



PLANNING COMMISSION A G E N D A

January 18, 2024

Notice is hereby given of a Public Meeting to be held before the City of Wheat Ridge Planning Commission on January 18, 2024 at 6:30 p.m.

This meeting will be conducted as a virtual meeting and in person at 7500 W. 29th Avenue, Municipal Building. The public may participate in these ways:

1. Provide comment in advance at www.wheatridgespeaks.org (comment by noon on January 17)
2. Virtually attend and participate in the meeting through a device or phone:
 - [Click here to join and provide public comment](#) (create a Zoom account to join)
 - Or call 1-669-900-6833 with Meeting ID 864 4733 7560 **and Passcode: 898728**
3. View the meeting live or later at www.wheatridgespeaks.org, Channel 8, or YouTube Live at <https://www.ci.wheatridge.co.us/view>
4. Attend in person.

1. CALL THE MEETING TO ORDER

2. ROLL CALL OF MEMBERS

3. PLEDGE OF ALLEGIANCE

4. APPROVE THE ORDER OF THE AGENDA

5. APPROVAL OF MINUTES – December 7, 2023

6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda. Public comments may be limited to 3 minutes.)

(continued on next page)

7. PUBLIC HEARING *

- A. **Case No. ZOA-24-01:** An ordinance amending Chapter 26 of the Wheat Ridge Code of Laws, concerning Electric Vehicle (EV) charging and parking requirements, and making conforming amendments therewith.
- B. **Case No. ZOA-24-02:** An ordinance amending Articles V and XI of Chapter 26 of the Wheat Ridge Code of Laws, concerning bicycle parking and storage requirements, and making conforming amendments therewith.

8. OLD BUSINESS

9. NEW BUSINESS

- A. Upcoming Dates
- B. Project and Development Updates
- C. Commissioner Updates

10. ADJOURNMENT

* Public comment is welcome during any public hearing item. The standard procedure for a public hearing is as follows:

- a. Staff presentation
- b. Applicant presentation – if applicable
- c. Public comment – time may be limited at the discretion of the Chair, often to 3 minutes
- d. Staff/applicant response
- e. Close public hearing
- f. Commission discussion and decision

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Amanda Harrison, Public Information Officer at 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.



PLANNING COMMISSION

Minutes of Meeting

December 7, 2023

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair DITULLIO at 6:30 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology.

2. ROLL CALL OF MEMBERS

Commission Members Present: Kristine Disney
Jerry DiTullio
Daniel Graeve
Janet Leo
Patrick Quinn

Commission Members Absent: Will Kerns
Jonathan Schelke

Staff Members Present: Jana Easley, Planning Manager
Ella Stueve, Senior Neighborhood Planner
Alayna Olivas-Loera, Planner II
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by consensus to approve the order of the agenda.

5. APPROVAL OF MINUTES – November 2, 2023

It was moved by Commissioner QUINN and seconded by Commissioner DISNEY to approve the minutes of November 2, 2023, as written. Motion carried 4-0-1 with Commissioner LEO abstaining.

6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda.)

No one wished to speak at this time.

7. PUBLIC HEARING

- A. **Case No. WZ-23-10**: an application filed by Elham Nekouie for approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) on a property located at 10390 West 38th Avenue.

Chair DITULLIO opened the public hearing.

Ms. Olivas-Loera gave a short presentation regarding the zone change and the application. She entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. She stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Public Input

Tom Brickey, resident
4 Rangeview Drive

Mr. Brickey stated he takes exception with the idea that there is overwhelming support from the neighborhood for this development and believes townhomes are inconsistent with the single-family homes in the area. He also mentioned he is concerned about parking and increased traffic.

Richard Cauchi, resident
3651 Miller Court

Mr. Cauchi mentioned he neither opposes nor supports this zone change but agrees residential is the way to go. His only concern for residential is the possible density with townhomes.

Patrick Berrend, applicant
Summit Design & Engineering

Mr. Berrend addressed some of the concerns and mentioned that the zone change will lower the possible density and the future design concepts would be 10-12 high quality town home as opposed to apartments. He also stated that they will try to avoid on street parking by adding structured parking on site.

Issues with public input for those on Zoom, to be continued later in meeting.

Commissioner DISNEY does not believe townhomes are out of character for the area because there are planned developments along 38th Avenue with a mix of multi-unit housing, but mentioned her concern is high density and would like the developer to keep the number of units to 10 instead of more. She also mentioned she understands the construction cost due to the developer.

Mr. Berrend agreed there will be construction costs for this site and mentioned that Lena gulch is one of the driving forces because the entire property is not developable.

In response to a question from Commissioner LEO, Ms. Olivas-Loera explained that the zone change is for this property only not all the others that are also C-1 because the other property owners have not applied for a zone change.

Commissioner QUINN asked to have the build to area explained.

Ms. Olivas-Loera clarified that a setback is certain distance that a building can be from the property line and the build to is the opposite and the building must be a certain distance up to the property line. She added the build to in this instance is 0-12 feet.

Commissioner QUINN's only concern is with the shading on 38th Avenue from the building during the wintertime and the creation of ice on the roadway.

Ms. Oliva-Loera and Ms. Easley explained there will be bulk plane requirements in place and the easement in the front will help with the setback of the buildings.

In response to a question from Commissioner LEO, Ms. Olivas-Loera explained that the property lines, in the pictures of the staff report, are not survey accurate and there is a bit of distortion.

Commissioner GRAEVE asked if there is a requirement for sidewalks to be built around this development.

Ms. Olivas-Loera said that typically with a site plan review there are public improvement requirements, and the engineering department will address this during the review process.

Continuation of Public Input

There were technical issues with trying to get Fran Langdon to connect so Commissioner DITULLIO asked her to attend the City Council Meeting.

Scott Sicard, resident
3685 Miller Court

Mr. Sicard mentioned he has concerns with parking on to the street and said there are already issues with apartments in the neighborhood.

Mr. Berrend said it is unknown yet how many parking spaces will be on site per unit, but it is a requirement to have 1-2 spaces per unit and there will most likely be garages in each townhome.

Chair DITULLION closed the public input and public hearing.

Commissioner DISNEY mentioned she is going to vote to approve this zone change because housing is needed in the city and feels this development is appropriate for this area.

Commissioner QUINN agreed with Commissioner DISNEY and believes there is a need to have more than single-family homes in this area and 10 townhomes seems fair to support.

It was moved by Commissioner QUINN and seconded by Commissioner LEO to recommend APPROVAL of Case No. WZ-23-10, a request for approval of a zone change from Commercial-One (C-1) to Mixed-Use Neighborhood (MUN) for property located at 10390 West 38th Avenue for the following reasons:

- 1. The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.**
- 2. Utility infrastructure adequately services the property.**
- 3. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan.**
- 4. The zone change will provide additional opportunity for reinvestment in the area.**
- 5. The criteria used to evaluate a zone change supports the request.**

Motion carried 5-0.

8. OLD BUSINESS

9. NEW BUSINESS

A. Upcoming Dates

Ms. Easley mentioned there will not be a Planning Commission meeting on December 21 and there is a possibility there could be a meeting held on January 4 or January 18 and will keep everyone posted.

Ms. Easley introduced the City's newest Senior Neighborhood Planner Ella Stueve

Ms. Stueve mentioned she is happy to have joined the City 2 months ago and has been a planner for 11 years most recently in Denver. She has moved to the Wheat

Ridge area and will be leading the update to the City Plan. She looks forward to working with the Commissioners.

B. Project and Development Updates

Ms. Easley mentioned CO's have been issued for Chick-fil-a and First Watch, and Tabor Lake apartments and the Commons on 38th are close to getting their COs. She also let the Commissioner know that the Property and Project Map is up and working on the website. Ms. Easley also mentioned the City Plan contract award will be heard at City Council on Monday, December 11.

C. Commissioner Updates

Commissioner QUINN thanked staff for the Property and Project Map and thought it is very useful.

Commissioner DITULLIO mentioned that after the Special Session to the legislature the County Assessor will be revamping the tax rate and wanted to alert the community to the changes.

10. ADJOURNMENT

It was moved by Commissioner QUINN and seconded by Commissioner GRAEVE to adjourn the meeting at 7:22 p.m. Motion carried 5-0.

Jerry DiTullio, Chair

Tammy Odean, Recording Secretary

MEETING DATE: January 18, 2024

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING ELECTRIC VEHICLE (EV) CHARGING AND PARKING REQUIREMENTS, AND MAKING CONFORMING AMENDMENTS THEREWITH

CASE NO. ZOA-24-01

☒ PUBLIC HEARING

☒ CODE CHANGE ORDINANCE

Case Manager: Scott Cutler

Date of Preparation: January 10, 2023

SUMMARY:

The proposed ordinance creates regulations for electric vehicle (EV) parking and charging facilities within the zoning code, defines terms related to EVs, allows for EV charging facilities of various types throughout the City, and establishes minimum EV parking space requirements.

Notice for this public hearing was provided by the Code of Laws.

BACKGROUND:

The current zoning code does not have any requirements related to EV parking and charging. Likewise, the City's current adopted building codes and local amendments (2018 International Building Codes or IBC and 2020 National Electric Code or NEC) allow for EV charging, but do not mandate placement, design, or minimum quantities or percentages.

The Sustainability Action Plan, which was presented to Council in 2018, has transportation as one of six focus areas, including goals to install electric vehicle charging stations strategically throughout the community, to promote the adoption of alternative fuel vehicles in local government and the City as a whole, and to reduce vehicle parking requirements and incentivize bicycle/EV/shared mobility parking.

House Bill 23-1233 (Statewide EV Charging and Parking Requirements)

The Colorado State Legislature approved HB23-1233 in June 2023 which requires the state electrical board to adopt rules facilitating electric vehicle charging at multi-unit buildings and creates regulations and requirements regarding EV parking. The purpose of the state legislation is to further the State's goals related to the reduction of greenhouse gas emissions and to expand the charging infrastructure necessary to support a growing EV market share.

To that end, the bill also mandates that municipalities comply with the EV power transfer infrastructure requirements in the statewide Model Electric Ready and Solar Ready Code. Staff will discuss with Council how these changes relate to building code updates at a later date as part of the building code adoption process. In the meantime and to comply with the new state law, the City must update the zoning code and update the approach to EV charging and parking as a whole. The portions of HB23-1233 most relevant to Wheat Ridge when discussing EV parking and charging are:

- Requires compliance with all the EV requirements in the Model Electric Ready and Solar Ready Code by March 1, 2024, including minimum parking requirements.
- Prohibits unreasonable restrictions on EV installations for both tenants and owners.
- Prohibits local governments from banning EV parking or charging.

Current and Future Market

The City is not seeing the private market deliver EV spaces in new developments, beyond a couple of spaces here and there, despite a nationwide increase in the prevalence of EVs. The City has also seen limited interest in building freestanding EV charging facilities despite the City's proximity to Interstate 70 and Highway 58. However, HB23-1233 encourages the department of transportation to collaborate with public or private entities to develop projects for the construction of electric vehicle charging systems along state and interstate highway systems which could increase the level of interest.

City Council Consensus

EV parking and charging was discussed with City Council at its August 7, 2023 study session. Staff had previously recommended in April 2023 that Council adopt EV regulations given increasing adoption of EVs by the general public and the need for some regulations and requirements. Staff's recommendation at the August 2023 study session was revised to include components of HB23-1233. Council's consensus was to draft an ordinance to comply with the minimum requirements of HB23-1233 and to create some additional regulations and definitions for EV parking. The attached ordinance is a result of Council's consensus and is described below.

PROPOSED ORDINANCE:

The proposed ordinance consists of several components, described below. The EV Informational Guide attachment includes additional details on EVs since staff recognizes that EVs are an unfamiliar subject to some.

The ordinance accomplishes the following:

- Creates definitions related to EVs, including defining Electric Vehicle Charging Stations (EVCS), Retail EVCS, and EV parking spaces.
- Creates standards within the City's parking requirements related to EVCS, including establishing minimum parking requirements to comply with HB23-1233.
- Allows EVCS as an accessory use in all zone districts (for example, allows an EVCS in a home garage, in a parking lot, or at a gas station).
- Allows Retail EVCS in all commercial, mixed-use, and industrial zone districts. A Retail EVCS is a grouping of multiple EVCS as a primary use of the property. For example, a Tesla Supercharger could be considered a Retail EVCS. This could also be a stand-alone

style grouping of EVCS which functions like a gas station and could have a retail store component included.

- Updates Planned Development requirements to ensure compliance for new developments in PDs with all applicable EV regulations.
- Allows EV parking to be shared if other conditions of shared parking agreements are met.
- Makes various other minor updates to comply with HB23-1233 related to accessible parking, when the ordinance becomes applicable, signage, and sites exceeding minimum requirements.

EV Charging Facilities

There are three tiers of EV charging facilities that are based on the amount of charging infrastructure installed. These are the different types of facilities that will be required at different percentages depending on the building code classification of the building.

- EV Capable: This refers to a facility for which infrastructure is available for future installation of an EV charging station (i.e. conduit, breaker space, and junction box), but no wiring or charging equipment is installed. EV Capable allows for easier future installation when ready, since most of the pre-work is done including electrical panel capacity.
 - EV Capable Light: The State of Colorado created this term to refer to EV Capable infrastructure that only includes the conduit, not any of the other breaker space/electrical panel capacity required to be EV Capable. This is a lower-cost install that simply places the conduit for future EV Capable/Ready/Installed, and is less of a cost/install burden than EV Capable since it does not include upsizing capacity.
- EV Ready: This refers to a facility for which the necessary infrastructure and wiring is installed, but no additional charging unit or adapter is installed. This usually means wires terminate in a junction box, or in the case of a home garage a 240-volt wired outlet is provided. EV Ready installations are typical for residential parking spaces especially single-unit, duplex, townhome and condos where dwelling units are owned individually. These are often found in garages, which would allow a resident to plug directly into the 240v outlet or have one easily installed from the junction box.
- EV Installed: This refers to a complete charging facility that includes all infrastructure, outlet, and charging station. This infrastructure is typical for commercial and some multi-unit residential properties, as well as standalone charging facilities (like Tesla Supercharger stations). Examples of EV Installed facilities are at City Hall, the Recreation Center, and Fruitdale School Lofts.

Additionally, there are different tiers of ready and installed EV infrastructure based on how powerful the charging infrastructure is, resulting in different charging times. The EV Informational Guide describes these tiers (Levels 1, 2, and 3) in more detail, but they are not components of the House Bill and do not need to be included in the zoning code.

Minimum Parking Requirements

The proposed ordinance complies with the minimum parking requirements included in HB23-1233 by way of the Model Electric and Solar Ready Code. The minimum parking requirements in HB23-1233 specifically pertain to multi-unit residential development. However, when the City adopts the statewide building code requirements which is a requirement of the House Bill,

minimum parking requirements for commercial buildings will also apply. The reason for adopting all of the parking requirements into the zoning code is to allow Planning staff to easily locate the requirements and request the parking spaces be included during the zoning review of any future project, making it more user friendly and to prevent surprises late in permit review. Section 15 of the attached ordinance includes the minimum parking requirements, which are based on the building code classification of the building. These minimum requirements will apply to any *new* development in Wheat Ridge. The required percentages vary with multi-unit residential development being higher than commercial and institutional, which is higher than industrial.

Requirements for redevelopment or changes of use were not included in HB-23-1233, except for some provisions related to apartment building parking lot remodels. Council's consensus was to include some minimal requirements to upgrade sites when there were major additions (60% increase or more in floor area) or major changes of use, but to not impose burdensome requirements to add charging facilities which would potentially disincentivize redevelopment. Staff is already required to assess parking increases on a proportional basis based on the amount of added square footage (for additions) or floor area of a more intensive use (e.g. office to restaurant), so these proportional increases would also apply to increasing EV parking. In this case, only EV Capable Light spaces would need to be added on a proportional basis, so no additional chargers or wiring would need to be installed, but conduit would be laid to allow for future installations. Limited exceptions to this requirement could potentially be allowed based on existing site conditions.

Next Steps

A public hearing before City Council is scheduled for February 26, 2023. The effective date of March 1, 2023 puts the City in full compliance with the State of Colorado regulations. Staff will continue to explore what building code amendments or adoption is required, particularly with new state mandates regarding electrical codes.

RECOMMENDED MOTION:

"I move to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning electric vehicle (EV) charging and parking requirements and making conforming amendments therewith."

Exhibits:

1. Proposed Ordinance
2. EV Information Guide (From Sustainable Wheat Ridge, edited by Sustainability Coordinator Mary Hester)

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. _____
ORDINANCE NO. _____
Series 2024

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING ELECTRIC VEHICLE (EV) CHARGING AND PARKING REQUIREMENTS, AND MAKING CONFORMING AMENDMENTS THEREWITH

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the City does not currently have any regulations related to EV charging infrastructure or parking requirements; and

WHEREAS, with the increased adoption of EVs across Colorado and the nation, the need for charging infrastructure and regulations has become more apparent; and

WHEREAS, the legislature of the State of Colorado passed House Bill 23-1233 which includes various mandates for local governments in regards to regulating EV charging and parking, and recognizes as a matter of statewide concern the need to adopt EV charging requirements; and

WHEREAS, the Council finds that EV charging and parking requirements need to be added to Chapter 26 and to define terms related to EV charging infrastructure.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 26-111.D of the Wheat Ridge Code of Laws, concerning application requirements for site plans, is hereby amended as follows:

D. *Site plan application requirements.* All applications shall include at a minimum the following information. Additional information may be requested by the planning and/or engineering divisions at the preapplication conference.

1. *Site plan.*

...

j. Location of all existing and proposed:

...

(5) Parking and loading areas, ~~handicap~~accessible parking areas, and Electric Vehicle (EV) parking spaces;

...

...

...

Section 2. Section 26-123 of the Wheat Ridge Code of Laws, defining certain terms applicable to the zoning code, is hereby amended by the revision of certain definitions and the addition of the following new definitions in the appropriate alphabetical location, as follows:

Electric Vehicle Charging Station (EVCS). A public or private parking space served by battery charging station equipment which has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle (EV), also referred to as an EVCS Installed space.

Electric Vehicle Charging Station (EVCS), Retail. A grouping of multiple EVCSs accessible to the public as a primary use of a property, and which may provide electricity to customers for a fee. The property may also contain another primary use such as a convenience store.

Electric Vehicle (EV) parking space. Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Section 3. The “Table of Uses – Residential” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in residential zone districts, is hereby amended as follows:

<i>Accessory Uses For Residential Districts</i>	<i>Notes</i>
<u>Electric vehicle charging station (EVCS)</u>	

Section 4. The “Table of Uses – Agricultural and Public Facilities” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in agricultural and public facility zone districts, is hereby amended as follows:

<i>Agricultural and Public Facilities Districts Accessory Uses</i>	<i>Notes</i>
<u>Electric Vehicle Charging Station (EVCS)</u>	

Section 5. The “Table of Uses – Commercial and Industrial Districts” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in commercial and industrial zone districts, is hereby amended as follows:

Uses	Notes	NC	RC	C-1	C-2	I-E
<u>Electric Vehicle Charging Station (EVCS), Retail</u>	<u>Site design standards for motor fueling stations shall apply, including required landscaped buffers and screening</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

<i>Commercial and Industrial District Accessory Uses</i>	<i>Notes</i>
<u>Electric Vehicle Charging Station (EVCS)</u>	

Section 6. Section 26-306.B.2 of the Wheat Ridge Code of Laws, concerning the site plan requirements for specific development plans, is hereby amended as follows:

2. *Site plan.* The drawings shall be to-scale and shall include the locations of the following:

...

b. Proposed locations for landscaping, parking, **and loading (including accessible and Electric Vehicle (EV) parking spaces)**, building locations, and buffering.

...

Section 7. Section 26-312.E of the Wheat Ridge Code of Laws, concerning parking requirements for planned residential development (PRD) districts, is hereby amended as follows.

E. *Parking.* In accordance with section 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan. **New development within an existing planned development shall comply with current requirements for minimum EV parking requirements. To the extent the requirements of a planned development conflict with EV requirements, the EV requirements shall control.**

Section 8. Section 26-313.D of the Wheat Ridge Code of Laws, concerning parking requirements for planned commercial development (PCD) districts, is hereby amended as follows.

D. *Parking.* In accordance with section 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan. **New development within an existing planned**

development shall comply with current requirements for minimum EV parking requirements. To the extent the requirements of a planned development conflict with EV requirements, the EV requirements shall control.

Section 9. Section 26-314.D of the Wheat Ridge Code of Laws, concerning parking requirements for planned industrial development (PID) districts, is hereby amended as follows.

D. *Parking.* In accordance with section 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan. **New development within an existing planned development shall comply with current requirements for minimum EV parking requirements. To the extent the requirements of a planned development conflict with EV requirements, the EV requirements shall control.**

Section 10. Section 26-315.H of the Wheat Ridge Code of Laws, concerning parking requirements for planned hospital development (PHD) districts, is hereby amended as follows.

H. *Parking.* In accordance with section 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan. **New development within an existing planned development shall comply with current requirements for minimum EV parking requirements. To the extent the requirements of a planned development conflict with EV requirements, the EV requirements shall control.**

Section 11. Section 26-316.G of the Wheat Ridge Code of Laws, concerning parking requirements for planned mixed use development (PMUD) districts, is hereby amended as follows.

G. *Parking.* In accordance with section **26-1109 or** 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan or site plan. Allowances may be made for shared parking spaces if it can be demonstrated to the satisfaction of the person or approval body designated as having final approval authority that parking demand for different uses occurs at different times. **New development within an existing planned development shall comply with current requirements for minimum EV parking requirements. To the extent the requirements of a planned development conflict with EV requirements, the EV requirements shall control.**

Section 12. Section 26-501.B of the Wheat Ridge Code of Laws, concerning applicability of off-street parking requirements, is hereby amended as follows:

B. *Applicability.* This section shall apply only to new development, major change of uses (e.g., single detached dwelling to office; office to restaurant) or substantial extension of expansion of uses for which a building permit or site use approval is required, established subsequent to the adoption of this provision, provided, however, in residential districts on and after August 31, 2009, it shall be unlawful to park motor vehicles in areas meeting the definition of landscaping as defined in section 26-502, or on uncontrolled weeds, or on compacted dirt surfaces, unless such surfaces constitute a residential driveway or hard surfaced auxiliary storage area and said driveways or storage areas existed prior to August 31, 2009.

1. *Applicability to existing uses.*

a. No existing use or structure shall be deemed nonconforming solely because of the lack of off-street parking (including bicycle parking or EV parking) or loading requirements prescribed in this section.

....

...

7. *Parking plan required.* All plans for the construction of any parking facility, excluding those for single- and two-unit dwellings, must be approved by the director of community development director or his ~~their~~ designee, either through the site plan or specific development plan review process or as part of a building or site work permit application for the site. and a miscellaneous building permit issued before construction is started. No such land shall be used for parking until approved by the director and a permit is issued. The plan must contain the following minimum information:

a. Number, location and size of parking stalls: including accessible, EVCS, and bicycle parking.

b. Widths of aisles and islands.

...

Section 13. Section 26-501.C.2.b of the Wheat Ridge Code of Laws, concerning applicability of shared parking procedures, is hereby amended as follows

C. *Shared parking.*

...

2. *Shared parking standards.*

...

b. *Shared parking procedure.*

...

ii. Off lot shared parking.

...

d) *Miscellaneous shared parking provisions.* The total requirements for off-street parking facilities may be utilized as the sum of the requirements for each of the various uses computed separately.

...

ii) In no instance may required ~~handicapped~~ accessible parking spaces be provided off lot as part of a shared parking agreement, unless no parking can be provided on site.

...

iv) EV parking may be provided off site as part of a shared parking agreement.

Section 14. Section 26-501.E.9 of the Wheat Ridge Code of Laws, regarding accessible parking requirements, is hereby amended as follows:

9. ~~Handicapped~~ Accessible parking. For all uses other than single- and two-unit dwellings, ADA-compliant accessible parking shall be provided for the ~~handicapped~~ at the minimum rate consistent with the following table. The minimum width of an accessible parking space shall be eight and one-half (8 ½) feet with an adjacent accessible aisle with a minimum width of five (5) feet. Two (2) accessible parking spaces may share a common aisle. ~~Said spaces shall have a minimum access aisle length of twenty (20) feet.~~

Table 8: Handicapped <u>Accessible</u> Parking	
Total Number of Off-Street Spaces Required	Number of Handicapped <u>Accessible</u> Spaces
[Message to codifier: No modifications to the remainder of the table.]	

One (1) in every six (6) accessible spaces, but not less than one (1), shall be designated as van accessible and shall be a minimum of eight (8) feet in width and shall be served by an access aisle a minimum of eight (8) feet in width. "Van accessible" spaces may also be a minimum of eleven (11) feet in width with a minimum access aisle width of five (5) feet in accordance with ANSI 117.1 – Accessible and Usable Buildings and Facilities.

- a. *Signage; location; etc.* Each ~~handicapped~~ accessible space shall be marked with a freestanding sign containing the International Symbol of Accessibility and shall be a minimum of sixty (60) inches above the

floor of the parking space, measured to the bottom of the sign. Signage for van accessible spaces shall contain the designation “van accessible”. The International Symbol of Accessibility shall also be painted on the pavement. Said parking space shall be located as near to the entrance of the use as practically possible and shall not involve crossing any area used for vehicular circulation. The total number of accessible spaces provided for the handicapped shall be included in the total number of parking spaces otherwise required by this section.

- b. **Electric Vehicle Charging Station (EVCS). Any van accessible parking space that is served by an EVCS and is not designated as reserved for a person with a disability must be counted as at least two (2) standard vehicle parking spaces.**

Section 15. Section 26-501.E of the Wheat Ridge Code of Laws, concerning off-street parking and loading standards, shall be amended with the addition of a new subsection 13, regarding Electric Vehicles (EVs):

13. Electric Vehicles (EVs) and Electric Vehicle Charging Stations (EVCS).

a. **General standards. All parking spaces that are required to be EVCS must meet the EVCS specifications pursuant to current building codes. All terms used within this section not defined in Chapter 26 of the Code of Laws shall use the definitions pursuant to current building codes, including EV Capable, EV Capable Light, EV Ready, and EVCS Installed.**

b. **Applicability. The requirements of this subsection shall apply as follows:**

i. **For site plan and specific development plan applications approved on and after March 1, 2024, all requirements of this subsection shall apply.**

ii. **For site plan and specific development plan applications approved prior to March 1, 2024 but for which no building or site work permits have been obtained by March 1, 2026, all requirements of this subsection shall apply. A site plan or specific development plan amendment may be required to memorialize the required addition of EVCS or other EV facilities.**

iii. **For new construction not subject to the development review processes of section 26-106, but which does require a building or site work permit and must provide parking, all applicable requirements of this subsection shall apply if a permit is not obtained prior to March 1, 2024.**

c. **Parking requirements. The following Table 12 sets forth the number of required EVCS Installed spaces, EV Ready spaces, and both types of EV Capable spaces. These requirements apply to all**

new developments for which parking is required. This list is not intended to be exhaustive of each use category; the community development director shall determine the appropriate requirements if the use is not identified in the table below.

i. New developments shall meet all requirements in Table 12.

ii. Additions for any use other than a single-unit dwelling, duplex, or single-attached dwelling (townhome) that increase existing floor area by sixty (60) percent or more shall be required to provide EV Capable Light spaces at a rate based on the required proportionate increase in spaces from Table 1 and the EV Capable Light percentages in Table 12.

iii. For major changes of use that require additional parking spaces, EV Capable Light spaces shall be provided at a rate based on the required proportionate increase in Table 2 and the EV Capable Light percentages in Table 12.

iv. For existing multi-unit residential properties undergoing renovations or expansions which disturb a minimum of fifty (50) percent or more of the parking area, all minimum parking requirements of Table 12 shall apply.

v. The community development director may waive the requirements of ii and iii above in whole or in part based upon existing conditions that may make it impossible to install the necessary conduit.

TABLE 12: EVCS Requirements

<u>Building Code Category</u>	<u>EV Capable</u>		<u>EV Ready</u>	<u>EVCS Installed</u>
	<u>EV Capable</u>	<u>EV Capable Light</u>		
<u>Single-unit, duplex, and single-unit attached (townhome)</u>	<u>None</u>	<u>None</u>	<u>1 per unit¹</u>	<u>None</u>
<u>Multi-unit residential</u>	<u>10%</u>	<u>30%</u>	<u>15%</u>	<u>5%</u>
<u>Multi-unit residential, 10 or fewer total parking spaces required</u>	<u>10%</u>	<u>10%</u>	<u>15%</u>	<u>None</u>
<u>Commercial and institutional</u>	<u>10%</u>	<u>10%</u>	<u>8%</u>	<u>2%</u>
<u>Commercial and institutional with 10 or</u>	<u>None</u>	<u>None</u>	<u>2 spaces</u>	<u>None</u>

<u>fewer total parking spaces required</u>				
<u>Industrial²</u>	<u>None</u>	<u>5%</u>	<u>None</u>	<u>2%</u>
<u>Footnotes:</u> 1. <u>For any dwelling unit with a dedicated attached or detached garage or other on-site designated parking provided for the dwelling unit.</u> 2. <u>Exclusive of warehouse and distribution space for which there is no requirement.</u>				

d. Any EV parking space provided shall be counted towards the overall number of required parking spaces.

e. Sites exceeding minimum requirements. EVCS Installed spaces that exceed the minimum requirements of this section are permitted to be used to meet the minimum requirements for all space types. EV Ready spaces that exceed the minimum requirements of this section are permitted to be used to meet the minimum requirements of EV Capable and EV Capable Light spaces. EV Capable spaces that exceed the minimum requirements of this section are permitted to be used to meet the minimum requirements of EV Capable Light spaces.

f. Signage. All EVCS Installed spaces shall include signage identifying them as restricted parking for EVs. If time limits or vehicle removal provisions are to be enforced, regulatory signage including parking restrictions shall be installed immediately adjacent to, and visible from, the EVCS.

g. Accessible spaces. An EVCS shall be considered accessible if it is located adjacent to, and can serve, an accessible parking space as defined and required by this code and the ADA.

Section 16. Section 26-1105.E.4 of the Wheat Ridge Code of Laws, regarding build-to requirements for gas stations in mixed use zones, is hereby amended as follows:

E. *Build-to areas.* Build-to areas are intended to bring multiple façades toward the street...

...

4. Gas stations **and Retail EVCSs** may meet build-to requirements through one (1) or any combination of the following two (2) elements: (1) Structure within the build-to area; (2) Canopy within the build-to area (Figures 4 and 5). Gas stations **and Retail EVCS facilities** must also provide a screen wall, thirty (30) to forty-two (42) inches in height, for one hundred (100) percent of the primary and secondary street frontage, excluding access points and where portions of the building are within the build-to area. The screen wall shall be a continuous masonry wall

constructed of stone, brick, or split-face concrete block, or a combination masonry pier and decorative iron railing. There shall be a minimum four-foot-wide landscape buffer between the screen wall and the property line.

...

Section 17. Section 26-1109 of the Wheat Ridge Code of Laws, the table regulating parking requirements for mixed use zone districts, is hereby amended as follows by adding a new subsection L:

L. Electric vehicle (EV) parking shall be provided in accordance with section 26-501.E.13.

Section 18. Section 26-1111.B of the Wheat Ridge Code of Laws, which contains the permitted use table for mixed use zones, is hereby revised as follows:

Permitted Uses				
Use Group	MU-C	MU-C Interstate	MU-C TOD	MU-N
...				
Commercial Services and Retail				
<u>Electric Vehicle Charging Station (EVCS), Retail</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Ancillary Uses				
<u>Electric Vehicle Charging Station (EVCS)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Section 19. Section 26-1111.D of the Wheat Ridge Code of Laws, which regulates separation requirements for motor fueling stations, is hereby revised as follows:

D. Separation requirements for motor fueling stations. Where motor fueling stations are permitted in the permitted use table (section 26-1111.B-), the following separation requirements shall apply. These separation requirements shall not apply in the MU-C interstate sub-district, ~~and shall not apply to any mixed-use development that has an approved concept plan (per section 26-1116)-~~, **and shall not apply to Retail EVCS facilities.**

Section 20. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 21. Effective Date. This Ordinance shall take effect on March 1, 2024, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____ on this ____ day of ____ 2024, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for ____, 2024 at 6:30 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this ____ day of ____, 2024.

SIGNED by the Mayor on this ____ day of ____, 2024.

Bud Starker, Mayor

ATTEST:

Stephen Kirkpatrick, City Clerk

Approved as to Form

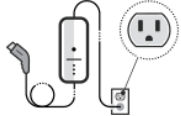
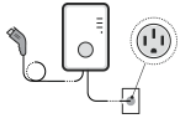
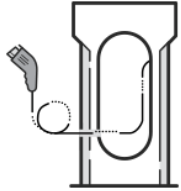
Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

Published:
Wheat Ridge Transcript and www.ci.wheatridge.co.us

General Information About EV Charging

What are the different levels of EV chargers, and how much to they typically cost to install?

Type ¹	Description	Typical cost*
Level 1 	Level 1 equipment provides charging through a common residential 120-volt (120V) AC outlet. Level 1 chargers can take 40-50+ hours to charge a BEV (Battery Electric Vehicle) to 80 percent from empty and 5-6 hours for a PHEV (Plug-in Hybrid Electric Vehicle). Best used for home or workplace charging.	No cost to use the convenience cord provided with most EVs that plugs into a regular outlet.
Level 2 	Level 2 equipment offers higher-rate AC charging through 240V (in residential applications - like a dryer plug) or 208V (in commercial applications) electrical service. Level 2 chargers can charge a BEV to 80 percent from empty in 4-10 hours and a PHEV in 1-2 hours. Best used for home, workplace, and some public charging (e.g. at hotels).	Home charger: \$500-\$2,000 (charger plus wiring, installation - low end is if a 240V outlet is already available.) Public charger: \$3,000-\$10,000
Level 3 (DC Fast) 	Direct current fast charging (DCFC) equipment offers rapid charging along heavy-traffic corridors at installed stations. DCFC equipment can charge a BEV to 80 percent in just 20 minutes to 1 hour. Best used for road trips, charging for Uber/Lyft drivers, etc.	\$40,000-\$100,000

What is the cost difference in upfront installation vs. retrofitting?

Installing an EV charger or EV-ready infrastructure during initial construction is significantly more cost-effective than retrofitting. Retrofitting can require the demolition and repair of existing structures, longer conduit runs, and upgrading electric panels, which may add considerable costs. A [case study](#) by the Pacific Northwest Laboratory found that the cost of retrofitting EV-ready spaces was around four times higher than installing during initial construction.

¹ Images from [Plug-in Electric Vehicle Charging: The Basics | US EPA](#)

What level of chargers are required to meet state requirements?

The state code requires electrical capacity be installed for Level 2 chargers, though allows some spaces to be substituted by DC fast charging if the property owner wishes. More details can be found here: [Energy Code Board](#).

Are there accessibility requirements that must be met when installing EV charging stations?

There are currently no state or federal requirements, though some programs like [the state Charge Ahead program require](#) that 5% of all grant funded charging ports, but no less than one parking space, incorporate accessible design features in order to receive funding. Such stations should be designed for accessibility but reserved for “EV Parking Only.” Requirements for accessible design features are established by the U.S. [Access Board](#).

Are there regulations about parking in an EV spot and not charging?

Local governments or other parking lot owners are allowed to sign and enforce rules about parking in EV spaces, which can include limiting use of a parking space to EVs that are actively charging.² This is considered a best practice to ensure that chargers are available to EV drivers who need them, and to incentivize EV drivers who have finished charging to move their vehicles.

How will the grid handle everyone charging at their house?

The EV transition will happen over several years, and Xcel is planning for EV adoption through their regular resource planning, which is carefully regulated by the state Public Utilities Commission. The state recently extended its Colorado Clean Cars Standard, which means that manufacturers will be required to ramp up EV sales to 82% by 2032. This rule will help provide clarity to utilities around the state planning for the EV transition.

Because charging at home can be done anytime the vehicle is at home, in the future, expect to see various programs that will encourage charging during times that are best for the grid. Xcel is running pilot programs to determine customer interest and grid impacts when charging is shifted to off-peak use, and already offers customers a \$50 bill credit who shift their charging to off-peak times.

What are the economic benefits of having public chargers in your city?

Xcel Energy collects a 3% franchise fee for the City of Wheat Ridge for all energy used behind a meter, and this would include EV charging.

In addition to the benefits of additional franchise fee revenue, drivers typically have about a 30-minute wait or more while they charge, providing them time to get a meal or shop locally. Locating public chargers within Wheat Ridge’s commercial areas should be an important strategy for boosting foot traffic for local restaurants and other businesses. In recent years, the Target on Kipling EV chargers have been some of the busiest in the state’s network – imagine if some of those waiting drivers were instead on 38th Ave or 44th Ave corridors patronizing restaurants and small businesses.

² [Electric Motor Vehicle Charging Station Parking | Colorado General Assembly](#)

How Does Commercial and Multi-Unit EV Charging Work?

Commercial EV Charging

What are the various business models?

There are different ways that public EV charging can earn revenue to cover their costs, for example through charging fees or advertising on the chargers. Since it is still early in the EV market transition (currently at about 17% market share), chargers often don't generate enough income to cover their costs so the state, utilities, and federal government are offering incentives to support the installation of EV chargers. However, countries with higher EV adoption rates have seen EV charging become a viable commercial business over time, and some companies are already voluntarily installing EV chargers (e.g. the 7-Eleven on Wadsworth). Private businesses often see other benefits to offering charging as drivers often spend money at nearby establishments while charging.

How are customers charged?

Customers typically pay with a credit card, either directly at the charger or a phone app linked to the charging company. Commercial DC fast chargers often charge by kWh, though some charge by the minute, and Level 2 chargers may offer a fixed rate. Home charging is typically cheapest unless charging is subsidized elsewhere. Businesses or governments may choose to provide free or discounted rates to attract visitors. This winter, home charging costs about \$0.12 per kWh off-peak (7pm – 1pm) and \$0.19 during peak hours (3pm – 7pm). The DC fast charger at the Target on Kipling charges \$0.45 per kWh. The City Hall and Rec Center level 2 chargers cost \$1.00 per hour, roughly \$0.16 per kWh.

Who owns the chargers?

It varies. Public Level 2 chargers are typically owned by local governments (like the Rec Center and City Hall chargers), private businesses, or an EV charging company. Public DC fast chargers (Level 3) are typically owned by the EV charging company; since these stations are more costly and complex to operate, it is often better for the charging companies to operate them to ensure reliability.

How are EV chargers metered by the utility?

It varies. Some EV chargers may be on the same meter as the existing site, and sometimes the utility will install a separate meter or submeter.

Multi-Unit Residential EV Charging

Most (80% or more) of EV charging occurs at home, and it is very important to ensure access to EV charging for all residents whether they live single-unit or multi-unit housing. A [2022 survey](#) from the National Multifamily Housing Council found that renters see chargers as an important amenity and are sometimes willing to pay more for them.

How does on-site charging work?

This depends on whether parking is assigned or shared. Chargers in assigned parking can provide exclusive access to a resident who needs a charger and can result in simpler billing. However, with longer range EVs becoming the norm, most people only need to charge about once per week, so sharing

chargers where feasible can be cost effective. Shared charging requires landlords to establish policies for use, pricing, and billing. More information about EV charging for multi-unit residents can be found [here](#).

What are the costs to residents for charging?

Landlords can take a variety of approaches to charging for EV charging. The simplest, which may make sense for some smaller buildings, is to use non-networked chargers (which are cheaper but do not provide real-time usage data), and to either charge a flat fee to residents who wish to use the chargers, or just include it as an amenity. Otherwise, landlords will want to invest in networked chargers that can handle payments and monitor usage.

Can the landlord profit from having a charger?

It would be up to the landlord or HOA to determine the charging rate structure and they would program those rates in coordination with the charging station vendor.

What if a landlord doesn't want to install a charger for their residents?

For residents of buildings whose landlords haven't or don't want to install charging, they may be able to charge using regular 120 outlets (Level 1) available near parking if possible. Additionally, according to state law, a tenant may install Level 1 or Level 2 EV charging station at their own expense on or in leased premises, with applicable building permit(s) obtained from the city. Common interest communities must also provide residents with an opportunity to charge EVs and may not create restrictions around EV charging stations. ([Colorado Revised Statutes 38-12-601 and 38-33.3-106.8](#))

How are EV chargers metered?

Similar to public commercial charging, it varies. Some EV chargers may be on the same meter as the existing site, or the utility may install a separate meter or submeter.

EV Charger Installation Incentives Available for Individuals, Businesses, and Multi-Unit Housing

There are several incentives available the residents and businesses that may help offset the cost of EV charger installation.

State Incentives:

- **[Charge Ahead Colorado](#):** This program funds community Level 2 and DC fast charging stations. The program offers additional funding for local government and other community applicants in locations considered disproportionately impacted, as well as for affordable housing properties.
- **[DCFC Plazas](#):** This program is designed to fund larger banks of DC fast chargers, and the primary applicants are typically EV charging providers. These stations are more complex to develop, operate and maintain, and so it usually makes sense for an EV charging company to apply. However, the city can actively seek to partner with providers to provide land to site chargers, or work to find local private site hosts: [DCFC Plazas Program Partnering List](#).
- **[Fleet Zero-Emission Resource Opportunity \(Fleet-ZERO\)](#):** This program is designed to fund charging for EV fleet vehicles, from light-duty passenger vehicles to medium- and heavy-duty trucks.

Xcel Energy Incentives:

- Income-qualified residential customers are eligible for [rebates of \\$3,000 - \\$5,500](#) towards the lease or purchase of pre-owned and new EVs.
- Residential customers may be eligible for a [rebate for between \\$500-\\$2500 on home wiring costs](#) related to installing a Level 2 charger.
- For community charging hubs, up to \$8,800 for four Level 2 chargers, and up to \$31,200 per DC fast charger.
- For multi-unit charging, up to \$8,500 per port for Level 2 chargers installed.
- For fleet charging, up to \$2,200 per port for Level 2 chargers and up to \$45,000 for DCFC. (see more for other business and multi-unit details [here](#)).
- For small businesses, up to \$2500 per port for infrastructure required for charger installation for up to three ports.
- Updates to programs and incentives can be expected when Xcel Energy's new Transportation Electrification Plan is approved.

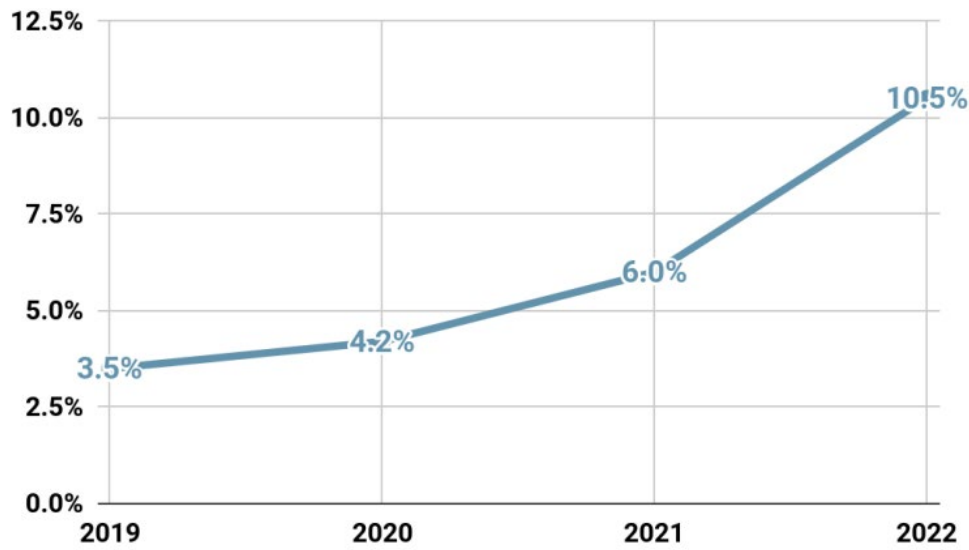
Federal Tax Credit:

- For individual/residential uses, the tax credit covers 30% (up to \$1,000 per unit) of the cost of the equipment. For commercial uses, the tax credit covers 6% (up to \$100,000 per unit) of the cost of the equipment. More information: [2022 EV Tax Credits from Inflation Reduction Act - Plug In America](#).
- Additional rebates through Xcel and the federal government are available for areas designated Income-qualified and higher emissions. Wheat Ridge has locations that meet these criteria.

EV Adoption Trends

EV adoption has grown rapidly over the past few years, nearly tripling between 2019 and 2022 ([CO EV Plan](#)). In the 3rd quarter of 2023, [EV sales in Colorado reached over 17%](#) of new vehicles, making Colorado 5th in the nation. In 2023, Colorado was also named 3rd in the nation for most supportive policy environment for EVs by the [American Council for an Energy Efficient Economy](#).

Percent EV of New Sales (Colorado Auto Dealers Association)



The state's [EV Plan](#) outlines the holistic approach to supporting this transition to EVs, which combines incentives, charging investments, workforce development initiatives, as well as regulations and policy. In October of 2023, the Colorado Air Quality Control Commission [adopted an extension of the state's Clean Car Standard](#), which will require auto manufacturers to increase EV sales to 82% of new vehicles by 2032. Thus far, EV adoption in the state has been above the regulatory backstop established by the AQCC in 2019 when the first Clean Car Standard was adopted, and the state intends to continue a holistic approach to support a successful EV transition. Part of this includes supporting local jurisdictions to adopt the new minimum state codes; as EV sales increase over the next few years, minimum charging infrastructure may need to be revisited.

Nationally, there are over 4 million EVs registered, and EV adoption continues to increase. In 2023, over 1.4 million EVs were sold, marking a 50% increase from the previous year. EV adoption rates are projected to continue increasing, in large part due to declining costs for EV parts, and federal and state policy to incentivize adoption and the installation of EV charging infrastructure. The U.S. Energy Information Administration predicts that EVs could account for up to 29% of U.S. light-duty vehicle sales by 2050, and estimates that between 11% and 26% of on-road light-duty vehicles will be electric by 2050.

MEETING DATE: January 18, 2024

**TITLE: AN ORDINANCE AMENDING ARTICLES V AND XI OF
CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS,
CONCERNING BICYCLE PARKING AND STORAGE
REQUIREMENTS, AND MAKING CONFORMING
AMENDMENTS THEREWITH**

CASE NO. ZOA-24-02

☒ PUBLIC HEARING

☒ CODE CHANGE ORDINANCE

Case Manager: Scott Cutler

Date of Preparation: January 10, 2023

SUMMARY:

The proposed ordinance creates long-term bicycle storage requirements for large multi-unit residential developments, updates and clarifies vehicle parking reduction allowances when additional bicycle parking is required, and decouples bicycle parking requirements from vehicle parking requirements.

Notice for this public hearing was provided by the Code of Laws.

BACKGROUND:

The current zoning code has limited requirements for bicycle parking and storage. The Sustainability Action Plan, which was presented to Council in 2018, has transportation as one of six focus areas which includes providing for secure bicycle storage in new developments. In April 2023, City Council gave staff direction to begin research on bicycle parking requirements including the potential for e-bike charging, based on best practices and zoning codes from surrounding communities. At the City Council study session on August 7, 2023, City Council gave staff direction to proceed with a bicycle parking and storage ordinance generally taking the form of the ordinance as attached.

Current Code

Developments in all zone districts, except mixed-use zones, must comply with the bicycle parking requirements in Section 26-501, which was adopted in 2001 and contains minimal bicycle parking requirements.

Ordinance No. 1766, passed on June 26, 2023, increased minimum bicycle parking requirements in mixed use zone districts to 1 space for every 4 dwelling units for multi-unit residential developments, and 1 space for every 10 vehicle parking spaces for commercial developments. These requirements were essentially doubled from the previous version of the mixed-use code. That ordinance also encourages secured indoor bicycle parking for multi-unit residential development, but it did not go as far as establishing requirements or standards because at the time staff anticipated more research being needed to pass a more comprehensive bicycle parking and storage ordinance.

The sections of the code pertaining to bicycle parking (26-501.E.4 and 26-1109.J) do not contemplate requirements for indoor bicycle storage. The code provides some incentives to reduce overall vehicle parking if additional bicycle parking beyond the minimum is provided, up to a maximum of 10 percent. Additionally, the requirements for the number of bicycle parking spaces are tied to the number of vehicle parking spaces, which is challenging as vehicle parking requirements and reductions can vary so widely.

Bicycle Storage

When considering bike parking, there is a notable difference between a typical outdoor “u-rack” bicycle parking space and a secured indoor facility. While u-racks are reasonable for *temporary* bicycle parking, especially when placed near areas of congregation or building entrances, they are often not a secure solution for long-term bicycle storage due to theft risk and weather. Long-term bicycle parking can come in the form of a covered and gated exterior storage, bicycle lockers, or bicycle storage rooms within buildings or parking garages. Some new apartment developments in Wheat Ridge are voluntarily providing small bicycle storage rooms either within the building or parking garage. Others have not elected to do so unless required by code. The image below is from the Parallel Apartments bicycle storage room which includes a couple of electrical outlets to charge e-bikes.



PROPOSED ORDINANCE:

The proposed ordinance is based on the consensus of Council and also includes the recommendation to “decouple” bicycle parking from vehicle parking as recommended by the Sustainability Committee and additional public comment.

The ordinance accomplishes several main goals and will provide for long-term bicycle storage options for large multi-unit residential developments:

- Clarifies vehicle parking reductions for providing additional bicycle parking beyond the minimum.
- Provides additional incentives to offices and institutional uses if long-term bicycle storage and/or shower and changing facilities are provided.
- Adds standards for long-term bicycle parking including security and weather protection.
- Updates minimum bicycle parking requirements for all uses to better align with the mixed-use code updates.
- Decouples bicycle parking from vehicle parking, instead assessing it against the floor area of the use. This means bicycle parking is no longer assessed as a ratio of required vehicle parking, which is more typical of bicycle parking requirements and more aligned with best practice.
- Adds minimum long-term bicycle parking requirements for multi-unit apartment and condominium developments over 50 dwelling units. This will allow for secure long-term bicycle parking for denser residential developments where unit sizes tend to be smaller and are more likely to be located in areas with better access to bicycle and pedestrian infrastructure.

The attached ordinance was drafted by the Planning Division. A public hearing before City Council is scheduled for February 26, 2023.

RECOMMENDED MOTION:

“I move to recommend approval of the proposed ordinance amending Articles V and XI of the Wheat Ridge Code of Laws concerning bicycle parking and storage requirements and making conforming amendments therewith.”

Exhibits:

1. Proposed Ordinance

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. _____
ORDINANCE NO. _____
Series 2024

TITLE: AN ORDINANCE AMENDING ARTICLES V AND XI OF CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING BICYCLE PARKING AND STORAGE REQUIREMENTS, AND MAKING CONFORMING AMENDMENTS THEREWITH

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, in the exercise of this authority, the Council has previously adopted regulations in the Chapter 26 of the Wheat Ridge Code of Laws (the “Code” pertaining to bicycle parking and storage; and

WHEREAS, the Council recognizes that these regulations are outdated and do not align with best practice, and that there are multiple parallel requirements which are challenging to administer; and

WHEREAS, the City is receiving an increasing number of development applications for multi-unit residential developments, some of which provide limited bicycle parking and no opportunities for long-term secured storage; and

WHEREAS, the Council finds that bicycle parking and storage requirements in Articles V and XI of Chapter 26 of the Code require revision.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 26-501.D.1 of the Wheat Ridge Code of Laws, concerning parking reductions by right and the associated Table 5: Parking Reductions, is hereby amended as follows:

D. *Parking reductions.*

1. *Parking reductions by right.* The community development director may grant a parking reduction not to exceed twenty-five (25) percent of the required number of vehicular parking spaces as set forth below without a variance process. Only one (1) of the following options may be applied to any one (1) development, **unless otherwise noted in the table:**

TABLE 5: PARKING REDUCTIONS

Only one of the following may be utilized per development **unless otherwise noted.**

Standard	Reduction Allowed
Bicycle parking	<p>1 vehicular space for every 2 bicycle parking spaces beyond what is mandatory per Section 26-501.E.4. up to a maximum of a 10% total reduction in vehicular parking spaces.</p> <p><u>If long-term bicycle storage and/or shower and changing facilities are provided for office and institutional uses, the following additional reductions may be combined with the 10% bicycle parking reduction above for a total reduction up to a maximum of 20%.</u></p> <ul style="list-style-type: none"> • <u>5% if long-term bicycle storage is provided.</u> • <u>5% if shower and changing facilities are provided that are accessible to employees nearby the bicycle storage area.</u>
Property located within 1/4 mile of a transit station	25%
Property located within 500 feet of a transit bus stop with 20 minute peak service	10%
No parking areas located between any part of the building and the public right-of-way	10%
Surfacing	10% when an existing parking area with an unimproved surface is improved to comply with Section 26-501.E.425.
Structured Parking	10%
Motorcycle and Scooter Parking	1 vehicular space for every 2 motorcycle and/or scooter spaces <u>up to a maximum 25% reduction.</u>

...

Section 2. Section 26-501.E.4 of the Wheat Ridge Code of Laws, concerning bicycle parking requirements, is hereby amended as follows:

...

4. *Bicycle parking.*

- a. *Applicability.* **Bicycle parking as set forth in Table 7 in subsection E.4.b below shall be required for all nonresidential and multi-unit dwelling uses.**

- ~~i. *Bicycle parking required.* Bicycle parking as set forth in subsection E.4.b below (bicycle parking standards) shall be required for all nonresidential and multi-unit dwelling uses as follows:~~
- ~~a) All properties located within five hundred (500) feet of the right-of-way boundary or trail centerline of an existing or proposed bicycle route from the adopted City of Wheat Ridge Bike and Pedestrian Route Master Plan.~~
 - ~~b) All properties located within one-quarter mile of a transit station or transit bus stop that provides twenty-minute peak hour service.~~
 - ~~c) All applicable properties set forth in Table 7 (Schedule of Required Bicycle Parking Spaces) below.~~
- ~~ii. *Bicycle parking optional.* For all other properties that do not fall under the geographic conditions in subsection i above, bicycle parking is optional, and may be used to reduce the required number of vehicular parking spaces set forth in subsection E.4.b.iii below.~~

- b. *Standards.*

- i. Bicycle parking design standards.
- a) The required bicycle rack is the "inverted U" type, or other type approved by the community development director. Each inverted U bicycle rack shall count as two (2) bicycle parking spaces.
 - b) Bicycle parking facilities shall include provisions for storage and locking of bicycles in secure racks, or equivalent installation, in which the user may lock both the bicycle frame and wheels to the rack.
 - c) Parking for bicycles shall be provided on site, and bicycle parking areas shall be well-lighted and located as near to the building or facility entrance as possible but not more than fifty (50) feet away, and shall not interfere with pedestrian traffic.
 - d) If possible, bicycle parking areas should utilize already existing weather protected areas such as building overhangs.
 - ~~e) If bicycle and automobile parking areas or accessways abut each other, a physical barrier between the bicycle parking area and the automobile parking or drive areas~~

shall be provided to prevent the possibility of bicycle-motor vehicle collisions.

- f) Bicycle facilities required by this section shall be maintained for the duration of the use requiring such facilities, and shall not be used for other purposes.

ii. Long-term bicycle parking.

- a) **Intended to provide users of a site a secure and weather-protected place to park and store bicycles and to charge electric bicycles.**
- b) **Shall take the form of an enclosed bicycle storage room within the primary building, enclosed bicycle lockers, a separate bicycle storage shed, an enclosure within a parking garage, or in another form within 100 feet of the primary entrance as deemed appropriate by the community development director.**
- c) **All types of long-term bicycle parking shall be easily accessible to all building occupants, secure, lighted, and weather resistant.**

iii. Number of required bicycle parking spaces. Bicycle parking spaces shall be provided at a rate of five (5) percent of the required vehicular parking spaces, but not less than two (2) spaces, unless otherwise specified below in Table 7. **No development shall provide fewer than two (2) bicycle parking spaces, unless otherwise noted in Table 7.**

Table 7: Schedule of Required Bicycle Parking Spaces [1]	
Use	Number of Required Bicycle Parking Spaces
Funeral homes or mortuaries Motor fueling stations, repair garages, tire stores, car wash, etc. Drive-up windows providing services to occupants in vehicles	None.
Educational institutions (public or private)	One (1) bicycle parking space for each twenty (20) students
Amusement/recreational enterprises such as swimming pools, skating rinks, health clubs, spas, etc.	One (1) bicycle parking space for each twelve (12) persons capacity
Transit bus stop with 20 minute peak service	Two (2) bicycle parking spaces for each transit bus stop.
Public Transit Station	One (1) bicycle parking space per each ten (10) parking spaces required for motor vehicles, but not less than twenty (20) spaces.

All other nonresidential and multi-unit dwelling uses	Five (5) percent of the required vehicular parking spaces, but not less than two (2) spaces
<u>Retail, personal services</u>	<u>1 space per 2,000 square feet of floor area</u>
<u>Eating or drinking establishment, including drive-throughs</u>	<u>1 space per 2,000 square feet of floor area</u>
<u>Office</u>	<u>1 space per 5,000 square feet of floor area</u>
<u>Community building or place of worship</u>	<u>1 space per 5,000 square feet of floor area</u>
<u>Hotel</u>	<u>1 space per 10,000 square feet of floor area</u>
<u>Warehouse or distribution</u>	<u>1 space per 10,000 square feet of floor area</u>
<u>All other nonresidential uses</u>	<u>1 space per 5,000 square feet of floor area</u>
<u>Multi-unit and single attached residential</u>	<p><u>One (1) bicycle parking space for every four (4) dwelling units</u></p> <p><u>For multi-unit apartment or condominium developments over 50 dwelling units, at least 50% of required bicycle parking shall be long-term; if a parking garage is being provided, at least 75% of required bicycle parking shall be long-term.</u></p> <p><u>Long-term parking is encouraged for multi-unit developments under 50 dwelling units but is not required.</u></p> <p><u>In all instances where long-term bicycle parking is being provided, in addition to that required within the building or accessory structure, a minimum of four (4) standard bicycle parking spaces shall also be provided outside of the building.</u></p>
<p>[1] The number of required bicycle parking spaces in this table shall not be considered to be in addition to any other required numbers of bicycle parking spaces. <u>Uses not specified: In the case of a use not specifically mentioned, the requirements shall be determined by the community development director based on comparison to similar uses.</u></p>	

- iiiiv. Vehicular parking space reductions for bicycle parking spaces. The number of required motor vehicle parking spaces may be reduced at the ratio of one (1) motor vehicle parking space for each two (2) bicycle parking spaces, up to a maximum reduction of ten (10) percent of the required motor vehicle parking spaces in accordance with Table 7 above. Table 5 in section 26-501.D provides options to reduce the number of required motor vehicle parking spaces if additional

bicycle-related facilities are provided beyond the minimum requirements.

...

Section 3. Section 26-1109.J of the Wheat Ridge Code of Laws, concerning bicycle parking requirements in mixed use zone districts, is hereby amended as follows:

J. Bicycle parking. **Bicycle parking shall be provided in accordance with section 26-501.E.4.**

- ~~1. For nonresidential development, or portion thereof, bicycle parking spaces shall be required at a rate of one (1) bicycle parking space for every ten (10) automobile parking spaces. No nonresidential development shall provide less than four (4) bicycle parking spaces. One (1) standard "Inverted U" bicycle rack shall be considered two (2) bicycle parking spaces.~~
- ~~2. For multi-unit and single attached residential development, or portion thereof, bicycle parking spaces shall be required at a rate of one (1) bicycle parking space for every four (4) units. No multi-unit residential development shall provide less than four (4) bicycle parking spaces. One (1) standard "Inverted U" bicycle rack shall be considered two (2) bicycle parking spaces.~~
- ~~3. Parking for bicycles shall be provided on site, in addition to any bicycle parking required in the right-of-way by the streetscape design manual. Bicycle parking areas shall be well-lighted and located not more than fifty (50) feet from the primary building entrance. Bicycle parking for residential uses is encouraged to be sheltered and secured.~~
- ~~4. Secured, indoor bicycle parking and storage is encouraged in multi-unit residential development and shall count towards the total number of spaces required, although a minimum of four (4) bicycle parking spaces shall be provided outside the building. Indoor bicycle parking shall take the form of a secured bicycle storage room.~~

Section 4. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect on March 1, 2024, as provided by Section 5.11 of the Charter provided, however, the minimum long-term bicycle parking requirements in Section 2 of this Ordinance shall not apply to multi-unit development projects which are under site plan or specific development plan review by the Community Development Department as of the effective date of this Ordinance and

for which the first round of review comments have already been provided to the applicant from the City.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____ on this ____ day of _____ 2024, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for _____, 2024 at 6:30 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this ____ day of _____, 2024.

SIGNED by the Mayor on this _____ day of _____, 2024.

Bud Starker, Mayor

ATTEST:

Stephen Kirkpatrick, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

Published:
Wheat Ridge Transcript and www.ci.wheatridge.co.us