CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
July 28, 2016
1777 Broadway, Council Chambers

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PLANNING BOARD MEMBERS PRESENT:
John Gerstle, Chair
Liz Payton, Vice Chair
John Putnam
Leonard May
Crystal Gray
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:
Bryan Bowen

STAFF PRESENT:
Susan Richstone, Deputy Director of Community Planning & Sustainability
Cindy Spence, Administrative Specialist III
Lesli Ellis, Comprehensive Planning Manager
Jean Gatza, Sustainability Planner
Peggy Bunzli, Executive Budget Officer
Caitlin Zacharias, Planner I
Kathy Haddock, Senior Assistant City Attorney
Doug Newcomb, Property Agent
Jim Reeder, Trails & Facilities Division Manager
Annie Noble, Greenways Program Coordinator
Steven Buckbee, Engineering Project Manager
Joe Castro, Facilities & Fleet Manager
Jeff Haley, Parks Planning Manager
Molly Winter, DUHMD Executive Director
Milford John-Williams, Budget Analyst
Chris Ranglos, Comprehensive Planning Intern
Gerrit Slatter, Principal Transportation Projects Engineer
Joe Taddeucci, Water Resources Manager
Bob Harberg, Principal Engineer - Utilities

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 6:04 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

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3. PUBLIC PARTICIPATION

1. **Danielle Dougherty** spoke in opposition to the 1440 Pine Street project.
2. **Brad Queen** spoke regarding EAB and Planning Board collaboration.
3. **Christina Gosnell** spoke regarding EAB and Planning Board collaboration.
4. **Lawrence A. Gossman** spoke in opposition to the 1440 Pine Street project.

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

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Public hearing and consideration of a recommendation to City Council on the proposed Capital Improvement Program (CIP).

Staff Presentation:
J. Gatza and **P. Bunzli** presented the item to the board.

Board Questions:
J. Gatza, P. Bunzli, A. Noble, J. Castro, J. Reeder, G. Slatter, J. Haley and **J. Taddeucci** answered questions from the board.

Public Hearing:
No one spoke.

Board Comments:

- **L. Payton** suggested amending the motion to recommend that Boulder's flood mitigation plan within the CIP to embrace what we know about climate change. The current plans do not incorporate any assumptions of climate change. **L. May** stated he would be in support of that addition.
- **H. Zuckerman** suggested adding to the motion that Boulder begin leading a charge toward greater equity and resilience through hiring practices that take into account the needs of local business within the CIP. As the CIP stands, it displays a good use of funds and great engineering. Very impressed by the CIP and the work the staff has done.
- **J. Putnam** stated the CIP is very comprehensive. In regards to **H. Zuckerman's** suggestion regarding local procurement, he questioned if the CIP would be the right place to address it. His concern was that it may create binding requirements and restrictions in Boulder. Not sure the CIP is the right place. In regards to the flood issue, he agreed to start accounting for long term implications and climate on floodplains, but added caution on how it is carried out. It would be a benefit to collect information on it and look at it as a future matter. Finally, he suggested that the South Boulder Creek flood project should be required to have a CEAP or at least provide a more detailed explanation for why there should not be one. He suggested including it in the motion that staff and Council address it specifically.
- **C. Gray** supported **J. Putnam's** recommendations. **C. Gray** thanked the city staff for their excellent work on the CIP.
- **L. May** agreed with **J. Putnam** and **C. Gray**.

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Motion:
On a motion by **C. Gray** seconded by **H. Zuckerman** the Planning Board voted 6-0 (**B. Bowen** absent) to recommend to City Council the 2017-2022 proposed Capital Improvement Program, including the list of CIP projects to undergo a Community and Environmental Assessment Process, as outlined in the staff memorandum, dated July 28, 2016.

Motion by **J. Putnam**, seconded by **L. May**, to amend the main motion that staff further address whether the south Boulder Creek mitigation project should have a CEAP or not have a CEAP and that Council address that question based on that input. Passed (6-0) (**B. Bowen** absent).

Motion by **L. Payton**, seconded by **J. Putnam**, to ask staff to incorporate climate change into the floodplain planning and to recommend to Council that they consider directing staff to find a way to incorporate climate change assumptions and scenarios when developing flood mitigation plans. Passed (6-0) (**B. Bowen** absent).

Motion by **H. Zuckerman**, seconded by **C. Gray**, further recommends that Council consider and direct staff to study the potential of creating guidelines for CIP expenditures that encourage procurement from Disadvantaged Business Enterprises and local enterprises to promote social and economic equity and community resilience. **C. Gray** seconded. Passed (6-0) (**B. Bowen** absent).

B. AGENDA TITLE: Public hearing and recommendation on Annexation of Certain City Owned Properties.

Board members were asked to reveal any ex-parte contacts they may have had on this item.
J. Gerstle disclosed that he is the owner of land within 600 feet of one of the properties to be discussed, however he stated it will not interfere with the ability for him to be fair and objective. **J. Putnam** disclosed that he resides just outside of the 600-foot buffer, and that he too can be fair and impartial.

Staff Presentation:
S. Richstone, K. Haddock and **B. Harberg** presented the item to the board.

Board Questions:
S. Richstone, K. Haddock, B. Harberg and **D. Newcomb** answered questions from the board.

Public Hearing:

1. **Carolyn Steffl**, representing and speaking on behalf of the Knollwood Metropolitan District, informed the board that the district was surprised that the city was proposing to form an enclave in that community. She has reached out to the Planning Department to discuss the proceedings and outcome of the annexations and encouraged the city to work with the existing residents. **C. Gray** asked if Knollwood received city sewer service. Staff said yeas as did **C. Steffl**.
2. **Brad Queen** spoke in support to the project.
3. **Lynn Segal** spoke in support to the project.

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Board Comments:

- **J. Putnam** agreed with the analysis in staff's packet. He stated that there are many public reasons to proceed with these annexations. It will benefit the city and it is consistent with the Comp Plan. In regards to the earlier discussion surrounding the development of open space, he would not support an Agricultural designation because there is no agricultural use in that area, therefore Public Use designation makes sense.
- **C. Gray** questioned the Public Use designation since it could allow for many uses not in the charter. After discussion, she stated that she has a comfort level with the Public Use designation since the citizens could petition for a vote on disposal of Open Space properties.

Motion:

On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board voted 6-0 (**B. Bowen** absent) to recommend to City Council to approve the proposed annexations of the city-owned parcels and Elmer's Two-Mile Park enclave as shown on the map attached with zoning of Public (P).

On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board voted 6-0 (**B. Bowen** absent) approved of a land use designation change from Low Density Residential to Open Space – Acquired for the property at 5893 Baseline Road.

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

A. AGENDA TITLE: Boulder Valley Comprehensive Plan Update (BVCP) on Selected Policy Changes, Amendment Procedures, and Community Engagement.

Staff Presentation:

L. Ellis and **C. Zacharias** presented the item to the board.

Board Questions:

L. Ellis, S. Richstone and **C. Zacharias** answered questions from the board.

Board Comments:

Key Issue #1: Amendment Procedures Approach and Questions (Major Update = Every 5 years / Minor Update = Intermittent)

- **C. Gray** supports a process change for considering land use map changes. She suggested opening up the non-land use changes more frequently as it reflects the changing society and values of the community. Regarding land use changes, they should be tied to sub-area neighborhood planning.
- **L. Payton** agreed with #1 and #2. She did not agree with #3.
- **L. May** agreed with **L. Payton**. He supports **C. Gray** regarding the sub-area neighborhood planning emphasis and land use changes tied to any sub-area plans.
- **H. Zuckerman**, in regards to #1, the current five-year plan is an unbelievable pace. He suggested a public request process limited to land use changes only occur every two years.
- **J. Putnam** agreed with **L. Payton** and **H. Zuckerman**.

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- **J. Gerstle** stated that frequent changes diminish what is intended and agreed changes should be less. Regarding the public request process, it should be limited to land use changes and happen on a minor update frequency. Suggested making public request land use map changes as part of the minor update on a five-year schedule and a major update on a ten-year schedule to be adequate for a Comprehensive Plan.
- **C. Gray**, in regards to the sub-area and neighborhood planning, stated the requests should be tied to a sub-area plan. Changes should be tied to a community process and not just the Comp Plan.
- **L. May** explained that the sub-area and neighborhood planning could be prioritized and then more structure could be in place and guide land use changes and requests.
- **C. Gray** would like to hear from staff what they envision in regards to sub-area and neighborhood planning and then be implemented.
- **J. Putnam** added that, in the past, a majority of those requests had been denied. Only a few need to have flexibility. Not sure if more process needs to be created at this time. Other public process has been created in other areas such as zoning. He is unsure if more needs to be added or if limiting the flexibility to address those issues.
- **H. Zuckerman** suggested an amendment to the time frame of major updates to twelve years, minor at 6 years and public requests for land use changes at three years.
- **L. May** suggested a major update at ten years and a minor at five years as it would double our current cycle. Then place the public request for land use changes at two and a half years.
- **H. Zuckerman** stated that this is not staff's recommendation. They are asking for the Planning Board's feedback.
- **J. Gerstle** suggested having staff consider the board's suggestions. Eager to see the staff's recommendation.
- **C. Gray** stated, in regards to limiting land use map changes to public requests, it would eliminate input from experts within community.
- **J. Putnam** disagreed. Input can be given at meetings, via email, and can give recommendations. What it takes away is the formal process. He stated he would rather see it as regular comment.
- **C. Gray** questioned if changes were limited to five years would it be sufficient.

After some discussion, the board agreed that by Thursday, August 4, 2016, to send detailed comments from each board member to **C. Spence**. The comments will be ranked by chapter(s) to discuss. The staff can then use that ranking as a guide to prioritize the conversation.

L. Ellis listed the upcoming dates regarding BVCP discussions and where the Planning Board's results will make an impact:

- August 29, 2016 – BVCP Joint Board Discussion
- August 11, 2016 – Add a Planning Board meeting to compile the board's comments. **L. Ellis** will have a template for the board to send comments to **C. Spence**.
- August 25, 2016 – BVCP Planning Board Study Session to discuss scenarios

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BVCP Policy Chapters Board Feedback Discussion:

- **H. Zuckerman** stated affordable housing appeared in "*Core Values*", Chapter 1, "*Built Environment*", Chapter 2, and primarily in "*Housing*". He questioned why it does not appear in Section 5, "*Economically Vital Community*" and specifically in the new policy "*Creative Economy*", given affordable housing is important to people in the creative class. *Policy 6.09*, should lead off with a vision statement regarding the integration of land use with transportation. An affirmative positive policy statement should be made. He noted that there are a lot of "*city and county*" in aspirational statements and just "*city*" in prescriptive statements. It seems the city is taking the responsibility when the city and county want to do it together. This seems inconsistent. *Policy 8.19, Public Art*, does not include any provision for private investment in public art. Large projects should provide some public art. Generally, staff is doing a good job.

- **L. Payton**, under "*Core Values*", the Governance value should emphasize independence from the private sector and not interdependence. Under "*Natural Environment; Geologic Resources and Natural Hazards"*, many of those policies should to be changed to reflect changes anticipated due to climate change. In addition, the "G*round Water Policy"* should be redone to reflect the potential for new development to impact the flow, elevations, and distribution of ground water that might result in negative impacts to surrounding properties. Development standards should be developed by the city and county. Under "*Economy*", the economic vitality and regional issues are very pro job growth. We should address the tension between retaining primary employers and fostering start-ups. On "*Creative Economy*", she has concern with a list of professions that are deemed "*creative and excluding others*". Not correct to have a class that is favored. Under "*Community Well-Being*", it needs language to identify the risks or challenges faced by unique demographic groups. Regarding "*Safety*", we need to address firearms.

- **L. May**, under "*Core Values*", stated there needs to be more specificity regarding inclusive community. The term "*agile adaptation*" gives the perception that Boulder has given up on climate change rather than mitigate. Under "*Creative Economy*", he expressed offense and it does not acknowledge all the diversity and goals of the Comp Plan. It is very elitist. Regarding Chapters 3-5, he stated he has a lot of comments on which he will submit in writing.

- **J. Putnam**, in regards to "*Transportation*", stated there is no clear vision for what mobility is and what we want. Safety should be included. In "*Community Well-Being, Section 8*", homelessness is referenced to be removed and that is a mistake. It is an important issue to the community. But transient residents should be added as a different issue. In addition, an affirmative statement should be added regarding law enforcement and how they treat all residents within the community. In the discussions regarding parks and trails, the mention of Boulder Creek has been omitted as a source of recreation. Other amenities should be captured. In "*Section 6.09, Integrate Transportation and Land Use"*, it is currently limited to three areas of town. Land use and transportation should be integrating everywhere but have special focus on those three areas.

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- **C. Gray**, in regards to the *15-Minute Neighborhood*, the neighborhoods themselves have never been asked what would make them a *15-minute Neighborhood*. Under "*Community Well-Being*", the public realm is missing. In addition, the opportunity of public spaces for all is important. She would like to see more arts and culture mentioned. In "*Section 5, Economy*", small and local businesses are missing from the Plan.

- **J. Gerstle** questioned the language regarding water resources management under the "*Energy*" or "*Natural Environment*" section. The acquisition of water resources seems outdated because it encourages Boulder to acquire more water which is unnecessary at this time. Under "*Economy*", it is oriented to a Chamber of Commerce attitude. It should consider the increase of jobs and economic growth of the city and county. The focus on the "*creative class*" is out of place as **L. Payton** and **L. May** mentioned. Boulder also needs to consider the impact of its policies on areas outside of the Plan.

B. Planning Board Member Attend Council Meeting August 2, 2016

Board Comments:

- **J. Putnam** stated that he was approached that the project of 1440 Pine was subject to Call-Up at the August 2, 2016 City Council meeting. He suggested that a Planning Board member attend the meeting to address issues.
- **J. Gerstle** stated he would attend.

C. EAB Liaison from Planning Board

Board Comments:

- **L. May** stated that he would be interested in doing being the liaison but cannot attend the EAB's August 3, 2016 meeting. He could begin attending the meeting in September. His understanding was that EAB was asking a liaison to attend the next meeting, not as an ongoing attendance to discuss opportunities for collaboration on energy and conservation issues.
- **J. Gerstle** suggested **L. May** write an email to EAB stating that he would be able to attend the September EAB meeting.

D. Meeting Management for Future Projects – General Practice Items

Staff Presentation:

S. Richstone presented the item to the board.

Board Comments:

- **L. Payton** mentioned that in a number of projects that Planning Board has reviewed the applicant asks for extra time in addition to applicant's staff speak during Public Participation. She suggested holding the applicants to the standard ten minutes.
- **C. Gray** stated that when the applicant holds a neighborhood meeting it does not always address the planning context of the project. She suggested the Planning Department take a proactive role and explain the process, the zooming regulations and criteria that Planning Board uses to approve or deny a project. This will help to inform the public.

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This could help to develop public testimony related to what Planning Board can actually consider.

- Board members agreed to send in no more than three meeting management items of interest prior to the August 25, 2016 Study Session for discussion.
- **J. Putnam** generally agreed with L. Payton regarding the standard ten-minute speaking time for applicants, however to be more sparing with exceptions.
- **H. Zuckerman** added that the board should be stricter in limiting public speaking time. In addition, with the public pool time, he suggested altering the speaking time allotted and limiting to 5 minutes' maximum.
- **J. Gerstle** did not agree. **C. Gray** also did not agree.
- **L. May** offered to follow Council's policy when anticipating a large number of public speakers to cut the amount of speaking time from three minutes to two minutes. Decision making is not benefited when the board does not get to deliberations until late in the evening.
- **L. Payton** disagreed.
- **J. Putnam** if meetings are continued because the board didn't have time to get to deliberations due to a large amount of public speakers, that is not helpful to the public. He agreed with **L. May** that limiting the time to two minutes does make sense. We also need to do a better job of educating the public regarding the meeting process and what to expect.
- **L. May** if the board does decide to limit the public speaking time to two minutes, it should not be announced the night of the hearing. It can be anticipated.
- **L. Payton** added that she is not clear if any members of the public would be disappointed if a meeting were actually continued if it ran too long.
- **J. Putnam** and **J. Gerstle** disagreed.
- **C. Gray** suggested a follow-up survey after a meeting.
- **H. Zuckerman** stated that it is respectful to the community and to respect the process and for the board to state that we have the public comment portion at a reasonable amount of time as well as the deliberation at a reasonable amount of time. We need to ask the public to partner with the board to help reduce the time and help the board reach a decision in a reasonable amount of time.
- Regarding the suggestion if there would be a certain number of speakers (to be determined) to limit the public speaking time from three minutes to two minutes, the board was not in agreement.
- Regarding the suggestion if the public comments and deliberations are not completed by a specific time (10:00 p.m.), the board agreed that they would check-in and possibly continue the hearing to a later date if not near a decision.
- Regarding the suggestion to inform the public of the meeting criteria prior to the meeting itself, the board was in agreement.

7. DEBRIEF MEETING/CALENDAR CHECK

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8. ADJOURNMENT

The Planning Board adjourned the meeting at 11:15 p.m.

APPROVED BY

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Board Chair

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DATE

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