



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 2, 2018

AGENDA TITLE: Call-Up Item: Site Review Amendment to construct Red Oak Park Phase II, a 41-unit 100% permanently affordable development at 2625 Valmont and 2637 Valmont including 11 one-bedroom, 19 two-bedroom, and 11 three-bedroom units (LUR2018-00006). Amends Site Review LUR2008-00007.

PRESENTER/S

Jane S. Brautigam, City Manager
Jim Robertson Director of Planning, Housing + Sustainability
Charles Ferro, Development Review Manager
Shannon Moeller, Planner II

EXECUTIVE SUMMARY

On September 6, 2018, the Planning Board unanimously (5-0, B. Bowen recused, H. Zuckerman absent) approved with conditions the above-referenced application as provided in the attached Notice of Disposition (**Attachment A**), finding the project consistent with the Site Review Criteria of Land Use Code sections 9-2-14(h), B.R.C. 1981.

Approval of the application would allow for Boulder Housing Partners to construct 41 permanently affordable dwelling units in the RH-4 (Residential – High 4) and BC-1 (Business – Community 1) zoning district.

The Planning Board decision is subject to City Council call-up within 30 days. Because the 30-day call-up period concludes on Saturday, October 6, 2018, the land use code section 1-1-10(b), B.R.C. 1981 requires that if the last day of the call-up period is on a Saturday, “*the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.*” In this case, the 30-day call-up period is extended to Monday, Oct. 8, 2018. There is a City Council meeting within this time-period for call-up consideration on **Oct. 2, 2018**. The staff memorandum of

recommendation to Planning Board and other related background materials are available on the city website for Planning Board [here](#).

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic - The additional dwelling units add to the tax base of the community.
- Environmental - The proposal was found to be consistent with the following Boulder Valley Comprehensive Plan (BVCP) policies related to environmental sustainability including:
 - 2.03 Compact Development Pattern
 - 4.08 Energy-Efficient Building Design
 - 6.05 Integrated Transportation Demand Management (TDM) Programs
- Social - The proposal has been found consistent with the following Boulder Valley Comprehensive Plan (BVCP) policies related to social sustainability including:
 - 7.01 Local Solutions to Affordable Housing
 - 7.06 Mixture of Housing Types
 - 7.09 Housing for a Full Range of Households

OTHER IMPACTS

- Fiscal – No fiscal impacts are anticipated.
- Staff time – The Site Review Amendment was completed under normal staff time.

BOARD AND COMMISSION FEEDBACK

By a unanimous vote (5-0, B. Bowen recused, H. Zuckerman absent) the Planning Board approved the application with conditions. The Board added a condition of approval to the proposal that the building design shall be revised to simplify the materials and/or colors used along the Valmont Street elevation.

Consistent with the Land Use Code section 9-4-4(c), B.R.C. 1981, if the City Council disagrees with the decision of the Planning Board, it may call up the application within a 30-day call up period which expires on Oct. 8, 2018. The City Council may consider this application for call-up at the **Oct. 2, 2018** City Council public hearing.

PUBLIC FEEDBACK

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. All notice requirements of section 9-4-3, “Public Notice Requirements,” B.R.C. 1981 have been met. Staff received comments from nearby residents expressing concerns about the proposed parking reduction, specifically in opposition to the parking of excess vehicles along Arnett Street and the existing connection between Red Oak Park and Arnett Street, as well as concerns regarding visibility and traffic speeds. In response to the comments received, the applicant increased the number of proposed parking spaces and reduced the parking reduction request from an approximate 4.6% request to the current 2% request.

BACKGROUND

The 3.69-acre property is located north of Valmont Road, east of Folsom, and west of 28th Street and includes the vacant portions of the Red Oak Park Subdivision along Valmont Road and the unplatted tract to the west known as 2625 Valmont.

The majority of the original approval (Boulder Mobile Manor Site Review LUR2008-00007) has been developed. The approval allowed for the former mobile home park to be redeveloped as 79 dwelling units (of which 59 have been constructed), open space, a playground, and a community center, and included modifications to setbacks and height, a 2% parking reduction, and an ordinance to allow the public rights-of-way within the site to be included in useable open space and off-street parking calculations. The approved site plan anticipated a future connection to the property to the west (2625 Valmont). The approval also included a Use Review to allow some complementary non-residential uses in the buildings fronting Valmont (LUR2008-00009).

The property at 2625 Valmont was formerly the Wallace Vacuum site and is currently vacant.

The [Boulder Valley Comprehensive Plan](#) (BVCP) designates the majority of the property as High Density Residential, and portions of the property as Medium Density Residential and General Business. These designations are described in the BVCP as:

High Density Residential (HR)

Characteristics and Locations: The HR areas are generally located close to the University of Colorado, in areas planned for transit-oriented redevelopment and near major corridors and services.

Uses: Consists of attached residential units and apartments. May include some complementary uses implemented through zoning.

BVCP Density/Intensity: More than 14 dwelling units per acre

Medium Density Residential (MR)

Characteristics and Locations: MR is characterized by a variety of housing types. Medium density areas are generally situated near neighborhood and community shopping areas or along some of the major arterials of the city.

Uses: Consists of a variety of housing types ranging from single-family detached to attached residential units such as townhomes, multiplexes and some small lot detached units (e.g., patio homes), not necessarily all on one site.

BVCP Density/Intensity: 6 to 14 dwelling units per acre

General Business (GB)

Characteristics and Locations: The GB areas are located, for the most part, at junctions of major arterials of the city where intensive commercial uses exist (e.g., on Pearl, 28th and 30th Streets). These areas should continue to be used without expanding the strip character already established.

Uses: Consists of a mix of business uses. Housing compatible with the surrounding business character and as a transition to other residential areas will be encouraged and may be required.

The eastern portion of the property is zoned RH-4, Residential - High 4, which is described in subsection 9-5-2(c)(1)(F), B.R.C. 1981 as “High density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment buildings, and where complementary uses may be allowed.” The western portion of the property is zoned BC-1, Business – Community 1, which is described in subsection 9-5-2(c)(2)(G), B.R.C. 1981 as “Business areas containing retail centers serving a number of neighborhoods, where retail-type stores predominate.”

Proposed Project

The applicant is proposing to develop a second phase of the existing Red Oak Park community, to include 41 additional 100% permanently affordable dwelling units with a mix of one-, two-, and three-bedroom attached units and duplexes. The proposed development includes four (4) three-story buildings along Valmont Road with attached dwelling units, leasing office, and storage space for residents; four (4) two-story duplexes along the western edge of the site; central open space; and additional vehicle and bike parking.

Uses. The proposed attached dwelling units and duplexes are permitted uses by-right in the RH-4 and BC-1 zoning districts. On Jul. 17, 2018, City Council introduced on first reading a pending ordinance, [Ordinance 8278](#), which if adopted is intended to limit exclusively residential development in the BC-1 and BC-2 zones. The site review amendment is contingent upon the applicant demonstrating that the proposed building and uses meet the applicable requirements of Chapter 9-6, “Use Standards,” B.R.C. 1981, for the BC-1 zoning district, including any requirements that may be imposed by Ordinance 8278. Staff will propose amendments to the ordinance make it clear that the ordinance will not apply to any projects, such as this proposal, for which a Site Review application was submitted prior to the first reading date.

Site Design. Buildings along Valmont utilize the existing site configuration approved with the original site review and create a sense of separation from the interior open spaces and Valmont, as well as create a strong pedestrian experience along Valmont with minimal setbacks and provision of entries, windows, and patios and balconies along the street facing façade. The Wallace buildings (four duplexes) at the western edge of the site also create a sense of enclosure and separation between the proposed open space interior to the site and the commercial uses to the west. Existing parking areas will provide for the majority of minimum parking requirements and additional parking is proposed north of the Wallace buildings. Vehicular circulation will utilize existing points of access. New sidewalks and paths are proposed to allow for pedestrian circulation throughout.

Building Design and Architecture. Buildings are designed to complement and create a cohesive character with the existing Red Oak Park architecture, including sloped rooflines, human-scale design, and a variety of colors. Materials include durable cement fiber siding in various patterns such as lap, vertical, and panels to coordinate with the predominantly siding-clad design of the existing structures. Private outdoor spaces are provided in the form of patios/porches or balconies for each unit. Buildings along Valmont have been carefully designed with dual entries to promote a sense of pedestrian scale and permeability.

Access and Circulation. The site plan maintains the configuration of vehicular access established for the existing Red Oak Park community, which includes a looped public right-of-way through the site connecting Valmont Road to Arnett Street. Vehicular access to 2625 Valmont is taken through the existing site. Multiple sidewalks provide pedestrian access into and through the overall site to provide a cohesive and permeable pedestrian experience. A new 8-foot detached sidewalk in front of 2625 Valmont extends the existing streetscape adjacent to the original Red Oak Park site.

Parking. The original Site Review approval included a 2% parking reduction and an ordinance (Ordinance 7645) was approved by City Council to allow the parking provided in the internal looped right-of-way to contribute to the minimum parking requirements on the existing site. The current proposal also includes a 2% parking reduction request, to allow a total of 135 parking spaces where 137 spaces are required for the overall site per section 9-9-6, "Parking Standards," B.R.C. 1981. The applicant has provided a Parking Management Plan and Transportation Demand Management (TDM) Plan in support of the request, including eco-passes for all residents of the development (including those residing in the existing and new units) for a period of three years; management of on-site parking spaces and vehicle limitations per household for new residents; installation of short- and long-term bike parking in excess of minimum requirements for proposed units and new long-term bike parking for existing units; and partnership with eGo CarShare to maintain a car share vehicle on-site with discounted rates for residents. Approximately 13 additional tandem parking spaces are also available on the site, which are not included in the total parking count. Electric vehicle (EV) charging stations have also been proposed consistent with the provisions of the electric code section 10-6-3, B.R.C. 1981, which requires EV charging for new multifamily dwellings.

Open Space. Per Table 8-1, "Intensity Standards," B.R.C. 1981, a minimum of 1,200 square-feet of open space must be provided for each dwelling unit within the RH-4 and BC-1 zoning districts. As part of the original Site Review, an ordinance (Ordinance 7645) was approved by City Council to allow up to 30% of the open space within the existing development to be provided within the right-of-way (where a maximum of 10% may have otherwise been permitted per code). The proposal includes a new centralized open space convenient to both the proposed and existing dwelling units which will include an open lawn area for active play, seating areas, landscaping, and pedestrian paths. Proposed open space has been designed with an internal focus surrounded by dwelling units at the exterior of the property to provide for a sense of separation from nearby thoroughfares and commercial areas. All common open spaces, including the existing central open space and playground adjacent to the community center, will be accessible to residents of the entire development. Private patios/porches and balconies are also provided for all dwelling units as depicted on the architectural plans.

Modifications. The proposal includes the following modifications from the land use regulations:

- 9-7-1 – Maximum Principal Building Height: Buildings along Valmont have pitched roof forms to provide consistency with the overall design of the Red Oak Park community and to enhance the residential character of the development, which exceed the 35-foot maximum building height as follows:
 - 39'-10" for Valmont 1;
 - 40'-8" for Valmont 2;

- 39'-8" for Valmont 3;
- 39'-11" for Valmont 4.
- 9-7-1 – Form and Bulk Standards: Modifications to the front yard setback along Valmont Road and to the interior side yard setback along the west property line.
- 9-9-6 – Parking Standards: 2% parking reduction to allow 135 parking spaces where 137 are required.

ANALYSIS

The Planning Board approved the application with conditions and also concluded the following:

- The project meets the relevant policies of the Boulder Valley Comprehensive Plan.
- The project and its proposed modifications meet the Site Review 9-2-14(h) Criteria for Review, B.R.C. 1981.

MATRIX OF OPTIONS

Consistent with the land use code section 9-4-4(c), B.R.C. 1981, if City Council disagrees with the decision of the Planning Board, it may call up the application on or before Oct. 8, 2018.

There is a City Council meeting within this time-period for call-up consideration on

Oct. 2, 2018.

ATTACHMENTS

A. Planning Board Notice of Disposition dated September 6, 2018

B. Planning Board Minutes of Meeting dated September 6, 2018



City of Boulder Planning & Development Services

CITY OF BOULDER PLANNING BOARD NOTICE OF DISPOSITION

You are hereby advised that on September 6, 2018 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: **APPROVED WITH CONDITIONS**
PROJECT NAME: **RED OAK PARK PHASE II**
DESCRIPTION: **SITE REVIEW AMENDMENT to construct Red Oak Park Phase II, a 41-unit 100% permanently affordable development at 2625 and 2637 Valmont Road. The project includes 11 one-bedroom, 19 two-bedroom, and 11 three-bedroom units. Amends Site Review LUR2008-00007 (Phase I).**
LOCATION: **Phase I: 3005-3095 Arnett Street
3014-3094 Littleleaf Lane
2645-2675 Raintree Place
Phase II: 2625, 2637, 2653, and 2683 Valmont Road**
LEGAL DESCRIPTION: **See Exhibit A**
APPLICANT: **Boulder Housing Partners**
OWNER: **Housing Authority of the City of Boulder, Colorado
d/b/a Boulder Housing Partners**
APPLICATION: **Site Review, LUR2018-00006**
ZONING: **Residential - High 4 (RH-4), Business - Community 1 (BC-1)**
CASE MANAGER: **Shannon Moeller**
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-20, B.R.C. 1981.**

APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:

- *Section 9-7-1: Maximum Principal Building Height: Building heights that exceed the 35-foot maximum height:*
 - 39'-10" for Valmont 1
 - 40'-8" for Valmont 2
 - 39'-8" for Valmont 3
 - 39'-11" for Valmont 4
- *Section 9-7-1: Form and Bulk Standards: Front yard setback along Valmont Road and interior side yard setback along west property line per approved plans.*
- *Section 9-9-6: Parking Standards: 2% parking reduction to allow 135 motor vehicle parking spaces where 137 are required.*

This decision may be called up by the City Council on or before **October 8, 2018**. If no call-up occurs, the decision is deemed final on **October 9, 2018**.

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND SIGNED FINAL PLANS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS. IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

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Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12) the development within three years shall cause this development approval to expire.

At its public hearing on September 6, 2018, the Planning Board approved the request with the following motion:

On a motion by **C. Gray** seconded by **D. Ensign** the Planning Board voted 5-0 (**B. Bowen** recused, **H. Zuckerman** absent) to approve Site Review Amendment case no. LUR2018-00006 incorporating the staff memorandum and the attached Site Review Criteria Checklist as findings of fact, and subject to the recommended conditions of approval.

Friendly amendment by **J. Gerstle** that the building design be revised to simplify the materials and/or colors used along the Valmont Street elevation. **C. Gray** and **D. Ensign** accepted.

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on August 13, 2018 the Transportation Demand Management (TDM) Plan dated August 21, 2018, the Parking Management Plan dated August 13, 2018 and the Applicant's written statement dated August 13, 2018, all on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following:
 - Development Agreement recorded in the records of the Boulder County Clerk and Recorder at Reception No. 3017055.
3. Prior to a building permit application, the Applicant shall submit, and obtain City Manager approval of, a Technical Document Review application for the following items:
 - a. **Final architectural plans**, including material samples and colors, to ensure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the plans prepared by the Applicant on August 13, 2018 is acceptable. Planning staff will review plans to ensure that the architectural intent is performed.
 - b. A **final site plan** that includes detailed floor plans and section drawings.
 - c. A **final utility plan** meeting the City of Boulder Design and Construction Standards.
 - d. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.
 - e. **Final transportation plans** meeting the City of Boulder Design and Construction Standards for all transportation improvements. These plans must include demolition sheets for the removal of existing infrastructure, plan drawings and grading sheets for all infrastructure to be constructed in the public rights-of-way, signage, and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards and transportation detail drawings.
 - f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to ensure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.

Addresses: 2625, 2637, 2653, AND 2683 VALMONT RD.

- g. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C. 1981.
 - h. A **detailed shadow analysis** to ensure compliance with the City's solar access requirements of section 9-9-17, B.R.C. 1981.
4. Prior to a building permit application, the Applicant shall dedicate to the City, at no cost, easements shown on the plans prepared by the Applicant on August 13, 2018 and any easements otherwise necessary to serve the development, meeting the City of Boulder Design and Construction Standards, as part of Technical Document Review applications, the form and final location of which shall be subject to the approval of the City Manager, and including but not limited to the following:
- a. A **public access easement** adjacent to Valmont Road extending from the property boundary to one foot behind the sidewalk within the tract known as 2625 Valmont Road.
 - b. A 25' **utility easement** within the tract known as 2625 Valmont Road.
 - c. A **utility easement** which runs adjacent to the north of and parallel with the public access easement which runs along the south property line of the tract known as 2625 Valmont Rd.
 - d. A **drainage easement** for the proposed water quality swale and detention basin.
5. Prior to a building permit application, the Applicant shall **obtain all necessary approvals and authorizations for the proposed awnings**, shown on the plans prepared by the Applicant on August 13, 2018, that project into public right of way or easements.
6. Prior to issuance of a building permit, the Applicant shall submit a **financial guarantee**, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing eco-passes to the residents of the existing and proposed dwelling units for three years after the issuance of a certificate of occupancy for the new dwelling units, as proposed in the Applicant's TDM Plan.
7. Prior to the issuance of a building permit and concurrent with a building permit, the Applicant shall submit **plans demonstrating that each building will be solar ready** with conduit connecting the roof to the electrical panel of the building for a future solar voltaic system.
8. The Applicant shall be responsible for maintaining all **stormwater quality and detention improvements**.
9. Prior to issuance of a building permit, the Applicant shall demonstrate that the proposed buildings and uses meet the applicable requirements of Chapter 9-6, "Use Standards," B.R.C. 1981, for the BC-1 zoning district, including any requirements that may be imposed by Ordinance 8278.
10. Prior to issuance of a building permit for any of the proposed buildings exceeding 35 feet in height, the Applicant shall submit proof to the City Manager that at least **forty percent of the floor area of each such building will be used for and meet the requirements for permanently affordable units** in Chapter 9-13, "Inclusionary Housing," B.R.C., subject to review and approval of the City Manager. Such proof shall include recorded contractual arrangements, restrictive covenants, and resale and rental restrictions, as required by the City Manager, to meet the requirements for permanently affordable units.
11. The building design shall be revised to simplify the materials and/or colors used along the Valmont Street elevation.

By:


Jim Robertson, Director of Planning, Housing and Sustainability

Addresses: 2625, 2637, 2653, AND 2683 VALMONT RD.

EXHIBIT A

Legal Description

That portion of the Southwest Quarter of Section 20, Township 1 North, Range 70 West of the 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the Southwest corner of Section 20, Township 1 North, Range 70 West of the 6th P.M.; Thence East along the South line of said Section 20, 140 feet to the True Point of Beginning; Thence North and parallel with the West line of said Section 20, 340 feet; Thence East and parallel with the South line of said Section 20, 110 feet; Thence South and parallel with the West line of said Section 20, 340 feet to the South line of said Section 20; Thence West along the South line of said Section 20, 110 feet, more or less, to the True Point of Beginning.

and

Lots 1, 2, 3, 4, 5, 6, and Outlot A, Red Oak Park Subdivision,
County of Boulder,
State of Colorado.

Addresses: 2625, 2637, 2653, AND 2683 VALMONT RD.

**CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
September 6, 2018
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:

Liz Payton, Chair
Bryan Bowen, Vice Chair
David Ensign
John Gerstle
Crystal Gray
Peter Vitale

PLANNING BOARD MEMBERS ABSENT:

Harmon Zuckerman

STAFF PRESENT:

Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Jim Robertson, Director of Planning + Sustainability
Shannon Moeller, Planner II
Karl Guiler, Senior Planner – Code Amendment Specialist
Jean Gatz, Senior Planner

1. CALL TO ORDER

Chair, **L. Payton**, declared a quorum at 6:07 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **B. Bowen** and seconded by **J. Gerstle** the Planning Board voted 6-0 (**H. Zuckerman** absent) to approve the July 19, 2018, August 2, 2018 and August 16, 2018 minutes as amended.

3. PUBLIC PARTICIPATION

- a) **Scott Griffin**, speaking on behalf of the Boulder County AIDS Project, asked if the AIDS Memorial Garden could be moved to the north side of Boulder Creek as a part of the Civic Area plan and made more accessible. It is currently located on the south side of Arapahoe Avenue.

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

No items were discussed

5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public hearing and consideration of a Site Review Amendment to construct Red Oak Park Phase II, a 41-unit 100% permanently affordable development at 2625 Valmont and 2637 Valmont including 11 one-bedroom, 19 two-bedroom, and 11 three-bedroom units (LUR2018-00006). Amends Site Review LUR2008-00007.

B. Bowen recused himself

Board members were asked to reveal any ex-parte contacts they may have had on this item.

- All board members read the packet. All board members performed a site visit except for **P. Vitale**. Finally, **C. Gray** stated that she was actively sitting on City Council when Red Oak was initially approved.

Staff Presentation:

C. Ferro introduced the item.

S. Moeller presented the item to the board.

Board Questions:

S. Moeller answered questions from the board.

Applicant Presentation:

Jeremy Durham, **Laura Sheinbaum** and **Dani Vachon**, with Boulder Housing Partners, and **Bill Holicky**, with Coburn Architecture, presented the item to the board.

Board Questions:

Bill Holicky, the applicant's representative, answered questions from the board.

Public Hearing:

- 1) **Valerie Soraci** spoke as the chair of the board of Boulder Housing Partners and as a resident of Red Oak Park. She spoke in support of the project.

Board Comments:

Key Issue #1: Does the project meet the relevant policies of the Boulder Valley Comprehensive Plan?

- **C. Gray**, **J. Gerstle**, **P. Vitale** and **D. Ensign** agreed that the project meets BVCP policies. **C. Gray** referred specifically to *Policy 7.09 "Housing for a Full Range of Households"*.
- **L. Payton** agreed except for the enhanced design policy (*Policy 2.41*) within the BVCP.

Key Issue #2: Does the project, with its proposed modifications to the development code, meet the Site Review 9-2-14(h) Criteria for Review, B.R.C. 1981?

- **D. Ensign** said the height modification request would be justified. The form and bulk conform and the proposed setbacks makes sense. The site is close to transit and bike paths therefore the parking reduction would be acceptable. Regarding the proposed "in & out" on Valmont, he said it could potentially reduce impacts on the neighborhood.
- **P. Vitale** said he would like to see a continuation of meeting the energy goals. He approved of the height modification requested.

- **L. Payton** said the proposal meets the Site Review criteria. She expressed concern regarding the Valmont façade. She said it did not appear pedestrian friendly and she did not see a nurturing aspect suggesting homes. She said it should be simplified and suggested the application go to the Design Advisory Board (DAB) for review. The proposed entries on front of the Valmont façade are difficult to see and the gabled roofs do not have much of a relationship to the rest of the building. She said the elevation could be simpler and more elegant. She stated that she supports the mission, the number of units, the requested height modification, the setbacks and the parking reduction.
- **J. Gerstle** did not agree with **L. Payton** regarding her comments in terms of the design character of the building. He agreed with sending the proposal to DAB for review. He asked that Transportation lend some advice regarding the “in & out” onto Valmont. He suggested a change in the layout, the number of entrances into the site or concrete barriers. He said it seems unclear if Valmont would be pedestrian friendly. He would like to see better access and entries for the Valmont elevations. In addition, the diminished setbacks do not seem appropriate and could impact the neighbors. He would like to see justification for the request.
- **C. Gray** said the requested height modification, setbacks, and parking meet the Site Review criteria. She approved of the separation between the buildings along Valmont. She approved of the wood material on the Valmont façade, but suggested that rather than carrying the colors of towers into the site, she would like to see more of the wood material. While she would also like to see a bigger setback from Valmont, the internal playground space is more important over the setback. If this is sent to DAB, she stated the review parameters would need to be defined.
- **L. Payton** recommended sending to DAB with the request for simplification of the Valmont facades, materials, modification to roof lines, forms and entry ways to achieve a more traditional residential look and feel.
- **D. Ensign** said he was not sure that needed to be done given the zone and the surrounding properties on Valmont. He thought sending it to DAB may be unnecessary.
- **P. Vitale** agreed and did not want to hold up the project up and had no issue with the design.
- **L. Payton** said these buildings are not attractive and need more curb appeal. They would not contribute to the neighborhood feel.
- **C. Gray** suggested having the city’s urban design staff review the project with the architect rather than having it delayed in DAB.
- **P. Vitale** agreed that would be appropriate given the zoning.
- **J. Gerstle** said, while stating his friendly amendment, he was concerned with the Valmont façade with respect to the neighborhood characteristics, entrances, and friendly pedestrian experience.
- **C. Gray** and **D. Ensign** said they would rather have it reviewed by the city urban design staff rather than DAB to keep the project moving forward.

Motion:

On a motion by **C. Gray** seconded by **D. Ensign** the Planning Board voted 5-0 (**B. Bowen** recused; **H. Zuckerman** absent) to approve Site Review Amendment case no. LUR2018-00006 incorporating the staff memorandum and the attached Site Review Criteria Checklist as findings of fact, and subject to the recommended conditions of approval.

Friendly amendment by **J. Gerstle** that the building design be revised to simplify the materials and/or colors used along the Valmont Street elevation. **C. Gray** and **D. Ensign** accepted.

B. AGENDA TITLE: Public hearing and recommendation to City Council on the following two ordinances:

1. An ordinance amending Title 9, “Land Use Code” by the addition of development standards restricting residential uses in the Business Community – 1 (BC-1) and Business Community - 2 (BC-2) zoning districts, and
2. An ordinance amending Title 9, “Land Use Code” by correcting and clarifying provisions in the recently adopted code changes to the Mixed Use – 3 (MU-3) zoning district.

Staff Presentation:

C. Ferro introduced the item.

K. Guiler presented the item to the board.

Board Questions:

K. Guiler answered questions from the board.

Public Hearing:

- 1) **Scott Holton** spoke as a property owner in a MU-3 zone. He said it is important to clarify the intent of retail on Pearl Street. He had concerns of placing retail down the adjacent streets off Pearl and supported that change. He recommended a minimum depth of 20 feet because some minimum depth would quantify the parking reduction. Retail in general is trending toward smaller, more affordable spaces. Therefore, a shorter depth would help to support the small business owners. He pointed out that when the first floor is devoted to commercial use and the upper stories are residential, it would force more FAR for circulation and less for residential space. He would like to have an extension of FAR for circulation.
- 2) **Paul Baryames**, the owner of Buffalo Exchange and Rapha Racing, asked the board what the return would be to a property owner that would allow retail on the first floor to build the upper stories. He recommended that Planning work with property owners to receive benefits to do that. He does not support this change as it is currently written.
- 3) **Scott Sarbaugh** said the real issue with BC zonings is that the thresholds do not interface appropriately. He asked the board to be clear with staff regarding how the small business owners would be protected.
- 4) **Steve LeBlang** clarified with the staff, surrounding the MU-3 parking reduction, if it applied to existing or new development. Staff said it would apply to residential. He urged the board to extend the same benefit to the BC-2 zone.
- 5) **Heidi Crespi** said it would make more sense to do more residential on the ground level on the interior of lots.

Board Comments:

Key Issue #1: BC (Business Community) Code Change

Option 1 – Create a “B” category with Use Review option for exceptions (like “G” category)

Option 2 – Residential uses as existing “N” category; “at least 50% of uses must be non-residential of Use Review”

Option 3 – Create a new category with > % of non-residential uses (e.g., 70%)

Option 4 – if specific to Basemar Shopping Center area, make residential uses a Conditional Use in BC-2 in that specific area

- **D. Ensign** expressed concern about creating something unstable by taking this action. He said *Option 1* would be possible but he is concerned regarding the cost of Use Reviews. Predictability would be a big concern. *Options 2* and *3* do not make sense due to the arbitrary percentages. Finally, *Option 4* should be reviewed closely. However, the western boarder should be defined so that The Meadows is not included.
- **P. Vitale** said this action seems inappropriate and veers away from the Comp Plan ideals. While something needs to be done, this seems illogical and fraudulent. He would like *Option 4* and restrict it to Basemar only, placed on Category 1 streets (Baseline and Broadway only) with retail on the first floor.
- **B. Bowen** agree with **P. Vitale**. He said adding another designation to the Use Table makes sense. One good option would be to focus on Basemar. In addition, if *Option 1* was looked at, it needs Use Review or limit on the depth.
- **L. Payton** said she could see the Basemar area having a lot of pressure to redevelop to residential. She would support limiting it to the Basemar area but not making it discretionary.
- **J. Gerstle** agreed with **L. Payton** to focus on and limit to Basemar.
- **C. Gray** would support *Option 1*. She added that Landmarking should have more available tools.
- **D. Ensign** said it is concerning to think of placing retail in the first floor of every building in the entire BC-1 and BC-2 zones. It should be looked at holistically. He mentioned the new subcommittee within Planning Board which has been formed to examine the Use Table and said he is looking forward to reviewing this further.
- **B. Bowen** said that perhaps there needs to be a condition requiring retail on primary street frontages on the ground floor and residential allowed conditionally on the non-primary street frontages on the ground floor. It should be limited to just the Basemar Shopping Center area.
- **C. Gray** said it would be worth it to develop some criteria to keep the retail.

Motion:

On a motion by **D. Ensign**, seconded by **B. Bowen**, the Planning Board voted 4-2 (**C. Gray** and **P. Vitale** opposed; **H. Zuckerman** absent) to recommend approval of the draft ordinance found in Attachment A related to the BC code changes with the restriction of the ground floor use in the BC-2 zone for the Basemar area to be non-residential otherwise by Use Review only.

Key Issue#2: MU-3 (Mixed Use-3) Code Change

- **B. Bowen** said he would support the code change. He would support a depth of 20 feet.
- **C. Gray** said it is a reasonable suggestion. She added that she hopes to see more parking enforcement.
- **P. Vitale** said he has concerns regarding vacancy and adding more retail at the expense of housing, but he agreed with **B. Bowen**.
- **D. Ensign** said he was in support and would recommend a depth of 20 feet.
- **J. Gerstle** supported the code change and agreed with **D. Ensign**.
- **L. Payton** supported the code change and agreed with the depth of 20 or 25 feet.

Motion:

On a motion by **L. Payton** seconded by **B. Bowen** the Planning Board voted 6-0 (**H. Zuckerman** absent) to recommend approval of the draft ordinance language presented to the board related to the MU-3 code changes with the minimum depth of 20 feet.

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

A. AGENDA TITLE: Update on Planning for Civic Area East Bookend

Staff Presentation:

J. Gatza presented and update to the board.

Board Comments:

Key Issue: Does PB support staff moving onto the next steps of analysis and planning for the East Bookend based on the scope and prioritized list of potential uses identified in the memo and it this presentation?

- **L. Payton** questioned if the existing AIDS memorial was scheduled to be moved into the Civic Area. She asked staff to speak with the public speaker from earlier in the meeting. She mentioned the Historic Survey be reviewed by board members.
- **J. Gerstle** questioned if the existing Arboretum had been considered to be addressed into the Civic Area plans.
- **C. Gray** was pleased to see the proposed parking structure parking drop down the list of priorities and verified with staff that it would not be underground parking.
- **D. Ensign** suggested exploring the idea of closing 13th Street completely and making it a walking pedestrian mall. In addition, the downtown station could provide some opportunities for offloading and parking needs and perhaps the installation of a pedestrian bridge from RTD to the parking on the other side for the Farmers Market.

B. AGENDA TITLE: Next Steps CU South Annexation

Staff Presentation:

J. Robertson presented an update to the board.

Board Comments:

- **J. Gerstle** said he would like to see the Planning staff play a prominent role in the annexation discussions.
- **L. Payton** agrees with the approach of first working on the flood mitigation and then working on the annexation.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:22 p.m.

APPROVED BY

Board Chair

DATE

DRAFT