



TO: Members of City Council

FROM: Michael Gallegos, City Clerk's Office

DATE: January 5, 2016

SUBJECT: Information Packet

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**1. CALL UPS**

- A. **CALL-UP ITEM and EXTENSION OF THE CALL-UP PERIOD** for an Amendment to Approved Site Plans at 820 Lee Hill Drive, per subsection 9-4-4(c) of the Boulder Revised Code. Case no. LUR2015-00094.
- B. Planning Board denial of a Minor Amendment to an Approved Site Plan (LUR2015-00092) to amend the approved Dakota Ridge North design standards to allow fences up to 60 inches (5 feet) in height that back onto an alley to be built to within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above. The Dakota Ridge North PUD lies within the RL-2 (Residential – Low 2) and RM-1 (Residential – Medium 1) zoning districts.

**2. INFORMATION ITEMS**

None

**3. BOARDS & COMMISSIONS**

- A. Boulder Design Advisory Board – September 23, 2015
- B. Boulder Design Advisory Board – October 7, 2015
- C. Environmental Advisory Board – November 4, 2015
- D. Human Relations Commission – December 17, 2015
- E. Open Space Board of Trustees – December 9, 2015

**4. DECLARATIONS**

- A. Mary Louise Chavers Day – December 15, 2015
- B. Brian Coppom – ColoradoBiz CEO of the Year 2015
- C. National Homeless Persons' Memorial Day – December 19, 2015



## INFORMATION PACKET MEMORANDUM

**TO:** Members of City Council

**FROM:** Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Planning, Housing & Sustainability  
Susan Richstone, Deputy Director of Planning, Housing & Sustainability  
Charles Ferro, Development Review Manager  
Sloane Walbert, Planner I

**DATE:** December 31, 2015

**SUBJECT:** **CALL-UP ITEM** and **EXTENSION OF THE CALL-UP PERIOD** for an Amendment to Approved Site Plans at 820 Lee Hill Drive, per subsection 9-4-4(c) of the Boulder Revised Code. Case no. LUR2015-00094.

If City Council decides to review the Planning Board's decision, the item must be called-up at the **Jan. 5, 2016** meeting, which is the only City Council meeting scheduled during the extended call-up period.

### **EXECUTIVE SUMMARY:**

On Dec. 3, 2015 the Planning Board approved the above-referenced application with the conditions as provided in the attached Notice of Disposition (**Attachment A**), finding the project consistent with the Site Review criteria of Land Use Code section 9-2-14(h), B.R.C. 1981. Approval of the application would amend the approved fencing standards to allow privacy fences in specific locations at the new development referred to as "TrailCrossing at Lee Hill."

The staff memorandum to Planning Board and other related background materials are available on the city website for Planning Board, follow the links: [www.bouldercolorado.gov](http://www.bouldercolorado.gov) → A to Z → Planning Board → Search for Past Meeting Materials - Planning Board → 2015 → 12 DEC → 12.03.15 → 12.03.2015 PB Packet.

### **APPROVED PROJECT:**

The project involves a modification to the fencing plan for the residential development to allow for additional security and privacy within certain areas of the neighborhood. The changes, as

approved by Planning Board, are as follows:

- 5 feet of solid cedar fencing with 1 foot of latticework (6 feet total) at the side and rear yards of Lots 1 and 17 adjacent to Lee Hill Drive;
- 6 foot cedar privacy fences along the north and east boundaries of Outlot A;
- Solid 3 feet-10 inch cedar fencing along a portion of the side yards of Lots 18 and 31 adjacent to the multi-use path, the side yard of Lot 25 and side and rear yard of Lot 24 adjacent to the informal open space;
- 3 feet-10 inch split rail fencing would remain in all other locations, including all front yards.

The intent of these changes is to address security and privacy concerns of current owners and anticipate future concerns. Refer to **Attachment D** for the fencing plan with specific fencing locations and **Attachment C** for the written statement.

Staff considered the proposal and found it consistent with the Site Review criteria set forth in section 9-2-14(h), "Site Review," B.R.C. 1981. Specifically, the fencing would not detrimentally affect the neo-traditional design of the residential development. Staff found that fencing to establish a level of boundary and privacy is appropriate in some locations of the development.

After some discussion, the Planning Board agreed with the staff recommendation and approved the application (4-2, J. Gerstle and L. May opposed) at its Dec. 3, 2015 public hearing. The Board added a condition of approval requiring that the privacy fence on Outlot A be removed once the adjacent property redevelops. Outlot A was approved for use as community gardens in the original Site Review. The property located directly to the north of Outlot A, at 1006 Lee Hill Dr., is currently a nonconforming industrial use. The rationale behind this condition was that a privacy fence is appropriate to screen the adjacent existing industrial use but will not be appropriate if the property redevelops as a residential use, in accordance with the underlying zoning. Refer to **Attachment E** for draft minutes from the meeting. The recorded audio from the meeting can be found at the web link described on the previous page.

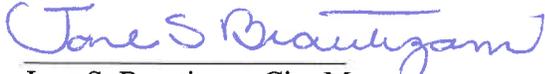
#### **EXTENSION OF CALL-UP PERIOD:**

The Planning Board's approval is subject to a 30-day call-up period by City Council. However, the 30-day call-up period cannot be met because council will not receive notice of the board's decision to call-up the decision prior to the next regularly scheduled meeting on Dec. 15, 2015. Subsection 9-4-4(c), "City Council Call-up," B.R.C. 1981 states, "*The City Manager may extend the call-up period until the council's next regular meeting, if the manager finds in writing within the original call-up period that the council will not receive notice of a decision of the board in time to enable it to call-up the decision for review.*"

The city manager finds that, because the next regularly scheduled City Council meeting is after the call-up period, it will not receive notice of the Planning Board's decision regarding land use case no. LUR2015-00094 in time to consider call-up within 30 days. Therefore, the City

Manager extends the call-up period for this application until the day after the City Council's next scheduled meeting on Jan. 5, 2016.

Call-Up Period Extension Approved By:

  
Jane S. Brautigam, City Manager

**ATTACHMENTS:**

- A. Notice of Disposition
- B. Vicinity map
- C. Applicant's written statement
- D. Approved plans
- E. Draft Planning Board minutes



**CITY OF BOULDER**  
**Planning, Housing & Sustainability**

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phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

**CITY OF BOULDER PLANNING BOARD**  
**NOTICE OF DISPOSITION**

You are hereby advised that on December 3, 2015 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

**DECISION: APPROVED WITH CONDITIONS**  
**PROJECT NAME: 820 LEE HILL DR**  
**DESCRIPTION: SITE REVIEW AMENDMENT to amend the approved fencing standards at the TrailCrossing at Lee Hill development to allow privacy fences in specific locations. This approval will allow 6-foot cedar privacy fencing on Outlot A, 5-foot solid cedar fencing with 1 foot of latticework above on Lots 1 and 17 and solid 3'-10" cedar fencing on Lots 18, 24, 25 and 31. Revised fencing shall only be installed in locations detailed on the approved plans and consistent with this approval. Visually permeable 3'-10" high split rail fences will remain in all other locations.**

**LOCATION: 820 LEE HILL DR**  
**COOR: N09W07**  
**LEGAL DESCRIPTION: LOTS 1-31 AND OUTLOTS A-B, 820 LEE HILL SUBDIVISION, COUNTY OF BOULDER, STATE OF COLORADO**

**APPLICANT: SCOTT CHOMIAK, KOELBEL URBAN HOMES**  
**OWNER: KUH LEE HILL LLC**  
**APPLICATION: Site Review Amendment, LUR2015-00094**  
**ZONING: Residential - Low 2 (RL-2)**  
**CASE MANAGER: Sloane Walbert**  
**VESTED PROPERTY RIGHT: NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

This decision may be called up before the City Council on or before **January 5, 2016**. If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision.

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND SIGNED FINAL PLANS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING BOARD APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12, Boulder Revised Code 1981) the development within three years shall cause this development approval to expire.

At its public hearing on DECEMBER 3, 2015 the Planning Board APPROVED WITH CONDITIONS the request with the following motions:

On a motion by L. Payton, seconded by C. Gray, the Planning Board approved Land Use Review #LUR2015-00094, incorporating the staff memorandum and associated review criteria as findings of fact and subject to the recommended conditions of approval. Passed 4-2 (J. Gerstle and L. May opposed)

C. Gray moved, seconded by J. Putnam, to amend the main motion to allow the 6 foot fence along Lee Hill on Lot 1 and Lot 17 have the top panel be a solid panel. Failed 2-4 (L. Payton, J. Gerstle, J. B. Bowen, and L. May opposed)

J. Putnam moved, seconded by C. Gray, to amend the main motion to require that the approval of the 6 foot fence on Outlot A be conditioned on the existence of a nonconforming use on the adjacent property. Passed 4-2 (J. Gerstle and L. May opposed).

### CONDITIONS OF APPROVAL

1. The Applicant shall be responsible for **ensuring that the development shall be in compliance with all approved plans** prepared by the Applicant on November 5, 2015 and on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of approval.
2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following agreements recorded in the records of the Boulder County Clerk and Recorder:
  - a. DEVELOPMENT AGREEMENT dated March 3, 2014 and recorded at Reception No. 03369182 on March 6, 2014.
  - b. SUBDIVISION AGREEMENT recorded at Reception No. 03407519 on October 13, 2014.
3. The approval of a **6-foot cedar privacy fence on Outlot A** is conditioned on the existence of a nonconforming use on the adjacent property.

By:   
David Driskell, Secretary of the Planning Board



October 5, 2015

Sloane Walbert  
Planner 1  
Department of Community Planning and Sustainability  
City of Boulder  
1739 Broadway, 3<sup>rd</sup> Floor  
Boulder, Colorado 80306

RE: 820 Lee Hill Drive, Minor Amendment to an Approved Site Plan – Written Statement

Sloane-

Per the discussions that have occurred over the past two weeks, we are submitting an application for Minor Amendment to an Approved Site Plan. As, you are aware, a new existing homeowner which lives in the first house constructed in this neighborhood bordering Lee Hill Drive had an unfortunate experience of having a trespasser on their property. This led to discussions with the City regarding adding more secure fencing in areas that are adjacent to off-site public areas.

The proposal is very limited in scope and locates 6' cedar fences at the properties adjacent to Lee Hill road, in the Park Area and on section adjacent to an eastern neighboring property. The fence height and construction meets the City of Boulder Fencing Regulations and does not affect any criteria for approval from the Approved Tech Doc.

Thank you and please call me with any questions.

Sincerely



Scott Chomiak  
KUH Lee Hill, LLC



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820 LEE HILL DR.  
BOULDER, CO

Disclaimer:  
These documents are provided by Coburn Development Inc., for the design intent of this specific project and only this project. The contractor shall be responsible for all construction coordination, methods and materials required for the successful completion of the project. This includes but is not limited to the quality of workmanship and materials required for execution of these documents and work or materials supplied by any subcontractors. All work shall comply with governing codes and ordinances. The contractor shall review and understand all documents and shall notify the Architect immediately of any discrepancies in the drawings, field conditions or dimensions.

AUTHORSHIP		
DRAWN BY	CHECKED	DATE
DL, TM	BH	03.17.14

REVISIONS	
ISSUE	DATE
TEC DOC	03.17.14
RESUBMITTAL	05.19.14
RESUBMITTAL 2	06.16.14
MINOR MOD 2	01.12.15
REVISIONS	
MINOR MOD 3	03.16.15
REVISIONS	
MINOR MOD 4	05.06.15
REVISIONS	

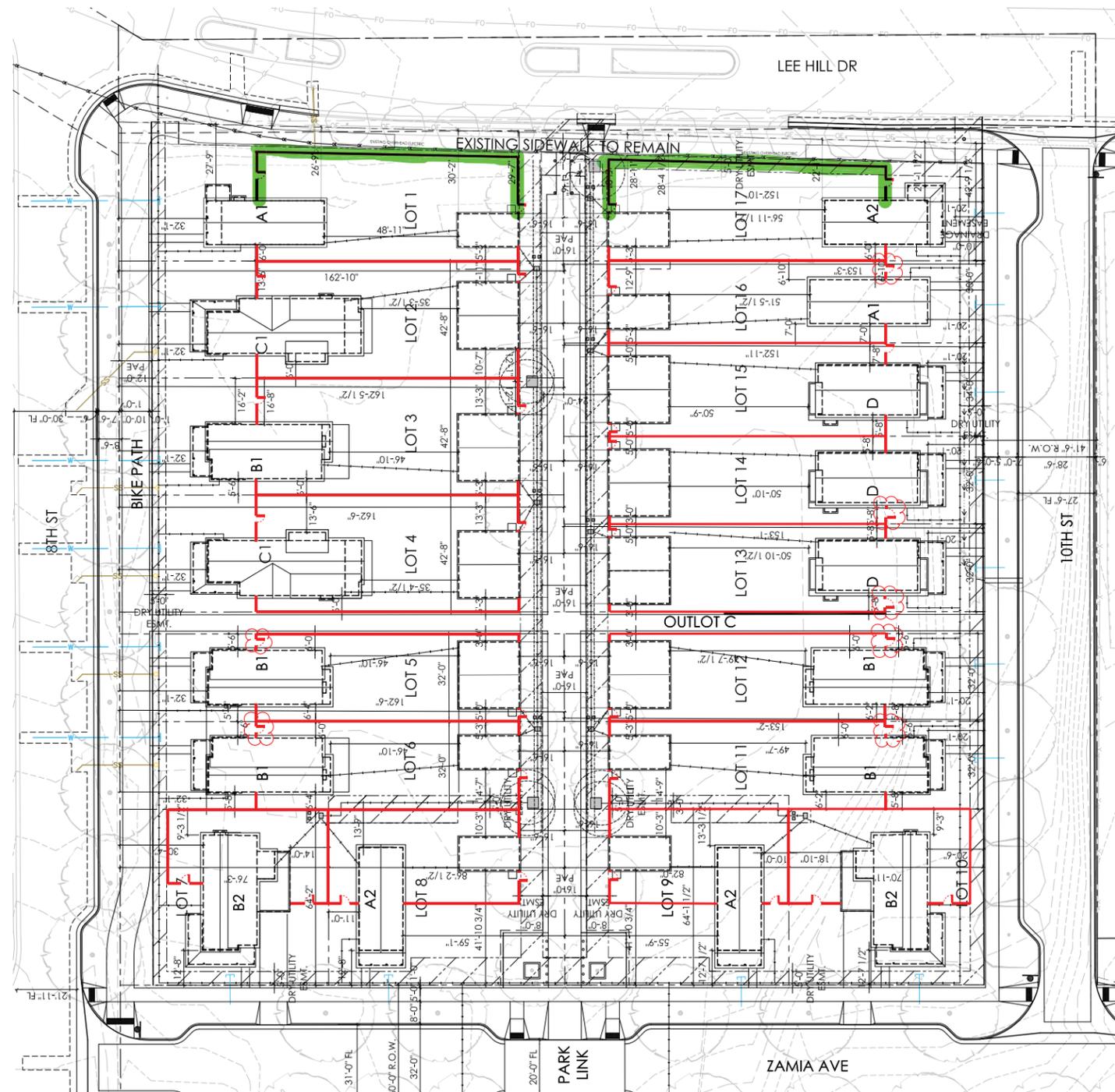
Minor Mod - Fence

EXHIBIT 1

11.05.15

**Key:**

- 3'-10" Open Rail Fence as currently approved (per TEC 2014-00025, dated 8/5/14)
- 6' Solid Cedar Fence
- 5' Solid Cedar Fencing with 1' Lattice detail
- Optional 3'-10" Solid Cedar Fence. Otherwise, 3'-10" Open Rail Fence.

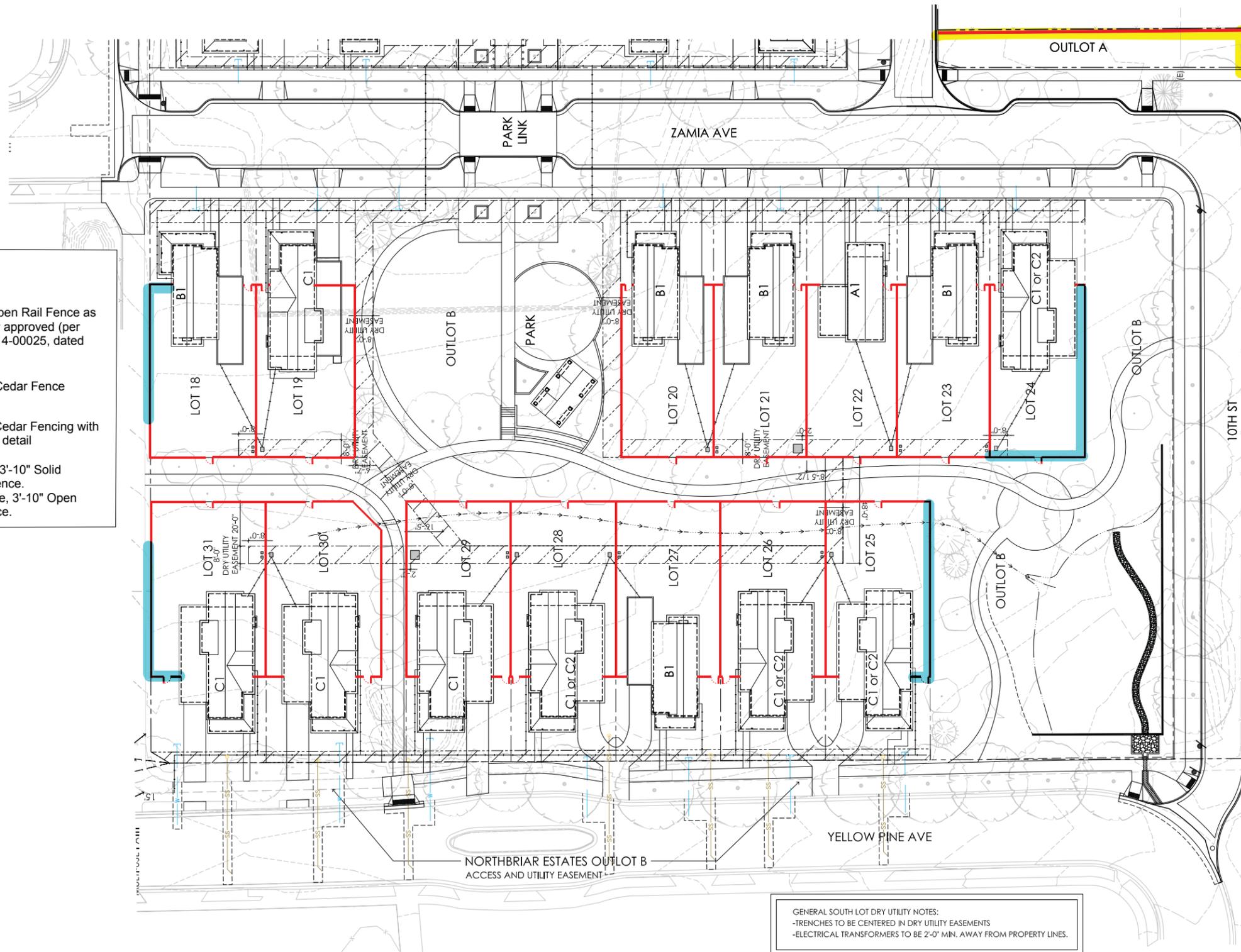


NORTH LOT UTILITY DETAIL  
SCALE 1" = 20'

Fence and gate locations are subject to change. Coordinate fence and gate locations in the field to avoid conflicts with windows, window wells, gas meters, condensers, and landscape plan. All fencing must be a minimum of 18" from all sidewalks.

**Key:**

- 3'-10" Open Rail Fence as currently approved (per TEC 2014-00025, dated 8/5/14)
- 6' Solid Cedar Fence
- 5' Solid Cedar Fencing with 1' Lattice detail
- Optional 3'-10" Solid Cedar Fence. Otherwise, 3'-10" Open Rail Fence.



SOUTH LOT UTILITY DIAGRAM  
SCALE: 1" = 20'-0"

GENERAL SOUTH LOT DRY UTILITY NOTES:  
 -TRENCHES TO BE CENTERED IN DRY UTILITY EASEMENTS  
 -ELECTRICAL TRANSFORMERS TO BE 2'-0" MIN. AWAY FROM PROPERTY LINES.

Fence and gate locations are subject to change. Coordinate fence and gate locations in the field to avoid conflicts with windows, window wells, gas meters, condensers, and landscape plan. All fencing must be a minimum of 18" from all sidewalks.

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AUTHORSHIP		
DRAWN BY	CHECKED	DATE
DL, TM	BH	03.17.14

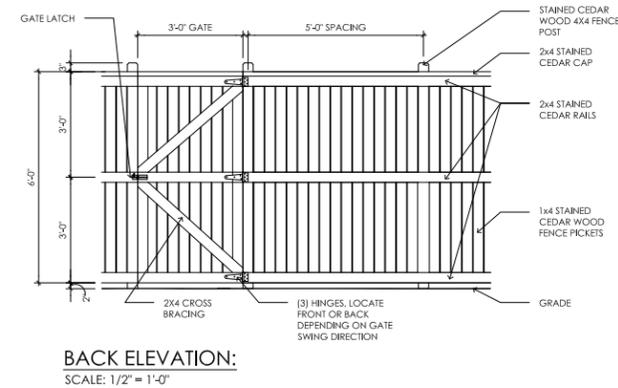
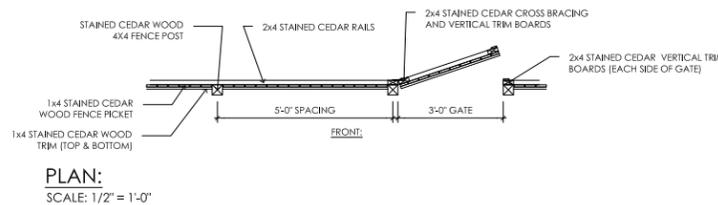
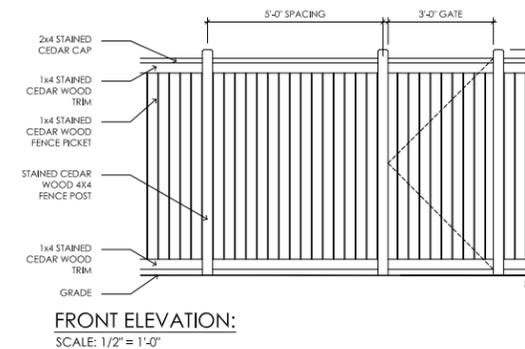
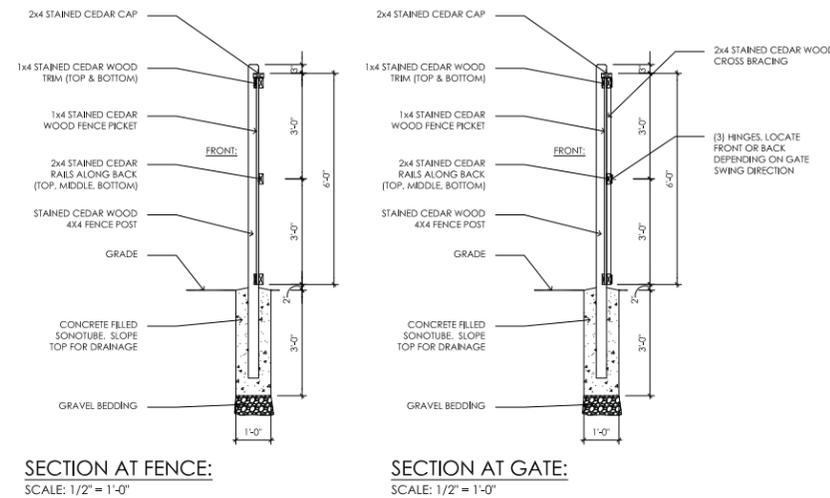
REVISIONS	
DATE	DATE
TEC DOC	03.17.14
RESUBMITTAL	05.19.14
RESUBMITTAL 2	06.16.14
MINOR MOD 2 REVISIONS	01.12.15
MINOR MOD 3 REVISIONS	03.16.15
MINOR MOD 4 REVISIONS	05.06.15

Minor Mod - Fence

**EXHIBIT 2**

11.05.15

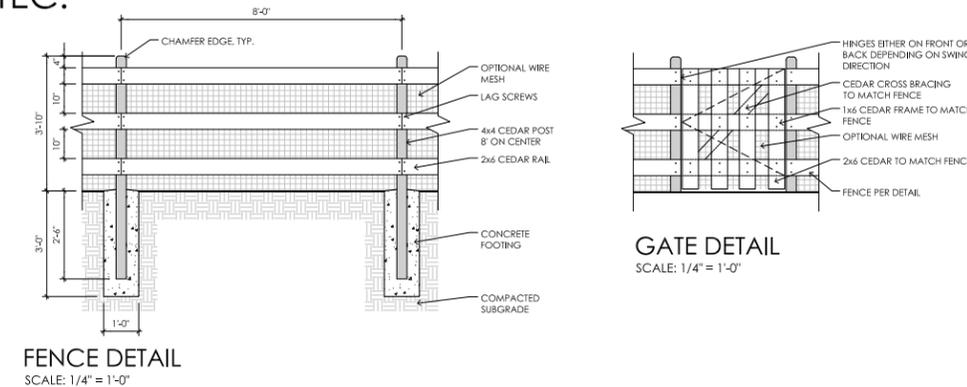
PROPOSED 6' SOLID CEDAR FENCE DETAIL:



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AUTHORSHIP			
DRAWN BY	CHECKED	DATE	
DL, TM, AM	BH	05.30.14	

EXISTING 3'-10" OPEN RAIL FRONT DETAIL PER TEC:



REVISIONS	
DATE	DESCRIPTION
11.05.15	MINOR MOD FENCE

**EXHIBIT 3**



**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**December 3, 2015**  
**1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

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

**PLANNING BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

Charles Ferro, Development Review Manager  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Specialist III  
Lauren Reader, Administrative Specialist II  
Sloane Walbert, Planner I  
Chandler Van Schaack, Planner I  
David Driskell, Executive Director of Planning, Housing & Sustainability

**1. CALL TO ORDER**

Chair, **B. Bowen**, declared a quorum at 6:05 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **J. Putnam** and seconded by **L. Payton** the Planning Board voted 6-0 to approve the October 29, 2015 and November 19, 2015 minutes as amended.

**3. PUBLIC PARTICIPATION**

No one spoke.

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

**A.** Informational Item: ORDINANCE amending subsection 9-12-2(b), "Prohibition of Sale Before Plan Approval," B.R.C. 1981 to allow the owner of the property at 2180 Violet Ave. to sell a portion of the unplatted parcel to Habitat for Humanity of Boulder Valley, Inc. for the purposes of developing affordable housing. The subject property is zoned

Residential - Medium 2 (RM-2) and Residential - Low 1 (RL-1). Case number LUR2015-00110.

None of the items were called up.

## 5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public hearing and consideration of a Minor Amendment to an Approved Site Plan (LUR2015-00092) to amend the approved Dakota Ridge North design standards to allow fences up to 60 inches (5 feet) in height that back onto an alley to be built within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above. The Dakota Ridge North PUD lies within the RL-2 (Residential – Low 2) and RM-1 (Residential – Medium 1) zoning districts.

Applicant: John McCarthy for the Dakota Ridge North HOA

### 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:

None

### Public Hearing:

1. **Sharon Schilling, 4938 Dakota Blvd**, spoke in opposition to the project specifically that the proposal would eliminate the setbacks and site triangles and the safety of residents would be compromised.

### Board Comments:

**Key Issue:** Is the proposed Site Review Amendment consistent with the criteria for Minor Site Review Amendments to Approved Site Plans as set forth in section 9-2-14(1), B.R.C. 1981?

- **L. May** agreed with **S. Schilling's** comments. In regards to the intent of the design of the development, he stated that the proposal would be an erosion of the intent for openness and transparency with the community. He stated that the proposal would be counter to the fence guideline. The proposed fence would create a visual barrier.
- **C. Gray** agreed with **L. May** and the original urban design intent. She stated that the proposal would not be warranted to fix the previous approval of the two fences.
- **L. Payton** agreed with the previous board members' comm when put in along allies. She stated that the alley in question is paved, and if a tunnel of fences were placed along the alley, vehicles could go faster through them.

- **J. Gerstle** agreed with the previous board members. He added that the proposal of the fence would not be following the intent of the design to keep open and public space as much as possible. He recommended denying the proposal. He stated that just because the city had made a previous mistake, that would not be a sufficient basis for changing the rules for the rest of the development.
- **J. Putnam** agreed with **J. Gerstle** that there would not be sufficient reason to make the change because of two previous non-conforming properties. He stated that the intent was to have a public face at the front of the house and to have privacy in the back.
- **B. Bowen** stated that the attempt to maintain the openness by having lattice at the top of the fence would be a well intentioned idea. The vehicular arguments were less serious to him. He stated that the sight lines of being able to view the alley were more important.

**Motion:**

On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted **6-0** to find that the application for a Minor Amendment does not meet the criteria of section 9-2-14(1), B.R.C. 1981, and therefore denies Land Use Review # LUR2015-00092.

On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted 6-0 to continue this hearing for the adoption of written findings of fact.

- B. AGENDA TITLE:** Public hearing and consideration of an Amendment to Approved Site Plans to amend the approved fencing standards for the TrailCrossing at Lee Hill residential development located at 820 Lee Hill Drive to allow privacy fences in specific areas. The project site is zoned Residential - Low 2 (RL-2). Case No. LUR2015-00094.

Applicant: Scott Chomiak on Behalf of Trail Crossing at Lee Hill Homeowner Association

Owner: KUH-Lee Hill, LLC (Lots 17, 18, 24, 25 and 31 and Outlot A), Jeremy Epstein and Susan Strife (Lot 1)

**Staff Presentation:**

**S. Walbert** presented the item to the Board.

**Board Questions:**

**S. Walbert** answered questions from the Board.

**Applicant Presentation:**

**Scott Chomiak, Koelbel Urban Homes, 5291 E. Yale Ave., Denver**, the applicant, presented the item to the Board and supports the homeowners' request for the privacy fence.

**Board Questions:**

**S. Chomiak**, the applicant, answered questions from the Board.

**Public Hearing:**

1. **Susie Strife, 4790 8<sup>th</sup> Street**, the owner of Lot 1, spoke in support to the project and the request for a solid, six-foot privacy fence along Lee Hill Drive. She stated that that it would not ruin the intent of the neighborhood.

**Board Comments:**

**Key Issue:** Is the proposed Site Review Amendment consistent with the criteria for Minor Site Review Amendments to Approved Site Plans as set forth in section 9-2-14(m), B.R.C. 1981?

- **J. Putnam** stated that he would be supportive of the staff proposal. He agreed with an amendment to increase the lack of transparency. He stated that generally, less of that type of fencing would be good, but given the history on this particular site, an exception could be made. He stated that development would remain transparent on the rest of the site. He stated that the fencing would not significantly affect the pedestrian experience on Lee Hill Drive. He expressed concern regarding the Outlot A property. He suggested a condition that if the property to the north of the fence were to revert to residential, then the fencing would not be appropriate due to the height and lack of transparency.
- **C. Gray** agreed. She stated that a six-foot fence on Lee Hill Drive would be appropriate; however she stated that the pattern of one-foot solid fencing on top and five-foot fencing below be maintained throughout. She agreed with **J. Putnam's** suggestion regarding a condition for Outlot A.
- **L. May** agreed regarding the Lee Hill Drive part. He stated that he did not see the fence as offering security. He stated the argument for a six-foot fence would be noise buffering since Lee Hill Drive is a significant road way and it would not affect the permeability of the neighborhood. He also agreed with **J. Putnam's** comments regarding a condition for Outlot A.
- **L. Payton** stated that she supports staff's proposal. In her opinion, she stated that an extra foot would not make a difference for safety or security. She stated that it would not be a very attractive entrance into the neighborhood.
- **J. Gerstle** agreed with **L. Payton's** comment that the privacy fence would not add security or beauty to the neighborhood. He stated that he would oppose the change and that the existing split-rail fence would be appropriate. He stated that he would not be supporting staff's recommendation. The fence would not allow for integration of the neighborhoods and would create ugliness along a major road.
- **L. May** amended his earlier comment by stating that he supports staff recommendation of a five-foot fence, but with one-foot of lattice on top. He stated he agrees with **J. Gerstle's** argument that the proposed fencing could perpetuate tunneling of major corridors.

- **L. Payton** stated that currently, not many of the homes are occupied; therefore a sense of security may not currently exist. She suggested that this may change in the future when the neighborhood is built out.
- **B. Bowen** stated that the original split-rail fence was an odd choice for Lee Hill Drive. He stated that he agrees with the idea of the neighborhood being open and permeable to the streets. He stated that the neighborhood was designed with the intent to avoid tall fences. He stated that he is compassionate regarding the sense of safety desired. He stated that he likes idea of keeping things open. He agreed that when there are more eyes in the neighborhood (residents), it will become safer.
- **L. May** stated there would be visual privacy, but not so much a security consideration. He suggested that the privacy and noise reduction along a major corridor could be dealt with by landscaping and it would have a different impact than a fence.
- **C. Gray** stated that on Lee Hill Drive, there are construction trucks and lumber trucks and that it is not a very friendly street. She stated that the proposal would be for a small segment to be fenced, not for solid fencing along the entire area. There will still be three other openings (i.e. 10<sup>th</sup> St, the front yard of Lot 17, and Park Lane, and the yard of Lot 1) which would hardly make the neighborhood impermeable. She encouraged the Board to approve a fence that is five-feet with an additional one-foot of lattice on the top. She stated that it would fit in with the neighborhood and create an enhanced living situation.
- **J. Putnam** agreed with **C. Gray**. He stated that a fence may not be a security system, however, in this specific situation, it would give peace of mind and livability in the community. He stated that Lee Hill Drive would not be a great pedestrian experience and eyes on the property would come from neighbors which would still remain as transparent as it ever was. He stated that he would support the proposal as an imperfect solution to an imperfect problem. He stated that the decision would not affect any general principles or the pedestrian experience in this particular area.
- **J. Gerstle** stated that unless we start to make Lee Hill Drive a more desirable pedestrian experience, it will not become one. The Board should think long term.
- **L. Payton** stated that she can sympathize with the public. She stated that a six-foot fence is not a solution. She suggested a picket fence would be more appropriate. She stated that she would support the staff recommendation, a five-foot fence with one-foot of lattice on top.
- **B. Bowen** agreed with **J. Putnam's** proposed condition.

**Motion:**

**On a motion by L. Payton, seconded by C. Gray, the Planning Board approved Land Use Review #LUR2015-00094, incorporating the staff memorandum and associated review criteria as findings of fact and subject to the recommended conditions of approval. Passed 4-2 (J. Gerstle and L. May opposed)**

**C. Gray** moved, seconded by **J. Putnam**, to amend the main motion to allow the 6 foot fence along Lee Hill on Lot 1 and Lot 17 have the top panel be a solid panel. **Failed 2-4 (L. Payton, J. Gerstle, J. B. Bowen, and L. May opposed)**

**J. Putnam** moved, seconded by **C. Gray**, to amend the main motion to require that the approval of the 6 foot fence on Outlot A be conditioned on the existence of a nonconforming use on the adjacent property. **Passed 4-2 (J. Gerstle and L. May opposed).**

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

### **A. Letter to Council Discussion**

#### **Staff Presentation:**

**D. Driskell** presented the item to the Board.

#### **Board Comments:**

- **D. Driskell** gave an update regarding the motion that Cowles/Plass developed as a replacement for the Weaver motion from September 14, 2015 which **C. Gray** questioned in an earlier email to the Board. Her questions were the following:
  - i. Can we please get an update on the motion that Cowles/Plass developed as a replacement for the Weaver motion? (Specifically on item “d” and “e” referenced below)
  - ii. Can we also get an update on the height moratorium and what was to be accomplished in the two year moratorium?

He stated that there have been a series of questions regarding Items “d” and “e” which were the following:

- d. Are there changes to Site Review Criteria that would make discretionary review more effective and lead to better buildings, taking into account the roles of both BDAB and Planning Board?
  - e. What has been the role of “community benefit” in obtaining entitlements and does the term need to be defined in the Code?
- **D. Driskell** explained that subsequent to the motion, consultants were engaged, specifically Victor Cole, who distributed a memo to City Council in January 2015 prior to the Council’s retreat. The memo set in motion several different work plan items. One work plan item was the development and approval of a “height ordinance” that identified areas in the city where site modifications could be considered. In addition, the Form Base Code (FBC) pilot was set in motion as well. He stated that in relation to the “height ordinance” there was the update to the Downtown Urban Design Guidelines (DUDG). Downtown was not excluded in the area of the “height ordinance”. He stated that three major work efforts began earlier in 2015 and are nearing completion. After the completion of the

DUDG and the FBC, the definition of community benefit and changes to the site criteria city wide will move forward. In addition, regarding an update on the height moratorium, **D. Driskell** stated that the items just mentioned were a part of that and to be clearer if more intensity of development would be expected. Regarding an update on the BVCP, he stated that areas are being identified for area planning. He stated that the “height ordinance” would be returning to City Council in late 2016.

- **C. Gray** questioned where updating site criteria and defining community benefit are located on the work program.
  - **D. Driskell** explained those items are scheduled to move forward subsequent to the adoption of the FBC pilot.
- **C. Gray** suggested putting site review and community benefit in the Letter to Council with a different preamble than the 2015 Letter and to reconfirm the items **D. Driskell** mentioned. She suggested that the Planning Board encourage City Council to continue with the work plan and take action.
- **J. Putnam** agreed with **C. Gray** that updating the site criteria and community benefit are priorities.
- **B. Bowen** suggested the Board work through the document “*Draft Topics for Council Letter Identified by Planning Board*”, prepared by **J. Putnam**, to discuss items to be included in the Letter to Council.

The following Items discussed below are topics that appear on the “***DRAFT TOPICS FOR COUNCIL LETTER IDENTIFIED BY PLANNING BOARD***” dated December 2, 2015 included in the December 3, 2015 packet.

**Item 1(a): BVCP Objectives and Strategies**

- **B. Bowen** suggested removing this item since it is currently in progress.
- **C. Gray** added that including the signing of the joint IGA in 2016 would be needed so that it would not expire.
- **L. May** stated that it would be worth including.
- **J. Gerstle** mentioned that the City Council should be aware of that.
- **B. Bowen** expressed concern with including items that are already scheduled to occur.
  - **D. Driskell** stated that the BVCP is a significant work effort and affects other tasks that can be done and uses significant amount of resources.
- The Board agreed to strike “jointly identify objective and strategies”

### **Item 1(b): Housing Boulder**

- **B. Bowen**, in regards to 1(b)(i), questioned if there would be some way to have affordable housing required on site.
- The Board agreed to reword 1(b)(i) to include affordable housing.
  - **D. Driskell** informed the Board that the developers have flexibility regarding affordable housing; however under state law the city cannot require them to do it on developing sites for rentals.
- **L. Payton** suggested for 1(b)(i) that the text be added explaining, from the Planning Board perspective, what the implications would be of the cash in lieu program. More affordable housing developments are being proposed on the fringe of the city and subsequently having to be annexed. She stated it would be beneficial to offer some context from the Planning Board.
- **J. Putnam** stated that there would be value to include this item. If it would be included it could be a mechanism and intensive to get it resolved.
- **C. Gray**, in regards to annexations, suggested having a target “50/30/20” annexation formula (20% (market rate) /30% (middle income) / 50% (affordable housing)) found under 1(b)(vi) .
- **J. Putnam** suggested for the Letter to Council to not offer specific formulas (i.e. the 50/30/20 formula). He added that the general notion of getting significant affordable housing from annexations is a good idea. He suggested the Board should seek solutions to affordable housing; however the Letter should be less concerned with percentage amounts.
- **C. Gray** suggested making 1(b)(xi) a general goal.
- **B. Bowen** suggested structuring the Inclusionary Zoning to expand the top of the affordable housing program, shifting 10% of the homes to a 20% target, and finally adequately funding it.
- **J. Putnam** stated that 1(b)(ix), regarding the buying of mobile home parks and apartment complexes would be a tool, but not certain the city has the money to accomplish this.
- **B. Bowen** stated that item is already occurring and housing partners are currently buying apartment complexes, therefore 1(b)(ix) may not needed.
- **L. May** clarified 1(b)(ix) by explaining that it could be done on a more significant scale and could put a dent in the affordability issue. He explained that it would entail the city issuing bonds through beneficiaries. He stated that the Board would not offer a policy solution, but simply offer it as something for City Council to consider.

- **L. Payton** agreed with the importance of this issue; however it may not be a Letter to Council item because the Planning Board would not be reviewing the purchases or the funding of those mobile home parks or apartment complexes.
- **L. May** stated that they would be land use and housing issues.
  - **D. Driskell** stated that the action plan for Housing Boulder in 2016 does involve middle income housing and a preservation strategy. He explained that it includes how to potentially broaden the pool of dollars to support preservation.
- **L. May** agreed.
- **C. Gray** suggested keeping the wording “mobile home parks”. She stated that this topic is something that City Council should know and that there would be support from Planning Board to keep this type of land use.
- **B. Bowen** clarified that the point would be that the city needs more affordable housing, with an emphasis on preservation, and it should be funded better.
- **C. Gray** stated to include a statement that the city needs more affordable housing which should be funded better, with an emphasis on preserving existing locations and then add bullet points.
- The Board was in agreement.
- In regards to 1(b)(ii), **L. May** suggested to use the language from the 2015 Letter to Council.
- **B. Bowen**, in regards to 1(b)(iii) and 1(b)(iv), stated that those two items should be included to emphasize the problems in housing.
- **C. Gray** questioned where co-ops would fall within their work program.
  - **D. Driskell** stated there would be a study session at the end of January 2016 regarding the existing co-op ordinance and any near-term, easy fixes that may respond to any concerns raised. In addition, in the 2016 Housing Boulder work plan, there is the idea of a neighborhood pilot. Co-op would come forward with an approach to working with the neighborhood they are located in.
- **B. Bowen** stated that they would support the issue of co-ops, ADU and OAU in the Letter.
- **C. Gray** stated that ADU and OAU are two different items. ADU would be located in nearly every residential zone in the city and she suggested that would need to be fixed.

OAU are only allowed in very low density locations. She suggested that these two items be separated.

- **B. Bowen** agreed targeting the issues would be fine and listing them separately. He suggested a statement at the beginning and bullets below with brief definitions.
- **C. Gray** explained the description under item 1(b)(x) as a rebalancing of commercial zoning to residential. She stated that if this would be done, then the city should ensure that the new housing area becomes a “15 minute neighborhood”. Currently those neighborhoods are exempt from the growth management system if the zoning is mixed-use.
- **B. Bowen** stated that what **C. Gray** proposed might include changes to the use table which the Board may want to include in the Letter, but he suggested that use table changes may not belong under the Housing Boulder section of the Letter. He stated that the comments regarding “15 minute neighborhood” might fit under Housing Boulder.
- **L. May** stated that **C. Gray’s** proposal may not fit comfortably under Housing Boulder, but is related because the major point would be to look at the rebalancing of overall commercial build outs to residential build outs.
- **B. Bowen** disagreed. He stated that **C. Gray** is referring to a residential project in a commercial area retain some commercial uses to ensure a walkable neighborhood.
- **L. Payton** questioned if rebalancing would be part of the BVCP.
- **J. Putnam** agreed that this topic could fit under Housing Boulder as well as in other sections; however the details could be done at a later time.
  - **D. Driskell** explained that within the Comp Plan process, the balancing of jobs and housing will be reviewed. He stated that there may be other areas of consideration such as the drifting from commercial land use to a residential or mixed-use land use. The details on how the zoning would be written would not happen within the Comp Plan process but with the implementation of policies within the Comp Plan.
- **L. May** suggested that item 1(b)(x) should be a standalone item and mention that it relates to both housing and the Comp Plan.
- **J. Putnam** questioned what would the Planning Board be asking City Council to do with this item from a work plan perspective.
- **C. Gray** stated that the commercial/residential balancing issue is present. She suggested to move forward with the Letter to Council discussion and to revisit this topic at another time.

- The Board agreed.
- **B. Bowen** stated that item 1(c), 1(d) and 1(e) regarding the Design Excellence program, FBC and TDM should be struck since they are work plans that are near completion. He stated that the focus should be on what should be placed on the staff work plan.
- The Board agreed.

### **Item 2: Fixing the Site Review Criteria and Process**

- **B. Bowen** stated that this is a major issue for Planning Board and suggested that all points under Item 2 remain in the Letter.
- **J. Putnam** stated that the only change he would suggest to Item 2 would be making it clear that Site Review Criteria is on the schedule after FBC is completed but express that it needs to stay on track.
- **B. Bowen** stated that the title should remain “Site Review Criteria and Process”.
- **C. Gray** requested that the language state that it is currently in the work program.
- The Board agreed.
- **B. Bowen**, regarding 2(e), explained concept reviews are often are more complex than needed. He suggested having staff let the architects and applicants know that it would not be necessary, in addition to writing that into the submittal applications or concept review packets. For example, he stated that the Board does not require rendered buildings.
- **J. Gerstle** agreed with **B. Bowen’s** comments however, he stated that he did not think it was needed in the Letter to Council.
- The Board agreed to remove Item 2(e).

### **Item 3: More Neighborhood Plans**

- **C. Gray** suggested Item 3 should read as “area plans” rather than “neighborhood plans”. She stated it would be more all-encompassing.
- **L. May** agreed. He stated that the introductory sentence for Item 3 encompasses all of the bullet points. Perhaps some of the bullets could be removed as they are projects that are already being done and near completion. He suggested keeping the bullets 3(c) and 3(d).
- The Board agreed to keep bullets 3(a)(i), 3(c), and 3(d) in Letter.

- **C. Gray** suggested redefining 3(d) to read as “urban design plan to address the public realm”.
- **L. May** suggested rewording 3(d) as “Downtown urban design plan to inform design and create a vision”.
- The Board agreed to place references to “uses” under Item 4 as it relates to zoning.

#### **Item 4: Zoning Code**

- **L. May** stated that this item includes too much detail. He stated that the 2015 Letter to Council addressed this topic and use tables were defined.
- **B. Bowen** disagreed with **L. May**. He stated that it should outline details. He stated it would be appropriate to include the details as there is a desire to fix the zoning code in relation to urban design.
- **J. Putnam** stated that the introduction could include a general reference similar to the 2015 Letter to Council. He stated that a level of detail is useful, but it is not necessary to hit every point.
- **B. Bowen** stated that examples should be provided in the Letter.
- **J. Putnam** stated that with generalized language, what the Planning Board would like to see could be conveyed.
- **L. May** agreed that general statements should be made. He disagreed with including specifics. He stated that the Letter should address the issue but should not offer solutions.
- **B. Bowen** stated that the Letter should address themes that continue to come up from projects and perhaps they should be written down and requested to be fixed.
- **L. Payton** suggested that if staff has a list of ongoing issues within projects, perhaps it could be attached as an appendix.
- **L. May** stated that the Letter to Council should be about severe issues that should be addressed. He stated the zoning code has a number of issues that should be addressed. The Board should be calling out the most critical to Council. He proposed a limited list of zoning issues.
- A number of Board members disagreed.
- **C. Gray** suggested to the Board that 4(b) be reworded specifically to improve street scape, 4(c) is fine, to remove 4(d) and finally to keep 4(e).

- **L. Payton** stated that within five years, only two modifications to the zoning code have occurred. She stated that City Council should be made aware of that.
- **B. Bowen** stated that including examples would be a benefit and would allow City Council to reflect.
- **L. May** stated that he still does not agree with offering the solution without vetting it.
- **L. Payton** asked that staff provide the list of ongoing issues to the Board.
- **B. Bowen** stated that 4(d) can be struck from the Letter. He stated that 4(h) is fine.
- **J. Putnam**, in regards to 4(e) and 4(f), stated they could be refocused on issues the Board agrees on but not offering a solution.
- The Board agreed.
- The Board agreed on 4(g) to add “electric vehicles”

#### **Item 5: Resilience**

- **B. Bowen** stated that he had no changes or issues with this item.
- **L. Payton**, regarding 5(b), stated the FEMA maps that have been submitted are based on design storms that don’t consider climate change. She stated that this issue should be considered since it encompasses life safety.
- **J. Putnam** suggested as a part of 5(a), adding explicit language to address that climate change is part of the events.
- **B. Bowen** stated that there could be number of items that could be added. Food security could be a large part of resilience; however that may be out of Planning Board’s realm.

#### **Item 6: Climate Change**

- **J. Putnam** stated that City Council is committed to municipalization. He stated that the city needs to plan if the city cannot municipalize due to barriers. He suggested looking at municipalization with a different approach.
- **L. Payton** suggested placing **J. Putnam’s** comments in a future Letter to Council.
- **C. Gray** agreed.
- **L. May** suggested making a specific statement regarding municipalization, similar to the 2015 Letter to Council, since there are a number of new City Council members.

- **J. Gerstle** agreed with the comments regarding municipalization; however he stated that it is not obvious that municipalization is within the prevue of the Planning Board. He stated that he does not see the benefit of including it in the Letter. He stated that the focus should remain on items that are within the Planning Board’s prevue.
- The Board agreed.
- **C. Gray** stated that if the Letter includes 6(a), the phrase “climate commitment” and “all planning policies” should be included.
- **B. Bowen** suggested that 6(c) and 6(d) could be combined.
- **L. May** agreed.
- The Board agreed to combine the two and then eliminate 6(c).
- **L. May**, regarding 6(e), stated it offers specific solutions which are currently constrained by Xcel. He suggested that the wording should be more general such as “pursuing all options for green house gas reduction”.
- **J. Putnam** agreed that more things could be accomplished if the city were municipalized.
- **C. Gray** stated that she approves of 6(e).
- **L. May** stated that 6(e) the city needs to be pursuing more effort towards municipalization. He suggested another item to add under the “Climate Commitment” would be the development of a commercial energy conservation ordinance for exiting buildings. He stated that the Board has not addressed “owned homes” which needs to be brought up to a new standard. He suggested adding it to Item 6.
- **J. Putnam** suggested adding it to 6(a). He suggested not isolating that issue at this time.

**Item 7: Community engagement**

- **B. Bowen** suggested striking 7(a). He approved of 7(b).
- **J. Putnam** suggested strongly referring back to the 2015 Letter to Council.
- The Board agreed.

**Item 8: Implement impact fees**

- **J. Putnam** stated that he disagreed with this item. He stated that as currently written, it is placing the policy prescription within it.

- **B. Bowen** suggested that it be reworded.
- **L. May** and **C. Gray** stated that currently there are ongoing efforts to reconsider this item and that a consultant is on board and it will be going to City Council. However, **C. Gray** questioned if Planning Board has every reviewed this type of item.
- **B. Bowen** suggested it be removed.
- The Board agreed.

#### Additional Letter Suggestions:

- **L. Payton** suggested that a brief discussion or acknowledgment of the responsiveness to items from the 2015 Letter to Council be included in the introduction. She stated that this would display continuity of the annual Letter.
- The Board agreed.
- **L. May** suggested a matrix for possible community benefit and integration with site review criteria from last year's Letter and to include it as an appendix to this year's Letter.
- **J. Putnam** stated that would be getting too far into the detail and not sure if he would be in agreement. He stated that it is important, however if too much specificity were included, then the overall point would be lost and could be denied due to the formula outlined.
- **B. Bowen** stated that he feels as though the conversation has broadened. He stated that it would be a much larger community engagement rather than putting forward a formula or charter.

#### Assignments:

- **J. Putnam** stated he would put the items together and have the Board perform edits.
- **B. Bowen** stated that the Board should receive a draft a few days before the December 17, 2015 Planning Board meeting from **J. Putnam** and discuss the edits. He instructed the Board to submit additional ideas to **J. Putnam**. Prior to the December 17, 2015 meeting, **J. Putnam** will send the draft and the Board should bring their comments to that meeting for discussion.

#### Pollard Site Discussion:

- **L. Payton** clarified with the Board that they were unanimous regarding the sale of the Pollard site. She suggested stating that in the Letter.

- **J. Putnam** suggested the Board recommend that the sale of the Pollard site should be reviewed very closely since more information needs to be obtained.
- **J. Gerstle** agreed.
- **L. May** suggested broadening it to not just state the Pollard site, but sites that the city owns.
- **L. Payton** stated that the Pollard site is unique in that if affordable housing were to be built, it would be located next to transit.
- **L. May** argued that the Boulder hospital site would be similar and should be included.
- **B. Bowen** mentioned that what is unique regarding the Pollard site is that the city is currently discussing the sale of it. He stated it would be an opportunity to tell City Council that this would be a great opportunity to hold on to this property and the benefits of doing that.
- **L. Payton** strongly stated that low income housing should not be placed on the fringes of the city where transit may not be available, but Pollard would be a great site for affordable housing and transit is provided. The Pollard site is a potential sale on the horizon unlike the Boulder hospital site.
- **L. May** stated that it would be valuable for the Planning Board to weigh in, that like the Pollard site, opportunities exist if the city maintains control of the site, and then the city can fully capitalize on it.
- **J. Gerstle** stated that the issues are obvious on both sites and nothing needs to be said to City Council. In addition, he added that the Planning Board does not know enough regarding the alternatives available to the city with such comments.
- **L. May** argued that it would not be obvious to everyone.
- **C. Gray** agreed with **B. Bowen's** comments and would like to see the city do more.
- **J. Putnam** agreed with **J. Gerstle**, that the Planning Board may not have the information to dive into the details of this matter. He stated that focus should be on Pollard to get the point across.
- The Board agreed.

## 7. DEBRIEF MEETING/CALENDAR CHECK

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 9:27 p.m.

APPROVED BY

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
DATE

DRAFT



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Community Planning + Sustainability  
Susan Richstone, Deputy Director of Community Planning + Sustainability  
Charles Ferro, Development Review Manager  
Chandler Van Schaack, Planner II

Date: January 5, 2016

**Subject: Call-Up Item:** Planning Board denial of a Minor Amendment to an Approved Site Plan (LUR2015-00092) to amend the approved Dakota Ridge North design standards to allow fences up to 60 inches (5 feet) in height that back onto an alley to be built to within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above. The Dakota Ridge North PUD lies within the RL-2 (Residential – Low 2) and RM-1 (Residential – Medium 1) zoning districts.

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### **EXECUTIVE SUMMARY:**

On December 3, 2015, the Planning Board held a quasi-judicial hearing to review the proposed application for a Minor Amendment to an Approved Site Plan at 0 Dakota Blvd. described above. On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted unanimously to deny the application and to continue the hearing to its next meeting for preparation and consideration of draft findings of fact. The hearing was continued at the December 17, 2015, Planning Board meeting, at which the board voted 5-0 (**B. Bowen** absent) to deny the subject application, finding that it failed to meet the requirements of the Boulder Revised Code, and adopted the staff memorandum as findings of fact and conclusions of law (see **Attachment A**). The Planning Board's denial is subject to a 30-day call-up period by City Council which expires on **January 18, 2016**.

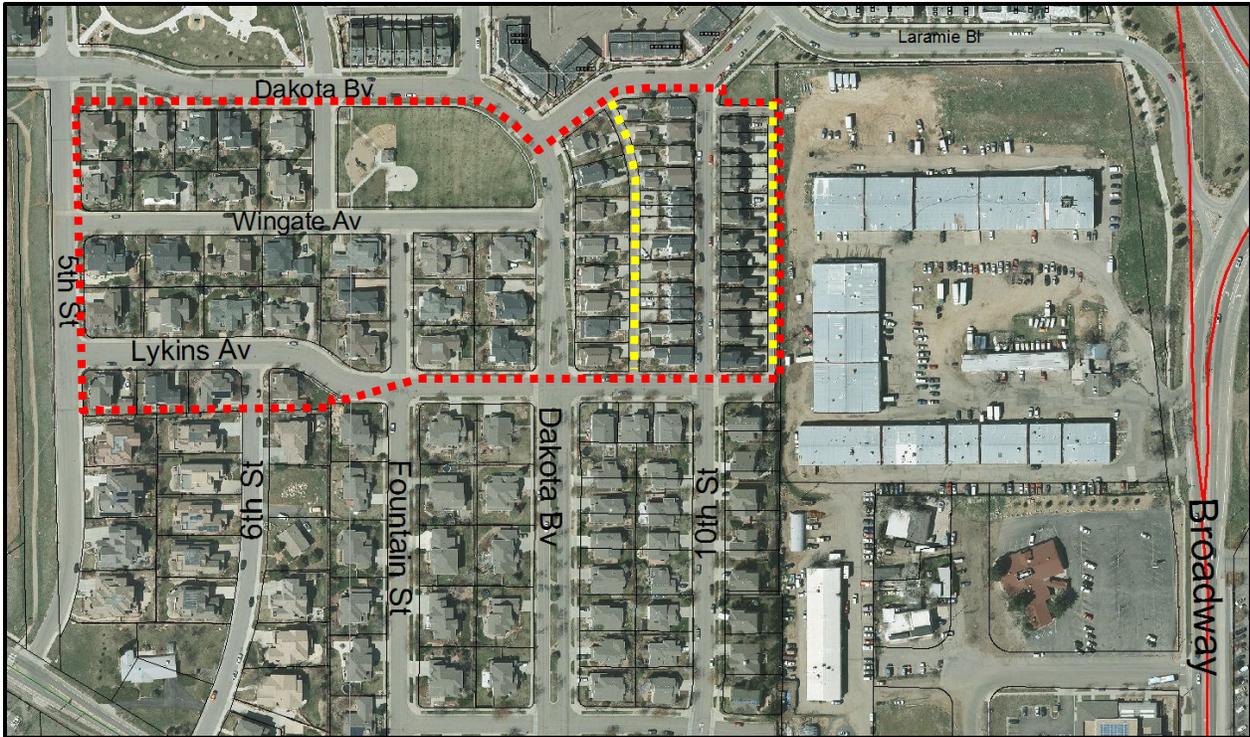


Figure 1: Vicinity Map

The intent of this application is to amend the adopted Dakota Ridge North Design Code (Design Code) to allow, for those properties abutting an alley, a rear yard setback of 18 inches for fences up to 60 inches in height composed of a maximum of 42 inches of solid fencing and a minimum of 18 inches of open lattice above. The maximum and minimum dimensions for the solid fencing and lattice work would allow for some flexibility in terms of fence height and design while ensuring that any fence over 42 inches in height would be required to provide at least 18 inches of open lattice, thereby ensuring a high degree of transparency for fences from 42 inches up to 60 inches in height. This is a change from the current Design Code standards, which require that any fence over 42 inches in height be set back at least 15 feet from the rear property line when abutting an alley. Please see **Attachment A** for Applicant’s proposed amendment package.

The Planning Board’s denial is subject to a 30-day call-up period by City Council which expires on **January 18, 2016**. City Council is scheduled to consider this application for call-up at its **January 5, 2016** public meeting.

For the December 3, 2015 staff memorandum to Planning Board, please see **Attachment B**. Minutes, meeting audio, and other related background materials are on the city website for Planning Board, available [here](#) (Follow the links: 2015 → 12 DEC → go to 12.03.2015 PB Packet for the December 3, 2015 Planning Board meeting materials and to 12.17.2015 PB Packet for the December 17, 2015 meeting materials).

**BACKGROUND:**

**Site Context.**

As shown above in **Figure 1**, the Dakota Ridge North PUD is located in North Boulder, north of Lee Hill Dr. and west of Broadway (the PUD boundary is marked in red). The Dakota Ridge North

PUD was originally approved by Planning Board in July, 1997 (Site Review #SI-96-17) as a residential project containing 66 mixed-density housing units and a neighborhood park. The primary intent of the Dakota Ridge North development was to create a traditional, town-like setting where automobiles are de-emphasized through the placement of garages behind houses rather than in front, and where ground floor entries, front porches, landscaping and other design features are intended to create activity and interest at the pedestrian level. In order to achieve the desired architectural character and site design while still allowing for flexibility in the design of individual buildings, the original PUD approval included adoption of a Design Code, Landscape Design Guidelines and Building Coverage and Open Space Schedules. The Design Code is the primary design document and includes guidelines and requirements for a variety of building and site elements, including, without limitation, setbacks and build-to lines, porches, façade articulation, roofs, materials, windows, fences and walls, garages, open space and landscaping.

While the development has been completed largely in accordance with the adopted standards, there has been some inconsistency over the years in how the Design Code has been interpreted with regards to fence standards for properties abutting an alley (there are two alleys within the Dakota Ridge North PUD, marked in yellow in **Figure 1** above). Currently, there are at least 2 properties that have been issued fence permits in error that do not meet the approved fence standards.

#### **ANALYSIS:**

The Planning Board discussed the proposed Minor Amendment to an Approved Site Plan at their December 3, 2015 meeting. The board heard a presentation by staff recommending approval of the subject application. One neighbor spoke at the meeting in opposition to the proposal and expressed concerns that the proposed amendment would create a safety hazard by increasing fence height near the alleyway. On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted unanimously to deny the application and to continue the hearing to its next meeting for preparation and consideration of draft findings of fact.

Overall, the board agreed that the intent of the approved design code is to ensure openness and transparency in the alleyways, and that the proposal to allow for fences up to five feet in height to be set back 18 inches from the rear property line would be inconsistent with this intent, as it would reduce transparency and openness. Please see **Attachment C** for the draft meeting minutes from the December 3 Planning Board meeting and **Attachment A** for the final adopted findings of fact.

#### **Summary of Findings.**

Based on a consideration of the entire evidentiary record, the Planning Board makes the following findings of fact. The Applicant failed to demonstrate, based upon a preponderance of evidence, that:

1. **Consistency with PUD Intent:** The minor amendment is found to be substantially consistent with the intent of the original approval, including conditions of approval, the intended design character, and site arrangement of the development, and specific limitations on additions or total size of the building which were required to keep the building in general proportion to others in the surrounding area or minimize visual impacts. §9-2-14(1)(2)(D), B.R.C. 1981.

#### **Findings of Fact and Conclusions of Law.**

In evaluating the credibility and weight to be given to the evidence, the Planning Board considered the entire record (which included materials provided by the Applicant, Planning staff, and the

public and testimony and information produced at the public hearing), and weighed a number of specific factors, the collective and corroborative weights of which were considered as follows:

1. Consistency with PUD Intent: §9-2-14(1)(2)(D), B.R.C. 1981. The Applicant failed to demonstrate, based on a preponderance of evidence, that the project would be substantially consistent with the intent of the original approval, in particular, the intended design character. The board determined that the intent of the approved design code is to ensure openness and transparency in the alleyways, and that the proposal to allow for fences up to five feet in height to be set back 18 inches from the rear property line would be inconsistent with this intent, as it would reduce transparency and openness.

The Planning Board's denial is subject to a 30-day call-up period by City Council which expires on **January 18, 2016**. City Council is scheduled to consider this application for call-up at its **January 5, 2016** public meeting.

**ATTACHMENTS:**

- A. Notice of Disposition and Findings of Fact dated December 17, 2015
- B. Planning Board Memorandum with Applicant's Proposed Plan
- C. Draft Meeting Minutes from December 3, 2015 Planning Board Hearing



**CITY OF BOULDER**  
**Community Planning & Sustainability**

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**CITY OF BOULDER PLANNING BOARD**  
**NOTICE OF DISPOSITION**

You are hereby advised that on **December 17, 2015** the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: **DENIED**  
PROJECT NAME: **Dakota Ridge North Design Code Amendment**  
DESCRIPTION: **Application for Minor Amendment to an Approved Site Plan to amend the approved Dakota Ridge North design standards to allow fences up to 60 inches (5 feet) in height that back onto an alley to be built to within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above.**  
LOCATION: **0 Dakota Blvd.**  
COOR: **N09W07**  
LEGAL DESCRIPTION: **Dakota Ridge North Subdivision, City of Boulder, County of Boulder, State of Colorado**  
APPLICANT: **John McCarthy**  
APPLICATION: **Site Review, LUR2015-00092**  
ZONING: **RL-2 & RM-1**  
CASE MANAGER: **Chandler Van Schaack**  
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

At its public hearing on December 17, 2015, continued from December 3, 2015, the Planning Board denied the request (below) per the following motion:

**C. Gray**, moved that the Planning Board finds that application no. LUR2015-00092 fails to meet the requirements of the Boulder Revised Code, denies the application, and adopts the staff memorandum dated for the December 17, 2015 Planning Board meeting as findings of fact and conclusions of law. **L. Payton** seconded the motion. Motion passed 5:0 (**B. Bowen** absent).

**Findings of Fact and Conclusions of Law**

**Introduction**

In accordance with the requirements of Chapter 9-2-14, B.R.C. 1981, the City of Boulder Planning Board (the "Planning Board"), on December 3, 2015, held a public hearing after giving notice as required by law on the application for the above captioned Site Review.

John McCarthy, President of the Dakota Ridge North Homeowners Association, as the proponent (The "Applicant") has submitted an application for a Minor Amendment to an Approved Site Plan, seeking an amendment to the approved Dakota Ridge North design standards that would allow fences up to 60 inches (5 feet) in height that back onto an alley to be built to within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above. (Site Review Application # LUR2015-00092) (the "Project"). The Applicant has the burden of proof to demonstrate that the application meets the requirements of the Boulder Revised Code. Subsection 1-3-5(h). B.R.C. 1981.

### Criteria

The review criteria for a minor amendment to an approved site plan can be found in Subsection 9-2-14(l), Minor Amendments to Approved Site Plans," B.R.C. 1981, and read as follows:

Minor Amendments to Approved Site Plans:

- (1) Standards: Changes to approved building location or additions to existing buildings, which exceed the limits of a minor modification, may be considered through the minor amendment process if the following standards are met:
  - (A) In a residential zone as set forth in Section 9-5-2, "Zoning Districts," B.R.C. 1981, all approved dwelling units within the development phase have been completed;
  - (B) In residential zones, dwelling unit type is not changed;
  - (C) The required open space per dwelling unit requirement of the zone is met on the lot of the detached dwelling unit to be expanded; and
  - (D) The total open space per dwelling unit in the development is not reduced by more than ten percent of that required for the zone; or
  - (E) If the residential open space provided within the development or an approved phase of a development cannot be determined, the detached dwelling unit is not expanded by more than ten percent and there is no variation to the required setbacks for that lot;
  - (F) For a building in a nonresidential use module, the building coverage is not increased by more than twenty percent, the addition does not cause a reduction in required open space, and any additional required parking that is provided is substantially accommodated within the existing parking arrangement;
  - (G) The portion of any building over the permitted height under Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, is not increased;
  - (H) The proposed minor amendment does not require public infrastructure improvements or other off-site improvements.
  
- (2) Amendments to the Site Review Approval Process: Applications for minor amendment shall be approved according to the procedures prescribed by this section for site review approval, except:
  - (A) If an applicant requests approval of a minor amendment to an approved site review, the city manager will determine which properties within the development would be affected by the proposed change. The manager will provide notice pursuant to Subsection 9-4-3(b), B.R.C. 1981, of the proposed change to all property owners so determined to be affected, and to all property owners within a radius of 600 feet of the subject property.
  - (B) Only the owners of the subject property shall be required to sign the application.
  - (C) The minor amendment shall be found to comply with the review criteria of Subparagraphs (h)(2)(A), (h)(2)(C), and (h)(2)(F) of this section.
  - (D) The minor amendment is found to be substantially consistent with the intent of the original approval, including conditions of approval, the intended design character, and site arrangement of the development, and specific limitations on additions or total size of the building which were required to keep the building in general proportion to others in the surrounding area or minimize visual impacts.
  - (E) The city manager may amend, waive, or create a development agreement.

To approve a minor amendment to an approved site plan application, the Planning Board must find that the Applicant has proven by a preponderance of the evidence that all of the applicable criteria have been met.

### Summary of Findings

1. Based on a consideration of the entire evidentiary record, the Planning Board makes the following findings of fact. The Applicant failed to demonstrate, based upon a preponderance of evidence, that the minor amendment is substantially consistent with the intent of the original approval, including conditions of approval, the intended design character, and site arrangement of the development, and specific limitations on additions or total size of

the building which were required to keep the building in general proportion to others in the surrounding area or minimize visual impacts. §9-2-14(l)(2)(D), B.R.C. 1981.

### Findings of Fact and Conclusions of Law

In evaluating the credibility and weight to be given to the evidence, the Planning Board considered the entire record (which included materials provided by the Applicant, Planning staff, and the public and testimony and information produced at the public hearing), and weighed a number of specific factors, the collective and corroborative weights of which were considered as follows:

1. Consistency with PUD Intent: §9-2-14(l)(2)(D), B.R.C. 1981. The Applicant failed to demonstrate, based on a preponderance of evidence, that the project would be substantially consistent with the intent of the original approval, in particular, the intended design character. The board determined that the intent of the approved design code is to ensure openness and transparency in the alleyways, and that the proposal to allow for fences up to five feet in height to be set back 18 inches from the rear property line would be inconsistent with this intent, as it would reduce transparency and openness.

### Discussion

The Applicant is requesting to amend the adopted Dakota Ridge North Design Code (Design Code) to allow, for those properties abutting an alley, a rear yard setback of 18 inches for fences up to 60 inches in height composed of a maximum of 42 inches of solid fencing and a minimum of 18 inches of open lattice above.

The Dakota Ridge North PUD is located in North Boulder, north of Lee Hill Dr. and west of Broadway. The Dakota Ridge North PUD was originally approved by Planning Board in July, 1997 (Site Review #SI-96-17) as a residential project containing 66 mixed-density housing units and a neighborhood park. The approval included a Design Code. The Design Code's introduction on page 1 reads as follows:

*"The primary intent of this design code is to create a community with characteristics similar to those of a traditional "town." Parks are a focus for public activity. Hopefully, this can be a place where its residents and visitors can rediscover the community of a small town. Dakota Ridge North consists of a variety of single-family homes, attached homes, and a small park. The configuration of these elements in Dakota Ridge North and the following code are meant to enhance the feeling of community, user convenience, and identity. The plan and the code also seek to create a pedestrian and bicycle-oriented community that provides for the realities of the automobile, but does not let it dominate the street or the neighborhood."*

The primary intent of the Dakota Ridge North development was to create a traditional, town-like setting where automobiles are de-emphasized and with a feeling of community, user convenience, identity, and activity and interest at the pedestrian level. The standards of the Design Code are drafted to achieve this desired traditional, town-like setting. The Design Code includes architectural, open space, and landscape standards but also standards for fences, walls and privacy screens to achieve the desired character. The current Design Code standards require that any fence over 42 inches in height or with a solid design be set back at least 15 feet from the rear property line when abutting an alley. Such privacy fences and walls are also required to be set back a minimum of 30 feet from the front property line. Privacy screens are similarly restricted and are allowed only within the building setback, which is 25 feet from the rear property line. Fences that do not exceed 42 inches in height and are of an open design (split rail, post and rail, or wood frame with vinyl coated or painted metal fabric) are allowed along or very close to sidewalks, right of ways and alleys. These standards, including the standard that restricts fences over 42 inches in height or with a solid design to be set back at least 15 feet from the rear property line when abutting an alley, are clearly intended to create an open design character at the rear of the property where abutting an alley to create activity and interest at the pedestrian level and a feeling of community and identity.

Evidence presented at or for the hearing shows that solid fences of up to five feet in height with an additional 18 inches in lattice above set back only 18 inches from the alley would not create the intended open design character that creates activity and interest at the pedestrian level and a feeling of community and identity of the neighborhood. The proposed amendment would decrease transparency, interest, activity and the feel of community along the alley by walling off yards along the alley into private, secluded spaces contrary to the intent of the original approval.

**Conclusion**

For these reasons, the Planning Board finds that the applicant has failed to establish that the proposal is substantially consistent with the intent of the original approval and has failed to establish that the application meets the requirements for Minor Amendments to Approved Site Plans of the Boulder Revised Code.

**Denied on: December 17, 2015**

By:  \_\_\_\_\_  
David Driskell, Secretary of the Planning Board

**CITY OF BOULDER**  
**PLANNING BOARD AGENDA ITEM**  
**MEETING DATE: December 3, 2015**

**AGENDA TITLE:** Public hearing and consideration of a Minor Amendment to an Approved Site Plan (LUR2015-00092) to amend the approved Dakota Ridge North design standards to allow fences up to 60 inches (5 feet) in height that back onto an alley to be built to within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above. The Dakota Ridge North PUD lies within the RL-2 (Residential – Low 2) and RM-1 (Residential – Medium 1) zoning districts.

Applicant: John McCarthy for the Dakota Ridge North HOA

**REQUESTING DEPARTMENT:**

Planning, Housing & Sustainability

David Driskell, Executive Director

Susan Richstone, Deputy Director

Charles Ferro, Development Review Manager

Chandler Van Schaack, Planner II

**OBJECTIVE:**

Define the steps for Planning Board consideration of this request:

1. Hear Applicant and Staff presentations
2. Hold Quasi-Judicial Public Hearing
3. Planning Board discussion
4. Planning Board action to approve, approve with conditions or deny

**SUMMARY:**

**Proposal:**

MINOR AMENDMENT to an Approved Site Plan (LUR2015-00092) to amend the approved Dakota Ridge North design standards to allow fences up to 60 inches (5 feet) in height that back onto an alley to be built to within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above. The Dakota Ridge North PUD lies within the RL-2 (Residential – Low 2) and RM-1 (Residential – Medium 1) zoning districts.

**Project Name:**

Dakota Ridge North Design Code Amendment

**Location:**

0 Dakota Ridge Blvd.

**Zoning:**

RL-2 (Residential – Low 2) and RM-1 (Residential – Medium 1)

**Comprehensive Plan:**

Low and Medium Density Residential

**KEY ISSUE:**

***Is the proposed Site Review Minor Amendment consistent with the criteria for Minor Amendments to Approved Site Plans as set forth in section 9-2-14(l), B.R.C. 1981?***

**BACKGROUND:**

As shown below in **Figure 1**, the Dakota Ridge North PUD is located in North Boulder, north of Lee Hill Dr. and west of Broadway (the PUD boundary is marked in red). The Dakota Ridge North PUD was originally approved by Planning Board in July, 1997 (Site Review #SI-96-17) as a residential project containing 66 mixed-density housing units and a neighborhood park. The primary intent of the Dakota Ridge North development was to create a traditional, town-like setting where automobiles are de-emphasized through the placement of garages behind houses rather than in front, and where ground floor entries, front porches, landscaping and other design features are intended to create activity and interest at the pedestrian level. In order to achieve the desired architectural character and site design while still allowing for flexibility in the design of individual buildings, the original PUD approval included adoption of a Design Code, Landscape Design Guidelines and Building Coverage and Open Space Schedules. The Design Code is the primary design document and includes guidelines and requirements for a variety of building and site elements, including, without limitation, setbacks and build-to lines, porches, façade articulation, roofs, materials, windows, fences and walls, garages, open space and landscaping.

While the development has been completed largely in accordance with the adopted standards, there has been some inconsistency over the years in how the Design Code has been interpreted with regards to fence standards for properties abutting an alley (there are two alleys within the Dakota Ridge North PUD, marked in yellow in **Figure 1** below). Currently, there are at least 2 properties that have been issued fence permits in error that do not meet the approved fence standards.



**Figure 1: Vicinity Map**

**Project Description**

The applicant is requesting to amend the adopted Dakota Ridge North Design Code (Design Code) to allow, for those properties abutting an alley, a rear yard setback of 18 inches for fences up to 60 inches in height composed of a maximum of 42 inches of solid fencing and a minimum of 18 inches of open lattice

above. The maximum and minimum dimensions for the solid fencing and lattice work would allow for some flexibility in terms of fence height and design while ensuring that any fence over 42 inches in height would be required to provide at least 18 inches of open lattice, thereby ensuring a high degree of transparency for fences from 42 inches up to 60 inches in height. This is a change from the current Design Code standards, which require that any fence over 42 inches in height be set back at least 15 feet from the rear property line when abutting an alley. Please see **Attachment A** for Applicant's proposed amendment package.

#### **REVIEW PROCESS:**

The proposal includes a change to the Design Code which would alter the required setback for fences in a rear yard abutting an alley by over 10 feet (from 15 feet currently to 18 inches proposed). Per the Minor Modification standards found in section 9-2-14(k)(4), B.R.C. 1981, "*Principal and accessory buildings not within an approved building envelope may be expanded or moved by no more than ten feet in any direction within the development in residential districts and lots abutting residential districts. The resulting setbacks shall not be less than the minimum allowed setback of the underlying zone.*" Because the proposed amendment would in effect change the building envelope specifically for fences in the rear yard by more than 10 feet, the current proposal exceeds the limits of a minor modification and therefore requires a Minor Amendment to the Approved Site Plan.

While typically a Site Review Minor Amendment would be a staff-level decision subject to call-up by the Planning Board or appeal by a member of the public, given the extent of the proposed changes as well as the inconsistency with which the existing Design Code has been interpreted by both city staff and the Dakota Ridge North HOA with regard to fencing, staff felt that the most appropriate process for amending the Design Code is to refer the application to the board for discussion and a final decision pursuant to section 9-2-7(b)(1), B.R.C. 1981.

#### **KEY ISSUE:**

Staff has identified the following key issue for the board's consideration:

#### ***Is the proposed Site Review Amendment consistent with the criteria for Minor Site Review Amendments to Approved Site Plans as set forth in section 9-2-14(l), B.R.C. 1981?***

Section 9-2-14(l), "*Minor Amendments to Approved Site Plans*," B.R.C. 1981 includes the procedures and review criteria for approval of a minor amendment to an approved Site Review development. The criteria for a Minor Site Review Amendment require an evaluation of a project with only specific Site Review criteria of the B.R.C. 1981 subsections 9-2-14(h)(2) (A), (C), and (F), Open Space, Landscaping, and Building Design respectively. Within the context of the existing Dakota Ridge North PUD, which is already fully developed, staff finds that many of the above criteria are not applicable to the proposal. Please see **Attachment B** for staff's complete analysis of the review criteria.

Approval of a Minor Amendment also requires a finding that "*The minor amendment is found to be substantially consistent with the intent of the original approval, including conditions of approval, the intended design character and site arrangement of the development, and specific limitations on additions or total size of the building which were required to keep the building in general proportion to others in the surrounding area or minimize visual impacts.*" While the specific rationale originally applied that resulted in requiring fences to be set back 15 feet from an abutting alley isn't completely clear, staff finds the proposed amendment to the Design Code to be substantially consistent with the intent of the original approval and with surrounding neighborhoods.

Overall, the proposal was found to be consistent with the criteria for Minor Amendments to Approved Site Plans found in section 9-2-14(I), B.R.C. 1981. Refer to **Attachment B** for staff's complete analysis of the review criteria.

**PUBLIC COMMENT:**

Required public notice was provided in the form of written notifications of the application to property owners within 600 feet of the subject properties. In addition, several public notice signs were posted around the perimeter of the neighborhood. Therefore, all public notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 were met. Several phone calls were received from neighbors asking for information on the proposed project. The majority of the correspondence was general questions regarding the proposal. Staff has also been in communication with one neighbor who has expressed opposition to the proposed Design Code amendment, although their specific concerns regarding the proposal remain unclear at this time. Refer to **Attachment C** for neighborhood correspondence.

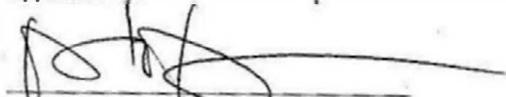
**STAFF FINDINGS AND RECOMMENDATION:**

Staff finds that the application for a Minor Amendment meets the criteria of section 9-2-14(I), B.R.C. 1981. Therefore, staff recommends that Planning Board approve Land Use Review # LUR2015-00092 incorporating this staff memorandum and associated review criteria as findings of fact and subject to the recommended conditions of approval.

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. The Applicant shall ensure that the development shall be in compliance with all plans prepared by the Applicant on November 18, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. The Applicant shall comply with all previous conditions contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to:
  - a. The Development Agreement recorded in the office of the Boulder County Clerk and Recorder at Reception No. 01779329 on March 9, 1998; and
  - b. The Subdivision Agreement recorded in the office of the Boulder County Clerk and Recorder at Reception No. 01793854 on April 21, 1998.

Approved By:



David Driskell, Executive Director  
Department of Community Planning and Sustainability

**ATTACHMENTS:**

- A. Applicant's Proposed Plans
- B. Staff Analysis of Review Criteria
- C. Neighborhood Correspondence

ATTACHMENT A

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Introduction

The primary intent of this design code is to create a community with characteristics similar to those of a traditional "town". Streets are convenient and comfortable for walking. Parks are a focus for public activity. Hopefully, this can be a place where its residents and visitors can rediscover the community of a small town. Dakota Ridge North consists of a variety of single-family homes, attached homes, and a small park. The configuration of these elements in Dakota Ridge North and the following code are meant to enhance the feeling of community, user convenience, and identity. The plan and the code also seek to create a pedestrian and bicycle-oriented community that provides for the realities of the automobile, but does not let it dominate the street or the neighborhood.

How to Use These Guidelines

In order to use this code, you must know the land use designation for your property and where it is located within Dakota Ridge North. This code is organized by land use type, and special conditions apply to lots in certain locations (e.g., corner lots).

Residential

If your property has a residential land-use designation, you should first refer to the General Requirements under Housing Types on page 2. This section is followed by specific code requirements for each housing type in Dakota Ridge North. Also refer to the Graphic Plan for further requirements on your lot. This plan contains specific information for each lot, including build-to locations, setbacks, lot size, maximum building coverage limits, parking location, and affordability restrictions.

Open Space

This section describes the various open areas within the plan, and their use.

Circulation

This section should be reviewed by anyone who plans to build in Dakota Ridge North. The street network is the major public space of the community, and an understanding of the relationships that are desired between the street and the building will be key to creating a successful design.

Amendments

This Graphic Code and the appurtenant drawings may be modified from time to time. Any proposed amendment must be agreed to by the unanimous consent of the Executive Board of the Dakota Ridge North Homeowners Association. The Executive Board can then request that an Amendment be made to the approved Site Plan with the City of Boulder Planning Department. No amendment shall be approved without the consent of both the Executive Board and the Planning Department.

Land Uses

The conditions for each land use are described, a key map indicates the location of the use within the plan, a table lists the various codes, and a plan illustrates aspects of the code.



Dakota Ridge North Land Uses

Housing Types

Dakota Ridge North will create a residential neighborhood with a community identity and various degrees of affordability. The designs of the homes complement the street design.

The following residential design principles guide the design of all residences. After the general principles, there is a more detailed discussion of the residential types planned:

- Large Lot Single-Family Homes
- Medium and Small Lot Single-Family Homes
- Duplexes and Triplexes

General Requirements

When implementing this design code, it is important to remember that the houses not only serve the private needs of the residents, but also constitute an important component in the overall form and health of a neighborhood. How houses face public streets and open space is critical to the success of creating a pedestrian-oriented, town-like neighborhood. Primary ground floor entries must orient to streets, not the interior of blocks or side yards. By placing garages in the rear of lots, entries and living space put "eyes on the street" and make the neighborhood safer and more active. With garage doors hidden from public view, front entries and porches gain greater visual emphasis, breaking the front facade into more human-scaled elements. By using alleys instead of front driveways, neighborhood streets can be more densely landscaped and using alleys instead of front driveways will make more on-street parking made available.

Porches, prominent front entries and other design features serve to extend the historic patterns of Boulder residential neighborhoods. Yards and porches provide an active social edge in front of private dwellings, where people can enjoy their "outdoor living room" created by streets and yards, where they can choose to "see and be seen." Setback requirements will help to create a comfortable street edge and enable garages and parking lots to occur away from the street.

General Code Guidelines:

Requirements	Notes	Large-Lot	SM/Med Lot	Attached
Lot Size (Min.)		64	35	15
Width (ft)		62	73	73
Depth (ft)		6,000	2,648	1,529
Area (sq ft)				
Build-to Lines				
Front Yard Building (ft)		12	8	5
Building Projections (ft)	(1)(2)	9	6	4
Front Yard Porch (ft)	(2)	9	4	2
Side Yard (Street) (ft)		12	8	6
Yard Setbacks (Min.)				
Front Yard Garage (ft)		40	NA	NA
Side Yard (Street) Garage (ft)		30	8	8
Side Yard Total (ft)		16	8	0
Side Yard Building (ft)		8	4	0
Side Yard Porch (ft)		4	0 or 4	0
Side Yard Alley (ft)		NA	4	4
Rear Yard Building (ft)		20	20	20
Rear Yard Garage/Parking (ft)		0 or 3	8	8
Rear Yard Area (Min.)	(2)	NA	NA	10 X 12
Height (Max.)		35	35	35
Porches				
Depth (Min.) (ft)		2+ Loft Stories	2+ Loft Stories	2+ Loft Stories
Width (Min.) (ft)		8	6	5
		16	12	10

- \* Notes
- (1) Bay windows, driveways, balconies, and other building projections - not more than 10% of building footprint
- (2) Exclusive of driveways, vents, etc.
- (3) Second floor space allowed over porches, building projections, and garages to the building build-to and setback lines.

Handwritten notes: "Setback TO BUILD TO THE LINE", "SOLR OF BLDG MUST GO TO BUILD TO LINE", "Brown Brown - 10/2/2018"

Dakota Ridge North Design Code Page 1

Dakota Ridge North Design Code Page 1

Dakota Ridge North Design Code Page 2

Dakota Ridge North Design Code Page 3

as window location and building materials are also encouraged to respond to Boulder's climate and reinforce its regional heritage.

Setbacks and Build-to Lines

This code employs both setbacks and build-to lines. The setbacks in the code set the minimum distance that is required between the building element and the property line. Build-to lines set the required distance between the building element and the property lines. A building element with a build-to requirement cannot be closer to or further from the property line. For example, a medium lot single-family home that is located at the corner of two streets has a front build-to line for the main building (6 feet), the porch (4 feet), and any building projections (6 feet); it also has a build-to line in the side yard of 4 feet. But the same type of house on a non-corner lot would have setbacks, not build-to lines, along the side yard property lines.

Porches

Primary entries shall be accessed directly from a public street and must be visible from the street. Front doors shall be substantial in appearance and shall include clear glass lights if an adjacent window is not provided. Porches are required for each unit and must be located immediately accessible to the primary entry. Porches must have a minimum unobstructed width and depth as described in each residential type section. Porches shall be covered with a roof that is supported by posts; cantilevered roofs are not permitted. Posts and rails shall be substantial in appearance and shall have a nominal dimension of at least 4x4 for posts and 2x6 for rails. Porches must be illuminated at night. Porches may be counted for on-lot Open Space for city calculation purposes if there is no living space in floors above.



Example Porch in Boulder

Facade Articulation

In addition to the required porch, the front elevation of all homes shall contain at least one of the following: bay window, dormer window, or balcony (balcony over porch is permitted). The use of a variety of these features on various units will add to the character and interest of the neighborhood. Reveals and recesses shall be used to reduce the apparent size of facades and establish rich shadow lines. These should occur at windows, doors eaves, gable vents, etc.



Example Facade Articulation in Boulder

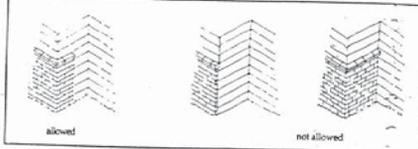
Dakota Ridge North Design Code Page 4

Roofs

Roofs shall be hipped or gabled. Gabled roof ends are strongly encouraged facing the street. The profile created by roof forms shall be simple with no unnecessary changes in roof plane. Roof configuration shall reflect a building's floor plan, massing, and use. The slope of primary roofs shall range between 10:12 and 12:12. Overhangs, porches, and eaves may break to a minimum 6:12 slope. Wood shingles are prohibited. Heavy asphalt shingles or standing seam metal roofs are required.

Materials

General Exterior Finishes: Materials shall reflect Boulder's climate and building tradition and convey a sense of permanence and durability. Wood board siding, stucco, stone and/or brick shall be used. 7-1/4" plywood or equivalent sidings shall not be used. To clear for any application, material changes shall not occur at exterior corners or along flat planes. Material changes shall occur at interior corners or at major reveals (e.g., chimneys, engaged columns, etc.), see illustration.



Exterior Material Changes

The primary exterior finish, whether wood or stucco, must be used on all facades. "false" fronts are not allowed (i.e., if the front facade is primarily wood, the other facades must be wood not stucco). Also, the trim treatment of windows and doors, the design of eaves, and other architectural details must be treated consistently on all facades.

Windows: Windows should have traditional proportions; they shall have a height greater than or equal to their width, preferably with classical proportions (e.g. 2:1, 3:2, and 4:3). Window frames with metallic finishes are not permitted.

Fences and Walls: Two types of fences are allowed within the residential neighborhoods: 42" high "open" fences and "privacy" fences. Refer to the Landscape Requirements for permitted fence designs.



Example Window in Boulder

Dakota Ridge North Design Code Page 5

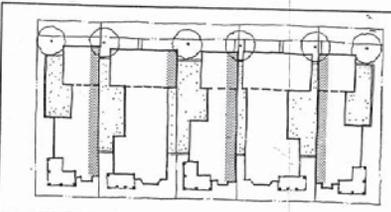
Privacy Fences and Walls: Privacy fences may be up to 5 feet high and shall be built out of attractive, long lasting materials, such as wood, masonry, or stone. Privacy fences may be located along interior lot lines must be set back a minimum of 30 feet from the front property line and a minimum of 15 feet from the rear property line when there is an alley.

Fences: All other fences shall be not more than 3 foot 6 inches in height, and shall be primarily wood with the exception of corner posts and gate posts which may be masonry, stone or wood. Rails must be wood. Permitted styles are: 1) post and rail, 2) Wood frame with vinyl coated metal fabric, and 3) picket. A possible alternative to a fence is a planted hedge, which shall be maintained at a maximum height of 3 feet - 6 inches.

Fences or hedges can be located at the back of sidewalk along the front or exposed side of a lot. They may also be located along the right-of-way. Picket fences must be set 16" back from any adjacent public walk.

Zero-Lot Line Conditions

Both the Medium-Lot and Small-Lot Single-Family homes are allowed to have one side that has no setback from the property line (i.e., a "zero-lot line" condition). In no case should a wall "zero" on a side yard that is adjacent to a public street or alley. This means that at least one home in a string of homes along a block must have a setback on one side that the "zero" lot line can be shifted from one end of a block to the other. Lots adjacent to "zero" lot line will grant a five-foot maintenance easement for the benefit of the owner of the zero-lot lot house.



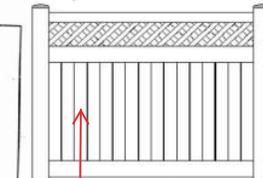
Shifting the "Zero" Lot Line

Dakota Ridge North Design Code Page 6

Amended 12/20/15 (LUR2015-00092):

Fences up to 5 feet in height that back onto an alley may be built to within 18 inches of the alley if the fence is comprised of no more than 42 inches of solid fence and a minimum of 18 inches of lattice above (See Diagram below). Solid fences over 42 inches in height must be setback a minimum of 15 feet from an alley.

Fences located on or within three feet of a retaining wall, where both the fence and retaining wall are on the same property, shall be regulated according to the applicable City of Boulder fence standards, incorporating the design requirements included herein.



5 foot maximum height; maximum 42 inches of solid fence and a minimum of 18 inches of lattice above.

Design Code

Dakota Ridge North  
Boulder, Colorado

Core Corporation  
Boulder, Colorado

Calthorpe Associates  
Berkeley, California

December, 1997

Dakota Ridge North

Dakota Ridge Joint Venture  
2041 Broadway, 2nd Floor  
Boulder, Colorado 80302

2/3

Agenda Item 5A





**Minor Amendments to Approved Site Plans  
Section 9-2-14 (l), B.R.C. 1981**

**(1) Standards: Changes to approved building location, or additions to existing buildings which exceed the limits of a minor modification, may be considered through the minor amendment process, if the following standards are met:**

The proposal includes a change to the Design Code which would alter the required setback for fences in a rear yard abutting an alley by over 10 feet (from 15 feet currently to 18 inches proposed). Per the Minor Modification standards found in section 9-2-14(k)(4), B.R.C. 1981, *"Principal and accessory buildings not within an approved building envelope may be expanded or moved by no more than ten feet in any direction within the development in residential districts and lots abutting residential districts. The resulting setbacks shall not be less than the minimum allowed setback of the underlying zone."* Because the proposed amendment would in effect change the building envelope specifically for fences in the rear yard by more than 10 feet, the current proposal exceeds the limits of a minor modification and therefore requires a Minor Amendment to the Approved Site Plan.

**(A) In a residential zone as set forth in section 9-5-2, "Zoning Districts," B.R.C. 1981, all approved dwelling units within the development phase have been completed;**

Standard met. All of the approved dwelling units within Dakota Ridge North have been completed.

**(B) In residential zones, dwelling unit type is not changed;**

Standard met. No changes to dwelling unit type are proposed.

**(C) The required open space per dwelling unit requirement of the zone is met on the lot of the detached dwelling unit to be expanded, and**

Not applicable, as the proposal does not include expansion of any dwelling units; however, all of the open space requirements are being met within the PUD.

**(D) The total open space per dwelling unit in the development is not reduced by more than ten percent of that required for the zone; or**

Standard met. There will be no reduction in open space per dwelling unit within the development.

**(E) If the residential open space provided within the development or an approved phase of a development cannot be determined, the detached dwelling unit is not expanded by more than ten percent and there is no variation to the required setbacks for that lot;**

Not applicable, as the residential open space is not being reduced.

**(F) For a building in a nonresidential use module, the building coverage is not increased by more than twenty percent, the addition does not cause a reduction in required open space, and any additional required parking that is provided, is substantially accommodated within the existing parking arrangement;**

Not applicable, as the Dakota Ridge North PUD is located within a residential use module (R2).

**(G) The portion of any building over the permitted height under section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, is not increased;**

Standard met. No change to any building height regulated under section 9-7-1, "Schedule of

Form and Bulk Standards," B.R.C. 1981, is proposed.

**(H) The proposed minor amendment does not require public infrastructure improvements or other off-site improvements.**

Standard met. The proposal does not require public infrastructure improvements or other off-site improvements.

**(2) Amendments to the Site Review Approval Process: Applications for minor amendment shall be approved according to the procedures prescribed by this section for site review approval, except:**

**(A) If an applicant requests approval of a minor amendment to an approved site review, the city manager will determine which properties within the development would be affected by the proposed change. The manager will provide notice pursuant to subsection 9-4-3(b), B.R.C. 1981, of the proposed change to all property owners so determined to be affected, and to all property owners within a radius of six hundred feet of the subject property.**

Standard met. All of the property owners within the Dakota Ridge North PUD and within 600 feet of the PUD boundary have been mailed notice of the proposed Minor Amendment in accordance with subsection 9-4-3(b), B.R.C. 1981.

**(B) Only the owners of the subject property shall be required to sign the application.**

Per the Declaration of Covenants, Conditions and Restrictions for Dakota Ridge North Subdivision, sections 3.7.1 – 3.7.3, the Executive Board of the Dakota Ridge North HOA is appointed attorney-in-fact for property owners within the PUD and has the right, without consent or joinder of the owners, to enter into or grant contracts and agreements. Further, the Executive Board has the right, upon unanimous vote, to petition the City of Boulder for amendments to the approved Site Plan, Design Code Plan and Booklet on record with the Planning Department. The subject application was submitted and signed by John McCarthy, president of the Dakota Ridge North HOA, and included a signed letter indicating that the Board of Directors of the HOA voted to file the application. Standard met.

**(C) The minor amendment shall be found to comply with the review criteria of subparagraphs (h)(2)(A), (h)(2)(C), and (h)(2)(F) of this section, and**

Subparagraphs (h)(2)(A), (h)(2)(C), and (h)(2)(F) of this section contain review criteria pertaining to Open Space; Landscaping; and Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area, respectively. Within the context of the existing Dakota Ridge North PUD, which is already fully developed, staff finds that many of the above criteria are not applicable to the proposal. An analysis of the applicable review criteria is included below:

*(2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design techniques which are consistent with the purpose of site review in Subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:*

*(A) Open Space: Open space, including, without limitation, parks, recreation areas and playgrounds:*

- i. Useable open space is arranged to be accessible and functional and incorporates quality landscaping, a mixture of sun and shade and places to gather;*

Standard met. The proposed Design Code amendment will not have any

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noticeable effect on the shared open space within the development, as it applies only to open space in rear yards of properties abutting an alley. In those cases, the proposed amendment will not affect landscaping or the amount of sun or shade on an individual's property.

*ii. Private open space is provided for each detached residential unit;*

Standard met. This proposal will not affect the existing private open space with the development.

*iii. The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas and species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (Cynomys ludovicianus), which is a species of local concern, and their habitat;*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley.

*iv. The open space provides a relief to the density, both within the project and from surrounding development;*

Standard met. The proposal to allow for fences up to a height of 6 feet with 18 inches of lattice work on top to be set back 18 inches from an alley will allow the existing rear yard open spaces to continue to provide an open feel and a relief from density for the homeowners.

*v. Open space designed for active recreational purposes is of a size that it will be functionally useable and located in a safe and convenient proximity to the uses to which it is meant to serve;*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing common open space or built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley. The existing common open space area will not be affected by the proposed change.

*vi. The open space provides a buffer to protect sensitive environmental features and natural areas; and*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing common open space or built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley.

*vii. If possible, open space is linked to an area- or city-wide system.*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing common open space or built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley.

*(B) Open Space in Mixed Use Developments (Developments That Contain a Mix of Residential and Nonresidential Uses):*

- i. The open space provides for a balance of private and shared areas for the residential uses and common open space that is available for use by both the residential and nonresidential uses that will meet the needs of the anticipated residents, occupants, tenants and visitors of the property; and*

Not applicable, as the existing development is entirely residential.

- ii. The open space provides active areas and passive areas that will meet the needs of the anticipated residents, occupants, tenants and visitors of the property and are compatible with the surrounding area or an adopted plan for the area.*

Not applicable, as the existing development is entirely residential.

*(C) Landscaping:*

- i. The project provides for aesthetic enhancement and a variety of plant and hard surface materials, and the selection of materials provides for a variety of colors and contrasts and the preservation or use of local native vegetation where appropriate;*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the approved landscaping or built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley. Individual properties will still be required to comply with the approved Landscape Design Guidelines and with City landscaping requirements.

- ii. Landscape design attempts to avoid, minimize or mitigate impacts on and off site to important native species, healthy, long lived trees, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the approved landscaping or built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley. Individual properties will still be required to comply with the approved Landscape Design Guidelines and with City landscaping requirements.

- iii. The project provides significant amounts of plant material sized in excess of the landscaping requirements of Sections 9-9-12, "Landscaping and Screening Standards," and 9-9-13, "Streetscape Design Standards," B.R.C. 1981; and*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the approved landscaping or built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley. Individual properties will still be required to comply with the approved Landscape Design Guidelines and with City landscaping requirements.

- iv. The setbacks, yards and useable open space along public rights of way are landscaped to provide attractive streetscapes, to enhance architectural features and to contribute to the development of an attractive site plan.*

Standard met. The project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the approved landscaping or built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley. Individual properties will still be required to comply with the approved Landscape Design Guidelines and with City landscaping requirements.

*(F) Building Design, Livability and Relationship to the Existing or Proposed Surrounding Area:*

- i. The building height, mass, scale, orientation, architecture and configuration are compatible with the existing character of the area or the character established by adopted design guidelines or plans for the area;*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing building height, mass, scale, orientation, architecture or configuration. The only outcome of the proposed amendment would be to reduce the required setback for fences within the rear yard of properties abutting an alley. Individual properties will still be required to comply with the approved Design Code standards pertaining to building design.

- ii. The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans or design guidelines for the immediate area;*

Not applicable. No changes to the existing building heights or to the standards pertaining thereto are proposed.

- iii. The orientation of buildings minimizes shadows on and blocking of views from adjacent properties;*

The proposed amendment to the Design Code will increase the height of fences allowed to be set back 18 inches from an alley by 18 inches. The proposed height increase would be comprised of open lattice work, which would maintain a sense of openness and would not significantly increase the shadows caused by the rear yard fencing. In addition, the proposed amendment would still remain well under the by-right fence standards, which would otherwise allow for fences up to 7 feet in height to be at zero setback from a rear property line. Standard met.

- iv. If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs and lighting;*

The proposed fence material palette would remain the same as is currently required by the Dakota Ridge North Design Code. Standard met.

- v. Projects are designed to a human scale and promote a safe and vibrant pedestrian experience through the location of building frontages along public streets, plazas, sidewalks and paths, and through the use of building elements, design details and landscape materials that include, without limitation, the location of entrances and windows, and the creation of transparency and activity at the pedestrian level;*

The proposed amendment would not have any effect on the character of the building frontages, as it would only apply to fences located in the rear yard of properties abutting an alley. All of the existing design requirements contained in the Design Code pertaining to building frontages, public streets and sidewalks and the creation of transparency at the pedestrian level would remain unchanged. The

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design detail requirements of the proposed amendment would also continue to create transparency and activity at the pedestrian level. Standard met.

- vi. *To the extent practical, the project provides public amenities and planned public facilities;*

Not applicable. All public facilities required in the original approval have been constructed.

- vii. *For residential projects, the project assists the community in producing a variety of housing types, such as multifamily, townhouses and detached single family units, as well as mixed lot sizes, number of bedrooms and sizes of units;*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing housing stock or built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley.

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

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley.

- ix. *A lighting plan is provided which augments security, energy conservation, safety and aesthetics;*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley.

- x. *The project incorporates the natural environment into the design and avoids, minimizes or mitigates impacts to natural systems;*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley.

- xi. *Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality;*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley.

- xii. *Exteriors of buildings present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing;*

The proposed fence material palette would remain the same as is currently required by the Dakota Ridge North Design Code and limits fence materials to authentic materials including wood, masonry, and stone. Standard met.

- xiii. *Cut and fill are minimized on the site, the design of buildings conforms to the natural contours of the land, and the site design minimizes erosion, slope instability, landslide, mudflow or subsidence, and minimizes the potential threat to property caused by geological hazards;*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley.

- xiv. *In the urbanizing areas along the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the building and site design provide for a well-defined urban edge; and*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley.

- xv. *In the urbanizing areas located on the major streets shown on the map in Appendix A to this title near the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the buildings and site design establish a sense of entry and arrival to the City by creating a defined urban edge and a transition between rural and urban areas.*

Not applicable, as the project as a whole (the Dakota Ridge North PUD) has already been fully completed, and the proposed Design Code amendment will not affect the existing built environment other than to reduce the required setback for fences within the rear yard of properties abutting an alley.

**(D) The minor amendment is found to be substantially consistent with the intent of the original approval, including conditions of approval, the intended design character and site arrangement of the development, and specific limitations on additions or total size of the building which were required to keep the building in general proportion to others in the surrounding area or minimize visual impacts.**

Per the introduction on Page 1 of the Dakota Ridge North Design Code,

*"The primary intent of this design code is to create a community with characteristics similar to those of a traditional "town." Parks are a focus for public activity. Hopefully, this can be a place where its residents and visitors can rediscover the community of a small town. Dakota Ridge North consists of a variety of single-family homes, attached homes, and a small park. The configuration of these elements in Dakota Ridge North and the following code are meant to enhance the feeling of community, user convenience, and identity. The plan and the code also seek to create a pedestrian and bicycle-oriented community that provides for the realities of the automobile, but does not let it dominate the street or the neighborhood."*

Additional key elements from the Design Code that support the stated intent of the PUD and Design Code are listed below:

*"How houses face public streets and open spaces is critical to the success of creating a*

*pedestrian-oriented, town-like neighborhood. Primary ground floor entries must orient to streets, not the interior of blocks or sideyards. By placing garages in the rear of lots, entries and living space put "eyes on the street" and make the neighborhood safer and more active. With garage doors hidden from public view, front entries and porches gain greater visual emphasis, breaking the front façade into more human-scaled elements. By using alleys instead of front driveways, neighborhood streets can be more densely landscaped and using alleys instead of front driveways will make more on-street parking made available" (General Requirements, Pg. 3).*

As indicated by the language above, the primary intent of the Dakota Ridge North development is to create a traditional, town-like setting where automobiles are de-emphasized through the placement of garages behind houses rather than in front, and where ground floor entries, front porches, landscaping and other design features are intended to create activity and interest at the pedestrian level. Many of these elements are considered to be representative of the "New Urbanist" movement as promoted by the non-profit urban planning group, the Congress for New Urbanism. The Dakota Ridge North Design Code includes guidelines and requirements for a variety of building and site elements, including, without limitation, setbacks and build-to lines, porches, façade articulation, roofs, materials, windows, fences and walls, garages, open space and landscaping.

Regarding fences, the Design Code designates two types of fences: 42" high "open" fences, which *"shall be primarily wood with the exception of corner posts and gate posts which may be masonry or stone,"* and "privacy" fences, which are allowed to be up to 5 feet in height and *"shall be built out of attractive, long-lasting materials such as: wood, masonry, or stone."*

Fences are subject to the following design restrictions: *"All posts must be masonry stone or wood. Rails must be wood. Permitted styles are: 1) post and rail; 2) wood frame with vinyl coated or painted metal fabric and 3) picket...Solid fences must be set back the same distance as their height south (likely intended to be "away") from any public walk."*

The code also allows planted hedges a maximum of 42" in height to be used in place of open fences. Regarding the placement of open fences on lots, the Design Code states: *"Fences or hedges can be located at the back of sidewalk along the front or exposed side of a lot. They may also be located along the right-of-way. Picket fences must be set back 18" from any public walk."* Regarding the placement of privacy fences on lots, the Design Code states: *"Privacy fences may be located along interior lot lines (and) must be set back a minimum of 30 feet from the front property line and a minimum of 15 feet from the rear property line when there is an alley."*

Overall, the fence standards found in the Design Code appear to be intended to maintain a sense of openness and to preclude a property owner from "walling off" their property by placing large, solid fences around the property line, in particular along street frontages. Given the emphasis on public sidewalks and front yard transparency, staff finds that the current request to allow for "partially open" 60 inch fences comprised of a maximum of 42 inches of solid wood and a minimum of 18 inches of open lattice work to be located 18 inches from an alley at the rear of a property rather than 15 feet from the alley at the rear of a property would not have any significant impact on *"how houses face public streets"* or the visual emphasis on entries and porches intended by the Design Code. The maximum and minimum dimensions for the solid fencing and lattice work would allow for some flexibility in terms of fence height and design while ensuring that any fence over 42 inches in height would be required to provide at least 18 inches of open lattice, thereby ensuring a high degree of transparency for fences from 42 inches up to 60 inches in height. The request is essentially maintaining a high degree of transparency over 42 inches while providing property owners with a more functional fence height in terms of privacy and safety.

**(E) The city manager may amend, waive, or create a development agreement.**

It has not been determined at this time whether a development agreement will be required.

**Van Schaack, Chandler**

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**From:** Sharon Schilling [schillsa@msn.com]  
**Sent:** Monday, November 16, 2015 10:24 PM  
**To:** Van Schaack, Chandler  
**Subject:** RE: Good Morning Chandler

Hi Chandler,

So that I am clear, you are saying I can't make a formal presentation now as will the applicant but can only speak as a member of the public now in a limited capacity for just 3 minutes. Is that the procedure that only the applicant and staff presents and anyone else presenting is not an option or had I said I will present, you would have scheduled me in? Did I misunderstand your questions regarding scheduling and fail to make my intention to present clear? If so, then the mistake is mine, but I'd still like to present if you could fit me into the schedule.

Thanks Chandler.

Sharon

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**From:** VanSchaackC@bouldercolorado.gov  
**To:** schillsa@msn.com  
**Subject:** RE: Good Morning Chandler  
**Date:** Mon, 16 Nov 2015 17:40:26 +0000

Hi Sharon,

As I mentioned in my previous email, the Planning Board secretary is the person you should contact in order to sign up to speak. There is a 3-minute time limit for members of the public to address the board unless you pool time with people in which case you can go up to 10 minutes I believe. Please contact Cindy Spence for details.

I will be sure to notify you of all matters pertaining to this application. If the application is approved by the Planning Board, there will be a 30-day period during which City Council may vote to call the item up - this requires a majority vote by council at a public hearing.

To visit the code section pertaining to the quasi-judicial hearing process, go to [www.bouldercolorado.gov](http://www.bouldercolorado.gov) then click "A to Z" then click "B" then click "Boulder Revised Code" and go to that website, then click "Title 1" then click "Chapter 3."

Please let me know if you need anything else.

Best,

Chandler

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**From:** Sharon Schilling [schillsa@msn.com]  
**Sent:** Sunday, November 15, 2015 10:00 PM  
**To:** Van Schaack, Chandler  
**Subject:** RE: Good Morning Chandler

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Hi Chandler,

I am surprise to hear you say that you didn't anticipate me presenting. I do intent to present Chandler. Would you make that change so that I can present, please.

I don't recall you asking, did I miss that?

How much time is allotted for a presenter? Shall I have an attorney to present for me?

So that future issues are not missed, would you see to it that my name is listed to receive notices of all public notices within my neighborhood. In other words, I have requested to be informed.

Should the amendment pass, what is the process for call up to city council?

Thanks for Cindy's email.

The link to the quasi-judicial hearing process did not open. Is there another link, please.

Thanks,

Sharon

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From: VanSchaackC@bouldercolorado.gov  
To: schillsa@msn.com  
Subject: RE: Good Morning Chandler  
Date: Fri, 13 Nov 2015 18:23:56 +0000

Hi Sharon,

I have sent you the PUD documents that are included within the scope of this review (the Design Code). Please explain what else you are looking for. The staff analysis I provided in the comments is still the only version available. The Site Review criteria referenced in staff’s findings can be found at the link I provided earlier this morning. I will notify you once the staff memo is online, which will be at the end of next week. Public notice of the hearing will be provided via email to neighbors that have requested to remain informed (of which there were none other than you), will be posted in the newspaper no fewer than 10 days before the meeting, and will be posted on the Planning Board website.

Regarding the hearing, since you have not clearly stated your intent or position on this matter I had not anticipated that you would be presenting; however, as a member of the public you are allowed 3 minutes during the public hearing portion of the meeting unless you pool time with other neighbors in which case you can go up to 10 minutes I believe. Please contact the Planning Board secretary, Cindy Spence, at [spencec@bouldercolorado.gov](mailto:spencec@bouldercolorado.gov) with any further questions on how to sign up to speak/ present. Staff will be giving a 10-minute presentation, followed typically by a presentation from the applicant. After the presentations, the public is allowed to address the board. Following public participation there is a board discussion on the application, at the end of which they typically make their final decision. There is no opportunity for “rebuttal” from any party. Additional information on the quasi-judicial hearing process can be found [here](#).

Thanks,

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## Attachment B - Planning Board Memorandum with Applicant's Proposed Plan

**Chandler Van Schaack**

Planner II • City of Boulder

Community Planning & Sustainability

office: 303.441.3137 • fax: 303.441.3241

[vanschaack@bouldercolorado.gov](mailto:vanschaack@bouldercolorado.gov)

[www.bouldercolorado.gov](http://www.bouldercolorado.gov)

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**From:** Sharon Schilling [mailto:schillsa@msn.com]

**Sent:** Sunday, November 08, 2015 10:26 PM

**To:** Van Schaack, Chandler

**Subject:** Good Morning Chandler

Hi Chandler,

I still need the PUD, or link please. Thank you for the preliminary consistency analysis. I'd like a copy of final comments to the analysis please as well as clarification of number 2C referring to Subparagraphs (h)(2)(A), (C) and (F) as they pertain to Open Space, Landscaping, Building Design, Livability and Relationship to the Existing Proposed Surrounding Area. I'd like to read what the staff felt was not relevant.

Regarding the hearing, do you have a firm date and how will homeowners be notified? Shall I expect staff to present, what is the time allotted for my presentation, discussion or rebuttal and will there be other parties as in public meeting, aside from our group presenting their issues for review that same night?

Thank you for your help, Chandler,

Sharon

**Van Schaack, Chandler**

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**From:** Sharon Schilling [schillsa@msn.com]  
**Sent:** Wednesday, November 04, 2015 9:17 PM  
**To:** Van Schaack, Chandler  
**Subject:** RE: Good Morning Chandler

Thank you, Chandler.

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From: [VanSchaackC@bouldercolorado.gov](mailto:VanSchaackC@bouldercolorado.gov)  
To: [schillsa@msn.com](mailto:schillsa@msn.com)  
Subject: RE: Good Morning Chandler  
Date: Mon, 2 Nov 2015 16:36:14 +0000

Hi Sharon,

Staff's interpretation of the intent of the PUD as it pertains to this application request is described in the criteria analysis section at the end of the review comments I provided you earlier.

Following the planning board hearing there will be a 30-day city council call-up period. There is no formal process to request a city council call-up other than emailing council to ask them to call it up. A call-up requires a majority vote by council at a public meeting. The Planning Board webpage can be found here: <https://bouldercolorado.gov/boards-commissions/planning-board>. I do not believe there are any bios but you can double check.

Best,

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=====

**Chandler Van Schaack**  
Planner II • City of Boulder  
Community Planning & Sustainability  
office: 303.441.3137 • fax: 303.441.3241  
[vanschaackc@bouldercolorado.gov](mailto:vanschaackc@bouldercolorado.gov)  
[www.bouldercolorado.gov](http://www.bouldercolorado.gov)

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**From:** Sharon Schilling [<mailto:schillsa@msn.com>]  
**Sent:** Friday, October 30, 2015 6:48 PM  
**To:** Van Schaack, Chandler  
**Subject:** RE: Good Morning Chandler

Thanks Chandler. I'll look it over.

Would you also send along the intent of the PUD as written in the PUD. You referred to that as something the staff referenced in making their decision and I'd like to access the same information to follow along with them.

You mentioned the Planning Board will be responsible for making a final decision. What is the process to follow to request the city council call up? May I also have a link for the planning board members and bios?

Thanks very much Chandler.

Best,  
Sharon

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From: [VanSchaackC@bouldercolorado.gov](mailto:VanSchaackC@bouldercolorado.gov)  
To: [schillsa@msn.com](mailto:schillsa@msn.com)  
Subject: RE: Good Morning Chandler  
Date: Wed, 28 Oct 2015 17:02:41 +0000  
Hi Sharon,

Apologies for the delay – I ended up having to send the comments out slightly late. The staff review comments to the applicant, which include a preliminary consistency analysis of the applicable review criteria, are attached to this email for your reference. Staff has decided to refer the item to the planning board for their consideration. The public hearing is tentatively scheduled for Dec. 3, 2015. Staff will be making a recommendation of approval; however, the Planning Board will be responsible for making a final decision to approve or deny the application.

Please let me know if you have any other questions.

Best,

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**Chandler Van Schaack**  
Planner II • City of Boulder  
Community Planning & Sustainability  
office: 303.441.3137 • fax: 303.441.3241  
[vanschaackc@bouldercolorado.gov](mailto:vanschaackc@bouldercolorado.gov)  
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**From:** Sharon Schilling [<mailto:schillsa@msn.com>]  
**Sent:** Tuesday, October 27, 2015 9:54 PM  
**To:** Van Schaack, Chandler  
**Subject:** Good Morning Chandler

Is the initial consistency analysis prepared for the applicant and review comments available yet? Also, if the intent of the PUD is available I'd like to have that.

Do we have a decision?

Thank you,

Sharon Schilling

**Van Schaack, Chandler**

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**From:** Sharon Schilling [schillsa@msn.com]  
**Sent:** Friday, October 23, 2015 8:42 AM  
**To:** Van Schaack, Chandler  
**Subject:** RE: DRN - PUD minor amendment

Good Morning Chandler,

As always you are very thorough Chandler and I appreciate that in you very much. Thank you. Perhaps I misled you when I asked for a reading of the intent of the PUD. I was looking for the actual wording from the document or the PUD itself, particularly where the intent of the design is described to the stakeholders. In sum, what was the intent of the design and how the builder intended to achieve that affect not only the design but the intent of the design.

I'll look forward to the analysis.

I do appreciate your efforts with scheduling, but the matter is still under review.

Thank you,

Sharon

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From: VanSchaackC@bouldercolorado.gov  
To: schillsa@msn.com  
Subject: RE: DRN - PUD minor amendment  
Date: Thu, 22 Oct 2015 19:55:32 +0000

Hi Sharon,

Yes, the brief description of the subject of the amendment entitled SITE REVIEW on the notice represents the sum of the proposed amendment.

The Design Code does not include any specific language or guidelines pertaining to retaining walls that I am aware of. [Section 9-9-15\(c\)\(2\)](#) of the city land use code regulates fences on retaining walls as follows:

*(2) Fences on Retaining Walls: A fence located on or within three feet of a retaining wall, where both the fence and retaining wall are on the same property, shall not exceed a combined height of seven feet (see Figure 9-11 of this section), except that:*

*(A) Fence and Retaining Wall on Property Line: The combined height of a retaining wall and fence or a fence, located on or within three feet of a property line, may exceed seven feet when the abutting property owners are in joint agreement. (See Figure 9-12 of this section.) The fence shall not exceed an individual height of seven feet when measured from the highest elevation of grade within three feet of either side of the property line. (See Figure 9-13 of this section.) In no event shall such a fence exceed twelve feet in height.*

*(B) A fence not exceeding forty-two inches in height may be placed on a retaining wall regardless of the combined fence and retaining wall height.*

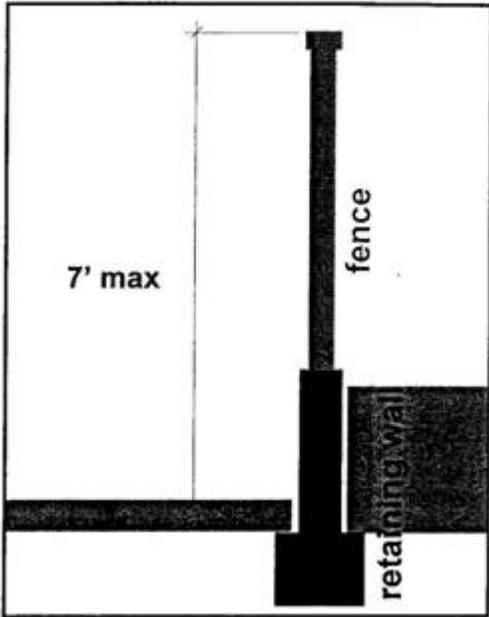


Figure 9-11: Fence on Retaining Wall

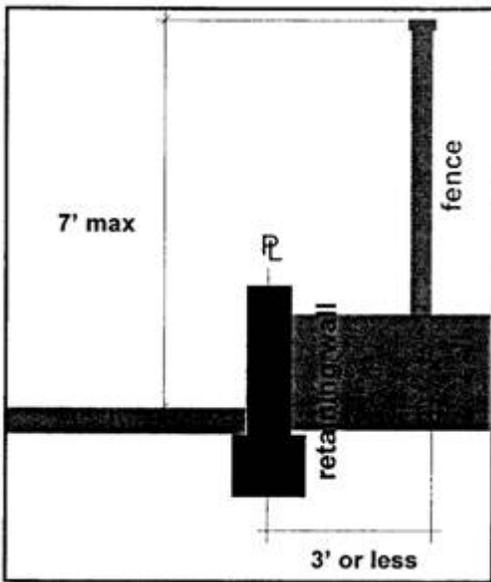


Figure 9-12: Fence on or Within Three Feet of Retaining Wall

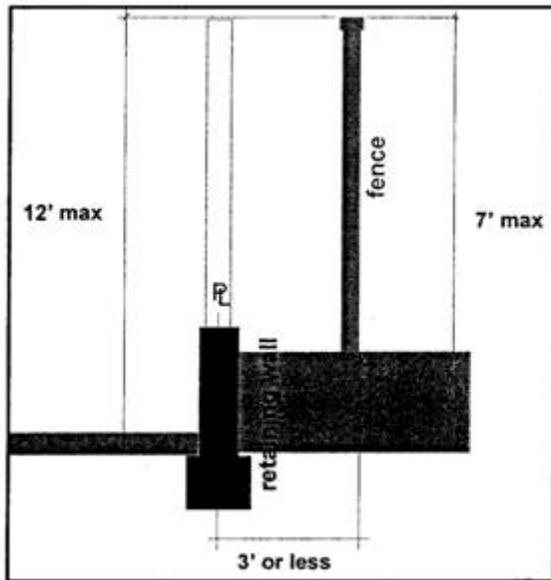


Figure 9-13: Fence Within Three Feet of Retaining Wall (Adjacent Owner Permission Required)

Given that there are no specific design guidelines pertaining to fences on retaining walls, the city standards would apply. This means that if the requested change were to be approved, someone could place a 5-foot fence, comprised of 3'6" of solid material and 18" of lattice, on top of or within 3 feet of a retaining wall as long as the retaining wall did not exceed 2 feet in height. If the retaining wall exceeded 2 feet in height, then the fence height would be restricted so that the overall height of the fence and retaining wall as measured from adjacent grade.

Regarding your request for an inclusive reading of the PUD intent, I am planning to provide an initial consistency analysis to the applicant as part of the initial review comments, which are due out tomorrow, so I will forward you a copy of the comments and analysis when they are ready.

The reason I would like to know whether you plan on calling the item up or not before I make an initial decision is based primarily on process efficiency and scheduling concerns. Technically you do not have to decide whether or not you wish to call the item up until staff issues a decision, but if you wait until after I have made an initial decision to call it up then I will essentially have to duplicate a significant amount of work, as I will have prepared my initial memorandum and disposition, then will have to schedule a hearing and prepare a new memo and presentation for the hearing. While it may not seem significant, the above steps represent many hours of staff time.

There is also a matter of scheduling – with so many projects in right now, we are scheduling hearings several months in advance, so the difference between referring it to the board and scheduling a hearing now versus waiting for it to get called up several weeks from now could be the difference between scheduling a hearing in December versus January or February (as someone who attends a LOT of night meetings I try to consolidate projects as best I can to avoid having to attend multiple night meetings every month). These are some of the reasons why if we know that someone is intending to call an item up we usually just refer it directly to the board instead of going through all the work it takes to document staff's initial approval beforehand. I understand that none of this directly affects you, but there it is for your consideration.

Thanks,

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**Chandler Van Schaack**

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**From:** Sharon Schilling [mailto:schillsa@msn.com]  
**Sent:** Wednesday, October 21, 2015 9:13 PM  
**To:** Van Schaack, Chandler  
**Subject:** RE: DRN - PUD minor amendment

Thank you Chandler.

I'll review the information and appreciate the attention you devoted to producing the information. Thank you.

Is the brief description of the subject of the amendment entitled SITE REVIEW on the notice, the sum of the amendment?

I did not notice any mention of retaining walls in the rear of the properties. How does the PUD and the city treat retaining walls to alley ways?

To follow the staff's rationale in support of the minor amendment as being substantially in line with the intent of the original PUD, I'll need an inclusive reading of that PUD intent, please.

Chandler, I have not made a decision but thank you for your interest and suggestions.

As I understand the process and please correct me if I am wrong, I need do nothing now, nor give notice of any intent until the Planning Department renders a decision as the staff's review is still in process, is that correct Chandler?

Thank you for your time.

Sharon

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From: [VanSchaackC@bouldercolorado.gov](mailto:VanSchaackC@bouldercolorado.gov)  
To: [schillsa@msn.com](mailto:schillsa@msn.com)  
Subject: RE: DRN - PUD minor amendment  
Date: Wed, 21 Oct 2015 21:22:12 +0000

Hi Sharon,

Please see attached. I was paraphrasing in my email – the design code does not specifically say that fences up to 42” may be set back 18” from the alley. Instead, it states that privacy fences, or fences up to 5 feet in height, may be placed in the rear yard but must be setback 15 feet from the alley. It then goes on to state that all other fences may not exceed 42 inches, and that such fences may be located along the right-of-way (which includes alleys), but must be set back 18” from any adjacent public walk – the more conservative interpretation of this is that “public walk” was intended to mean public right-of-way, including alleys.

The rationale for staff’s support of the request is that the proposal has been found to meet the applicable review criteria for Minor Amendments to Approved Site Plans. The requested change is essentially a very minor change to the design code which has been found to be substantially consistent with the intent of the original PUD approval. Staff finds that allowing rear yard fence height to be increased by 18” of open lattice work is in keeping with the intended design character set by the design code while allowing for a more functional fence height in terms of privacy, safety, etc. Also,

Attachment B - Planning Board Memorandum with Applicant's Proposed Plan

because the requested change impacts only the rear yards of about half of the properties within the PUD, it will have no significant impact on the design character of the development as perceived from adjacent streets and sidewalks.

If I may ask, what is it about this request that you disagree with? You have made it clear that it is your intent to appeal staff's decision, yet you have not provided any indication as to what your motivations are for wanting to do so. I only ask to see if there may be a compromise possible or if the applicant may be able to amend their request to address your concerns. I do not mean to imply by my expressing support for the proposal in its current form that it is a "done deal" or that there is not room for compromise – only that the request in its current form has been found to be supportable by staff. If you have specific concerns or issues with the proposal in its current form, I would be happy to discuss these with you and to see if there is a way the application can be modified within reason to address your concerns.

Respectfully,

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**Chandler Van Schaack**

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**From:** Sharon Schilling [<mailto:schillsa@msn.com>]

**Sent:** Tuesday, October 20, 2015 10:29 PM

**To:** Van Schaack, Chandler

**Subject:** RE: DRN - PUD minor amendment

Thanks Chandler,

Would you provide the paragraph from the existing Design Code that I can reference that states: to allow fences in a back yard etc..... but allows fences that are 3'6" or less in height to be 18 inches from the alley, please.

I should like to know the rationale for the staff's decision to approve the application and to recommend that the board approve the amendment.

Other than the brief description noted on the public notice; SITE REVIEW MINOR AMENDMENT, is there any further explanation elsewhere?

Thank you,

Sharon Schilling

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**From:** [VanSchaackC@bouldercolorado.gov](mailto:VanSchaackC@bouldercolorado.gov)

**To:** [schillsa@msn.com](mailto:schillsa@msn.com)

**Subject:** RE: DRN - PUD minor amendment

**Date:** Tue, 20 Oct 2015 21:51:32 +0000

Hi Sharon,

Thanks for your emails. The PUD Minor Amendment application you are referring to (LUR2015-00092) was submitted by the President of the Dakota Ridge North HOA on behalf of the HOA Board of Directors. The Dakota Ridge North HOA

Attachment B - Planning Board Memorandum with Applicant's Proposed Plan

oversees management and maintenance of all commonly-owned areas within the PUD and implements the Design Code and other covenants and restrictions associated with the 65 residential properties contained within the PUD.

The intent of the Minor Amendment application is to amend the existing Design Code to allow for fences in a back yard to be up to 5 feet in height (consisting of 3'6" solid fence with the top 18" to be open lattice work) to be set back a minimum of 18 inches from the alley. The current Design Code requires that fences in a back yard over 3'6" in height must be set back 15 feet from the alley, but allows fences that are 3'6" or less in height to be 18 inches from the alley. The proposed amendment to the Design Code would only affect the 35 properties within Dakota Ridge North which back onto an alley.

The applicant has indicated that the application request is in response to property owners' desires to be able to enclose more of their back yards with slightly taller fences than are currently allowed, for both privacy and functionality. The proposed amendment would not affect either traffic flow or density, only the allowable height, design and setbacks for fences in back yards abutting an alley.

If, per your other email, you have already made up your mind to call up staff's decision on the application, then staff will just refer the application to the Planning Board for a public hearing. At this point, the public hearing would likely be scheduled for December 3, 2015, and staff will be making a recommendation of approval to the board. Staff has not received any other comments in opposition to the proposal, so you may wish to prepare a presentation for the board outlining the reasons you feel the application should be denied.

Thanks again for your emails and please do not hesitate to contact me with any additional questions or comments.

Respectfully,

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=====

**Chandler Van Schaack**  
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**From:** Sharon Schilling [<mailto:schillsa@msn.com>]  
**Sent:** Monday, October 19, 2015 9:01 PM  
**To:** Van Schaack, Chandler  
**Subject:** DRN - PUD minor amendment

Good Morning, Chandler,

Ref the Dakota Ridge North minor amendment, what is the purpose, intent and motivation of the group and numbers of the group supporting and submitting the amendment, such as to increase traffic flow or decrease density?

Thank you,  
Sharon Schilling

**CITY OF BOULDER  
PLANNING BOARD ACTION MINUTES  
December 3, 2015  
1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

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

**PLANNING BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

Charles Ferro, Development Review Manager  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Specialist III  
Lauren Reader, Administrative Specialist II  
Sloane Walbert, Planner I  
Chandler Van Schaack, Planner I  
David Driskell, Executive Director of Planning, Housing & Sustainability

**1. CALL TO ORDER**

Chair, **B. Bowen**, declared a quorum at 6:05 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **J. Putnam** and seconded by **L. Payton** the Planning Board voted 6-0 to approve the October 29, 2015 and November 19, 2015 minutes as amended.

**3. PUBLIC PARTICIPATION**

No one spoke.

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

**A.** Informational Item: ORDINANCE amending subsection 9-12-2(b), "Prohibition of Sale Before Plan Approval," B.R.C. 1981 to allow the owner of the property at 2180 Violet Ave. to sell a portion of the unplatted parcel to Habitat for Humanity of Boulder Valley, Inc. for the purposes of developing affordable housing. The subject property is zoned

Residential - Medium 2 (RM-2) and Residential - Low 1 (RL-1). Case number LUR2015-00110.

None of the items were called up.

## 5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public hearing and consideration of a Minor Amendment to an Approved Site Plan (LUR2015-00092) to amend the approved Dakota Ridge North design standards to allow fences up to 60 inches (5 feet) in height that back onto an alley to be built within 18 inches of the alley with a maximum of 42 inches of solid fence and a minimum of 18 inches of lattice above. The Dakota Ridge North PUD lies within the RL-2 (Residential – Low 2) and RM-1 (Residential – Medium 1) zoning districts.

Applicant: John McCarthy for the Dakota Ridge North HOA

### 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:

None

### Public Hearing:

1. **Sharon Schilling, 4938 Dakota Blvd**, spoke in opposition to the project specifically that the proposal would eliminate the setbacks and site triangles and the safety of residents would be compromised.

### Board Comments:

**Key Issue:** Is the proposed Site Review Amendment consistent with the criteria for Minor Site Review Amendments to Approved Site Plans as set forth in section 9-2-14(1), B.R.C. 1981?

- **L. May** agreed with **S. Schilling's** comments. In regards to the intent of the design of the development, he stated that the proposal would be an erosion of the intent for openness and transparency with the community. He stated that the proposal would be counter to the fence guideline. The proposed fence would create a visual barrier.
- **C. Gray** agreed with **L. May** and the original urban design intent. She stated that the proposal would not be warranted to fix the previous approval of the two fences.
- **L. Payton** agreed with the previous board members' comments. She stated that a row of privacy fences with shallow setbacks along the alley would create a tunnel effect. She stated that because the alley in question is paved, if a tunnel of fences were placed along

the alley, vehicles would go faster through them. Vehicles tend to drive much slower on unpaved alleys like they have in some historic districts in the city.

- **J. Gerstle** agreed previous comments made by the board members. He added that the proposal for the revised fence locations and characteristics was not in keeping with the intent of the design to keep open and public space to the degree possible. He recommended denying the proposal. He stated that just because the city had made a previous mistake in allowing some fence construction that would not be a sufficient basis for changing the rules for the rest of the development.
- **J. Putnam** agreed with **J. Gerstle** that there would not be sufficient reason to make the change because of two previous non-conforming properties. He stated that the intent was to have a public face at the front of the house and to have privacy in the back.
- **B. Bowen** stated that the attempt to maintain the openness by having lattice at the top of the fence would be a well intentioned idea. The vehicular arguments were less serious to him. He stated that the sight lines of being able to view the alley were more important.

**Motion:**

On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted **6-0** to find that the application for a Minor Amendment does not meet the criteria of section 9-2-14(1), B.R.C. 1981, and therefore denies Land Use Review # LUR2015-00092.

On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted 6-0 to continue this hearing for the adoption of written findings of fact.

- B. AGENDA TITLE:** Public hearing and consideration of an Amendment to Approved Site Plans to amend the approved fencing standards for the TrailCrossing at Lee Hill residential development located at 820 Lee Hill Drive to allow privacy fences in specific areas. The project site is zoned Residential - Low 2 (RL-2). Case No. LUR2015-00094.

Applicant: Scott Chomiak on Behalf of Trail Crossing at Lee Hill Homeowner Association

Owner: KUH-Lee Hill, LLC (Lots 17, 18, 24, 25 and 31 and Outlot A), Jeremy Epstein and Susan Strife (Lot 1)

**Staff Presentation:**

**S. Walbert** presented the item to the Board.

**Board Questions:**

**S. Walbert** answered questions from the Board.

**Applicant Presentation:**

**Scott Chomiak, Koelbel Urban Homes, 5291 E. Yale Ave., Denver**, the applicant, presented the item to the Board and supports the homeowners' request for the privacy fence.

**Board Questions:**

**S. Chomiak**, the applicant, answered questions from the Board.

**Public Hearing:**

1. **Susie Strife, 4790 8<sup>th</sup> Street**, the owner of Lot 1, spoke in support to the project and the request for a solid, six-foot privacy fence along Lee Hill Drive. She stated that that it would not ruin the intent of the neighborhood.

**Board Comments:**

**Key Issue: Is the proposed Site Review Amendment consistent with the criteria for Minor Site Review Amendments to Approved Site Plans as set forth in section 9-2-14(m), B.R.C. 1981?**

- **J. Putnam** stated that he would be supportive of the staff proposal. He agreed with an amendment to make the top foot opaque. He stated that generally, less of that type of fencing would be good, but given the history on this particular site, an exception could be made. He stated that development would remain transparent on the rest of the site. He stated that the fencing would not significantly affect the pedestrian experience on Lee Hill Drive. He expressed concern regarding the Outlot A property. He suggested a condition that if the property to the north of the fence were to revert to residential, then the fencing would not be appropriate due to the height and lack of transparency.
- **C. Gray** agreed. She stated that a six-foot fence on Lee Hill Drive would be appropriate; however she stated that the pattern of one-foot solid fencing on top and five-foot fencing below be maintained on Lee Hill. She agreed with **J. Putnam's** suggestion regarding a condition for Outlot A.
- **L. May** agreed regarding the Lee Hill Drive part. He stated that he did not see the fence as offering security. He stated the argument for a six-foot fence would be noise buffering since Lee Hill Drive is a significant road way and it would not affect the permeability of the neighborhood. He also agreed with **J. Putnam's** comments regarding a condition for Outlot A.
- **L. Payton** stated that she supports staff's proposal. In her opinion, she stated that an extra foot would not make a difference for safety or security. She stated that it would not be a very attractive entrance into the neighborhood.
- **J. Gerstle** agreed with **L. Payton's** comment that the privacy fence would not add security or beauty to the neighborhood. He stated that he would oppose the change and that the existing split-rail fence was appropriate. He stated that he would not be supporting staff's recommendation as the proposed revised fence characteristics would not allow for integration of the neighborhoods and would be unattractive along a major road.

- **L. May** stated he agrees with **J. Gerstle's** argument that the proposed fencing could perpetuate tunneling of major corridors.
- **L. Payton** stated that currently, not many of the homes are occupied; therefore a sense of security may not currently exist. She suggested that this may change in the future when the neighborhood is built out.
- **B. Bowen** stated that the original split-rail fence was an odd choice for Lee Hill Drive. He stated that he agrees with the idea of the neighborhood being open and permeable to the streets. He stated that the neighborhood was designed with the intent to avoid tall fences. He stated that he is compassionate regarding the sense of safety desired. He stated that he likes idea of keeping things open. He agreed that when there are more eyes in the neighborhood (residents), it will become safer.
- **L. May** stated there would be visual privacy, but not so much a security consideration. He suggested that the privacy and noise reduction along a major corridor could be dealt with by landscaping and it would have a different impact than a fence.
- **C. Gray** stated that on Lee Hill Drive, there are construction trucks and lumber trucks and that it is not a very friendly street. She stated that the proposal would be for a small segment to be fenced, not for solid fencing along the entire area. There will still be three other openings (i.e. 10<sup>th</sup> St, the front yard of Lot 17, and Park Lane, and the yard of Lot 1) which would hardly make the neighborhood impermeable. She encouraged the Board to approve a fence that is five-feet with an additional one-foot of a solid panel on the top. She stated that it would fit in with the neighborhood and create an enhanced living situation for the residents of Lot 17 and Lot 1.
- **J. Putnam** agreed with **C. Gray**. He stated that a fence may not be a security system, however, in this specific situation, it would give peace of mind and livability in the community. He stated that Lee Hill Drive would not be a great pedestrian experience either way and eyes on the property would come from neighbors which would still remain as transparent as it ever was. He stated that he would support the proposal as an imperfect solution to an imperfect problem. He stated that the decision would not affect any general principles or the pedestrian experience in this particular area.
- **J. Gerstle** stated that unless we start to make Lee Hill Drive a more desirable pedestrian experience, it will not become one. The Board should consider long term consequences of its decisions.
- **L. Payton** stated that she can sympathize with the public. She stated that a six-foot fence is not a solution. She suggested a picket fence would be more appropriate. She stated that she would support the staff recommendation, a five-foot fence with one-foot of lattice on top.
- **B. Bowen** agreed with **J. Putnam's** proposed condition.

**Motion:**

On a motion by **L. Payton**, seconded by **J. Putman**, the Planning Board denied Land Use Review #LUR2015-00094, incorporating the staff memorandum and associated review criteria as findings of fact and subject to the recommended conditions of approval. Failed **3-3 (J. Gerstle L. May and C. Gray opposed)**

**C. Gray** moved, seconded by **J. Putnam**, to amend the main motion to allow the 6 foot fence along Lee Hill on Lot 1 and Lot 17 have the top panel be a solid panel. Failed **2-4 (L. Payton, J. Gerstle, J. B. Bowen, and L. May opposed)**

**J. Putnam** moved, seconded by **C. Gray**, to amend the main motion to require that the approval of the 6 foot fence on Outlot A be conditioned on the existence of a nonconforming use on the adjacent property. Passed **4-2 (J. Gerstle and L. May opposed)**.

**C. Gray**, who was on the prevailing side of the motion, moved to reconsider the main motion. The motion was seconded by **J. Putnam**. (Passed **5-1 (J. Gerstle opposed)**).

On a motion by **L. Payton**, seconded by **C. Gray**, the Planning Board approved Land Use Review #LUR2015-00094, incorporating the staff memorandum and associated review criteria as findings of fact and subject to the recommended conditions of approval. Passed **4-2 (J. Gerstle and L. May opposed)**

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

**A. Letter to Council Discussion**

**Staff Presentation:**

**D. Driskell** presented the item to the Board.

**Board Comments:**

- **D. Driskell** gave an update regarding the motion that Cowles/Plass developed as a replacement for the Weaver motion from September 14, 2015 which **C. Gray** questioned in an earlier email to the Board. Her questions were the following:
  - i. Can we please get an update on the motion that Cowles/Plass developed as a replacement for the Weaver motion? (Specifically on item “d” and “e” referenced below)
  - ii. Can we also get an update on the height moratorium and what was to be accomplished in the two year moratorium?

He stated that there have been a series of questions regarding Items “d” and “e” which were the following:

- d. Are there changes to Site Review Criteria that would make discretionary review more effective and lead to better buildings, taking into account the roles of both BDAB and Planning Board?
- e. What has been the role of “community benefit” in obtaining entitlements and does the term need to be defined in the Code?

- **D. Driskell** explained that subsequent to the motion, consultants were engaged, specifically Victor Cole, who distributed a memo to City Council in January 2015 prior to the Council’s retreat. The memo set in motion several different work plan items. One work plan item was the development and approval of a “height ordinance” that identified areas in the city where site modifications could be considered. In addition, the Form Base Code (FBC) pilot was set in motion as well. He stated that in relation to the “height ordinance” there was the update to the Downtown Urban Design Guidelines (DUDG). Downtown was not excluded in the area of the “height ordinance”. He stated that three major work efforts began earlier in 2015 and are nearing completion. After the completion of the DUDG and the FBC, the definition of community benefit and changes to the site criteria city wide will move forward. In addition, regarding an update on the height moratorium, **D. Driskell** stated that the items just mentioned were a part of that and to be clearer if more intensity of development would be expected. Regarding an update on the BVCP, he stated that areas are being identified for area planning. He stated that the “height ordinance” would be returning to City Council in late 2016.
- **C. Gray** questioned where updating site criteria and defining community benefit are located on the work program.
  - **D. Driskell** explained those items are scheduled to move forward subsequent to the adoption of the FBC pilot.
- **C. Gray** suggested putting site review and community benefit in the Letter to Council with a different preamble than the 2015 Letter and to reconfirm the items **D. Driskell** mentioned. She suggested that the Planning Board encourage City Council to continue with the work plan and take action.
- **J. Putnam** agreed with **C. Gray** that updating the site criteria and community benefit are priorities.
- **B. Bowen** suggested the Board work through the document “*Draft Topics for Council Letter Identified by Planning Board*”, prepared by **J. Putnam**, to discuss items to be included in the Letter to Council.

The following Items discussed below are topics that appear on the “*DRAFT TOPICS FOR COUNCIL LETTER IDENTIFIED BY PLANNING BOARD*” dated December 2, 2015 included in the December 3, 2015 packet.

**Item 1(a): BVCP Objectives and Strategies**

- **B. Bowen** suggested removing this item since it is currently in progress.
- **C. Gray** added that including the signing of the joint IGA in 2016 would be needed so that it would not expire.
- **L. May** stated that it would be worth including.
- **J. Gerstle** mentioned that the City Council should be aware of the need for the IGA extension.
- **B. Bowen** expressed concern with including items that are already scheduled to occur.
  - **D. Driskell** stated that the BVCP is a significant work effort and affects other tasks that can be done and uses significant amount of resources.
- The Board agreed to strike “jointly identify objective and strategies”

**Item 1(b): Housing Boulder**

- **B. Bowen**, in regards to 1(b)(i), questioned if there would be some way to have affordable housing required on site.
- The Board agreed to reword 1(b)(i) to include affordable housing.
  - **D. Driskell** informed the Board that the developers have flexibility regarding affordable housing; however under state law the city cannot require them to do it on developing sites for rentals.
- **L. Payton** suggested for 1(b)(i) that text be added explaining, from the Planning Board perspective, what the implications are of the cash in lieu program. More affordable housing developments are being proposed on the fringes of the city. She stated it would be beneficial to offer some context from the Planning Board.
- **J. Putnam** stated that there would be value to include this item. If it would be included it could be a mechanism and intensive to get it resolved.
- **C. Gray**, in regards to annexations, suggested having a target “50/30/20” annexation formula (20% (market rate) /30% (middle income) / 50% (affordable housing)) found under 1(b)(vi) .

- **J. Putnam** suggested for the Letter to Council to not offer specific formulas (i.e. the 50/30/20 formula). He added that the general notion of getting significant affordable housing from annexations is a good idea. He suggested the Board should seek solutions to affordable housing; however the Letter should be less concerned with percentage amounts.
- **C. Gray** suggested making 1(b)(xi) a general goal.
- **B. Bowen** suggested structuring the Inclusionary Zoning to expand the top of the affordable housing program, shifting 10% of the homes to a 20% target, and finally adequately funding it.
- **J. Putnam** stated that 1(b)(ix), regarding the buying of mobile home parks and apartment complexes would be a tool, but not certain the city has the money to accomplish this.
- **B. Bowen** stated that item is already occurring and housing partners are currently buying apartment complexes, therefore 1(b)(ix) may not needed.
- **L. May** clarified 1(b)(ix) by explaining that it could be done on a more significant scale and could put a dent in the affordability issue. He explained that it would entail the city issuing bonds through beneficiaries. He stated that the Board would not offer a policy solution, but simply offer it as something for City Council to consider.
- **L. Payton** agreed with the importance of this issue; however it may not be a Letter to Council item because the Planning Board would not be reviewing the purchases or the funding of those mobile home parks or apartment complexes.
- **L. May** stated that they would be land use and housing issues.
  - **D. Driskell** stated that the action plan for Housing Boulder in 2016 does involve middle income housing and a preservation strategy. He explained that it includes how to potentially broaden the pool of dollars to support preservation.
- **L. May** agreed.
- **C. Gray** suggested keeping the wording “mobile home parks”. She stated that this topic is something that City Council should know and that there would be support from Planning Board to keep this type of land use.
- **B. Bowen** clarified that the point would be that the city needs more affordable housing, with an emphasis on preservation, and it should be funded better.
- **C. Gray** stated to include a statement that the city needs more affordable housing which should be funded better, with an emphasis on preserving existing locations and then add bullet points.

- The Board was in agreement.
- In regards to 1(b)(ii), **L. May** suggested to use the language from the 2015 Letter to Council.
- **B. Bowen**, in regards to 1(b)(iii) and 1(b)(iv), stated that those two items should be included to emphasize the problems in housing.
- **C. Gray** questioned where co-ops would fall within their work program.
  - **D. Driskell** stated there would be a study session at the end of January 2016 regarding the existing co-op ordinance and any near-term, easy fixes that may respond to any concerns raised. In addition, in the 2016 Housing Boulder work plan, there is the idea of a neighborhood pilot. Co-op would come forward with an approach to working with the neighborhood they are located in.
- **B. Bowen** stated that they would support the issue of co-ops, ADU and OAU in the Letter.
- **C. Gray** stated that ADU and OAU are two different items. ADU would be located in nearly every residential zone in the city and she suggested that would need to be fixed. OAU are only allowed in very low density locations. She suggested that these two items be separated.
- **B. Bowen** agreed targeting the issues would be fine and listing them separately. He suggested a statement at the beginning and bullets below with brief definitions.
- **C. Gray** explained the description under item 1(b)(x) as a rebalancing of commercial zoning to residential. She stated that if this would be done, then the city should ensure that the new housing area becomes a “15 minute neighborhood”. Currently those neighborhoods are exempt from the growth management system if the zoning is mixed-use.
- **B. Bowen** stated that what **C. Gray** proposed might include changes to the use table which the Board may want to include in the Letter, but he suggested that use table changes may not belong under the Housing Boulder section of the Letter. He stated that the comments regarding “15 minute neighborhood” might fit under Housing Boulder.
- **L. May** stated that **C. Gray’s** proposal may not fit comfortably under Housing Boulder, but is related because the major point would be to look at the rebalancing of overall commercial build outs to residential build outs.
- **B. Bowen** disagreed. He stated that **C. Gray** is referring to a residential project in a commercial area retain some commercial uses to ensure a walkable neighborhood.

- **L. Payton** questioned if rebalancing residential and commercial land uses would be part of the BVCP.
- **J. Putnam** agreed that this topic could fit under Housing Boulder as well as in other sections; however the details could be done at a later time.
  - **D. Driskell** explained that within the Comp Plan process, the balancing of jobs and housing will be reviewed. He stated that there may be other areas of consideration such as the drifting from commercial land use to a residential or mixed-use land use. The details on how the zoning would be written would not happen within the Comp Plan process but with the implementation of policies within the Comp Plan.
- **L. May** suggested that item 1(b)(x) should be a standalone item and mention that it relates to both housing and the Comp Plan.
- **J. Putnam** questioned what would the Planning Board be asking City Council to do with this item from a work plan perspective.
- **C. Gray** stated that the commercial/residential balancing issue is present. She suggested to move forward with the Letter to Council discussion and to revisit this topic at another time.
- The Board agreed.
- **B. Bowen** stated that item 1(c), 1(d) and 1(e) regarding the Design Excellence program, FBC and TDM should be struck since they are work plans that are near completion. He stated that the focus should be on what should be placed on the staff work plan.
- The Board agreed.

### **Item 2: Fixing the Site Review Criteria and Process**

- **B. Bowen** stated that this is a major issue for Planning Board and suggested that all points under Item 2 remain in the Letter.
- **J. Putnam** stated that the only change he would suggest to Item 2 would be making it clear that Site Review Criteria is on the schedule after FBC is completed but express that it needs to stay on track.
- **B. Bowen** stated that the title should remain “Site Review Criteria and Process”.
- **C. Gray** requested that the language state that it is currently in the work program.
- The Board agreed.

- **B. Bowen**, regarding 2(e), explained concept reviews are often are more complex than needed. He suggested having staff let the architects and applicants know that it would not be necessary, in addition to writing that into the submittal applications or concept review packets. For example, he stated that the Board does not require rendered buildings.
- **J. Gerstle** agreed with **B. Bowen's** comments however, he stated that he did not think it was needed in the Letter to Council.
- The Board agreed to remove Item 2(e).

### **Item 3: More Neighborhood Plans**

- **C. Gray** suggested Item 3 should read as “area plans” rather than “neighborhood plans”. She stated it would be more all-encompassing.
- **L. May** agreed. He stated that the introductory sentence for Item 3 encompasses all of the bullet points. Perhaps some of the bullets could be removed as they are projects that are already being done and near completion. He suggested keeping the bullets 3(c) and 3(d).
- The Board agreed to keep bullets 3(a)(i), 3(c), and 3(d) in Letter.
- **C. Gray** suggested redefining 3(d) to read as “urban design plan to address the public realm”.
- **L. May** suggested rewording 3(d) as “Downtown urban design plan to inform design and create a vision”.
- The Board agreed to place references to “uses” under Item 4 as it relates to zoning.

### **Item 4: Zoning Code**

- **L. May** stated that this item includes too much detail. He stated that the 2015 Letter to Council addressed this topic and use tables were defined.
- **B. Bowen** disagreed with **L. May**. He stated that it should outline details. He stated it would be appropriate to include the details as there is a desire to fix the zoning code in relation to urban design.
- **J. Putnam** stated that the introduction could include a general reference similar to the 2015 Letter to Council. He stated that a level of detail is useful, but it is not necessary to hit every point.
- **B. Bowen** stated that examples should be provided in the Letter.

- **J. Putnam** stated that with generalized language, what the Planning Board would like to see could be conveyed.
- **L. May** agreed that general statements should be made. He disagreed with including specifics. He stated that the Letter should address the issue but should not offer solutions.
- **B. Bowen** stated that the Letter should address themes that continue to come up from projects and perhaps they should be written down and requested to be fixed.
- **L. Payton** suggested that if staff has a list of site review criteria and zoning code changes, perhaps it could be attached as an appendix.
- **L. May** stated that the Letter to Council should be about severe issues that should be addressed. He stated the zoning code has a number of issues that should be addressed. The Board should be calling out the most critical to Council. He proposed a limited list of zoning issues.
- A number of Board members disagreed.
- **C. Gray** suggested to the Board that 4(b) be reworded specifically to improve street scape, 4(c) is fine, to remove 4(d) and finally to keep 4(e).
- **L. Payton** remarked on other board members' observations that within the past five years, only two modifications to the zoning code have occurred. She stated that City Council should be made aware of that.
- **B. Bowen** stated that including examples would be a benefit and would allow City Council to reflect.
- **L. May** stated that he still does not agree with offering the solution without vetting it.
- **L. Payton** asked that staff provide the list of zoning code updates to the Board.
- **B. Bowen** stated that 4(d) can be struck from the Letter. He stated that 4(h) is fine.
- **J. Putnam**, in regards to 4(e) and 4(f), stated they could be refocused on issues the Board agrees on but not offering a solution.
- The Board agreed.
- The Board agreed on 4(g) to add "electric vehicles"

**Item 5: Resilience**

- **B. Bowen** stated that he had no changes or issues with this item.
- **L. Payton**, regarding 5(b), stated the FEMA maps that have been submitted are based on design storms that don't consider climate change. She stated that this issue should be considered since it encompasses life safety.
- **J. Putnam** suggested as a part of 5(a), adding explicit language to address that climate change is part of the flooding and other events.
- **B. Bowen** stated that there could be number of items that could be added. Food security could be a large part of resilience; however that may be out of Planning Board's realm.

**Item 6: Climate Change**

- **J. Putnam** stated that City Council is committed to municipalization. He stated that the city needs to plan for the contingency that the city cannot municipalize due to barriers. He suggested looking at municipalization with a different approach.
- **L. Payton** suggested placing **J. Putnam's** comments in a future Letter to Council but not this year's.
- **C. Gray** agreed.
- **L. May** suggested making a specific statement regarding municipalization, similar to the 2015 Letter to Council, since there are a number of new City Council members.
- **J. Gerstle** agreed with the comments regarding municipalization; however he stated that it is not obvious that municipalization is within the purview of the Planning Board. He stated that he does not see the benefit of including it in the Letter. He stated that the focus should remain on items that are within the Planning Board's purview.
- The Board agreed.
- **C. Gray** stated that if the Letter includes 6(a), the phrase "climate commitment" and "all planning policies" should be included.
- **B. Bowen** suggested that 6(c) and 6(d) could be combined.
- **L. May** agreed.
- The Board agreed to combine the two and then eliminate 6(c).
- **L. May**, regarding 6(e), stated it offers specific solutions which are currently constrained by Xcel. He suggested that the wording should be more general such as "pursuing all options for green house gas reduction".

- **J. Putnam** agreed that more things could be accomplished if the city were municipalized.
- **C. Gray** stated that she approves of 6(e).
- **L. May** stated that 6(e) the city needs to be pursuing more effort towards municipalization. He suggested another item to add under the “Climate Commitment” would be the development of a commercial energy conservation ordinance for existing buildings. He stated that the Board has not addressed “owned homes” which needs to be brought up to a new standard. He suggested adding it to Item 6.
- **J. Putnam** suggested adding it to 6(a). He suggested not isolating that issue at this time.

**Item 7: Community engagement**

- **B. Bowen** suggested striking 7(a). He approved of 7(b).
- **J. Putnam** suggested strongly referring back to the 2015 Letter to Council.
- The Board agreed.

**Item 8: Implement impact fees**

- **J. Putnam** stated that he disagreed with this item. He stated that as currently written, it is placing the policy prescription within it.
- **B. Bowen** suggested that it be reworded.
- **L. May** and **C. Gray** stated that currently there are ongoing efforts to reconsider this item and that a consultant is on board and it will be going to City Council. However, **C. Gray** questioned if Planning Board has every reviewed this type of item.
- **B. Bowen** suggested it be removed.
- The Board agreed.

**Additional Letter Suggestions:**

- **L. Payton** suggested that a brief discussion or acknowledgment of the City Council’s and staff’s responsiveness to items from the 2015 Letter to Council be included in the introduction. She stated that this would help establish some continuity of the annual Letter from year to year.
- The Board agreed.

- **L. May** suggested a matrix for possible community benefit and integration with site review criteria from last year's Letter and to include it as an appendix to this year's Letter.
- **J. Putnam** stated that would be getting too far into the detail and not sure if he would be in agreement. He stated that it is important, however if too much specificity were included, then the overall point would be lost and could be denied due to the formula outlined.
- **B. Bowen** stated that he feels as though the conversation has broadened. He stated that it would be a much larger community engagement rather than putting forward a formula or charter.

**Assignments:**

- **J. Putnam** stated he would put the items together and have the Board perform edits.
- **B. Bowen** stated that the Board should receive a draft a few days before the December 17, 2015 Planning Board meeting from **J. Putnam** and discuss the edits. He instructed the Board to submit additional ideas to **J. Putnam**. Prior to the December 17, 2015 meeting, **J. Putnam** will send the draft and the Board should bring their comments to that meeting for discussion.

**Pollard Site Discussion:**

- **L. Payton** clarified with the Board that they were unanimous regarding the sale of the Pollard site. She suggested stating that in the Letter.
- **J. Putnam** suggested the Board recommend that the sale of the Pollard site should be reviewed very closely since more information needs to be obtained.
- **J. Gerstle** agreed.
- **L. May** suggested broadening it to not just state the Pollard site, but sites that the city owns.
- **L. Payton** stated that the Pollard site is unique in that if affordable housing were to be built, it would be located next to transit.
- **L. May** argued that the Boulder hospital site would be similar and should be included.
- **B. Bowen** mentioned that what is unique regarding the Pollard site is that the city is currently discussing the sale of it. He stated it would be an opportunity to tell City Council that this would be a great opportunity to hold on to this property and the benefits of doing that.

- **L. Payton** strongly stated that low income housing should not be placed on the fringes of the city where transit may not be available, but Pollard would be a great site for affordable housing and transit is provided. The Pollard site is a potential sale on the horizon unlike the Boulder hospital site.
- **L. May** stated that it would be valuable for the Planning Board to weigh in, that like the Pollard site, opportunities exist if the city maintains control of the site, and then the city can fully capitalize on it.
- **J. Gerstle** stated that the issues are obvious on both sites and nothing needs to be said to City Council. In addition, he added that the Planning Board does not know enough regarding the alternatives available to the city to support such comments.
- **L. May** argued that it would not be obvious to everyone.
- **C. Gray** agreed with **B. Bowen's** comments and would like to see the city do more.
- **J. Putnam** agreed with **J. Gerstle**, that the Planning Board may not have the information to dive into the details of this matter. He stated that focus should be on Pollard to get the point across.
- The Board agreed.

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 9:27 p.m.

APPROVED BY

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
DATE

**CITY OF BOULDER**  
**BOULDER DESIGN ADVISORY BOARD MINUTES**  
**September 23, 2015**  
**Boulder Library Arapahoe Conference Room, 1001 Arapahoe**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**BDAB MEMBERS PRESENT:**

Jamison Brown, Chair  
Michelle Lee  
Jim Baily  
David McInerney  
Jeff Dawson

**BDAB MEMBERS ABSENT:**

**PLANNING BOARD EX-OFFICIO MEMBER PRESENT:**

Bryan Bowen

**STAFF PRESENT:**

Sam Assefa, Senior Urban Designer  
Charles Ferro, Development Review Manager  
Elaine McLaughlin, Senior Planner  
Chandler Van Schaack, Planner I

**BOARD DISCUSSION:**

**1. Approval of Minutes**

The board approved the July 15, 2015 and the July 29, 2015 BDAB minutes.

**2. 2751 30<sup>th</sup> Street Project Review**

**C. Van Schaack** gave a brief process summary followed by a presentation by the applicant.

**BOARD COMMENTS:**

**J. Brown** had some concerns with the first floor of the building including a lack of detail in the design. He also wondered how much the front yard would actually be used since there was no separation between the public and private realms.

**J. Baily** agreed with the proposal for a canopy or awning, but he was concerned with the arched design in regards to its compatibility with the surrounding area on 30<sup>th</sup> Street. He thought that more of a straightforward canopy would transition better with the materials around it and would also be more compatible with the surrounding area.

**J. Brown** felt it would be an improvement if there was not a door in the center of the façade. He suggested that, if the applicant were to do something more substantial with the door, they look at doing an awning or transom lighting just above the door so it would break the horizontal line that makes the façade look so linear.

**J. Baily** was concerned about design consequences of fitting what appeared as four floors into 37 feet as proposed, including having a realistic interface with street level.

**C. Van Schaack** followed up by saying that it was not possible for this building to go up to 37 feet. Anything over 35 feet would require rezoning and an ordinance.

**B. Bowen** summarized a discussion between the board, staff and the applicant: There would be a design issue if it is going to be apartments or a use issue if it is going to be a mixed use development.

**M. Lee** recommended that the applicant look at how to transition the first floor material higher like, for example, bringing the CMU up to the second row of windows or putting transoms above some of the doors and windows.

She felt that the yards felt very private and fenced-in and believed that there was a way to make the front dog-friendly but still welcoming to the public at the same.

**J. Dawson** the windows were too equally spaced within the elevation almost making it read like a warehouse building. He encouraged the applicant to think more strategically about the position of the windows relative to the living spaces on the inside. Reconsider the top of the masonry on the parapet. He felt that the base should be taken up so that it creates a more significant mass at the base of the building. Proportionally the amount of the beige CMU did not fit well with the red material a few stories above it. He thought the eyebrow (awning) was too big.

**D. McInerney** stated that the staggered floors on the interior of the north and south elevations resulted in windows that did not line up on those elevations.

**J. Dawson** thought it would be good to see more detail in the windows and the geometry of the frames.

The board agreed that a stoop would be effective in creating a buffer for the entry and improving the streetscape for the townhomes; That some clustering of windows to reflect the individual townhome nature of the plan would be more effective than equal spacing across the entire elevation; Some additional detail on the windows and some use of the beige stone to help identify traditional masonry construction techniques would help humanize and scale the building down. They also recommended raising the first floor up a minimum of 18”.

### 3. The REVE Project Review

**J. Dawson** recused.

**E. McLaughlin** gave a brief update on the project followed by a presentation by the applicant.

#### BOARD COMMENTS:

##### Building 1

**J. Brown** liked the columns coming all the way down as it created warmth on the streetscape. However the sections where the columns were not brought all the way down seemed a little heavy. He also suggested changing up the storefront panel like perhaps

instead of using the same glazing system use a kick plate or makes it a weightier storefront system.

The board recommended replacing the stucco portions by pulling the metal material across the top.

**S. Assefa** commented that the bottom three floors were very rich in color, material, form and detailing and had a great presence and weight. Considering the contrast between that and the stucco, it needs something with more substance.

### **Building 2**

**J. Brown** suggested adding a red/orange hue to the terra cotta material to reference the red brick that is so popular in Boulder.

**M. Lee** agreed with using the floating terra cotta as a rain screen as it strengthened their concept.

**J. Brown** suggested focusing on making that paseo something that people would be invited into.

**J. Baily** felt the passage way needed to be humanized otherwise it would seem like a wind tunnel.

In regards to using art in the paseo area, **S. Assefa** encouraged the applicant to consider installing something in the ceiling that could stick out to animate and light up the ceiling.

### **Building 3**

**J. Brown** inquired about the decision to go with the two over two in the middle as opposed to the one over three. He was in favor of projecting balconies to break that plane and to help it feel less like a corridor.

**S. Assefa** stated that, for attached balconies, they must fit into the totality of the space around it and be properly detailed. They need something that shows that it is integral to the building and not just an appendage.

**J. Brown** liked how they had simplified the design from early renderings, but suggested simplifying the plan for this building a little more.

**J. Baily** recommended avoiding the “project look.” It is more modern to have variety but at some point it becomes too busy. Keep the variety to give each unit an identity, but also create a little more unity. Since this is such an urban development, the more green you can have in the center open space the more it will feel like Boulder.

**J. Brown** encouraged the applicant to consider warm tones as they are exploring the color palette for this development. The use of warm colors and tactile materials will help those tight pedestrian spaces feel more welcoming.

**4. Board Matters**

S. Assefa reminded the board that the 2015 BDAB Retreat would be held on October 14<sup>th</sup>.

The board had a brief discussion about the Design Guidelines Update meetings.

**5. Boulder Civic Area Information Item**

The board briefly discussed their initial thoughts of the plan and will individually review this item.

APPROVED BY:

  
\_\_\_\_\_  
Board Chair

  
\_\_\_\_\_  
DATE

**CITY OF BOULDER**  
**BOULDER DESIGN ADVISORY BOARD MINUTES**  
**October 7, 2015**  
**Park Central 401 Conference Room, 1739 Broadway**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**BDAB MEMBERS PRESENT:**

Jamison Brown, Chair  
Michelle Lee  
Jim Baily  
David McInerney  
Jeff Dawson

**BDAB MEMBERS ABSENT:**

**PLANNING BOARD EX-OFFICIO MEMBER PRESENT:**

Bryan Bowen

**STAFF PRESENT:**

Sam Assefa, Senior Urban Designer  
Kalani Pahoia, Urban Designer  
Elaine McLaughlin, Senior Planner

**BOARD DISCUSSION:**

**1. 2333 Arapahoe Project Review**

**E. McLaughlin** gave a brief summary of the project followed by a presentation by the applicant.

**BOARD COMMENTS:**

**S. Assefa** mentioned some of staff's recent comments on the project:

- They like the simplicity.
- They have had issues with the exposed parking on the ground floor and suggested working the front of the building so the exposed parking on Arapahoe is minimized.
- There have been many discussions about the significant amount of stucco and CMU.

**J. Brown**, in regards to the Design Guideline of "maximizing the street frontage," inquired as to if there was a way to pull some of the design language from the building façade across to screen the parking with a physical object. On the first floor, he suggested moving the kitchen beside the laundry/mechanical room have the common utilities adjacent to each other. He also suggested moving the dining/study area to the front to have windows on the street and a large multi-use active space as well as expanding the stoop and turning it into a porch to create more of an indoor/outdoor component. This could all help activate the streetscape.

**B. Bowen** suggested pulling the kitchen down to where the lobby was that way the back would not be covered with cabinets and would be open to the street. He

also suggested making the lobby more of a living/community space with a fire place. He agreed with **J. Brown's** suggestion in making the stoop larger to become more of a porch.

**J. Baily** felt that the front stoop read like a side door and it needs to read as a front door per the Design Guidelines. He also thought the extra wide sidewalk in front was limiting the landscaping and screening and is atypical for what occurs along the north side of Arapahoe. The whole front of the building would be enhanced by narrowing the sidewalk and could use some softening.

**M. Lee** saw an opportunity to bring some of the architectural character of Naropa University into the building design. The building seemed a little bland and might not accurately reflect Naropa's vision and unique identity in Boulder. She also encouraged them to add a little more dimension at the window sills, frames or headers, and different window proportions relative to wall area to help the building not look so flat.

**D. McInerney** encouraged them to add windows to the west façade in reference to the Design Guideline of avoiding large blank walls. On the eastern façade, he suggested swapping out the corrugated metal with the wood material and going with metal deck railings.

**J. Brown** agreed and felt that it would add a little more warmth to the building as well and lend to **M. Lee's** comment regarding pulling in the design of Naropa.

**J. Baily** suggested toning down the contemporary look of the building and modifying the CMU material to reflect Naropa and have a more residential feel.

**J. Dawson** suggested doing something interesting with the parapet caps to help terminate the top of the building instead of it looking cut off at the top.

**S. Assefa** pointed out that the flat windows on the stucco portion of the building looked a little cheap without any return or shadow lines.

## **2. BVCP 2015 Update Information Item**

There was no presentation or in-depth discussion of this item. **S. Assefa** briefly spoke about a new 3D visualization tool called ESRI.

## **3. S'PARK Project Review**

**E. McLaughlin** explained that the latest Planning Board recommendation was a condition with approval to go back to BDAB to take a look at refinements to S'PARK West. A portion of the Planning Board audio (including comments on the project) was played followed by a presentation by the applicant.

### **BOARD COMMENTS:**

#### **3085 Bluff Street – Market Rate Units**

**J. Dawson's** biggest concern was the detailing in the metal panels and encouraged the applicant to find a creative way to align the bands with the heads in the brick. The sill elevation on the lower window seemed too low.

**J. Brown** saw a dramatic improvement in the Bluff Street façade from past renditions. It looked like a very relatable and understandable townhome form. He did not think the windows needed a header or sill detail given the scale of the panel of brick. In regards to color, he also thought the taupe metal panel was a lot stronger than the red and suggested going with one color palette on that block.

**M. Lee** felt that the proportions in terms of the architectural composition and the elegance of the masonry going up higher created a taller, more elegant form.

**3155 Bluff Street – Affordable Housing Units**

**J. Dawson** liked the material palette on building. On the Bluff Street elevation he suggested pulling the wood into the balcony openings by taking the vertical cedar and pulling it into the recessed balconies. He would like to see the same material palette on the other townhomes.

**B. Bowen** suggested removing the brick from the lower part of the middle of the townhomes and replacing it with the lighter wood.

In addition, **J. Dawson** also suggested bringing the metal fin down on the side wall.

**J. Dawson** suggested using some of this building’s color palette on 3085 Bluff Street as it feels a little heavier than this building.

**J. Brown** provided a summary of the board’s comments:

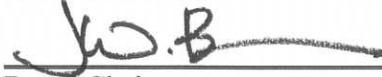
**3085 Bluff**

- Overall support for the changes as presented
- Eliminate the red with tan color combo
- First floor windows in the projecting townhome bays feel too low

**3155 Bluff**

- Bring some of the wood into the recessed balconies of the corner flats
- In the townhome section consider the use of the horizontal wood siding in lieu of the tan brick and bring the metal siding down to the ground on the “fins”
- Avoid using too opaque of a metal screen on the railings

APPROVED BY:



Board Chair



DATE

**CITY OF BOULDER, COLORADO  
BOARDS AND COMMISSIONS MEETING SUMMARY**

**NAME OF BOARD/COMMISSION:** Environmental Advisory Board

**DATE OF MEETING:** November 4, 2015

**NAME/TELEPHONE OF PERSON PREPARING SUMMARY:** Sandy Briggs/303-441-1931.

**NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:**

**Environmental Advisory Board Members Present:** Steve Morgan, Tim Hillman, Brad Queen, Karen Crofton and Morgan Lommele.

**Staff Members Present:** Jonathan Koehn and Sandy Briggs.

**MEETING SUMMARY:**

❖ **Priorities/ Annual Letter to Council Discussion**

➤ The board identified the following priorities for inclusion in the Board's annual letter to City Council:

- Instill a greater sense of urgency and encourage continued aggressive efforts in the attempt to get ahead of climate change trends.
- Encourage new approaches to communication, implementation and engagement strategies.
- Proceed with a more integrated approach to different city priorities with greater use of quantitative modeling to assess and analyze program impacts related to emission reductions.
- Continue pursuing market-based policies and approaches to drive change, as the Disposable Bag fee and Smart Regs programs did.
- Further the priorities of technology financing innovation, incentive-based guidelines for the commercial sector, time-of-sale efficiency policy and neonicotinoid pesticide use.

➤ The following techniques for making their letter stand out were also identified:

- Write a shorter, more concise letter that suggests specific, actionable ideas.
- Create "aha" ideas to add value as well as pique and maintain interest.
- Enhance and/or build on things already being done so as to be more likely to get and maintain Council's attention.
- Request that EAB members be allowed to attend the Council meeting during which their letter will be discussed to enable them to offer any clarifications and answer any questions.

❖ **Energy Future Update: Municipalization**

➤ The city filed its application for the transfer of assets to the Public Utilities Commission (PUC). The legal issues at this time are related to Xcel customers located outside City boundaries and Xcel's motion to dismiss the City's application because of the related transfer of assets outside the city limits.

➤ At its recent meeting, the PUC dismissed one portion of the city's application related to facilities that serve out-of-city customers exclusively.

- The PUC did recognize the city's right to municipalize, and established a process of discovery by which the city can obtain the necessary details and information to fully design the system to be acquired.
- The city will supplement its application based on feedback from the PUC.

## 1. CALL TO ORDER

Environmental Advisory Board Member **K. Crofton** declared a quorum and moved to call the meeting to order. **B. Queen** seconded the motion and the meeting was called to order at 6:10 pm.

## 2. APPROVAL OF MINUTES

On a motion by **B. Queen**, seconded by **K. Crofton**, the Environmental Advisory Board voted 5-0 to approve the October 7, 2015 meeting minutes.

## 4. PUBLIC PARTICIPATION

None.

## 5. PUBLIC HEARING ITEMS

### ❖ **Priorities/Letter to Council Discussion (Board)**

The board began reviewing past, current and future priorities to include in the Board's annual letter to council. The details are captured in the meeting summary. The board also discussed the procedure for writing and completing a final draft.

They reviewed last year's letter as a foundation, started determining what worked or didn't work and assigned priorities to individual board members for review and revision.

**J. Koehn** offered advice and guidance as to how the EAB can be most effective in communicating their priorities to Council. He stressed that the EAB perspective on what is important for people to hear right now is wanted and valued.

It was mentioned that in trying to do too much, the EAB ends up not doing enough.

Therefore, focus and specificity are crucial since the priorities identified will inform council, the City Manager and the Directors about how to feed them into work plans for the various departments.

One board member posited that program evaluation could be better served if Council and the Directors look towards utilizing quantitative modeling instead of analyzing anecdotal and qualitative data.

It was suggested that last year's letter was too vague and the EAB needs to propose concrete ideas and drive them throughout the year.

**J. Koehn** reminded the board that it's important to be specific about what the role and responsibility of the city is versus what can be done by the private sector.

## 6. DISCUSSION ITEMS (Koehn)

### ❖ **Energy Future Update: Municipalization**

Regional Sustainability Coordinator **J. Koehn** provided a brief update regarding municipalization efforts, mostly regarding the most recent PUC decision. These details are captured in the meeting summary.

He also explained how efforts with Council are proceeding and what staff is learning from public perception of the process. He emphasized that the process is moving fairly quickly and any bumps along the way have not been unexpected.

He stressed the importance of keeping focus on the “why we’re doing this”, the opportunities that exist and what that freedom allows us to do.

Public support is paramount in the continued effort and therefore engagement and communication remain crucial, especially if it goes back on the ballot in the future.

He also mentioned the importance of keeping the public informed.

He further stressed that the EAB’s thoughts about a public outreach, feedback and information plan are immensely valuable and provide interesting and welcome perspective to this area of the strategy.

**7. OLD BUSINESS/UPDATES**

None.

**8. MATTERS FROM THE ENVIRONMENTAL ADVISORY BOARD, CITY MANAGER AND CITY ATTORNEY**

**T. Hillman** suggested that the Folsom Green Street Right-Sizing project and others like it could have an effect on carbon emissions and therefore potentially fall under the purview of the EAB. Do the lessons learned from it make sense as a topic area of discussion?

**9. DEBRIEF MEETING/CALENDAR CHECK**

The next meeting will be held Wednesday, December 9 instead of Wednesday, December 2.

**10. ADJOURNMENT**

Environmental Advisory Board adjourned at 8:14 pm.

Approved:

  
Chair

12/9/15  
Date

**City of Boulder**  
**BOARDS AND COMMISSIONS MEETING SUMMARY FORM**

<b>NAME OF BOARD/COMMISSION:</b> Human Relations Commission
<b>DATE OF MEETING:</b> Dec. 17, 2015
<b>NAME/TELEPHONE OF PERSON PREPARING SUMMARY:</b> Robin Pennington 303-441-1912
<b>NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:</b> <b>Commissioners</b> – Shirly White, Nikhil Mankekar, Emilia Pollauf, José Beteta <b>Staff</b> – Carmen Atilano, Robin Pennington, Karen Rahn <b>Commissioners absent</b> – Amy Zuckerman
<b>WHAT TYPE OF MEETING (CIRCLE ONE) [REGULAR] [SPECIAL] [QUASI-JUDICIAL]</b>
<b>AGENDA ITEM 1 – CALL TO ORDER</b> – The Dec. 17, 2015 HRC meeting was called to order at 6:10 p.m. by <b>S. White</b> .
<b>AGENDA ITEM 2 – AGENDA ADJUSTMENTS</b> – Move Action Item V.C.4. 2015 Community Event Fund Bridge House – KGB Thanksgiving and Discussion/Informational Items 6.A.1 and 2 Bridge House 2016 Community Event Fund Applications for KGB Thanksgiving and Homeless Persons’ Memorial to follow commissioner recess taken during review of Action Item 5.A.
<b>AGENDA ITEM 3 – APPROVAL OF MINUTES</b> A. <b>Nov. 16, 2015 - N. Mankekar moved</b> to approve the Nov. 16, 2015 minutes. <b>J. Beteta seconded. Motion carries 4-0.</b>
<b>AGENDA ITEM 4 – COMMUNITY PARTICIPATION (non-agenda action items)</b> – Two community members spoke on discrimination issues among Latino immigrant families, and five spoke on homelessness and the ban on camping.
<b>AGENDA ITEM 5 – ACTION ITEMS</b> <b>A. Options to Expand City of Boulder Living Wage Resolution 926</b> – C. Atilano presented an overview of wage fairness policy in Boulder, including background, City of Boulder Resolution 926, and staff recommendations of four options for council’s consideration. A Q&A with the commissioners was held with city staff C. Atilano and K. Rahn of Human Services, Janet Michaels, CAO, Roy Wallace, HR, Joe Castro, FAM, and Peggy Bunzli and Dave Bannon of Finance. A Public Hearing was held; seven community members addressed the commissioners regarding Living Wage. Following a discussion, commissioners voted as follows related to staff recommendations to expand Resolution 926: <b>E. Pollauf moved</b> not to recommend that City Council adopt Option #1, <b>J. Beteta seconded. Motion carries 4-0.</b> <b>E. Pollauf moved</b> not to recommend that City Council adopt Option #2, <b>J. Beteta seconded. Motion carries 4-0.</b> <b>E. Pollauf moved</b> not to recommend that City Council adopt Option #3, <b>J. Beteta seconded. Motion carries 4-0.</b> <b>S. White moved</b> to recommend that City Council adopt Option #4, <b>J. Beteta seconded. Motion carries 4-0.</b> <b>E. Pollauf moved</b> to expand analysis of Living Wage Policy in Boulder Options 1, 2 and 3 as recommended by staff based on the 2015 Boulder County Self-Sufficiency Wage of \$17.97 per adult for a family of four. <b>J. Beteta seconded. Motion carries 4-0.</b> <b>B. HRC Responses to City Council Questions</b> – Commissioners engaged in discussion of the draft responses to City Council questions. Commissioners recessed from 9:15 to 9:26 p.m. Following continued discussion <b>N. Mankekar moved</b> to approve the HRC Responses as amended. <b>J. Beteta seconded. Motion carries 4-0.</b> <b>C. 2015 Community Event Fund Reports</b>

1. Boulder Asian Pacific Alliance – **N. Mankekar moved** to approve the budget report. **E. Pollauf seconded. Motion carries 4-0.**
2. Intercambio – **J. Beteta moved** to approve the budget report. **E. Pollauf seconded. Motion carries 4-0.**
3. OutBoulder – **J. Beteta moved** to approve the budget report. **E. Pollauf seconded. Motion carries 4-0.**
4. Bridge House KGB Thanksgiving – Emily Messina reported on the 2015 Kids Give Back Thanksgiving Dinner. **J. Beteta moved** to approve the report. **N. Mankekar seconded. Motion carries 4-0.**

**D. 2016 Community Event Fund Decisions – S. White moved** to fund applicants in the amount requested as follows: Boulder Asian Pacific Alliance for \$1,600; Boulder Dance Coalition for \$1,600; Boulder Jewish Festival for \$1,600; Bridge House KGB Thanksgiving for \$1,500; Bridge House Homeless Persons’ Memorial for \$1,500; Intercambio Uniting Communities for \$1,500; Out Boulder for \$1,600 and Postoley for \$1,600. **J. Beteta seconded. Motion carries 4-0.** It was recommended that Friends of Martin Acres and Holiday Neighborhood Master HOA talk to Amanda Niga, Neighborhood Liaison, about possible funding.

**AGENDA ITEM 6 – DISCUSSION/INFORMATIONAL ITEMS**

**A. 2016 Community Event Fund Applications** – Emily Messina from Bridge House reviewed the CEF applications for 2016.

1. Bridge House – KGB Thanksgiving
2. Bridge House – Homeless Persons’ Memorial

**B. Human Services Strategy Update** – K. Rahn provided an update on the Human Services Strategy. The public engagement process is currently underway with focus groups. The community survey will take place in January. Completion is expected in March.

**C. Inclusive and Welcoming Community Work Plan**

1. Resolution 1178 Inclusivity – The resolution was adopted by Council on Dec. 15, 2015.

**D. HRC Meeting Dates (January, February)** – Commissioners agreed to meet on Wednesday, Jan. 27 and on Monday, Feb. 22; locations to be confirmed.

**E. Event Reports** – **E. Pollauf** attended a Motus Theater preview performance of Salsa. **N. Mankekar** attended the annual ACLU meeting and a campus emergency black student alliance meeting at CU. **J. Beteta** attended the Boulder County Commissioners meeting Dec. 17.

**AGENDA ITEM 7 – IMMEDIATE ACTION ITEMS** – None.

**AGENDA ITEM 8 – Adjournment** – **N. Mankekar moved** to adjourn the Dec. 17, 2015 meeting. **J. Beteta seconded. Motion carries 4-0.** The meeting was adjourned at 10:10 p.m.

**TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:** The next regular meeting of the HRC will be held on Jan. 27 at the West Senior Center, 909 Arapahoe Ave.



CITY OF BOULDER  
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees			
DATE OF MEETING: December 09, 2015			
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Alycia Alexander x2047			
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:  MEMBERS: Shelley Dunbar, Frances Hartogh, Molly Davis, Kevin Bracy Knight, Tom Isaacson  STAFF: Tracy Winfree, Steve Armstead, Mark Gershman, Deryn Wagner, Kacey French, Joe Reale, Brian Anacker, Kelly Wasserbach, Cecil Fenio, Leah Case, Alycia Alexander  GUESTS: Tom Carr, City Attorney, City of Boulder			
TYPE OF MEETING:	<u>REGULAR</u>	CONTINUATION	SPECIAL
SUMMATION:  AGENDA ITEM 1 - <b>Approval of the Minutes</b> Tom Isaacson moved the Open Space Board of Trustees to approve the minutes from Nov. 16, 2015. Kevin Bracy Knight seconded. This motion passed unanimously.  AGENDA ITEM 2 - <b>Public Participation</b> None.  AGENDA ITEM 3 - <b>Matters from Staff</b> Kacey French, Open Space Planner, gave an update on the Agriculture Resources Management Plan.  Deryn Wagner, Environmental Planner, gave an update on the Rocky Mountain Greenway Trail Project.  Steve Armstead, Environmental Planner, gave an update on the North Trail Study Area (TSA).  AGENDA ITEM 4 - <b>Matters from the Board</b> The Board discussed and finalized their feedback in response to City Council's questions.  AGENDA ITEM 5 – <b>Consideration of a motion recommending to the City Council a proposed ordinance clarifying the roles of the Open Space Board of Trustees (OSBT) and City Council in determining what constitutes an Open Space Purpose under Charter section 176 and requiring that any transfer of open space land to another department comply with the disposal requirements of Charter section 177.</b>			

Tom Carr, City Attorney, gave a presentation to the OSBT clarifying an ordinance regarding any transfer of Open Space land.

This agenda item was a discussion item only. After obtaining the Board input on the proposed ordinance, this matter will be adjusted and brought back to the OSBT at a future meeting.

ADJOURNMENT: The meeting adjourned at 8:29 p.m.

**ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:**

Several people spoke against the staff recommendation for the proposed ordinance.

**TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:**

The next OSBT meeting will be Wed. Jan. 13 at 6 p.m. at 1777 Broadway in the Council Chambers

**MARY LOUISE CHAVERS DAY**  
**Tuesday, December 15, 2015**

**WHEREAS**, Mary Louise Chavers, is a human of the highest integrity who came to Boulder over 18 years ago, and before passing away on December 3, 2015, contributed much of her time and energy to critical issues surrounding toxins in the environment; and

**WHEREAS**, Mary spoke out for many in our community, looking out for the civil, human, and disability rights of those who need protection from harmful and life-threatening chemicals; and

**WHEREAS**, Mary, who suffered acutely from chemical sensitivity afflictions, worked tirelessly on behalf of all to eradicate pesticides, herbicides and other toxic substances from our environment and forced us all to go deeper into the health and safety consequences of our constant chemical exposure; and

**WHEREAS**, Mary's love for the Boulder community touched countless lives and led to major improvement and progress for residents, particularly those living in public housing, and those residents who have serious and severe disabilities, such as chemical sensitivities; and

**WHEREAS**, Mary always greeted others in the light of our shared humanity and in the light of our shared concern for community; especially our most vulnerable residents, those living in subsidized section 8 housing; and

**WHEREAS**, Mary's on-going efforts led to the City's prioritization of pollution prevention and the establishment of a strong Integrated Pest Management policy framework; and

**WHEREAS**, Mary's sense of purpose, courage and genuine caring has made a lasting impression in our lives. We have lost a true canary in our environment and, for that, we take on the public responsibility to persistently strive to eradicate toxins and reduce risk to public and environmental health; and

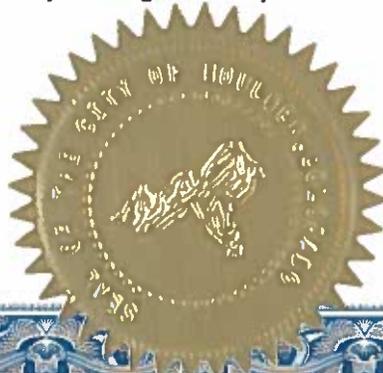
**WHEREAS**, Mary will always remind us to have a profound love and respect for the land and all life that embodies it, to see ourselves as collective stewards of this Earth.

**NOW THEREFORE, BE IT DECLARED** by the City Council of the City of Boulder, Colorado, that Tuesday, December 15, 2015 is

**MARY LOUISE CHAVERS DAY**

in the City of Boulder, and urge all members of our community to recognize this special occasion with appropriate ceremonies and activities.

  
Suzanne Jones, Mayor



**ColoradoBiz CEO of the Year 2015  
Brian Coppom**

**WHEREAS**, *ColoradoBiz* Magazine initiated an annual Colorado CEO of the Year award program twelve years ago to recognize outstanding professional achievement and community impact while taking into account obstacles surmounted, career-long body of work and other elements of the CEO's life and work; and

**WHEREAS**, *ColoradoBiz* Magazine looks for individuals who display uncommon resourcefulness, tenacity, determination and originality as leaders and CEOs who thrive, regardless of the trials and tribulations that business inevitably throws their way; and

**WHEREAS**, out of the many statewide nominations received for the 2015 CEO of the Year, the magazine selected one exemplary CEO; and

**WHEREAS**, the nonprofit Boulder Farmers Market has played a key role in supporting the health and wellness of the community since it was established in 1987; and

**WHEREAS**, the market has been an important partner in City of Boulder programs including the Harvest Bucks program, local food and environmental sustainability initiatives and Seeds Library Café; and

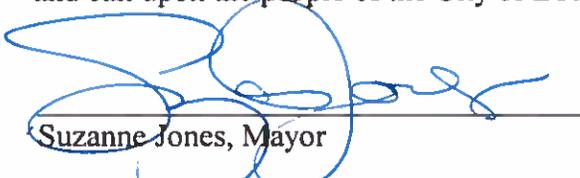
**WHEREAS**, the Boulder economy benefits from the visitors attracted by the market and the sales generated and wages paid by market vendors; and

**WHEREAS**, during the 2015 season from April through November, more than 150,000 people visited the Boulder Farmers Market, and in 2015 USA Today named it the best farmers market in the country,

**NOW THEREFORE**, the City Council of the City of Boulder, Boulder, Colorado, does hereby recognize Brian Coppom, CEO of Boulder County Farmers Markets, as

**ColoradoBiz Magazine's CEO of the Year for 2015**

and call upon the people of the City of Boulder to celebrate this recognition.

  
Suzanne Jones, Mayor



**National Homeless Persons' Memorial Day  
December 19, 2015**

**WHEREAS**, the winter poses extreme hardship for inadequately housed low-income men, women and children in Boulder; and

**WHEREAS**, the spirit of the holiday season of giving provides an opportunity for affirmation and renewal regarding the commitment to end homelessness; and

**WHEREAS**, December 19 has been designated National Homeless Persons' Memorial Day by the National Coalition for the Homeless and the National Health Care for the Homeless Council, and is so recognized by cities nationwide; and

**WHEREAS**, in this season of generosity and sharing, citizens of Boulder are encouraged to commit themselves to promoting compassion and concern for all brothers and sisters, especially those who are poor and homeless; and

**WHEREAS**, in remembering those who have died on the streets, the cause of ending homelessness is kept urgent as is the city's commitment to preventing such deaths in the future.

**NOW, THEREFORE, BE IT DECLARED** by the City Council of the City of Boulder, Colorado that December 19, 2015 is

**National Homeless Persons' Memorial Day**

  
\_\_\_\_\_  
Suzanne Jones, Mayor

