

Elaine,

January 21, 2021

I represent Gunbarrel Community Alliance which is concerned about the proposed development at 4775 Spine Road. These initial comments on the January 12, 2020 proposal submitted by the developer complement and supplement other initial comments submitted by GCA Chair Kit Fuller, Board Member Julie Dye, Rhona Unsell and other GCA members.

GCA looks forward to working with staff and City officials to ensure an outcome on this property that is consistent with the Boulder Valley Comprehensive Plan (“BVCP”) and residents’ visions for the future of Gunbarrel. These comments are based on an initial review because the holiday weekend and outside deadlines have not yet allowed by the opportunity for a comprehensive review of the newly submitted proposal or a careful comparison against the prior proposal. For more information, please see GCA’s July 27, 2020 communication to City Council, the Planning Board and staff, which is attached to this communication. Thank you for review that comment.

Preliminary comments and observations include:

First, as GCA highlighted last summer, Gunbarrel Subcommunity Planning was identified as a top priority for the BVCP Midterm Update. It has yet to commence. As stated in the July 2020 comment, a development moratorium is essential for large undeveloped parcels across Gunbarrel until the completion of Subcommunity Planning. There is ample precedent for such a temporary moratoria. Several examples described in the July 2020 letter include the Opportunity Zone (East Boulder), Niwot, University Hill and the Area III Planning Reserve.

Large undeveloped tracts in Gunbarrel (more than 5 acres) are Gunbarrel’s equivalent of the 500-some acre Planning Reserve for the entire City. But undeveloped tracts in Gunbarrel are far smaller and much scarcer than the reserve. Conversely, Gunbarrel’s need for public amenities such as a library, recreation center, public pool, open space accessible to residents, playing field, and schools for its growing population – are great and urgent. Currently, we don’t believe that City and County planners have inventoried undeveloped parcels in incorporating or unincorporating Gunbarrel, or unmet community needs. Subcommunity Planning is the time and the place to do that essential work before major new developments are considered for large undeveloped tracts. GCA is eager to constructively participate.

Second, the “revised” proposal continues to seek approval for ultra-high density development in a rural residential area of Gunbarrel that is wholly inappropriate

for such development. The proposed location is miles from Gunbarrel Center and retail or professional businesses and services.

Third, the current land use and zoning for the parcel is IM or light industrial/manufacturing. Recent discussions by the Planning Board and City Council have identified the importance of industrial zoning and actual uses, and the paucity of land within City limits or anywhere in the Boulder Valley which is available for either light or heavy industrial use. Industrial designations and treatment of such lands has accordingly emerged as a top priority in the BVCP update, just like Gunbarrel Subcommunity Planning.

In light of two issues triggered by the proposed development being high priorities for the pending BVCP Midterm Update, it makes sense to defer any action or decisions on the proposal until completion of the Midterm. This will ensure that the developer can re-consider the current proposal in light of the final Midterm Update, while allowing City officials and the public to intelligently review the proposal and make informed decisions based on final decisions in the pending Midterm.

Fourth, given the ultra-high density nature of the proposal and the lack of green spaces, the undeniable “urban heat island” affect demands close scrutiny. GCA submits that, as submitted, the proposal is a non-starter for this Gunbarrel subcommunity. This aspect must be reviewed by City Climate and Sustainability staff and a task force of concerned residents representing directly impacted communities. Youth should be heard: they will inherit the legacy of today’s decisions.

Fifth, the square feet proposed for the residential development on a land use change from the current designation far exceeds the allowable square footage for IM. It appears that the developer proposes building out to 250,000 total square feet, more than 40% greater than the limit under the existing designation (170,00 square feet? – please provide that number). If the City is open to changing the land use after considering the proposal in light of any changes to light and heavy industrial and IM uses in the BVCP Midterm Update, the existing ceiling should be the absolute maximum.

The developer may have attempted to infer that the proposal is somehow an affordable housing proposal. It is not. It proposes market rate rental units at a significantly higher price level than existing Gunbarrel rentals, for which there have been abundant vacancies in recent years. The 25% AH component is the minimum requirement, and some GCA members have proposed that the 40% AH component achieved at the recent Diagonal Crossing development should be the minimum target.

Notwithstanding the status of any new units, medium density is the maximum that is appropriate for the location. Residents are also raising questions about whether ownership units would make more sense for the location than rentals, in light of current trends, demographics and demand.

Sixth and finally, the City is aware that Hain Celestial previously committed that this entire property would be preserved and protected for wildlife habitat in perpetuity. When I visited the property in the summer of 2020, I was struck by the vitality and health of the thriving prairie dog colony. As planning and OSMP staff are well aware, prairie dogs are a keystone species of great importance to the overall ecological health of Boulder Valley habitats. They contribute to healthy soils through aeration and turning over earth resulting from burrowing and to healthy predator populations as a foraging source for raptors (hawks, eagles and owls) and other predators.

While it is uncertain whether the City, residents or other stakeholder can enforce that commitment and public promise to the Gunbarrel community, it would seem only fair that, at a minimum, any developer be required to identify an equivalent property for protection or otherwise agree to actions that will result in significant protections for wildlife, habitat and ecosystems within the Boulder Valley. The concept is a core element of natural resources management and planning, widely used in such contexts as wetlands banking (no net loss) or compensatory mitigation for oil and gas operators seeking permissions to drill in sensitive habitats.

In closing, the new proposal should be tabled pending completion of the BVCP Midterm Update and Gunbarrel Subcommunity Planning. There is no reason Subcommunity Planning should wait for completion of the Update and it can be commenced during the pendency of the BVCP midterm. That is the City's decision. Regardless of the timeline, Subcommunity Planning needs to be completed before final decisions are made on a 9.8 acre undeveloped property for which the highest and best use may well be a public use that emerges from Subcommunity Planning.

Thank you for your attention to this initial comment. I look forward to working with staff and other stakeholders going forward. To help level the playing field and to aspire to a fair and open process, I request notice to myself and GCA (c/o Chair Kit Fuller) of any scheduled meetings, hearings, discussions, deadlines or comment opportunities regarding this property and the proposed development, to be provided concurrently as any notice is sent to the developer and the developer's representatives named in the application.

Very sincerely yours,
/s
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