

CITY OF BOULDER
PLANNING BOARD PUBLIC HEARING

MEETING DATE: May 21, 2020

AGENDA TITLE

Public Hearing and motion on the Boulder Valley Comprehensive Plan (BVCP) Mid-Term Update screening process for amendments to the plan from members of the community and staff-initiated amendments to receive further consideration.

PRESENTER/S

Jane S. Brautigam, City Manager
Mary Ann Weideman, Interim Director of Planning and Development Services
Jim Robertson, Comprehensive Planning Manager
Jean Gatzka, Senior Planner, Planning Department
Dana Sparks, Comprehensive Planning Intern

OBJECTIVE: To hold a public hearing and conduct the screening process to confirm the scope of the Boulder Valley Comprehensive Plan Mid-Term Update, focusing on the list of public requests for amendments that should receive further consideration.

EXECUTIVE SUMMARY

The purpose of this meeting is to hold a public hearing and conduct the screening process to confirm the scope of the Boulder Valley Comprehensive Plan Mid-Term Update. Members of the public submitted thirteen requests for land use and/or policy/text amendments. Staff is recommending three public requests for amendments receive further consideration.

The Planning Board will make a motion to confirm the list of public requests for amendments that should receive further consideration and the list of proposed amendments identified by staff. The city's Comprehensive Planning Division has prepared a recommendation in consultation with the county Community Planning and Permitting Department (formerly Land Use Department) on each proposed amendment. The city (Boulder Planning Board, Boulder City Council) provides direction on which proposed amendments warrant further reconsideration. The Boulder County Board of County Commissioners may call up Area II Land Use Map changes over 5 acres in size. Staff will provide an update on the BVCP Mid-term process for the Boulder County Planning Commission and Board of County Commissioners in June.

Included for review is a list of necessary policy and map amendments to reflect recently adopted master plans as well as new policy direction since the last update to the comprehensive plan.

After the screening process, staff will conduct analysis and community engagement, aiming for adoption hearings in the fall to complete the 2020 BVCP Mid-Term Update by the end of the year.

STAFF RECOMMENDATION

Staff requests consideration of this matter and action in the form of the following motions:

Motion to further consider and analyze the following land use map amendments proposed by members of the public for Area I properties:

- 1590 Hillside Road and adjacent properties – (*request #2*)
- 3015-3055 47th Street (*request #5*)
- 1345 S. Broadway (*request #7*)

Motion to conduct further analysis of the amendments outlined by staff in this memo that reflect recent adopted policy direction.

BACKGROUND

The BVCP states, “The Boulder Valley Comprehensive Plan is a joint policy document legislatively adopted by the City of Boulder and Boulder County. The plan is updated periodically to respond to changed circumstances or community needs.” The Plan describes four ways in which it can be modified (changes that can be considered at any time, map-only update, mid-term update, and major update) and specifies the types of changes that can be made via each of those processes. The city and county conducted a major update during the period 2015 to 2017, with the update adopted by the approving bodies in 2017. The next major update will be initiated in 2025. The city initiated the 2020 Mid-Term Update earlier this year. The Planning Board and City Council provided feedback on the scope and schedule of the update in [December 2019](#) confirming the staff recommendation to keep the scope and update process streamlined, not include amendments that explore new policy direction, and complete the update by the end of this year. The primary purposes for the mid-term update include:

1. Provide an opportunity for the public to request amendments to the BVCP;
2. Amend the BVCP to reflect map and text amendments stemming from policies and plans accepted by the council since the last update (e.g., Alpine-Balsam Area Plan, Revised Housing Goal, etc.);
3. Amend the BVCP maps reflecting amendments resulting from the Blue Line revisions, open space property acquisitions and annexations, and other miscellaneous amendments.

ANALYSIS

Overview of the Public Request Process

The BVCP Intergovernmental Agreement outlining amendment procedures describes the intent of a major update is to consider requests that reflect changes in circumstances and community desires. The intent of a mid-term update is to provide an opportunity for changes that align with BVCP policies and plans.

The public request process is one avenue for consideration of amendments to the comprehensive plan. The purpose of the request process is to include an opportunity for landowners and the general public to submit for specific amendments to the plan.

The Amendment Procedures of the [BVCP](#) outline possible amendments to the plan in pages 155-165. For public requests, the following procedures are to be followed:

The process will include an opportunity for landowners and the general public to submit requests for changes to the plan.

Screening: Proposed amendments from the public, staff and approval bodies will be reviewed by the city Planning Department, which will prepare a recommendation in consultation with the county Land Use Department on which proposals should go forward and which proposals should receive no further consideration. The bodies will consider all requests for changes together with the staff recommendations at initial public hearings and will compile a list of proposed changes to be considered during the update based upon:

- *Consistency with the purposes of the update,*
- *Available resources to evaluate the proposed change (city and county staffing and budget priorities),*
- *Consistency with current BVCP policies, and*
- *Compatibility with adjacent land uses and neighborhood context.*

The city's Comprehensive Planning Division prepares a recommendation in consultation with the county Community Development and Permitting Department (formerly Land Use Department) on each proposed amendment. Generally the city approval bodies provide direction on which proposals warrant further consideration with call-up available by the Board of County Commissioners for proposals in Area II. If any of the bodies does not recommend a given request for further study, that request will not move forward in the process. Requests regarding properties in Area I that receive recommendation for further study by the two city governing bodies will move forward in the process and will not be considered by the county for screening decision-making.

List of Public Requests for Amendments

The public request process opened on January 28th and the deadline for submission was March 2nd. The public request process was advertised in the Daily Camera, announcements in the city's Planning e-mail newsletter, Next Door messages, and direct e-mails.

Staff received thirteen amendment requests via both mail and e-mail. On March 30, 2020, the city sent a letter to all persons who had submitted requests in addition to any representatives or contacts listed in the submittals indicating that their request had been received and informed them about the schedule of hearings. The city also sent notification to property owners for the public requests in those instances that the person or group submitting the request was not the property owner. The requests that were received and that are addressed in this memo are:

[LAND USE AMENDMENTS:](#)

1. Boulder East Ridge Neighborhood
2. 1590 Hillside Road

3. 750 North Street /Mixed Density Residential (MXR) Designation Amendment / Neighborhood Planning/Infill Pilot Project (*Submitted as both a Land Use and Policy/Text amendment*)
4. Transit Village Area Plan (TVAP) Phase 2 Area (*Submitted as both a Land Use and Policy/Text amendment*)
5. 3015-3055 47th Street
6. 2880 Diagonal Highway
7. 1345 S. Broadway
8. Land Use Designations Review for Public, Park-Urban, and Open Space
9. 1380 Meadow Ave.
10. 6500 Twin Lakes Road (Area II)
11. 0 Kalua Road (Area II)
12. 6655 Twin Lakes Road (Area II)

POLICY AND TEXT AMENDMENTS:

13. Environmental Policies Text Amendments

A map with links to the submitted request forms is available [here](#) on the project website. **Attachment A** includes a worksheet with brief descriptions of each request for Planning Board members to use for notes and the public hearing. A map of all the public requests and the staff evaluation for the initial screening of each request including the submitted request forms can be found in **Attachment B**.

Criteria for Review of Public Requests

The city's approach has generally been to plan for increases in density and the evolution of the city through area planning; it has not generally approached density increases on a site by site basis, but by looking comprehensively at neighborhoods or areas through area or subcommunity planning. Also, the mid-term update is specifically NOT the time to consider new policy direction or undertake new policy initiatives. In the consideration of whether to recommend a request for further study, staff applied the following key factors to inform whether a proposed amendment receive further consideration:

- 1) If the proposal seeks to correct a clear mapping error and can be easily evaluated.
- 2) If the proposal is truly for a comprehensive plan land use amendment to reflect the desired future land use and is not just a request for a zoning change.



BVCP Land Use designations outline the desired future uses as adopted on the BVCP Future Land Use Map and described in the comprehensive plan.

Zoning provides the specific regulations for uses, density, built form, and character specific to an area to implement the comprehensive plan. For example, for each BVCP land use, there are several zoning districts that can be applied to reflect different neighborhood character or other urban design goals

Several requests are just for zoning changes. For the mid-term update, areas where the BVCP future land use is changed, there will be a subsequent process to comprehensively rezone these areas to align the BVCP land use and zoning. This process is not the appropriate process to assess and change zoning in areas where the current BVCP future land use aligns with existing zoning.

- 3) If the proposal seeks to increase intensity of use in or adjacent to an existing established residential neighborhood that is not subject to a subcommunity or area plan, does staff have the capacity to complete the necessary comprehensive assessment and community process necessary to fully understand and evaluate potential impacts and benefits, as would be done in an area planning process? Is there any changed circumstance that would suggest consideration of the change?

Several proposals have the potential to address the community need for housing and may have merit to address the city priority for more affordable housing. Staff took this factor into consideration and have described the potential to further assess these opportunities as discrete projects to be included in the planning department work plan in the coming years if there is interest from the decision-making bodies.

Recommended for Further Analysis

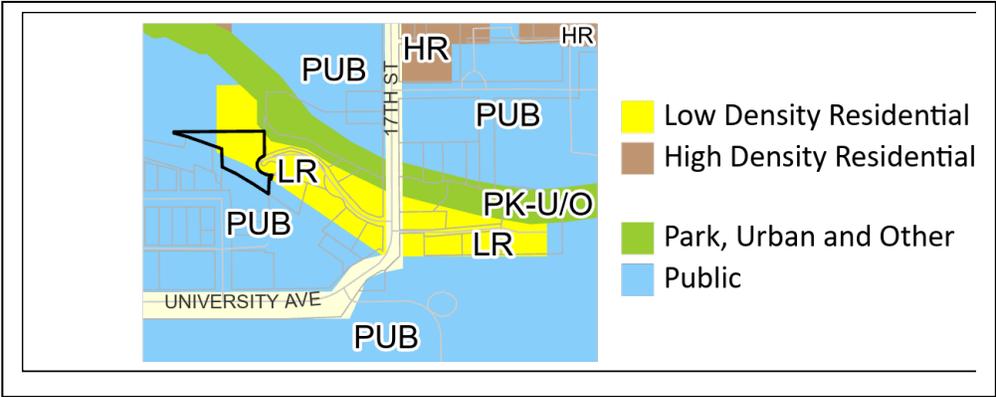
Based on the above criteria, staff recommends three requests in Area I for further analysis in the mid-term update. They include:

Request 2 [1590 Hillside Road](#) (including several additional parcels)

Request to correct the BVCP Land Use from Public (PUB) to Low Density Residential (LR) to accurately reflect publicly owned land and low density residential uses. Several parcels in this area have split land use that does not accurately reflect public uses or ownership.

Upon review, staff recommends amending the land use for other properties in the area to appropriately revise the Low Density Residential (LR) and Public (PUB) land use designations to reflect existing uses. It appears the Public land use designation is in error

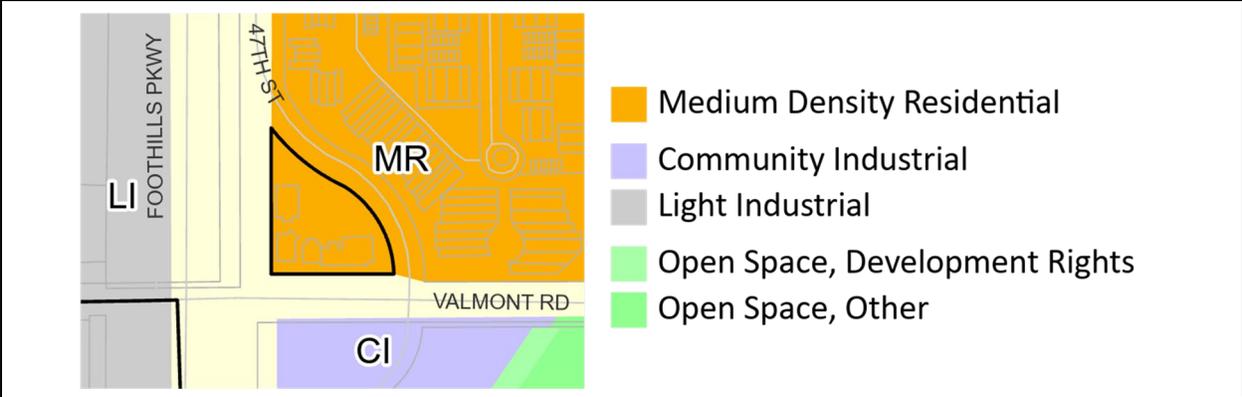
as applied on several parcels in this area. This amendment will more clearly align land use designations along parcel boundaries. This small area is non-controversial, and the amendment can be completed with existing staff resources.



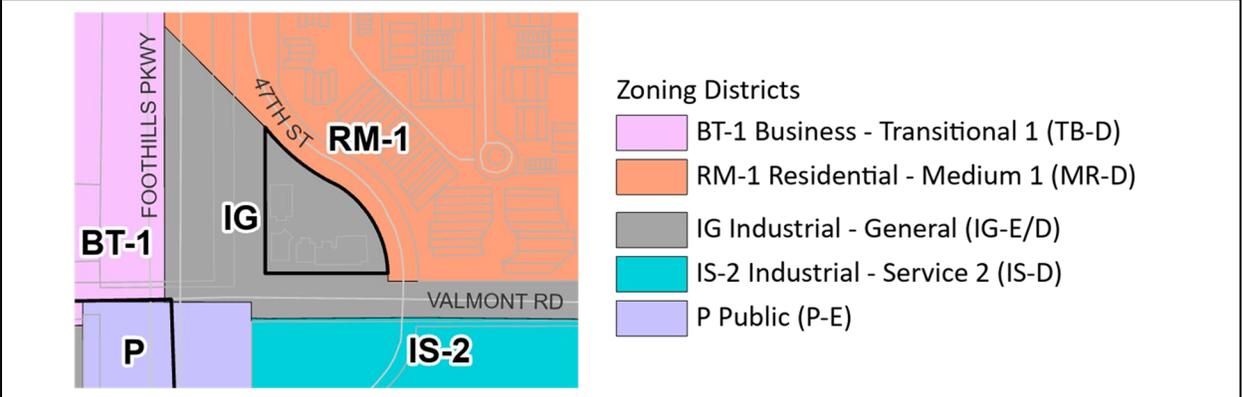
Request 5 [3015-3055 47th Street](#)

Request for land use amendment from Medium Density Residential (MR) to a Business Land Use. Staff recommends further study to determine which land use would best reflect

BVCP Land Use



City Zoning



existing and desired future uses on this land. The existing commercial uses, as uses are inconsistent with the site's residential MR Land Use (and Industrial (IG) zoning). This work can be completed with existing staff resources.

Request 7 1345 S Broadway

Request for land use amendment from Low Density Residential (LR) to a higher density or business land use. This type of amendment is potentially supportable with more information and assurances of the ability to achieve additional community benefit in the form of permanently affordable housing. Further evaluation of this request can be done with existing staff resources.

BVCP Land Use



Requested Amendments **Not Recommended for Further Analysis**

There are several requests for amendments that staff does not recommend for further analysis as part of the BVCP mid-term update, but that may merit further analysis as discrete projects to address pressing community needs. These could be identified in the planning department work plan in coming years if prioritized by the City Council. These projects are all described in the BVCP Action Plan, all requiring medium to high level of effort and staff resources. These are described in more detail below:

- Neighborhood Pilot Project (specific areas were not identified in the plan but could include projects as requested by applicants for the Mixed Density Residential Expanded Community Benefit – Requests #3 or East Ridge Neighborhood Request #1)
- Implement Transit Village Area Plan (TVAP) Phase 2 Land Use Changes
- Diagonal Plaza Area Planning

Staff does not recommend the following requests for further analysis as part of the update:

Request #1 [East Ridge Neighborhood](#)

The application is to change the land use from Low Density Residential (LR) to Medium Density Residential (MR). It has not been the city's practice to allow changes to land use to increase density in single-family neighborhoods. While the location and configuration of this neighborhood could lend itself to being a good place to pilot conversion of single-family homes to allow more units, the change would require a moderate to significant amount of time for community engagement, analysis and to develop regulatory measures and cannot be completed in the scope of this update.

Request #3 [750 North Street / MXR Area / Neighborhood Pilot Infill Project](#)

The applicants submitted forms for both land use and policy/text amendments to pursue the concept of establishing "high community benefit" criteria to allow increased density for one site as a pilot and potentially wider applicability in areas designation Mixed Density Residential. Staff recognizes that the Neighborhood Infill Pilot Project concept was developed and included in the comprehensive plan to explore creative ideas such as this. If there is interest by the decision-making bodies to pursue the concept, it would need to be scoped and prioritized as a project on the planning department work plan. This work is beyond the scope of the mid-term update.

Request #4 [TVAP Phase 2 Area](#)

The applicant submitted forms for both land use and policy/text amendments to request initiation of land use amendments as recommended in the Transit Village Area Plan (TVAP) for properties identified for Phase 2 Implementation. Initiating Transit Village Area Plan (TVAP) Phase 2 implementation is a substantial work effort, requiring significant staff resources and is out of scope of this mid-term update. Staff recommends moving ahead with land use changes for Phase 2A along the west side of 30th Street in this update as a first step.

Request 6 [2880 Diagonal Highway](#)

Request is for a zoning change to allow for hotel/motel use. In order to consider a future rezoning, there would need to be a land use amendment from the current General Business (GB) to another Business Land Use that would allow for a hotel/motel use. This area (Diagonal Plaza) has been identified as a potential priority for future area planning efforts to encourage redevelopment that serves the community. Considering land use amendments in this area at this time would be premature absent a process that comprehensively assesses future needs and opportunities.

Request 8 [Land Use Designation Review for Public, Park-Urban and Other, etc.](#)

Request to review the land use designations for Public and Park-Urban and Other particularly in unincorporated areas (and possibly some in the City of Boulder boundary) to ensure accuracy. Comprehensive evaluation of the Open Space, Park, and Public land uses to correct errors and ensure that these land uses are consistently applied throughout the Boulder Valley will require significant staff resources in multiple departments and

would likely entail extensive community engagement. While this effort is not within the scope of the mid-term update, staff is recommending this effort to be completed in the next major update to the comprehensive plan.

The application also requests changing the range of colors used on the Land Use Map for Open Space (Acquired), Open Space (Development Rights), and Open Space (Other) to improve readability. For the recommended final Land Use Map to be approved in the mid-term update, staff will work to evaluate options for improved differentiation of these categories.

Request 9 [1380 Meadow Avenue](#)

Request is for a zoning change on a portion of the parcel since the parcel currently has split zoning (RE and RL-2). BVCP Land Use for the entire parcel is Low Density Residential (LR) that aligns with existing use and neighborhood context. This is not the appropriate process to change zoning.

Area II

Requests 10, 11, 12 [6500 Twin Lakes Road, 0 Kalua Road, and 6655 Twin Lakes Road](#)

Request for land use amendments from Public (PUB) to Open Space and Low Density Residential (LR) to Open Space. Further analysis on this requested amendment is significant policy change, a substantial work effort, requiring substantial city and county resources in multiple departments and not within the scope of the mid-term update.

Policy or Text Amendment Request

Request 13 [Environmental Policies Text Amendments](#)

Amendments to add additional text to Policies 3.22 Floodplain Management and 3.30 Surface and Groundwater (Chapter 3 Natural Environment, p. 59, 61). The requested policy language represents a significant policy change that has not been evaluated for impacts to staff time to administer, regulate and enforce. Nor has the policy change been evaluated for coherence with adopted floodplain regulations and adopted through a comprehensive process. This is not within the scope of the mid-term update.

Staff-Initiated Amendments to Reflect Adopted Plans and Policy Direction

In addition to the requests submitted by the public for which staff has recommended for further consideration, staff also recommends the following policy amendments to reflect recently adopted master plans as well as other confirmed new policy direction and identified the following amendments:

- Chapter III Section 1 –Intergovernmental Cooperation – Amend and/or add new policy language to reflect existing Memorandum of Understanding and direction in the 2019 Open Space Master Plan recognizing consultation with indigenous people about cultural resources on OSMP/city land

- Chapter III Section 6 Transportation – Amend and add new policy language to reflect 2019 Transportation Master Plan direction on Vision Zero and the Low-Stress Network
- Chapter III Section 7 Housing – Amend and add policy language to reflect the new affordable housing goal to secure 15 percent of all residential properties within Boulder as permanently affordable to low-, moderate-, and middle-income households by 2035
- Chapter III Section 8 Community Well-Being & Safety – Amend Human Services policies to reflect direction from the adopted Homeless Strategy
- Chapter V Subcommunity and Area Planning, to reflect revisions approved in early 2019 and to add information about the adopted Alpine-Balsam Area Plan.
- Chapter VII Master Plan Summaries – Amend descriptions to reflect the 2019 OSMP Master Plan
- BVCP Land Use Map to reflect:
 - Direction from the Alpine-Balsam Area Plan for the city-owned properties
 - Transit Village Area Plan Phase 2A (west of 30th Street)
 - Open Space Acquisitions
 - Staff is also proposing further analysis of a potential land use change to a site that Boulder Housing Partners is negotiating for purchase. This type of amendment is potentially supportable with more information and assurances of the ability to achieve additional community benefit in the form of permanently affordable housing.
- BVCP Area I, II, III Map to reflect
 - Recent annexations including the Knollwood Neighborhood
 - Changes to parcels on the western edge of the city where the status of Area II and Area III may have changed due to the amended Blue Line adopted by voters in 2016

SCHEDULE / NEXT STEPS

Schedule for Initial Screening Review and Hearings

The schedule for the Public Hearings and initial screening of proposed amendments to be considered further in the BVCP Mid-Term Update will be determined by the city Planning Board and City Council with call-up available by the Board of County Commissioners for Area II. Staff will provide updates on the process to all approval bodies. The tentative schedule is as follows:

May 21	Planning Board
June 2	City Council
June 17	Boulder County Planning Commission
June TBD	Boulder County Board of County Commissioners

City and county staff will develop and execute an engagement plan as necessary depending on the proposed amendments selected to proceed in the process. The purposes of this engagement would be to inform neighbors about proposed amendments, complete analysis, and gather feedback during the months of June – August to inform recommendations.

The tentative schedule for Public Hearings and adoption of changes resulting from the BVCP Mid-Term Update is as follows:

September 3	Planning Board
September 15	City Council
September 16	Boulder County Planning Commission
September TBD	Boulder County Board of County Commissioners

ATTACHMENTS

- A. Public Request Screening Worksheet
- B. Map, BVCP Amendment Requests Assessment and Application Materials
- C. E-mail correspondence to the Planning Board regarding public applications