CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
December 17, 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:
John Putnam
John Gerstle
Leonard May
Liz Payton, Vice Chair
Crystal Gray

PLANNING BOARD MEMBERS ABSENT:
Bryan Bowen, Chair

STAFF PRESENT:
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Lesli Ellis, Comprehensive Planning Manager
Charles Ferro, Development Review Manager
Susan Richstone, Deputy Director of Planning, Housing and Sustainability
Jean Gatza, Community Sustainability Coordinator
Jeff Hirt, Planner II
Caitlin Zacharias, Comprehensive Planning Associate Planner
Courtland Hyser, Senior Planner
Chandler Van Schaack, Planner I
Karl Guiler, Planner II, Code Amendment Specialist

1. CALL TO ORDER

Chair, **L. Payton**, declared a quorum at 6:08 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

The December 3, 2015 minutes were tabled for approval until the January 21, 2016 Planning Board Meeting.

3. PUBLIC PARTICIPATION

No one spoke.

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

A. CALL UP ITEM: Minor Site Review Amendment (LUR2015-00075): Minor Amendment to an Approved Site Plan to allow for a 425 sq. ft. addition to Suite 1248 in the Twenty Ninth Street Mall (Zoe's Restaurant). The proposal also includes streetscape improvements and the addition of a new outdoor patio area. The project site is located within the BR-1 zone district.

B. CALL UP ITEM: Staff Level Site Review (LUR2015-00088): Request to construct a new 3-story, 42,250 sq. ft. office building at 3107 Iris Ave. within the existing Bank of Boulder office park. The proposal also includes a request for a 16% parking reduction to allow for the reconfiguration of the existing parking area to provide 219 parking spaces where 262 spaces are required for the office park following the addition of the new office building. The project site is located within the BT-1 zone district.

C. CALL-UP ITEM: NONCONFORMING USE REVIEW for the addition of bedrooms in the basement of an existing non-conforming duplex at 940 14th Street (case no. LUR2015-00073). The project site is zoned Residential – Low 1 (RL-1). The call-up period expires on December 17, 2015.

D. CALL UP ITEM: Minor Site Review Amendment (LUR2015-00038): Minor Site Review Amendment of an approved Planned Unit Development (PUD) to convert a two story office building to ground floor office with a residential unit above at 645 Walnut. Property is located in the Business-Transitional 2 (BT-2) zone district.

E. Call Up Item: Floodplain Development Permit (LUR2015-00114), 997 6th Street.

F. Call Up Item: USE REVIEW (LUR2015-00111): Use Review proposal to allow new "Eureka" restaurant at PearlWest located at 1048 Pearl in the DT-5 zoning district, that will include an approximately 750 square foot outdoor dining space.

Board Comments:

- **C. Gray** requested to call up Item 4C, Case No. LUR2015-00073, 940 14th Street.

5. PUBLIC HEARING ITEMS

A. CONTINUATION FROM THE DECEMBER 15, 2015 JOINT MEETING WITH CITY COUNCIL: The Planning Board will deliberate and take action on screening public requests for Area I and Area II Enclave Properties and policy and text changes to the Boulder Valley Comprehensive Plan (BVCP). A Public Hearing was held on December 15, 2015 during the joint meeting with City Council.

Staff Presentation:
S. Richstone introduced the item.

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Public Hearing:

Request #1 (Naropa University)

1. **Cathy Sacco** spoke against changing the land uses in the industrial zones to residential. She stated that there is not that much industrial property within Boulder, so if the zoning changed, there would be a loss of an industrial base. She stated that new uses will force out industrial users over time. She asked the Board to consider the value of having manufacturing businesses in town and that it would be a shame to lose that type of business.

Request #4 (3303 Broadway)

1. **Alice Levine** expressed concerns about the proposed plan for 3303 Broadway, including multi modal access. She stated that at this time, one viable bus route exists. She expressed concerns regarding the impact on the pedestrian traffic near the school. She informed the Board that the Foothills programs are different than what the applicant declared and that the children will be arriving early and late throughout the year. She stated that traffic engineers should be consulted.
2. **Margaret Freund** stated that she came before Planning Board and Council with a concept plan and asked the Board to support the staff recommendations as well as efforts to create workforce housing.
3. **David Adamson**, representing the Goose Creek neighbors, stated that they were not happy with the idea of reducing the number of units. He asked the Board to work with the applicant to reduce existing traffic with alternative modes. He suggested that the Board do whatever is possible to make a feasible commercial project and suggested moving toward all renewables and car sharing. He asked the Board to consider making Broadway a corridor model and show how cars would not be needed.

Request #5 (4295 Broadway, 1179 Union Ave., & 999 Violet Ave.)

1. **David Brote** spoke against this request. The request would create more problems and that it would be an unprecedented change in density. The proposal would change the zoning from four to eighteen units per acre. He stated that it would not make sense to rezone property that has been built out already. It is not just a studio, but it has become an events center and it is no longer the intended use.
2. **Richard Polk**, the Chair at the Dairy Center, spoke generally about the arts and places where they presently occur in Boulder. He stated that currently, there are not a lot of opportunities in Boulder and that the existing places are not good spaces. He asked the Board to consider the site and its appropriateness and ability to be involved in the community.
3. **Deborah Malden** recommended that the Board consider further options and allow the city to review the application in the larger context. She stated that City Council approved the Community Cultural Plan which established a bold vision and that in north Boulder, the goal is to align around art. She stated that the Swoon House should make considerations for the community's values.
4. **Gregg Thornton** stated that he supports staff's recommendation to not move forward as the request contradicts the North Boulder Subcommunity Plan. He stated that he is concerned regarding the Swoon House's special event liquor notice and application that stated Swoon could entertain up to 500 people in the winter and 750 people in the

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summer. This would be detrimental to the neighborhood by increasing traffic and parking.

5. **Jesse Kumin** stated the Swoon House is an asset to the neighborhood. He stated that for the city to have an event center of this type is an asset to the community and it should be considered for further study. The art in North Boulder should be encouraged. He stated that if the Board rejects the application, then they would be closing the door on the arts community.

Request #14 (2473 Sumac Ave. & 2455 Topaz Dr.)

1. **Drew Simon** was in strong support of rejecting the proposed changes. He stated that he has been a neighbor for many years and witnessed the impacts of the increased density. He asked the Board to protect these areas as affirmed in the North Boulder Subcommunity Plan. He explained that this issue was considered and rejected several years ago due to the inconsistency with the North Boulder Subcommunity Plan. He stated that this proposal would not be a solution to the affordable housing issue and asked that the proposal be rejected.
2. **Olivier Brousse** stated that he currently lives in Githen Acres. He stated he supports staff recommendation and that the proposal to up-zone would be detrimental to the existing character of the neighborhood.

Request #3 (385 Broadway)

1. **Paul Cheng** stated that he would support the land use change proposed to LR from BT.

Request for Secret Garden Cultural Plaza

1. **C. Spence** entered into the record a signed petition submitted by Ed Jabari, who spoke on December 15, 2015 to City Council and Planning Board, in support for the Secret Garden Cultural Plaza. He will scan the petition and send to staff for review following this meeting.

Board Comments:

- **J. Gerstle** recused himself from the Board's discussion regarding Request #11 (4395 Snowberry Ct.).

Request #11 (4395 Snowberry Ct. – LR to MUR)

The Board was in favor (4-0, **J. Gerstle** recused, **B. Bowen** absent) with the staff recommendation for Request #11 and that it did not require further analysis.

- **J. Gerstle** rejoined the meeting.

Board Questions:

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

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REQUESTS THAT STAFF RECOMMEND FUTHER ANAYLYSIS – AREA I & AREA II ENCLAVES
Board Comments:

Request #1 (2130 Arapahoe Ave. – HR to PUB & 6287 Arapahoe Ave. – CI to CB)

- **L. May** stated that the proposed use designation change at 2130 Arapahoe would compete with other city objectives regarding housing. He expressed concern with taking a land use that is currently high density and proposing to change it to something else.
    - **S. Richstone** explained that the land use with Naropa has been an ongoing discussion for a number of years. She stated that staff had been encouraging Naropa to conduct master planning, which they are currently doing.
- **L. May,** in regards to 6287 Arapahoe, stated that there have been issues with potential zoning changes eroding industrial space. He asked if the city would be working at odds with the community concerns to accommodate a single user.
    - **S. Richstone** stated that this would need to be looked at.
- **J. Gerstle** questioned why two different types of zoning were proposed if both properties are Naropa.
    - **S. Richstone** stated that the proposals were requested by Naropa, but staff will conduct more research to see what would be appropriate.
- **L. Payton** stated that 2130 Arapahoe is a landmarked property. She asked if the landmark extends to the property line.
- **C. Gray** questioned how much community industrial land use is available or needed.
    - **S. Richstone** stated that when this was studied, the conclusion was to preserve as much of the existing service industrial areas as we could.
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- The Board indicated support for advancing.

Request #4 (3303 Broadway – PUB to MR o HR)

- **L. May** stated that it would be premature to look at a one-off change that would be this impactful. It should be part of a Broadway corridor plan or subcommunity plan.
- **J. Putnam** disagreed stated that, since the current zoning doesn't match the change to a private use it would be worth studying.
- **C. Gray** agreed with **L. May**. She questioned if City Council would be conducting a study of Boulder Community Health (BCH).
    - **S. Richstone** stated that may not be completed for two years.

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- **C. Gray** stated that, without a study of the corridor, she would be inclined to remove this item from the staff's "yes" list or to perhaps look at it for an LR zone that may be more compatible with surrounding land use.

- **J. Gerstle** agreed with **L. May** and **C. Gray.** He stated that the city would need a Broadway corridor plan before deciding on a specific piece of land. He suggested taking it out of consideration, because whatever decision is made on the evaluation of this plot of land, the Board will not be sure how it fits into a larger picture.

- **L. Payton** agreed with **J. Gerstle, L. May** and **C. Gray**. She stated that she was struck by the success of the North Boulder Subcommunity Plan. This site would need to be part of a larger study and plan.

    - **S. Richstone** suggested the Board consider that currently the land use designation is public due to public ownership however that is changing. In the past, when land uses have moved to private use, a change had been reviewed. She explained that staff is in strong support of area and corridor planning however it is not currently within the scope of the BVCP to review a corridor or large area in North Boulder.

- **J. Putnam** urged the Board to make "no regrets" decisions. He reminded the Board that if they deny studying it and decide no resources are available to study, then the land use would be inconsistent with the property ownership vs. the opportunity to provide some housing on a transit corridor. If the city would move ahead with a corridor study, then the Board could wait for that. He stated that by including it for study, there would be some options.

- **L. May** stated that this proposal appears to focus on benefiting a specific site and a specific owner's project. He stated that this proposal does not fit into a broader community policy concern.

- **J. Putnam** stated that the city does not have resources to do area plans everywhere and may not in this area. This is a situation where the current land use doesn't reflect current reality.

- **J. Gerstle** stated that he understands the problem with getting a timely Broadway corridor plan. He stated that he would like to support moving ahead with studing this request and at the same time strongly recommend that a corridor plan be undertaken as soon as possible and perhaps in a formal manner as part of the BVCP for this area.

- **J. Gerstle** and **J. Putnam** indicated support to keep the item on the "yes" list and advance. **L. May, L. Payton** and **C. Gray** indicated support for having it removed.

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Request #10 (Boulder Community Health – TB to PUB)

- **L. May** stated that he supports moving forward. He stated that office space is in shortage and disappearing rapidly.

- **J. Gerstle** agreed.

- The Board indicated support for advancing.

Request #12 (Table Mesa Shopping Center – MR to CB)

- **L. May** stated that he is undecided. He stated that it would compete with other city objectives regarding housing. He asked staff if there is a shortage of community commercial in the proposed area relative to the greater community housing needs.

    - **S. Richstone** stated the issue on the table is that the shopping center, in terms of the buildings located in that area designated residential, have been historically part of a commercial shopping center.

- **J. Putnam** stated that he supports moving forward, but as part of the study, it would be worth looking at some mixed use or other designations that may make more sense. The underlying land use should reflect what is currently there and be there for awhile, but to also look at alternatives. He stated that this location could be a perfect 15-minute neighborhood.

- **C. Gray** proposed to keep this item on the list.

- **J. Gerstle** agreed.

- The Board indicated support for advancing.

Request #13 (Mt. Calvary Lutheran Church – LR to MR)

- **L. May** stated that the Board is reviewing this based on the uses that could occur on this site. He stated that he would support moving forward, but that the city doesn't need just any housing; it needs more affordable housing. When the analysis is done for a potential land use change, he asked the Board to keep the goals of affordable housing in mind and not just high end, high density housing.

- **J. Putnam** agreed that the need for affordable housing exists but there is also a need for senior housing. He suggested that it move forward. He stated that it would be a perfect fit for more housing density and a 15-minute neighborhood.

- **C. Gray** stated that it would be nice to know if the density requested could be achieved.

    - **S. Richstone** clarified that it was a church and there was new information presented during the public hearing. The site has steep slopes so what could actually be developed is in question.

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- **L. Payton** questioned if medium residential would be the best land use for congregate care or if it should be public land use.

    - **S. Richstone** stated that public use would not be appropriate. It is still in review as to what would be the appropriate land use designation for this site. The request is for medium or high. She stated that they would also look at the adjacent properties and their land use designations.

- The Board indicated support for advancing.

REQUESTS THAT STAFF NOT RECOMMENDED FURTHER ANAYLYSIS – AREA I & AREA II ENCLAVES
Board Comments:

Request #2 (350 Broadway – LR to TB)

- **J. Putnam** inquired as to why the owner and applicant indicated that signage changes were a problem due to the non-conforming nature of the property. The Board questioned if the issue at hand is more of a code or a land use issue.

    - **J. Hirt** stated that the signage issue was not in the original request. Currently the site is zoned RL-1. If this is more of a sign code issue, then the BVCP may not be the right avenue. The medical office could continue under the current zoning. He explained that the difference between this location and the Table Mesa Shopping Center is that there are challenges with the Table Mesa property with its current use. It is part of the shopping center, yet zoned residential.

    - **S. Richstone** added that most of Table Mesa Shopping Center is zoned commercial but there are currently zoning lines through the middle of buildings.

- **J. Gerstle** asked if the sign issue could be dealt with a variance or another procedure.

    - **S. Richstone** stated that if the real issue is signage and not zoning, then the BVCP is not the appropriate way to deal with it.

- **J. Putnam** stated that at some point a study would be warranted at this location, because the BVCP land use map does not display the current or best use of the property. Perhaps it is not critical to do it at this time.

- **J. Putnam** indicated support for further analysis. The other board members did not support recommending this site for further analysis.

Request #5 (4295 Broadway, 1179 Union Ave., & 999 Violet Ave. – LR to MUB)

- **J. Gerstle** questioned why this request involves three separate properties but the formal request was only made by one property owner. He asked staff the procedural aspects of that and what the owner of the other affected properties opinion regarding this request

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would be.

- **J. Hirt** stated that the requestor was only from the Swoon Studio. The portions of the other two properties to the north included in the request are owned by Shining Mountain Waldorf School. While they were not part of the request, the owner did indicate they just heard about the request. Shining Mountain was likely included in the request to make the mixed use contiguous with the properties to the north.

- **J. Putnam** asked for staff's perspective as to whether this would be more of a request to fix the use table or occupancy requirements in order to address the issues in the application rather than a land use issue.

  - **S. Richstone** stated that a number of the issues raised would potentially be better addressed through other means rather than changing the land use. It is currently in the RL-1 zoning district which covers more geographic area than any other zone. She stated that any change to the use table or home occupancy requirements would affect a large area of city and could have large implications. Some of the more relevant issues may not relate directly to this particular use or this particular property. They are more about the issue of the arts district in North Boulder and the cultural plan. In general, the issue at hand is a home constructed in an RL-1 district that now has been used in ways that are not consistent with what is allowed in that district.

- **L. Payton** questioned if a use review could be done rather than a land use change.

  - **S. Richstone** stated that a use review could not be done in an RL-1 zoning district.

- **C. Gray** stated that in the 2013-2014 update of the North Boulder Subcommunity Plan, no changes were recommended for these properties.

- **L. May** stated that this proposal does not seem to be addressing the broader community objective. This proposal seems to be for one specific property use objective.

- **J. Putnam** stated that he is torn on this proposal. He agreed that the focus is on one property. He stated that there appears to be some degree of bait and switch which concerns him; however that may be indicative of a larger issue which would be how to integrate art uses. He stated that currently there is nothing within the work plans to address regulatory changes. He suggested an option of moving to an RL-2 which would allow a use review. He is unconvinced to change to mixed use business. It would be inconsistent with the North Boulder Subcommunity Plan; however, it does have a public benefit due to its connection to the arts. He stated that it would be appropriate to study.

  - **H. Pannewig** informed the Board that to change to a RL-2 zone would not require a land use change. The challenge would be meeting the rezoning criteria.

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- **L. May** added that, given all the effort to do a North Boulder Subcommunity Plan, the first step should be to modify the subcommunity plan. In regards to allowing different types of uses in different zones, he stated that could be considered, but the focus should be on a broader community wide adjustment of uses rather than on a specific property.

- **J. Putnam** stated that one of the challenges in this case is that on this parcel, they are looking at existing use and is not sure that issue was addressed in the Subcommunity Plan.

- **C. Gray** stated that she will support the staff recommendation. She supports the concept that the Swoon Studio has put forward, but did not support changing the land use designation to business to accommodate it at this location. It would be important that when future sub-area planning is done around city, a combination of uses should be considered for projects that support the arts. Having recently done an update on the North Boulder Subcommunity Plan, the community held the line at Violet to make sure that redevelopment would be in places where the infrastructure exists, which are north of Violet.

- **L. Payton** agreed and supports the staff recommendation. She stated that while it is a great concept it is in the wrong place. The North Boulder Subcommunity Plan should be held as an example.

- **J. Gerstle** agreed with the staff recommendation. He stated that since the North Boulder Subcommunity Plan was updated, it should be followed. He stated that the owners should have been involved or aware of the updates to the Subcommunity Plan.

- **J. Putnam** indicated support for further analysis. The other board members were not in support of moving this request forward for further analysis.

Request #6 (4545 Broadway – MUI to LI)

- **J. Putnam,** following the effects of the flood and the barriers regarding FEMA funding, questioned staff as to the ability of the owner to rebuild with that use under the current map.

    - **J. Hirt** started that construction started on time, within the 12 month time frame. He stated that the zoning is appropriate and can move forward. In terms of the flood regulations, he stated that since over half of the structure is located in the high hazard flood plain, a habitable structure could not be placed. However the property is self-storage, therefore it would not be defined as a habitable structure so they can move forward.

- **J. Putnam** agreed with staff's recommendation that no further analysis is necessary.

- Board agreed that the item will not be recommended for further analysis.

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MOTION

On a motion by **L. Payton**, seconded by **J. Putnam**, approved to further consider and analyze the following land use map changes for Area I, Area II enclave properties:

- 2130 Arapahoe Ave. & 6287 Arapahoe Ave. (Naropa University) *(Request #1)*
- 385 Broadway *(Request #3)*
- 4801, 4855, 4865, 4885, and 4895 Riverbend Rd. (BCH) *(Request #10)*
- 0, 693, & 695 S. Broadway (Table Mesa Shopping Center) *(Request #12)*
- 3485 Stanford Ct. *(Request #13)*

Passed with a vote of 5-0 (**B. Bowen** absent)

REQUESTS THAT STAFF RECOMMEND FUTHER ANAYLYSIS – POLICY AND TEXT REQUESTS:

Board Comments:

No Board discussion. The Board was in agreement with staff's recommendations in regards to Requests #16, #17 and #18.

REQUESTS THAT STAFF NOT RECOMMENDED FURTHER ANAYLYSIS – POLICY AND TEXT REQUESTS:

Board Comments:

Request #22 (TVAP)

- **J. Putnam** stated that the applicant suggested the criteria for TVAP Phase II had been met however staff had a different conclusion. He questioned why there was a difference.
    - **S. Richstone** stated that the requested change was inconsistent with TVAP. There would be a series of items that would need to be met. There is substantial completion of Phase I and that a significant amount of redevelopment has been approved. Public infrastructure must be planned and address how funding will occur in Phase II. In addition, the council decision regarding work plan priority to undertake the work for Phase II is necessary. She stated that staff may make recommendations potentially in 2017 or 2018. It would be a judgment by City Council as to what the work plan priorities will be. In addition, by then, ten years will have passed and a lot will have changed within the community, therefore there may be an interest in reevaluating the TVAP in the future in terms of land use and housing.
- **J. Putnam** agreed with staff's recommendation not to proceed with further analysis. He would like to add to the list that community industrial may be lost.

Request #21 (Evaluation criteria for new development & Establishment of funding mechanisms)

- **L. Payton** stated that there was a lot of merit to the arguments made by the applicant during public testimony in support of this request, particularly in regards to tying the BVCP back to the site review criteria and the land use code, however, the manner in

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which this request was worded does not address that idea; therefore she will not be recommending it be included. She suggested that when Planning Board has the opportunity to offer changes to the BVCP, perhaps the objective of funding mechanisms could be considered.

- **J. Putnam** stated that he likes the idea. He suggested a general reevaluation of the site review criteria as the best place to address.

- **C. Gray** stated that she likes the ideas behind Ed's requests. There have been discussions regarding the defining of community benefit and site review criteria. She suggested that perhaps some of these items could be woven into that process.

- **L. May** agreed that the requests have good ideas but that they do not belong in the BVCP. He agreed with the staff recommendation.

- **J. Gerstle** agreed.

MOTION

On a motion by **L. Payton**, seconded by **J. Putnam**, approved to conduct further analysis of the following policy and text requests made by the public:

- Enhance public benefit (Chapter 2- Built Environment) *(Request #16)*
- Clarification regarding ditches (Chapter 2- Built Environment, Chapter 9- Agriculture and Food, VI- Urban Service Criteria and Standards) *(Request #17)*
- Reflect public interest in renewable energy and reduction of carbon footprint (Chapter 4- Energy and Climate) *(Request #18)*

Passed with a vote of 5-0 (**B. Bowen** absent)

ADDITIONAL FEEDBACK REGARDING THE BVCP UPDATE

Board Comments:

- **C. Gray** stated that it would be helpful to have a public discussion regarding the survey results. In addition, it would be helpful to review sub-areas and how they are broken down into realistic areas, especially Central Area.

- **L. May** suggested the same thing. He stated that he would like Planning Board to have a study session to go through the survey in detail and ask questions.

- **J. Putnam** agreed. He stated that he would want the study session to be a focused approach.

- **J. Gerstle** agreed.

    - **S. Richstone** stated staff will return to Planning Board with a suggested date for a study session. She agreed that the survey information is valuable and the results exceeded expectations.

- **L. Payton** agreed with **L. May** that it would be nice to understand the public sentiments made in the survey.

- **L. May** stated that the survey showed that there seems to be broad support to do something regarding affordable housing.

- **J. Putnam** agreed. In addition, in regards to subcommunity plans, they may be the wrong building block and he encouraged the city to be more ad hoc about areas of changes versus stability. He stated that planning focus should be on areas of change (vs. stability). Tailor plans depending on what we're trying to achieve (e.g., corridor plans). Subcommunity plans may not be the way to go except where one already exists for North Boulder.

- **C. Gray** stated that, as the analysis on these change requests is done, the responses need to be cross-tabbed and compared to what the survey respondents said in those areas.

- **L. May** suggested formalizing this process by having each Board member identify areas they would like to look at.

    - **S. Richstone** confirmed with the Board that they would like to review the survey results early in 2016. She suggested that it would be helpful for the Planning Board to think about what would be most useful of that time. She suggested scheduling time on an upcoming agenda to have that input from the Board. She stated that staff will find a time on the upcoming schedule.

    - **L. Ellis** suggested that the Board members make a list of cross tab topics to discuss.

- **L. Payton**, in regards to focus areas, stated that she wanted to reinforce that the "jobs pop" issue is important. She stated that a large part of the effort needs to be educating people regarding the tradeoffs between providing for more job growth and the implications with the housing costs.

- **L. May** agreed. That issue would be perfect to follow up in the survey.

- **J. Putnam** agreed with the general concept. City Council needs to be advised regarding what issues need to be looked at. He stated that some additional probing or survey of some of the tradeoffs might be helpful, but how that is done would be important.

- **L. May** asked staff, in regards to the survey that was done, if it would be possible to follow up with the same people that participated. Shifts of how people see the issues as they become educated as opposed to a new random survey might be beneficial.

    - **L. Ellis** stated that many of the people who participated said they would be interested in a follow up and provided contact information.

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- **C. Gray** stated that, regarding the areas of focus, affordable housing was not spelled out. She recommended having the phrase "affordable housing" mentioned in the list of focus areas.

    - **S. Richstone** stated that all of the survey results may not find their way into the BVCP discussion. It was determined that a very important part of the BVCP would be looking at what the housing outcomes are that one would get through the land use and zoning currently, are they the desired outcomes and that these would be part of the Comp Plan analysis. The issue of affordable housing is broader and would require a lot of work for the Housing Division's work plan.

    - **L. Ellis** stated that there will be overlap with the work program occurring in the Housing Division.

- **C. Gray**, regarding community engagement, stated that it was a job well done and thanked staff, subcommittees, and City Council members.

- **L. Payton** asked staff what type of input they have been receiving in the meetings that is actually modifying what work is being done had they not received the input.

    - **L. Ellis** informed the Board that there is a lot of information on the BVCP webpage in terms of what staff has heard from the community and staff continues to analyze it.

- **L. Payton** asked staff to find a way to make it explicit to the public that the information was received and that it will become a part of the BVCP and policy.

- **J. Gerstle** stated that he would like to show that the public's thoughts were considered. He cautioned staff to be careful how the BVCP is composed and written. The Board's responsibility is not to echo everything they hear but to use judgment of what belongs in BVCP. It should not only consist of what is heard, but consist of a variety of inputs.

    - **L. Ellis** confirmed not every idea will be included, however nothing will be ignored.

- **L. May** asked staff, regarding public engagement, if local media has been updated on where the city is in the process and if a series of stories is being done by the Daily Camera.

    - **L. Ellis** informed the Board that staff has not recently talked with the Camera recently about a series of stories; however, the Camera has been periodically running articles regarding different topics such as the survey completion. The city has sent out press releases as new information has been available. She is not aware of a specific plan for a series but suggested that this could be reviewed in the upcoming year.

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B. AGENDA TITLE: Continuation of a Public Hearing to consider a motion to approve findings of fact and conclusions of law for the denial of the application for a Minor Amendment to an Approved Site Plan, application no. 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.
Applicant: John McCarthy for the Dakota Ridge North HOA

Item 5B was presented to the Board prior to Item 5A, Boulder Valley Comprehensive Plan (BVCP) Update.

Board Comments:
No one spoke.

Motion:
Motion by **C. Gray**, seconded by **J. Gerstle**, 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. Passed 4-0 (**B. Bowen** and **J. Putnam** absent).

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

A. Pilot Form-Based Code (FBC) for Boulder Junction; follow-up on issues raised at Oct. 29th public hearing

Staff Presentation:
S. Richstone introduced the item.
Karl Guiler presented the item to the Board.

Board Questions:
K. Guiler, S. Richstone and **H. Pannewig** answered questions from the board.

Board Comments:

- **L. Payton** questioned if the "Green Roof" requirement would make it more difficult for the city to request different roof types.
    - **K. Guiler** stated that it could be a percentage requirement. It may create conditions where more roof variety is developed. This would encourage both green roofs as well as a variety of roof types.
- **L. Payton** stated that it would be unfortunate if the FBC only required green roofs and because of that, the city ended up with only flat roofs when there has been an effort to move away from that.

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- **J. Putnam** added that green roofs are very important and a variety of features could still be attained. He agreed that it is a comment worth passing along.

- All Board members agreed that green roofs should be promoted.

- **L. May** stated that Item 5 (the cost of carbon emissions) in the FBC may become overly expensive. He stated that it may be worth looking at the cost of not doing it.

    - **K. Guiler** stated that **Kendra Tupper**, the Energy Services Manager, was consulted and she advised that requiring the 5-10% would be prohibitive.

- **J. Putnam** stated that Item 1 and Item 3 should be in the Building Code but they currently are not. He suggested drafting these so that they are stringent and inconsistencies would not exist. He stated that people should not build without it. With both there are profound energy benefits and they should be done up front.

- **L. Payton** stated that she supports the idea, but FBC should be about the exterior of the building and functioning in the public realm. She stated that it would bring in another level of review.

- **L. May** stated that FBC is more about how to better convey what people want to achieve. He stated that it would ultimately be the code. The issues can either be addressed in the Building Code or at site review. So if a project would not be addressed in site review, then ultimately the issues with the project would be addressed in the code. He stated that Items 1-5 need to be address in the FBC pilot, unless addressed in another location. However once the pilot is completed, he stated he would want to see Items 1-5 adopted in some fashion, either through site review criteria or the code.

- **J. Putnam** stated that if FBC becomes a replacement for site review, then a mode of tracking should be in place. He stated it would be better to have as part of a code itself, but the transition right now is as a pilot.

- **L. May** suggested a base line in the building code on all matters energy related. For site review projects, have a menu of various public benefits that need to be provided in order to get modifications.

- **C. Gray** stated that staff does have some discretionary review.

    - **K. Guiler** reminded the Board that they wanted to have call up authority on projects based off of the Planning Board discussion in October 2015.

- **C. Gray** stated that perhaps Item 5 should not be included since **K. Tupper** thought it could be too expensive.

- **J. Gerstle** questioned staff that requiring 5-10% doesn't seem high.

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- **K. Guiler** stated that currently we require 30-35% more; therefore this would increase the amount to 35-40%. **K. Tupper** stated that under current conditions, that would really affect the performance of projects. He stated that he could consult with **K. Tupper** to discuss with the Board.

- **L. May** would like to see an objective analysis along with **K. Tupper's** explanation.

- **L. Payton** stated that within the conclusion of the staff memo, additional amenities and accessible roof top decks were discussed. She stated that she is not in favor of roof top decks if they are offered as be an alternative to leaving a space for a view from ground level.

- **C. Gray** stated that roof top decks could be an amenity. She stated that the problem could be that a stairway to get to it would be needed. She questioned if the height modifications and requirements could still be met.

- **L. Payton** expressed concern that with the roof top deck the view would be blocked and that the view and deck are not equivalent.

- **J. Putnam** stated that there could be value to having a roof top deck as it would be considered usable open space. However the deck should not be a replacement for a view shed.

- **J. Gerstle** stated that he is in favor of roof decks but agrees to not have them be a substitute for a view shed from the street.

- **L. Payton** noted that in the section of "Review Process", the last sentence is written as "general compliance"

    - **K. Guiler** assured the Board that it should have been written as "full compliance".

<u>Regarding Land Use at Pollard Site</u>

- **K. Guiler** asked the Board what the desired land use would be at the corner of 30th Street and Pearl (Pollard Site) along the southwest corner. Currently the requirement is that it be store-front retail. He asked if it should remain restrictive to that land use or be a requirement and if it is not met, then it can become a modification exception to require Board review.

- **S. Richstone** added that it is currently at requirement of TVAP, but staff wants to make sure that requiring commercial on the ground floor is the right usage.

- **C. Gray** asked if residential on the first floor at 30th Street and Pearl would be desirable. It will be a high pedestrian area and it would be nice to have a more welcoming feel then having window blinds closed for privacy on the first floor. Retail would be better.

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- **J. Putnam** stated that he is not sure that 30th Street would have any pedestrian interest. He recommended looking at how this area would be used; it would activate the project to have retail on 30th Street more internally focused. It would be difficult have the retail facing 30th Street with no pedestrians and traffic. He suggested that it would be better to create the retail frontage internally.

- **L. Payton** questioned what would happen to the goal of using this site to obtain affordable housing if the Pollard site were allocated to retail or commercial. She stated that the shift should be more residential.

- **L. May** stated that the vision for the future should be less transit oriented. He recommended shying away from moving commercial to the interior. He approved of staff's idea of prescribing a percentage to be retail. He stated that the remainder could move forward under a modification application.

- **J. Gerstle** agreed with **L. May**. He stated it suggests flexibility at the site and would also give guidance.

- **J. Putnam** agreed that the aim would be for a more pedestrian experience which is why he suggested the focus be more towards transit. The retail would be shielded from transit and built as a pedestrian experience.

<u>Residential Requirement</u>

- **K. Guiler** stated that in TVAP, it states that it should be a mixed use; however the site is expected to be more residential. He asked the Board if a minimum residential requirement should be required on the remaining properties.

    - The Board was in support of this idea.

- **L. May** stated that "stacked" mixed use works better and allows for better integration.

- **J. Putnam** agreed and would like to move away from one block labeled residential and the next block commercial.

B. Letter to Council Discussion

Board Comments:

- **J. Putnam** reviewed possible edits to the draft of the 2016 Letter to Council with other Board members. All Board members suggested edits. **J. Putnam** stated he would incorporate the edits suggested and send a final version of the letter to all Board members by December 21, 2015.

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7. DEBRIEF MEETING/CALENDAR CHECK

Motion by **J. Putnam**, seconded by **L. May**, that the Planning Board request an appointment of an alternate for **L. May** for the January 21, 2016 Planning Board Meeting. Passed 5-0 (**B. Bowen** absent).

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:08 p.m.

APPROVED BY

_____
Board Chair

_____
DATE

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