

From: [Guiler, Karl](#)
To: [Laura Kaplan](#); [Spence, Cindy](#); [Gehr, David](#)
Cc: [boulderplanningboard](#); [Ferro, Charles](#); [Pannewig, Hella](#)
Subject: RE: Kaplan comments on Site Review update
Date: Thursday, May 19, 2022 2:00:33 PM

Laura,

Thanks for your questions on the Site Review criteria update ordinance that we will be discussing tonight. Below are answers to the questions you posed to help with the discussion. Our mapping staff are in the process of preparing the map you requested and we will have that available for the hearing tonight.

Best,

Karl

- 1. Some in the development community have stated that demonstrating that they are meeting the new design standards taken from Form Based Code would require additional detailed architectural drawings to be completed for Site Review which would drive up costs and create barriers. Are these additional costs at the Site Review stage balanced by decreased costs later in the process, i.e. would these costs be incurred anyway at a later stage? How high is the risk that the investment could be lost or that costs would be additive, e.g. how often is an approval completely denied? How often does Site Review result in major changes to architectural drawings that need to be redone?**

It is true that the new requirements would require additional detail on architectural drawings similar to the Form Based Code reviews. While there are no cost metrics to analyze this, we have heard anecdotal comments from design professionals that there can be additional expense at the onset of a project from the more detailed drawings. These design professionals have, however, stated that while there may be additional cost at the onset, the back and forth between staff and applicants (and thus multiple iterations of drawings) would be reduced and therefore reduce the overall time needed for review and provide more certainty during the review process. It is not uncommon for Site Review applications, particularly large applications, to have repeated reviews and revisions to meet the Site Review criteria and this can add a lot of time to the review of the application. The hope with the updated criteria which are more descriptive about the how to meet the intent of a criterion, projects will more successfully meet the criteria upon submittal of the application rather than later in the process. Denials of Site Review applications are rare since an applicant will either ultimately revise the application to meet the criteria or will withdraw the application. Staff believes that some of the building design standards proposed within the updated criteria would

avoid some of the common design related issues that tend to cause the back and forth reviews in projects.

- 2. Some in the development community have expressed concern that the alternative compliance option would add uncertainty that would not be resolved until the end of a very expensive Site Review process. How do staff envision working with the applicant who knows early on that they will be requesting alternative compliance? How would the level of uncertainty associated with obtaining alternative compliance compare with the level of uncertainty of approval in the current Site Review process?**

The intent of the updated criteria is to reduce the existing uncertainty in the Site Review process due to some of the current, vague criteria. Staff believes that the more specific criteria, with the option for flexibility through alternative compliance, provides a better balance of predictability and flexibility than exists with the current criteria. The applicant would need to submit a response to the alternative compliance criteria to be assessed by staff as part of a Site Review, This assessment would be in the same manner as the criteria are evaluated now except that any memos to the Planning Board would more specifically detail any requested areas for alternative compliance for the board to evaluate. This evaluation would not be a new or separate process but just part of the regular review of the criteria. Just like staff works with applicants during pre-application or Concept Plan review in the current process, staff would work with applicants on areas that may require alternative compliance and advise on whether the request would meet the criteria. Obviously, the more that a project deviates from the criteria and requires alternative compliance, the more risk that an applicant chooses to take in the process.

- 3. The staff memo asks Planning Board whether we desire that the criteria “be modified to be less prescriptive than code standards and include more discretionary language” as suggested by a member of the Site Review focus group. In staff’s professional opinion, what is the likelihood that less prescriptive criteria would lead to lower quality design outcomes than prescriptive criteria (plus the alternative compliance option)?**

Many of the proposed building design requirements in the Site Review criteria are directly derived from the Form Based Code (FBC) requirements that staff (and some in the development community) have agreed resulted in better designed buildings. These design requirements were intentionally developed during the FBC process to avoid buildings that were perceived as lower design quality outcomes, including but not limited to buildings composed of low quality materials like EIFS or

stucco, material changes on the same plane of a building facing a street, windows that are not indented to create detailing and shadow affect or the unfinished underside of balconies; all of which commonly make certain buildings appear lower in quality and less appealing. Based on this, it is staff opinion that maintaining the existing less prescriptive criteria (which have led to buildings with these poor design outcomes in the past) would continue to lead to lower quality design outcomes.

4. Could you please give staff’s assessment of / response to these comments taken from your summary of the Site Review focus group:

- **“There was some concern about the updated criteria would prevent investment in existing buildings.”**

Staff heard this concern from both design professionals and members of the public in that the updates could impact smaller developers and deter them from renovation projects due to the complexity. This is already a concern related to the current criteria and process. To address this concern, staff updated the criteria to exempt smaller scale projects like detached dwelling units, duplexes, townhouses, and mobile home parks. Similarly, some design standards would, for instance, only apply to projects larger than 50 units (i.e., active recreation requirements) or buildings that are greater than three-stories (e.g., detailing and massing requirements, roof types etc.). These changes were meant to provide some relief to smaller scale projects. And in many cases, smaller scale projects do not currently require Site Review at all. Site Review requests are comparatively few compared to the number of by-right permits the city reviews each year. For instance in 2021, the number of Site Reviews was roughly 15 to 20 applications versus the more than 1,000 permits that the city reviews each year. Permits, of course, are of varying complexity and scope with some being linked to previously approved Site Reviews, but the vast majority are by-right projects.

- **“I’d still like this project to look at the thresholds for SR. In particular, the thresholds based on number of units seem very clearly to fly in the face of Council’s intent, expressed at their retreat, to identify and eliminate code provisions that encourage fewer, larger units instead of more, smaller ones, which the unit-based thresholds do.”**

Changing the Site Review thresholds was not part of the scope of the project. Staff finds that in general, the current thresholds continue to be useful in bringing in larger scale projects that should undergo additional scrutiny due to their size and potential impacts on adjacent properties and does not suggest changing the thresholds. Future projects may consider the thresholds, but that was not the purview of this code change.

And could you please provide your assessment of the comment below, taken from a message from a member of the focus group (p. 74 of 81, pdf p. 87):

- **“I still object to the blanket requirement for an acoustic study. There are**

uses for which acoustics matter, and uses for which acoustics don't matter. I don't understand why we're requiring all uses to do the study. I would suggest removing this requirement."

- **Is this only for buildings that contain residential uses, as stated on p. 42 of 81 (pdf p.55) but is not specified in the code strikeout on p.31 of 81 (pdf p.44)?**

The current Site Review criteria already has a criterion related to noise, which is below:

For residential projects, noise is minimized between units, between buildings and from either on-site or off-site external sources through spacing, landscaping and building materials;

This has been a challenging criterion due to its vagueness and is why the criteria was rewritten to be more specific of where the noise criterion would apply and what metric would have to be achieved to meet the intent. The metric is based on federal Housing and Urban Development (HUD) standards and has been updated since receipt of the comment above, to only apply to residential uses. It also only applies within 200 feet of a railroad, highway, or large street. Staff did have discussions with acoustic consultants to ensure that this was a feasible and not overly burdensome or cost-prohibitive standard.

5. **One of the comments I have heard is that form based code is designed to be very specific to an area (e.g. the Transit Village) and is not intended to be broadly applied across the city. I see that staff have revised the criteria to exempt industrial, single-family, duplex, mobile home and townhouse uses from some specific prescriptive requirements. Has DAB weighed in on these criteria and modifications, and whether the remaining proposed changes to the site review criteria drawn from form based code are appropriate for broad application to all remaining building types in all areas of the city?**

DAB did not weigh in on the updated criteria as providing input on changes to the Land Use Code is not part of DAB's function. DAB's role is very limited. DAB reviews projects for compliance with the Downtown Urban Design Guidelines and, upon request by staff, planning board or city council, reviews particular applications under Title 9 . DAB's review typically focused whether a particular design is sensitive to the existing character of the area or the character established

in adopted design guidelines or plans for the area. While it is true that the FBC is and can be written to be localized, the specific FBC related criteria were ones that staff found to be relevant, regardless of location, as a basis for good, higher quality design.

6. Some public comments have stated that prescriptive design standards belong in the building code, not in Site Review.

a. What is staff's response?

Staff was instructed by City Council at the onset of the project on the advice of Victor Dover, a hired architect to evaluate the city's response to design concerns expressed in the 2015 timeframe, to rewrite the Site Review criteria to be more prescriptive rather than discretionary to increase the level of predictability in Site Review projects and foster better design outcomes. This was a major tenant of the [city's "Design Excellence" initiative](#). Staff believes that the proposed criteria accomplish this and while the criteria are written to be more prescriptive, they are not as prescriptive as the FBC or like building code and therefore, would still be appropriate as Site Review criteria. Unlike many types of codes, the Site Review criteria would have a level of flexibility built into it, allowing for alternative compliance, where the criteria may not make sense. It would be unusual for standards like this to be included in a building code as those standards are focused on the life, structural, and fire safety aspects of a building.

b. Given that aesthetics & best practices will change over time, could you please describe what is the process for changing Site Review criteria, compared to the process for updating form based code? Which is easier to do?

Updating the Site Review criteria or FBC would be done under the same code change process. Like the subject ordinance, it would be done through adoption of an ordinance to change Title 9, Land Use Code, and would require City Council decision after a recommendation from Planning Board. The scope and amount of changes would inform how complex the changes would be for each. Staff continues to believe that the proposed building design requirements do not dictate style and would continue to allow diversity in design. Where the Site Review criteria are more general in nature, staff finds that changes to the FBC could be more complex predominantly because the FBC is more detailed and covers an even broader range of building design requirements and requirements specifying form to a localized area than the proposed Site Review criteria do.

7. On p.2 of 81 of the staff memo (p. 15 of the PDF) it states that staff are "rethinking the density bonus" and p.16 of 81 (PDF p.29) states that "implementing the density bonuses would be premature" in light of the changes to state law to allow rent control as an option to meet inclusionary housing requirements, and other workplan items directed by Council.

a. Could you please explain the connection here? What does rent control

have to do with allowing additional density in some zoning districts to incentivize permanently affordable or smaller units?

The prior density bonus would have allowed more density where a certain amount of on-site permanently affordable units is constructed on site in specific zones. Due to Colorado's Rent Control Laws, permanently affordable units on site have primarily been ownership units or rental units owned and managed by BHP or a similar affordable housing agency, through the duration of the Inclusionary Housing program while rental developments have primarily met inclusionary housing requirements through in lieu fee payments. Now, state law allows rent control (provided there is at least one other option to meeting inclusionary housing requirements). In light of the past legal limitations, the city only has a process and standards tailored to ownership units for on-site Units. The city will need to consider the implications of this change in state law. Staff recommends analyzing those implications and potentially, adoption of new standards and regulations before allowing on-site permanently affordable rental units that are not managed by BHP or a similar agency that is experienced with managing that type of housing through the previous density bonus. This work is on Housing and P&DS's work plan and anticipated to start in Quarter 4 of this year.

b. I think I understand the discussion in the staff memo of looking for ways to update the Land Use Code Intensity Standards outside of Site Review which would be easier to administer and less costly for applicants. I am concerned about what would happen if the new project does not turn out as anticipated. Would there be another opportunity to incorporate density bonuses in Site Review, or would that option be lost after these Site Review updates are adopted?

The Land Use Code is a living document that has been updated for decades and on a monthly to yearly basis as resources allow to fix errors, make it easier to use, and address ever changing community priorities etc. If the Site Review ordinance were passed, it would not preclude future updates to fix things that are not working well or to eventually incorporate future density bonuses if desired by the community. Projects with a large scope like this Site Review update do require being added as work program items by City Council.

8. Energy Conservation and Building Life-Cycle Impact Carbon Reduction

a. Do we know what this typically adds to project cost as a percentage of total cost?

The cost would vary depending on which pathway the applicant selects. Here is what our analysis shows:

Reduce Embodied CO₂e of Concrete Materials – Based on our conversations with multiple suppliers, they indicated that there wouldn't necessarily be a premium associated with this requirement. For a worst-case discussion, we

can assume up to a 10% cost premium for the concrete. We would also note that we are not alone in considering such a requirement for these types of projects. We just had discussions with Denver, who are looking at setting these types of standards, as well.

Electrification – Whether or not there is an actual premium depends heavily on what is being built and what infrastructure buildout can be avoided. In principle, going all electric would avoid all costs associated with adding/expanding natural gas infrastructure. We have seen several affordable housing projects elect to go all electric as a more cost-effective solution. We would also note that, depending on the project, there could be utility incentives that help offset any premium.

Life Cycle Assessment – Our evaluation is that this would represent a cost premium of up to \$10,000, which I believe comes out as one tenth of one percent of the total construction cost for a 30,000 square foot building.

b. A comment from the Site Review focus group said: “Most of the attendees were concerned with the new embodied energy/life cycle carbon section and found that it should be better handled later and through changes to the energy code rather than the Site Review criteria.” What is staff’s thinking for keeping this section?

The Site Review process is afforded as a pathway to allow greater flexibility and innovation for projects while still advancing Boulder’s overall values and goals. In return for some of the flexibilities and concessions offered, staff feel it is important that projects adequately plan for and mitigate their impacts. Site Review provides a more holistic review to address and mitigate the impacts of projects whose scope is greater than just a single structure and/or has characteristics that indicate a potential impact greater than a standard building. Projects that go through Site Review tend to represent a higher impact on the community. This includes their carbon impact. For example, a multi-acre development generally triggers new or expanded utility infrastructure, more concrete/asphalt surfaces, higher transportation impacts, etc.

The proposed criterion is intended to recognize this differentiation from the impacts or projects that go through the standard code process and to impose requirements that mitigate that additive effect. Staff afforded three pathways

by which this mitigation or an equitable benefit could be realized and allow applicants the option to choose the pathway that is the most favorable based on the characteristics of their project. The first pathway targets the most carbon intensive materials typically used in these types of projects. The second mitigates against new or expanded natural gas infrastructure. The third is a concession to the other two that affords the city the opportunity to collect critical data that would be used for informing future code updates. I would offer that our proposal is no different than site review criterion associated with other topics, such as mobility or landscaping. Those criteria recognize the generally additive impact of projects that go through site review that would otherwise not fully be addressed through base code. As to timing, we specifically selected these options based on feasibility and established practices. Many communities are already imposing low carbon concrete requirements. Similarly, we have already seen multiple, affordable all-electric developments built. Again, the life cycle assessment is offered as a concession if neither the low carbon concrete nor all electric options are pursued.

9. (h)(4) Building Design, Massing, and Height Requirements

a. P. 47 of 81 (pdf p.60) iii. (b) (2) This seems to require that height can only be approved where height already exists, unless there is an adopted plan in place or the site is near a transit corridor. Is there precedent for this in other places?

It is very common for cities, either in zoning or planning documents, to describe where requests for additional height may be appropriate based on the surrounding context. One of the goals of the project was to more specifically define where height modifications would be possible and thus, the proposed requirement was done to more explicitly state where such requests may be made. In general, staff finds that the areas of the city that are subject to area plans or design guidelines that already envision taller buildings or areas along transit corridors where additional growth is concentrated to encourage transit use are the most appropriate locations for additional height. Projects that propose additional height outside these areas could always request alternative compliance for the Planning Board to consider.

b. I want to get a better sense of how this provision would play out on the ground. Data request: Can we get a map showing areas with adopted

subcommunity plans, area plans, adopted design guidelines, and what would be considered transit corridors? I'd like to get a sense of where a height modification would be considered appropriate even if no other buildings have yet taken advantage.

10. Protecting public view of mountains

a. Is this specific only to views of mountains? Is there a chance this provision could this be extended to other types of views like Pearl Street per Be Heard Boulder input p. 335?

The issue of views in Boulder has largely been about views of the mountains. The criteria could be updated to be views of other features, but staff has not done any detailed analysis that would speak to other features at this time. Given the unpredictability that's involved with view protection, staff does not recommend any specific regulations of other features unless a broader analysis is done. Staff suggested hiring a consultant to do some of this type of analysis, but council indicated to staff that this need not be done as part of this project.

b. P. 40 of 81 (pdf p.53) (d) (vi) says "If there are prominent views of the mountains from the site, open spaces on the site or elevated common areas on the building are located to allow users of the site access to such views." Does this refer to public or private users? Does it have to be accessible to all users, e.g. could it be a rooftop deck associated with one luxury office space in a building with multiple rental tenants? Can it be part of a commercial space, e.g. a rooftop deck that is associated with a restaurant space accessible only to customers and staff?

The city would not be able to require private spaces to be open for use by the public, like a park etc., as this would likely be a taking of property. Excluding others from one's property is one of the most fundamental rights associated with the ownership of real property. While the city can require applicants to address municipal parks and recreation needs attributable to their new development, the city has chosen to address that need through payment of the capital facility impact fees. That said, the proposed criterion responds to some public input on projects to incorporate spaces that could be used by customers of restaurants or other uses in a building proposed over the height limit that would allow access to views if views are impacted by the building. The examples cited above would be accurate and would correspond to the use of

the building.

11. Alternative community benefits p. 55 of 81 (pdf p.68)

a. Who decides if a proposal meets BVCP goals?

Just like current Site Reviews, the applicant would have to demonstrate how the criteria is met, and staff would do an analysis about whether the criterion is met. Since height modifications are subject to Planning Board approval, staff would send the project to the board for decision if a public hearing is required.

b. How is value measured? Has it been tried yet?

The alternative compliance section has been written to afford discretion and would be reviewed and conducted in the same way that staff makes recommendations on current Site Review projects.

c. Why leave out affordable commercial? I understand we have not yet been able to codify what that looks like, but nothing in this section is thus codified. It all seems to be subjective.

The affordable commercial component of the Community Benefit project was tabled in the summer of 2021 based on a decision of City Council. Staff then focused on the remaining part of the Community Benefit project, which is the update to the Site Review criteria. Staff was not instructed to incorporate specific affordable commercial provisions into the criteria as part of this component of the project. That said, affordable commercial space is a community objective identified in the BVCP that could be proposed under the alternative community benefit option.

12. P. 32 of 81 of packet (pdf p.45) (1)(B) subcommunity plans and area plans

a. Why only “consistent with goals and objectives of plan and intent of guidelines”? There’s so much more to these plans than goals, objectives, and intent. Why not simply require consistency with the subcommunity or area plan?

It is not staff’s intent to limit the assessment of compliance to only limited

portions of the plans or guidelines. The language here could be updated to just plainly require consistency with the plans and guidelines as suggested.

13. P. 34 of 81 (pdf p.47) E Historic or cultural resources

a. Who defines these?

The city has historic preservation planning staff that serve the Landmarks Preservation Advisory Board (LPAB) and work within specific criteria and guidelines to determine the eligibility of buildings for landmarking. Any building over 50 years of age undergoes an analysis and if found to meet the criteria may be recommended for landmarking. Landmarking ultimately requires action of the LPAB. Whether the Site Review criterion is met, will ultimately be decided by the decision maker for the particular application.

14. P. 22 of 81 (pdf p.35) – smaller scale projects – did you consider including other plexes and small apartment buildings, which are included in Daniel Parolek’s definition of missing middle?

We did not.

15. P.27 of 81 (pdf p.40) – flood elevation, why 5 feet above max building height without modification? How was this figure selected?

Staff consulted with city flood engineers on this issue to understand what level of flexibility should be afforded based on prior request to elevate structures. The engineers found that 5 feet would be appropriate.

16. P.30 of 81 (pdf p.43) – why strike “healthy long lived trees”?

Healthy long-lived trees is currently referenced in two places in the Site Review criteria – once in the environmental criterion and once in the landscaping criteria. In efforts to remove redundancy in the proposed criteria, the one reference in the environmental criterion is proposed for removal as it is already within the landscaping criteria.

No need to address the following items in the meeting, but here are some comments on unclear language or possible typos in the ordinance itself that I recommend be cleared up

17. P. 32 of 81 (PDF p.45) (h) (1) (c) (iii), the wording is confusing to me. “A life-cycle assessment shall be conducted of any building with flood area exceeding 30,000 sq feet”. Do you mean all buildings over 30,000 sq feet within the project, or just any one building as an example?

The criterion would apply to any new building on a site that exceeds 30,000 sf in size. If there are multiple buildings in a project that are each over 30,000 sf in size, the requirement would apply to those buildings.

18. P. 35 of 81 (pdf p.48) A(i) “Where no adopted connections plan applies, the applicant shall, in good faith, attempt to coordinate with adjacent property owners to establish and, where practicable, establish reasonable and useful pedestrian connections” Is there a word missing or is this redundant?

Thanks for alerting us to this redundancy. It should read, “attempt to coordinate with adjacent property owners ~~to establish~~ and, where practicable, establish reasonable and useful pedestrian connections. We will make that edit.

19. P. 39 of 81 (pdf p.52) (D) public realm, 1st paragraph is unclear. Are you saying this is the list of building facades that orient to what’s considered to be the public realm, and they must meet the following criteria?

Yes, the areas defined as “public realm” in the first paragraph would be the areas subject to the criteria of that section.

20. P. 36 of 81 (pdf p.49) typo (B) (ii) at end, should be “available for use by both the residential and non-residential users” not uses

Staff had intended to refer to residential and non-residential uses to imply those persons associated with each use. If this causes confusion, the language can certainly be changed.

Karl Guiler, AICP
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From: Laura Kaplan <laura.j.kaplan@gmail.com>

Sent: Tuesday, May 17, 2022 4:11 PM

To: Spence, Cindy <SpenceC@bouldercolorado.gov>; Guiler, Karl <GuilerK@bouldercolorado.gov>; Gehr, David <GehrD@bouldercolorado.gov>

Cc: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>

Subject: Kaplan comments on Site Review update

External Sender

Hello Cindy, Karl, and David,

I have some advance questions about the Site Review update that is before Planning Board this week. Many thanks to the Planning Department for all your hard work on this project! I'm looking forward to the conversation. Please let me know if anything below is unclear.

Kaplan Comments re: Site Review update 2022-0517

1. Some in the development community have stated that demonstrating that they are meeting the new design standards taken from Form Based Code would require additional detailed architectural drawings to be completed for Site Review which would drive up costs and create barriers. Are these additional costs at the Site Review stage balanced by decreased costs later in the process, i.e. would these costs be incurred anyway at a later stage? How high is the risk that the investment could be lost or that costs would be additive, e.g. how often is an approval completely denied? How often does Site Review result in major changes to architectural drawings that need to be redone?
2. Some in the development community have expressed concern that the alternative compliance option would add uncertainty that would not be resolved until the end of a very expensive Site Review process. How do staff envision working with the applicant who knows early on that they will be requesting alternative compliance? How would the level of uncertainty associated with obtaining alternative compliance compare with the level of uncertainty of approval in the current Site Review process?
3. The staff memo asks Planning Board whether we desire that the criteria “be modified to be less prescriptive than code standards and include more discretionary language” as suggested by a member of the Site Review focus group. In staff’s professional opinion, what is the likelihood that less prescriptive criteria would lead to lower quality design outcomes than prescriptive criteria (plus the alternative compliance option)?
4. Could you please give staff’s assessment of / response to these comments taken from your summary of the Site Review focus group:

- “There was some concern about the updated criteria would prevent investment in existing buildings.”
- “I’d still like this project to look at the thresholds for SR. In particular, the thresholds based on number of units seem very clearly to fly in the face of Council’s intent, expressed at their retreat, to identify and eliminate code provisions that encourage fewer, larger units instead of more, smaller ones, which the unit-based thresholds do.”

And could you please provide your assessment of the comment below, taken from a message from a member of the focus group (p. 74 of 81, pdf p. 87):

- “I still object to the blanket requirement for an acoustic study. There are uses for which acoustics matter, and uses for which acoustics don’t matter. I don’t understand why we’re requiring all uses to do the study. I would suggest removing this requirement.”
 - Is this only for buildings that contain residential uses, as stated on p. 42 of 81 (pdf p.55) but is not specified in the code strikeout on p.31 of 81 (pdf p.44)?

5. One of the comments I have heard is that form based code is designed to be very specific to an area (e.g. the Transit Village) and is not intended to be broadly applied across the city. I see that staff have revised the criteria to exempt industrial, single-family, duplex, mobile home and townhouse uses from some specific prescriptive requirements. Has DAB weighed in on these criteria and modifications, and whether the remaining proposed changes to the site review criteria drawn from form based code are appropriate for broad application to all remaining building types in all areas of the city?

6. Some public comments have stated that prescriptive design standards belong in the building code, not in Site Review.

- a. What is staff’s response?
- b. Given that aesthetics & best practices will change over time, could you please describe what is the process for changing Site Review criteria, compared to the process for updating form based code? Which is easier to do?

7. On p.2 of 81 of the staff memo (p. 15 of the PDF) it states that staff are “rethinking the density bonus” and p.16 of 81 (PDF p.29) states that “implementing the density bonuses would be premature” in light of the changes to state law to allow rent control as an option to meet inclusionary housing requirements, and other workplan items directed by Council.

- a. Could you please explain the connection here? What does rent control have to do with allowing additional density in some zoning districts to incentivize

permanently affordable or smaller units?

b. I think I understand the discussion in the staff memo of looking for ways to update the Land Use Code Intensity Standards outside of Site Review which would be easier to administer and less costly for applicants. I am concerned about what would happen if the new project does not turn out as anticipated. Would there be another opportunity to incorporate density bonuses in Site Review, or would that option be lost after these Site Review updates are adopted?

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18. P. 35 of 81 (pdf p.48) A(i) "Where no adopted connections plan applies, the applicant shall, in good faith, attempt to coordinate with adjacent property owners **to establish and, where practicable, establish** reasonable and useful pedestrian connections" Is there a word missing or is this redundant?

19. P. 39 of 81 (pdf p.52) (D) public realm, 1st paragraph is unclear. Are you saying this is the list of building facades that orient to what's considered to be the public realm, and they must meet the following criteria?

20. P. 36 of 81 (pdf p.49) typo (B) (ii) at end, should be "available for use by both the residential and non-residential **users**" not uses

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