

CITY OF BOULDER
CITY COUNCIL MEETING
Municipal Building, 1777 Broadway
Boulder, Colorado 80302
Thursday, December 18, 2018

MINUTES

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 6:04 p.m.

Council Members Brockett, Nagle, Weaver, Carlisle and Young were present. Council Members Yates and Grano were absent. Council Member Morzel arrived at 6:05 p.m.

2. OPEN COMMENT

(Public comments are a summary of actual testimony. Full testimony is available on the council web page at: <https://bouldercolorado.gov/city-council> > Watch Live or Archived Meetings.)

Open Comment began at 6:06 p.m.

1. Carolyn Bninski spoke about climate engineering.
2. Leslie Glustrom spoke regarding municipalization.
3. David Hartzell spoke regarding the North Boulder Library project and needed security.
4. Leo Scott spoke about the 1948 United Nations Declaration of Human Rights.
5. Patrick Murphy spoke about municipalization and associated costs.
6. Gary Urling spoke about college students in poverty and poor living conditions.
7. Corwin Sampson spoke about homelessness and mistreatment.
8. Mark Gelband spoke about the gap between Boulder's values and current state.
9. Lynn Segal spoke about code enforcement and advertising for short term rentals.
10. Elizabeth Hondorf spoke about code enforcement and advertising.

11. Stephen Keenan spoke about parking lots and lifting the building height regulation to build more affordable units in certain areas.
12. Sarah Silver spoke about the Good Neighbor Program and affordable housing project.
13. Chris Nelson spoke about the Good Neighbor Program and affordable housing project.

Open Comment closed at 6:40 p.m.

3. **CONSENT AGENDA**

- A. Consideration of a motion to approve the November 8, 2018 Regular Meeting Minutes
- B. Consideration of a motion to authorize the City Manager to dispose of a permanently affordable property to a qualified affordable buyer, and to sign all associated agreements
- C. Third reading and consideration of a motion to adopt Ordinance 8295 amending Chapter 7-7, "Towing and Impoundment," B.R.C. 1981, to adopt additional regulations on nonconsensual towing and setting forth related details

Amendments from the "blue sheet" (supplied on the dais) emphasized a time line for the towing company to report to the police regarding removal of a vehicle.

Director of Housing and Human Services Kurt Firnhaber answered questions.

- D. Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8304 amending the short-term rental licensing requirements by amending Chapter 10-3, "Rental Licenses," B.R.C. 1981, to add a requirement that operators of short-term rentals annually certify that the property is the operator's principal residence; adding an associated fee to Section 4-20-18, "Rental License Fee," B.R.C. 1981, and setting forth related details

COUNCIL MEMBER WEAVER MOVED TO APPROVE THE CONSENT AGENDA ITEMS 3A-3D, WITH THE "BLUE SHEET" AMENDING 3C TO INCLUDE TIMELINES REGARDING TOWING COMPANIES NOTIFYING THE POLICE AFTER TOWING A VEHICLE. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 6:52 P.M.

3. CALL-UP CHECK-IN

- A. Call-up: 1102 Pearl Street; Site Review
- B. Call-up: 1750 14th Street; Site Review Extension

Senior Planner Elaine McLaughlin answered questions about parking and the requested extension.

There was no interest in calling up these properties.

5. PUBLIC HEARINGS

- A. Second reading and consideration of a motion to adopt Ordinance 8301 annexing a 1.29 acre (56,309 square-foot) enclave property located at 2140 – 2150 Tamarack Avenue with an initial zoning designation of Residential Estate (RE) (LUR2017-00092)

Senior Planner Elaine McLaughlin and Development Review Manager Charles Ferro introduced this item at 7:00 p.m.

Applicant Don Ash from Scott, Cox and Associates spoke about the project.

The public hearing opened at 7:21 p.m. and the following spoke regarding Ordinance 8301 2140 – 2150 Tamarack Avenue:

- 1. Dennis Beck
- 2. Lynn Segal

The public hearing closed at 7:25 p.m.

COUNCIL MEMBER MORZEL MOVED TO ADOPT ORDINANCE 8301 ANNEXING A 1.29 ACRE (56,309 SQUARE-FOOT) ENCLAVE PROPERTY LOCATED AT 2140 – 2150 TAMARACK AVENUE WITH AN INITIAL ZONING DESIGNATION OF RESIDENTIAL ESTATE (RE) (LUR2017-00092). COUNCIL MEMBER BROCKETT SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 7:30 P.M.

- B. Items related to 1204 Upland Avenue: 1. Consideration a motion to approve a Post-Annexation Agreement for 1204 Upland Avenue in Attachment A; and 2. Second reading and consideration of a motion to adopt Ordinance 8305 to rezone approximately 33,067 square feet of land located at 1204 Upland Avenue and a portion of adjoining right-of-way from Residential - Rural 1 (RR-1) to Residential - Low 2 (RL-2), and setting forth related details (LUR2018-00011)

Development Review Manager Charles Ferro introduced this item at 7:30 p.m.

Applicant Terry Palmos from Greeley Associates spoke about the project.

The public hearing opened at 7:46 p.m. and the following spoke regarding 1204 Upland:

1. Lynn Segal

The public hearing was closed at 7:48 p.m.

Staff noted that proper signage will be placed for 12½ Street before the beginning of 2019.

Council also requested a “No Parking” sign along 12½ Street.

COUNCIL MEMBER MORZEL MOVED TO APPROVE A POST-ANNEXATION AGREEMENT FOR 1204 UPLAND AVENUE IN ATTACHMENT A; AND ADOPT ORDINANCE 8305 TO REZONE APPROXIMATELY 33,067 SQUARE FEET OF LAND LOCATED AT 1204 UPLAND AVENUE AND A PORTION OF ADJOINING RIGHT-OF-WAY FROM RESIDENTIAL - RURAL 1 (RR-1) TO RESIDENTIAL - LOW 2 (RL-2), AND SETTING FORTH RELATED DETAILS (LUR2018-00011). MAYOR JONES SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 7:52 P.M.

- C. Second reading and consideration of a motion to adopt Ordinance 8296, amending Title 9, “Land Use Code,” B.R.C. 1981, to preserve commercial retail uses in the Business Community –1 (BC-1) and Business Community -2 (BC-2) zoning districts by restricting residential and other ground floor uses and setting forth related details

Assistant City Manager/Interim Planning Director Chris Meschuk, Development Review Manager Charles Ferro and Senior Planner Karl Guiler introduced this item at 7:53 p.m.

Chief Deputy City Attorney David Gehr answered questions.

The public hearing opened at 8:36 p.m. and the following spoke regarding BC 1-2 Zoning Districts:

1. Pete Weber
2. Andrea Meneghel
3. Lynn Segal

The public hearing closed at 8:47 p.m.

COUNCIL MEMBER WEAVER MOVED TO AMEND ORDINANCE 8296, AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO PRESERVE COMMERCIAL RETAIL USES IN THE BUSINESS COMMUNITY -1 (BC-1) AND BUSINESS COMMUNITY -2 (BC-2) ZONING DISTRICTS BY RESTRICTING RESIDENTIAL AND OTHER GROUND FLOOR USES AND SETTING FORTH RELATED DETAILS WITH THE FOLLOWING AMENDMENT, TO INCLUDE APPLICABLE TECHNICAL DOCUMENT REVIEW PROCESSES. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION CARRIED 9:0 AT 9:30 P.M.

This item will return to council for consideration on third reading.

Council Member Yates asked that staff provide more granular maps for third reading on January 15, 2019.

D. Items related to the Opportunity Zone located in federal census tract 122.03:

1. Opportunity zone update, responses to council member inquiries, and discussion of next steps and;

2. Introduction and consideration of a motion to order published by title only and adopt by emergency Ordinance 8308 temporarily suspending accepting building permit, site review, and other development applications that will result in adding floor area or dwelling units to land within the census tract 122.03 opportunity zone, generally bounded on the west by 28th Street, on the south by Arapahoe Avenue, on the east by 55th Street/Airport Road and on the north by Highway 119/Independence Road until June 22, 2020; and setting forth related details

Parks and Recreation/Interim Community Vitality Director Yvette Bowden, and Assistant City Manager/Interim Planning Director Chris Meschuk introduced this item at 9:32 p.m.

Chief Deputy City Attorney David Gehr answered questions.

The public hearing opened at 10:31 p.m. and the following spoke regarding Opportunity Zones:

1. Vanessa Schatz
2. Mark Wallach signed up but did not speak.
3. Mike Schreiner
4. Gary Urling
5. Mike Marsh pooled with Bennett Scharf and Nancy Kornblum

6. Suzanne De Luca
7. Mark Gelband signed up but did not speak
8. Adam Setlik
9. Peter Mayer
10. Rolf Kjolseth
11. Robert Vissers
12. Dee Perry
13. Lisa Spalding
14. Corina Julca
15. Leora Frankel
16. Jan Trussell
17. Ilan Sebba
18. John Koval
19. Michael Gazarik
20. Leonard May signed up but did not speak
21. Boyd Hamilton
22. Marc Painter
23. Sue Prant
24. Andrea Meneghel
25. Christopher Shears
26. Peter Aweida
27. Eric Kompa
28. Shawn Coleman
29. Ben Binder

30. Karen Hollweg

31. Lynn Segal

32. Judy Nogg

33. Eric Budd

34. Renee Hummel

The public hearing closed at 11:54 p.m.

COUNCIL MEMBER MORZEL MOVED TO SUSPEND THE RULES AND CONTINUE THE MEETING. COUNCIL MEMBER WEAVER SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 11:06 P.M.

COUNCIL MEMBER WEAVER MOVED TO ADOPT BY EMERGENCY ORDINANCE 8308 TEMPORARILY SUSPENDING ACCEPTING BUILDING PERMIT, SITE REVIEW, AND OTHER DEVELOPMENT APPLICATIONS THAT WILL RESULT IN ADDING FLOOR AREA OR DWELLING UNITS TO LAND WITHIN THE CENSUS TRACT 122.03 OPPORTUNITY ZONE, GENERALLY BOUNDED ON THE WEST BY 28TH STREET, ON THE SOUTH BY ARAPAHOE AVENUE, ON THE EAST BY 55TH STREET/AIRPORT ROAD AND ON THE NORTH BY HIGHWAY 119/INDEPENDENCE ROAD UNTIL JUNE 22, 2020; AND SETTING FORTH RELATED DETAILS WITH THE FOLLOWING AMENDMENT:

TO REMOVE LANGUAGE THAT IS NOT NECESSARY BECAUSE OF OTHER AMENDMENTS, EDITORIAL CLARIFICATIONS, CLARIFICATIONS RELATED TO THE DEMOLITION AND REPLACEMENT OF MULTI-FAMILY DWELLING UNITS AND THE ADDITION OF PROJECTS THAT HAVE SUBMITTED TECHNICAL DOCUMENT REVIEW APPLICATIONS PRIOR TO DECEMBER 18, 2018 AS APPLICATIONS THAT MAY MOVE FORWARD AS PART OF THE TRANSITION RULES. COUNCIL MEMBER YOUNG SECONDED THE MOTION. THE MOTION PASSED 6:3 WITH COUNCIL MEMBERS BROCKETT, GRANO AND YATES VOTING NAY AT 12:56 A.M.

Council considered exempting projects that were not eligible for Opportunity Zone investment but staff indicated that it was not an amendment that could be drafted at the meeting. Language will be supplied by the City Attorney's Office and considered at the January 15, 2019 meeting.

6. MATTERS FROM THE CITY MANAGER

- A. Consideration of a motion to appoint a council subcommittee to work with staff on the development of the library financial polling questions

**COUNCIL BY ACCLAMATION APPOINTED COUNCIL MEMBERS MORZEL
AND YATES AT 12:57 A.M.**

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

- A. Call-up: Site Review application for the redevelopment of the existing site located at 1102 Pearl Street, with a new three-story, 38-foot mixed use building in the Downtown - 4 (DT-4) zoning district. The proposed project includes approximately 5,000 square foot ground floor retail/restaurant space; approximately 5,800 square feet office on the second story; and three residential units on the approximately 3,520 square foot third story. Structured parking for three spaces is proposed at the rear of the building along the alley. The applicant is requesting a modification to the rear yard setback and an approximately 18 percent Land Use Intensity modification given the adjacency of the Pearl Street Mall. Reviewed under case no. LUR2017-00097
- B. Call-up: EXTENSION OF DEVELOPMENT APPROVAL: request to extend the approval of Site Review application no. LUR2014-00032, The James, located at 1750 14th Street, beyond the expiration period otherwise permitted by the Land Use Code. This extension required Planning Board approval pursuant to section 9-2-12(b)(2), B.R.C. 1981

9. DISCUSSION ITEMS

10. DEBRIEF

11. ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE COUNCIL AT THIS TIME,
BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 12:57 A.M.
ON DECEMBER 19, 2018.**

Approved this 15th day of January, 2019.

APPROVED BY:

Suzanne Jones, Mayor

ATTEST:

Lynnette Beck, City Clerk