

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
October 1, 2015
1777 Broadway, Council Chambers

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PLANNING BOARD MEMBERS PRESENT:

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

PLANNING BOARD MEMBERS ABSENT:

John Gerstle

STAFF PRESENT:

Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Assistant III
Sloane Walbert, Planner I
David Thompson, Transportation Engineer
Beth Roberts, Housing Planner
Jessica Stevens, Civil Engineer II

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES

On a motion by **L. Payton** and seconded by **J. Putnam** the Planning Board voted 6-0 (**J. Gerstle** absent) to approve the July 16, August 6, August 20, August 27, September 2, September 3, and September 17, 2015 minutes as amended.

3. PUBLIC PARTICIPATION

No one spoke.

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

A. Informational Item: TECHNICAL DOCUMENT REVIEW: Final Plat for the elimination of the lot line between Lot 6A and Lot 7A of West Rose Hill Replat A to create one lot addressed 927 7th Street. The project site is split-zoned Residential - Low 1

(RL-1) and Residential - Estate (RE). Case no. TEC2015-00028.

- B. Call Up Items: Eben Fine Park rehabilitation and enhancement
Floodplain Development Permit (LUR2015-00077)
Wetland Permit (LUR2015-00078)

None of the items were called up.

5. PUBLIC HEARING ITEMS

- A. **CONCEPT PLAN REVIEW AND COMMENT:** Request for citizen, staff and Planning Board comment on a proposal to redevelop the property located at 3303 Broadway with an approximately 83,000 square foot 3-story building multi-use building with below-grade parking. The building is proposed to include 94 residential units, coffee shop, community room, fitness center and office space for micro and co-working offices. Proposed residential units will consist of 55 efficiency units (less than 475 square feet), 23 one-bedroom units and 16 two-bedroom units. The applicant seeks to amend the Boulder Valley Comprehensive Plan (BVCP) land use designation and rezone the property to Residential – High 3 (RH-3).

Applicant: Margaret Freund, Fulton Hill Properties
Property Owner: Mental Health Center of Boulder County

Staff Presentation:

- C. Ferro introduced the item.
- S. Walbert presented the item to the Board.

Board Questions:

- S. Walbert answered questions from the Board.

Applicant Presentation:

Margaret Freund, with Fulton Hill Properties, 3139 7th St., the applicant, and J. V. DeSousa, with J.V. DeSousa, LLC, 2510 47th St., the architect, presented the item to the Board.

Board Questions:

S. Walbert, C. Ferro, H. Pannewig, M. Freund and J. DeSousa, answered questions from the Board.

Public Hearing:

1. David Rose, 4134 Stone Pl., spoke in opposition to the project.
2. Maureen Taylor, 4382 Apple Way, spoke in opposition to the project.
3. Robyn Kube, 4160 Amber Pl., spoke in opposition to the project.
4. Will LeBoeuf, 2994 23rd St. spoke in support to the project.
5. Greg Smith, 1501 Upland Ave. spoke in support to the project.
6. Joe Gibbs, 2010 18th St., spoke in support to the project.
7. Bob Crifasi, 3257 Hawthorn Hallow, spoke in opposition to the project.
8. Mark Bloomfield, 1720 15th St., spoke in support to the project.

9. **Bill Williams, 3320 N. Broadway** spoke in opposition to the project.
10. **Tommy Stover, 3310 Broadway St.,** spoke in opposition to the project.
11. **Tim Ryan, 497 Kalmia Ave.,** spoke in support to the project.
12. **Amy Webb, 1032 Hawthorn,** spoke in opposition to the project.
13. **Robert Webb, 1032 Hawthorn Ave.,** spoke in opposition to the project.
14. **Judy Nogg, 1182 Juniper Ave.,** spoke in opposition to the project.
15. **Bill Myeus, with Mental Health Partners, 1333 Iris, Ave.,** spoke in support to the project.
16. **Janine Malcolm, 3346 Hickok Pl.,** spoke in support to the project.
17. **Rich Schmelzer, 1080 Juniper Ave.,** spoke in opposition to the project.
18. **Lisa Jo Landsberg, 2320 Balsam Dr.,** spoke in support to the project.
19. **Peter Mayer, 1339 Hawthorne,** spoke in opposition to the project.
20. **Kevin Gross, 2320 Balsam Dr.,** spoke in support / opposition to the project.
21. **Evan Manee, 3393 O'Neal Pkwy.,** spoke in support to the project.
22. **Eric Budd, 3025 Broadway, St., #38,** spoke in support to the project.

Board Comments:

Key Issue #1: Is the proposed concept plan compatible with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP)? Would the project be compatible with the character of the surrounding area?

- All Board members agreed with the staff's analysis.
- **J. Putnam** stated that there is a lot to like in the Concept Plan but it presents some real challenges. This is a good site for residential use. It would be a challenge to find a public use for this location. He likes the mixed use components with commercial amenities in the plan. The micro units are also helpful and useful. It is important to note that there would be no surface parking with this project. He also appreciates the 3rd floor setback. The city needs more affordable housing. However, his concern is that it may not be the right location for the proposed development. Proposed density is too high. The plan's lack of affordable housing on-site and the provision of required affordable units off-site are not in tune with the current Comp Plan update. He felt that this building would stand out awkwardly due to the density in this location. This area is not an area of change, but a place of greater stability. The neighboring context must be taken into consideration.
- **L. Payton** supports staff's conclusions and agrees with the Comp Plan criteria that staff highlighted. In regards to traffic congestion, she visited the site and recognized the traffic issues. The lines for the hug-n-go for the school will not go away and there will be a lot of cars along Hawthorn Ave. into the future. This is a good site for residential, such as family housing. In addition, she added that she was not sure what would fit in that area with an RH-3 zoning. In her opinion, she did not think it was a good spot for commercial; it should be strictly residential. She is sympathetic to those that are in need of affordable housing. Finally, in her opinion, this location may no longer be good for public use since the city purchased the hospital site.

- **A. Brockett** stated that there is a real need for housing of different kinds for families and younger people and this project could provide some of that. This is an appropriate site for some kind of attached housing. He stated that he supports the mixed use aspect of the proposed plan. Transit access is good for the proposed location. The primary issue is the proposed density of the site. The applicant is proposing the most intense residential zone in the city. He does not believe the highest density zone can be proposed in a place where walking is not an option. Walkability is a key piece of density. Compatibility with the neighborhood is lacking. Something more of a mixed or medium density project would be better. Would like to see mixed incomes and families as well. He stated that he would like to see a project with less density and to have more quality open space which is lacking. If more density is proposed at this location, he urged the applicant to look at aggressive transportation management strategies.
- **B. Bowen** agreed with the previous comments. When he looks at the volume, scale and mass of the project, he does not have any concerns. He likes how the project is proposing to carve up the volume to make smaller units. Affordability is important and this can be achieved with smaller units. He stated that he likes how Broadway is evolving and creating a nice street frontage. He would like to see this happen all along the Broadway corridor. Perhaps this could be done by changing land use designations all along Broadway. He stated that there is an issue in the city with providing enough affordable housing. He agrees with the idea of placing micro units along the corridor and there needs to be a more diverse spread of unit mix. He stated that is appropriate to have a mix of apartments and family oriented units. His concern focused on the number of cars, not the number of people in that location. He stated he would be more in favor of the Concept Plan if the parking were reduced to offering half a parking stall, rather than 2 per unit, for example. Architecturally, the site plan is well resolved. The arrangement of uses makes sense and he likes mix of uses. The coffee shop is great idea and good to include. He proposed the next step would be to find the right zoning to accommodate the project.
- **L. May** stated that he generally agrees with the previous comments and staff. He stated that the mixed use is good idea in this location and high density housing is appropriate. He doesn't agree with the review process in general, not specific to this project. He stated that these types of decisions need to be resolved at the comprehensive level through the BVCP. A vision for Broadway needs to be developed with heavy engagement with the neighborhoods. That, in turn, will give a predictable path to the neighborhoods and developers for what may happen in the future. **L. May** stated that he would like to see this addressed at the Comp Plan update generally for the Broadway corridor, and then have the applicants come back with a proposal that fits the new vision. Currently this Concept Plan does not comply with the Comp Plan, however if the Comp Plan is revised, it may comply.
- **C. Gray** agrees with **L. May's** comments regarding the Comp Plan and looking at it from a comprehensive standpoint. The zoning proposal is incompatible with the surrounding residential area. The type of zoning **C. Gray** sees as more compatible for this area would be more of a product for families to serve in-commuters (i.e. a single-family residence,

townhome or duplex). This plan needs to be attractive to families since the proximity is close to school. In regards to affordable units in the community, inclusionary zone requirements should be met on-site by all projects. However, the Planning Board does not know what the developers' final requirements will be for that project until the permit is picked up. In regards to the open space issue, she stated that the city's open space and growth management policies have put pressure on housing; however, it has created a compact community that has allowed the city to develop a good transportation system, etc. Another thing that has put pressure on development is the growing university. We must work with them to house students, faculty and staff. In terms of this Concept Plan, the Public zoning is not compatible with the proposed project, but it is compatible with residential, public and non-profit use.

Key Issue #2: Flood

- **L. Payton** asked whether historical flooding events should be considered in our analysis of this project, since we know that this site floods from existing data and photos. The proposed parking garage would be affected by a flood despite the proposal to build under the regulations of the 100 year floodplain. She stated that it could wait for site review to discuss what is realistic.
 - **S. Walbert** stated that under the current regulations, the developers would have to flood proof the garage. It would need to be demonstrated that water would not enter the garage.
- **J. Putnam** stated that the Planning Board will be looking at site review and Comp Plan criteria. The Board would need to look at spillover affects in neighboring properties. Flooding is something that the Board will need to evaluate in future reviews.
- **L. May** stated that when the Board looks at the criteria modifications, whether they are in the Boulder Revised Code or the Comp Plan, the Board will need to review the flood criteria. Look at history of what has flooded and if it can still be affected. This has not been adequately reviewed.

Summary of Concept Plan:

The Board agreed that there is a general interest in seeing residential at the proposed location. Nearly all Board members were in favor of multi-family residential. A lower intensity is recommended by the Board for compatibility with the existing neighborhood. From a flood perspective, the Board felt it was critical to look at those issues carefully. There was a general feeling that RH-3 was not an appropriate zoning for this site. The Board agreed that undertaking a study or perhaps policy revisions in the Comp Plan would be necessary; however, this would put this project on hold until the changes could be made. The Board offered that they are in support of a sub-community plan that included a vision for the Broadway corridor going forward. In regards to zoning, the Board suggested a zone in which calculations are based on open space or parking, rather than dwelling units per acre. Overall, the Board was very supportive of staff's position and, while the Board agreed that this is a suitable place for residential development, it is probably more suited to medium density, not high density development.

- B. CONCEPT PLAN REVIEW AND COMMENT:** Request for citizen, staff and Planning Board comment on a proposal to redevelop the property located at 2801 Jay Road with a multi-family residential development consisting of 94 units in eight buildings. The development is proposed as a receiving site to accommodate required affordable housing from a companion development at 3303 Broadway. The applicant seeks to annex the property to the city with Residential - Mixed 2 (RMX-2) zoning and amend the Boulder Valley Comprehensive Plan (BVCP) land use designation.

Applicant: Margaret Freund, Fulton Hill Properties

Property Owner: Colorado District of the Church of the Nazarene

Staff Presentation:

C. Ferro introduced the item.

S. Walbert presented the item to the Board.

Board Questions:

S. Walbert answered questions from the Board.

Applicant Presentation:

Margaret Freund, with Fulton Hill Properties, 3139 7th St., the applicant, and J.V. DeSousa, of J.V. DeSousa, LLC, 2510 47th St., the architect, presented the item to the Board.

Board Questions:

S. Walbert, C. Ferro, H. Pannewig, M. Freund and J. DeSousa, answered questions from the Board.

Public Hearing:

1. Carlos Espinosa, 2892 Jay Rd., spoke in opposition to the project.
2. Maureen Taylor, 4382 Apple Way, spoke in opposition to the project.
3. Robyn Kube, 4160 Amber Pl., spoke in opposition to the project.
4. Heather Hosterman, 2823 Jay Rd., spoke in opposition to the project.
5. Wyley Hodgson, 2823 Jay Rd., spoke in opposition to the project.
6. Mick Shopnizz, 2503 Sumac Ave., spoke in opposition to the project.
7. David Ralph 13246 Humboldt Way, spoke in support to the project.
8. Andrea Grant, 4384 Apple Ct., spoke in opposition to the project.
9. Paul Strupp, 4192 Amber Pl., spoke in opposition to the project.
10. Margaret Bruehl, 4192 Amber Pl., spoke in opposition to the project.
11. Paulina Hewett, 2865 Jay Rd., spoke in opposition to the project.
12. Jann Scott, 4145 Autumn Ct., spoke in opposition to the project.
13. Peter Galvin, 4259 Sumac Ct., spoke in opposition to the project.
14. Matthew Karowe, 2825 Jay Rd., spoke in opposition to the project.

Board Comments:

Key Issue #1: Is the proposed annexation, initial zoning and concept plan compatible with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP). Would the project be compatible with the character of the surrounding area?

- **C. Gray** agreed with staff's comment that the proposed use would be inconsistent with the Comp Plan's goals and objectives (specifically policies 2.10, 2.05 and 6.12). It would be better to address development of this property as part of the Comp Plan update, similar to the comments under Agenda Item 5A for 3303 Broadway. The proposed concept plan is incompatible with the surrounding land uses. The higher density proposed is too much and would be incompatible.
- **L. May** agreed with **C. Gray**. He questioned staff as to the history of this parcel being located in Area II. In looking at this area and how it is defined by the roadway, he suggested that this should be moved to Area III based on the typography.
 - **S. Walbert** answered **L. May's** question and said that it has been located in Area II for a number of years, because the existing church was considered to be "urban development." The exact amount of years is not known at this time.
- **B. Bowen** stated it is difficult to define what the best development would be in the proposed area. If development were done at this corner, a mixed income affordable housing would be a good fit for that site. However, maybe not at the density proposed. In term of design, there are some good comparisons to the newer modern developments. Specifically, the Holiday housing area was a lot more fine-grained in nuance than this proposal. The big parking lot design is not the right solution for this project. He suggested moving the parking to the east side of the property, running all buildings on an east/west axis and possibly incorporating a passive solar access project. In addition, the developer should allow for more ground level apartments. The density proposed now is more that can be accommodated at this location. The applicant should consider an "agriburbia" type development.
- **A. Brockett** agreed with **B. Bowen**. Housing is the right use for the proposed parcel and mixed income would be a good way to go. He also liked **B. Bowen's** village concept which he mentioned. At this location, it is not devoid of services but services are not next to them either. He stated that only lower density can be supported. In addition, it would be beneficial to provide a better gateway to the city.
- **L. Payton** agreed with the staff analysis. She stated that she is not sure housing is the right use for the property. She would like to look at this property in the context of the Comp Plan update and use more of a community process to help determine what should be developed at the location. With regard to density, the proposal violates the urban to rural transect. This location is not near employment or transit; therefore, it is not a suitable site for affordable housing. People would be required to have a car to get around from this location. In regards to the materials proposed, she stated that they are not of good quality but appreciates the mixed housing types proposed. She stated that she did conduct a site visit and accessing the site in a car was "terrifying" with the traffic.

- **B. Bowen** commended the designer for the simple and elegant architecture.
- **J. Putnam** agreed with **B. Bowen**. He stressed that connectivity is a major issue and that the site is isolated by the current infrastructure, from a pedestrian and bicycle perspective. The 205 transit route is only a “thin lifeline” to the site. Even with an enhanced design concept, as described by **B. Bowen**, the applicant would need to put a lot of thought into the infrastructure and connectivity to the site. Fixing the Jay Rd. and 28th St. intersection would take a lot of thought and a lot of money. Given that annexation is a discretionary act on the part of the city, development of the property would be done as part of a larger plan. It would be better to determine through a plan whether this property is going to the edge of urban development or located in the middle of a larger development in the future. At this point, it is hard to plan for both possibilities.

Summary of Concept Plan:

In general, the Board agreed with staff’s analysis in the memorandum. The Board agreed they would support a lower density development, including the property as part of larger Comp Plan strategies and possibly converting the location from Area II to an Area III.

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

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:17 p.m.

APPROVED BY

Board Chair

DATE