

Use Standards/Table Review Subcommittee

8/30/2018 Meeting Summary Notes

Subcommittee members: David Ensign, Crystal Gray, Bryan Bowen

Staff: Karl Guiler, Andrew Collins

One member of the Public: Sarah Silver

Introductions

Subcommittee Rules and Procedures

- Subcommittee decides that no formal votes will be taken, but a consensus should be reached for points of consideration.
- David Ensign chosen to be chair – will run meetings and serve as the point person for the Subcommittee, including reporting out to the larger Planning Board as needed.

General table discussion - Crystal wants to ensure a Use Table 101 session is integrated into the community outreach, early on in the process.

Karl provides a Use Table 101 - a review of the Land Use Code *Section 9-6 Schedule of Permitted Uses* to the Subcommittee.

Scope/Problem Statement/Goals and Objectives

- Scope to include all of Section 9-6 Schedule of Permitted Uses, and should not overlap with any other efforts by Council (such as large lots, and community benefits etc.).
- Other items outside of the scope (Section 9-6 Uses), are ok to acknowledge and record, but would be outside the Use Table Review project's and the Subcommittee's scope.
- Subcommittee agrees to keep the Problem Statement at a high level, with more specific goals/objectives to follow that.
- Bryan proposes for the initial problem statement: Bring the Use Table and uses into alignment with the BVCP policies and with the city's priorities.
 - The subcommittee concurs.
 - Goals and Objectives should be informed by technical fixes identified by staff, and issues/desires identified by the community

Broad Goals:

- Simplification of the use table and streamline the regulations where possible
- Create more predictability and certainty
- Align Uses section with net zero goals of the city

Specific Goals and Topics to Consider

- Study preliminary topics identified in meeting agenda
- The percentages of required residential/non-residential floor area listed under the footnotes *N/M* of the Use Table seem arbitrary, and need to be evaluated.

- Study 15 minute neighborhoods and use table changes to encourage them, acknowledging transportation barriers may exist. (Look at walk scores)
- Consider allowing more retail active uses in the Public zones.
- Consider changing prohibited uses to Use Reviews (*U's*) where certain uses may now be warranted and desired (corner coffee shops for example).
- Consider adding form and design standards to be incorporated into the Use Review section and 9-6-2 to 9-6-9 criteria.
- Potentially allow more flexibility for non-impactful retail uses for home occupations and Live/work, such as selling one's art.
- Consider Mobile Home Parks and their evolution to affordable fixed-foundation buildings, and how it may intersect with the Use Table and provisions.
- Consider ways to allow 2nd floor residential in light industrial zones.
- Consider changes to the Use Review criteria that would serve city goals (e.g., walkability, site design)

Engagement

- Need to make sure we include information about the Use Table Review project in the Boulder digital newsletter that goes out. And establish an email list to keep the public involved.
- Align the project timeline with the city's engagement 101 [Engagement Strategic Framework](#) including the Boulder's Decision-Making Process chart.
- Include an earlier check-in with Council in the timeline.
- A "Use Table 101" should be part of the community engagement plan with presentations/community engagement events - include visuals to illustrate how the Use Table relates to the Land Use Code and the BVCP.
- Conduct internal meetings with zoning/planning staff to identify technical issues and fixes with the use table – to inform goals/objectives.
- The Public's input should also help inform the goals/objectives, so we want to engage them earlier rather than later in the process.
- Consider soliciting the community, including applicants and architects, on what isn't working with planning processes and unresolved planning issues out of recent development cases - Likely outside of this project's scope, but we can acknowledge and have a place to collect those ideas during open houses or other engagement events.
- Include a map activity where the community can identify what uses they would like to see in their neighborhood, and if any uses are missing. This will inform updates to the Use Table and associated regulations.
- Contact the Daily Camera about project and set up a city project website.

Other thoughts

- Use Review serves its purposes and generally works well, but should be clear.
- Look at Alpine Modern at 9th and College as an example of a successful neighborhood scaled commercial use. Most of the community enjoys the use and building - how can that be a model for other parts of the city neighborhoods?

Homework and Next Steps

Mid-September Subcommittee meeting:

- Subcommittee members to redline the Use Table and Use section 9-6, identify concerns/issues.
- Staff to prepare:
 - BVCP, Zoning maps and use module maps
 - Draft of problem statement and preliminary goals and objectives
 - Refine the project timeline and put into circular chart format

Late September / Early October Subcommittee meeting

- Staff to create draft Community Engagement Plan, and meet with internal zoning/planning staff on technical Use Table issues.

Public Comments

- A need exists to talk with the community about unresolved land use and planning issues related to recent development cases. The community needs an opportunity to be heard on a variety of topics.
- A goal from the community's perspective would be certainty.
- A Use Table 101 type training would be helpful.
- Design and form requirements are needed for walkable 15 minute neighborhoods.
- The connective tissue is what create neighborhoods that the community wants and will use.

Use Standards/Table Review Subcommittee 9/13/2018 Meeting Summary Notes

September 13, 2018, 11:30AM-1:30PM
Alpine Modern Café, 904 College Ave, Boulder, CO 80302

Subcommittee members: David Ensign, Crystal Gray, Bryan Bowen
Staff: Jim Robertson, Charles Ferro, Karl Guiler, Andrew Collins
Members of the Public: none

Welcome and Acceptance of the 8/30/2018 Meeting Summary Notes

- Subcommittee accepts the 8/30/2018 Meeting Summary Notes.
- Subcommittee agrees to structure the meeting and future meetings to allow a brief public comment period at the beginning of the meetings during Welcome/introductions, and a public comment period at the end of the meeting as well. Keeping the bulk of the agenda items to subcommittee and staff discussion.
- Subcommittee agrees to move any discussion on red-lined *Chapter 9-6 Use Standards* to the end of the meeting and potentially for the next meeting.

Updated Preliminary Timeline with Decision-Making Chart / Engagement:

- Schedule the Step 3 - *Check-in with Planning Board* to the second half of November so that David Ensign is able to attend.
- Need to ensure the Planning Newsletter that goes out includes a blurb about the Use Standards & Table project.
- Need to have an online webpage that has the meeting materials posted, including a comment form, and email opt-in for the public to stay informed of the project.
 - An email list should be developed from this as well.
- The community is welcome to red-line the *9-6 Use Standards* and provide feedback, and their input and feedback on the purpose statement, goals and objectives is welcome and will inform the ultimate proposal.
- It's a living project with multiple feedback loops and opportunities for public participation, and corresponding responses and adjustments will be made as we go along based on the public input (as well as the subcommittee, stakeholder groups, staff, the Planning Board, and Council input).
- Include an online mapping exercise for the public to provide input, identifying their neighborhood and what uses they'd like to have or not have in their neighborhood.
- Include an online Use Table 101 and possible videos or power point materials as a learning tool for how the Use Table and standards work.
- Let the subcommittee know when the webpage and email list-serv is up and running.
- Staff will ensure that we cross-reference and cross-check with the Sub-Community Planning efforts, as one project may inform the other.
 - Will build-in cross-checks with the Sub-Community planning project into the draft Engagement Plan.

- Need to be clear throughout the process and in our documents that the ideas presented are always a working draft, and nothing has been decided. Nothing will be decided without the community's involvement.
- Need to have clear rules of engagement posted during the public engagement events so that everyone is respectful of one another, and to allow constructive feedback from the public.

Review Scope

- Make all statements consistent with the revised Scope and Purpose statement, incorporating the *Chapter 9-6 Use Standards* and BVCP goals and policies language throughout.
- Reference the Sub-Community Planning efforts in the scope.
- Add in a new Key Question - What do you wish you had or didn't have in your neighborhood or district; what uses are missing where you live, work, and play in Boulder? (e.g., a. residential- where you live? b. commercial/industrial etc.- where you shop or work? C. commercial/residential etc. -where you recreate?)
- Also, add "Other questions?" as other key questions may arise through the process.
- Overall, the subcommittee likes that the scope is to the point.

Review Primary Goals & Objectives

- Overall, the subcommittee likes that the goals and objectives are clear.
- Revise the objective statements to be understood as areas of consideration (e.g., we will *study/consider* these items)
- Re-title to *Areas of Consideration* – demonstrates that nothing has been decided upon but these are the initial areas of inquiry within the scope of work.
- Include a preamble that explains these topical Areas of Consideration are a starting point, nothing has been decided upon. We will study and consider these topics, but they are subject to change/revisions based on the process and community feedback. Input from the public will inform any subcommittee recommendations and no decision will be made without public input and feedback. City Council will ultimately decide on any proposal, with a recommendation from the Planning Board. The direction to initiate the study comes directly from the Planning Board's goals/work plan for the 2018 calendar year, and the study is guided by the Planning Board appointed subcommittee. The study is also supported by the goals and policies of the BVCP (for example *BVCP Policy 2.24 Commitment to a Walkable & Accessible City* and 15-minute neighborhoods).
- Add a new area of consideration for incentivizing a diversity of housing types/mixed housing.

Mapping Exercise

- The purpose of today's exercise is to gauge how it might work during the community engagement events, hear the groups' feedback on it, and to have the subcommittee share their thoughts on uses in their neighborhoods. Should offer the same type of mapping exercise online as well.

Dave Ensign, Crystal Gray, and Bryan Bowen shared their thoughts on their neighborhoods via the mapping exercise where they live with dots and sticky notes:

- Dave Ensign: Enjoys the bikeways and walkability. Greater socially-interactive elements are needed and the 60's era design of the neighborhood means neighbors are often disconnected from one another, and while walkability is good more is better. Missing uses include a coffee shop, neighborhood retail, and communal uses (and even front porches). Supportive of the idea of home occupations.
- Crystal Gray: Supportive of mixed-uses in her area of town, enjoys the walkability and the nearby retail uses. Likes the diverse housing and mixed-income nature of her neighborhood. Dislikes driving for certain uses and services. Missing uses includes a grocery store and civic uses such as a dog park.
- Bryan Bowen: Co-housing community offers great opportunities for positive social interactions and a supportive communal atmosphere. Enjoys the walkability, it's safety and tranquility, and the diverse uses within proximity. Missing uses are a grocery store, music venue, convenience retail (not a gas station), brew-pubs, and true live/work units.

Discussion regarding the mapping exercise. Are the questions right?

- Should try to focus them on land uses as opposed to creating an expectation for broader changes that would be more appropriate through the subcommunity planning process.
- Might be ok to keep the general questions as an icebreaker, or to get broad ideas first and then drill down to uses.
- Consider a separate exercise, or maps for where you work and where you recreate.

Discussion of Redlined Use Tables/Standards

Deferred to next meeting, subcommittee to continue to work on this as needed.

Other thoughts

- Appendix maps, figures, or overlays that illustrate geographic extents for certain use standards would be helpful instead of lengthy text descriptions in the Use Table.
- Context/location based use standards help differentiate between where certain uses are appropriate or not appropriate, within the same Zoning designation - similar to MU-3 and the BC zoning. Such tailoring allows variety and appropriate uses based on context and unique neighborhood characteristics.
- Any changes to Conditional approvals etc. should do so accounting for additional staff time that would be required and potentially additional Planning Board and Council review efforts.

Next Steps

Next meeting will be Monday October 1, 2018 at 11:30am

- North Boulder location, probably Spruce Confections.

Subcommittee members to continue reviewing *Chapter 9-6 Use Standards*.

Staff to prepare:

- Updates to the scope, problem statement, goals and areas for consideration per the Sept. 13th discussion.
- Draft community engagement plan.
- Conduct internal zoning/planning staff technical fixes meeting on 9/28. Staff will report out to the subcommittee.

Use Standards/Table Review Subcommittee

10/01/2018 Meeting Summary Notes

October 1, 2018, 11:30AM-1:30PM

Spruce Confections - 4684 Broadway, Boulder, CO 80304

Subcommittee members: David Ensign, Crystal Gray, Bryan Bowen

Staff: Karl Guiler, Andrew Collins

Members of the Public: none

Welcome and Acceptance of the 9/13/2018 Meeting Summary Notes

- Subcommittee accepts the 9/13/2018 Meeting Summary Notes.

Scope, Preliminary Goals and Areas of Consideration

- Under the Key Questions,
 - Question 1 – Include “the neighborhood you live in” as the first bullet.
 - Question 6 – Provide definitions for elements such as home -occupations during the public engagement phase, as well as for other uses and items. Clarify the bullet point to “regulatory and logistical” barriers.
- The draft Scope, Goals and Areas of Consideration looks good and reflects the subcommittee’s feedback. Staff to correct any typos.

Internal Stakeholders Feedback

Technical issues /fixes with 9-6 Use Standards

Staff reviewed the feedback received from the stakeholder group on 9/28/2018. Subcommittee discussion on the internal stakeholder group (e.g., zoning review staff) feedback:

- There are current regulatory issues with having multiple principal uses on a site. For example, a project having to codify parking as a separate principal use for a mixed use development, when in reality it functions as an accessory use serving multiple users at different points in time. More clarity and criteria for defining principal and accessory uses, and how shared-parking and TDM (transportation demand management) strategies may inform them.
- Personal service uses – art gallery versus a yoga studio in terms of intensity - unsure if square footage is always good threshold or metric, as intensity of users may/may not vary independent of size.
- The changing nature of commercial/office uses should be recognized. Use scale, size and parking are concerns with neighborhood commercial/offices uses and home occupations. The impacts on a neighborhood, particularly parking, depends on the magnitude and type of use. Not a one-size fit all approach - depends on the use.
- Home-occupations: parking and on-street parking is an issue. Need to avoid loopholes with any changes.
- The on-street parking permit program is undergoing an evaluation and depending on changes, could help address some of these neighborhood on-street parking concerns.

- Agree with the internal stakeholder group that there is too many overlapping office types and even other uses defined in the code. With the right criteria, it would make sense to collapse those into fewer uses in the code and provide oversight through conditional and use reviews - including criteria for limiting use impacts and decision-making.
- Conditional and Use Reviews criteria could include performance-based regulations to mitigate impacts from a given use. If existing multiple types uses (such as a variety of office uses) have the same impacts and characteristics, they should be collapsed into a single more encompassing use and permitted in the same way. Need more predictability in the use review process.
- Industrial zones – Accessory uses inside a building such as a gift shop or tasting room, should be allowed for a variety uses. Need consistency in the regs across the allowable uses.
- Industrial zones are a rich opportunity for meaningful change, such as allowing more mixed-use, and simplifying use requirements for desirable uses such as maker-spaces and mixed use.
- Industrial Mixed-Services (IMS) zone limits floor area too much. It allows a greater height limit but prevents creative use of the volume of the building by limiting FAR too much. For instance, can't put in a mezzanine that would allow for viewing or seating views of a brewery, or other engaging spaces.
- Consider allowing more residential in some of the industrial zones, forecasted to be a demand from or housing that would be compatible with some of these industrial uses. Likely a separate work program item but should be on the radar.
- Consider future "Opportunity Zones" and how it may intersect with use changes. A federal program based upon distressed census tracts - would affect parts of East Boulder - allows a reduction in tax liability by allowing investment of private capital gains into development/real estate projects in the opportunity zones, instead of taking a distribution and paying taxes on it.. May impact Diagonal Plaza, the Pollard site among others.
- Remove outdated use categories that are no longer applicable to Boulder, collapse ones that function the same, and potentially create an "other's" category with differentiation in the conditional /use review standards. Such as firewood facilities or RV parks as examples.

Discussion of Subcommittee Members' Redlined Use Table Sections

- MU-3 uses, such as the Armory project, should be revised to allow artists to sell their wares in their studio.
- Live/Work uses should be re-evaluated to potentially allow it in more zoning districts.
- Commercial/retail is getting phased out – preserve more retail in the BC districts. Need more retail near Baseline Road to encourage 15-minute neighborhoods there, should allow/require ground floor retail in more zones as appropriate. Intersects with current code change going through the approval process, but further refinement may need to be discussed.
- Mixed-Use zones should require more ground floor retail uses.
- Consider allowing FAR to be modified through Use Review. Limitations on FAR are problematic in getting good creative development in districts, such as DT-1, and may not be able to use additional FAR received from providing parking. Those FAR limitations were put in place to recognize transitions to adjacent neighborhoods years ago, but they could be re-evaluated based on today's needs and neighborhood character. Or take out the FAR bonus for providing parking if it's not actually feasible to use.

- Need more criteria in the Use Review standards for the Planning Board and staff to evaluate a project. This could also include more design / form-based elements including ground floor retail components. It's difficult for Planning Board to require elements if it's not in the code.
- There are variations in retail uses that might be palatable to the community in neighborhoods. Corner coffee shops are one use, but if it's not defined then there is no difference in allowing a large retail store that might be unwanted in a neighborhood. Need to define the uses that could be allowed in these areas, if they are not already defined and differentiated. Brewpubs, taverns, bike shops, coffee shops etc.
- Not all uses may be appropriate everywhere in a given zone, particularly in the RL, RE, and RR zones. Appropriate neighborhood uses depends on the specificity of locations (i.e., corners, large streets, availability of off-street parking), and the scale, magnitude and specific type of use. Square footage limits make sense, for example home day-cares and small yoga studios may be ok, but once those become large they function differently (yoga gyms, daycare schools) with greater negative impacts such as parking, traffic, and noise.

Draft Community Engagement Plan

- Add in any pertinent sustainability and social policies of the BVCP into the Guiding BVCP Policies section.
- Need to be careful how we phrase any survey questions. Be clear that not just looking at residential neighborhoods, but all types of neighborhoods such as industrial and mixed-use areas.
- Any survey question should be phrased as "near or in", or "nearby" rather than just "in" neighborhoods.
- Would be potentially useful to have the automatic clickers for survey question that display the results automatically on the screen for some of the community engagement events.
- Check-in with Planning Board will be on November 15, 2018.
- Overall the Draft Community Engagement Plan looks good, and good with the webpage and newsletter content.

Public Comment Period - N/A

Next Steps

Next meeting will be Monday, October 15, 2018 at 3:30pm

- Rayback Collective likely – meeting to focus on the subcommittee 9-6 redlines

Subcommittee members to email any redlines of *Chapter 9-6 Use Standards* to staff to compile.

Staff to:

- Compile subcommittee redline comments.
- Refine project elements and draft community engagement plan.
- Schedule a November Planning Board Matters Item for the project.
- Create the project webpage up and the newsletter - coordinated with the communications staff.

Use Standards/Table Review Subcommittee

10/15/2018 Meeting Summary Notes

October 15, 2018, 3:30PM-5:00PM

The Rayback Collective - 2775 Valmont Road, Boulder, CO 80304

Subcommittee members: David Ensign, Crystal Gray, Bryan Bowen

Staff: Karl Guiler, Andrew Collins

Members of the Public: Beth Hondorf

Brief site tour of the pollinator garden with Shea Brazill of the Rayback Collective

Welcome and Acceptance of the 10/01/2018 Meeting Summary Notes

- Subcommittee accepts the 10/01/2018 Meeting Summary Notes.

Draft Community Engagement Plan

- During the community engagement events, including the Use Table 101, define different types of neighborhoods – this includes industrial neighborhoods, and mixed-use neighborhoods, not just residential neighborhoods. Should make it clear to participants that we're not just talking about neighborhoods in a broad sense, i.e. not just subdivisions or purely residential areas. But keep the "neighborhood" term rather than areas.

Discussion of Subcommittee Members' Redlined Use Table Sections

Issues / and initial ideas for Chapter 9-6 Use Standards. Ideas outside of the scope of the project could be addressed in other work plan items such as Community Benefits, Large Homes/Lots, and Residential Uses in Industrial Zones. All ideas discussed are captured below.

- Consider FAR exemptions for elements, such as bike parking, through conditional approvals with parameters written in to the applicable specific standards.
 - Exemptions would need to be dependent on the location and zone, for example DT-1, MU-1 and others - right now the regulations effectively incentivize providing parking rather than leasable floor area. Building height and bulk allowances could be made as appropriate.
- Opportunity to tie-in any bonuses from a future Community benefits program directly into the Use Table and Standards, particularly where existing parameters and percentages are stated in the Chapter 9-6. Possibly even another column in the table if it makes sense.
- The specific standards and table should be revised to overtly state what we really want out of these uses – possibly an opening statement that sets out the goals of the applicable specific use standards.
- Agricultural zones should be revised to allow more event and farm-stand types uses including limited sales. Look at Boulder County for examples.
- Don't want to over regulate uses and be too prescriptive – for example lemonade stands needing permits, some things are ok to occur organically especially if they have no negative impacts - such as lemonade stands.
- Opening up different areas or neighborhoods to allow uses is nuanced - not a one-size fits all approach. Acceptable uses will be neighborhood specific.

- Community engagement will inform any potential recommendations, including what uses and under what circumstances uses could be acceptable to a given neighborhood (industrial, mixed-use residential neighborhoods).
- Confluence of uses with form-based standards will be important in the specific use standards - for instance how a building is located on a site and is designed appropriately to the context
- 15-minute neighborhoods - uses such as little markets are ok, but they have gone by the wayside. Square footage requirements and required parking are often a barrier. Need to encourage pedestrian rather than auto-oriented development.
 - Building at 6th Street and Maxwell Avenue on the roundabout is an example of a small scale neighborhood market building.
 - Need to reduce regulatory barriers to 15-minute neighborhoods – such as automatically exempting parking for small neighborhood businesses.
- Uses should include allowances for business incubator spaces to help foster the creative and entrepreneurial businesses.
- Consider allowing multiple primary uses on a given property, and/or residential as an accessory use to retail.
 - Open up the Live/Work use to more zones.
- Specific use standards should include more robust design guidelines for conditional or use review criteria, especially for retail in some zones.
- Consider allow more housing in industrial zones as may be appropriate (possibly outside of scope, would be addressed as a separate work plan item).
- Consider allowing events to occur in industrial zones, for example an artisan maker’s facility that also hosts events.
- Look at the RH intensity standards and the measurement of height (outside of scope, but may be addressed in Community Benefits project).
- Chapter 9-6 should not be so prohibitive of museums and other cultural uses.
- Consider opening up the Mobile Home zone to allow more permanent, creative and affordable residential uses - such as fixed foundations, cottage courts, tiny homes. Allow the neighborhoods to evolve over time to permanent and affordable residential areas.
 - Conditionally allow foundations to ensure people can live and upgrade their residence over time, and that the homes still remain affordable - deed restrictions may be possible. Should not be incentivizing homes built on chassis, home should have permanence.
 - Community Centers and facilities should be allowed, especially to foster neighborhood identity.
 - Creative housing solutions for modest sized homes could be allowed / conditionally allowed in other zones as well.

Public Comments

- Foundations should be encouraged in the Mobile Homes zone, for safety and community-building purposes. Mobile homes are traditionally energy *inefficient*, should consider modern models (such as FEMA trailers, although those have caused illness) and other creative solutions.

Next Steps - Next subcommittee meeting is TBD.

- November 15th, 2018 Planning Board Matters Item for the project.
- December 4th, 2018 City Council check-in on the project
- Finalize Use Table 101 community engagement meeting date