AMENDED AND RESTATED
DESIGN GUIDELINES AND COMMUNITY
RULES AND PROCEDURES

“Music is architecture; architecture is frozen music.”
-Johann Wolfgang von Goethe

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CHAPTER ONE

BOULEVARD ONE: INTRODUCTION
CHAPTER 1. Introduction

Section 1.1 Purpose

The purpose of the Design Guidelines and Community Rules and Procedures is to guide Initial Construction by Builders and subsequent renovations by Owners, and to provide rules and regulations for the Community.

These Guidelines have been adopted to establish and preserve the planning and design concepts of the Boulevard One Community, to enhance property values, and to promote respectful quality of life within the Community.

These Guidelines are authorized by the Boulevard One Master Declaration as a tool to be used by the Boulevard One Community Association, Inc. (BOCA), the Boulevard One Design Review Committee (BDRC) and the Boulevard One Architectural Subcommittee (BAS).

BOCA has authority to enforce these Guidelines.

The Declarant is exempt from the requirements set forth in these Guidelines.

Section 1.2 Defined Terms

Any capitalized term used but not defined herein shall have the meaning given such term in the Master Declaration. Unless the context requires otherwise, the following terms used in these Guidelines have the meanings indicated:

“Adjacent Owner” means the Owner of a Property that physically adjoins or is directly across the street and/or alley from the Property which its Owner is requesting a Variance and is further illustrated in Appendix 2.D.

“Appeals” means an Owner may request that a decision of BDRC or BAS relating to a Major Renovation, Minor Renovation, or Variance be reviewed by BOCA. The right to appeal is not granted to Builders for decisions by the BDRC during and related to Initial Construction, and Appeals for violations of the Rules and Regulations shall be governed by the BOCA Governance Policies and Procedures.

“Applicant” or “Owner” means a person or entity that owns a Property or applies for approval of Improvements or renovations to the BDRC or, if applicable, the BAS on behalf of an Owner.

“Articles of Incorporation” means the Articles of Incorporation of BOCA filed with the Colorado Secretary of State, as may be amended from time to time.

“BAS” means the Boulevard One Architectural Subcommittee as created by the BDRC.

“BDRC” means the Boulevard One Design Review Committee created by BOCA as provided for in the Master Declaration.
“BDRC Administrator” means the person appointed by the BDRC from time to time to handle the day-to-day activities of the BDRC.

“BOCA” means the Boulevard One Community Association, Inc., a Colorado nonprofit corporation.

“BOCA Governance Policies and Procedures” means those certain policies and procedures adopted by BOCA from time to time, as authorized pursuant to the Master Declaration.

“Boulevard One” means the mixed use master planned development that is subject to and governed by the Master Declaration.

“Board” or “Board of Directors” means the body, regardless of name, designated in the Master Declaration to act on behalf of the Association.

“Blueprint Denver” means the City’s long-range land use plan.

“Builder” means a builder, general contractor or other party, which may also be an Owner, other than the Declarant, who acquires one or more Properties without improvements of a Dwelling Unit, office building, commercial building or other structure constructed thereon for the purpose of constructing the Initial Improvements upon the Property or for the purpose of reselling or renting to a third party or third parties, or who purchases one or more parcels of land in the Community for further subdivision, Development, and/or resale in the ordinary course of its business and who has applied to and been approved as a “Builder” by Declarant, the Board or the BDRC.

“Builder Purchase Agreement” means the purchase and sale agreement executed by LRA, as seller, and a Builder, as buyer, for one or more Properties in the Community.

“Bylaws” means the bylaws of BOCA adopted by the Board, as may be amended from time to time by the Board.

“City” or “City of Denver” means the City and County of Denver, Colorado.

“Commercial Properties” means and includes each separately owned Property that may be used for commercial purposes, including: platted commercial lots, Properties where any commercial condominium units have the right to be created or have been created, Properties where commercial use, civic, church or use other than residential is allowed by zoning, including hotel and similar uses.

“Common Elements” means: those portions of the Real Estate as described in Exhibit B of the Master Declaration, if any, any private easements that provide access to the Property, and such other parts of the Real Estate, as provided for in the Master Declaration, amendment, supplement or Supplemental Declaration.

“Community” or “Master Planned Community” or “Planned Community” means and refers to the mixed use master planned community of Boulevard One and which community is a planned community and a Common Interest Community as defined in
“Community Manager” means the person or individual appointed by the Association or the Association’s Managing Agent as the point of contact for the Community and who is responsible for implementing the decisions of the Board of Directors in running the day-to-day operations of the Association.

“Community Park” means the open space illustrated in the Boulevard One Illustrative Plan found in Section 3.1 of these Guidelines.

“Design Review” means the review process conducted by the BDRC, or if applicable, the BAS, in connection with a Design Review Application for compliance with the Design Guidelines or BOCA Governing Documents, only.

“Design Guidelines” means those applicable portions of these Guidelines that govern the design and construction of Improvements at Boulevard One.

“Design Review Applications” means documents which are submitted by Builders and Owners containing the Schematic Design, Plans and Specifications and all other necessary plans and details of Initial Construction, Major or Minor Renovation projects. These documents are reviewed for approval by the BDRC, or if applicable, the BAS. BDRC and BAS do not review any application for compliance with any terms and conditions of any private agreement or easement between Adjacent Owners, compliance with the City’s building or zoning code, or conformance with state and/or federal governmental requirements or regulations.

“Development” means and includes, without limitation (i) the construction, installation, restoration, renovation, or expansion of any building, structure, or other Improvements, including utility facilities; (ii) the demolition or destruction, by voluntary action, of any building, structure, or other improvements; (iii) the grading, excavation, filling or similar disturbance to the surface of the land, including change of grade, change of ground level, change of drainage pattern, or change of stream bed; (iv) landscaping, planting, clearing, removing of trees, shrubs, grass or plants; and (v) all other similar structures and Improvements situated, or to be situated, in a mixed use planned project. Development does not include Improvements to the Common Elements as defined in the Master Declaration.

“Dwelling Unit” means and includes any portion of the Improvements on a Property improved to allow separate occupancy for primarily residential use, including a single family home, duplex, triplex, townhouse or other residential dwelling or apartments. Dwelling Unit excludes hotel uses and rooms.

“Final Plans” means the final version of the Plans and Specifications prepared by, or on behalf of, an Applicant in conjunction with Design Review.

“Final Plan Review” means the review process conducted by the BDRC, or if applicable, the BAS in connection with reviewing the Final Plans in conjunction with Design Review.

“General Development Plan” or “GDP” means the approved plan of the City and County
“Guidelines” means these Improvement guidelines, rules and regulations, and procedures governing the Initial Construction of Improvements on vacant land/Properties in the Community and subsequent modifications additions, and expansions, as well as certain rules and regulations relating to the operation of the Community and governing neighborhood behavior of Owners and their occupants/guests. The Guidelines may be amended from time to time by BOCA.

“Governing Documents” means the Master Declaration, the Plat, the Map, the Articles of Incorporation, the Bylaws, the Governance Policies, and the Design Guidelines and Community Rules and Procedures, as all of the foregoing may be amended from time to time.

“Improvements” means structures or improvements of any kind initially installed upon a Property (as is required to be first approved by the BDRC) and subsequent exterior or landscape modifications (for which advance approval is required from either the BDRC or the BAS).

“Initial Construction” means the Improvements proposed or initially constructed by a Builder, including commercial, retail, apartments, residential structures and every other initial structure and/or landscaping on vacant property. Initial Construction must be approved by either the Declarant or the BDRC.

“Linear Park” means the open space illustrated in the Boulevard One Illustrative Plan found in Section 3.1 of these Guidelines.

“Lowry” or “Lowry Community” means the master planned community located in Denver, Colorado commonly known as “Lowry” which was developed pursuant to that certain Development Plan for the Lowry Community dated June 1996.

“Lowry Redevelopment Authority” or “LRA” means the Lowry Economic Redevelopment Authority, a separate legal entity established pursuant to an intergovernmental agreement between the City and County of Denver, Colorado and the City of Aurora, Colorado and responsible for the master development of Boulevard One.

“Managing Agent” means the management company engaged by BOCA to assist in the operation, administration and governance of the Community. The Managing Agent may change from time to time. The current Managing Agent may be obtained by checking with the Colorado Secretary of State for the registered agent and office of the company engaged by BOCA.

“Major Renovation” means a significant architectural and/or structural Improvement, addition, expansion or change to an existing site and/or building and/or landscaping, as determined by BDRC, which shall prompt a Design Review by the BDRC to assure compliance with these Guidelines.

“Master Declaration” or “Declaration” means the Boulevard One Master Declaration, as
defined, broadened and supplemented by the definition of ‘declaration’ in the Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-101, et seq.

“Minor Renovation” means a minor improvement, addition, expansion or restoration to the exterior of an existing Property (including landscaping), as determined by the BDRC, and shall require Design Review by the BAS (or, if applicable, BDRC) to assure compliance with these Guidelines. If the BAS or BDRC determines that such improvement, addition, expansion or restoration to the exterior of an existing Property (including landscaping) is a Major Renovation, the provisions contained in these Guidelines governing the review of Major Renovations shall control.

“Neighborhood Park” means the open space illustrated in the Boulevard One Illustrative Plan found in Section 3.1 of these Guidelines.

“Notice of Violation” has the meaning given such term in Chapter 2.3.

“Owner” or “Property Owner” or “Member” are synonymous and mean any person or entity that owns a Property, and by virtue of such ownership, that person or entity is included in the membership of the Association, as provided in the Bylaws and as set forth in this Master Declaration.

“Plans” or “Plans and Specifications” means all exterior design drawings, height, materials, color, location of the structure, or addition to the structure, or proposed improvement (shown horizontally and vertically). Plans and Specifications also include samples of proposed exterior finishes or materials as well as such other materials and information as may be required by BDRC or BAS.

“Plat” means any recorded subdivision Plat for all or any part of the Community, as approved by the local governmental authority having jurisdiction, and any supplements and amendments, depicting and locating some of the Properties.

“Property” or “Parcel” or “Unit” or “Lot” means a physical portion of the Community, designated for separate ownership that may be shown as: a lot on a recorded Plat for the Community, as may be described by other means (including a metes and bounds legal description), as a created condominium property, or, otherwise separately owned by an Owner. In the proper context, “Property” also includes a Dwelling Unit or residence, commercial, retail, apartment and other structures or Improvements constructed. The boundaries or Properties are defined in the Plat, in the Master Declaration or by a separate document. “Property” means and includes each of the physical portions of the Community designated for separate ownership, including Lots, Properties, Parcels and Units. The Master Declaration established two initial types of Properties, Residential and Commercial, as defined in the Master Declaration.

“Property Deed” means the deed transferring legal title of Property to a Builder or Owner.

“Residential Property” or “Residential Properties” means and includes any Property primarily intended or zoned for residential uses, including: platted residential lots, Properties where any residential condominium units have the right to be created or
have been created, Properties where apartments have the right to be created or have been created, and Properties where a single family property, Dwelling Unit or other property for individual occupancy has the right to be created or has been created.

“Rules and Regulations” means any instrument, however denominated, which is adopted by the Board of Directors for the regulation, management and operation of the Community and governing neighborhood behavior of Owners and their occupants/guests, including any amendment to such instruments, and including any policies and procedures.

“Schematic Design” or “Schematic Drawings” means schematic diagrams prepared by a Builder or Owner’s architect/engineer that provide a general view of the components and the scale of the proposed Improvements.

“Schematic Design Review” means the review process of the Schematic Drawings conducted by the BDRC, or if applicable, the BAS in connection with the Design Review Application.

“Vacant Property” has the meaning given to the term in Section 4.42 of these Guidelines.

“Variance” or “Variance Request” means a formal request from a Builder or Owner to the BDRC or BAS to deviate from published guidelines, processes, procedures, standards, or rules and regulations contained within these Guidelines.

“Violation” means a failure to comply with the terms and conditions of the provisions contained in these Guidelines.

“Waiver” means a written decision by the BDRC or BAS to grant a deviation from published guidelines, processes, procedures, standards, or rules and regulations contained within these Guidelines. No notice to Adjacent or other Owners is required for a Waiver to be valid. There is no right to appeal any decision of the BDRC or the BAS to grant or deny a Waiver.

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**Section 1.3  How to Use These Guidelines**

These Guidelines are divided into three (3) major sections:

**Chapter 2 - Process & Procedures to Obtain Approval for all Improvements**
- Outlines the process and requirements for submitting all Design Review Applications, and describes the procedures for Variances, Waivers and Appeals
- Used by both Builders and Owners (excluding Declarant)

**Chapter 3 - Design Guidelines**
- Provides architectural design principles and guidance
- Used by Builders for Initial Construction
• Used by both Builders and Owners for Major Renovations

Chapter 4 - Rules and Regulations

• Provides architectural rules for Minor Renovations
• Provides rules and regulations governing neighborhood behavior of Owners and their occupants/guests
• Focus is primarily on exterior conditions of the Property (including landscaping) and Improvements
• Used primarily by Owners

Section 1.4 Some Basic Information about the Design Review Process

Design Review for Initial Construction and Major Renovations (Section 2.1):

• Primarily for Builders but may also apply to Owners
• Application Form is at Appendix 2.B
• 2-step review process: (1) Schematic Design Review and (2) Final Plan Review (submittals for the steps in the process are listed at Appendix 2.A)
• Design Guidelines apply to Initial Construction and Major Renovations
• BDRC review
• Waivers are granted solely at BDRC discretion, subject to review by the Association as provided in these Guidelines and the Master Declaration
• Variance rules apply
• Appeals are not allowed for Initial Construction but are permitted for Major Renovations

Design Review for Minor Renovations (Section 2.B):

• Primarily for Owners
• Application Form is at Appendix 2.B
• 1-step review process
• Rules and Regulations apply and in certain cases the Design Guidelines may apply
• BAS (or if no BAS, then BDRC) review
• Waivers are granted solely at BAS or BDRC discretion, subject to review by the Association as provided in these Guidelines and the Master Declaration
• Variance rules apply
• Appeal rules apply

Section 1.5 General Provisions

Authority: This document supplements the Master Declaration. This document was established pursuant to the authority granted to the Board of Directors in the Governing
Documents and based on authority within Colorado law. These Guidelines may be supplemented and amended by recommendation from the BDRC to the Board of Directors and approved by a majority vote of the Board of Directors.

BDRC and BAS: The BDRC has been created by BOCA in accordance with the Master Declaration and it consists of a minimum of three (3) members appointed by the Board. The BDRC is responsible for reviewing Design Review Applications and implementing these Guidelines. In furtherance of implementing its responsibilities, the BDRC created the BAS by separate resolution signed by the BDRC board members. The BAS is a subcommittee of the BDRC and is responsible for administering the Design Review for Minor Renovations. The BDRC may, at its discretion, terminate the BAS and assume all of the BAS responsibilities. If at any time the BAS is no longer in effect, the functions carried out by the BAS shall be handled by the BDRC.

Conflicts between Documents: Unless otherwise expressly provided elsewhere in these Guidelines, in the event of a conflict between this document and the Master Declaration, the Bylaws, or the Articles, the provisions of the Master Declaration, the Articles or the Bylaws apply, in that same order and these Guidelines prevail over any conflicts in the Governance Policies (as defined in the Master Declaration).

No Waiver: Failure by BOCA, the Board of Directors, BDRC and/or BAS or any person, to enforce any provision of this document is not a waiver of the right to do so later.

Severable: The provisions of this document are deemed to be independent and severable, and the invalidity of any one or more of the provisions, or any portion, by judgment or decree of any court of competent jurisdiction, may not affect the validity or enforceability of the remaining Guidelines, which provisions remain in full force and effect.

Gender, Singular and Plural References: Unless the context provides or requires to the contrary, the use of the singular includes the plural, the use of the plural includes the singular, and the use of any gender includes all genders.

Titles and Captions: The captions to the sections are a matter of convenience and for reference only, and are in no way to be construed so as to define, limit or otherwise describe the scope of these rules and regulations or the intent of any provision.

Headings and Appendices. Headings used in these Guidelines are used for reference purposes only and do not constitute substantive matter to be considered in construing the terms of these Guidelines. All appendices referenced in these Guidelines are incorporated herein and are part of these Guidelines.
CHAPTER TWO

BOULEVARD ONE: PROCESS & PROCEDURES TO OBTAIN APPROVAL FOR ALL IMPROVEMENTS
SECTION 2.1 Design Review for Initial Construction & Major Renovations

The Design Guidelines contained in these Guidelines are intended to be an evolutionary document that can be responsive to new ideas, changing market conditions and innovative development trends. Design Guidelines can only reflect relevant issues and anticipated outcomes at the point in time when they are published. Interpretation of the Design Guidelines should be responsive to professional knowledge combined with an understanding of the circumstances relevant to a project at the time of Design Review Application.

The BDRC should strive to interpret and apply the Design Guidelines to make Boulevard One a meaningful neighborhood that solidifies Lowry’s distinct identity in Denver’s fabric of great communities.

Who This Process Applies To:

- Builders - During the initial phase of Development for Boulevard One, Initial Construction of buildings and surrounding site Improvements is typically accomplished by the Builders of the Residential or Commercial Property; however, there may be certain circumstances in which Owners construct, or cause to be constructed, Initial Construction. Therefore the Design Review process contained in this Chapter 2 applies to all “Builders” and Owners in conjunction with the Initial Construction of Improvements on the Property.

- Owners - If Owners of an existing developed Property pursue a Major Renovation or a significant expansion project of Improvements (including landscaping), the Owners (or the professional hired by the Owners to direct the project) must comply with this Design Review process contained in this Chapter 2.

Initiating a Design Review Application:

- Design Review Applications should be initiated as soon as is practically possible. This can occur after execution of a letter of intent to purchase Property, after execution of a purchase and sale agreement for the sale of the Property, or after closing and assuming title of the Property. Under any circumstances, the Applicant shall have prepared the documents for 1.1 Pre-Design Presentation, as listed at Appendix 2.A.

- Applicants should contact the BDRC Administrator (the LRA Executive Assistant (telephone: 303-343-0276) during initial Boulevard One Development, or the
BOCA Community Manager thereafter, to initiate the application process for Design Review.

- Applicants may also visit the websites pertinent to the LRA and/or BOCA to investigate any online information related to Design Review and the application submission process.

Submitting Drawings and Documents:

- A detailed list of required Schematic Drawings, Plans and Specifications, and other drawings and documents to be submitted by the Applicant is outlined in Appendix 2.A.
- The BDRC Administrator will instruct the Applicant regarding online and/or delivery of the Schematic Drawings, Plans and Specifications and other required drawings and documents.

Scheduling of Presentations to the BDRC:

- Once an Application is initiated by contacting the BDRC Administrator, Applicants will be scheduled for presentations during upcoming BDRC meetings.
- Applicants are encouraged to bring all architects, engineers, and other professionals necessary to assure that a thorough presentation and dialogue with the BDRC members can be accomplished. In addition to the required drawings and documents noted above, Applicants may utilize other visual aids for a thorough presentation.

Design Guidelines: Applicants should refer to the Design Guidelines in Chapter 3 for design guidance and standards associated with Initial Construction and Major Renovations of Improvements in Boulevard One.

2-Step Review Process:

- Design Review for Initial Construction and Major Renovations generally follows a 2-step review process: (1) Schematic Design Review and (2) Final Plan Review. The Schematic Design Review shall generally consist of: (i) a Pre-Design Meeting with the BDRC, (ii) Concept Design Review and (iii) Design Development Review, as more fully described in Appendix 2.A to this Section. The Final Plan Review shall generally consist of review of the Final Plans and other final construction drawings. The detailed submittal requirements for Plans and Specifications and for this review process are outlined in Appendix 2.A to this Section.
- The duration of the Design Review process and number of presentations before the BDRC will depend upon the scope and complexity of the project, the timeliness and thoroughness of the Applicant’s submissions and presentations, and the degree of conformity to the Design Guidelines.

Design Review Fees: Applicants will pay review fees for all Initial Construction and Major Renovation applications according to the rate structure adopted by the BDRC (as amended from time to time), and currently set forth in the table at Appendix 2.A. Fees are due at the beginning of Step 1 Schematic Review; however, under no circumstances
will BDRC proceed with Step 1.3 Design Development Review (contained in Appendix 2.A) until all fees are paid in full to the BDRC (or if applicable BOCA).

Section 2. 2 Design Review for Minor Renovations to Existing Properties

Who This Process Applies To:

- **Owners**: Regardless of the type of Property, single family Residential, attached, or multi-family Residential or Commercial, all Properties periodically undergo some form of exterior minor modifications and renovations. Minor exterior modification and renovations can entail an improvement (e.g., enhancing the building or landscaping) or simply performing maintenance (e.g., repainting a house). Owners are responsible for reviewing the Design Guidelines and Rules and Regulations found in Chapters 3 and 4 to determine if their renovation is considered a Minor Renovation which requires the submittal of a Design Review Application to obtain approval of the BAS (or BDRC) for their project. In the event BAS is no longer an active subcommittee of the BDRC, then the duties of BAS shall be performed by the BDRC.

- **Determination**: The BDRC will make the determination as to whether a renovation or modification is a Minor Renovation or Major Renovation, and such determination will not be appealable.

Initiating a Design Review Application:

- Approval by the BAS, or if applicable the BDRC, is required for all Minor Renovations to existing Improvements and landscaping.
- Applicants should submit a Design Review Application form and all supporting documents to the BDRC Administrator to initiate the application process for Design Review.
- The Design Review Application form and instructions are found at Appendix 2.B. Completed request forms should be submitted to the BDRC Administrator via email or physical address.
- Applicants may contact the BDRC Administrator as necessary for further guidance, or visit the BOCA website to investigate any online information related to Design Review and the application submission process.

Submitting Drawings and Documents: Applications must include the applicable Design Review Application form and appropriate supporting Plans and documentation such as descriptions, paint samples, surveys, site plans, drainage plans, manufacturer’s information, elevation drawings, construction plans, specifications and samples of materials and colors and other information showing the nature, kind, shape, height, width, color, materials and location of the proposed Improvement, as outlined at Appendix 2.B.

**Design Guidelines**: Applicants should refer to the Design Guidelines and the Rules and Regulations in Chapters 3 and 4 of this document for guidance on design and other
standards associated with Minor Renovation projects in Boulevard One.

1-Step Review Process:

- Review of a Minor Renovation Applications is a 1-step review process, meaning there is no intentional, multi-phased analysis of the evolving design as compared with the Initial Construction and/or Major Renovation Applications. However, if a Minor Renovation Application is disapproved, the Applicant may resubmit their revised Application with the appropriate modifications as required by the BAS (or BDRC).
- Although it is not required, Applicants may request to meet with the BAS, or if no BAS, the BDRC, to present their Plans and documents in person. Such presentations will be scheduled through the BDRC Administrator.

Section 2.3 General Provisions for All Design Review Applications

Approval is Required before Commencing with Work: Written approval by the LRA (for Initial Construction where appropriate), BDRC or BAS is required before any person may initiate or commence any site Improvements, construction, exterior renovations, landscaping, or Development to any Property in the Community. Notwithstanding the foregoing, if the LRA has previously approved a Builder’s or Owner’s Design Review Application for Initial Construction, such approval shall be binding and no further approval by BDRC will be required for such Initial Construction.

Decisions of the BDRC and BAS:

- The LRA (for Initial Construction where appropriate), BDRC and BAS have the right to approve, withhold approval, condition approval or disapprove any Development if based on its determination the Development does not reasonably comply with the Guidelines or BOCA Governing Documents.
- Design Review Applications submitted without sufficient information will not be considered and will be deemed denied until such time as the Applicant submits all of the appropriate documentation. Applicants will be notified about incomplete submissions.

Timeliness of Submissions:

- The BDRC (and if applicable, the BAS) meet periodically to review and approve request forms, and seek to provide timely responses to all requests. However, there is no set deadline in which they must render a decision.
- Applications should be submitted as early as reasonably possible prior to the desired construction start-date to allow the BDRC, or if applicable the BAS, sufficient time to convene and review the Application. Applicants are encouraged to communicate any time-critical matters to the BDRC or BAS.
• The lack of a response from the BDRC or BAS to an Application and/or request within 60 days of a submission is not an implied approval and such Application and/or request shall be deemed disapproved.

Local Government Permits, Codes, and Requirements:

• In addition to obtaining the approval from the BDRC and/or the BAS, Owners may also be required to obtain certain permits (such as a building permit) from the City or other governmental entities.
• Approval by the LRA, BOCA, BDRC or BAS does not mean or warrant that the proposed Improvement will comply with the building and zoning code of the City or conformance with state, and/or federal governmental requirements or regulations. The LRA, BOCA, BDRC and BAS bear no responsibility to advise or notify an Applicant about local City permits or other government requirements.
• If the Design Guidelines conflict with the City or other pertinent governmental codes or regulations, the more stringent or more restrictive standard applies.

Private Side Yard Easement between Adjacent Owners and Requirements:

• Certain Builders have recorded a separate side yard easement between Lots of Adjacent Owners which impose restrictions and covenants related to the use and the placement or construction of Improvements in the side yard area (“Side Yard Easement”).
• The Side Yard Easement is a private agreement between Adjacent Owners, imposed by the Builder.
• The terms and conditions of the Side Yard Easement are allowed to be more restrictive than these Design Guidelines or BOCA Governing Documents. The more stringent or restrictive standard applies in the event of conflict between the Side Yard Easement and these Design Guidelines or BOCA Governing Documents.
• Prior to submission of any application related to side yards, the Owner must FIRST:
  o Certify on the Design Review Application form whether or not the proposed Improvements will be located in the side yard area subject to a Side Yard Easement.
  o If the proposed Improvements will be located in the side yard area subject to a Side Yard Easement, the submitting Owner must notify the Adjacent Owner of the proposed Improvements and obtain the Adjacent Owner’s prior written approval on the Design Review Application form.
  o Consult with an appropriate Licensed Professional, such as a civil engineer or architect, that the proposed Improvements do not affect the established drainage patterns in the side yard area.
• LRA, BOCA, BDRC and BAS do not have authority and will not review an application to determine whether it complies with the terms and conditions of any private Side Yard Easement as that is the Owner’s responsibility.
• Approval by the LRA, BOCA, BDRC or BAS does not mean or warrant that the proposed Improvement in any side yard area will comply with a Side Yard
Easement. The LRA, BOCA, BDRC and BAS does not have information related to or bear any responsibility to advise or notify an Applicant of the existence of any applicable Side Yard Easement affecting the Lot submitted for Design Review.

Accuracy of Submissions: Applicants are responsible for the verification and accuracy of all Property dimensions, grade, elevations and the location of the key features of the natural terrain. Applicants are deemed to have certified the accuracy of all shown conditions, dimensions and locations of existing Improvements on Plans and documents submitted and colors to be used.

Owners and Neighborhood Association Approvals: If a Property has been constructed and is located within an area that has its own owners’ association or Neighborhood Association (separate from BOCA), Owners seeking to make changes need to obtain the written approval of their Neighborhood Association FIRST for proposed Improvements and THEN submit a request to the BAS (or BDRC).

Conditions of Approval:

- Conditions of approval may be established by the BDRC or BAS.
- As a condition of approval for a requested architectural change, modification, addition or alteration to the Property, an Owner on behalf of himself or herself and his or her successors-in-interest affirms and assumes, unless otherwise agreed in writing, all responsibilities for maintenance, repair, replacement, and insurance to and on such change, modification, addition or alteration.
- In the discretion of the BDRC or BAS, an Owner may be required to enter into a written agreement establishing the approval of a request in recordable form and binding on all successors-in-interest.

Commencement and Completion Deadlines:

- All Improvements other than the Initial Construction, once approved, must be commenced within one year from the date of approval. If not commenced within such time, then approval is deemed expired and revoked unless a written extension for commencing the work is approved and given.
- Commencement and completion deadlines for Initial Construction of the Improvements by the Builder are set forth in the Property Deed given to each respective Builder at the closing of the applicable Property or in the Builder’s construction or other contract. Construction by the Builder must be accomplished as promptly and diligently as possible and in conformance with the approved Final Plans and documents.

Inspections and Work in Progress:

- The BDRC or BAS may investigate or inspect any Property for conformance or compliance with these Guidelines and the approved Final Plans and documentation.
- Absence of inspection and notification during the construction period does not constitute either approval of the work in progress or compliance with these
Guidelines, the approved Final Plans or documentation, or the Master Declaration.

- If during construction changes occur to an Improvement which cause it to be significantly different from the Final Plans or other approved documents, a request for approval of these changes before implementing any such change must be submitted by the Applicant with: (a) a written statement giving the reason the changes are desired, and (b) a complete description of the change, including drawings, specifications and any other descriptive material required by the BDRC or BAS.
- Notice of completion of the installation or construction of the proposed Improvements must be given to the BDRC or the BAS.
- Failure to provide notice of completion of an approved Improvement, or refusal to allow inspection, may result in the withdrawal of approval.
- In case of disapproval of the changes, an Applicant (not including Builders) may resubmit revised Plans and/or request a hearing.

Enforcement/Failure to Submit: If an Owner fails to submit a request form and/or get approval prior to starting work, BOCA, the BDRC or the BAS may take all action afforded it by law and in equity, and exercise any remedies set forth in the Master Declaration, the Policies regarding Covenant and Rule Enforcement and/or any other action, including, without limitation, requiring the Owner to stop work and return the Property to its original condition. Any alleged violation of any private Side Yard Easement is enforceable by the Adjacent Owners. BOCA, the BDRC and the BAS will not investigate or enforce any Side Yard Easement violations.

Noncompliance:

- Failure to complete proposed Improvements in accordance with the approved Application, Plans and other documents constitutes a Violation of these Guidelines and the Master Declaration.
- The BDRC may investigate or inspect the Property for conformance with the Design Guidelines. If an inspection reveals that the Initial Construction is not in compliance with the Builder Purchase Agreement, Property Deed, the approved Design Review Application, approved Final Plans and/or with the Design Guidelines, the LRA, BOCA and BDRC shall be afforded all rights and remedies available to them contained in the Builder Purchase Agreement and Property Deed in addition to, and not in lieu of, any enforcement and remedial rights given to LRA, BOCA, BDRC and/or BAS in the Governing Documents and these Guidelines. In the event of conflict between the enforcement and remedy provisions of the Purchase Agreement and Property Deed, on the one hand, and the Governing Documents and these Guidelines, on the other hand, the terms and conditions of the Builder Purchase Agreement and the Property Deed shall govern and control with respect to the Initial Construction.
- If an inspection reveals that a Property is not in compliance with the approved Final Plans or other related documents for an Owner, or with the requirements of these Guidelines, a notice of violation ("Notice of Violation") may be sent to the Owner of such Property, specifying in reasonable detail the particulars of the Violation. An Owner must come into compliance within ten (10) days.
following the date of the Notice of Violation. Given the nature of the Violation, BDRC or BAS may specify a time period for compliance different than the standard ten (10) days.

- Upon receipt of the Notice of Violation, the Owner may elect to request a notice and hearing to BOCA by providing written notice of such election to BOCA (with a copy simultaneously delivered to BDRC and/or BAS) prior to the expiration of the ten (10) day cure period above. Failure to timely request a notice and hearing as set forth above shall be deemed a continued non-compliance. Notwithstanding anything to the contrary contained in these Guidelines or the Governing Documents, the right to appeal a Violation is not granted to a Builder or Owner in connection with Initial Construction.

No Liability:

- LRA, BOCA, BDRC and BAS, their respective successors or assigns, are not liable in damages to anyone submitting a Design Review Application or to the Adjacent Owner of the subject Lot submitted for Design Review.
- LRA, BOCA, BDRC and BAS, their respective successors or assigns, are not liable in damages to anyone for lack of enforcement of or damage caused by an Owner’s violation of the terms and conditions of any private Side Yard Easement between Adjacent Owners.
- These exemptions from liability are for any reason, including for mistake in judgment, negligence or other act or actions.
- Every Applicant and Owner agrees, by submission of the Design Review Application, that they will not bring any action or suit to recover damages.

Right of Waiver: The BDRC and BAS reserve the right to waive any of the procedures or standards set forth in the Design Guidelines, in their discretion, for good cause shown, without notice to Adjacent Owners. If a waiver is granted, the BDRC or BAS must give notice of the Waiver to the Association. The Association will have 30 days after receipt of notice to review, ratify or veto the Waiver.

Section 2.4 Variance Requests

Any deviation from published Guidelines, processes, procedures, standards, or Rules and Regulations requested by an Applicant requires an approved Variance.

Variance Grounds: If strict application of the Design Guidelines would be impossible, unduly harsh or unnecessary, a variance may be granted if:

- Physical conditions such as topography, natural obstructions or aesthetic or environmental considerations that are present on the Property; or
- The presence of extreme or undue hardship to the Applicant; or
- The Applicant’s proposal, although not meeting the requirements, can be proven to directly and substantially advance the stated intent of these Guidelines; and
• The Variance would not unreasonably burden other Property within the Community; and
• The Variance is the minimum possible to alleviate the physical condition or relieve the hardship; and
• The Variance is not in response to a Violation by the Applicant of any covenant, design guideline, rule or regulation.

Variance Request Requirements:

• Prior to a meeting of the BDRC or BAS, the Applicant must send and/or deliver a written Variance Request to either the BDRC or the BAS, along with any supporting documentation, photographs, design plans, etc.
• Attached to the Variance Request must be a letter from the Applicant to each Adjacent Owner (as more fully depicted in Appendix 2.D). This letter must inform the applicable Adjacent Owners of the Variance Request, identify the Property that is the subject of the proposed Variance, and include notice of the time, date and location of the BDRC or BAS meeting where the Variance will be requested. The BDRC may require by rule or regulation additional notice requirements for Variance Requests.
• Variance Applicants will be scheduled for a hearing of their request at a meeting of BDRC or, if applicable, the BAS where they must provide evidence that the Adjacent Owners were notified in the timeframe described above (i.e., USPS Return Receipts, Owner signatures).
• BDRC or the BAS will review the Variance Request and approve or disapprove the request. Variance decisions of the BDRC regarding Initial Construction are considered final and cannot be appealed. All other Variance decisions made by either the BDRC or BAS may be appealed by the Owner to the BOCA Board of Directors pursuant to Section 2.5 below.

Association Review: The Association may review any Variance given or denied by the BDRC or BAS to affirm the committee’s action, reverse the decision of the BDRC or BAS, or impose additional terms and conditions.

Section 2.5 Appeals

All appeals permitted under these Guidelines must be made to the BOCA Board of Directors pursuant to the terms and conditions of this Section 2.5.

An Owner of a Property which is the subject of a decision issued by BDRC or BAS in connection with a Major Renovation, Minor Renovation, or Variance may appeal that decision.

All notices and hearings for any Violation(s) of these Guidelines and Rules and Regulations, with the exception of Initial Construction (if applicable), shall be governed by the BOCA Governance Policies and Procedures.

No Right to Appeal:
Appeals are not allowed for decisions of the BDRC related to Initial Construction.

No appeals are permitted for decisions of the BOCA Board or any hearing body appointed by the Board with respect to any Violation of these Guidelines and Rules and Regulations or any fine imposed for Violations.

Notice:

- Appeals must be made in writing and submitted to BOCA within thirty (30) days following the issuance of the applicable BDRC or BAS decision that is being appealed. The written Appeal must (a) refer to the particular committee decision that is being appealed and (b) provide a statement of justification for making the Appeal.
- Within a reasonable period of time following receipt of a notice of appeal by an appealing party, the Board of Directors, or a Hearing Panel appointed by the Board, shall hear the Appeal. The Board of Directors or the Hearing Panel shall provide the appealing party written notice of the Appeal hearing that includes the date, time, location and nature of the hearing.
- The hearing procedures for all Appeals subject to this Section 2.5 shall be conducted by the Hearing Panel appointed by the BOCA Board of Directors pursuant to the appeals policies and procedures contained in the BOCA Governance Policies and Procedures.
- The appealing party bears the burden of establishing that the decision made by BDRC or BAS was in error and that, in the case of a Variance, the standards justifying a Variance have been met. The decision of the Hearing Panel shall be in writing and shall be mailed to the appealing party following the appeal hearing. All decisions made by the Hearing Panel for Appeals under this Section 2.5 shall be final and there shall be no further right of Appeal.
Appendix 2.A  Design Review Requirements for Initial Construction & Major Renovations

The Boulevard One Design Review process has review meetings at various stages of design pursuant to a review schedule as announced by the BDRC.

An electronic submittal (pdf) of required inclusions should be sent to the BDRC to the person designated by the BDRC (check the website for Boulevard One for current designation and email) one (1) week prior to a review meeting. Those electronic plans will be forwarded by the BDRC designated person to the design review committee for their preparation for the review meetings.

Applicants will pay review fees for all Initial Construction and Major Renovation applications according to the BDRC approved rate structure, the current fees are set forth below. Fees are due at the beginning of Step 1 Schematic Review; however, under no circumstances will BDRC proceed with Step 1.3 Design Development Review until all fees are paid in full.

Below is the current fees list:

<table>
<thead>
<tr>
<th>Application</th>
<th>Review Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial and Multi-Family (up to 25,000 GSF)</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Commercial and Multi-Family (25,000 - 100,000 GSF)</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Commercial and Multi-Family (over 100,000 GSF)</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Single Family Attached (SFA)</td>
<td>$50.00 per Unit</td>
</tr>
<tr>
<td>Single Family Detached (SFD)</td>
<td>$100.00 per Unit</td>
</tr>
<tr>
<td>Single Family Custom/Semi-Custom</td>
<td>$250.00 per Unit</td>
</tr>
<tr>
<td>Resubmittal after Final Plan approval</td>
<td>$500.00</td>
</tr>
<tr>
<td>(If plans significantly change from what was approved a new fee will be due at time of resubmittal)</td>
<td></td>
</tr>
<tr>
<td>Variance Request</td>
<td>$400.00</td>
</tr>
<tr>
<td>All Appeals to Boulevard One Community Association</td>
<td>$400.00 per Appeal</td>
</tr>
</tbody>
</table>

2-Step Review Process:

Design Review for Initial Construction and Major Renovations generally follows a 2-Step review process: (1) Schematic Review and (2) Final Review. The duration of the Design Review process and number of presentations before the BDRC will depend upon the scope and complexity of the project, the timeliness and thoroughness of the Applicant’s submissions and presentations, and the degree of conformity to the Guidelines. The detailed requirements of this process are outlined as follows:
STEP 1 - SCHEMATIC REVIEW

1.1 Pre-Design Presentation
   a. Seven (7) 11 x 17 inch site plan including:
      i. streets
      ii. curbs
      iii. existing buildings and existing neighboring buildings
      iv. planned structures
      v. sidewalks
      vi. tree lawn if planted
   b. Preliminary elevations of the four sides of the planned buildings
   c. Be prepared to discuss building materials being considered

1.2 Concept Development/Schematic Presentation
   a. Seven (7) sets of 11 x 17 inch plans including the following:
      i. four colored elevations of the buildings
      ii. floor plans for buildings
   b. Site Plan showing:
      i. setbacks
      ii. footprint of the buildings
      iii. streets
      iv. curbs
      v. parking, include garages if applicable
      vi. tree lawn with correct street trees
      vii. Sidewalks
      viii. location of rear and wing fences
      ix. location of air conditioning unit/s
      x. location of window wells
   c. Preliminary drainage and grading plans for your site and adjacent sites
   d. Parking accommodations
   e. Preliminary landscape plans
   f. Color palette information including materials, paint colors and roof information

Design Review Application and review fee is due if not previously submitted

1.3 Design Development Review (approx. 50% design completion)
   a. Seven (7) 11 x 17 inch site plan including
      i. Site Plan showing vehicle and pedestrian access and circulation through landscape
         and hardscape in context with the adjacent properties
      ii. Parking/Transportation disposition of onsite and offsite parking and other
         transportation modalities.
      iii. Architectural design of how the building(s) forms, materials and colors respond to
         the Boulevard One design principles.
      iv. Urban design submittal showing how the building(s) create a cohesive streetscape
         and respond to their context and other buildings on the site. Production builders
         will pre-plot elevations and color schemes to illustrate the character of the entire
         block.
      v. Sustainability submittal will describe measure and metrics that are anticipated,
         including certifications, testing, checklists and other endorsements that will be
pursued by the Applicant. Submittal shall also include a HERS (Home Energy Rating System) index score for each home, to be provided by a certified, third party analyst.

vi. Digital 3D view of model showing building mass and elements. (Equipment is available for your zip drive to plug into.)

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STEP 2 - FINAL REVIEW

a. Commercial - One (1) set of 30 x 42 inch construction drawings including floor plans
   Residential - One (1) set of 11 x 17 inch of same

b. Commercial - One (1) 30 x 42 inch drainage/grading plans using swales and arrows for the direction of the water flow for your site and adjacent sites
   Residential - One set of 11 x 17 inch of same

c. Commercial submittals - One (1) 30 x 42 inch site plan showing:
   Residential - One set of 11 x 17 inch of same
      i. setbacks
      ii. footprint of the building
      iii. streets
      iv. curbs
      v. sidewalks
      vi. tree lawn with correct street trees
      vii. walkways to the individual homes/buildings
      viii. location of the rear and wing fences
      ix. location of external mechanical units
      x. location of street lights
      xi. location of window wells
      xii. resident parking with breakdown of spaces/unit
      xiii. visitor parking

d. Commercial - One (1) 30 x 42 inch landscape plans with:
   Residential - One (1) 11 x 17 inch of same
      i. location of all planting materials
      ii. list all materials to be planted
      iii. location of street lights
      iv. location of air conditioning unit/s
      v. location of window wells
      vi. location and materials list for rear and wing fences
      vii. hardscape including street furniture and other appurtenances
      viii. signage location and design (commercial/multifamily)
      ix. bike racks (commercial/multifamily)

e. Lighting information
   i. location of street lights - must be Denver standard hockey puck style painted Federal Green
   ii. lighting fixtures for the exterior of the homes/buildings
   iii. pedestrian lighting

f. Color palette
   i. All materials with manufacturer and colors for buildings and roof including:
      1. Manufacturer
      2. color name
<p>| | | |</p>
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<tbody>
<tr>
<td>3</td>
<td>color number</td>
<td></td>
</tr>
<tr>
<td>ii.</td>
<td>color depiction of materials</td>
<td></td>
</tr>
<tr>
<td>iii.</td>
<td>color streetscape of block (SF production builders)</td>
<td></td>
</tr>
</tbody>
</table>
Appendix 2.B  Design Review Application Form for Minor Renovations

BOULEVARD ONE COMMUNITY ASSOCIATION
Design Review Request
c/o MSI, LLC
11022 Benton St.
Westminster, CO 80220-3200
(303) 429-4433  FAX (303) 420-3611

Name: __________________________________ Request Number: ____________
Address: __________________________________ Home Phone: ________________
City: _______________________ State: ___________ Zip: ____________________
Work Phone: __________________ Email: ________________________________

My request involves the following type of improvement:
☐ Painting  ☐ Fence, Walls & Handrails  ☐ Decks & Balconies  ☐ Solar Panels/Equipment
☐ Roofing  ☐ Landscaping & Pools  ☐ Outdoor Kitchens  ☐ All Other Improvements
☐ Accessory Buildings; Additions; Air Conditioning; Awnings; Dog Runs/Dog Houses; Driveways; Gazebos; Hot Tubs; Patios; Pergolas; Play structures; Pond/Water Features; Signs; Temporary Covers & Sun Shades.
☐ Side Yard Area Improvements: If this box is checked, Owner must complete one of the following:
☐ I hereby certify that the proposed improvements will not be located in the side yard area that is subject to a Side Yard Easement.
☐ I hereby certify that the proposed improvements will be located in the side yard area subject to a Side Yard Easement. I have notified the Adjacent Owner at [insert address] of the proposed side yard improvements. The Adjacent Owner hereby provides written approval of the proposed side yard area improvements as evidenced by the signature below.

Adjacent Owner Approval: ___________________________ Print Name: ___________________________ Date: ____________

Describe improvements. (Please attach any additional documentation as required)

Planned Start date: _______________________  Planned Completion date: ____________

I understand that I may be required to obtain approval of my Neighborhood Association (if applicable) for my project and an Adjacent Owner for any side yard area application in order to proceed. I also understand that the Association’s approval does not constitute approval of, or compliance with, the terms and conditions of any private side yard easement, local building and zoning codes, or state/federal governmental regulations, and that any violation thereof may be enforceable or subject me to legal action by a third party. For any work or improvement that may impact drainage on any Lot, I hereby acknowledge and certify that I have consulted with an appropriate licensed professional, such as a civil engineer or architect, as necessary, and that my work or proposed improvements do not change or modify the established drainage patterns. I acknowledge that I may be required to obtain a building permit. I further agree and understand that my improvements must be completed per the approved submitted specifications or else approval is hereby withdrawn. I agree to complete all improvements after receiving approval and by the completion date. Upon completion, we will notify the Community Manager for a final inspection.

Date: ___________________________ Homeowner’s Signature: ___________________________

1. Committee Action:
☐ Approved as submitted
☐ Approved subject to the following requirements:
☐ Disapproved – Not enough information submitted to make a proper determination of what is being requested.
☐ Disapproved for the following reasons:
☐ No action Taken – Application submitted is not subject to Design Review approval

2. Completion of all improvements is required by: Date:

Sub Association Signature Approval: ___________________________ Date: ____________

Master Association (BOCA) Approval: ___________________________ Date: ____________
Boulevard One Community Association

Design Review Request Checklist

c/o MSI, LLC
11002 Benton St. Westminster, CO 80020-3200 Phone (303) 420-4433 Fax (303) 420-8011

1. Is all the required information included? Yes ______ No ______
2. Does the request conform to guidelines? Yes ______ No ______

Paint (Exterior)
___ Color Samples or Paint Chips, noting base, trim and accent colors
___ Photos as necessary to convey intent and harmony with surroundings

Roofing Materials,
___ Material Descriptions, sample and colors (including warranty information)
___ Photos as necessary to convey intent and compatibility with existing features

Accessory Buildings; Air Conditioning; Additions; Awnings; Decks; Dog Runs/Dog Houses; Driveways; Gazebo; Patios; Pergola; Play Structures; Ponds/ Water Features;
Signs; Temporary Covers for Patios/Deck/Sun-Shades
___ Site Plan/Concept Sketch w/ dimensions, elevation, relation to other key features
___ Material Descriptions and Colors; samples/swatches of fabric if applicable
___ Photos as necessary to convey intent and compatibility w/ existing features
___ Manufacturer’s literature with details of the selected products

Fences, Walls and Handrails:
___ Site Plan/Concept Sketch w/ dimensions, elevation, relation to other key features
___ Material Descriptions and Colors, including paint/stain chips or samples
___ Photos as necessary to convey intent and compatibility w/ existing features

Landscaping
___ Site Plan/Concept Sketch w/ dimensions, elevation, relation to other key features
___ Description of Plant Material, including location, species, size, other landscape features
___ Photos as necessary to convey intent and compatibility w/ existing features
___ Written report or drainage/grading plan prepared by Licensed Professional for changes to established drainage/grading patterns, if requested.

Additions and Expansions; Decks/Balconies; Pools
___ Engineered Site Plans with dimensions, elevations, drainage plan and relation to other key features such as landscaping, main building and property lines
___ Material Descriptions and colors
___ Photos as necessary to convey intent and compatibility w/ existing features
___ Building Permit, when required by city code and upon request of the Committee

Outdoor Kitchen and Fireplace; Porch Roof/Permanent Deck Covers
___ Site Plan/Concept Sketch w/ dimensions, elevation, relation to other key features
___ Material Descriptions and Colors
___ Photos as necessary to convey intent and compatibility with existing features
___ Building Permit, when required by city code and upon request of the Committee

Solar Panels:
___ Building Plans with dimensions and elevations that depict the panel locations on the building exterior and illustrate the appearance of the panels
___ Material descriptions and/or manufacturer’s literature
___ Photos as necessary to convey intent and compatibility with existing features
___ Building Permit, when required by city code and upon request of the Committee.

CHAPTER TWO
Boulevard One: Process & Procedures to Obtain Approval for All Improvements
Appendix 26
Boulevard One Community Association Rules and Regulations

Dear Boulevard One Homeowner of Record,

Please note that in addition to obtaining the approval of the Boulevard One Community Association for any changes to your property, you should also be aware that there may be permits required from the City and County of Denver for your improvements. There may also be issues with the Denver Zoning Department for making any addition to your home that is an enclosed space or could easily be enclosed in the future. Additionally, if your home is located within an area that has its own Neighborhood Association (sub-association), you may also have to obtain the permission of your own Neighborhood Association for any changes you wish to make. Finally, approval for your neighbor is required for proposed improvements to a side yard area when your Lot is subject to a side yard easement agreement.

The Boulevard One Design Review Committee (“BDRC”) and the Boulevard One Architectural Subcommittee (“BAS”) is comprised of members of the Boulevard One Community whose purpose is to review applications related to proposed improvements under the Boulevard One Design Guidelines and Rules and Regulations.

APPLICABILITY

All proposed improvements, additions or design changes must be submitted to the BDRC or the BAS (collectively and individually referred to as the “Committee”), and the written approval of the Committee obtained prior to commencing any work.

Prior to the commencement of any work to accomplish a proposed improvement, the homeowner proposing the improvement (“Applicant”) must submit to the appropriate Committee descriptions, surveys, site plans, drainage plans, elevation drawings, construction plans, specifications and samples of materials and colors as the Committee reasonably requests, showing the nature, kind, shape, height, width, color, materials and location of the proposed improvement.

The BDRC and the BAS have full rights to disapprove any improvement which is not in accordance with the Design Guidelines or the Rules and Regulations of the Boulevard One Community, and/or if the proposed improvement is unsuitable or undesirable for aesthetic or other reasons. When considering an improvement, the BDRC or BAS shall have the right to take into consideration the suitability of the proposed improvement, the materials of which it is to be built, the color scheme, the site upon which it is proposed, harmony with surrounding properties or improvements, the topography of the land and such other criteria as are set forth in the community’s Governing Documents.

To view or receive a complete copy of the Design Guidelines and Rules & Regulations, please contact the Community Manager or visit the Association’s website.

Thank you.

Kevin Holdren
Community Manager - MSI, LLC
Boulevard Community Association
11002 Benton St.
Westminster, CO 80020-3200
(720) 974-4148
Fax (720) 974-4348
KHoldren@msibo.com

CHAPTER TWO
Boulevard One: Process & Procedures to Obtain Approval for All Improvements

Appendix
Appendix 2.C  Variance Request Form

Boulevard One Community Association
Architectural Variance Application

Submit with Plans to the Design Review Committee (BDRC)

Mail To: Boulevard One Community Manager
c/o MSI
11002 Benton St
Westminster, CO 80020

Owner Name: ______________________

Property Address: ____________________________

City: ___________________ State: ___________ ZIP: ___________

Phone(s): H: __________________________ W: __________________________

Date Submitted: ___________________ Date Received by BDRC: ___________________

Generally, a Variance may be granted if:

- Physical conditions such as topography, natural obstructions or aesthetic or environmental considerations prevent strict application of the Design Guidelines; or
- The Applicant presents proof of an extreme or undue hardship; or
- The Applicant's proposal can be proven to directly and substantially advance the stated intent of the Design Guidelines; and
- The Variance would not unreasonably burden other Property within the Community; and
- The Variance is the minimum possible to alleviate the physical condition or relieve the hardship; and
- The Variance is not in response to a Violation by the Applicant of any covenant, design guidelines, rules or regulations; and
- Any other criteria as may be adopted by the Board of Directors or in the Design Guidelines, policies, procedures, rules or regulations of the Association from time to time

In accordance with the Boulevard One Community Association's Design Guidelines and Community Rules and Procedures (the “Guidelines”), I request your consent to make the following Variance from the standards or rules as set forth in the Guidelines (attach additional sheets if necessary):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Please attach the following:

- Detailed sketch or other documents describing the technical nature of the requested Variance;
- Evidence of giving Notice of Hearing to adjacent Property Owners in accordance with Section 2.4 and Appendix 2.D of the Guidelines.

Owner Signature ___________________________ Date: ______________________

CHAPTER TWO
Boulevard One: Process & Procedures to Obtain Approval for All Improvements
Appendix 28
A = Owner seeking approval  X = Adjacent Owners

Illustration 1 illustrates to whom the Applicant must give notice of a hearing to consider a Variance if the houses are *directly* across the street from each other.

Illustration 2 illustrates to whom the Applicant must give notice of a hearing to consider a Variance if the houses are *not directly* across the street from each other.

Illustration 3 illustrates to whom the Applicant must give notice of a hearing to consider a Variance if the Applicant’s Property is located on a corner.

NOTE: Notice is not required to be given to Adjacent Owners for Waivers granted by the BDRC or the BAS.
CHAPTER 3. Design Guidelines

Section 3.1 Introduction

The Design Guidelines for Boulevard One work in connection with the sequential framework and hierarchy of regulatory approvals:

- The Design Guidelines work in conjunction with the City’s form-based zoning code. Form-based zoning defines quantitative measurements regarding building form, massing, use and site development. The Design Guidelines are qualitative statements intended to guide the character, materiality and articulation of specific sites and specific buildings.

- These Design Guidelines work in conjunction with the approved General Development Plan for Boulevard One, which addresses transportation, open space, utilities, land use, public rights of way and phasing. This document does not repeat information from the GDP. In addition, the Design Guidelines shall work in conjunction with the actual zoning approved for the Property by the City for the Development of Boulevard One.

The Boulevard One Design Guidelines are a product of the Lowry Design Review Committee who convened an advisory group from January-March 2013 to review and discuss the scope and intent of the Design Guidelines.


The Design Guidelines are solution-based and describe qualitative goals. Statements regarding quantitative or prohibitive metrics with prescribed minimums or maximums are limited. The Design Guidelines are a framework of core values for new construction and are intended to help Builders and developers design and implement solutions that address key design principles and goals.

Design of the public realm (open space, parks, streets and rights of way) will be established by the Lowry Redevelopment Authority (LRA) as part of submittals to the City of Denver, Denver Water, Xcel Energy and other regulatory agencies for approval that will include lighting, parks, utilities and landscape. Therefore, these Guidelines do not address areas outside of the parcels that will be sold to Builders and developers by the LRA.

This document addresses the construction of new buildings and related site development at Boulevard One. Use limitations and definitions are addressed by the City of Denver zoning.

Because the Design Guidelines and the regulation of the governmental body may be different, some conflict between these Guidelines and the regulations of the governmental body may be encountered. In such a situation, the more stringent or
more restrictive standard shall apply. Approval by the Lowry Redevelopment Authority or BDRC does not constitute approval or conformance of the Development with local, state, and/or federal governmental requirements or regulations.
REFERENCE DOCUMENTS FOR THE DESIGN GUIDELINES

Buckley Annex Redevelopment Plan
Buckley Annex General Development Plan
Blueprint Denver
City of Denver Zoning Code
Municipal Code of the City and County of Denver, Colorado
Neighborhood Diagrams (including, for example, those diagrams depicted in Appendix 3.A and elsewhere in these Guidelines. The Neighborhood Diagrams are illustrative as of the date shown, and are subject to change.)
Boulevard One Design Guidelines focus on vision, sustainability and design that strive for “the best of the old and the best of the new.” This has been a driver since the beginning of Lowry, with the motto “Old Ideals, New Ideas.”

Boulevard One builds on a continuity of development at Lowry that has been phased over the last 15 years. Each phase at Lowry reflects current:

- Best practices in urban planning;
- Market conditions;
- Consumer needs and trends; and
- Unique characteristics of the neighborhood or district.

The Design Guidelines support the evolution of previous Lowry guidelines. For each phase of Development, guidelines were adapted and interpreted to address relevant ideas and goals. For example:

- Lowry’s Southwest Neighborhood introduced New Urbanism principles to Lowry, including how front porches and rear alleys support larger urban design goals.
- Northwest Neighborhood guidelines addressed balancing architectural diversity and monotony by instituting the review of streetscape elevations rather than just individual houses.
- Lowry Town Center focused on a pedestrian scaled mixed-use development and addresses that buildings are equally visible from all sides.
- East Park guidelines focused on how the character of each sub-area combines to create a neighborhood identity.

Therefore, the Design Guidelines are, by their nature evolutionary, improving over time and adaptable to both positive and negative lessons learned along the way. The Design Guidelines are a product of its time and encourages design that is of its time.

The Boulevard One development occurs in the context of planning and urban design discussions that includes:

- Local and national consumer trends favoring compact, green living in the city.
- The benefits of pedestrian-oriented environments.
- City planning principles that encourage mixed-use areas in infill settings.
- Areas of Change, as identified in Blueprint Denver, the City’s long-range land use plan.

The Design Guidelines support Traditional Neighborhood Design, contemporary aesthetics, and the growing momentum of socially, economically and environmentally responsible design.

Boulevard One is an infill development that responds to the surrounding urban context through continuity with the existing streets to the north and creates a catalytic new east-west connection between major streets.
Section 3.2  Design Principals

The design at Boulevard One should:

- Contribute to Denver’s fabric of memorable neighborhoods.
- Honor the heritage and vernacular architecture of buildings from Lowry Air Force Base.
- Build on the successes of Lowry and the buildings and urban patterns established since 1994.

Section 3.3  Integrated Urban Design

Every building should make a meaningful and deliberate contribution to the public realm.

Strive for authenticity; place-making relies on a successful architectural balance of individuality and diversity.

Neighborhood design requires three-dimensional thinking; consider each building’s role in creating a meaningful whole.

Think beyond the building’s edge and how the building activates and affects its context, like a stone that creates ripples in the water; integrate art, lighting, street furniture, and landscape.

Buildings should be synergistic with both established Lowry context and the evolving neighborhoods at Boulevard One.

Designs should support access to public spaces that support a variety of activities and facilitate activity and interaction. (LEED-ND NPD 9)

Buildings, street furniture, landscape, lighting should be an integrated design solution that creates a cohesive public realm.

Section 3.4  Integral Place-Making

A memorable and meaningful place transcends architecture and urban design.

Support the cultural dynamics of the Community through thoughtful design, meaningful events and programming and art and other public realm amenities that invigorate both social interaction and individual contemplation.

Facilitate informal public gathering places, “third places” which lend a public balance to the increased privatization of home life. (Ray Oldenburg, 1989)
Building design and disposition should acknowledge how they define space that is intended for the mutual benefit of the Community, creating space that is supervised and maintained through visibility, proximity and activity. (Oscar Newman, 1972)

Buildings should create “eyes on the street;” responding to and activating the public realm. (Jane Jacobs, 1961)

The placement of buildings creates space. The spaces between buildings are important. Design should be conscious in the role of defining and influencing the activity in the adjacent streets and plazas.

Buildings should be responsive to a pedestrian scale and should support a 3:1 street width to building height ratio.

Buildings and groupings of buildings should be a unified composition and seek a balance between repetition and randomness. Meaningful repetition of elements can be thematic and rhythmic without being monotonous. Undisciplined use of overly unique elements can appear chaotic. Buildings should seek a harmonious balance of scale, proportion, form and detail.

Buildings, street furniture, landscape, and lighting should work together and be an integrated design solution.

<table>
<thead>
<tr>
<th>Section 3.5</th>
<th>Architectural Style and Form</th>
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Boulevard One supports design that is enduring; architecture with integrity and honesty that is not nostalgia and imitative of historical styles.

Scale, proportion and composition are of greater importance than historic accuracy. While a specific architectural style can be used as a point of reference, it is not required. Contemporary interpretations of antecedent styles are acceptable.

An architectural theme should have continuity throughout and unify the entire building, not just the front façade.

Buildings should use proportion, massing and fenestration to create a clear organization and harmony of forms.

Buildings should balance both repetition and variety to avoid extremes of either monotony or disharmonious architectural compositions.

Designs should complement the existing buildings at Lowry. Designs should reference inspiration from the forms and details of historic buildings at Lowry.

<table>
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<tr>
<th>Section 3.6</th>
<th>Materials and Detailing</th>
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Priority should be placed on the meaningful and intentional use of materials.
Use of materials, textures and surfaces should have integrity and be used to define volumes while supporting the overall architectural composition.

Designs should thoughtfully and harmoniously address proportion, materiality and detailing at the urban scale as well as the pedestrian scale.

Materials should have an understandable, hierarchical and architectural relationship; clarity that a primary material is complemented by secondary, tertiary and accent materials or clarity of base(foundation), middle(body) and top(cornice or roof).

Material transitions should be intentional; arbitrary terminations of materials should be avoided. Generally material transitions should be at inside corners or support an understandable architectural hierarchy.

Designs should seek a connection with and complement the materiality of the historic buildings at Lowry. Brick similar to and that complements the blond and buff colored masonry from Lowry’s historic buildings is encouraged over stone.

Detailing should be integral to and support the overall character of the architecture. Detailing should be appropriate to the materiality of the building; gratuitous ornamentation should be avoided. Architectural embellishment should meaningfully articulate and accent building forms through texture and shadow.

Materials and color selection should consider weathering and ongoing maintenance.

Color should support the overall architectural character of the design approach and support the sense of permanence and durability of the building materials used on a building.

Distressed or artificially aged finishes are discouraged.

Section 3.7  Sustainability

Development and construction at Boulevard One should support a holistic approach to sustainability and improving efficiency. Designs for buildings, landscape and hardscape should consider:

- Reduced energy/water usage
- Renewable energy
- Durability and life-cycle costs of materials
- Locally sourced materials
- Recycling and minimizing waste

Passive and active solar design strategies should be considered. Passive solar access of winter solar gain and mitigation of unwanted summer solar gain should be simultaneously considered. Optimum solar orientation for photovoltaic and thermal systems should be integrated into the building design. (LEED-ND GIB 10, 11)
Consideration should be given to other renewable energy options, including geothermal, biomass, wind and fuel cells, as well as shared and off-site renewable systems.

Building science and optimizing building performance should be considered by addressing the impact the building envelope on ventilation, air quality lighting and thermal comfort.

Designs should support building energy efficiency that reduces air, water and land pollution and adverse environmental effects from energy production and consumption. (LEED-ND GIB 2)

Support building water efficiency; use low-flow and water-efficient fixtures and appliances; reduce water consumption for outdoor landscape irrigation. (LEED-ND GIB 3)

Reduce heat island effect with roofing materials that have solar reflectance index per LEED-ND GIB 9.

Support construction activity pollution prevention by controlling soil erosion, waterway sedimentation and airborne dust generation. (LEED-ND GIB 4)

Reduce volume of waste deposited in landfills with recycling and composting infrastructure.

Support alternative transportation, including but not limited to secure, enclosed bicycle storage, visitor bicycle racks, electric vehicle recharge stations and parking for vehicle sharing.

Boulevard One encourages certification by other sustainable rating metrics, including but not limited to:

- U.S. Green Building Council (USGBC), Leadership in Energy & Environmental Design (LEED-ND GIB 1);
- U.S. Department of Energy (DOE), Energy Star;
- Home Energy Rating System (HERS);
- Referenced improvements over ANSI/ASHRAE/IESNA baselines;
- Enterprise Green Communities; and
- Passive House Institute US.

Section 3.8 Art

Building on a commitment to public art in the existing Lowry community, Boulevard One encourages an even broader integration of art.

Art can be considered in a variety of ways. It is as overt as a yard sculpture visible from the public realm or as literal as a paint detail along the trim of a window or as subtle as the sense of craftsmanship in architectural detail of a porch handrail.
The absence of art is visual and cultural poverty.

Section 3.9  Building Forms

Building forms at Boulevard One are referenced to the Denver Zoning Code. Setbacks, building height and building massing will be in accordance with the approved zoning including waivers and conditions for Boulevard One.

The following building forms are anticipated at Boulevard One; however other building forms are allowed by the approved zoning and may require the interpretation of the BDRC based on the Applicant’s Design Review Application.

- Urban House
- Row House
- Apartment
- General

Boulevard One supports housing that is accessible to the widest spectrum of people, regardless of age, ability or income. (LEED-ND NPD 4, 11)

Block 1, Lots 7-20, Boulevard One Filing 4, in the Community Park South Residential Neighborhood, Archer Place are subject to the following additional requirements:

- Existing zoning is U-SU-B (with waivers).
- No structures shall be built within 20 feet of the rear property line.
- For two and one-half story structures, a half-story shall be no greater than 40 percent of the floor below.
- Two and one-half story structures shall minimize additional bulk and massing and not have more than two stories of contiguous walls.

Additional specific design considerations for each building form follows.

Section 3.10  Urban House and Row House

Setbacks, building height and building massing for Urban House and Row House building forms at Boulevard One should reflect conditions similar to existing buildings at Lowry. SIDE ELEVATIONS/CORNER LOTS

Lots with side elevations at alley corners should include enhancements to fenestration and details distinct from side elevations interior to the block.
Alley Corner Diagram, Image by LDRC and Design Workshop
Lots with side elevations at block corners, public streets or open space should include enhancements to fenestration, details and roof forms or massing distinct from side elevations interior to the block and distinct from alley corner side elevations.

**ROOF FORMS**

Hip, gable, curved and flat roof forms are acceptable and should support an overall architectural intent and cohesive aesthetic.

Roof forms on a block face should support overall cohesiveness while balancing diversity and avoiding monotony.

**SEMI-PUBLIC/SEMI-PRIVATE REALM**

A well-detailed and intentional semi-public zone should be developed as an integral part of the architecture. Usable front porches or courtyards are encouraged to transition between the privacy of the home and directly engaging the activity on the street and sidewalk.
Block 1, Lots 7-20, Boulevard One Filing 4, in the Community Park South Residential Neighborhood, Archer Place are subject to the following additional requirements:

- Existing zoning is U-SU-B (with waivers).
- No structures shall be built within 20 feet of the rear property line.
- For two and one-half story structures, a half-story shall be no greater than 40 percent of the floor below.
- Two and one-half story structures shall minimize additional bulk and massing and not have more than two stories of contiguous walls.

### Section 3.11 Apartment and General

Multi-family and General (Mixed Use) buildings at Boulevard One are intended to support a vibrant mix of residential, retail or office opportunities.

**SCALE**

Buildings should be responsive to the human scale. Priority should be placed on how buildings relate to pedestrians. Buildings should incorporate design elements that will be experienced by pedestrians and encourage walkability.

**ARTICULATION**

Buildings should acknowledge their symbiotic role in defining and activating streets and plazas (LEED-ND NPD 1):

- No more than 40% or 50 feet of a façade should be unarticulated.
- Buildings should include ground floor retail, live-work spaces and/or dwelling units along 65% of the street level façade.
- Ground-floor Dwelling Units should have an elevated finished floor of 24 inches (minimum) above sidewalk grade.
- Ground-level retail should have clear glass on 60% of façade between 3 and 8 feet above grade.
- A principal functional entry should be on the public street façade.

### Section 3.12 Detached Accessory Buildings

Detached accessory buildings should be of similar character, material and detail to the primary structure that it supports.

### Section 3.13 Urban Design

The specific character of neighborhoods that constitute Boulevard One follow the sub-
areas defined by the approved General Development Plan. Context specific design issues for each area follow.

Colors indicate neighborhood subareas. Lot sizes, quantities and building sizes are for illustrative purposes only. All information is subject to change, 2013 November 11.
Section 3.14 Community Park South Residential

U-SU-B;
Urban Neighborhood Context;
Single Unit Detached;
Urban House building forms

The character of the Community Park South Residential neighborhood is compatible with its context; reflecting the existing street-accessed lots of the single-family residences in the Park Heights neighborhood; designs should be responsive to active and passive solar opportunities of the north-south solar orientation of the lots.

The residences will be accessed from Archer Place and should minimize the visual dominance of the garage through the orientation of the garage and detailing of the garage doors and driveway.

Buildings on Archer Place, in proximity to the Community Park should be unique, designs should not be repetitive and the streetscape should be considered and designed as a whole.

Block 1, Lots 7-20, Boulevard One Filing 4, in the Community Park South Residential Neighborhood, Archer Place are subject to the following additional requirements:

- Existing zoning is U-SU-B (with waivers).
- No structures shall be built within 20 feet of the rear property line.
- For two and one-half story structures, a half-story shall be no greater than 40 percent of the floor below.
- Two and one-half story structures shall minimize additional bulk and massing and not have more than two stories of contiguous walls.

Section 3.15 First Avenue Residential

U-SU-A;
Urban Neighborhood Context; Single Unit Detached;
Urban House building form

Alley-accessed lots predominantly define the character of the First Avenue Residential neighborhood. Designs along Magnolia Street, Niagara Street, Newport Street, Oneida Street and Oneida Court should be responsive to the active and passive solar opportunities of the east-west orientation of the lots:

Buildings along the north side of Linear Park should be responsive to the north-south solar orientation of the lots and should contribute to the pedestrian experience in the park and enhance the unique identity of this park.
Street-accessed lots at Magnolia Street adjacent to the berm along Monaco should minimize the visual dominance of the garage through the orientation of the garage and detailing of the garage doors and driveway. Garage doors for each building should avoid monotony and contribute to the architectural variety of the streetscape.

Buildings along East First Avenue should have architectural, landscape and fencing details that are designed in response to the landscape buffer and acknowledge the visibility from First Avenue.
Section 3.16  Row House Boulevard

Buildings along Lowry Boulevard should develop unique and distinctive architecture that reinforces the identity of Lowry Boulevard as the signature street for Boulevard One.

The character of the Row House Boulevard neighborhood is defined by:

- Alley-accessed row houses, along Lowry Boulevard from Niagara Street to South Oneida Court.
- Alley-accessed urban houses facing the north Linear Park and behind the row houses along Lowry Boulevard.
- Alley-accessed urban houses, oriented east-west and facing the south Neighborhood Park at the curve of Niagara Street and Archer Place.
- Alley-accessed urban house or row house lots facing the Community Park at Oneida Court.

Buildings should be placed and designed to develop a paseo connection that is intended to connect the South Residential neighborhood and the Linear Park between Row House Boulevard and First Avenue Residential neighborhoods.

Section 3.17  Row House Boulevard: North

Buildings along the south side of Linear Park should be responsive to the north-south solar orientation of the lots and should contribute to the pedestrian experience in the park and enhance the unique identity of this park.

Alley-accessed row houses north of Lowry Boulevard should be responsive to the active and passive solar opportunities of the north-south orientation of the lots and should maintain a 3:1 street width to building height ratio.

(LEED-ND, NPD 1)

Section 3.18  Row House Boulevard: South

Buildings adjacent to the Neighborhood Park on the curve of Archer should be responsive to the active and passive solar opportunities of the north-south solar orientation of the lots.

Buildings along the Community Park should be responsive to the east-west solar
orientation of the lots and should contribute to the pedestrian experience in the park and enhance the unique identity of this park as the center of activity for Boulevard One.

Alley-accessed row houses south of Lowry Boulevard should be responsive to the active and passive solar opportunities of the north-south orientation of the lots and should maintain a 3:1 street width to building height ratio.

(LEED-ND, NPD 1)

Section 3.19 South Residential

The character of the South Residential neighborhood is eclectic as it is an edge with direct adjacency to the existing Berkshires neighborhood, is adjacent to the naturalized drainage and park area and transitions density from multi-family to single-family. The South Residential neighborhood is defined by:

- An apartment building to the east of the naturalized drainage and park area at Monaco.
- East-west oriented urban houses or row houses between the apartment building and the Community Park South Residential neighborhood.

Section 3.20 South Residential: West

G-MU-5;
Urban Center Neighborhood Context; Multi-Unit;
Apartment building form

Buildings should have architectural and landscape detailing that is enhanced due to visibility from the naturalized drainage and park area and from the Berkshires neighbors.

Section 3.21 South Residential: East

G-RH-3;
General Neighborhood Context;
Single Unit Attached and Single Unit Detached;
Row House or Urban House building forms

Buildings should have architectural and landscape detailing that is enhanced due to visibility to the Berkshires and to the single-family homes in the Community Park South Residential neighborhood.
Multi-family or mixed-use buildings that create the western gateway to Boulevard One define the character of Neighborhood Center West. Buildings on Lowry Boulevard from South Monaco Parkway to Niagara Street should maintain a 3:1 street width to building height ratio. (LEED-ND NPD 1)

Buildings at South Monaco Parkway and Lowry Boulevard should create the western gateway to Boulevard One.

Buildings with adjacency to lower density building forms should acknowledge the transition through scale and landscape detailing.

Drive-thru uses and other similar building forms are disruptive to pedestrian movement, tend to be set back too far from the street and are not supportive of the character of Boulevard One as a walkable environment and therefore drive-thrus are not allowed.

Building(s) adjacent to the naturalized drainage and park area should have architectural and landscape detailing that acknowledges the visibility from South Monaco Parkway.
Buildings that support a variety of uses and should express the vibrancy of Boulevard One define the character of the Community Park Mixed-Use neighborhood.

Boulevard One’s Community Park Mixed-Use neighborhood is envisioned as vertically integrated mixed-use buildings, multi-family buildings, row houses that transition to lower density conditions and signature retail building(s) opportunities in the Community Park.

Programming is particularly relevant to the design of the buildings in the Community Park Mixed-Use neighborhood. Special attention should be paid to the coordination between the buildings and the public realm.

Architectural and landscape design should be coordinated to develop a clear hierarchy of public gathering spaces and public circulation spaces.

Architectural and landscape design should support the synergy and compatibility of uses within a building or between buildings.

Buildings at the intersection of Lowry Boulevard and Pontiac Street should work synergistically to create a node of activity and intensity.

Buildings at South Quebec Street and Lowry Boulevard should create the eastern gateway to Boulevard One.
Buildings fronting on Lowry Boulevard from South Quebec Street to Pontiac Street should maintain a 3:1 street width to building height ratio. (LEED-ND, NPD 1)

Section 3. 24 Community Park, Mixed Use: North

Buildings on Pontiac Street from East First Avenue to Lowry Boulevard should maintain a 3:1 street width to building height ratio. (LEED-ND, NPD 1)

Buildings with adjacency to lower density building forms at Oneida Court and along First Avenue should acknowledge the transition through scale and landscape detailing.

Section 3. 25 Community Park, Mixed Use: South

Buildings adjacent to the Community Park should activate appropriate public uses at the ground level.

The Community Park will be designed in collaboration with the LRA. Plazas, shade structures, benches, lighting, amphitheater, public art and landscape should be integrated with buildings in the park.

Buildings and other structures in the Community Park are a special opportunity for unique and memorable architecture; materials and detailing should resonate with the other proximate buildings.

Buildings on Archer Place should have architectural and landscape detailing that

CHAPTER THREE Boulevard One: Design Guidelines

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acknowledges adjacency to single-family homes in the Community Park South Residential neighborhood.

Section 3. 26  Landscape

Boulevard One supports design solutions and strategies for hardscape and landscape areas that use sustainable materials and practices that conserve resources while achieving the design intent, and enhancing the character and quality of the place.

LANDSCAPE PRINCIPLES

Boulevard One encourages responsible landscape design to create a rich and diverse composition of landscape materials that enhance the function, use and enjoyment of spaces for a broad range of activities through all seasons. Landscape design should strive to incorporate components of LEED strategies and Xeriscape principles. (LEED-ND GIB 4)

Section 3. 27  Plant Materials

Landscape installations should achieve reduced water requirements for landscape irrigation, while maintaining a vigorous, diverse, plant vocabulary that supports a unified urban design vision.

Plant selection should be appropriate to their specific location, solar orientation and microclimate characteristics. Diverse microclimates will have different amounts of sunlight and shade, summer and winter wind and seasonal moisture variations. Plants should be grouped together with similar light and water requirements and should be selected based on compatibility with specific microclimate conditions.

Alternatives to traditional bluegrass turf should be considered to reduce water consumption. Where grasses are appropriate but the durability of bluegrass turf types are not required, alternative selections of drought tolerant varieties should be considered. The use of appropriate turf and grass varieties along with efforts to limit the amount of intensely irrigated lawn can reduce the water, fertilizer and maintenance requirements.

Drought tolerant grasses can be considered as an alternative to the turf area between the detached sidewalk and the street, but should maintain easy access between street parking and the sidewalk.

Improved cultivars of cool-season turf grasses should be considered where traditional turf type grasses are appropriate and can reduce water requirements by 30 percent or more.

Artificial turf may be considered but should not be used in areas visible from the public realm.
Landscape design should balance the continuity of streetscape with individuation and variety from property to property. Monocultures should be avoided and balanced with unity and variety of the overall landscape composition. Landscape design should address transitions between manicured and native areas.

The unique character of Lowry's alleys has been the landscaping between the edge of the alley paving and the fence or building. An area no less than 3 feet should be provided for a continuous line of grasses, shrubs or trees that create a landscape zone on the alley side of the fence. Plant material selection should not inhibit trash pickup or vehicle movement and support a sense of safety and security.

Similar to the alley landscaping zone, a landscape zone no less than 3 feet should be provided along side lot lines between the fence and sidewalk or other similar conditions.

Consider opportunities for herb gardens, fruit trees or other similar food producing plant materials that can be integrated into and enhance landscape design strategies.

Where trees are desired in hardscape areas, additional provisions such as structural soils, paver grates, or other accepted urban tree enhancement procedures are recommended.

Irrigation should be efficient and should be automatically controlled. Irrigation zones should be separated based on plant types, micro-climate conditions, appropriate to the plant types, soil and orientation.

Mulch keeps plant roots cool, reduces evaporation and reduces weed growth. Fibrous,
organic mulches should be used to create a cohesive mat that is resistant to wind and water erosion. Inorganic mulches should be avoided.

Landscape should be used to minimize the visibility from the public realm of service and delivery areas as well as utility equipment, trash containers or other similar appurtenances.

**Section 3.28 Site Design**

Landscape and hardscape design should complement the architectural aesthetic and function of the buildings and encourage indoor-outdoor architectural expressions and functions. The extension of the indoor functions and activities of a building out to the semi-public and public realm is a key component of making vibrant, walkable neighborhoods and places.

Site design should prioritize the pedestrian and facilitate circulation throughout Boulevard One by providing a network of walkways and interconnected outdoor spaces that are as continuous as possible utilizing both private and public properties and spaces through good, well-integrated urban design.

Walls, enclosures and other accessory structures should relate to the principal buildings through the use of consistent or compatible materials, applications and detailing.

Walls can be used to articulate space, create a sense of privacy, elevate the architecture slightly above the grade of the adjacent public realm but should not be so tall or imposing as to physically or visually destroy the transparency and interaction desired between the private, semi-public and public realm.

Service, delivery and loading areas should be thoughtfully located and designed to minimize their visibility from the public realm.

Service and utility equipment (pedestals, air conditioning compressors, transformers, etc.) should be located to minimize visibility from the public realm.

Walls, enclosures and other accessory structures should be used to screen utility equipment, trash containers or other similar appurtenances and should be durable and relate to principal buildings through materials and detailing.

Paving should be durable and compatible with the materiality and design of the building and landscape that it supports. Asphalt, concrete, brick or stone should be selected based on appropriateness to the design intent and intensity of use.

Fencing should be durable and compatible with the materiality and design of the building and landscape that it supports. Cedar, vinyl, wood composite, and iron should be selected based on appropriateness to the design intent and be of a color and level of detail appropriate to the visibility from the public realm. Offsets, piers and landscaping should be used to avoid long, straight runs of fencing. Fencing with alternating slats on each side is not acceptable. Fencing should support a safe and walkable environment.
Section 3.29 Supporting Elements

Secondary and tertiary elements play important roles in reinforcing the character of the primary buildings and landscape that they support as well as supporting the identity of Boulevard One as a cohesive neighborhood.

Section 3.30 Lighting

The Design Guidelines address design intent for lighting at Boulevard One. Specific requirements are addressed by City of Denver zoning.

Lighting specifications and locations should minimize glare while providing a level of illumination that supports a safe and walkable environment.

Lighting design should consider proximity to other buildings and minimize spillover.

Lighting of parking and service areas as well as lighting adjacent to open space areas should be particularly sensitive to glare and spillover.

Reduce light pollution by minimizing light trespass, increase night sky access and improve nighttime visibility through glare reduction. (LEED-ND GIB 17)

Lighting fixtures should be appropriate and compatible with the building and landscape design.

Section 3.31 Signage

The Design Guidelines address design intent for permanent signage at Boulevard One. Specific requirements for permanent, temporary, real estate, political and portable signage are addressed by the City of Denver code.

Design and allowed duration of temporary sales, leasing and construction signage will be reviewed by BOCA.

Signage should support place making and intuitive way finding through clarity and hierarchy. Signage should be considered holistically to minimize visual clutter and support a unified aesthetic.

Internally illuminated signage should not create glare.

Signage materials should be durable, permanent and easily maintained.

Building addresses will be clearly visible from public realm. For buildings with alleys, provide street numbers in the alley in addition to the primary street addressing.

Monumentation of sub-neighborhoods or project areas is discouraged. Integral place-
making that reinforce the identity of Boulevard One as a cohesive neighborhood is encouraged.

Flagpoles or other similar structures for use to display advertising are discouraged.

Section 3.32 Street Furniture

Street furniture (benches, mailboxes, trash/recycling receptacles, bicycle racks, etc.) should support integral place making, create nodes of activity, reinforce the character of the primary buildings and landscape design, and support the identity of Boulevard One as a cohesive neighborhood.

Section 3.33 Transportation and Parking

Vehicle and bicycle parking will, at a minimum, meet the requirements of the City. These parking guidelines do not supersede City requirements but are intended to assist the BDRC in evaluating parking metrics and design. Refer to Appendix 3.D.

The intent of the guidelines is to avoid overbuilding or underbuilding parking. Parking is a dynamic and evolving aspect of neighborhood development. Designs should synthesize relevant perspectives, research and best practices regarding both successful and unintended consequences of parking solutions.

Walking, bicycling and transit use should be encouraged with tree-lined and shaded streets and a well-developed and amenities public realm. (LEED-ND NPD 8, 14)

Section 3.34 Vehicle Parking

Design of parking facilities should support the pedestrian orientation of Boulevard One, minimize adverse environmental effects and reduce public health risks by encouraging daily physical activity.

Structured parking is encouraged. Surface parking is discouraged and should be located to the rear of buildings.

Visibility of parking areas will be minimized from public street and sidewalks.

Reduce the parking footprint. No individual surface parking lot should be larger than 20% of the total development footprint area for off-street parking facilities. (LEED-ND NPD 5)

Boulevard One prioritizes the presence of on-street parking for visitors in commercial and residential areas because it supports:
• Efficiency of land use; less area is required compared to off-street parking.
• Increased safety; traffic speed is reduced by on-street parking.
• Walkability; cars parked on the street providing a buffer from traffic for pedestrians.
• Promoting business; adjacency of on-street parking supports street-level businesses.

Best practices for parking should:

• Consider sharing of parking between compatible uses.
• Implement a parking management program.
• Assess and mitigate spillover parking.
• Consider functionality of circulation and access points to parking areas; multiple access points are encouraged.
• Consider snow storage and removal strategies.
• Avoid use of tandem parking to meet minimum parking requirements.

A detailed and comprehensive parking and transportation plan will be reviewed by the BDRC.

Section 3.35 Vehicle Sharing

Boulevard One supports the growing momentum of vehicle sharing. Multi-family and mixed-use buildings should support a licensed vehicle-sharing program with one parking space designated to accommodate each shared parking vehicle. (LEED-ND NPD 8).

Section 3.36 Bicycle Parking

Secure, enclosed bicycle storage should be locked and easily accessible to residents and/or workers. Provide informational signage on using the storage facilities.

Visitors and customers’ bicycle racks should be clearly visible from a main entry, located within 100 feet of the door, served with night lighting, and protected from damage from nearby vehicles. If the building has multiple main entries, bicycle racks should be proportionally dispersed within 100 feet of each.

APARTMENTS/MIXED USE

Provide at least one secure, enclosed bicycle storage space per occupant for 30% of planned occupancy but no less than one per Unit. Provide secure visitor bicycle racks on-site, with at least one bicycle space per ten Dwelling Units (four spaces minimum per building).

RETAIL

Provide at least one secure, enclosed bicycle space per retail worker for 10% of retail
worker planned occupancy. Provide visitor or customer bicycle racks on-site, with at least one bicycle space per 5,000 square feet of retail space, but no less than one bicycle space per business or four bicycle spaces per building. Provide at least one on-site shower with changing facility per building.

**NON-RESIDENTIAL OTHER THAN RETAIL**

Provide at least one secure, enclosed bicycle storage space per new occupant for 10% of planned occupancy. Provide visitor bicycle racks on-site with at least one bicycle space per 10,000 square feet of new commercial nonretail space but not fewer than four bicycle spaces per building. Provide at least one on-site shower with changing facility per building.

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**Section 3.37 Bicycle Sharing**

Designs should make accommodation for current or future bicycle sharing stations.
Appendix 3.A  Neighborhood Diagrams

Images by LRA and Design Workshop

Colors indicate neighborhood subareas. Lot sizes, quantities and building sizes are for illustrative purposes only.
All information is subject to change, 2014 Aug 12.

Colors indicate neighborhood subareas. Lot sizes, quantities and building sizes are for illustrative purposes only.
All information is subject to change, 2014 May 06.
Colors indicate neighborhood subareas. Lot sizes, quantities and building sizes are for illustrative purposes only.
All information is subject to change, 2014 May 06.
Buildings should maintain 1 foot of building height to every 3 feet of street width.

Boulevard One, Lowry Boulevard Street 3:1 Ratio, Image by LDRC, Kevin Yoshida
Boulevard One, Residential Street 3:1 Ratio, Image by LDRC, Kevin Yoshida
Appendix 3.C  Materials

Buildings should be 60 percent masonry and other accent material (metal, glass, other unique materials or finishes), calculated as the portion of the wall area (net of fenestration and roof areas). Provide the following table:

<table>
<thead>
<tr>
<th></th>
<th>Gross Wall Area</th>
<th>Net Wall Area</th>
<th>Masonry Area</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right</td>
<td></td>
<td></td>
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<tr>
<td>Left</td>
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</tr>
<tr>
<td>Rear</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
RESIDENTIAL OFF-STREET PARKING GUIDELINES

<table>
<thead>
<tr>
<th></th>
<th>Parking Spaces/Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>2 off-street spaces/lot</td>
</tr>
<tr>
<td>Detached Accessory Dwelling</td>
<td>1 off-street space/unit</td>
</tr>
<tr>
<td>Duplex</td>
<td>2 off-street spaces/unit</td>
</tr>
<tr>
<td>Row House</td>
<td>2 off-street spaces/unit</td>
</tr>
<tr>
<td>Multifamily</td>
<td>1.5 off-street spaces/unit</td>
</tr>
</tbody>
</table>

COMMERCIAL PARKING GUIDELINES

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<th>Parking Spaces/Floor Area</th>
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</thead>
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<tr>
<td>Office</td>
<td>2/1,000 (gross)ft²</td>
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<tr>
<td>Retail</td>
<td>5/1,000 (gross)ft²</td>
</tr>
<tr>
<td>Eating/Drinking</td>
<td>5/1,000 (gross)ft²</td>
</tr>
</tbody>
</table>

Appendix 3.E  Plant Species

A prescriptive list is not provided to allow flexibility and the following resources are provided as a point of departure for individual designs and plant selections:

- Colorado State University Extension Service.
- Colorado Nursery and Greenhouse Association.
- Colorado Planting Guide.
- Rocky Mountain Plant Guide.
- Annual and Perennial Plant Guide.
- Front Range Tree Recommendation List.
- City and County of Denver - Forestry Division.
Appendix 3.F  Prohibited Plant Species

The following plants are prohibited from use within Boulevard One:

- Any introduction of noxious weeds as defined by the Colorado Department of Agriculture.
- Any species of Poplar (Populus, sp.).
- Any species of Willow (Salix, sp.).
- Box Elder (Acer negundo).
- Siberian Elm (Ulmus pumila).
- Silver Maple (Acer saccharinum).
- Russian Olive (Elaeagnus angustifolia).
- Any species of Ash (Fraxinus), to prevent infestation and spread of the Emerald Ash Borer.
CHAPTER 4. Guidelines for Minor Renovations, Rules & Regulations

Section 4. 1 Introduction

The following guidelines address architectural requirements for most exterior Minor Renovations to Properties, and also includes Rules and Regulations governing neighborhood behavior of Owners and their occupants/guests. All of the guidelines herein are adopted to establish and preserve the planning and design concepts of the Boulevard One Community, to enhance property values, and to promote respectful quality of life within the Community.

NOTE: AN OWNER SUBMITTING A REQUEST FORM IS SOLELY RESPONSIBLE TO ENSURE COMPLIANCE WITH ANY TERMS AND CONDITIONS IMPOSED BY ANY APPLICABLE NEIGHBORHOOD ASSOCIATION, PRIVATE SIDE YARD EASEMENT AGREEMENT BETWEEN ADJACENT OWNERS, LOCAL BUILDING AND ZONING CODES, AND/OR STATE AND FEDERAL GOVERNMENTAL REGULATIONS. NON-COMPLIANCE WITH ANY OF THE FOREGOING MAY SUBJECT THE OWNER TO VIOLATION ENFORCEMENT OR LEGAL ACTION BY A THIRD PARTY.

Section 4. 2 Accessory Improvements/Buildings

Requires submittal of request form.

An accessory Improvement/building is a detached, permanent building structure such as a shed, playhouse, tree house or detached garage.

Evaluation Criteria for accessory Improvements/buildings include, but are not limited to:

- Materials and installation methods must be completed in accordance with manufacturers recommended procedures.
- Architecture must match or compliment the main building, including siding, roof and colors.
- Maximum allowable size is 8’ x 10’ x 8.5’ high, including skids, foundation, or slab.
- Integrates with the landscape plan.
- Reasonably conforms and harmonizes with surroundings.
- Structure must be partially screened from adjacent Properties by fence and/or vegetation and not readily visible from street level.
- Any utilities servicing accessory Improvements/buildings are to be installed underground.
- Located in the back or side yard, within property setbacks, does not obstruct easements and screened from view.
• Maintenance criteria for accessory Improvements/buildings include, but are not limited to:
  o Accessory Improvements/buildings will be maintained in the same fashion as primary structures; and
  o Property Owners will keep accessory Improvements/buildings free of faded or peeling paint.

Section 4.3  Additions and Expansions

Requires submittal of request form.

A building addition or expansion is an increase in the size of a building brought about by constructing additional usable building space to an existing structure. Examples include room additions, pop-tops, three or four season enclosed patios, ramadas and attached garages. Additions or expansions typically entail engineered plans and typically require building permits.

Evaluation criteria for additions or expansions include, but are not limited to:

• Materials and installation methods must be completed in accordance with manufacturers recommended procedures.
• Architecture must match or compliment the main building.
• Reasonably conforms and harmonizes with surroundings.
• Located within property setbacks and does not obstruct easements.
• Complies with all applicable City building codes.

Maintenance criteria for additions or expansions include, but are not limited to:

• Additions or expansions will be maintained in the same fashion as primary structures; and
• Property Owners will keep additions or expansions free of faded or peeling paint.

Section 4.4  Advertisements

See Signs & Advertising.

Section 4.5  Antennas

See Satellite and Communication Antennas.

Section 4.6  Air Conditioning, Air Cooling or Air Movement Devices
Requires submittal of request form.

Air conditioning, cooling devices and air movement devices are any mechanical cooling devices, which include but are not limited to, air conditioners, swamp coolers and evaporative coolers which are installed outside of the structure.

Window, ground and roof-top installations are the most common and include garage or attic fans and any associated vent or louvers.

Air conditioning units and other cooling devices may not be located in the front yard unless it is adequately screened from public view.

Air conditioning units located in the side-Property setback should be placed as far away as possible from neighboring windows in order to minimize disturbing noise and must comply with City and county codes.

Individual room window air conditioning units or other cooling devices must not face the street and must be removed in the off-season.

Roof-mounted devices must not be visible from the street and must be skirted with material that compliments the building architecture.

Evaluation criteria for air conditioning/cooling devices include, but are not limited to:

- Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
- Reasonably conforms and harmonizes with surroundings including proposed screening material; and
- Does not create unreasonable noise for adjacent Owners;

Section 4.7 Alleys

An alley is a paved roadway between Properties that provides access.

BOCA-owned alleys are not intended for vehicle thru-traffic.

Parking in BOCA-owned alleys is prohibited and violators will be towed at the BDRC’s or BOCA’s discretion, except as designated.

BOCA owned alleys must be kept clear of obstructions and obstructions will be confiscated at the BOCA’s or BDRC’s discretion at the Owner’s expense.

BOCA is the entity responsible for the major repair or replacement of all alleys located within Boulevard One. All alleys are under “Construction Warranty” for the first two years after substantial completion. Upon acceptance of each alley by BOCA, it will then be placed into an alley inspection program. It is important to note that most if not all alley surfaces will crack and show signs of wear during the course of its usable lifespan (20+ years).
Inspection of the alleys maintained by the BOCA will be conducted periodically. This inspection process may occur in the spring to allow for all of the freeze-thaw action to finish from the previous winter. From this inspection, a comprehensive list of all necessary repairs will be generated. The list will include location of failure, type of failure, size of failure, etc. From this list, the work will be delegated for repair based upon priority levels described below.

The general priorities of repairs are subject to the reasonable discretion of the Board:

Routine maintenance of alley surfaces is in the responsibility of the adjacent Owner or Neighborhood Association unless maintenance is retained by BOCA. Routine maintenance is defined as sweeping dirt, sand or standing water as well as normal snow removal (See snow removal document).

Personal property (including vehicles) may not be left or parked in alley ways for an extended time, except as designated.

All alleys must remain free of any items that would impede any other Owner or City vehicle from free access through that alley.

Any item left in any alley is subject to removal by BOCA or BDRC at the Owner’s expense.

Impeding an alley constitutes a violation of the Rules and will result in a violation notice and fine consistent with BOCA’s Governance Policies.

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**Section 4.8  Artificial Grass**

*Requires submittal of request form.*

Artificial grass is permitted in side yards and back yards - where not immediately visible from the street.

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**Section 4.9  Awnings**

*Requires submittal of request form.*

An awning is a roof-like shelter extending above a window, door, deck, or patio and is commonly made of canvas, metal, plastic or similar materials.

Awnings over patios or decks are often retractable.

Awnings may also be referred to as overhangs.

Rear-illuminated awnings or awnings illuminated from a lighting source mounted behind the awning are prohibited unless approved by the BAS or the BDRC. Evaluation criteria for awnings include, but are not limited to:
• Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
• Colors must be complementary to the existing Improvements/building;
• Height of retractable awnings over patios or decks may not exceed 10 feet;
• Reasonably conforms and harmonizes with surroundings;
• Materials must be canvas or similar durable fabric that can withstand seasonal weather.

Maintenance criteria for awnings include, but are not limited to:

• When awnings become faded or worn, the fabric material must be promptly replaced or the awning removed.

Section 4. 10  Balconies

See Decks & Balconies.

Section 4. 11  Banners (Residential)

See Flags & Banners.

Section 4. 12  Banners (Commercial)

See Signs and Advertising.

Section 4. 13  Basketball Hoop Rules

• Basketball hoops may not be placed on sidewalks, grass, Tree Lawns, or Common Elements.
• Basketball hoops must remain entirely on the Owner's Property at all times.
• Basketball hoops must never block access to any garage.
• Basketball hoops must be in good repair.
• When not in immediate use, they may be kept out of sight or flush against the Improvements on a Property.
• Basketball hoops in streets, sidewalks or areas dedicated to the City are subject to the City's codes and ordinances and these rules. BOCA may require that basketball hoops located in these areas be removed to an Owner's property.

Section 4. 14  Birdbaths

Birdbaths will not exceed a height of 6 feet and are not permitted in the front yard.
Section 4.15  Birdhouses and Birdfeeders

Birdhouses and feeders may not exceed 1-foot by 2-feet by 2-feet and can only be installed in the backyard. They cannot be installed on property line fences and may not be greater than 10’ high.

Section 4.16  Boats

See Parking.

Section 4.17  Campers

See Parking.

Section 4.18  Carports

Carports are not permitted.

Section 4.19  Chimineas & Portable Fire Pits

BDRC currently defers to the City code and restrictions concerning the use of chimineas and portable fire pits.

Chimineas and portable fire pits are permitted only in the backyard and on the ground floor and must not create a public nuisance.

Section 4.20  Clotheslines

Clotheslines or drying areas may be installed, kept, and maintained in backyards or back balcony, patio or deck or other areas of Residential Properties. Clotheslines may be no more than 6 feet high at its highest point. Clotheslines must be kept in good repair and tidy in appearance. Clothes placed on the clotheslines must not remain on the line for more than a 24 hour period. Clothes and laundry materials may not be placed or hung over any railing or balcony that is part of any condominium or apartment unit.

Section 4.21  Commercial / Construction Traffic (Truck & Bus Routes)

Commercial Owners should make their contractors and customers (i.e., construction vehicles, delivery vehicles, buses) aware of acceptable routes for commercial and construction vehicle traffic, in accordance with City code and street signs.
Residential Owners must make their contractors aware of acceptable routes for construction vehicle traffic, in accordance with City code and street signs. Please refer to the City’s website for current commercial traffic routes.

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**Section 4.22 Compost Containers**

Compost containers may not be immediately visible to adjacent properties and Owners must control odors.

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**Section 4.23 Construction Rules and Regulations**

In the interest of all Owners, the following rules and regulations are to be enforced during the construction or alteration of subsequent Improvements to the Initial Construction on a Property, in addition to any conditions imposed by the BDRC. The following rules do not apply to Builders or the LRA. These rules and regulations are deemed a part of the construction documents and contract for any alterations. All contractors and Owners are to abide by these rules and regulations.

**Construction Hours.** Exterior alterations on any structure or Property may not commence before 7:00 a.m. or continue after 7:00 p.m. Monday through Saturday. Painting, minor exterior repairs, etc., are not restricted by this rule.

**Excavation.** Excess excavation material may be required to be removed from the Property.

**Debris and Trash Removal.**

- Daily clean-up of construction sites of Owners is mandatory.
- All trash and debris is to be stored in a fenced or other appropriate trash disposal area.
- Stored trash and debris is to be removed from the trash disposal area on a periodic basis.
- All street(s) and Common Elements are to be kept free of debris, gravel or soil from construction on a Property.
- Property clean-up is the responsibility of Owners and their contractors.
- Any dirt, sawdust, or other material traced or spilled on the streets or the Common Elements must be cleaned up immediately.

**Construction and Parking.** Construction vehicles may not be parked on the streets more than 48 hours.

**Restoration of Property.**

Upon completion of construction of alterations or Improvements, each Owner is to clean the construction site and repair all damaged property.
Repairs include, but are not limited to, restoring grades, planting shrubs and trees as approved or required by the BDRC, repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting, fencing, etc.

**Restoration of Adjacent Properties.** In addition, the Owner is financially responsible for the cost of site restoration/re-vegetation, refuse removal, and the repair of any other damages to real or personal property required on all adjacent Properties because of trespass or negligence by their employees or subcontracted agents.

**Construction Noise and Odor.** Reasonable efforts must be made to control construction noise, dust, and odor emitted from or during construction areas.

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**Section 4.24 Decks and Balconies**

*Requires submittal of request form.*

A deck is an exterior, above-grade flooring system used for recreation and generally supported on posts or footers.

It may also be partially supported by attaching directly to a building and it may have multiple levels.

Typical materials are wood or composite decking.

It may incorporate features such as benches, railings, stairs, and planters.

A balcony is an exterior above-grade platform projecting from the side of a building.

It typically has a railing, and is incorporated into the building structurally and architecturally. It may be covered.

Balconies and decks typically entail engineered plans and require building permits.

Decks and balconies will not be used for storage.

Evaluation criteria for decks and balconies include, but are not limited to:

- Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
- Colors must be complementary to the Improvements/building;
- Reasonably conforms and harmonizes with surroundings;
- Placed in such a location as to minimize potential noise impact for adjacent Owners;
- Located within property setbacks and does not obstruct easements; and
- Complies with applicable City building codes.
- Maintenance criteria for decks and balconies include, but are not limited to:
- Decks and balconies will be maintained in the same fashion as primary structures;
• Property Owners will keep additions or expansions free of faded or peeling paint and will re-stain or re-paint decks and balconies as needed; and
• Worn or damaged deck or balcony planking, posts, railings, stairs and accessories will be repaired or replaced as needed.

Section 4.25 Dog Runs/Dog Houses

Requires submittal of request form.

Dog runs are areas within a Property that are fenced specifically for securing a pet.

Dog houses are small enclosures for security or weather protection for a pet.

Dog runs and dog houses must be reasonably isolated and adequately screened from adjacent Properties, and located in the rear or side yard.

Local ordinances regarding noise, odors and other nuisances will be in effect.

Evaluation criteria for dog runs/houses include, but are not limited to:

• Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
• Integrates with the landscape plan;
• Reasonably conforms and harmonizes with surroundings;
• Partially screened from adjacent Properties by fence and/or vegetation and is not readily visible from street level;
• Located in the back or side yard; and
• Dog run fencing materials may be vinyl coated chain link, wood or other acceptable materials (see Fences, Walls & Handrails).
• Maintenance criteria for dog runs/houses include, but are not limited to:
• Dog houses will be maintained in the same fashion as primary structures;
• Dog run fences will be maintained in the same fashion as other fences on a Property; and
• Dog waste will be properly disposed of in a timely manner so as to mitigate odor and control pests.

Section 4.26 Drainage Rules

• Owners and residents may not interfere with or alter the “established drainage pattern” over any Property within the Community.
• “Established drainage patterns” are the drainage patterns that were created when the overall grading of any Property was completed by the developer or a Builder.
• Altering the drainage pattern may cause damage to a Property and/or to your neighbor’s Property and may subject you to personal liability. This includes landscaping when roots may eventually interfere with drainage.
• For any work or Improvement that may impact drainage on any Lot, the Owners must submit a Design Review Application form. Owners must certify they have consulted with an appropriate licensed professional, such as a civil engineer or architect ("Licensed Professional"), and that the work or proposed Improvements do not change or modify established drainage patterns.

• BDRC and BAS may rely on the drainage certification provided by the Owners, but reserves the right to require submittal of a written report or drainage plan by a Licensed Professional regarding the impact of the proposed work or Improvement upon the Lot and adjacent Properties.

• Approval by BDRC or BAS does not mean or warrant that the drainage design or structural soundness of any proposed Improvement conforms or complies with the terms and conditions of any Side Yard Easement, local building and zoning codes, or state and federal governmental regulations.

Section 4.27 Driveways

May require submittal of request form.

Driveways are any hard surface used to access a garage or parking area within a private property.

Alterations to an existing driveway require approval.

Replacement of an existing driveway using the same materials, of the same dimensions, and in the same location does not require approval.

Driveway expansions will not encroach on existing easements, must be 18-inches off the property line, cannot exceed 25-feet in width, and will not interfere with drainage. Asphalt paving is not permitted for single-family or duplex driveways.

Evaluation criteria for driveways include, but are not limited to:

• Materials and installation methods must be completed in accordance with manufacturers recommended procedures.
• Integrates with the landscape plan.
• Reasonably conforms and harmonizes with surroundings.
• Maintenance criteria for driveways include, but are not limited to:
• Cracked or uneven driveways will be repaired or replaced.

Section 4.28 Dumpsters, Temporary Storage Containers (i.e., POD’s) and Porta-Potties.

Dumpsters, portable restrooms and containers staged on the surface of any private driveway must be removed within two weeks after the completion of the associated construction project or activity necessitating their presence with total duration not to
The Community Manager must be notified prior to placement of a dumpster, portable restroom or temporary storage container with an estimate of how long the dumpster and temporary storage container will be on-site.

Section 4.29 Fences, Walls, and Handrails

Requires submittal of request form.

Fences and walls include any privacy fence or wall, decorative fence or wall, or retaining wall. Handrails are used to grasp for support along walks and stairs, or to prevent falling from raised platforms such as decks and balconies.

All retaining or wing walls should be constructed of brick, stone, or other materials of an appearance compatible with the primary building.

Fences within the front setback of single family and duplex Residential Properties are prohibited, except where such fencing meets the following limitations:

- Fencing may be no greater than 42 inches in height, measured from grade level.
- Fencing must be at least 50% percent open.

Except as provided in this section, the height of side and rear yard fences within single family or duplex residential areas must not be greater than six feet above grade level and must not extend beyond the property line.

Use of landscaping to soften the visual impact of fences is encouraged.

All wood fencing, regardless of location must be double-faced or constructed to ensure that no stringers or posts are to be visible from any roadways, greenbelt areas, mews, parks or adjoining Properties.

Exposed dog-eared pickets are not permitted.

Post finials are permitted.

Fences, specifically those adjacent to alley corners and mews, must not obstruct visibility for vehicle or pedestrian traffic.

Acceptable fence materials are wood, wrought iron and composite materials (i.e., Trex). Brick or stone pillars interspersed with fencing are permitted.

The use of barbed wire is prohibited everywhere within the Boulevard One Community. Chain link and woven wire fencing must not be used unless approved.

Where chain link or wire fencing is permitted, the use of visual buffers such as landscaping and/or painted fencing in dark colors is strongly encouraged.
Handrails will be constructed of durable and aesthetically pleasing materials, and anchored so that they are sturdy and safe.

Handrails will conform and harmonize with surrounding architecture and landscaping.

Evaluation criteria for fences, walls and handrails includes, but is not limited to:

- Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
- Reasonably conforms and harmonizes with surroundings;
- Meets height restrictions;
- Is made of an acceptable material and color;
- Integrates with the landscape plan; and
- Visibility for vehicle and pedestrian traffic.

Maintenance criteria for fences, walls and handrails include, but are not limited to:

- Owners must re-fasten loose fence boards and replace broken or missing pickets and posts.
- Fences that are stained or painted that have fading, blistering, chipping, etc. must be re-stained or re-painted. Requests for painting or staining fences a different color or shade must be submitted for approval. Colors will harmonize with surroundings. Cedar or redwood fences may be left in their natural state.
- Damaged walls must be repaired.

Section 4. 30  Fire Pits, Portable, Chimineas and Portable Fire Pits; Permanently Installed

See Outdoor Kitchens & Permanently Installed Fireplaces and Fire Pits.

Section 4. 31  Flagpoles

Requires submittal of request form.

Flagpoles can be either freestanding (installed in the ground) or mounted on a Property, garage, porch or deck.

All freestanding flagpoles must be designed, installed and maintained in accordance with U.S. Code Title 4, Chapter 1.

Freestanding flagpoles must not exceed 20-feet in height on Residential Properties and are only permitted in the backyard of Residential Properties.

Freestanding flagpoles on Commercial Property must not exceed 30 feet in height and must be lit at night.
Flagpoles must be equipped with reasonable noise mitigation hardware, such as snap hook covers, to reduce noise from hooks and lanyards banging against the flagpole.

Lanyards must be made of material other than metal to mitigate noise and must be of an internal design incorporated into the structure of the flagpole.

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Section 4.32 Flags & Banners

See Also, Signs & Advertising.

Advertising flags and banners, including those with a company logo, are prohibited on all Properties, including Commercial Properties.

Flags may not extend beyond the property line.

Seasonal, decorative or sports-themed banners or flags may be displayed for an appropriate time period and must be maintained in good condition.

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Section 4.33 Fountains and Water Features

See Landscaping in this part of this document and in these Guidelines for Builders.

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Section 4.34 Garages – Residential

_May require submittal of a request._

A garage is a structure intended for vehicle parking and storage.

Information about adding a garage to a Property can be found in Accessory Improvements/buildings (detached garage) or Additions and Expansions (attached garage).

Garages and garage doors must be kept free of fading, peeling, chipped, scratched or streaked paint. Garage doors must close completely.

For garage painting, please see the Paint (Exterior) section.

Replacement of garage doors requires the submission of a request.

If an Owner submits a request to paint or do other work to their garage or garage door, they will be required to add the Property’s street number to alley-facing garages, if the garage does not already show the street number.

The street number should be located and of a size that is easily visible from the alley. Street numbers must be at least 5 inches in height.

Street numbers may not be painted onto the garage; it must be hardware that is
mounted onto the garage.

Concrete aprons leading into a garage must be kept free of weeds and maintained in good condition.

Garage aprons may not be used for storage and must be free of trash and debris.

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**Section 4.35 Gardens**

Vegetable and herb gardens are permitted in the rear or side yards within fenced areas only and must be maintained in an aesthetically pleasing manner.

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**Section 4.36 Gazebos**

*Requires submittal of request form.*

A gazebo is an accessory improvements/building that is detached, permanent, decorative and used as a seasonal gathering place. The sides are usually open or screened.

Evaluation criteria for gazebos include, but are not limited to:

- Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
- Integrates with the landscape plan;
- Reasonably conforms and harmonizes with surroundings;
- Height is not to exceed 13-feet from grade without a Variance;
- For heights greater than 13-feet but less than 15-feet from grade, a Variance is required in which it must be demonstrated that the gazebo conforms to the bulk plane requirements depicted below; no gazebo will exceed 15-feet;
- Any utilities servicing gazebo improvements/buildings must be installed and remain underground; and
- Located in the back yard, within property setbacks, and does not obstruct easements.

Maintenance criteria for gazebos include, but are not limited to:

- Gazebos will be maintained in the same fashion as primary structures; and
- Property Owners will keep gazebos free of faded or peeling paint.
If screened, gazebo screens will be kept in good repair.

Figure 1 – Gazebo Bulk Plane Requirement

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**Section 4.37 Handrails**

See Fences, Walls and Handrails.

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**Section 4.38 Height Restrictions**

Unless provided otherwise in these Guidelines, no Improvement separated from the home or Improvements/building on the Property may be placed in any yard that exceeds a height of 10 feet, measured from grade without an approved Variance.

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**Section 4.39 Holiday Decorations and Lights**

Seasonal decorations may not be displayed more than 45 days prior to the event and must be removed within thirty 30 days after the event.

Decorative patio lights are permitted year round, but cannot create an unreasonable amount of light or noise for adjacent neighbors.

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**Section 4.40 Hot Tubs & Jacuzzis**

*Requires submittal of request form.*

Hot Tubs or Jacuzzis are small, self-contained, heated pools that generate current to
provide relaxation and therapy.

Evaluation criteria for hot tubs and Jacuzzis include, but are not limited to:

- Maximum height of any hot tub or Jacuzzi enclosure being 10 feet;
- Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
- Integrates with the landscape plan;
- Reasonably conforms and harmonizes with surroundings;
- Screened so as not to be immediately visible to adjacent Owners or from street level;
- Does not create an unreasonable level of noise for adjacent Owners;
- Any utilities servicing hot tubs or Jacuzzis must be installed and remain underground; and
- Located in the back yard, within property setbacks, and does not obstruct easements.

Maintenance criteria for additions or expansions include, but are not limited to:

- Hot tub and Jacuzzi enclosures will be maintained in the same fashion as primary structures and kept free of faded or peeling paint; and
- Hot tubs and Jacuzzis will be maintained according to manufacturer specifications.
- Uncovered hot tubs or Jacuzzis must be properly winterized to prevent freezing and leakage.

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Section 4.41 Jacuzzis

See Hot Tubs & Jacuzzis.

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Section 4.42 Landscaping

*May require submittal of request form.*

Landscaping is the construction or modification of any natural exterior surface element of a Property including grading, drainage, plants, flowers, trees, irrigation, paths, and certain site features.

Builder purchasers of the Properties must install portions of the initial front yard and tree lawn consisting of BDRC approved landscape materials.

All initial landscaping is subject to review and approval of the BDRC as provided for in the Master Declaration and in the parts of this document under Guidelines for Builders. Renovations of landscaping are subject to review and approval of the BAS, or if applicable the BDRC.

For newly constructed Properties, all landscaping must be completed by the Owner.
within six months of occupancy, unless occupancy occurs between September and December, in which case landscaping must be completed by June 30 of the following year.

The following landscape elements require approval. Other minor landscape alterations do not require approval.

- Any landscaping projects for newly constructed Properties not already reviewed by the BDRC.
- Major landscaping modification projects (landscaping disturbing or affecting in excess of 10% of the surface area of the Property).
- Removal, planting or replacing any tree, requires the submission of a request form. Removal, planting or replacing any tree in the tree lawn, with a species different from that which was originally installed or approved, also requires approval from the City of Denver Forestry Division.
- Drainage modifications. (If requested, a written report or drainage plan prepared by a Licensed Professional must be submitted.)
- Grading modifications. (If requested, a written report or grading plan prepared by a Licensed Professional must be submitted.)
- Retaining walls.
- Water features (ponds, fountains, etc.).
- Sculptures and yard ornaments.

Removal, planting or replacing trees has its own set of guidelines; please see the Trees section of this document for more information.

All Properties must have properly maintained vegetative landscaping, which may include turf or other acceptable vegetation or ground cover.

All landscaped areas must be irrigated with an automatic sprinkler system with sprinkler heads that are appropriate for the area to be covered.

Artificial grass and any other artificial plant material will not be placed in areas exposed to public view.

A “tree lawn” is the area between a sidewalk and the curb.

- Tree lawn areas adjacent to an Owner’s Property are the responsibility of that Owner to maintain, unless maintenance of the area is expressly assumed by the BOCA or the City.
- Any tree lawn landscaping project requires the submission of a request.
- Stone or other ground cover material may be used as an accessory only (not the primary ground cover).
- Tree lawn landscaping must allow for on-street parking and pedestrian access to the sidewalk.
- For more information on removing, planting or replacing trees in the tree lawn, which has its own set of guidelines and City of Denver Forestry rules, please see the Trees section of this document.
Planting concepts, plant varieties, and irrigation techniques which minimize water consumption (xeriscape) are encouraged. For more information on water conservation, refer to the Denver Water Department publications.

Grading of yards will be done in a manner to direct drainage away from the structure, toward either the front or rear property lines.

“Ponding” of runoff should be avoided. Directing drainage onto an adjacent Property is not permitted. Grades should generally not exceed a 3:1 slope (run: rise).

Water features, such as ponds, fountains, and statuary are permitted but must be approved. Such features must conform to and harmonize with the surrounding landscape, and not create an unreasonable noise level for adjacent Owners.

Yards will be properly maintained, kept free of weeds and invasive grasses, and mowed, trimmed and thinned in an attractive and healthy condition.

Owners have the duty to provide for regular weeding, pruning and maintenance of all plantings, including trees.

Diseased or dead plant materials and trees must be removed and replaced in a reasonable timeframe (30 days unless during winter).

Yards must be kept free of trash, construction materials and unsightly storage – this includes front, side and back yards, areas enclosed by fencing and areas adjacent to rear-Property fencing, garages and alleys.

Property Owners are responsible for maintaining the landscaped portions of City right-of-way abutting their Property (tree lawn) in accordance with Denver municipal codes, to include the trees and sod between the curb and sidewalk, as well as the space between rear-Property fences and alleys, except where such maintenance obligations are expressly assumed by the BOCA.

Driveways, setbacks, adjacent sidewalks and “teardrops” will be kept weed-free and well-maintained.

Landscaping must not encroach on sidewalks, pedestrian throughways, alleys or other areas outside the boundaries of a Property.

All landscaping Improvements such as irrigation systems, retaining walls, edging, and planters and plant materials must be maintained in good condition.

Evaluation criteria for landscaping include, but are not limited to:

- Materials and installation methods must be appropriate;
- Integrates well with existing landscaping; and
- Reasonably conforms and harmonizes with surroundings.
Vacant Property maintenance and landscape requirements:

- A Vacant Property is defined as a Lot or Parcel that has not undergone Initial Construction/Development, or a Lot or Parcel where the existing structure has been demolished and new construction has not yet occurred. Unoccupied buildings and foreclosed or bank-owned abandoned buildings are not Vacant Property, and, therefore, must be maintained to the standards required as though they are occupied.
- Vacant Properties must be kept free of trash and debris.
- Vacant Properties may not be used for storage of construction materials, equipment or debris unless construction is underway.
- Vacant Properties must, at a minimum, have perennial native grasses as ground cover to control dust and surface erosion.
- Vacant Properties must have grass areas mowed at regular intervals during the growing season. Grass, other than ornamental grasses, must not exceed six inches in height.
- If the Vacant Property has an existing tree lawn adjacent to the Property, the tree lawn must be irrigated and the trees maintained.

Section 4.43 Lighting (Exterior)

May require submittal of request.

Exterior lighting Improvements include wall and post mounted lights, low-voltage landscape lights, security/spot lights, energy-efficient outdoor lighting devices, light fixtures containing a coiled or straight fluorescent light bulbs, solar recharging panels, common motion detectors or any other equipment connecting to lighting devices.

Replacement of light bulbs in exterior light fixtures is considered a maintenance item and does not require approval.

Removing and replacing an exterior light fixture, if they are not the same style and color, or adding exterior light fixtures requires approval.

Motion activated lights may not be installed without prior written approval.

Evaluation criteria for lighting include, but are not limited to:

- For motion activated lights, the lights must be reasonably necessary for security purposes and must not emit or project an unreasonable amount of light toward adjacent Properties;
- Light fixtures and installation methods must be appropriate to the location of the fixture and type of installation;
- Lighting styles and uses must reasonably conform and harmonize with surroundings, and integrate with the landscape plan;
- Lights should generally project downward and not emit an unreasonable amount of light toward adjacent Properties; and
• All lighting must comply with applicable City building codes.

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<tr>
<th>Section 4.44 Livestock</th>
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Requires submittal of City permitting.

The BDRC defers to the City ordinance for keeping livestock, including chickens, ducks and goats. The current relevant code is Section 8-91 of the Denver Revised Municipal Code.

If you have questions about the ordinance, please call 311.

Livestock may be kept in the back yard only and the yard must be securely fenced.

A copy of the required City livestock or fowl permit must be submitted to the BDRC.

<table>
<thead>
<tr>
<th>Section 4.45 BOCA Maintenance and Service Policies/Rules</th>
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• BOCA provides services to maintain the Common Elements and areas which are the responsibility of BOCA.
• BOCA maintenance is to be in a manner consistent with the Governing Documents.

<table>
<thead>
<tr>
<th>Section 4.46 Rules on Owner's Maintenance Responsibility</th>
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</table>

• Owners must keep their Property, Improvements, and landscaping in good repair, and in a clean, safe, and attractive condition.
• In the event an Owner refuses to maintain his/her Property, BOCA may initiate an enforcement process as provided for in governance policies of BOCA.
• After providing the Owner notice and an opportunity for a hearing, BOCA may cure the violation and/or assess the Owner the expenses incurred by BOCA to bring the maintenance of the Property back into compliance.

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<tr>
<th>Section 4.47 Unsightliness</th>
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Property exteriors (yards, porches, side Properties, balconies, etc.) will be maintained in an orderly manner and kept free of trash and clutter.

Properties and an Improvements located on the Property will be painted regularly to avoid unsightly peeling and fading of paint.

Yards will be mowed, kept free of excessive weeds and invasive grasses, and maintained in an attractive and healthy condition.
Owners will weed, prune and maintain all plantings.

All landscaping improvements other than plant materials, such as irrigation systems, retaining walls, fences, edging, and planters must be maintained in good and neat condition.

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**Section 4.48 Mailboxes**

*May require submittal of request.*

Most of Boulevard One Community is serviced by USPS-approved clustered mailboxes. In areas serviced by individual mailboxes, the mailboxes must conform and harmonize with the building architecture and surroundings.

Replacement of an existing mailbox with one of similar type and color does not require a request.

Addition of or removal and replacement of a different style or color mailbox requires a request.

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**Section 4.49 Noise**

BOCA defers to the City ordinances for noise.

If you have concerns about noise, please call 311 or District 3 Denver Police Department non-emergency line at (720) 913-1200.

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**Section 4.50 Outdoor Kitchens & Permanently Installed Fireplaces and Firepits**

*Requires submittal of request form.*

Outdoor kitchens are a permanent, weather-resistant combination of a grill, storage cabinets, countertop, sink, and/or other kitchen features typically built into a patio or deck.

An outdoor fireplace is a permanent, exterior wall mounted, gas or propane fireplace of similar construction to an indoor fireplace which is also incorporated into a patio or deck. Portable grills do not require approval.

Evaluation criteria for outdoor kitchens and fireplaces include, but are not limited to:

- Materials and installation methods must be appropriate;
- Integrates with the patio, deck, and/or landscape plan;
- Compliments the building architecture when appropriate;
- Reasonably conforms and harmonizes with surroundings;
• Screened or not immediately visible to adjacent Owners;
• Any utilities servicing kitchens or fireplaces must be installed and maintained underground;
• Complies with applicable City building codes; and
• Incorporates appropriate safety features (locks, covers) to deter unwanted users.

**Section 4. 51 ** Paint (Exterior)

Requires submittal of request form.

Property Owners will keep exterior Improvements/buildings free of faded or peeling paint. An exterior needs to be repainted when there are any signs of fading, chipping, streaking, peeling or exposed wood or siding.

Approval is required to paint exteriors, with the exception of normal maintenance or “touching up.”

The Boulevard One Community does not have an approved paint color list; the applicable committee reviews each submission and approves or disapproves at their discretion.

Paint samples must accompany any request form submitted for painting all or part of the exterior of any Improvements/building.

If an Owner submits a request to paint a residential garage or garage door, they will be required to add the Property’s street number to alley-facing garages, if the garage does not already show the street number.

Evaluation criteria for exterior painting color selection include, but are not limited to:

• Reasonably conforms and harmonizes with surroundings;
• Excessively bright colors not normally used on Improvements/building exteriors are not permitted;
• “Distressed” style exterior finishes will not be permitted on Improvements/buildings, including trim, shutters, doors, etc.; and
• Proposed colors must be different from neighboring Properties.

**Section 4. 52 ** Rules on Trailers, Trucks Over One Ton and RV’s

• Such vehicles are considered “restricted” and may be parked in a garage.
• In addition to the foregoing, such vehicles may be parked or stored on a Residential Property for a maximum of 72 hours for preparation, loading, delivering, or emergencies.

Emergency first responder vehicles are exempted from this policy in accordance with

CHAPTER FOUR
Boulevard One: Guidelines for Minor Renovations, Rules & Regulations
Colorado law.

Exterior storage of recreational vehicles is not permitted.

Cars parked in driveways should be generally operational and car maintenance activities should be done in the garage whenever possible.

Because the overwhelming majority of the streets in Boulevard One Community are to be owned, maintained and regulated by the City, street parking in Boulevard One Community is subject to Denver municipal code.

If you have questions or concerns about street parking in Boulevard One Community, please call 311.

Parking in BOCA-owned alleys is prohibited.

Vehicles parked in BOCA-owned alleys may be towed, except as otherwise expressly provided.

- Rules and regulations of BOCA govern the types of vehicles that may be parked or stored within the Community outside of any enclosed garage.
- Parking in fire lanes (as designated by BOCA or as designated by local government or a local fire protection authority) is not permitted.
- Vehicles (other than those restricted) may be parked on the driveway.
- Driveway parking may not block or infringe upon the sidewalk.

<table>
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<tr>
<th>Section 4. 53</th>
<th>Rules on Vehicle Repairs, Washing and Cleaning</th>
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<td>Any repair work (other than oil changing, general washing or cleaning of a vehicle) must be done in a garage.</td>
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<td></td>
<td>Abandoned or inoperable automobiles, trucks, motorcycles, and other similar vehicles may not be kept anywhere within the Community, except in a garage.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Section 4. 54</th>
<th>Community Park, Linear Park, Neighborhood Park and Open Space Tract Hours</th>
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<td>5:00AM –11:00PM.</td>
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<tr>
<th>Section 4. 55</th>
<th>Community Park, Linear Park, Neighborhood Park and Open Space Tract Rules</th>
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<td>The following are not allowed in the Community Park, Linear Park or open space tracts:</td>
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</table>
• Dogs off-leash.
• Leaving personal property overnight.
• Damage to park or open space property.
• Skateboarding or inline skating, other than as a thoroughfare.
• Disturbing the peace of others.
• Littering.
• Using or selling drugs.
• Weapons, fires or fireworks.
• Gambling.
• Motorized vehicles.

Section 4.56 Patios (Open)

Requires submittal of request form.

An open patio is an exterior, at-grade surface for gathering.

Typical materials include concrete, gravel, pavestones, or bricks. For enclosed patios, please see “Additions and Expansions.”

Patios should not be used for storage.

Evaluation criteria for open patios include, but are not limited to:

• Materials and installation methods must be appropriate;
• Integrates with the landscape plan;
• Reasonably conforms and harmonizes with surroundings; and
• Does not create an unreasonable level of noise for adjacent Owners.

Section 4.57 Pergolas

Requires submittal of request form.

A pergola is an exterior structure with an open roof system, generally used to create partial shade over a patio or deck.

It is commonly made of wood and is supported on posts.

Occasionally, a temporary seasonal fabric cover is incorporated. Storage of temporary seasonal pergola cover must be out of sight of surrounding neighbors and completed in a neat and orderly fashion.

Evaluation criteria for pergolas include, but are not limited to:

• Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
• Colors must be complementary to the Improvements/building;
• Height must not exceed 10 feet from grade on which it sits; and
• Reasonably conforms and harmonizes with surroundings.

Evaluation criteria for seasonal pergola covers include, but are not limited to:

• Materials must be made of canvas or similar material and withstand seasonal weather;
• Attachment methods must be discrete and allow for easy install and removal;
• Colors must be complementary to the Improvements/building; and
• Reasonably conforms and harmonizes with surroundings.

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Section 4.58 Pets

• Outside of the backyard areas, pet Owners must immediately clean up after their pet and dispose of the same in suitable containers.
• Pets must be properly restrained or on a leash when outside of backyards.
• Pets must not cause a nuisance to others.
• Pets may not be kept for commercial purposes.

The BDRC or BAS has sole discretion to determine whether a pet is a nuisance or is being kept for commercial purposes.

Excepting the express terms of these rules, BDRC defers to Denver City Code on matters concerning pets including dogs off leash, disposal of pet waste, etc.

In BOCA-owned parks or open space, the municipal codes regarding pets are posted at the dog waste stations.

The City may enforce its code at the Community, so if you have concerns about off-leash dogs or an Owner’s negligence in removal of pet waste, please call 311.

The 311 operator will then dispatch someone from Animal Control to address the problem.

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Section 4.59 Playhouses

Requires submittal of request form.

For permanent playhouse structures see Accessory Improvements/buildings.

Portable playhouses are considered a toy, are exempted from submittal and must be stored in the backyard away from public view.

---

Section 4.60 Play Structures

Requires submittal of request form.
A play structure refers to a swing set, jungle gym, or similar play apparatus.

Play structures must be kept in good condition.

Evaluation criteria for play structures include, but are not limited to:

- Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
- Located in the backyard or in the side yard if space permits;
- Height must not exceed 10 feet from grade in back yard or 10 feet from grade in side yard; and
- Reasonably conforms and harmonizes with surroundings.

Section 4.61 Pools

Requires submittal of request form.

A pool is used for swimming recreation.

In-ground pools typically entail engineered plans and require building permits.

Only in-ground pools will be considered for approval.

Evaluation criteria for pools include, but are not limited to:

- Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
- Integrates with the landscape plan;
- Reasonably conforms and harmonizes with surroundings;
- Located within property setbacks and does not obstruct easements;
- Located in backyard and is not immediately visible to adjacent Properties;
- Does not create an unreasonable level of noise for adjacent Owners from maintenance equipment;
- Complies with applicable City building codes; and
- Incorporates appropriate safety features (locks, covers) to deter unwanted access.

Section 4.62 Porch Roofs or Permanent Deck Covers

Requires submittal of request form.

A porch roof or permanent deck cover is a roof system over a deck, patio, porch or stoop that is incorporated into the Improvements/building structurally and architecturally. They typically entail engineered plans and require building permits.

Evaluation criteria for porch roofs or permanent deck covers include, but are not limited to:
to:

- Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
- Colors must be complementary to the Improvements/building;
- Reasonably conforms and harmonizes with surroundings;
- Is located within setbacks and does not obstruct easements; and
- Complies with applicable City building codes.

**Section 4.63 Porta-Potties**

See Dumpsters, Temporary Storage Containers (i.e., POD’s) and Porta-Potties.

**Section 4.64 Recreational Vehicles**

See Parking.

**Section 4.65 Reserved Uses at Parks or Open Spaces**

Approval of the BDRC is required for special events which require one or more of the following:

- Scheduled activity of 25 people or more.
- Camping overnight.
- The selling of goods or services.
- Selling alcohol.
- Installing a canopy, tent, inflatable, etc., using stakes greater than 12 inches in length.
- Exclusive use of any park or open space facility.

Owners may apply for a permit from the BDRC by contacting the BDRC Administrator.

**Section 4.66 Roofing Materials**

_May require submittal of request form._

Roofing materials refer to the shingle or tile material installed on an Improvement/building rooftop. Replacement of an existing roof with the same previously-approved material does not require approval.

Replacement of an existing roof with a new roofing material or roof color requires approval.
Materials are limited to ceramic and concrete tile, metal or multiple-ply composition shingles.

Wood shake roofs are prohibited.

Multiple-ply composition shingles must have a multi-dimensional appearance and come with a minimum 30-year warranty.

Rooftop equipment and exposed pipes and flashing must be painted to generally match the roofing color.

Evaluation criteria for roofing materials include, but are not limited to:

- Materials and installation methods must be appropriate;
- Colors must be complementary to the Improvements/building; and
- Reasonably conforms and harmonizes with surroundings.

Section 4.67 Satellite and Communication Antennas

Satellite dishes must not exceed one meter in diameter on Residential Properties. Commercial Properties may have a larger satellite dish if approved by the BDRC or BAS.

Satellite dishes and antennae must be installed inconspicuously and screened from public view on back of the Improvements on a Property as much as possible.

[Note the BDRC is aware that if an acceptable quality signal cannot be received in the preferred location, or if installation, maintenance or use of the antenna would be unreasonably delayed or the cost unreasonably increased in the preferred location, per federal law the antenna may be installed in another location]. CB/Ham radio antennas cannot exceed 35-feet in height and must be installed in the backyard. Cables should be affixed to the house and painted the same color as the house.

Section 4.68 Shutters

May require submittal of request form.

Shutters must be installed as to reasonably conform and harmonize with the surroundings and must be of color(s) that are complementary to Improvements/building aesthetics. Shutters must be maintained and must be free of peeling, faded, cracked, chipped, or streaked paint/stain.

“Distressed” style shutters are not permitted.

Maintenance of or removal and replacement of shutters of the same color and style does not require a request form be submitted.
Addition of shutters, replacing shutters with those of a different style or color, or painting shutters a new color requires that a request form be submitted.

May require submittal of request form.

Signs refer to all temporary or permanent signs of all kinds and types regardless of purpose, including but not limited to monuments, building signs, lighted signs, directional signs, bench signs, political signs, for sale or rent signs, project signs and advertisements.

Approval is required for all permanent signs and most temporary signs. Below are some commonly-allowed temporary signs that do not require committee approval:

- For Sale or For Rent (max size 6 sq ft) commencing with the date of listing up to date of closing, one sign per Property;
- Open House (max size 6 sq ft) - day prior to and day of only, one sign per Property;
- Remodel/Contractor Ad (max size 6 sq ft) maximum duration 30 days;
- Security Company/Service (max size 2 sq ft) maximum 2 per Property, unlimited duration;
- Garage Sale (max size 6 sq ft) day of only;
- Political Issue/Candidate (max size 32 sq ft) maximum 1 sign per ballot issue / candidate per election cycle, max 45 days before and 7 days after elections; and
- Any sign or banner posted by BOCA.

General sign rules & regulations:

- No signs may be posted or attached to trees, public utility improvements, lighting poles or fixtures, traffic signs, or traffic control devices or on BOCA owned or maintained property without written permission from BOCA.
- No signs may be posted, placed or erected within public rights-of-way and thoroughfares, including tree lawns (the area between the sidewalk and curb).
- No permanent sign will be installed without Committee approval.
- All temporary signs must be in good condition free from tears, shredding, warping and rust.
- Flashing, blinking, moving, exposed light, iridescent colors, fluorescent materials, animated or audible signs, streamers, balloons and searchlights are prohibited.
- Off-premises billboard signs are prohibited.
- Bench signs are prohibited.
- Neon or gas tubing signs including fiber optics are generally not permitted on the exterior of an Improvement/building.
- Signs attached to structures with one or more wheels are prohibited, including trailer signs.
• Sandwich board signs are permitted on commercial and multi-family properties during business hours / leasing office hours as long as pedestrian traffic on sidewalks is not impeded and the signs are not located in the tree lawn and do not obstruct the right of way.
• No Owner may add any lettering to any tower or utility structures located within the Community or change the color of a tower or utility structure without prior written approval.
• No sign may be painted upon any Improvements/building façade, unless approved by the BAS or the BDRC.
• Signage must have no exposed wiring, conduits, tubing, lamps, ballast boxes or raceways. All cabinets, transformers, ballasts, attachment devices and similar equipment must be concealed.
• All materials used in signage, except temporary signage, must be durable, of permanent nature, require minimum maintenance and be resistant to weathering and staining.
• No sign or any portion thereof may project or extend above the parapet wall or top of the exterior wall or Improvements/building façade upon which the sign is mounted.
• Rooftop signs are prohibited.
• Off-site signs (signs advertising products or services available at other locations other than the Property on which the sign is located or signs directing persons to locations other than the Property on which the sign is located) are prohibited throughout Boulevard One.

For Commercial and multi-family sites:

Requires submittal of request.

• Monument signs must be architecturally compatible with the primary Improvements/building on the Property.
• Primary monument signs must not exceed 45 square feet of surface area per sign face, must not exceed a maximum of five feet in width and must not project higher than nine feet above ground level.
• Secondary monument signs must be smaller in size than the primary monument sign on a Property. Secondary monument signs must not exceed 30 square feet of surface area per sign face, must not exceed a maximum of four feet in width and must not project higher than seven and one-half feet above ground level. Lettering on any secondary monument sign is limited to the building, company or business name and the purpose of the entry e.g., “Visitors’ Entrance.”
• All primary and secondary monument signs must be illuminated by concealed floodlights from ground level or backlit, as approved by the Committee. No lights exposed to view from the street may be mounted on the sign.
• Internal directional signage are permanent signs located throughout a Property for the purpose of directing vehicles and pedestrians to destinations such as parking, entrances/exits, leasing offices and buildings. Signs should be the minimum size necessary to communicate the most essential information and without decoration. Internal directional signage must not exceed a maximum of six feet in height and must not have a sign panel larger than nine square feet in
size. Such signs must be architecturally compatible with the primary Improvements/building on the Property and must be constructed of materials that are durable, of permanent nature, require minimum maintenance and be resistant to weathering and staining. Signs constructed of medium-density fiberboard (MDF) are prohibited. Signs must not be visible from beyond the boundaries of the Property and, with the exception of signs identifying entrances and exits, must not be located within the paving setbacks.

- In general, the informational content of all signs must be limited to letters designating the establishment name and/or type of establishment and must not include any specification of the merchandise offered for sale therein or the services rendered therein, advertising devices, slogans, symbols or marks except corporate logos, street number and street name.
- Monument signs associated with any retail use may be located within the paving setbacks in front of their Improvements/building. Entry signs associated with retail uses must not be located closer together than 300 feet.
- A façade mounted sign associated with a retail use or a retail complex must be limited to the trade name of the retail use or store. All façade mounted signs within a retail complex must be consistent in height, color and location on the Improvements/building with other retail uses in the same retail complex.

For single family, duplex residential, townhome or row homes Neighborhood Association governed sites:

Requires submittal of request.

- Monumentation must be appropriately scaled for both pedestrians and automobiles.
- Monuments must be limited to principal or primary entries.
- Monuments must be architecturally compatible with primary structures.
- Monuments must not obstruct or interfere with vehicle sight lines at intersections or entrances.
- One sign identifying the address street number of each Dwelling Unit is permitted, provided that the surface area of such signs does not exceed one square foot.
- One sign identifying each public or quasi-public use is permitted, provided that the surface area of each sign does not exceed 10 square feet.

Temporary signage – Commercial and Multi-Family:

Requires submittal of request.

- All temporary construction signage must be approved by the BDRC.
- During construction, temporary construction/leasing signs or banners announcing such construction must be permitted with the maximum dimensions of eight feet by four feet. All construction/leasing signs that are not banners must be constructed of dimensional lumber and must have all exposed surfaces painted. If a sign is to be supported by exposed posts, the base of the sign must be framed out to give a finished solid appearance. Such signs may set
forth the name of the project, a short description of the project, the Owner, contractor, architect, engineer, financing information, completion date and leasing information. No sign is to be constructed more than two and one-half feet above the ground level to the base of the sign.

- Temporary construction/leasing signage may be installed no more than 120 days prior to work commencing.
- All construction signage must be removed within 30 days of completion of the project.
- All temporary leasing signage must be removed with the sale, rental or occupancy of 90% of the total leasable or salable square footage of the buildings within that part of the Community.
- Lighting may not be used on temporary signs/banners.

**Section 4. 70 Solar Panels**

*Requires submittal of request.*

Solar panels or solar devices are defined by Colorado law as “a solar collector or other device, or a structural design feature of a structure, which provides for the collection of sunlight and which comprises a part of system for the conversion of the sun’s radiant energy into thermal, chemical, mechanical or electrical energy.”

Solar panels or devices are typically mounted on the roof. Property Owners are encouraged to incorporate energy conservation into their building systems.

Panels will be securely anchored to roofs, and pitched differently from the angle of the roof only to the extent necessary for solar efficiency.

Panels must be installed by a licensed contractor who specializes in solar installation.

Evaluation Criteria for solar panels include, but are not limited to:

- Materials and installation methods must be completed in accordance with manufacturers recommended procedures;
- To the extent possible, panels will be aesthetically integrated into the structure; and
- To the extent possible, avoid installing solar panels on the front, or public-facing view of the Property.

**Section 4. 71 Snow Removal**

- Property Owners must comply with City ordinances regarding snow removal. Snow removal on sidewalks is the responsibility of the adjacent Owner.
- BOCA does not provide snow removal in alleys and privately owned streets and the City provides snow removal according to its tiered plan.
• Owners are responsible for removing snow accumulation on sidewalks and driveways within 24 hours, after the snowfall has substantially stopped.
• There are several entities who take on snow removal responsibilities on a regular basis from the City down to individual Owners.
• Major roadways and arterials are the responsibility of Denver’s Department of Public Works. Snow removal on these designated roadways starts prior to every snow event and continues through its completion. Roads are placed in different priority levels and are addressed as equipment becomes available.
• Neighborhood sidewalks are the responsibility of the adjacent Owner or Neighborhood Association. When the sidewalk is located adjacent to a Community park, open space or parkway, BOCA will seek to clear snow.

Section 4. 72 Sports Equipment

_May require submittal of request._

Sports equipment includes portable, pole-mounted or garage-mounted basketball backboards; volleyball or badminton nets; soccer goals; trampolines; etc.

Permanent or garage-mounted sports equipment requires submission of a request.

Permanent pole-mounted basketball backboards must be 10 feet from front sidewalks and 5 feet from the side-Property line.

The maximum height of sports equipment is 12 feet. All sports equipment must be maintained in a clean and neat appearance.

Sports equipment must not obstruct BOCA-owned alleys or sidewalks.

The City owns, maintains and regulates the vast majority of Boulevard One Community streets.

City code prohibits the use or storage of sports equipment in the right of way, public sidewalks and City streets.

If you have concerns about sports equipment in any of those areas, please call 311.

Section 4. 73 Statuary

See Landscaping.

Section 4. 74 Storage Rules

• Balconies, decks and patio areas may not be used as storage areas.
• Occupants are expressly allowed to maintain outdoor patio furniture, grills and related personal property provided these items are well maintained and kept in a first class manner and appearance.

Section 4.75 Storm Doors

Storm door design and color should be similar or generally acceptable as complementary to the residence.

Section 4.76 Temporary Covers - Patio/Deck/Sun-Shades

Requires submittal of request.

A temporary patio or deck cover is a manufactured sun-shade cover used outdoors to provide temporary shade or cover.

Covers are commonly made of canvas or similar durable fabric.

Frames are commonly made of plastic or coated-aluminum.

These systems are easily transported, assembled, and stowed-away.

Frames should be fastened down to prevent blowing away.

Only manufactured covers are permitted; make-shift covers are not allowed.

Larger covers are sometimes rented for special backyard social occasions.

Shade covers can be used from May 1st to October 1st.

Temporary shade covers require Committee approval only if the Owner intends to leave the cover assembled for more than 48 hours.

Occasional use of temporary covers for periods less than 48 hours does not require approval.

Evaluation criteria for temporary shade covers include, but are not limited to:

• Height may not exceed 10 feet from grade on which it sits;
• Reasonably conforms and harmonizes with surroundings; and
• Materials must be made of canvas or similar fabric and withstand seasonal weather.
<table>
<thead>
<tr>
<th>Section 4.77</th>
<th>Temporary Storage Containers (i.e., POD’s)</th>
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<tbody>
<tr>
<td>See Dumpsters &amp; Temporary Storage Containers.</td>
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<tr>
<th>Section 4.78</th>
<th>Trailers</th>
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<tbody>
<tr>
<td>See Parking.</td>
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<thead>
<tr>
<th>Section 4.79</th>
<th>Trash Containers</th>
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<tbody>
<tr>
<td>All private service and sanitation facilities must be enclosed within fences, walls or landscaping so as not to be visible from any street or alley, except within 24 hours of trash pick-up.</td>
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<tr>
<th>Section 4.80</th>
<th>Trash and Recycling</th>
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<tbody>
<tr>
<td>Trash and recycling containers must be stored out of sight from the street. Suggested storage areas are behind the fence or in the garage.</td>
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<td>Trash and recycling containers may be placed curbside after 6:00 p.m. on the night before scheduled trash pick-up, and must be removed within 24 hours after pick-up.</td>
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<tr>
<th>Section 4.81</th>
<th>Trees – See Also, Landscaping</th>
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<tr>
<td>Requires submittal of request.</td>
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<td>Removing, planting or replacing any tree requires the submission of a request.</td>
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<tr>
<td>Removing, planting or replacing a tree in the tree lawn (area between the sidewalk and the street) requires the advance approval of the City of Denver Forester who can be reached at (720) 913-0651 or <a href="mailto:forestry@denvergov.org">forestry@denvergov.org</a>.</td>
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<td>Tree lawn trees that have died must be replaced as soon as the weather permits replanting.</td>
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<td>Generally, the removal of healthy tree lawn trees is prohibited by the City of Denver Forester.</td>
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<tr>
<td>All new trees must be a minimum of two and one-half inch caliper at the time of installation; evergreen should be a minimum of six feet tall.</td>
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<tr>
<td>Trees should not be planted within a utility easement.</td>
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</table>
For a list of tree species that are permitted and not permitted for planting in Boulevard One Community, please refer to the Boulevard One Community tree list on the BOCA website.

In the tree lawn, there must be 35 feet between shade trees, 25 feet between ornamental trees; trees must be 30 feet from the curb at intersections, 10 feet from alleys, driveways and fire hydrants and five feet from water meters and pits.

Trees must be maintained and regularly pruned so as not to obstruct pedestrian traffic, sidewalks, alleys or the street.

The City requires tree lawn canopies to be at least eight feet in height when mature.

Generally, deciduous trees need pruning every three to four years.

Regular pruning helps create a beautiful street canopy throughout Boulevard One Community.

Section 4.82 Tree Houses

See Accessory Improvements/buildings.

Section 4.83 Trellis

Trellises may be installed on a Property as long as it reasonably conforms and harmonizes with the surroundings.

Section 4.84 Walls

See Fences, Walls & Handrails.

Section 4.85 Weeds and Trash

- Weeds or trash on individual Properties is not acceptable.
- Owners must timely and properly dispose of weeds and trash on their Property.
- Owners are responsible for weeds on their Property, regardless of the fence line.
- All rubbish, trash, and garbage must be regularly removed from Improvements on a Property and is not allowed to accumulate.
- No garbage or trash may be placed on the Common Elements outside of the Improvements or a Property, temporarily or otherwise, except in trash cans located in areas as BOCA may designate.
• Rubbish, trash, and garbage must be disposed of in appropriate sealed bags and either placed in the trash cans or proper receptacles designated by the City and/or the Board for collection.

Section 4.86 Wind Turbines

Requires submittal of request.

Wind turbines or wind-electric generators are used to generate electricity as a component of an Improvements/building’s overall energy system and represent a way to conserve energy.

Wind turbines are generally prohibited but will be considered under special conditions by the BDRC or BAS.

Wind-electric generators must meet the interconnection standards established in rules promulgated by the Public Utilities Commission.

The height, noise and aesthetics of the wind turbine must not unreasonably interfere with the use and enjoyment of occupants, residents and Property situated near the device.

Section 4.87 Window Boxes

Requires submittal of request.

Window boxes must reasonably conform and harmonize with surroundings and be maintained in good condition.

Section 4.88 Windows, Screens & Window Treatments

Windows, Screens & Window Treatments must be well maintained and kept in good repair.

Section 4.89 Wood Storage

Firewood or wood storage for any purpose must be kept in the rear of the Property, out of public view, and in a neat and organized manner.