, where practical, preserves healthy long-lived trees.
- (ii) The landscaping design includes a variety of plants providing a variety of colors and contrasts in terms of texture and seasonality and high-quality hard surface materials, such as stone, flagstone, porous pavers, and decorative concrete.
- (iii) The landscaping design conserves water through use of native and adaptive plants, reduction of exotic plant materials, and landscaping within stormwater detention facilities to create bioswales or rain gardens, or other similar design strategies.
- (iv) Operational elements, such as electrical transformers, trash storage and recycling areas, parking, and vehicular circulation, are screened from the public realm through design elements, such as landscaping, fencing, or placement of structures, to mitigate negative visual impacts.

- (3) Building Siting and Design Criteria:** Building siting and design are consistent with the character established in any adopted plans or guidelines applicable to the site or, if none apply, are compatible with the character of the area or improves upon that character, consistent with the intent specified in this paragraph. Buildings are positioned and oriented towards the public realm to promote a safe and

vibrant pedestrian experience including welcoming, well-defined entries and facades. Building exteriors are designed with a long-lasting appearance and high-quality materials. Building design is simple and to a human scale, it creates visual interest and a vibrant pedestrian experience. Building roof design contributes to a city skyline that has a variety of roof forms and heights. In determining whether this is met, the approving agency will consider the following factors:

(A) Building Siting and Public Realm Interface:

- (i) New buildings and, to the extent practicable, additions to existing buildings are positioned towards the street, respecting the existing conditions or the context anticipated by adopted plans or guidelines. In urban contexts, buildings are positioned close to the property line and sidewalk along a street; whereas, in lower intensity contexts, a greater landscaped setback may be provided to match the surrounding context.
- (ii) Wherever practical considering the scope of the project, parking areas are located behind buildings or set back further from the streetscape than the building façade.
- (iii) Along the public realm, building entries are emphasized by windows and architectural features that include one or more of the following: increased level of detail, protruding or recessed elements, columns, pilasters, protruding bays, reveals, fins, ribs, balconies, cornices, eaves, increased window glazing, or changes in building materials or color.
- (iv) Defined entries connect the building to the public realm. Unless inconsistent with the context and building's use, along the public realm, one defined entry is provided every 50 feet. Buildings designed for residential or industrial uses may have fewer defined entries.
- (v) If the project is adjacent to a zoning district of lower intensity in terms of allowable use, density, massing, or scale, the project is designed with an appropriate transition to the adjacent properties considering adopted subcommunity and area plans or design guidelines applicable to the site, and, if none apply, the existing development pattern. Appropriate transitions may be created through design elements such as building siting and design or open space siting and design.
- (vi) The building's siting and relationship to the public realm is consistent with the character established in any adopted plans or guidelines applicable to the site or, if none apply, is compatible with the character of the area or improves upon that character, consistent with the intent of Paragraph (3), Building Design Criteria.

(B) Building Design:

- (i) Larger floor plate buildings and projects with multiple buildings have a variety of forms and heights.
- (ii) To the extent practical considering their function, mechanical appurtenances are located within or concealed by the building. If they cannot be located within or concealed by the building, their visibility from the public realm and adjacent properties is minimized.
- (iii) On each floor of the building, windows create visual interest, transparency, and a sense of connection to the public realm. In urban, pedestrian main street-built environments, it is a best practice to design at least 60 percent of each ground floor façade facing the street as window area. Otherwise, it is a best practice to design at least 20 percent of the wall on each floor of a building as window area. Blank walls along the most visible portions of the building are avoided.
- (iv) Simple detailing is incorporated into the façades to create visual interest, without making the façade overly complicated. This detailing may include cornices, belt courses, reveals, alternating brick or stone patterns, expression line offsets, window lintels and sills, and offsets in window glass from surrounding materials.
- (v) Balconies on buildings with attached dwelling units are integrated into the form of the building in that exterior walls partially enclose the balcony. Balcony platform undersides are finished.

- (vi) The building's design, including but not limited to use of materials, color, roof forms, and style, is consistent with the character established in any adopted plans or guidelines applicable to the site or, if none apply, is compatible with the character of the area or improves upon that character, consistent with the intent of paragraph (3), Building Design Criteria.

(C) Building Materials:

- (i) Building facades are composed of high-quality, durable, human-scaled materials. High-quality materials include brick, stone, polished concrete masonry units, wood, architectural high pressure laminate panels, cementitious or composite siding, architectural metal panels, or any combination of these materials. Split-faced concrete masonry units, stucco, vinyl siding, EIFS, and unfinished or untreated wood are not considered durable, high-quality materials, but may be used on a limited basis and not on facades facing the public realm. High quality materials are focused on the ground floor facades on all sides of a building and on all floors of facades facing the public realm, and, overall, comprise the vast majority of all building facades.
- (ii) Monolithic roofing membranes, like Thermoplastic Polyolefin, are not used on roof surfaces that are visible from the street level.
- (iii) The number of building material types is limited, and the building materials are applied to complement the building form and function. The organization of the building materials logically expresses primary building features, such as the spatial layout, building entries, private and common spaces, anchor corners, stairwells, and elevators.
- (iv) Building cladding materials turn convex corners and continue to the inset wall. This criterion does not apply to changes that occur at an interior corner nor to detailing elements, such as cornices, belt courses, reveals, offsets in expression lines, lintels, and windowsills. Building cladding materials do not change in-plane unless there is at least a 12-inch wall offset.
- (v) Any newly constructed building that includes residential units and is located within 200 feet of a railroad, freeway, or expressway is designed to achieve an interior day-night average noise level of no more than forty-five decibels. Noise shall be measured in a manner that is consistent with the federal Housing and Urban Development's standards in Sections 24 CFR §§ 51.100 to 51.106 for the "measure of external noise environments," or similar standard adopted by the city manager in the event that such rule is repealed. The applicant shall provide written certification prior to the issuance of a certificate of occupancy that the sound abatement and attenuation measures were incorporated in the construction and site design as recommended by a professional engineer.

► **(4) ADDITIONAL CRITERIA FOR BUILDINGS REQUIRING HEIGHT MODIFICATION OR EXCEEDING THE MAXIMUM FLOOR AREA RATIO:**

Any building exceeding the by-right or conditional zoning district height as permitted by [Section 9-2-14\(b\)\(1\)\(E\)](#), B.R.C. 1981, and any building exceeding the by-right floor area limits as permitted by [Section 9-2-14\(h\)\(6\)\(B\)](#), B.R.C. 1981, shall meet the following requirements:

(A) Building Form and Massing: The building's form and massing are consistent with the character established in any adopted plans or guidelines applicable to the site or, if none apply, are compatible with the character of the area or improves upon that character, consistent with the intent of paragraph (3), Building Design Criteria. The building's form, massing and length are designed to a human scale and to create visual permeability into and through sites. In determining whether this is met, the approving authority will consider the following factors:

- (i) The building does not exceed 200 feet in length along any public right-of-way.
- (ii) All building facades exceeding 120 feet in length along a public street, excluding alleys, are designed to appear as at least two distinct buildings. To achieve this, façade segments vary in at least two of the following design elements:
 - a. Type of dominant material or color, scale, or orientation of that material;

- b. Facade recessions and projections;
- c. Location of entrance and window placements;
- d. Roof forms; and
- e. Building height.

(B) Building and Site Design Requirements for Height Modifications:

- (i) Buildings requiring a height modification shall meet the following requirements:
 - a. Height Modification Other than Height Bonus: For buildings no taller than three stories and subject to a height modification pursuant to [Subparagraph 9-2-14\(b\)\(1\)\(E\)\(i\) through \(vii\)](#), the building's height, mass, and scale is compatible with the character of the surrounding area.
 - b. Height Bonus: For buildings taller than three stories subject to a height modification pursuant to [Subparagraph 9-2-14\(b\)\(1\)\(E\)\(viii\)](#), B.R.C. 1981:
 - 1. Guidelines or Plan: The building's height is consistent with the building heights anticipated in adopted design guidelines or subcommunity or area plans for the area; or
 - 2. No Guidelines or Plan: If no such guidelines or plans are adopted for the area or if they do not specify anticipated heights for buildings, the building height is compatible with the height of buildings in the surrounding area or the building is located (1) near a multi-modal corridor with transit service or (2) near an area of redevelopment where a higher intensity of use and similar building height is anticipated; and
 - 3. Additional Requirements for a Height Bonus - Views: The project preserves and takes advantage of prominent mountain views from public spaces and from common areas within the project. In determining whether this is met, the approving authority will consider the following factors:
 - i. If there are prominent mountain views from the site, usable open spaces on the site or elevated common areas on the building are located and designed to allow users of the site access to such views;
 - ii. If the proposed building is located adjacent to a city managed public park, plaza, or open space, buildings are sited or designed in a manner that avoids or minimizes blocking of prominent public views of the mountains from these spaces;
 - 4. Additional Requirements for a Height Bonus - Open Space:
 - i. If the project site is greater than one acre in size, an inviting grade-level outdoor garden or landscaped courtyard is provided, designed as a gathering space for the building users. The following are considered elements of successful design for such a space, as practicable considering site conditions and location;
 - ii. The width of the space is no less than the height of building walls enclosing the space;
 - iii. Seating and other design elements are integrated with the circulation pattern of the project;
 - iv. The space has southern exposure and sunlight;
 - v. Hard surface areas are paved with unit pavers, such as bricks, quarry tiles, or porous pavers, or poured-in-place materials. If

poured-in-place materials are used, they are of decorative color or textures;

- vi. Amenities, such as seating, tables, grills, planting, shade, horseshoe pits, playground equipment, and lighting are incorporated into the space;
- vii. The space is visible from an adjoining public sidewalk; and
- viii. At least one tree is planted per 500 square feet of space. The trees are planted in the ground or, if over parking garages, in tree vaults.

► **(5) ADDITIONAL CRITERIA FOR POLES OR EMERGENCY OPERATIONS ANTENNAS ABOVE THE PERMITTED HEIGHT:**

No site review application for a pole or for an emergency operations antenna above the permitted height will be approved unless the approving agency finds the following:

(A) Poles: Poles meet all the following:

- (i) The pole is a light pole that is required for nighttime recreation activities which are compatible with the surrounding neighborhood, a light or traffic signal pole that is required for safety, or an electrical utility pole that is required to serve the needs of the city;
- (ii) The pole is sited in a manner that minimizes visual impacts and preserves public view corridors, and
- (iii) The pole is at the minimum height appropriate to accomplish the purposes for which the pole is erected and is designed and constructed to minimize light and electromagnetic pollution.

(B) Emergency Operation Antennas: Emergency operations antennas meet the following:

- (i) The emergency operations antenna will serve a critical health and safety need for the city, surrounding communities, or both and is sited and designed in a manner that respects its context to the highest degree possible and minimizes visual impacts. The antenna is at the minimum height necessary to accomplish its purpose.

► **(6) LAND USE INTENSITY AND HEIGHT MODIFICATIONS:**

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

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

- (i) In the DT, BMS, BR-2, and MU-3 Zoning Districts: The open space requirements in [Chapter 9-8](#), "Intensity Standards," B.R.C. 1981, may be reduced in all DT districts and the BR-2, BMS, and MU-3 districts subject to the following standards:
 - a. In the DT, BMS, or MU-3 zoning districts, the reduction in open space is necessary to avoid siting of open space that is inconsistent with the urban context of neighborhood buildings, or the character established in adopted design guidelines or plans for the area, such as along a property line next to zero-setback buildings or along alleys: maximum fifty percent reduction.
 - b. In the BR-2 zoning district, at least one of the following shall be met:
 1. The reduction in open space is part of a development with a mix of residential and nonresidential uses that, due to the ratio of residential to nonresidential uses and because of the size, type and mix of dwelling units, has a reduced need for open space: maximum fifteen percent reduction; and
 2. The reduction in open space is part of a development with a mix of residential and nonresidential uses with high quality urban design

elements. This open space will meet the needs of anticipated residents, occupants, tenants, and visitors of the property or will accommodate public gatherings, and may include, without limitation, recreational or cultural amenities, intimate spaces that foster social interaction, street furniture, landscaping, gardens, sculptures, and hard surface treatments: maximum twenty-five percent reduction.

- (B) Land Use Intensity Modifications with Height Bonus:** In the BMS, BR-1, IMS, IS, MU-1, and MU-2 zoning districts if associated with a request for a height bonus, the floor area of a building may be increased above the maximum allowed in [Chapter 9-8](#), "Intensity Standards," B.R.C. 1981, as follows, provided the building meets the requirements for a height bonus under [Subparagraph 9-2-14\(h\)\(6\)\(C\)](#), B.R.C. 1981:
- (i) In the BMS zoning district outside a general improvement district providing off-street parking, and in the IMS, IS, MU-1, and MU-2 zoning districts, the base floor area ratio (FAR) in Table 8-2, [Section 9-8-2](#), "Floor Area Ratio Requirements," B.R.C. 1981, may be increased by up to 0.5 FAR.
 - (ii) In the BR-1 zoning district, the maximum allowable floor area ratio (FAR) may be increased up to a 3.0 FAR.
- (C) Additional Criteria for a Height Bonus and Land Use Intensity Modifications:** A building proposed with a fourth or fifth story or addition thereto that exceeds the permitted height requirements of [Section 9-7-5](#), "Building Height," or [9-7-6](#), "Building Height, Conditional," B.R.C. 1981, together with any additional floor area or residential density approved under Subparagraph (h)(6)(B), may be approved if it meets the requirements of this Subparagraph (h)(6)(C). For purposes of this Subparagraph(h)(6)(C), bonus floor area shall mean floor area that is on a fourth or fifth story and is partially or fully above the permitted height and any floor area that is the result of an increase in density or floor area described in Subparagraph (h)(6)(B). The approving authority may approve a height up to fifty-five feet if one of the following criteria is met:
- (i) Residential Developments: If the development is residential, it will exceed the requirements of [Subparagraph 9-13-3\(a\)\(1\)\(A\)](#), B.R.C. 1981, as follows:
 - a. For bonus units, the inclusionary housing requirement under [Chapter 9-13](#), "Inclusionary Housing," B.R.C. 1981, shall be increased by eleven percent. The resulting inclusionary requirement may be satisfied by any option allowed in Chapter 9-13 to meet inclusionary housing requirements. For example, if Chapter 9-13 requires twenty-five percent of units to be permanently affordable, for bonus units that requirement is increased by eleven percent so that at least thirty-six percent of the total number of bonus units must be permanently affordable units.
 - b. For purposes of this Subparagraph (i), bonus units shall mean a number of units that is determined as follows: A percentage of all the units in the building that equals in number the percentage of bonus floor area in the building. For example, if twenty percent of the building's floor area is bonus floor area and the building has one hundred units, twenty percent of those one hundred units are bonus units, resulting in twenty bonus units.
 - c. The city manager shall review the development's compliance with this increased inclusionary housing requirement pursuant to the standards and review procedures of [Chapter 9-13](#), "Inclusionary Housing," B.R.C. 1981.
 - (ii) Non-Residential Developments: For non-residential developments, the applicant shall pay the affordable housing portion of the capital facility impact fee in Section 4-20-62, B.R.C. 1981, at a rate of 1.43 above the base requirement for the bonus floor area. In a building with several types of non-residential uses, the bonus floor area of each type identified under Section 4-20-62, B.R.C. 1981, shall be a percentage of the bonus floor area that equals in number the percentage of the total floor area in the building of such use type. For nonresidential uses with a fee that is calculated per room or bed under [Section 4-20-](#)

[62](#), B.R.C. 1981, the increased rate for the affordable housing portion of the fee shall apply to bonus rooms or bonus beds as applicable under that section; the number of bonus rooms or bonus beds shall be determined consistent with the methodology for bonus units in Subparagraph (i)b. above.

- (iii) Mixed Use: If the development is a residential mixed-use development, the requirements of Subsections (i) and (ii) above shall apply to the bonus floor area according to the percentage of the total building floor area of each use.
- (iv) Alternative Community Benefit: Pursuant to the standard in this Subparagraph (iv), the approving authority may approve an alternative method of compliance to provide additional benefits to the community and qualify for a height bonus together with any additional floor area or density that may be approved under Subparagraph (h)(6)(B). The approving authority will approve the alternative method of compliance if the applicant proposes the alternative method of compliance and demonstrates that the proposed method:
 - a. Will improve the facilities or services delivered by the city, including without limitation any police, fire, library, human services, parks and recreation, or other municipal facility, land or service, or will provide an arts, cultural, human services, housing, environmental or other benefit that is a community benefit objective in the BVCP, and
 - b. Is of a value that is equivalent to or greater than the benefits required by this Subparagraph (h)(6)(C).

► **(7) PARKING REDUCTIONS:**

The applicant demonstrates, and the approving authority finds, that any reduced parking on the site, if applicable, meets the parking criteria outlined in [Section 9-9-6](#), "Parking Standards," B.R.C. 1981.