

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
March 3, 2016
1777 Broadway, Council Chambers

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PLANNING BOARD MEMBERS PRESENT:

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

PLANNING BOARD MEMBERS ABSENT:

John Putnam

STAFF PRESENT:

Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Jessica Stevens, Civil Engineer II
David Thompson, Civil Engineer II, Transportation
Kalani Pahoia, Urban Designer
Sam Assefa, Senior Urban Designer
Chandler Van Schaack, Planner II

1. CALL TO ORDER

Chair, **B. Bowen**, declared a quorum at 5:03 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **J. Gerstle** and seconded by **L. Payton** the Planning Board voted 5-0 (**J. Putnam** absent) to approve the February 2 and February 4, 2016 minutes as amended,

3. PUBLIC PARTICIPATION

No one spoke.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

- A.** Call Up Item: Wetland Map Revision (LUR2016-00005). Boulder Creek Path at 30th Street. This decision may be called up before Planning Board on or before February 24, 2016.

- B.** Call Up Item: Boulder Creek Path Improvements at 30th Street Underpass, Floodplain Development Permit (LUR2015-00120), Wetland Permit (LUR2015-00116). This decision may be called up before Planning Board on or before March 11, 2016.
- C.** Call Up Item: Approval of a Use Review to establish an animal kennel (cat boarding area) within a cat only veterinary clinic at 1915 28th St. in the Business – Regional 1 (BR-1) zone district. Case No. LUR2016-00011

None of the items were called up.

5. PUBLIC HEARING ITEMS

- A.** AGENDA TITLE: Consideration of a motion to adopt the 2016 Update to the Downtown Urban Design Guidelines (Guidelines) incorporating revisions recommended by the Planning Board at its February 4, 2016 hearing. Adoption of the Guidelines will result in inclusion of the DT-4 and DT-5 downtown zone districts in the identified areas where height modifications may be considered through the city's Site Review process, per the height modifications ordinance approved by Council on March 31, 2015.

Staff Presentation:

S. Assefa introduced the item.

K. Paho presented the item to the board.

Board Questions:

K. Paho answered questions from the board.

Public Hearing:

- 1. Jamison Brown**, chair of the Design Advisory Board and member of the working group, spoke in support of adopting the DUDG as submitted and explained that there was a consensus of the final version and it was a consensus driven process. He urged the Planning Board to adopt the version of the DUDG as adopted by City Council.
- 2. Kate Remley**, chair of the Landmarks Board and member of the working group, stated that she did not feel the introductory material had been fully vetted by the working group. She asked the Planning Board to change the language in the introductory section. She stated the working group did not see the final document. She asked to restore some of the original language stating it would assist the Landmarks Board in dealing projects that they see on a regular basis.

Board Comments:

- **L. May**, in regards to the staff time involved to make the proposed edits, stated that he appreciates the burden it may impose upon them, but it is the board's job to vet these items and he felt that had not been done properly.
- **C. Gray** stated that that she did not feel pressure from the staff to push the document through. She stated that the committee should take some of the responsibility if discussions did not cover all areas or a final wrap up.
- **B. Bowen** agreed with **C. Gray**.

- **L. Payton** stated that significant language had been removed and the motions to be offered will restore that missing language and that was in the original set of DUDG.
- **J. Gerstle** agreed and added that it is more than wordsmithing that is being proposed.

Motion:

On a motion by **B. Bowen** that the Planning Board adopt the updated Downtown Urban Design Guidelines dated February 16, 2016, as attached to the staff memo dated March 3, 2016. Motion failed. No second.

On a motion by **L. May**, seconded by **L. Payton**, the Planning Board voted 5-0 (**J. Putnam** absent) to make the following modifications to the Downtown Vision Section, Section 2 – The Non-Historic and Interface Areas and Section 3 – Public Realm:

- *ADD 2.1.B (inserted before the currently proposed 2.1.B) “Views: Downtown Boulder is blessed with exceptional mountain views and projects should be designed to preserve access to this extraordinary asset from the surrounding area. The south and west edges of downtown offer the most spectacular views.”*
- *ADD 2.1.C (inserted before the currently proposed 2.1.B) “Sun and Shade: In Boulder’s climate, sun and shade are important design considerations for providing natural light in buildings, and creating appealing pedestrian areas that are ice free and sunny in the winter and shady in the summer.”*

Renumber clauses following these insertions

- *DELETE 2.2.B.3*
- *ADD 3.2.B (inserted before the currently proposed 3.2.B) “Views: Downtown Boulder is blessed with exceptional mountain views and projects should be designed to preserve access to this extraordinary asset from the public realm and surrounding area. The south and west edges of downtown offer the most spectacular views.”*
- *ADD 3.2.C (inserted before the currently proposed 3.2.B) “Sun and Shade: In Boulder’s climate, sun and shade are important design considerations for creating appealing public realm areas that are ice free and sunny in the winter and shady in the summer.”*

Renumber clauses following these insertions

- *CHANGE Downtown Vision (gray bar on the left) bullet point 3 to “Human scale buildings and spaces;”*
- *ADD Downtown Vision (gray bar on the left) bullet point 4 “The preservation and celebration of Boulder’s mountain views from the public realm and surrounding area.”*

- *CHANGE 3.2.C.1, third bullet point **Railings**: “Railing designs should reflect an open, transparent feeling. Visually closed-in railings that “box-in” the extension area are not appropriate. No signage, advertising, goods or merchandise may be placed on railings. Railing design in the Historic District shall be simple.”*
- *ADD "2.1.H **Rhythm**: “Maintain the rhythm established by the repetition of the traditional approximately 25’ facade widths for projects that extend over several lots by changing the materials, patterns, reveals, or building setbacks in uniform intervals or by using design elements such as columns or pilasters.”*
- *ADD 2.1.I **Floor Height**: “Distinguish ground floor height from upper floor heights. Ground level floor to floor height is encouraged to be taller than upper stories.”*
- *ADD 2.1.J **Shade**: “Shade storefront glass by appropriate means such as awnings or recesses.”*
- *ADD to 2.1.E.2 **Parking Lots**: “Surface parking is discouraged.”*
- *MOVE 2.1. (H, I and J) to the 2.2 section that is “Commercial Buildings in the Non-Historic.”*

Board Comments to the Motion:

- **B. Bowen** stated for the record this action damages the integrity of the work process. Specifically some of the points being added were discussed as a group and now are going to be undone as a result of this motion. This is unfortunate and this process should be discussed in the future. He stated that there is a difference of opinion that some felt that the existing DUDG gave a protection of views from the public realm. Others felt that the views from the buildings were to be maximized. We are making a substantive change without public input. In addition, the changing of materials at 25 foot widths, this was discussed at length and it was decided not to be done but now that will be undone. The working group agreed that if views from the public realm are important, then there should be a process to define which ones would be discussed. All buildings impact views. The working group decided that the place in the land use code to discuss height of buildings would be in the zoning. He stated that this motion will be a mistake.
- **C. Gray**, as a member of the working group, stated that they did spend a lot of time discussing the preamble and the document. There was never total agreement on a few items in the preamble and the two landmark representatives expressed this. She was under the impression that there would be final review and approval by the Planning Board and all items that had consensus by the working group would still be reviewed and commented on by the two reviewing bodies - Planning Board and Landmarks. She also suggested that we discuss, at the retreat, PB participation in working groups and the expectation of the delegated PB members to those groups.
- **L. May** stated that the motion is meant to be restorative. Regarding the interpretation of the intent with regard to views, it is about the general access to views from the public realm, the surrounding area of a new building. Not to pertain to the views of people in the

building. He stated that he is attempting to make it more about the public realm. He added that he is not being critical of the process, but the Planning Board needed to have its own review.

- **L. Payton** stated that with the proposed motion, important language is being restored.
- **J. Gerstle** stated that he supports **L. May's** motion.

On a motion by **L. May**, seconded by **B. Bowen**, the Planning Board voted 5-0 (**J. Putnam** absent) to adopt the revised Downtown Urban Design Guidelines dated February 16, 2016 subject to the following additional information:

- *CHANGE 2.1.B.1 Solar Panels: – DELETE final sentence and REPLACE with “Skylights and solar panels should have low profiles. Skylights should not be visible from the public right-of-way. Solar panels should be as unobtrusive as possible.”*

Friendly Amendment by **B. Bowen**, accepted by **L. May**, the Planning Board passed 5-0 (**J. Putnam** absent) to delete the second sentence currently reading: “*Skylights should not be visible from the public right-of-way.*”

- B. AGENDA TITLE:** Public hearing and consideration of a Site and Use Review (LUR2011-00071) to redevelop the site located at 4403 Broadway Ave. with a new mixed use development. The western portion of the site, zoned RM-1 (Residential – Medium 1) would include twelve 3-story townhome units divided between two buildings. The eastern portion of the site, zoned MU-2 (Mixed Use – 2), would include three new mixed use buildings containing an additional 16 attached residential units above 9,207 sq. ft. of commercial and restaurant space. The proposal includes a request for a height modification to allow for both townhome buildings and two of the mixed use buildings to exceed the 35 foot height limit for the zone (requested heights range from 36’3” to 43’6”) as well as a request for a 5% parking reduction to allow for 57 parking spaces where 60 are required. The proposal also includes a Use Review request to allow for three restaurants which close after 11:00 p.m., two of which are over 1,000 sq. ft. in floor area. The applicant is seeking to create vested property rights as provided for in section 9-2-19, B.R.C. 1981.

Applicant: Jeff Dawson
Owner: Emerald Investments I, LLC

Staff Presentation:

- C. Ferro** introduced the item.
C. Van Schaack presented the item to the board.

Board Discussion Regarding Public Process and Notification:

- A minor defect in notification (the sign was only posted on the property for seven days rather than ten days leading up to the hearing as required by the land use code) that does not impair the surrounding property owners’ ability to participate in the public review

process occurred. The board had the ability to stay the hearing if they felt adequate public notice was not provided.

- Board opened it up to the public to see if they felt that proper public notification had or had not been met.
 1. **Eric Ponslet** spoke in support to stay the hearing stating that proper notification was not made to the public in the surrounding area because most of the residents who occupy the residents are not owners, but renters.
- The board discussed the continuation of this item to a later date.

Motion:

On a motion by **C. Gray**, seconded by **J. Gerstle**, the Planning Board voted 2-3 (**J. Putnam** absent) to move forward with the public hearing, to allow public and input and to continue board deliberations at another date after which proper notification could take place and to reopen public input at the March 17, 2016 Planning Board meeting. Motion failed.

On a motion by **B. Bowen**, seconded by **L. May**, the Planning Board voted 4-1 (**J. Putnam** absent) that adequate notification was satisfied and agreed with staff's recommendation. Motion passes.

Staff Presentation:

C. Ferro introduced the item.

C. Van Schaack presented the item to the board.

Board Questions:

C. Van Schaack answered questions from the board.

Applicant Presentation:

Jeff Dawson, with Studio Architecture, the applicant, presented the item to the board.

Board Questions:

Jeff Dawson, the applicant, and **Nader Ghadimi** with Emerald Investments, the owner, answered questions from the board.

Public Hearing:

1. **Catherine Canlin** expressed concern regarding the new height requirement and asked the board to give consideration in terms of noise and height.
2. **Eric Ponslet (pooling time with Lucie Parietti, Liesel Ritchie, Anupam Barlow and Zak Keirn)** spoke in opposition to the project. His focus was the proposed height modifications and spoke in opposition to them.

Board Comments:

Key Issue #1: Is the proposed project consistent with the vision for the area as established in the adopted 1997 North Boulder Subcommunity Plan (NBSP)?

- **L. Payton, C. Gray and L. May** agreed that most of the NBSP guidelines are met except for height.
- **L. Payton** added that the proposed building design does not seem compatible with Violet Crossing across the street to the east. The proposed typography seems to be battling with the NBSP. In addition, while the plan would be providing housing, it would be missing the middle income and in fact increasing the demand for housing by adding jobs. She stated she could not grant the height modification as there is no public support and that Buildings A, B, #1 and #2 are too tall. The transition between the project and the residential neighborhoods is not effective.
- **C. Gray** agreed regarding the issue of height and the transition of height. The internal sidewalks should be more defined.
- **L. May** added that this plan is targeting affluent people and that a diversity of housing and affordability should be provided. In regards to the height proposals, the MU-2 zoning states a clear maximum of two stories and there should be no reason to give an exception. In the residential zone, there is no limit to number of stories; however the proposed third stories on the townhome units would be considered gratuitous space which would increase the cost. He felt that by removing floor area from the third floor of the townhouse units, the units would become more affordable. He added that the project site is a transit rich site and that the amount of parking should be reduced. Driving should not be encouraged therefore parking should be constrained and unbundled.
- **J. Gerstle** stated he has the same concerns regarding the proposed height but he agrees with the vision of the project. He agreed that the commercial space proposed for the ground floors in the MU-2 zone would be reasonable. The project does not have sufficient transition in intensity between Uptown Broadway and the residential area on the south side of Violet. In regards to parking, he agreed with fellow board members regarding unbundling declaring that it would encourage people to not have vehicles and make residences more affordable. He stated this would be necessary.
- **B. Bowen** felt that the project fit the NBSP and he did not have an issue with the proposed height given the site constraints related to grade and floodplain. He mentioned that many of the buildings in Uptown Broadway are 44 to 48 feet in height and that at a maximum height of 43'6" the proposed buildings would still accomplish the desired transition. Street frontage and setbacks make sense. He supports the idea of having mixed uses extending down to the corner of Violet and Broadway. He pointed out that in terms of context, the project would transition to a school (35 foot height limit) and not into residences, and that amore urban edge was therefore appropriate. Regarding the site design and housing diversity, this zoning is disappointing in that it does not provide for outdoor communal space but rather surface parking. In terms of unbundled parking, he suggested behind Building A as a location.
- **L. Payton** added that if the proposed buildings were limited to 35 ft in height, then the parking requirements could change. Height, the missing middle income housing and parking are all tied together. She would be in support of a parking reduction as requested by other board members and unbundling that section that is not tied to the individual townhomes.

Key Issue #2: Is the proposed Site Review consistent with the Site Review criteria as set forth in section 9-2-14(h), B.R.C. 1981?

- **J. Gerstle**, in regards to setback issues, disagreed that a diminished setback would be appropriate. He did not see a valid reason to change.
- **B. Bowen** explained that the 20 foot setback would be too much for townhomes. He referred to townhomes in the Holiday development as examples of successful setbacks under 20 feet. He stated that he agrees with proposed plan and that at tight urban streetscape would work well. In terms of height, he referred to various successful townhome projects that are three-stories along Broadway.
- **C. Gray** agreed with **B. Bowen** regarding setbacks. **L. Payton** did not want to make the setbacks an issue.
- **B. Bowen** suggested a compromise regarding the height issue. Perhaps Buildings 1 and 2 are at issue and Buildings A, B and C are appropriate as planned.
- **L. May** explained that the height exception takes away from the units being affordable. It is less of an issue in the MU zone due to the apartments that would be provided; however, he still feels that the height limit for the MU-2 zone should be respected.
- **C. Gray** stated that she would like to see all buildings conform to the height limit without modifications. Buildings A and B have such a large presence on Broadway.
- **B. Bowen** explained to fellow board members that a good reason to have a one to two foot height exception for Buildings 1 and 2 would be the ability to access a roof deck with a stair. He stated that these would be great amenities for future residents. Head room over a stair cannot exist without violating the height exception. The NBSP does call for building mass along Broadway as a sound mitigation for what lies behind it and should be a consideration in terms of height.

Applicant Rebuttal:

Jeff Dawson, with Studio Architecture, the applicant, responded to some of the items brought up by the board regarding Key Issues 1 and 2. He offered to remove the third story lofts from the end units of each of the townhome buildings to reduce the apparent massing and remove floor area, to reduce the extent of the requested height modification for Building B in order to make it less than or equal to the height of Building A (39 feet), and to unbundle the parking for the apartment units.

Board Questions:

Jeff Dawson, the applicant, answered questions from the board

Board Comments:

- **C. Gray** and **L. Payton** both stated that they would not be inclined to give the height modifications as it would violate the NoBo Plans and does not meet the site review criteria. They would ask the applicants to come back with plans within guidelines. In addition, the project does not transition into the surrounding residential area effectively. They are okay with three stories but only if the buildings are kept within the 35 foot height limit.
- **B. Bowen** mentioned that there would be a strong benefit of having rooftop access in Buildings 1 and 2 for future residents, and that at a minimum there should be a height modification granted to allow for stair landings to provide rooftop access.

- **L. May** agreed with B. Bowen's proposal for Buildings 1 and 2. In regards to the residential zone (Buildings 1 and 2), he would be willing to do the height exception to the extent that a rooftop access is provided. He stated that he would not support a height modification for Buildings A, B and C.
- **J. Gerstle** agreed that the suggestion for Buildings A, B and C to meet the height restrictions but have three stories is reasonable. Regarding Buildings 1 and 2, to allow access to the roof and allow an exception to the height requirement for that purpose would be acceptable. Finally he encouraged the applicant to include basements on Building 1.
- **L. Payton** restated that she did not feel there was an adequate transition from the project to residential.
- The board was not open to a 38 foot height limit to Buildings A, B and C although it is available in the BMS zone to the north.

Key Issue #3: Does the proposed project meet the Use Review criteria as set forth in section 9-2-15(e), B.R.C. 1981?

- **C. Gray** requested that the hours of the proposed restaurant be changed to close at 11:00p.m. rather than 12:00a.m.
- No other board members had issue with the closing time of 12:00a.m. therefore the closing time remained at 11:00p.m.

Architectural Issues:

- **L. May** stated that the street facades were well done, but appeared jumbled on the following elevations: Building A (west and north sides) and Building B (west and east sides).
- **B. Bowen** approved of the back side elevations. He suggested an improvement on Buildings A and B, on the third story of the Broadway side, to wrap with brick rather than use stucco specifically grids 4 through 7 of Building A and grids 1 through 5 on Building B on the east elevations, such brick shall wrap around the corners of those buildings as follows: on Building A including grids A through D on the south elevation, and on Building B including grid B-through E on the north elevation. All board members agreed.
- The board agreed that the overall designs are well done.

Motion:

On a motion by **B. Bowen** seconded by **L. Payton** the Planning Board voted 5-0 (**J. Putnam** absent) to approve the Site and Use Review application LUR2011-00071, adopting the staff memorandum as findings of fact, including the attached analysis of review criteria, and subject to the recommended conditions of approval, with the following modifications:

Add to Site Review Condition 3.a.: *The final site plans shall be revised to show the following:*

- *Buildings A, B, and C shall not exceed the 35 ft height limit; only Buildings A and B, but not C, may have three stories;*

- *Buildings 1 and 2 shall not exceed the zoning district's maximum height, the only elements that may exceed that height limit shall be stairway access from each unit to the roof tops;*
- *The garages behind Building A shall be unbundled parking;*
- *From the proposed concrete path at the north east corner of Building 1, extend a five foot wide pervious path west to 10th Street with a public access easement;*
- *All buildings shall have conduit for future photo voltaic systems from the house panel of each unit to the roof;*
- *One dual cord electrical vehicle charging station to serve unbundled surface spots; and*
- *The brick on the east elevation of Buildings A and B shall extend up to the third floor and replace the stucco, including grids 4 through 7 of Building A and grids 1 through 5 on Building B on the east elevations, such brick shall wrap around the corners of those buildings as follows: on Building A including grids A through D on the south elevation, and on Building B including grid B-through E on the north elevation.*

C. AGENDA TITLE: Concept Plan (case no. LUR2015-00106) proposal to redevelop the properties located at 4801, 4855, 4865 and 4885 Riverbend Rd. within the Riverbend Office Park with a new 76,000 sq. ft., 55 foot hospital building and a 5-story, 467-stall parking structure with accessory office and retail space. The new facility would house BCH's relocated inpatient behavioral health, inpatient rehab and neurology department. The proposal includes consolidating the existing properties into one 2.55-acre project site and rezoning the site from BT-2 (Business – Transitional 2) to P (Public). Changes to the existing access and circulation are also proposed

Applicant: Darryl Brown for Boulder Community Health
Property Owner: Boulder Community Health

Staff Presentation:

C. Van Schaack presented the item to the board.

Board Questions:

C. Van Schaack answered questions from the board.

Applicant Presentation:

Jackie Attlesey-Pries with Boulder Community Health, and Mary Fiore with Boulder Associates Architects, the owner's representative, presented the item to the board.

Board Questions:

Jackie Attlesey-Pries with Boulder Community Health, Mary Fiore with Boulder Associates Architects, and Vince Porreca, a consultant for BCH, answered questions from the board.

Public Hearing:

No one spoke.

Board Comments:

Key Issue #1: Is the Concept Plan proposal compatible with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP)?

Key Issue #2: Are the proposed Rezoning and amendment to the BVCP Land Use Designation appropriate for the surrounding context?

- The board gave comments regarding the two key issues in terms of compatibility with the BVCP and if the proposed rezoning and amendment to the BVCP Land Use Designation would be appropriate.
- **C. Gray** stated that the zoning and height would be appropriate and supports the parking garage. She supports the parking garage materials. She suggested that some of the design elements be simplified. She also suggested looking at an additional access from 48th Street.
- **L. May** agreed with the community cycles comments sent to the board. A larger area plan should be thought about and not piecemealed. He suggested that the parking should be thought through even more and that the hospital should work harder toward diverting employees and visitors away from parking at the facility. In terms of the architecture, he stated that the garage design is more successful than care facility. He suggested that the design be more organized.
- **B. Bowen** supports the rezoning. He urged the continuation of the maximization of the sight so the hospital can thrive in this location. He suggested that the applicant pursue uses that can be expanded in the public zone and to ask for a setback variance to create an urban medical campus. He asked the applicants to look at how to conserve their energy usage by both sharing and becoming an eco-district or look at renewables. Finally, he suggested looking at resiliency.
- **L. Payton** stated that it does meet the BVCP policies. She does support the height modification request due to the context and approves of the architecture. She offered to the applicant to put an emphasis on the landscaping.
- **J. Gerstle** agrees with the other board members that the project should move forward. He offered that BCH needs to gain more credibility with respect to transportation demand management with its employees. In his opinion, the most effective way to do this would be to stop providing free parking.

Board Summary:

B. Bowen gave a summary of the board's recommendations. Since this is a Concept Review, no action is required on behalf of the Planning Board. Overall, the board was in unanimous support for rezoning for the public and for City Council to allow building to 55 feet in height. The board supported the idea of an ordinance to allow additional commercial uses beyond merely "accessory" uses to create more of a rich, urban village that would support employees, neighbors and guests. The board asked to carefully consider parking and to get more serious about a transportation demand management plan. This can start with monitoring and collecting data. The board expressed a strong interest in renewable energy, EV parking, PV shading on the garage at

the time of construction. They urged to look at eco-districts and to have a plan for resiliency and to have clear goals for sustainability. The architecture needs to be reviewed. There were mixed comments on the design of the hospital building. The materials for both the parking garage and the facility were acceptable. There was clear interest in extending the vision beyond and to a master plan by asking what your future growth plans are. The board suggested that the landscaping should be over and above the standards. **L. May** add that the architecture be more organized. The board supported evolving the architecture in a more organized and refined composition.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. Planning Board 2016 Retreat

- The board agreed to table this matter to the March 17, 2016 meeting.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:46 p.m.

APPROVED BY

Board Chair

DATE