

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
April 14, 2016
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
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT:

David Driskell, Executive Director of Community Planning
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Jessica Stevens, Civil Engineer II
Karl Guiler, Senior Planner, Code Amendment Specialist
Kalani Paho, Urban Designer

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

None to approve

3. PUBLIC PARTICIPATION

No one spoke.

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

- A. Call Up Items: Boulder Creek Path East of Foothills Parkway, Bridge Replacement, Floodplain Development Permit (LUR2016-00003), Wetland Permit (LUR2016-00004). This decision may be called up before Planning Board on or before April 18, 2016

This item was not called up.

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Public hearing to consider the following two items:

- 1) Recommendation to City Council on an ordinance amending Title 9, “Land Use Code,” B.R.C. 1981, to adopt a Form-Based Code (FBC) for the Boulder Junction Phase I through two appendices to Title 9: Appendix L designating “Form-Based Code Areas” and Appendix M as the FBC regulations, and adopting a Form Based Code Review process, and
- 2) Action on proposed amendments to the Transit Village Area Plan (TVAP) connections plan to be consistent with and to implement the FBC project

Staff Presentation:

D. Driskell introduced the item.

K. Guiler presented the item to the board.

Board Questions:

K. Guiler, D. Driskell and **Leslie Oberholtzer**, consultant with CodaMetrics, answered questions from the board.

Public Hearing:

No one spoke.

Board Comments:

Key Issue #1: Draft Ordinance

- **J. Putnam**, in regards to the scope of the review process, expressed concern with drafting a discretionary process like Site Review for the FBC. At this time, it would be worth having some degree of public process and review. However it should be taken out if it works. If it is not working, then it should be looked at. His concern lies with making it too discretionary because it would create more obstacles. The draft ordinance would strike a reasonable balance for now. In regards to the call up issue, he stated that persons calling up items should provide more detailed explanation of the bases to reduce the phenomenon we have seen of call ups with little discretionary ability to change anything and he encouraged staff to find out how to accomplish that. Overall, he is in support of the ordinance as written.
- **L. Payton** stated that she would support the ordinance. In regards to the call up issue, she stated that there would be a danger of having call ups and spending too much staff time on them. She suggested that to get around that, when staff prepares their memo for a potential call up, to include an analysis of whether the project addresses the FBC, then it may be easier for the board to evaluate. She agreed with a modification to the ordinance for the Transit Village to extend notice to all residents within 600 feet rather than just property owners since the Transit Village is a mostly rentals. She suggested extending the notice coverage to include “all addresses”.
- **C. Gray** supported the suggested Transit Village modification and asked to include renters and renters of commercial property. **C. Gray** also supported the ability to for Planning Board to call up the projects to question staff on their analysis of FBC as it

applies to a project. She stated this was important for the first projects to understand the application of FBC.

- **B. Bowen** asked for a formal change in the language to include “property owners and renters within 600 feet of subject property” (Page 47 of packet). He stated that the board, overall, would agree to a change for all review processes notification.
- **J. Gerstle** agreed that he would like the modified notification to apply universally.
- **L. May** recommend that the modified language be applied universally and presented to Council.
- **C. Gray** suggested a universal modification to be applied city wide after the board’s retreat so that Council would be aware of Planning Board’s intent.
- The board agreed that this time to change the language regarding notification to apply to just FBC rather than city wide.
- **B. Bowen** stated that he would like to see a call up be made by a majority of the board rather than one person and to remove the ability of the public to call up an item. Overall, he supports the ordinance.
- **C. Gray** stated that she supports the ordinance. She suggested for staff to prepare a presentation for the first FBC project to come in front of Planning Board. This would give the board and the public to work through it.
- **J. Gerstle** stated that he would be uncomfortable with the restrictive call up provisions suggested by **B. Bowen**. He felt that the board should be open-minded and flexible given that the FBC is a pilot program. He felt it would be appropriate to move ahead with the FBC ordinance on a pilot level.
- **L. May** agreed with **J. Gerstle**. He stated that it would be good to move forward but there should be no reason to change the call up process.
- **H. Zuckerman** declared support for the ordinance. He would support additional notice to all interested parties within 600 feet. In regards to the call up process, he suggested a review process towards a more ministerial review process. Regarding public call up, he expressed concern regarding the vindictive person and perhaps making it harder for call up to occur and have the board act as the middle ground.
- **L. Payton** added that since FBC is a pilot, perhaps the call up provisions should remain the same as they are currently for other staff approvals.
- **J. Gerstle** agreed. The intent of the FBC is to seek to get better buildings. If this is adopted in other parts of the city in the future, then the call up issue could be readdressed.
- **B. Bowen** agreed to let the call up issue lie since FBC is a pilot and in purview of what we do for reviews.
- All board members agreed with the ordinance.
- **L. May** explained in a demonstration that projects built under FBC could meet the intent of the FBC, but not necessarily meet the criteria. The FBC will require the diligence of the board and staff to bring this out to the applicants/developers.
- **J. Putnam** suggested keeping this pilot to a prescriptive approach and not make it subjective.
- **C. Gray** mentioned that with any new ordinance, an evaluation or review process should take place. She liked the suggestion of **D. Driskell** to debrief at the end of each project, in which there may only be 5 total projects which will be using the FBC pilot.

- **B. Bowen** reminded the board that other area plans often have reviews set up within them and unfortunately, the reviews or debriefings are not held.
- **L. May** disagreed with the benefit of having a debriefing around FBC. It would be necessary to address that it may not be the code itself that was not successful but that the board or staff did not appropriately apply the FBC to get the desired result. The FBC for the remaining projects will continue.
- **B. Bowen** added that it is time for the FBC to happen.
- **H. Zuckerman** agreed and prepared to move forward.

Key Issue #2: Draft Form-Based Code including general provisions, site design, building types and building design

- **J. Gerstle** asked to discuss the tower designation limits and golden rectangle language. His concern with the towers is to understand how they relate to the existing height limitations. In no cases can a tower exceed the charter 55 foot height limit; however it could go over the three story limit under the FBC, but the tower could not obscure the view sheds, space needs to be occupied, and roof access. He stated that he agrees with the golden rectangle within the FBC, but felt it would be more constructive if the language encouraged, but not required it.
- **B. Bowen** opposed to requiring the golden rectangle and it should be removed. It may be a good compositional tool but it is not the only tool.
- **L. Payton** supports the inclusion of the golden rectangle because it would encourage architects to use pleasing proportions.
- **C. Gray** agreed with **L. Payton**.
- **L. May** explained that although the golden rectangle would be required, as are other articulations, but none of these will guarantee a good building. He stated that it would be good to have all these tools in the FBC because it would give people a chance to obtain a good outcome or building.
- **H. Zuckerman** explained that the FBC will a road map for a good building. This should represent guidelines that identify what we like, but still allow architects to present something they would like to build. He expressed that he would like to see that when applying the FBC.
- **B. Bowen** addressed the matter of people that were reacting to recent buildings and to see FBC as a method to correct them, noting that they were reacting to Figure M-1(21) in the FBC, which is the Daily Camera building.
- **L. Payton** disagreed and offered that the “ugly building” objections were to Solana.
- **C. Gray** and **L. May** agreed with **L. Payton**. **L. May** added that the objections to the Daily Camera building were based on the mass and scale but not on the architecture.
- **L. Payton**, on the regulating plan, mentioned that she approved of the Row House option on the property north of Goose Creek as it would allow an option to build missing middle income housing types and to possibly achieve the city’s goals of offering that type of housing. She added that because the General Building type is an option at the Goose Creek site as well, she is concerned that there is not the incentive to do Row Houses and that Row Houses would likely not happen. She approved of the view corridor and roof height language. She listed some general edits to some language and figures within the FBC.
- **C. Gray** stated that the FBC was a reaction to conversations with the community.

Key Issue #3: TVAP connection changes

- There was no discussion by the board regarding this issue.

Motion:

On a motion by C. Gray seconded by J. Putnam the Planning Board voted 7-0 to recommend to City Council adoption of an ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to adopt a Form-Based Code (FBC) for the Boulder Junction Phase I area and a FBC review process, and setting forth related details.

Friendly by J. Putnam, that Planning Board recommend to amend the notice provision in the ordinance to provide notice in the TVAP Area Phase I to all addresses and property owners and to revise Figure M-1(21) to show yard areas. Friendly amendment was accepted by C. Gray.

On a motion by L. Payton seconded by C. Gray the Planning Board voted 7-0 to approve amendments to the Transit Village Area Plan (TVAP) connections plan to be consistent with and implement the FBC project.

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

There were no Matters to discuss.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 8:19 p.m.

APPROVED BY

Board Chair

DATE