

CITY OF BOULDER
JOINT MEETING WITH CITY COUNCIL & PLANNING BOARD ACTION MINUTES
February 2, 2016
1777 Broadway, Council Chambers

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CITY COUNCIL MEMBERS PRESENT:

Suzanne Jones, Mayor
Aaron Brockett
Jan Burton
Lisa Morzel
Andrew Shoemaker
Sam Weaver
Bob Yates
Mary Young

PLANNING BOARD MEMBERS PRESENT:

Bryan Bowen, Chair
John Putnam
John Gerstle
Leonard May
Liz Payton
Crystal Gray

STAFF PRESENT:

Tom Carr, Deputy City Attorney
Jane Brautigam, City Manager
Heidi Leatherwood, Assistant City Clerk
Lynette Beck, City Clerk
Susan Richstone, Deputy Director of Planning, Housing and Sustainability
Lesli Ellis, Comprehensive Planning Manager
Cindy Spence, Administrative Specialist III
Courtland Hyser, Senior Planner, PH&S
Caitlin Zacharias, Associate Planner, PH&S
Joe Castro, Facilities & Fleet Manager

COUNTY STAFF PRESENT:

Abigail Shannon, Senior Planner, Boulder County Land Use
Pete Fogg, Senior Planner, Boulder County Land Use
Therese Glowacki, Boulder County Open Space

1. CALL TO ORDER AND ROLL CALL

Mayor, **S. Jones**, declared a quorum at 6:03 p.m. and the following business was conducted.

2. OPEN COMMENT and COUNCIL/STAFF REPOSE

3. CONSENT AGENDA

4. POTENTIAL CALL-UP CHECK IN

5. PUBLIC HEARING ITEMS

- A. Update and direction on the following item related to the 2015 Major Update to the Boulder Valley Comprehensive Plan (BVCP): Initial Screening of Public Requests for Map Changes in Area II and Area III, Policy and Text Changes.

Staff Presentation:

L. Ellis, C. Hyser and A. Shannon presented the item to the City Council and Planning Board.

City Council and Planning Board Questions and Comments:

L. Ellis and C. Hyser answered questions from the City Council and Planning Board.

Public Hearing:

(Please note that public hearing comments are a summary of actual testimony. Full testimony is available on the web at: <https://www.bouldercolorado.gov/>.)

PART I: REQUESTS RECOMMENDED FOR ADDITIONAL ANALYSIS BY COUNTY

- **Request 25 (3261 3rd Street)**
 1. **Ed Byrne**, requestor, would like this location to be under consideration for annexation. He gave a short history of the lot and to why it has not been annexed and explained no plans to subdivide the property. The owners would like to be able to sell the property which they cannot do because it is an “unrecognized lot” in Boulder County. The building is currently not occupied.
- **Request 29 (2801 Jay Road #1 – Change to MXR)**
 1. **Margaret Freund**, requestor, pooling with **Benita Duran** and **Ali Gifar**, asked for the Council and Planning Board to support continued analysis of this site. Would like the land use changed to a mixed use because there is currently a need for a wide range of housing types. She stated that they would like to do a mixed use rather than affordable housing and would create a mixed income housing that is affordable and of high quality. In addition, they are proposing a café at the southwest corner of the site. This property will define the edge of Boulder and act as a gateway.
 2. **Maureen Taylor** spoke against changing the property designation to MXR because the property is on the fringe of the city and there are still many other areas in the core of the city that could be developed.
 3. **Shawn Barry** spoke in support of the annexation because it will offer opportunities for other families that need affordable housing and to be a part of Boulder.
 4. **Wyley Hodgeson** spoke against the annexation because it would not be compatible with the adjacent land uses and the neighborhood.

5. **Paulina Hewatt** stated that the request does not meet the gateway guidelines therefore she is not in support of the rezoning.
 6. **Matthew Karowe** opposed the rezoning as the surrounding properties are rural and the rezoning of this property would alter the area considerably and would make a precedent for the Area III.
 7. **Heather Hosterman** opposed the rezoning because it would create a noncontiguous and inconsistent boundary for the Area III planning reserve. In addition, it would not maintain an urban/rural corridor for Boulder.
- **Request 35 (6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #2 – Change to MXR)**
 1. **Willa Williford**, requestor, Deputy Director of Boulder County Housing Authority (BCHA), stated that the school district and BCHA share a goal to provide attainable housing for the community. Together they are seeking approval for the mixed land use residential designation to be studied. This will allow a diversity of housing options for families, school district employees and seniors. In addition, it could create wildlife buffers and trails across the site. BCHA is committed to six-twelve units per acre and is aware of the concerns of the area and also the need for affordable housing.
 2. **Glen Segrue**, requestor, representing the school district stated that the BVSD has an interest in conducting further water and wildlife studies. This property has always been viewed as a buildable site by BVSD. The BVSD is concerned that as the number of teachers and employees who live outside the district rises, they will not have affordable housing within the district. This project could provide housing for teachers. BVSD is exploring options.
 3. **Aria Ratten** spoke in support of affordable housing at Twin Lakes. This would be an opportunity to contribute to our community.
 4. **Andy Coco** spoke in support of the affordable housing project and to continue researching this project.
 5. **Jim Williams**, pooling with **Chris Campbell** and **Maggie Crosswy**, spoke in support of affordable housing project and presented data to show the tremendous need.
 6. **Marty Streim**, pooling with **Jeff Cohen** and **Annie Brook**, asked this item to be tabled. He stated that we need to think about how development should happen in Gunbarrel and not in a piecemeal approach. He stated that development should be consistent with land use patterns.
 7. **Gordon McCurry**, pooling with **Jason Hill** and **Paul Sadauskas**, is a hydrologist who performed an independent study of Twin Lakes. He stated high ground water is present on the site and development will raise the water table in adjacent properties. He stated that it would not be good to build in this neighborhood.
 8. **Samantha Ricklefs** pooling with **Sandra Ireland** and **Kelly Disckson**, requested that the item not be accepted by council and the Planning Board. She stated that BCHA does not understand the needs of Gunbarrel or its residents. Twin Lakes is a rural, residential community and not suitable for higher density housing and does not have the amenities to support it. She cited comp plan policies.
 9. **Brian Lay**, pooling with **Dan Rabin** and **Valerie Hotzcallis**, asked that the item be denied because every other aspect of the request (social, community and the neighborhood aspect) can be satisfied with the current land use designation. MXR and annexation are not needed to meet the needs of housing.

10. **Patrick Madden**, pooling with **Dennis Dickson** and **Dave Dickson** representing the Twin Lakes Action Group, stated that they are not against affordable housing but are not in support of this request. He asked that development be slowed down to address the shortfalls in infrastructure and amenities already present. He proposed a moratorium on development in Gunbarrel to initiate studies and surveys. The goal is a final common long range vision for the future growth of Gunbarrel.
11. **Donna George** pooling with **Dinah McKay** and **Frank Karash** asked that the housing proposal not be considered for further analysis. It lacks contiguity for annexation. The site has provided scenic vistas for decades. Affordable housing should be dispersed. It violates BVCP policies. .
12. **Mike Smith**, pooling with **Kate Chandler** and **Doug Johnson**, stated that Boulder does need affordable housing, and the density is flawed, but it should be built as infill closer to downtown and located closer to infrastructure and consistent with the BVCP. He expressed concerns about hydrology, wildlife, and infrastructure.
13. **Miho Shida**, pooling with **Yvonne Lopez** and **Dave Rechberger**, stated that opposition to this request is community wide. They would like the area to remain open space, and they have an active petition which currently over 700 people have signed. The change in designation and the creation of over 300 rental units would destroy the character of this neighborhood and would be violation of the BVCP.
14. **Jessica Hartung**, pooling with **Jen Murphy** and **Suzan Yeshida**, stated that affordable housing is a critical need yet she opposes the method of this proposed land use change to achieve it. She asked that this request be denied and read Jim Wilson's letter stating this area is not appropriate for development.
15. **Mark George**, pooling with **Jill Skuba** and **Dee George**, stated that he is concerned about hydrology and soil impacts and water that would run off from development and the impact it would have on the existing wetlands.
16. **Susan Lambert**, pooling with **Myrna Besley** and **Karen Looney**, stated that the Open Space Alliance is ready to form an improvement district. A change to the land would alter the character of surrounding neighborhoods. She stated that they would prefer that affordable housing be closer to downtown.
17. **Bill Brown** stated that having high density housing on the outside of the city will not help with carbon reduction. Individuals living in the proposed housing would have long commutes and single occupancy cars.
18. **Rolf Munson**, pooling with **Martha McPherson** and **Caroline Hogue**, stated the request is inadequate and contradicts the BVCP. He stated that no studies have been done, there is no plan for missing services, and the proposal would violate ten sections of the BVCP. He stated that Gunbarrel is not interested in annexation.
19. **Betsy Marten** pooling with **Ian Swallow** and **Penny Hannegan**, representing BHP, stated strong support for housing on the site. She highlighted her experience with affordable housing in the Boulder community over the past 29 years. Look at the evidence of the projects that were opposed where concerns have not borne out. Neighborhood concerns would be addressed by thoughtful development and mitigate hydrology. Compatible development is important.
20. **Audry Gunn**, stated that she is against Request 35 and that she is concerned for the owls' existence that currently live on the land.

21. **Jennifer Johnson** stated that she is in support of affordable housing in this area. The neighborhood already has open space and single family homes. These should not be the reasons to exclude affordable housing and segregate middle and low-income people. She stated that generally fear of the poor underlies much of the opposition.
 22. **Steve Whitehead** stated that he is against the rezoning of the property to a higher density. It would not be appropriate and that higher density should be more centrally located towards the urban areas.
 23. **Doyle McClure** stated that since the flood of September 2013, he noticed a lot of damage along Twin Lakes Road. In addition, he has noticed continual flooding along that road.
 24. **Frank Alexander** stated that affordable housing is the number one community issue. Gunbarrel has the opportunity to develop 20 acres which are needed. He stated that no land parcel is simple to develop.
 25. **Amy Chu** stated that she could be on both sides of the issue. She stated that there is not much diversity in that location in terms of animals and plants so would be a good location for development. As a teacher, she would be in favor of affordable housing.
 26. **Renee Morgan** stated that hydrology concerns are not valid. Affordable housing would offer other people the opportunity to live in that area. The people that are providing the great services in the county cannot afford to live in Boulder County. Women are disproportionately affected.
 27. **Nolan Rosell** spoke on behalf of the Habitat for Humanity board members. He stated that they are in support of the change to support and construct affordable housing. It is the single top priority to be addressed from the BVCP survey. This is a 20 acre site and the opportunity is high.
 28. **Will Toor** stated that he is in favor of affordable housing. Boulder has done a great job at preserving the environment and acquiring open space but has not provided affordable housing. He cited the BVCP survey and election results to support housing. Boulder would have no housing if views of neighbors are only concern.
 29. **Mary Duvall**, CEO of Thistle Communities, stated that it would be appropriate to consider what the community desires. She stated that this parcel of land would be appropriate to be developed and it would be a diverse and inclusive community.
- **Request 36 (6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #3 – Change to OS)**
 1. **Mike Chiropalos**, requestor, pooling with **Wendy Miller** and **Jerry George**, stated that this would be Gunbarrel's last chance for protecting the parcels. He stated that the three parcels totaling 20 acres warrant permanent protection. The proposed mixed residential use would be inappropriate and must be denied.
 2. **Sandy Stewart** stated that he supports Request 35 affordable housing on the site and is asking for "age restrictive" and high quality development.
 3. **Eliberto Mendoza**, spoke in regards to Request 35, and stated it is currently difficult to find housing in this community. He said that affordable housing would be an investment that would give back to the community.
 4. **Robin Bohannan** said that affordable housing is needed and valuable. She asked council and Planning Board how to make (Request 35) happen. She suggested asking others to give up existing privileges.

5. **Tracey Bennett** stated that this community cherishes open space and yet has seen an increase in homelessness. Boulder is currently lacking in affordable housing. In her opinion, this project would not be a threat to the owls. She stated that there is a need for affordable housing.
6. **Erin Jones** stated she is in support of the land designation change for affordable housing (Request 35). Affordable and stable housing has been linked with improved health, education and economic outcomes for families and children. Affordable housing is a platform and a foundation. She stated that she is concerned that the lack of affordable housing is impacting our local work force.
7. **Mike Stratton** stated that only a few of his co-workers live and work in Boulder. All of them could benefit from moderate income housing. He asked the council and Planning Board to approve the Request 35.
8. **Monica Rotner**, in regards to Request 35, suggested it move forward for further study. She stated that all citizens are all one step away from needing affordable housing.
9. **Daphne McCabe** stated that she is in support of Request 35 (housing) and against the Request 36 for open space.
10. **Kristen Bjornsen**, pooling with **Maryann Bjornsen** and **Michelle Caolo**, spoke in support of Request 36 for open space. The mixed density change would harm animal species of special concern and violates policies of the BVCP.
11. **Lauren Kovsky**, pooling with **Milan Sefcik** and **Jeremy Kalan**, spoke against the development of affordable housing at this location and that it would violate policies of the BVCP.
12. **Juliet Gopinath**, pooling with **John Collis** and **Kristen Aldretti** stated that Request 36 is consistent with the current comp plan values and it is in keeping with the neighborhood. Green spaces and open spaces should be conserved such as those found on the two parcels.
13. **Lisa Sundell**, pooling with **Claudia Coppoli** and **Nancy Thompson**, stated that she is in support of keeping the designation of the three parcels of land as they currently are. Density on this land would not be appropriate due to lack of amenities and transportation options available, this land provides a wildlife corridor and finally the permanently high water table in the area.
14. **Ken Beitzl**, pooling with **Lenni Ducanson** and **Matt Ferren**, explained the nature and nurture of the owls at Twin Lakes. No studies were done by County Open Space or the requestors. He suggested erecting an owl preserve.
15. **Carl Boen** voiced opposition to high density development and to preserve the owls' habitat in the proposed area.

PART II: REQUESTS NOT RECOMMENDED FOR ADDITIONAL ANYALYSIS BY COUNTY

- **Request 31 (7097 Jay Road)**

1. **Brent Aanerud**, requestor, stated that his proposal would be to rezone from Open Space-Other (OS-O) to Low Density Residential (LR). He stated that he would want to develop this area for affordable housing.

- **Request 32 (Hogan-Pancost)**

1. **Rich Lopez**, requestor, informed the Council and Planning Board that he would not want the request to change the property from Area II to Area III to be forwarded for any further analysis. He stated that claims in the request are false.
2. **Steve Meyer** stated that the area would be unsuitable for annexation and development. He mentioned that the threats of legal action made by the requestor to the county may have swayed the county's previous decisions. In addition, the information provided by the development group does not give an accurate depiction of what took place on the property during the 2013 flood. This may also have biased the commission's decision. He requested that the city ask the county bodies allow the request to continue through the review process.
3. **Deb Grojean**, pooling with **Lois Hayes** and **Gabriella Sattler**, stated that there has been legal intimidation and threats of being sued for slander for speaking of flood damage. Water has been displaced into homes, and the Hogan-Pancost property flooded. She requested that Boulder County Planning Commission reconsider their denial to proceed with the comp plan change request. The Planning Commission was provided incorrect information regarding the 2013 flood.
4. **Christine Rubin** stated that she wants to have another hearing with the Boulder County Commission and move Hogan-Pancost to Area III. The Commission did not understand the history of the area.
5. **Ari Rubin** informed council and Planning Board that it has been 25 years that developers have been attempting to pave over the wetlands. He asked they help stop this from continually happening.
6. **Suzanne DeLucia** explained that during the 2013 flood her home experienced substantial flooding. She reminded them that shortly after the 2013 flood, the developer pulled their annexation request.
7. **Mireille Key**, pooled with **Jeff Rifken** and **Maryann McWhirter**, stated that at the county meeting the previous week, the developer had claimed the 2013 flood was over by "Thursday morning, September 12th". She stated that was a misrepresentation of the truth and presented pictures from the same area showing flood issues. The developer's claim is false. She stated that she is not in support of the annexation.
8. **Carol Atkinson** informed the Council and Planning Board that over the past 20 years, as development have occurred on the land east of her property; the water table has risen and come closer. She stated that she worries about the next development completely flooding everyone. In addition, she expressed concern regarding the ground water and asked that the county analyze this issue again.
9. **Gene Treppeda** asked council and Planning Board to move this item back to the County Commission for review.
10. **Jim Johnson** informed council and Planning Board that he had 18 inches of water in his home during the 2013 flood which had never happened before and any construction would change things more. He asked that the County reconsider their previous decision.
11. **Robert Prostko** discussed the debris and pick up of debris from the 2013 flood and expressed concern that if high density housing were placed in that area, the debris would be even more.

12. **Alan Taylor** stated that he is a hydrologist retained by the owner to review the floodplain information for this property. He presented information declaring that the property would not be too dangerous to develop.

City Council adjourned for the evening. Planning Board continued deliberations following the Public Hearing.

6. CONTINUED DELIBERATIONS BY PLANNING BOARD

Chair, **B. Bowen**, declared a quorum at 11:09 p.m. of the Planning Board and the following business was conducted.

Board Deliberations:

MAP CHANGES FOR AREA II & AREA III

- **Request 25 (3261 3rd Street)**
 - Based on action taken by the county, the Planning Board recommended support to further consider and analyze the following request for land use map changes.
- **Request 26 (3000 N. 63rd St. & 6650 Valmont Rd.)**
 - Based on action taken by the county, the Planning Board recommended support to further consider and analyze the request for land use map changes.
- **Request 29 (2801 Jay Road #1)**
 - **C. Gray** stated that she was in disagreement with the Planning Commission and staff recommendation and recommends not changing the designation from PUB to MXR as it would be out of character with the surrounding area. The process should be incorporated into the planning reserve.
 - **L. Payton, J. Gerstle** and **L. May** agree with the PUB use designation.
 - **J. Putnam** stated that it should be considered under the BVCP process, even if he is not certain the requested designation for this property is appropriate. This process is the right time to consider.
 - **B. Bowen** added that if we had active analysis of the site, he would be interested in having staff evaluate the area for compatibility and appropriateness for area III.
 - Based on action taken by the county, the Planning Board recommended not further analyzing Request 29.
- **Request 35 (6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #2) / Request 36 (6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #3)**
 - **J. Putnam** stated that both Requests 35 and 36 should move forward and deserve further study.
 - **C. Gray** added, in regards to Request 35, to maintain the area as RL-2 to provide flexibility and to be compatible with the area. Therefore she stated that she would be voting no on Request 35 but would like to see Request 36 have further study.

- **L. Payton** added that the location for housing is a concern as it would add a burden of car ownership when housing and services are far from each other. She mentioned that we have crisis of affordable housing and we need to find a solution for on-site affordable housing. She also mentioned ground water, annexation, wildlife corridor, and access to open space as concerns. She did not believe there was much outreach or engagement to neighbors. She stated that she is in support of Request 36 but undecided about Request 35.
- **B. Bowen** stated that we need listen to the neighbors. He was in support of advancing Request 35, yet skeptical regarding Request 36, however he saw no harm to let it move forward.
- **J. Gerstle** was in support of moving ahead with Request 35 and Request 36.
- **L May** stated three issues are at hand: affordable housing, density, and whether development should happen. He expressed concern making a land use change framed around a specific project that in the future may be sold and become a different, bigger project. However, he stated that he would be in support of moving this Request 35 forward for further study in addition to Request 36.
- Based on action taken by the county, the Planning Board recommended support to further consider and analyze the Request 35 for land use map changes.
- Based on action taken by the county, the Planning Board recommended support to further consider and analyze the Request 36 for land use map changes.

Motion:

On a motion by **J. Putnam**, seconded by **B. Bowen**, the Planning Board voted 6-0 to further consider and analyze the following land use map changes for Area II and Area III properties:

- 1) 3261 3rd Street – Request 25
- 2) 3000 N. 63rd Street & 6650 Valmont Road (Valmont Butte) – Request 26

On a motion by **J. Putnam**, seconded by **B. Bowen**, the Planning Board voted 5-1 (**C. Gray** opposed) to further consider and analyze the following land use map changes for Area II and Area III properties:

- 1) 6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #2 – Request 35

On a motion by **J. Putnam**, seconded by **B. Bowen**, the Planning Board voted 6-0 to further consider and analyze the following land use map changes for Area II and Area III properties:

- 1) 6655 & 6500 Twin Lakes Rd., 0 Kalua Rd., #3 – Request 36

● **Request 32 (Hogan-Pancost)**

- **L. Payton** thought the staff recommendation and neighborhood testimony was compelling. Given the flood of 2013, development of the area is no longer within the public interest.
- **J. Putnam** stated that he will support the motion for further study but is not sure if the area should be moved to Area III. He stated that the city should review this issue.

Motion:

On a motion by L. Payton, seconded by C. Gray, the Planning Board voted 5-1 (B. Bowen opposed) to further consider and analyze Request 32, a service area contraction request, for 5399 Kiwani Drive and 5697 South Boulder Road Hogan-Pancost to change the properties from Area II to Area III.

On a motion by L. Payton, seconded by J. Putnam, the Planning Board voted 5-1 (B. Bowen opposed) to recommend that City Council approve further consideration and analysis of Request 32 and approve a motion to ask the Boulder County Planning Commission and Board of County Commissioners to reconsider their decisions on Request 32.

- **Request 30 (2801 Jay Road #2)**

- L May questioned if this property and possibly moving to Area III would be worth studying. L. Payton stated she would be in support.
- J. Putnam stated that he would not support this as it does not meet the criteria. B. Bowen agreed and stated that public use makes more sense.

Motion:

On a motion by L. May, seconded by C. Gray, the Planning Board voted 4-2 (B. Bowen, J. Putnam opposed) to further consider and analyze Request 30, a service area contraction for 2801 Jay Road #2 change the property from Area II to Area III-Planning Reserve.

On a motion by L. May, seconded by L. Payton, the Planning Board voted 4-2 (B. Bowen, J. Putnam opposed) to recommend that City Council approve further consideration and analysis of Request 30 and approve a motion to ask the Boulder County Planning Commission and Board of County Commissioners to reconsider their decisions on Request 30.

(Note: The Boulder County Planning Commission supported this request and Board of Commissioners voted did not support additional analysis.)

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 12:29 a.m.

APPROVED BY

Board Chair

DATE