



**CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING AGENDA**

DATE: Tuesday, February 14, 2023

TIME: Meeting to begin at 4 p.m.

PLACE: Virtual Meeting

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE GIVEN BY THE CITY OF BOULDER, BOARD OF ZONING ADJUSTMENT, AT THE TIME AND PLACE SPECIFIED ABOVE. ALL PERSONS, IN FAVOR OF OR OPPOSED TO OR IN ANY MANNER INTERESTED IN ANY OF THE FOLLOWING VARIANCES FROM THE LAND USE REGULATIONS, TITLE 9, BOULDER REVISED CODE 1981; MAY ATTEND SUCH HEARING AND BE HEARD IF THEY SO DESIRE. (APPLICANT OR REPRESENTATIVE MUST APPEAR AT THE MEETING.)

1. CALL TO ORDER

2. APPROVAL OF MINUTES

- A. [December 13, 2022 BOZA minutes are set for approval.](#)

3. BOARD HEARINGS

- A. [There are no Board Hearings.](#)

4. GENERAL DISCUSSION

A. Matters from the Board

B. Matters from the City Attorney

C. Matters from Planning and Development Services

- A. [Accessory Dwelling Unit Project Update and Discussion](#)

B. ADJOURNMENT

For more information call Robbie Wyler (wylerr@bouldercolorado.gov), Brian Holmes (holmesb@bouldercolorado.gov) or Devin Saunders (saundersd@bouldercolorado.gov). Board packets are available after 4 p.m. Friday prior to the meeting, online at www.bouldercolorado.gov.

*** SEE REVERSED SIDE FOR MEETING GUIDELINES ***

**CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING GUIDELINES**

CALL TO ORDER

The board must have a quorum (three members present) before the meeting can be called to order.

AGENDA

The board may rearrange the order of the agenda or delete items for good cause. The board may not add items requiring public notice.

ACTION ITEMS

An action item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

- Staff presentation.*
- Applicant presentation.*Any exhibits introduced into the record at this time must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
- Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation.*

- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record. When possible, these documents should be submitted in advance so staff and the board can review them before the meeting.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
- Citizens can send a letter to Planning and Development Services staff at 1739 Broadway, Boulder, CO 80302, two weeks before the board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the board meeting.

3. Board Action

- Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- Board discussion. This is undertaken entirely by members of the board. The applicant, members of the public or city staff participate only if called upon by the Chairperson.
- Board action (the vote). An affirmative vote of at least three members of the board is required to pass a motion approving any action. If the vote taken results in a tie, a vote of two to two, two to one, or one to two, the applicant shall be automatically allowed a rehearing. A tie vote on any subsequent motion to approve or deny shall result in defeat of the motion and denial of the application.

MATTERS FROM THE BOARD, CITY STAFF, AND CITY ATTORNEY

Any board member, Planning and Development Services staff, or the City Attorney may introduce before the board matters, which are not included in the formal agenda.

VIRTUAL MEETINGS

For Virtual Meeting Guidelines, refer to <https://bouldercolorado.gov/boards-commissions/board-of-zoning-adjustments-boza-agenda> page for the approved Board of Zoning Adjustment Rules for Virtual Meetings.

*The Chairperson, subject to the board approval, may place a reasonable time limitation on presentations.

**CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
December 13, 2022
Virtual**

Board Members Present: Jill Lester (Chair), Jack Rudd, Katie Crane, Nikki McCord

Board Members Absent: Marine Siohan

City Attorney Representing Board: Erin Poe

Staff Members Present: Robbie Wyler, Amanda Cusworth, Devin Saunders

1. CALL TO ORDER:

J. Lester called the meeting to order at 4:02 p.m.

2. BOARD HEARINGS:

A. Docket No.: BOZ2022-00018

Address: 423 Marine Street

Applicant: Jason Lettmann

Setback Variance: As part of a proposal to recognize and establish an existing single-story nonconforming detached building, the applicant is requesting a variance to the minimum interior side yard setback standards for an accessory structure in the RL-1 zoning district. The resulting interior side (west) setback will be approximately 1.7 feet (taken from the closest point of the subject building) where 3 feet is required and where approximately 1.7 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:

R. Wyler presented the item to the board.

Board Questions:

R. Wyler answered questions from the board.

Applicant's Presentation:

Sebastian Barlarin, representing the applicant, presented the item to the board.

Board Questions:

Sebastian Barlarin, representing the applicant, answered questions from the board.

Public Hearing:

No one from the public addressed the board.

Board Discussion:

- **N. McCord** requested clarification regarding market rate vs affordable ADUs.
- **J. Rudd** stated that this is a very appropriate ask and indicated there is no change to the character of the neighborhood.
- **J. Lester** noted that this work is being done without a permit and requested the applicant clarify how this was reported.
- **J. Rudd** asked if the applicant has spoken with the neighbor who reported the unpermitted work.

Motion:

On a motion by **N. McCord**, seconded by **J. Rudd**, the Board of Zoning Adjustment approved 4-0 (**M. Siohan** absent) the application (**Docket BOZ2022-00018**) as submitted.

B. Docket No.: BOZ2022-00019

Address: 508 Pleasant Street

Applicant: Eric Raffini & Steven Aronowitz

Setback Variance: As part of a proposal to recognize and establish an existing but non-permitted elevated bridge connecting the single-family house to a detached garage - therefore making both structures a single structure when it comes to land use standards and compliance - the applicants are requesting a variance to the principal structure rear (south), interior side (west), and combined side (west) yard setback standards for a house in the RL-1 zoning district. The resulting rear (south) setback will be approximately 12 feet (taken from the closest point of the garage) where 25 feet is required and where approximately 12 feet exists today. The resulting interior side (west) setback will be approximately 3.6 feet (taken from the closest point of the garage) where 5 feet is required and where approximately 5 feet exists today. The resulting combined side (west) setback will be approximately 3.6 feet (taken from the closest point of the garage) where 7.1 feet is required and where approximately 3.6 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:

R. Wyler presented the item to the board.

Board Questions:

R. Wyler answered questions from the board.

Applicant's Presentation:

Eric Raffini, the applicant, presented the item to the board.

Board Questions:

Eric Raffini, the applicant, answered questions from the board.

Public Hearing:

No one from the public addressed the board.

Board Discussion:

- **J. Lester** noted that from a building perspective, this bridge is both practical and impractical. Noted that the access point to the garage is at the bedroom level and it is a topographical issue as to why it is in front of BOZA.
- **J. Rudd** noted that this seemed like a bad decision regarding the lack of permitting and bridgeway. Also indicated that it is important to note this is not the fault or decision of the applicant.
- **K. Crane** felt for the owners as they inherited this problem, and this issue was not included in the discover agreement. The applicant is attempting to come in compliance.
- **N. McCord** requested clarification on the differences between the breezeway and the walkway and how this variance could be possibly approved but not mimicked by other applicants to get the same result.
- **N. McCord** noted sympathy for the applicant as this is not their fault, but struggled being torn with this decision.
- **J. Lester** also noted concern for the application and requested guidance from Robbie and Erin regarding the requirements for this variance exception and inquired if the previous owner explicitly knew about this zoning issue.
- **N. McCord** noted that this seems like an issue between the new owner and previous owner and was hesitant on becoming involved.
- **J. Lester** noted that this a quasi-judicial board and the Board has to make a decision on this application based on criteria and qualifications.

Motion:

On a Motion by **J. Lester** and seconded by **K. Crane**, the Board of Zoning Adjustment voted 4-0 (**M. Siohan** absent) to approve application (**Docket BOZ2022-00019**) as submitted on the condition that the garage's classification as an attached or detached accessory unit for the purposes of any future ADU or similar application not be changed by this variance approval.

3. GENERAL DISCUSSION:

A. Matters from the Board

There were no matters from the board.

C. Matters from the City Attorney

There were no matters from the City Attorney.

D. Matters from Planning and Development Services

There were no matters from the Planning and Development Services.

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 5:49 P.M.

APPROVED BY

Board Chair

DATE

DRAFT



BOARD OF ZONING ADJUSTMENT MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Brad Mueller, Director of Planning & Development Services
Charles Ferro, Senior Planning Manager
Karl Guiler, Senior Policy Advisor
Lisa Houde, Senior City Planner

DATE: February 14, 2023

SUBJECT: Accessory Dwelling Unit Project Update and Discussion

EXECUTIVE SUMMARY

The purpose of this item to update the Board of Zoning Adjustment on the status of the accessory dwelling unit (ADU) update project and to discuss major focus areas. Staff will also provide an overview of the existing ADU regulations and approval process in the presentation.

City Council identified updating the ADU regulations to increase their allowance in the community as one of their top work program priorities for 2022-2023. The scope of this project is limited to regulations related to the ADU saturation limit, size limits, as well as code simplification and clarification. In addition, the project will include process improvements to further simplify the administration of ADU applications. Staff plans to complete the project in the second quarter of 2023.

QUESTIONS FOR THE BOARD OF ZONING ADJUSTMENT

Staff is seeking input and direction from BOZA to guide drafting the ordinance for the ADU update project.

1. Does BOZA have any comments related to the proposed elimination of the current 20 percent saturation limit within a 300-foot radius of all ADUs in the RL-1 and RL-2 zoning districts?
2. Does BOZA have any comments about increasing the allowable size of ADUs and/or clarifying the floor area measurement of ADUs?

3. Does BOZA have any other comments on other proposed simplification and clarification changes?

BACKGROUND

Accessory dwelling units have been discussed as one tool to address Boulder’s housing challenges over the past decade or more to help provide a diversity of housing types and price ranges, which is a core value of the Boulder Valley Comprehensive Plan. Boulder has had ADU regulations in place since 1983. A map of all approved ADUs in the city is available in **Attachment A**.

In 2022, Planning & Development Services (P&DS) and Housing & Human Services (HHS) staff completed a detailed evaluation of the most recent updates, which went into effect in 2019. This evaluation is intended to inform future changes to the ADU regulations and is available in **Attachment C**.

During the 2022 annual retreat, City Council had identified accessory dwelling unit regulation updates as a key priority for the 2022-2023 council term. The objective of this council priority was originally to consider an ordinance to remove saturation limits for accessory dwelling units within a certain radius and to allow for attached or detached ADUs wherever existing requirements are met. However, at a study session on November 10, the City Council supported staff’s recommendation to focus the scope of the project to:

- Eliminating saturation limit
- Considering changes to size limits
- Code clarification improvements
- Process improvements

City Council also supported an engagement level of “consult,” focusing on utilizing public input opportunities at existing board and council meetings and incorporating the results of relevant past engagement on ADUs. The council also requested that a list of potential future changes to ADU regulations that would further eliminate barriers be retained for future councils to consider at a later time. A summary of the City Council comments can be found [here](#). Staff has developed a draft project charter for this scope of work which is available in **Attachment B**.

ANALYSIS

The following section will provide background information on the main focus areas of the updates as well as the key questions for BOZA input.

- **Eliminating saturation limit**
- **Considering changes to size limits**
- **Clarifying and simplifying the code**
 - Extend approval expiration period
 - Flexibility for height of existing structures
 - Lockable separation of attached ADUs
 - Limited accessory units

- Owner occupancy – LLCs and temporary rental exemptions
- Public notice requirement
- **Improving the process**
 - One-step review
 - Addressing
 - Declarations of use
 - Self-service handouts/videos

Saturation Limit

The current regulations limit the percentage of ADUs within a 300-foot radius in the RL-1 and RL-2 zoning districts (a “saturation limit”) and staff maintains a waiting list for properties that are in areas that have reached their saturation limit. There are currently 12 properties on the waiting list, as well as other properties that have never pursued an ADU application due to the saturation limit but did not choose to join the waitlist.

The saturation limit has been in place since the original ADU regulations were adopted in Boulder in 1983. Boulder was on the forefront of the zoning relegalization of ADUs (in most cities, accessory units were common historically before the introduction of single-family zoning in the mid-20th century). In 1983, when Boulder’s initial ADU regulations were put into place with the saturation limit, the reintroduction of ADUs was a new planning and zoning concept and understandably, the potential impacts of ADUs on existing neighborhoods were relatively unknown. After 40 years of regulating ADUs and with over 450 approved ADUs in the city, the real impacts are significantly better understood in Boulder and there are other methods of zoning control that can successfully mitigate any impacts.

Only one other city in the country, a small town in Connecticut, has been found in staff research to use a saturation limit for ADUs. A matrix summarizing the ADU regulations of more than 30 comparable cities around the country is available in **Attachment D**, and Boulder is the only city that limits the saturation of ADUs. These cities are comparable along a range of different characteristics and metrics: homes to large universities, similar population size and some with similar density, some with similar housing prices, and other factors.

Within the last decade particularly, many cities throughout the country have been undertaking zoning updates to more liberally allow ADUs, recognizing that ADUs provide an important housing option with impacts that can be readily mitigated through common zoning standards. Like Boulder, cities have been trying to understand which of their regulations may be acting as barriers to ADU development. There have been a number of resources developed, such as the AARP’s “[ABCs of ADUs](#),” which is an introductory best practices guide that promotes ADUs as a successful method of expanding housing choice. Importantly, one of the main examples provided of “rules that discourage ADUs” in this document include “restrictions that limit ADUs to certain areas.”

In the evaluation completed last year, it was clear that the saturation limit continues to present a significant procedural and perceived barrier to the development of ADUs in

Boulder. As noted in **Attachment D**, the frequency of ADU public inquiries related to saturation limits suggests that it is something that is not well understood by the public, and the measurement is available only to staff, necessitating significant staff time to confirm saturation limits. Because saturation limits are the most common inquiry made to city staff regarding ADUs, and because the incremental increase of the limit from 10% to 20% did allow for additional ADUs to be constructed, elimination of the saturation limit is recommended to eliminate both perceived and actual barriers to ADUs. Eliminating the saturation limit would have a significant impact on initial public understanding of whether an ADU would be permitted on their property.

Other cities in the state and around the country instead rely on their existing zoning standards and other ADU requirements to mitigate any impacts of ADUs on neighborhoods, rather than using a saturation limit. As noted previously, no other cities in the country have been found to utilize a saturation limit for ADUs. In Boulder, there are extensive form and bulk standards for principal and accessory buildings, as well as detailed compatible design standards that ensure compatibility of the design or location of ADUs. Additionally, requirements for ADUs related to parking and owner occupancy further mitigate potential impacts. A summary graphic of the many zoning standards that apply to the design and location of ADUs is available in **Attachment E**.

Past Public Input

In 2018, the incremental changes made to the ADU regulations included an increase in the saturation limit from 10 to 20 percent. The public input received at the time of those updates is generally relevant to these changes as well. In **Attachment F**, a summary of the input received at that time reveals mixed opinions about the saturation limit. While many residents who participated in the public engagement opportunities at the time disagreed with changing the saturation limit, many residents who were supportive of the increase indicated specifically that they would support eliminating it entirely.

Size Limits

The City Council's objective for the ADU regulation update work program priority is to increase the allowance of ADUs in the community. In the evaluation of the most recent changes, it was concluded that increasing the allowed size of detached ADUs from 450 square feet to 550 square feet had a significant impact on the ADUs created since the most recent code updates. No change was made to the allowable size of attached ADUs in the previous update.

The AARP's "[ABCs of ADUs](#)" notes that "caps on square footage relative to the primary house that make it easy to add an ADU to a large home but hard or impossible to add one to a small home" is another example of rules that discourage ADUs.

There is significant variability among cities that limit the size of ADUs (see summary matrix in **Attachment D**). Generally, a typical maximum size is about 800 square feet. Maximum sizes tend to be smaller in Colorado cities, however, although still range between about 500 and 1,000 square feet.

Over three-quarters of the detached ADUs that were constructed since 2019 would not have previously been permitted due to maximum floor area. Modifying the allowed

square footage by only 100 square feet made arguably the most significant change in the number of ADUs allowed. These ADUs were still subject to all of the typical zoning requirements that ensure compatible residential development, such as solar access, interior side wall articulation, bulk plane, and building coverage requirements (see **Attachment F**).

Further increasing the allowed floor area of ADUs could allow for more ADUs to be constructed in Boulder, such as potentially 800 square feet for detached and 1,000 square feet for attached ADUs. Correspondingly, the maximum size of affordable ADUs would also need to be increased to preserve the existing incentive for owners to pursue affordable units (potentially up to 1,000 for detached, and 1,200 for attached), as well as the larger size for designated historic properties. In the 2022 survey of ADU owners, about one-quarter of owners who pursued an affordable ADU stated that they did so due to the incentive allowing a larger ADU.

In addition, while completing the evaluation, the measurement of ADU floor area was one of the most frequently cited issues and least clear parts of the current code language. Removing the unique method of measuring floor area from the code would significantly reduce review time and increase clarity for both applicants and city staff. Additionally, greater clarity on whether to include or exclude the egress path to an ADU entrance would be helpful.

Past Public Input

The initial staff recommendation during the 2018 ADU update was to increase the permitted size of detached ADUs from 450 square feet to 800 square feet. Ultimately, the size of detached ADUs was increased to 550 square feet. For attached ADUs, the original proposal in 2018 was to increase the size limit from 1/3 of the principal structure or 1,000 square feet to 1/2 of the principal structure or 1,000 square feet. This change was not ultimately adopted, and the limit remains 1/3 of the principal structure or 1,000 square feet for attached ADUs. However, in a questionnaire of nearly 200 residents at the time of the 2018 update, a majority of respondents (62%) supported the change, and about one-quarter of those respondents indicated they would support increasing the limit even further.

Clarification and Simplification

The changes detailed below would improve clarity of the ADU regulations for common issues, as well as general simplification and redrafting of language within the regulations.

Extend Approval Expiration Period

A commonly raised issue by both applicants and staff was the requirement to establish the ADU within one year of approval. Based on construction delays and permit review times, this is often challenging for applicants to meet. A longer expiration period, such as

three years which is the common expiration limit for land use reviews, could be explored to provide additional flexibility.

Flexibility for Height of Existing Structures

One issue with the code that has been raised by recent applications is the lack of flexibility to adapt existing structures for ADUs due to code language regarding height. This issue could be addressed by providing a variance or modification to allow existing structures adapted into ADUs to exceed 25 feet in height. This would allow for limited cases that could encourage the adaptive reuse of existing structures that are not increasing current height of structures.

Lockable Separation of Attached ADUs

A frequent misunderstanding in reviewing attached ADU applications is the requirement for lockable separation between the ADU and principal structure. This requirement comes from the definition of “dwelling unit” and is not listed within the ADU regulations themselves, causing confusion for applicants. Several applicants of withdrawn ADU applications noted this issue as one of the reasons to withdraw their application. More clarity about the requirements for separation would be helpful.

Limited Accessory Units

Only one unit exists in the city that is classified as this type of ADU, yet additional standards complicate the ADU standards. These specific standards could be removed and the city could work to determine the appropriate status of the single remaining property with this type of ADU.

Owner Occupancy Clarification – LLC Ownership and Temporary Rental Exemptions

The issue of owner occupancy came up in many avenues while developing the evaluation. In particular, confusion about whether and how LLCs can prove owner occupancy has been raised many times. This issue should be clarified in the code language.

Additionally, there is not clear guidance about whether owners of ADUs should be permitted to obtain a temporary rental license exemption, which allows them to rent their property for up to 12 months without a rental license if they are temporarily living outside of Boulder County and will re-occupy the property after their absence.

Public Notice Requirement

ADU applications, unlike all other administrative applications except solar access exceptions, require public notice to be sent to adjacent neighbors and posted on the property. Neighbors are often confused why they are being notified if there is not a public hearing or opportunity to provide input on the outcome. Additionally, this adds administrative time and several steps to the ADU application process.

Process Improvements

The following process changes can be made without amending the regulations related to ADUs to improve process issues identified during the 2022 evaluation.

One-Step Review

Currently, ADUs are reviewed as a separate administrative application prior to building permit review. Based on discussions with staff, it appears that the level of detail required for the ADU application often leads applicants to assume that no issues would arrive at the point of later submitting a building permit. However, the building permit is a much more detailed review of building code compliance and often a more detailed review of zoning requirements, and applicants sometimes run into unforeseen issues at that stage. This is understandably frustrating and confusing for ADU applicants. If some of the other initial barriers to ADUs such as saturation limits were to be removed, the ADU process could be more seamlessly integrated into the building permit process and eliminate the need for a two-step process.

Addressing

Currently, properties are given a “Unit A” and “Unit B” address immediately after ADU approval. This has caused numerous issues for applicants and is difficult to undo if the ADU is not ultimately constructed. This step should instead occur upon the letter of completion for the building permit or change of use approval.

Declarations of Use

Currently, all ADUs are required to record a declaration of use for their property when the ADU application is approved. These declarations of use reference current code requirements. However, as the regulations change, the recorded declarations of use become obsolete. Properties are subject to current regulations as they change regardless of the recorded declaration of use. Changes to this process should be considered.

Self-Service Handouts/Videos

While the City of Boulder website currently includes a thorough explanation of the ADU process and requirements, residents frequently contact the city when they have trouble understanding where an ADU would be allowed and what the requirements might be. Updates could potentially be made to handout and application materials to clarify commonly misunderstood information. In addition, there may be opportunities to develop video explanations to further assist residents in understanding the requirements.

PUBLIC AND STAKEHOLDER ENGAGEMENT

Community Engagement

Community Connectors-In-Residence

Staff met with the Community Connectors-In-Residence on January 13 to discuss the potential changes and better understand the potential impacts on underrepresented

communities. The Community Connectors-In-Residence support the voices and build power of underrepresented communities by reducing barriers to community engagement, advancing racial equity, and surfacing the ideas, concerns, and dreams of community members.

Focus of the discussion was centered around the potential benefits and burdens of ADU code changes. Generally, the community connectors were supportive of the proposed changes to the saturation limit and size limits of ADUs. The importance of ensuring ADUs are truly being used for housing for Boulder residents who need it was emphasized. The group also suggested looking into several programmatic changes, such as a program that could assist first-time homebuyers, people of color, or economically disadvantaged residents in their home purchase or ADU construction. A more detailed summary of their comments is provided in **Attachment G**.

ADU Owner Survey

In 2022, HHS and P&DS staff conducted a survey about ADUs within the city. The purpose of the survey was to help understand how these units contribute to housing opportunities within the city and also to determine how the program might be improved. A similar survey was conducted both in 2012 and 2017, so changes in the uses of ADUs, attitudes about them, and major barriers can be assessed over time.

All 439 households in the City's records shown to maintain an ADU in 2022 received the survey. Of the 439 households, 212 households responded to the survey, for a 48% response rate. A summary of the survey results can be found in the ADU evaluation in **Attachment C**.

Relevant Past Engagement

A significant amount of public engagement was undertaken during the latest updates to the ADU regulations in 2018. Staff engaged community members to provide feedback in multiple ways:

- **250** people “shared their ADU story”.
- **216** people attended open houses in 2017-2018 with staff presentations, Q&A, feedback forms.
- **194** people took the Be Heard Boulder online questionnaire.
- **26** individuals spoke to Planning Board and the Housing Advisory Board.
- **10** meetings with groups and city boards, and numerous meetings with individuals.
- **6** ordinance readings prior to City Council adoption.

In addition, the most recent community survey for the Boulder Valley Comprehensive Plan update in 2016 included several questions related to ADUs. This engagement is being reviewed to help inform future changes and to supplement the survey results from ADU owners this year. A full summary of past engagement is available in **Attachment F**. For the targeted updates identified by City Council, staff is planning to undertake a “consult” level of engagement. Further details about the public engagement plan and schedule can be found in the project charter in **Attachment B**.

Board Feedback to Date

Planning Board

Staff discussed the ADU evaluation and upcoming changes to the Planning Board to receive their feedback at their [January 17 meeting](#). The Planning Board was generally supportive of the proposed changes, but expressed concerns about eliminating the saturation limit, particularly in neighborhoods that are near the university. Concerns were also raised about ADU construction potentially increasing property values. The Board also raised questions about the results of the ADU owner survey which showed that a smaller percentage of ADU owners were using their ADU for a long-term rental, and whether ADUs are truly providing additional housing in the community. The board was generally supportive of the changes to simplify and clarify the code, but were concerned about the potentially eliminating the public notice requirement and wanted to ensure that the owner occupancy requirement would remain.

Housing Advisory Board

Staff met with the Housing Advisory Board to discuss the changes at their January 25 meeting. HAB was supportive of the proposals to clarify the ordinance and streamline processes to eliminate barriers to ADUs. HAB was supportive of eliminating saturation limit, and discussed concerns near university but potentially more issue of nuisance enforcement, noting that ADUs may have limited overall density impact in already dense neighborhoods. HAB was also supportive of increasing allowable ADU size as a way to provide housing option for more types of households, but wanted to ensure that ADUs are not too large to counteract the inherent affordability of smaller units. Finally, the board supported clarifying the requirements for owner occupancy and allowing LLCs that can prove owner occupancy to have ADUs.

City Council

City Council discussed the update at a January 26 study session. Key takeaways from the study session discussion were:

- **Saturation Limits:** City Council supported elimination of the saturation limit.
- **Size Limits:** City Council supported increasing size limits and updating the method of floor area measurement.
- **Code Clarification and Process Improvements:** City Council agreed with staff's recommended changes to clarify the code. Council was open to ADUs being owned by LLCs as long as there is a clear process to prove owner occupancy.

NEXT STEPS

Tentatively, a draft ordinance is expected to be presented to Planning Board and City Council in March or April. The goal is to complete this project in the second quarter of 2023.

ATTACHMENTS

Attachment A: Map of Approved ADUs

Attachment B: ADU Update Project Charter

Attachment C: ADU Update Evaluation: 2019-2022

Attachment D: Comparable City Research Matrix

Attachment E: Graphic of Regulations Impacting ADU Design and Location

Attachment F: 2016-2018 ADU Public Engagement Summary

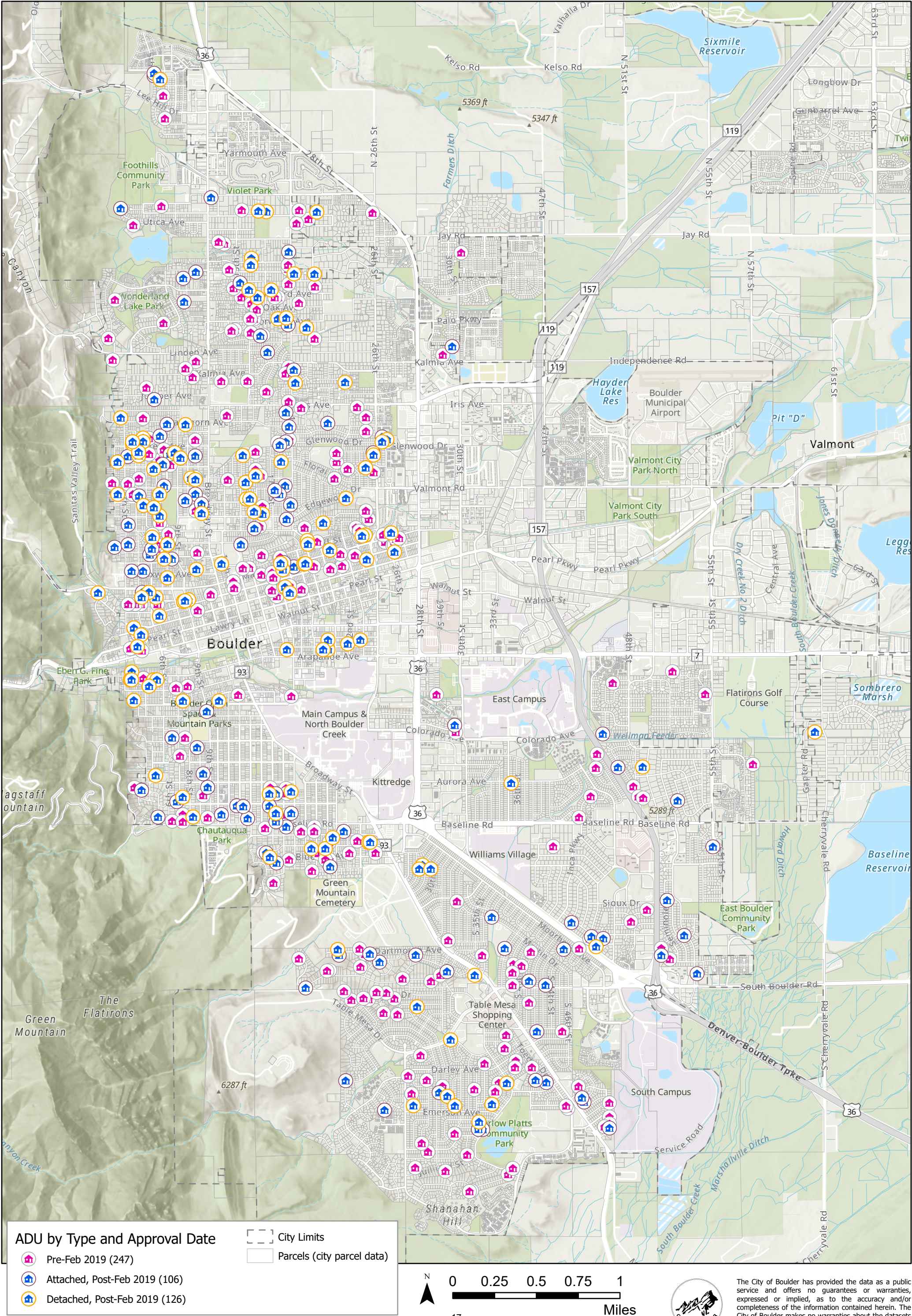
Attachment G: Community Connectors-In-Residence Meeting Notes

Attachment G: Public Comment Received as of February 3

Attachment H: January 26, 2023 City Council Study Session Summary

Accessory Dwelling Units by Type

Item 4 - ADU Project Update and Discussion



Accessory Dwelling Unit Update

Land Use Code Amendment

Project Charter – *Working Draft*

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Project Purpose & Goals

Background

During their 2022 annual retreat, City Council identified accessory dwelling unit (ADU) updates as a key priority for the 2022-2023 council term. The current regulations limit the percentage of ADUs within a certain radius in some zoning districts (a “saturation limit”) and establishes a waiting list for properties that are in areas that have reached their saturation limit. The objective of this council priority is to consider an ordinance to remove saturation limits for accessory dwelling units and to allow for attached or detached ADUs wherever existing requirements are met.

Accessory dwelling units have been discussed as one tool to address Boulder’s housing challenges over the past decade or more to help provide “a diversity of housing types and price ranges,” which is a core value of the Boulder Valley Comprehensive Plan.

Problem/Issue Statement

The regulations for accessory dwelling units, currently found in [Section 9-6-3\(m\)](#) of the Land Use Code, can be further simplified to alleviate issues and barriers with establishing these housing units in the community. Several administrative barriers make the process confusing for prospective applicants and neighbors. In particular, the saturation limit establishes a significant perceived barrier to entry that dissuades and confuses potential applicants and is inherently not easily trackable by the public making it difficult and time consuming to determine eligibility. Only a few properties in the city are included on the waiting list established for neighborhoods that do not currently meet the saturation limit and yet, can deter people from pursuing accessory dwelling units. In addition, research of best practices in comparable cities around the country find that Boulder appears to be the only city in the country with a saturation limit on ADUs.

In Boulder, other limits like maximum size, limitations on the zoning districts in which ADUs are allowed, as well as compliance with the typical zoning development standards that ensure compatible development in any other kind of residential construction, adequately ensure that there will not be an incompatible proliferation of ADUs. The saturation limit is challenging to implement and represents a significant initial hurdle for residents to understand if they can have an ADU on their property.

Project Purpose Statement

Analyze the impacts of the most recent code updates from 2018 and update the standards for Accessory Dwelling Units to simplify language, improve consistency with other parts of the code, and establish streamlined processes to reduce barriers to ADUs, both actual and perceived, and more effectively support the housing goals of the BVCP.

Guiding BVCP Policies

The project is guided by several key BVCP policies:

2.10 Preservation & Support for Residential Neighborhoods

The city will work with neighborhoods to protect and enhance neighborhood character and livability and preserve the relative affordability of existing housing stock. The city will also work with neighborhoods to identify areas for additional housing, libraries, recreation centers, parks, open space or small retail uses that could be integrated into and supportive of neighborhoods. The city will seek appropriate building scale and compatible character in new development or redevelopment, appropriately sized and sensitively designed streets and desired public facilities and mixed commercial uses. The city will also encourage neighborhood schools and safe routes to school

2.11 Accessory Units

Consistent with existing neighborhood character, accessory units (e.g., granny flats, alley houses, accessory dwelling units (ADUs) and owner's accessory units (OAUs)) will be encouraged by the city to increase workforce and long-term rental housing options in single family residential neighborhoods. Regulations developed to implement this policy will address potential cumulative negative impacts on the neighborhood. Accessory units will be reviewed based on the characteristics of the lot, including size, configuration, parking availability, privacy and alley access.

7.07 Mixture of Housing Types

The city and county, through their land use regulations and housing policies, will encourage the private sector to provide and maintain a mixture of housing types with varied prices, sizes and densities to meet the housing needs of the low-, moderate- and middle-income households of the Boulder Valley population. The city will encourage property owners to provide a mix of housing types, as appropriate. This may include support for ADUs/OAUs, alley houses, cottage courts and building multiple small units rather than one large house on a lot.

7.10 Housing for a Full Range of Households

The city and county will encourage preservation and development of housing attractive to current and future households, persons at all stages of life and abilities, and to a variety of household incomes and configurations. This includes singles, couples, families with children and other dependents, extended families, non-traditional households and seniors.

7.17 Market Affordability

The city will encourage and support efforts to provide market rate housing priced to be more affordable to middle-income households by identifying opportunities to incentivize moderately sized and priced homes.

10.01 High-Performing Government

The city and county strive for continuous improvement in stewardship and sustainability of financial, human, information and physical assets. In all business, the city and county seek to enhance and facilitate transparency, accuracy, efficiency, effectiveness and quality customer service. The city and county support strategic decision-making with timely, reliable and accurate data and analysis.

Project Timeline

Background Research | Q3 2022 | Planning

- Develop initial scope of work for ADU updates based on council work program direction
- Interview internal stakeholders to identify issues and opportunities for ADU updates: planners, project specialists, rental licensing staff
- Work with Housing & Human Services to release updated survey of ADU owners, using similar questions as 2017 survey for a more longitudinal study
- Work with HHS staff to interview applicants who withdrew their ADU application to understand potential barriers
- Analyze ADU applications since 2018 changes: total number, average size, location, affordable/market rate
- Map locations of approved ADUs
- Review ADU regulations in comparable cities and best practices reports
- Meet with interested stakeholders as requested

Deliverables

- *Project charter*
- *ADU 2018 changes evaluation*
- *Survey ADU owners – Results summary*
- *Map of approved ADUs*
- *Matrix of peer city ADU regulation research*
- *Update website*

Project Scoping and Initial Drafts | Q4 2022 – Q1 2023 | Shared Learning & Options

- Present evaluation report and peer city research to City Council in November
- Refine scope of project with City Council in November
- Develop community engagement plan
- Present evaluation to Housing Advisory Board
- Continued internal staff stakeholder engagement
- Review results of 2018 engagement, create summary
- Begin drafting changes

Deliverables

- *City Council study session memo*
- *Community engagement plan*
- *Memos for HAB, BOZA, PB*
- *Summary of past engagement*

Draft Ordinance and Adoption | Q1-Q2 2023 | Decision

- Present evaluation to Board of Zoning Adjustment and Planning Board
- Check in with Housing Advisory Board
- Draft ordinance of ADU changes
- Engagement – feedback on draft ordinance
- Public hearings at Planning Board and City Council

Deliverables

- *Draft ordinance*
- *Planning Board memo*
- *City Council memos*

Engagement & Communication

Level of Engagement

The City of Boulder has committed to considering four possible levels when designing future public engagement opportunities (see chart in the appendix). For this project, the public will be **Consulted** on any proposed changes to the ADU standards. Public feedback will be obtained on several changes to simplify the ADU regulations and eliminate barriers.

Who Will be Impacted by Decision/Anticipated Interest Area

- **Residents and neighborhoods** who may be impacted from changes to ADU standards in the neighborhoods where they live/work/play.
- **Under-represented groups** that may have an interest in ADUs but may be unfamiliar with the methods to offer input.
- **City staff, City boards, and City Council** who will administer any amended ADU standards and implement ADU approval processes.

Overall Engagement Objectives

- Model the engagement framework by using the city's decision-making wheel, levels of engagement and inclusive participation.
- Involve people who are affected by or interested in the outcomes of this project.
- Be clear about how the public's input influences outcomes to inform decision-makers.
- Provide engagement options.
- Remain open to new and innovative approaches to engaging the community.
- Provide necessary background information in advance to facilitate meaningful participation.
- Be efficient with the public's time.
- Show why ideas were or were not included in the staff recommendation.

Engagement Timeline

	jan				feb				mar				apr
<i>Week</i>	1	2	3	4	1	2	3	4	1	2	3	4	1
Board/ Public Feedback													
<i>Be Heard Boulder ideas</i>													
<i>Virtual office hours</i>													
<i>Community Connectors In Residence</i>		1/13											
<i>BOZA</i>		1/10											
<i>PB</i>			1/17										
<i>HAB</i>				1/25									
<i>City Council</i>				1/26									
Ordinance Review													
<i>PB – Public Hearing</i>								2/21					
<i>City Council – 1st Reading</i>										3/16			
<i>City Council – Public Hearing</i>													4/6

Engagement Strategies

Significant public engagement was undertaken when the most recent code changes were adopted in 2018. Additionally, the city administered a survey of ADU owners this year, and additional feedback on ADUs have been provided in recent communitywide surveys. This engagement will help to inform the targeted changes as a part of this project and will be supplemented by focused engagement utilizing the city’s existing boards, the Board of Zoning Adjustment, Housing Advisory Board, and the Planning Board, as well as the formal adoption process through City Council.

COMMUNITY CONNECTORS-IN-RESIDENCE

Community Connectors-in-Residence (CC-in-R) evolve a stronger relationship between historically-excluded community and city government, identify barriers to community engagement, advance racial equity, and serve as a bridge for continuing dialogue by surfacing the ideas, concerns, and dreams of community members.

Members of the CC-in-R team belong to an array of communities and bring lived experience, including immigrant and mixed-status families, Black, Latinx, Nepali, Indigenous and Arapahoe, low-income, older adults, neurodivergent, artists, business owners, students, individuals of varying levels of education, and multigenerational families. While there are some intersectionalities, the view of connectors does not serve as a whole representation of the communities they belong to.

City staff will seek the input of the Community Connectors-In-Residence at their meeting on January 13, 2023 to provide a summary of the potential ADU code changes, receive feedback, help to identify potential negative unintended consequences, and receive input on additional engagement opportunities.

PLANNING BOARD, HOUSING ADVISORY BOARD, AND CITY COUNCIL

Both the Housing Advisory Board and Planning Board will be involved in the development of options for the ADU regulations. Planning Board is required to provide a recommendation on any code change to the City Council. The Housing Advisory Board is tasked with advising council on housing issues and strategies. As both boards' meetings are open to the public and have open public comment opportunities, these board meetings also provide an opportunity for the public to share their thoughts with the board members and with staff during the process of option development. These opportunities will be promoted through the Planning Newsletter, website, and social media.

BE HEARD BOULDER

A simple Be Heard Boulder page will be developed as an engagement landing page for the ADU updates, with a summary of past engagement heard over the last few years and the “ideas” tool used to collect ideas from community members for several weeks. Since several relevant questions were included in a questionnaire for the previous ADU changes, another questionnaire is not planned for this project. Any “ideas” noted by residents on the Be Heard Boulder will be summarized and shared with the boards and City Council.

VIRTUAL OFFICE HOURS

Planning staff will be available for virtual office hours to discuss concerns or questions from the community about ADUs in late January and early February as options are finalized. These office hour opportunities will be posted on the city project website and calendar.

PLANNING NEWSLETTER

City staff sends out a monthly newsletter to keep interested residents informed of upcoming projects and engagement opportunities. Monthly updates on the ADU update project will be included from January through April.

WEBSITE

City staff will regularly update the project website with opportunities to provide input on the project and all steps.

SOCIAL MEDIA

To get the word out about opportunities to weigh in on changes, staff will post on social media sites such as Nextdoor, Facebook, and Twitter to ensure residents are aware of opportunities to participate.

Language Access

The City of Boulder recognizes that effective and accurate communication between city staff members and the communities they serve is critical to ensuring understanding and empowering community members to leverage all the resources of and participate fully in local government. The ADU update project will follow this project-specific language access plan which is aligned with the city's Language Access Plan.

The city's current data indicates that only Spanish has reached the Limited English Proficient (LEP) Safe Harbor Threshold (5% or 1,000 people of the population) and therefore Spanish will be the sole primary language for document translation and for simultaneous translation for the project, in addition to American Sign Language if needed.

Roles

The project team will consult the city's Language Access Manager on translation and interpretation needs and together consider the cost of the services required. The Language Access Manager will also help with quality control of materials translated as capacity allows; in addition to the Planning Engagement Strategist who will help ensure that the technical aspects such as zoning and land use are explained correctly.

Translation and Interpretation services

Any summary documents created for the project will be translated to Spanish and interpretation will be available by request for non-English language testimony. If videos are created for the project, Spanish language videos will also be developed. In addition, the following guidelines will be followed for all translation and interpretation services for this project:

- Translators and interpreters hired on this project shall be on the City of Boulder's list of approved interpreters and be familiar with the language variants, customs, and history of the Spanish speaking LEP community in Boulder.
- The project team will provide translator(s) and interpreter(s) a list of preferred planning terminologies in Spanish to help ensure consistency throughout the project. Community connectors will be consulted on preferred translations in Spanish for their respective communities where there are options or where comprehension is envisaged to be difficult.
- The project team together with the city's Language Access Manager will determine when the need for non-English language testimony and participation shall be anticipated in order to arrange for interpretation services. The following factors will be considered: (i) impacts on LEP Boulder residents, (ii) interest in the project demonstrated by LEP Boulder residents and their community or advocacy groups to date, and (iii) advice from community connectors on anticipated participation of LEP Boulder residents in meetings, including public hearings. Notices of engagement events in Spanish language will also include a phone number to call to request for interpretation in that meeting.
- Spanish social media sites such as Facebook shall be utilized for sharing key milestones and information on engagement events and summarizing outcomes
- Community leaders will be hired as Community Connectors for intermittent support throughout the project on outreach to underrepresented communities, including Spanish speakers. At least one Community Connector shall be a native Spanish speaker.
- The Language Access Manager will help determine the need to translate high-profile communications such as press releases (or repackage and summarize them) and translate them directly, if capacity allows
- Video translations shall be done with a voice over and not subtitles as the LEP communities are more likely to listen to then to read project materials.

- Language Access Manager and the Project Engagement Specialist will identify and fix major translation errors on the project webpage when using G Translate
- Project information and updates can be shared through the city's Spanish language podcast *Somos Boulder*.

Project Team & Roles

Team Goals

- Follow City Council and Planning Board direction regarding changes to the ADU regulations and application processes and the level of engagement to be used.
- Seek community feedback on proposed standards or criteria and incorporate relevant ideas following a Public Engagement Plan.
- Solution must be legal, directly address the purpose and issue statement, and must have application citywide.

Critical Success Factors

- Conduct a successful public engagement process.
- Address the goals related to supporting a variety of housing types.

Expectations

Each member is an active participant by committing to attend meetings; communicate the team's activities to members of the departments not included on the team; and demonstrate candor, openness, and honesty. Members will respect the process and one another by considering all ideas expressed, being thoroughly prepared for each meeting, and respecting information requests and deadlines.

Potential Challenges/Risks

The primary challenge of this project is making sure that proposed code changes minimize land use impact on other uses, unintended consequences, and over-complication of the code.

Administrative Procedures

The core team will meet regularly throughout the duration of the project. An agenda will be set prior to each meeting and will be distributed to all team members. Meeting notes will be taken and will be distributed to all team members after each meeting.

CORE TEAM	
Executive Sponsor	Brad Mueller
Executive Team	Brad Mueller, Charles Ferro, Karl Guiler, Jay Sugnet
Project Leads	
Project Manager	Lisa Houde

Other Department Assistance		
Legal	Hella Pannewig & Elliott Browning	
Housing	Hollie Hendrickson	
Comprehensive Planning	Kathleen King	Principal planner
Communications	Cate Stanek	Communications specialist
I.R.	Sean Metrick	Mapping analysis assistance
Public Engagement	Vivian Castro-Wooldridge	Engagement strategist

Executive Sponsor: The executive sponsor provides executive support and strategic direction. The executive sponsor and project manager coordinates and communicates with the executive team on the status of the project, and communicate and share with the core team feedback and direction from the executive team.

Project Manager: The project manager oversees the development of the Land Use Code amendment. The project manager coordinates the core team and provides overall project management. The project manager will be responsible for preparing (or coordinating) agendas and notes for the core team meetings, coordinating with team members on the project, and coordinating public outreach and the working group. The project manager coordinates the preparation and editing of all council/board/public outreach materials for the project, including deadlines for materials.

Other Department Assistance: Staff from other departments coordinate with the project manager on the work efforts and products. These staff members will assist in the preparation and editing of all council/board/public outreach materials including code updates as needed.

Project Costs/Budget

No consultant costs have been identified for this project at this time. The project will be undertaken by P&DS staff.

Decision-Makers

- **City Council:** Decision-making body.
- **Planning Board:** Will provide input throughout the process, and make a recommendation to council that will be informed by other boards and commissions.
- **City Boards and Commissions:** Will provide input throughout process and ultimately, a recommendation to council around their area of focus.

Boards & Commissions

City Council – Will be kept informed about project progress and issues; periodic check-ins to receive policy guidance; invited to public events along with other boards and commissions. Will ultimately decide on the final code changes.

Planning Board – Provides key direction on the development of options periodically. Will make a recommendation to City Council on the final code changes.

Advisory Boards: Identify and resolves issues in specific areas by working with the following boards/commissions:


- Housing Advisory Board
- Board of Zoning Appeals

Appendix: Engagement Framework

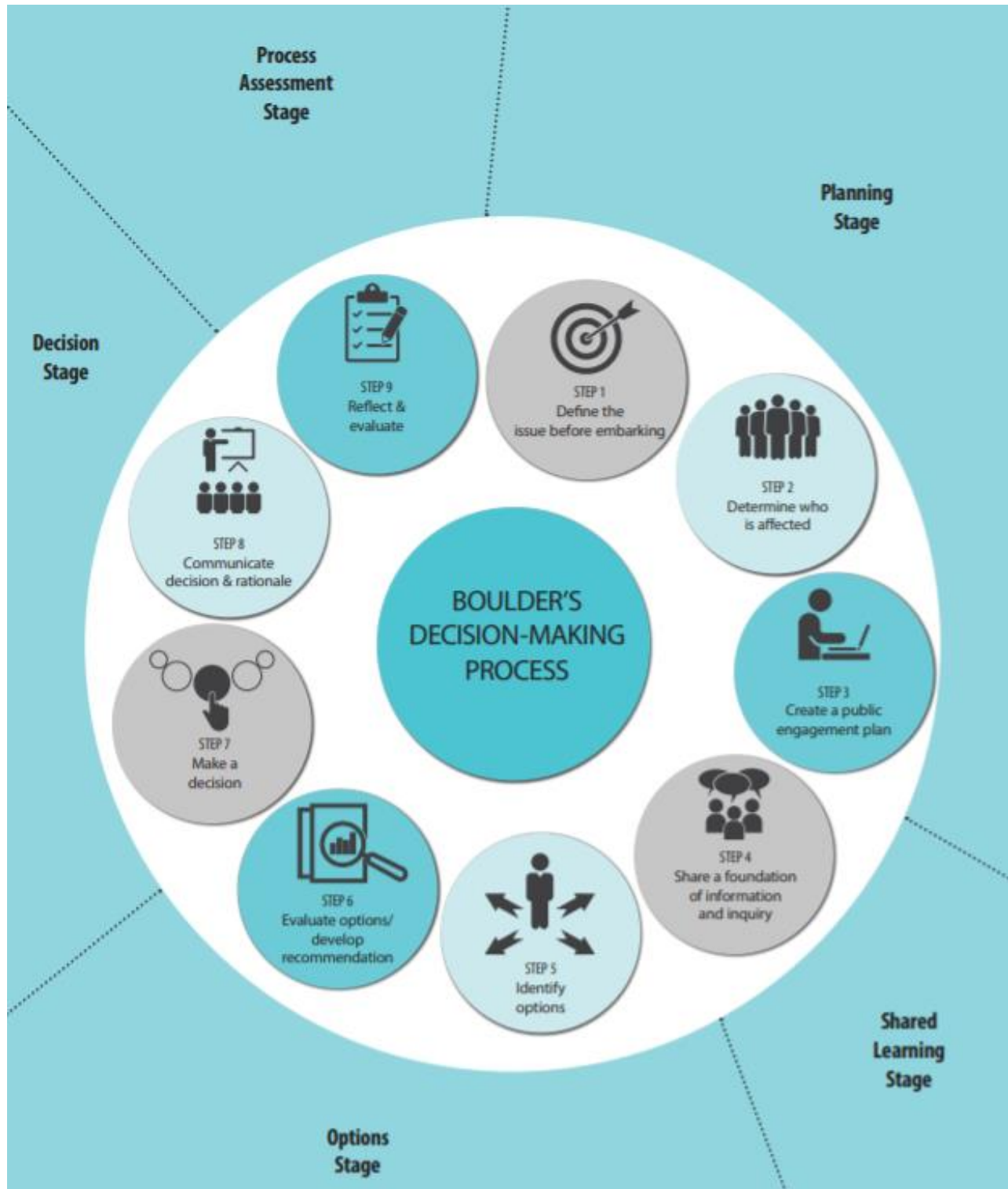
City of Boulder Engagement Strategic Framework

BOULDER'S ENGAGEMENT SPECTRUM

The city will follow a modified version of IAP2's engagement spectrum to help identify the role of the community in project planning and decision-making processes.

INCREASING IMPACT ON THE DECISION 				
	INFORM	CONSULT	INVOLVE	COLLABORATE
PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding a problem, alternatives, opportunities and/or solutions.	To obtain public feedback on public analysis, alternatives and/or decisions.	To work directly with the public throughout a process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and identification of a preferred solution.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge your concerns and aspirations, and share feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are reflected in any alternatives and share feedback on how the public input influenced the decision.	We will work together with you to formulate solutions and to incorporate your advice and recommendations into the decisions to the maximum extent possible.

Boulder's Decision Making Process



ACCESSORY DWELLING UNIT UPDATE EVALUATION

2019 - 2022



PURPOSE

The most recent changes to Boulder's Accessory Dwelling Unit (ADU) regulations were adopted in Ordinance 8256 on December 4, 2018 and went into effect on February 1, 2019. The intent of this document is to evaluate how the ADU update met the desired outcomes of the code change project, and to inform future updates.

2018 Project Purpose Statement

The city, with the community, will craft a proposal for incremental changes to the relevant regulations addressing accessory units to simplify the regulations and remove apparent barriers to the construction of this housing type in ways that are compatible with neighborhoods.

The ADU Update project was intended to achieve the following:

- Provide additional flexibility to homeowners to stay in their homes by allowing for options that may either create supplemental revenue sources or allow for aging in place on the property.
- Increase workforce and long-term rental housing opportunities while balancing potential impacts to existing neighborhoods.

SUMMARY OF 2018 CHANGES

City Council adopted the following changes in Ordinance 8256:

Changes to types of ADUs and where they are allowed

- Established "detached accessory dwelling unit" and "attached accessory dwelling unit" terms instead of "owner accessory dwelling unit" and "accessory dwelling unit," respectively.
- Allowed attached ADUs in RMX-1 and RMX-2 as a conditional use, where previously prohibited, and allowed detached ADUs in the RL-2, RM-2, RMX-2, P, and A districts, where previously prohibited.
- Increased the saturation limit for properties in the RL-1 and RL-2 district from 10 percent to 20 percent. Removed the specific saturation limit for the RE, RR-1, RR-2, and A zoning districts. Included cooperative housing units in the calculation of saturation.
- Removed requirement that the principal structure must be at least five years old before an ADU can be approved.

Changes to licensing or occupancy requirements

- Modified occupancy standard from two person maximum to a combined maximum occupancy with principal structure, excluding dependents.
- Clarified rental license requirement for long-term rentals.

- Prohibited short-term rental of either principal dwelling unit or ADU.
- Removed automatic expiration if ADU not established with rental license within 180 days.
- Removed specifications for removing or transferring an ADU.

Changes to size or design of ADUs

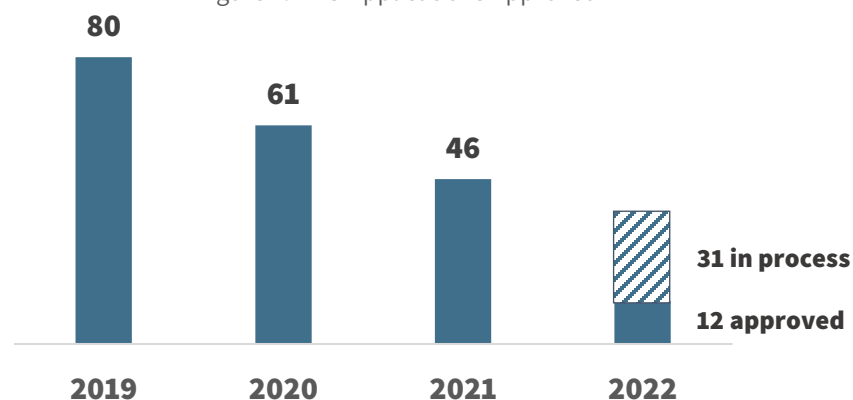
- Established unique method of measurement and definition of floor area for ADUs.
- Allowed flexibility for required parking to not meet the typical setback and paving requirements.
- Reduced minimum lot size required for ADUs from 6,000 to 5,000 square feet.
- Removed minimum size of attached ADU.
- Removed requirement to share utility hookups and meters with principal unit.
- Allowed greater flexibility for attached units to be created in other forms than internal conversion, such as additions.
- Incorporated new flexibility for affordable ADUs to reduce parking requirements and increase the size of the ADU.
- Incorporated new flexibility for designated historic properties to reduce parking requirements, increase size, and an increased saturation limit of 30%.
- Established size limit of 550 square feet for detached ADUs, where the previous requirement was 450 square feet.
- Removed some design requirements for detached ADUs including garage door design, architectural consistency with principal structure, and maximum building coverage of 500 square feet.

ADUS BY THE NUMBERS

Number of approved applications

Accessory dwelling units have been allowed in Boulder since 1983. 441 accessory dwelling units are currently approved in the city. A total of 200 ADU applications were approved between February 1, 2019 and July 31, 2022. Of these, 96 have completed construction as of July 31, 2022. 44 have been issued a building permit, and 32 have building permits at some stage in the building permit review process. See chart below for the number of applications approved each year since the 2018 ordinance went into effect. A chart with the number of application approved since 1983 is available in the appendix.

Figure 1. ADU Applications Approved

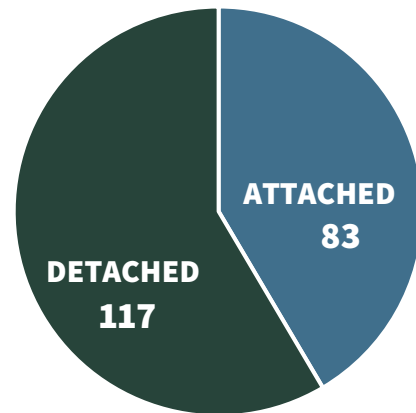


ADU types

Approximately 42% (83) of approved ADUs between February 1, 2019 and July 31, 2022 were attached and 58% (117) were detached. The adopted code changes also provided flexibility for the size and parking requirements for affordable ADUs.

Since the changes were adopted, 127 ADUs approved during this time are market-rate units and 73 are affordable ADUs.

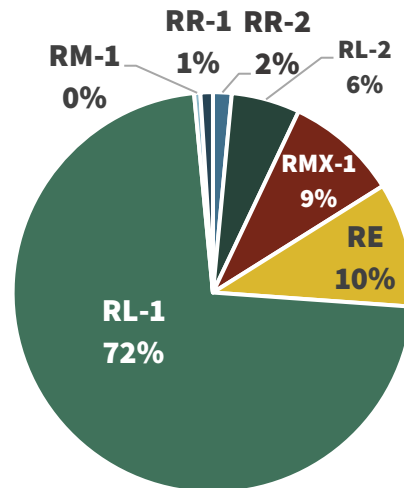
Figure 2. Types of Approved ADUs



Zoning district location and lot size

The 2018 changes to the ADU regulations expanded the zoning districts where ADUs are allowed. The majority (72%) of ADUs that were permitted during this time were in the RL-1 zoning district, which already permitted both attached and detached ADUs prior to the changes. About 10% of recently approved ADUs were in the RE district, 9% in RMX-1, 6% in RL-2, 2% in RR-2, 1% in RR-1, and less than 1% in RM-1. Despite allowing ADUs in the RMX-2, A, and P districts, none were approved in these areas between 2019 and 2022.

Figure 3. Approved ADUs Zoning District Locations



The average lot size of properties approved with an ADU during this time is 10,298 square feet and the median is 7,899 square feet. The 2018 changes reduced the minimum lot size from 6,000 to 5,000 square feet, which allowed 12 properties with lot sizes smaller than 6,000 square feet to develop an ADU.

ADU size

The 2018 changes increased the allowable size of detached ADUs from 450 square feet to 550 square feet, but did not modify the allowable size of attached ADUs (1/3 of the structure or 1,000 square feet). The average size of approved ADUs between 2019 and 2022 was 640 square feet. The average size of detached ADUs during this time was 547 square feet and the average size of attached ADUs was 773 square feet. Detached market-rate ADUs were an average of 492 square feet and detached affordable ADUs averaged 634 square feet. For attached ADUs, market-rate units were an average of 763 square feet and affordable units were 796 square feet.

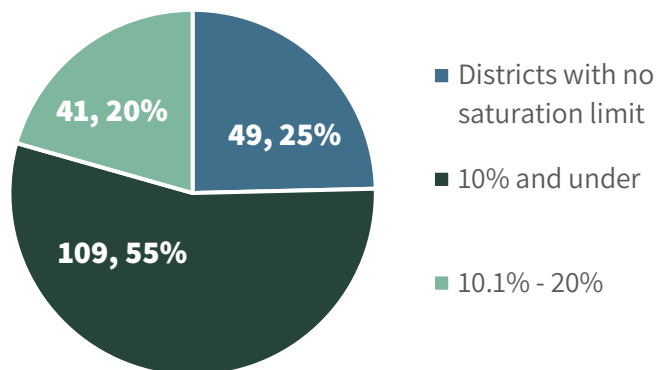
Figure 4. ADU Sizes

ADU size (sf) MEDIAN: 582 AVERAGE: 640	
Detached ADU size (sf) Average: 547 Average affordable: 634 Average market-rate: 492	Attached ADU size (sf) Average: 773 Average affordable: 796 Average market-rate: 763
Allowed: Market rate – 550 sf Affordable – 800 sf Historic – 1,000 sf	Allowed: Market rate - lesser of 1/3 or 1,000 sf Affordable/Historic – lesser of 1/2 or 1,000 sf

Saturation limits

The updated regulations modified the applicability of the saturation limit to only the RL-1 and RL-2 zoning districts and increased the limit from 10 to 20%. As of July 31, 2022, 15 properties remain on the waiting list because the saturation limit of their neighborhood area exceeds the limit of 20%. Of the 200 ADU applications approved since 2019, 41 of them exceeded the previous saturation limit of 10% and therefore would have not been allowed prior to the changes. However, 55% of applications had a saturation limit less than 10%, the previous limit, and 25% of applications do not have an applicable saturation limit due to their zoning district.

Figure 5. Approved ADU Saturation Limits



ADU variances

The code changes eliminated a variance option for a building coverage limit that was removed and maintained an existing variance option for floor area. Four ADUs applied for variances and received unanimous approval from the Board of Zoning Adjustment. Each of these variances was requested to increase floor area of an attached ADU in an existing basement. The sizes of these requests ranged from 1,027 to 1,500 square feet.

POTENTIAL OR WITHDRAWN ADU APPLICATIONS

In addition to reviewing data related to approved ADU applications, it is also important to understand what barriers may still exist for residents interested in establishing an ADU, as well as what issues commonly cause applicants to withdraw an ADU application that they have submitted to the city.

ADU inquiries

Inquire Boulder is the city's online customer service portal used by members of the public to submit issues or questions. Staff looked at questions submitted to the Planning & Development Services department in the Inquire Boulder system related to ADUs to better understand what initial questions are most frequent for people interested in building an ADU. From January 1 through September 15, 2022 a total of 218 tickets were received related to ADUs. The inquiries were tagged by general topic and the following lists the frequency of each topic.

- | | | |
|-----------------------------|--------------------------------|---------------------------|
| • Saturation rate (39) | • Building coverage (6) | • Neighbor concern (3) |
| • Is an ADU allowed (29) | • Flood (6) | • Parking (3) |
| • General (19) | • Process (6) | • Solar (3) |
| • Building code (18) | • Short term rental (6) | • Access (2) |
| • Size (16) | • Height (5) | • Affordable (1) |
| • Existing application (15) | • Removal (5) | • Building permit fee (1) |
| • Setbacks (13) | • Survey (5) | • Interior connection (1) |
| • Owner occupancy (9) | • Application requirements (3) | • Open space (1) |
| | • Compatible development (3) | |

Discussions with applicants who withdrew their ADU application

City staff also contacted all households that withdrew an ADU application from the city's permitting system since February 1, 2019. Feedback from these households was varied. One architect described the owner occupancy requirement being a challenge for properties that are simultaneously remodeling a main living area and building an ADU. "We needed to renovate the main house as it was uninhabitable. But we couldn't show owner occupancy because we couldn't live in it. Even if we were planning on occupying as a main home, we could not live there during renovations." Other households identified the following variables as a reason to withdraw an ADU application:

- One year time limit from ADU permit to complete building permit
- Need of a lockable separation for the unit
- HOA disapproval of building an ADU
- The complexity of the process and requirements for building an ADU

SURVEY RESULTS

Survey background

In 2022, the City of Boulder's Housing and Human Services Department, in partnership with the Planning and Development Services Department, conducted a survey about accessory dwelling units (ADUs) within the city. The purpose of the survey was to understand how these units contribute to housing opportunities within the city and to determine how the program might be improved. A similar survey was conducted both in 2012 and 2017, so changes in the uses of ADUs, attitudes about them, and major barriers can be assessed over time.

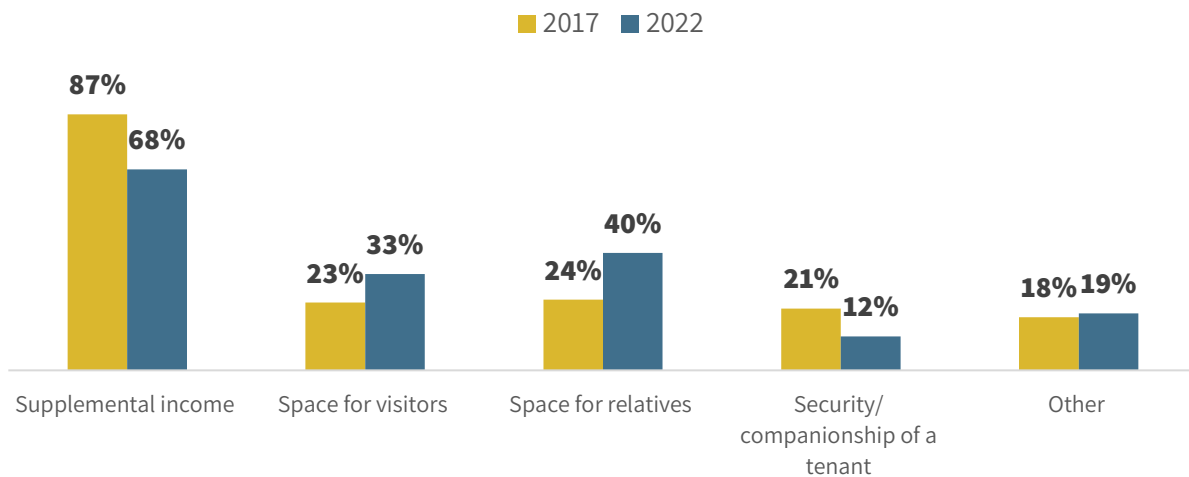
Immediately following the implementation of the regulatory changes in 2019, there was a corresponding spike in ADU applications. As a result, the 2022 version of this survey was sent to 439 households, a 47% increase in households surveyed compared to the 2017 survey.

The 2017 survey instrument was used as the starting point for the 2022 survey, with a few changes made to reflect the 2019 regulatory updates. All 439 households in the City's records shown to maintain an ADU in 2022 were selected to receive the survey. These households were mailed a survey packet which included the survey, a cover letter explaining the survey, and a postage-paid pre-addressed envelope in which to return the completed paper survey. In contrast to previous survey instruments, the 2022 survey included a QR Code and URL to allow households to complete the survey online. A reminder postcard was also sent to all 439 households. This postcard included the original QR Code and URL. Of the 439 households to which a survey was mailed, 212 households responded to the survey, for a 48% response rate.¹

Highlights of the survey results

While two-thirds of respondents (68%) report that supplemental income through rental of ADU was the primary benefit of maintaining an ADU, the overall proportion of those identifying supplemental income as the primary benefit has decreased by 20% since 2017.

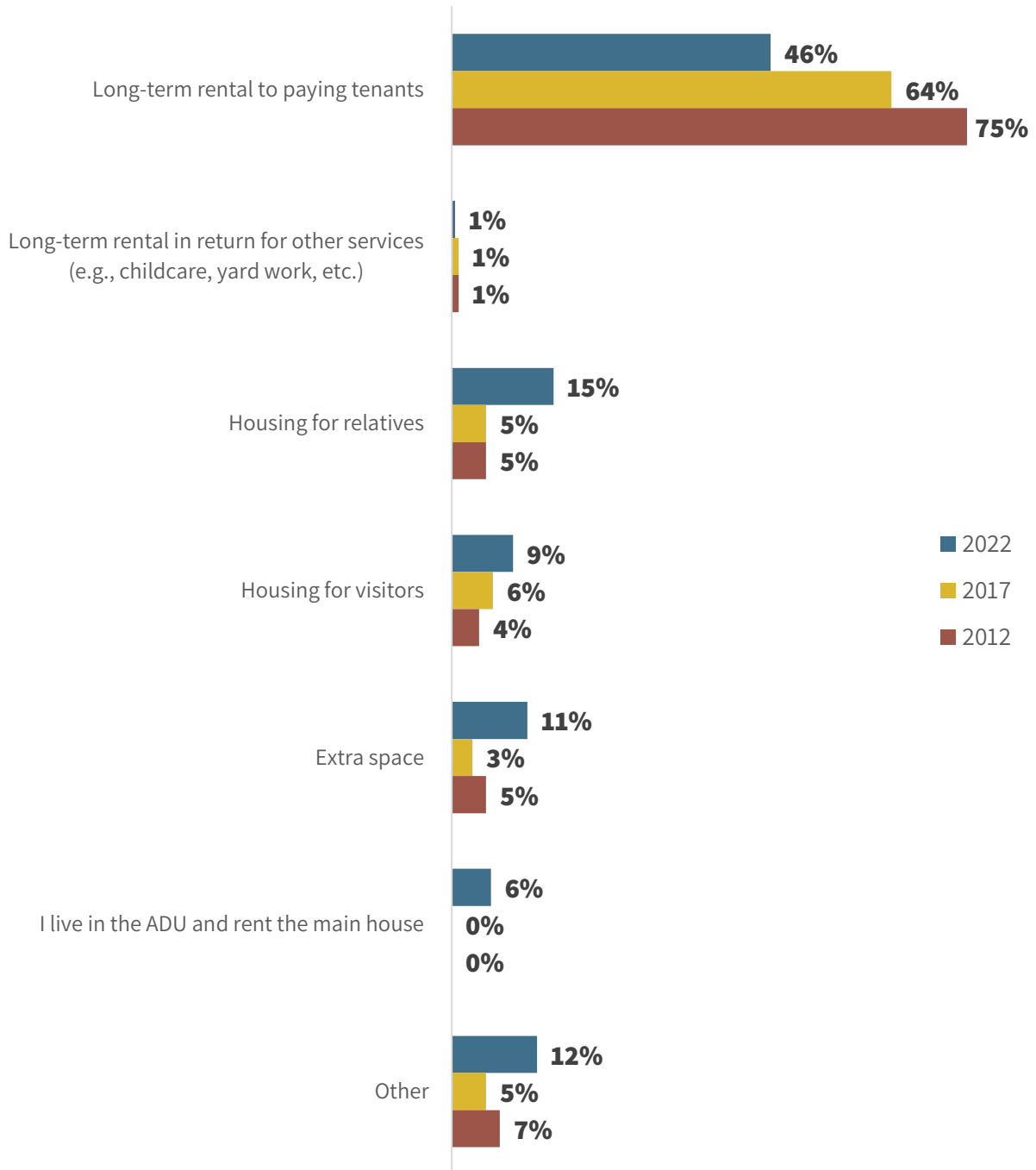
Figure 6. What do you consider to be the primary benefits of maintaining an ADU?



¹ Initial mailing sent August 31. Postcard reminder sent September 17. Survey closed October 10.

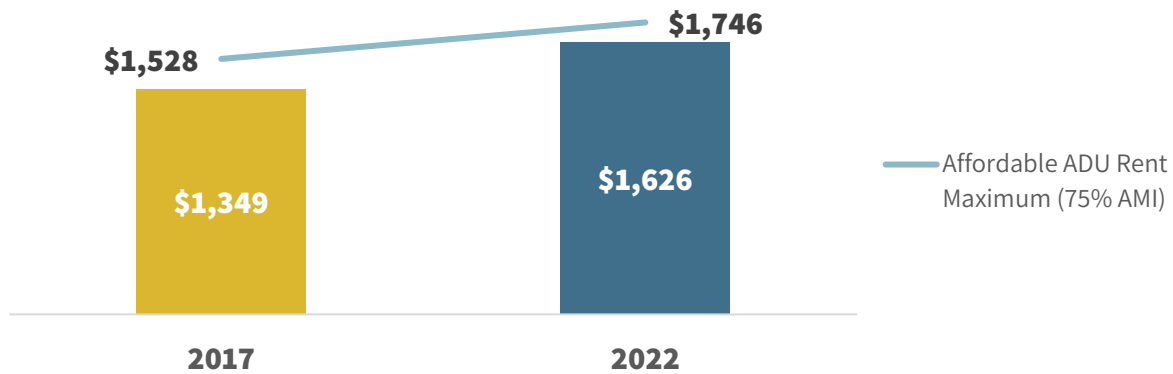
The proportion of survey respondents currently renting their ADU to long-term paying tenants has decreased by 29% since 2012. Using ADUs as housing for relatives, visitors, or simply extra space, all increased since previous surveys.

Figure 7. Current Use of the ADU (How do you currently use your ADU?)



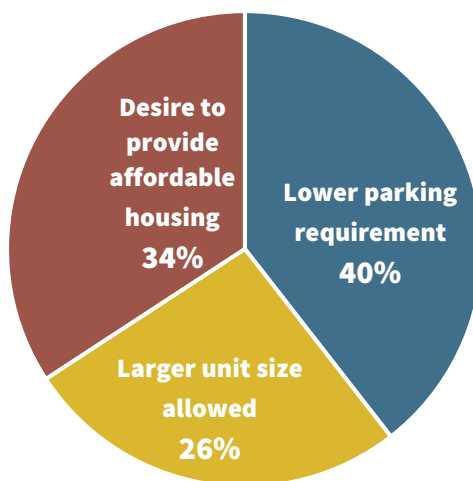
Between 2017 and 2022, average reported rents among ADU owners have risen by 21% from \$1,349 in 2017 to \$1,626 in 2022. Average rents for ADUs have remained lower than the Affordable ADU maximum rents, as defined by the City of Boulder. Conversely, average rents for all types of housing have increased by 27% throughout Colorado, according to data collected by [Apartment List](#).

Figure 8. Average Reported Rents among ADU Survey Respondents and Affordable ADU Rent Maximum (set by City of Boulder at 75% Area Median Income), 2017 and 2022



Among those survey respondents who pursued an affordable ADU, 40% did so primarily because of the lower parking requirement allowed for an affordable rental. Thirty-four percent (34%) of respondents with an Affordable ADU pursued this designation because of a desire to provide long-term affordable housing in the city. As noted above in this evaluation, the 2018 regulatory changes allowed a lower parking requirement and larger unit size for Affordable ADUs.

Figure 9. What was the primary reason for pursuing an Affordable ADU?



Very few survey respondents report neighbor disapproval or complaints of ADUs. 93% reported neighbors generally approving or not mentioning the existing ADUs. This rate of approval is essentially unchanged since 2017.

A majority of survey respondents support the elimination of the off-street parking requirements (55%) and for removing the saturation limit (68%) for ADUs. Since 2017, opinions about both ADU ordinance changes have remained similar.

Figure 10. Support eliminating the off-street parking requirement?

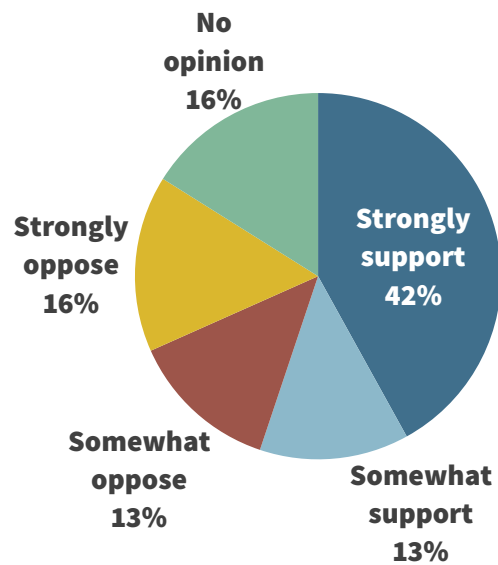
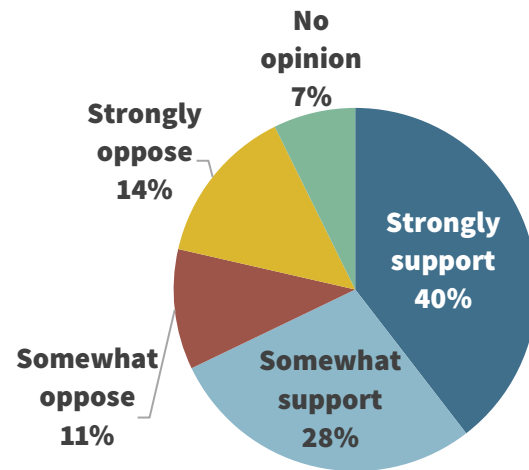
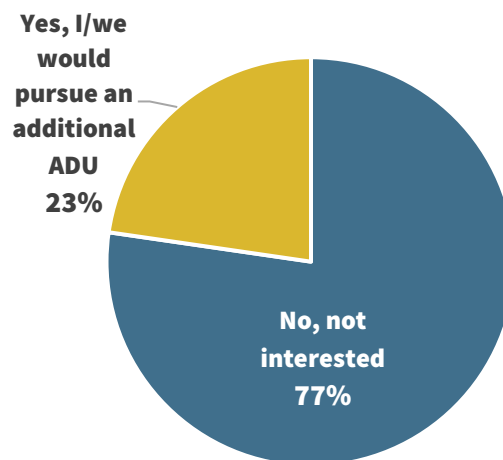


Figure 11. Support eliminating the saturation limit?



Over three-quarters of survey respondents (77%) would *not* be interested in developing an additional ADU if permitted.

Figure 12. Would you develop an additional ADU if permitted?



Summary of qualitative survey feedback

The final question of the survey asked survey respondents to share details or additional information about their “ADU Experience.”

Many respondents described the importance of having an ADU as a source of supplemental income. As one respondent described, “*the supplemental income from my long-term tenant in my ADU helped me afford to have my child and I stay in our home following my divorce.*” Another respondent described the ability to move from the City’s affordable housing program to market rate homeownership because of the supplemental income from an ADU. “*My wife and I are teachers, we moved to our house from the city’s affordable housing program. If we didn’t have an ADU, we could not afford our home.*”

Other survey respondents described the ability to flexibly use the ADU over time, either for growing or changing families, or to be able to “age in place.” As one participant describes, “*choosing to have an ADU seemed a practical solution for a large house with good separation of space...It makes so much sense, to respectfully create a few more separate and independent living spaces within the City of Boulder.*”

Most of the disapproving or complaints surrounded the actual process of applying for a permit. Several respondents described challenges with the ADU permitting process. “*The planning process is byzantine in this town.*” Others voiced concerns about the concept of using ADUs in Boulder as a solution for affordable housing. One respondent described the cost of building an ADU as a barrier mostly to enter. “*Excessive costs make building an ADU very inaccessible for the majority of homeowners in Boulder.*”

INTERNAL STAKEHOLDER INPUT

To further inform this evaluation, planners, zoning staff, housing staff, project specialists, and licensing staff met to discuss the ADU process and regulations. Key issues identified by internal staff included:

- **Saturation limit:** This is a significant barrier for people trying to understand whether they can build an ADU. It is the most frequently asked question related to ADUs by members of the public. It is also an administrative burden for staff to calculate each time it is requested.
- **One year approval expiration:** The requirement to establish the ADU within one year frequently causes issues. Staff recommended increasing the expiration time to 3 years, like most other approvals.
- **Process:** Issues frequently arise due to the two-step process of ADU approval followed by building permit approval. Although there is a desire to make the ADU process simple, homeowners often run into problems they were unaware of when they get to the building permit stage. There is a disconnect in the process and a perception that the ADU application can be relatively informal, but then applicants run into bigger surprises and that causes even more frustration at building permit. With the increased number of applications, additional staff is needed to support ADU review as staff is already under-resourced for the number of ADU applications coming in.
- **Design standards:** This is often where projects run into issues, and where the bulk of application requirements stem from (for instance, needing floor plans of the entire house or elevations to determine zoning compliance). Perhaps eliminate unique design standards for

ADUs and use compatible development standards only and review the same way any accessory building would be reviewed.

- **Parking:** The 2018 code changes improved this issue, but some properties still run into issues providing ADU parking. Some applicants have chosen to build affordable ADU to eliminate the parking requirement, but many do not know about that option or are resistant to it. Parking requirements are not well communicated, as many applicants do not show parking spaces on their applications initially.
- **Size:** The maximum floor area is a common issue. Applicants almost always measure floor area incorrectly. The measurement should be made consistent with the rest of the code. If ADU regulations were not so specialized and were more uniform with other code standards, processing time would be reduced.
- **Height:** Potentially allow for variance option.
- **Addressing:** The addressing assignment of Unit A and Unit B is happening too early in the process. This can cause issues and needs to happen at building permit completion instead.
- **Owner occupancy:** Need additional code clarity about when the verification of owner occupancy happens, whether ownership by an LLC is permissible, what to do in case of people renovating the main house and building an ADU at the same time so no one is living on-site, align principal residence definition with licensing definitions.
- **Rental licensing:** Owner occupancy requirements can be challenging for applicants who move out for one year and have to entirely disassemble their ADU. Homeowners can run into licensing issues after an ADU is approved through both planning and building permit.
- **Declarations of use:** Since 2018 updates no longer require transfer of ownership, many owners have outdated declarations of use, and some are hesitant to sign a new one because now it says they cannot do short term rentals in their ADU.
- **Contractor licensing:** In building permit process, if someone has the intent to rent an ADU they must use a licensed contractor, but this is not very clear. Many homeowner contractor licenses need clarification on how much can be done with a homeowner permit.
- **Language updates:** The term “incidental” is ambiguous (ADU must be incidental to the principal residence) and has required interpretation, need to clarify this. Remove reference to “amendments” as the process is just to submit another application.
- **Short term rentals:** Enforcement issue once an ADU is approved, notification should be alerted that short term rental license is forfeited.
- **Public notice:** ADU applications, unlike all other administrative applications except solar access exceptions, require public notice to be sent to adjacent neighbors and posted on the property. Neighbors are often confused why they are being notified if there is not a public hearing or opportunity to provide input on the outcome.
- **After-the-fact approvals:** Some clarification for applicants on these approvals would be helpful.
- **Other challenges:** There are several challenges with energy code and fire code compliance that land use code changes for ADUs will not be able to fix.
- **Other improvements:** Could create video tutorials or handouts for the website that answer frequent questions.

EVALUATION CONCLUSIONS

Did the 2018 updates remove apparent barriers to ADU construction?

There appear to have been several changes that had an impact on the number of ADUs approved. Based on the number of ADU applications approved before and after the changes, it does appear that the 2018 update removed several barriers that were present in the previous regulations.

- **Saturation limit:** Increasing the saturation limit from 10% to 20% allowed the construction of 41 ADUs that would not have previously been permitted.
- **Maximum size:** About three-quarters (87) of 117 detached ADUs approved are larger than the previous 450 square foot limit, which was increased to 550 square feet in 2018, with additional flexibility for unit size up to 800 square feet for affordable ADUs, or 1,000 square feet for historic properties.
- **Minimum lot size:** Reducing the minimum lot size seems to have had a more limited impact, with 12 properties under 6,000 square feet approved since the requirement was reduced to 5,000 square feet.
- **Zoning districts:** Allowing ADUs in additional zoning districts had a small impact. Two detached ADUs were approved in the RL-2 district, where they were previously prohibited.

In addition to these methods that can be enumerated through data points, several changes were mentioned in survey results or stakeholder interviews that appear to have removed barriers to ADUs. For instance, staff noted that parking restrictions had become a less frequent issue after the code changes went into effect which provided flexibility on the location of the required ADU parking space.

Are there other improvements that could be made?

Despite the impact that the 2018 ADU regulation changes had on the number of ADUs in Boulder, the analysis in this evaluation has illuminated several additional improvements that could be made to both the regulations and the process.

Eliminate saturation limits. Because saturation limits are the most frequent inquiry made to city staff regarding ADUs, and because the incremental increase from 10% to 20% did allow for additional ADUs to be constructed, elimination of the saturation limit is recommended to eliminate both perceived and actual barriers to ADUs. Eliminating the saturation limit would have a significant impact on initial public understanding of whether an ADU would be permitted on their property. In addition, the administrative burden of calculating the saturation limit for all of these inquiries is frequently cited by both the public and staff as a major issue related to ADUs.

Reconsider floor area maximum and method of measurement. Over three-quarters of the detached ADUs that were constructed since 2019 would not have previously been permitted due to maximum floor area. Modifying the allowed square footage by only 100 square feet made arguably the most significant change in the number of ADUs allowed. These ADUs were still subject to all of the typical zoning requirements that ensure compatible residential development, such as solar access, interior side wall articulation, bulk plane, and building coverage requirements. Further increasing the allowed floor area of ADUs could allow for more ADUs to be constructed in Boulder. In addition, the measurement of ADU floor area was one of the most frequently cited issues and least clear parts of the code. Removing the unique method of measuring floor area from the code would significantly reduce review time and increase clarity for both applicants and city staff.

Extend approval expiration period. A commonly raised issue by both applicants and staff was the requirement to establish the ADU within one year of approval. Based on construction delays and permit review times, this is often challenging for applicants to meet. A longer expiration period could be explored to provide additional flexibility.

Variance option for height. One issue with the code that has been raised by recent applications is the lack of flexibility to adapt existing structures for ADUs due to code language regarding height. This issue could be addressed by simply adding an option for applicants to pursue a variance to exceed 25 feet in height for existing structures. This would allow for limited cases that could encourage the adaptive reuse of existing structures through an established public process.

Code clarification. Numerous aspects of the regulations came up repeatedly in both internal and public discussions of issues with the ADU rules. In addition, the ADU standards in the land use code are lengthy, repetitive, and difficult to understand. Simple language changes would greatly improve the user-friendliness of the code and increase efficiency in the ADU application process. In addition to generally reorganizing the standards, some specific changes could add clarity:

- **Separation between attached units:** A frequent misunderstanding in reviewing attached ADU applications is the requirement for lockable separation between the ADU and principal structure. This requirement comes from the definition of “dwelling unit” and is not listed within the ADU regulations themselves, causing confusion for applicants. Several of the withdrawn applications noted this issue as one of the reasons to withdraw their application. More clarity about the requirements for separation would be helpful.
- **Limited accessory units:** Only one unit exists in the city that is classified as this type of ADU, yet additional standards complicate the ADU standards. These specific standards could be removed and the city could work to determine the appropriate status of the single remaining property with this type of ADU.
- **Owner occupancy:** The issue of owner occupancy came up in many avenues while developing this evaluation. In particular, confusion about whether and how LLCs can prove owner occupancy has been raised many times. This issue should be clarified in the code language.

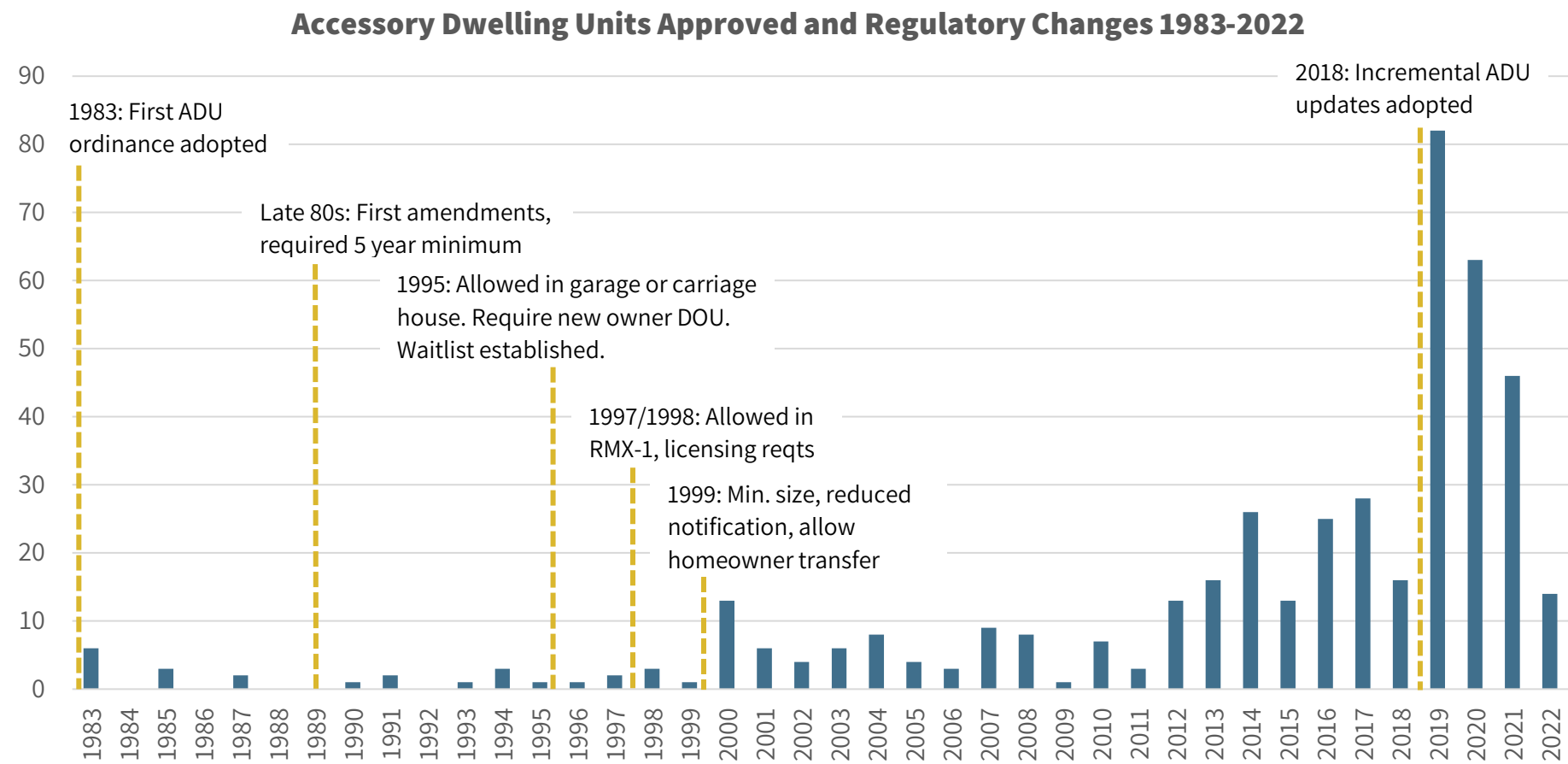
Process improvements. Aside from changes to the land use code, based on the internal stakeholder interviews, survey results, and city inquiries, it is clear that several potential improvements could be made to the city’s process of approving ADUs.

- **One-step review:** Currently, ADUs are reviewed as a separate administrative application prior to building permit review. Based on discussions with staff, it appears that the level of detail required for the ADU application often leads applicants to assume that no issues would arrive at the point of later submitting a building permit. However, the building permit is a much more detailed review of building code compliance and often a more detailed review of zoning requirements, and applicants sometimes run into unforeseen issues at that stage. This is understandably frustrating and confusing for ADU applicants. If some of the other initial barriers to ADUs such as saturation limits were to be removed, the ADU process could be more seamlessly integrated into the building permit process and eliminate the need for a two-step process. Consider combining the ADU review with the building permit review.
- **Addressing:** Currently, properties are given a “Unit A” and “Unit B” address immediately after ADU approval. This has caused numerous issues for applicants and is difficult to undo if the

ADU is not ultimately constructed. This step should instead occur upon the letter of completion for the building permit or change of use approval.

- **Declaration of use:** Currently, all ADUs are required to record a declaration of use for their property when the ADU application is approved. These declarations of use reference current code requirements. However, as the regulations change, the recorded declarations of use become obsolete. Properties are subject to current regulations as they change regardless of the recorded declaration of use. Changes to this process should be considered.
- **Self-service handouts or videos:** While the City of Boulder website currently includes a thorough explanation of the ADU process and requirements, residents frequently contact the city when they have trouble understanding where an ADU would be allowed and what the requirements might be. Updates could potentially be made to handout and application materials to clarify commonly misunderstood information. In addition, there may be opportunities to develop video explanations to further assist residents in understanding the requirements.

APPENDIX: ADUS APPROVED SINCE 1983



Note: 2022 data is through July 31, 2022.

Comparable City Research: Accessory Dwelling Units

City	Where	Saturation Limit	Number	Size	Parking	Height	Occupancy	Ownership	Owner-occupancy	Minimum Lot Size
BOULDER	Some residential districts, A/P	RL-1 or RL-2: 20% *affordable or historic exempt	Not specified	Attached: 1,000 sf or 33% of principal dwelling, whichever less *affordable or historic – 50% or 1,000 Detached: 550 sf *affordable – 800 sf, historic –1,000 sf	1 *affordable or historic exempt	20 ft (25 ft if existing steep roof)	Same as typical, except dependents not counted	Cannot be sold separately	Either principal or ADU must be owner-occupied	Attached or Detached: 5,000 sf
ANN ARBOR, MI	Most residential districts	None	1 per sf dwelling	Lot under 7,200 – 600 sf Lot over 7,200 – 800 sf	0	Detached: 21 ft Attached: 30 ft	2 persons and their offspring / max 4 plus offspring combined principal and ADU	Not addressed	None	None
ARVADA, CO	All residential districts and some mixed-use	None	1 per lot	Max 2BR Detached: 40% of principal building or Lot under 6,000 – 600 sf Lot between 6,000-12,500 – 850 sf Lot between 12,500-1 acre – 1,000 sf Over 1 acre- 1,200 sf Attached: 50% principal dwelling	1	Not addressed	Not addressed	Cannot be sold separately	Either principal or ADU must be owner-occupied	None
BERKELEY, CA	Most residential districts	None	1-2 per lot	850 sf, 1000 sf for 2+ bdrms *800sf in HOD	0 *except 1 in HOD	16-20 ft	Not addressed	Cannot be sold separately *except affordable	Only JADUs must be owner occupied	None
BLOOMINGTON, IN	All residential districts, most mixed-use districts	None	1 per lot	Attached: 840 sf Detached 840 sf	0	Detached: 25 ft	Not addressed	One family in ADU	Either principal or ADU must be owner-occupied	None
BOISE, ID	All residential districts	None	1 per lot	700 sf or 10% of lot size, whichever smaller, 2 bedroom max	0; 1 reqd if 2BR	District height	Not addressed	Not addressed	Either principal or ADU must be owner-occupied	None
BOZEMAN, MT	Most residential districts	None	1 per lot	600 sf, 1 bedroom	0	Detached: 22 ft	2 person max	Not addressed	In lowest density districts, owner-occupancy required	5,000 sf
BROOMFIELD, CO	All residential districts	None	1 per lot	800 sf or 50% of principal bldg., whichever is less	1	Not addressed	2 person maximum	Not addressed	Either principal or ADU must be owner-occupied	None
CAMBRIDGE, MA	All districts	None	1 per lot	Primary bldg must be 1,800 sf; max 900 sf or 35%, whichever less	0	Not addressed	Not addressed	Not addressed	Not addressed	None
CHAMPAIGN, IL	All residential districts	None	1 per lot	Lot under 7,200 – 600 sf Lot over 7,200 – 800 sf	0	Detached: 24 ft Attached: district height	Max – 2 unrelated in ADU	Cannot be sold separately	Not addressed	None
COLORADO SPRINGS, CO	Some residential districts, some mixed use	None		Detached: 1250 sf or 50%, whichever less Attached: 50% of principal dwelling	1	Detached: 25 or 28 ft depending on roof pitch Attached: 30 ft	Up to 5 unrelated in each unit	Detached: Subdivision permitted Attached: Cannot be sold separately	Detached: None Attached: Either principal or ADU must be owner-occupied	Same size required for a single family home in the zone district

City	Where	Saturation Limit	Number	Size	Parking	Height	Occupancy	Ownership	Owner-occupancy	Minimum Lot Size
COLUMBIA, MO	Some residential districts	None	1 per property	75% of sf principal dwelling or 800 sf, whichever less	1 only if 3 bedrooms in ADU	24 ft (detached)	Not addressed	Not addressed	Not addressed	5,000 sf
DENVER, CO	Some residential and mixed-use commercial districts	None	1 per lot	Varies by district and lot size – 650-1,000	0; 1 in campus context	Varies by district, typically 24 ft	1 per 200 sf	Not addressed	Either principal or ADU must be owner-occupied	None
DURANGO, CO	Most residential some mixed-use	None	1 per parcel	550 sf	1	18 or 20 ft depending on district	Not addressed	Not addressed	Either principal or ADU must be owner-occupied	5,000 or 7,000 in some districts; none otherwise
EUGENE, OR	Most residential districts	None	1 per lot	800 sf or 10% of lot area, whichever less	0	Not addressed	Not addressed	Not addressed	Not required	None
FAYETTEVILLE, AR	All residential districts, some mixed-use and commercial districts	None	1 detached and 1 attached (2 total)	1200 sf	1 if ADU is >800 sf	Detached: 2 stories	2 person max per ADU; more if related to primary house	Not addressed	None	None
FLAGSTAFF, AZ	Most residential transects	None	1 per lot	Lot under 1 acre – 800 sf Lot over 1 acre – 1,000 sf (some smaller)	1	Detached: 24 ft Attached: zoning district height	2 person max	Cannot be sold separately	Either principal or ADU must be owner-occupied	Detached: 6,000 sf
FORT COLLINS, CO	Some residential districts	None	1 per property	No specific limit	1.5- 3 depending on total # bedrooms	24 ft	Same as typical	Not addressed	Not addressed	NCL – 12,000 NCM – 10,000
GAINESVILLE, FL	All transects, residential districts, most mixed-use and non-residential districts	None	1 detached and 1 attached (2 total)	850 sf	0	Not addressed	Not addressed	Cannot be sold separately	None	None
GOLDEN, CO	All residential districts	None	1 per lot	If principal is more than 1,000 sf - 50% of principal bldg. or 800 sf, whichever smaller; if principal is smaller than 1000 sf, max 500 sf	1	Not addressed	3 person max	Cannot be sold separately	Either principal or ADU must be owner-occupied	7000 sf
HONOLULU, HI	All residential districts	None	1 per lot	Lot under 5,000 – 400 sf Lot over 5,000 – 800 sf	1 * waived if within ½ mile of rail transit station	Not addressed	Not addressed	Cannot be sold separately	Either principal or ADU must be owner-occupied	3,500 sf
LAWRENCE, KS	Some residential districts	None	Not addressed	33% of principal bldg. or 960 sf, whichever less	2 total for lot plus 1 potentially additional based on street classification	Not addressed	One additional beyond typical occupancy limits for principal bldg	Not addressed	Either principal or ADU must be owner-occupied in single-dwelling districts	None
LEXINGTON, KY	All residential districts	None	1 per lot	Max 800 sf	0	Zoning district, cannot exceed height of principal bldg	Max 2 persons plus related children	Not addressed	Either principal or ADU must be owner-occupied	None
LONGMONT, CO	Most residential and some mixed-use	None	1 per lot	50% of principal building	1	May not exceed height of principal unit	Not addressed	Cannot be sold separately	Either principal or ADU must be owner-occupied	None

City	Where	Saturation Limit	Number	Size	Parking	Height	Occupancy	Ownership	Owner-occupancy	Minimum Lot Size
	and non-residential districts									
MADISON, WI	All residential districts, some mixed use, commercial, downtown	None	1 per lot	900 sf; 2 bedroom max	0	25 ft	2 unrelated max	Cannot be sold separately	Either principal or ADU must be owner-occupied	5,000 in one district; none otherwise
MINNEAPOLIS, MN	All districts	None	1 per lot	Internal: 800 sf Attached: 800 sf Detached: 1300 sf or 16% of lot area, whichever less	0	Detached: 21 ft	Not addressed	Cannot be separate tax parcel	Internal: either must be owner-occupied	None
PASADENA, CA	All residential districts	None	1 per lot	Lot under 10,000 – 800 sf or 50%, whichever less Lot over 10,000 – 1200 sf or 50%, whichever less Attached: 800 sf or 50% of main dwelling, whichever greater *affordable, 75%	1 * waived if within ½ mile of transit stop, car share proximity, existing building, no on-street parking permit	Detached: 17 ft Attached: 2 stories if primary bldg is 2 stories	Not addressed	Cannot be sold separately	Either principal or ADU must be owner-occupied	In Single-family districts: 7,200; none otherwise
PORTLAND, OR	All residential districts	None	1 per lot *2 if meets higher minimum lot area	75% of primary bldg. or 800 sf, whichever less	0	Detached: 20 ft	Not addressed	Not addressed	None	Varies 1,500-10,000 based on district
RALEIGH, NC	Most residential districts and most mixed-use districts	None	1 per lot	Lot under 40,000 sf – 800 sf Lot over 40,000 – 1,000 sf	0	26 ft	Not addressed	Cannot be sold separately	None	None
SALT LAKE CITY, UT	Permitted most residential, conditional in some	None	1 per lot	650 sf or 50% of principal bldg., whichever less	1 *waived if within ¼ miles transit stop or bike blvd, can be on-street parking	Detached: 17 ft or height of home, whichever less Attached: height of zoning district	1 family in ADU (3 unrelated max)	Cannot be sold separately	Either principal or ADU must be owner-occupied *some exceptions	None
SAVANNAH, GA	Most residential districts	None	1 per lot	40% of principal dwelling. In some districts, 40% or 1,000 sf, whichever less	0	Same as district	Not addressed	Not addressed	None	For most districts, 200% of minimum lot area
SEATTLE, WA	All residential districts	None	1 *2 if one is affordable in some districts	1,000 sf	0	14/18 depending on lot width	8 if one ADU, 12 if two ADUs	Not addressed	None	Detached: 3,200
TEMPE, AZ	Multi-family Districts	None	1 per lot	800 sf, 2 bedroom	0	Not addressed	Not addressed	Not addressed	Not addressed	None
TUCSON, AZ	All residential districts	None	1 per lot	Lot under 6,500 – 650 sf Lot over 6,500 – 10% of lot size, max 1,000 sf	1 *waived if within ¼ miles transit stop or bike blvd, can be on-street parking	12' or height of primary structure, whichever greater	Maximum 5 unrelated on the lot	Not addressed	None	None

Characteristics of Comparable Cities

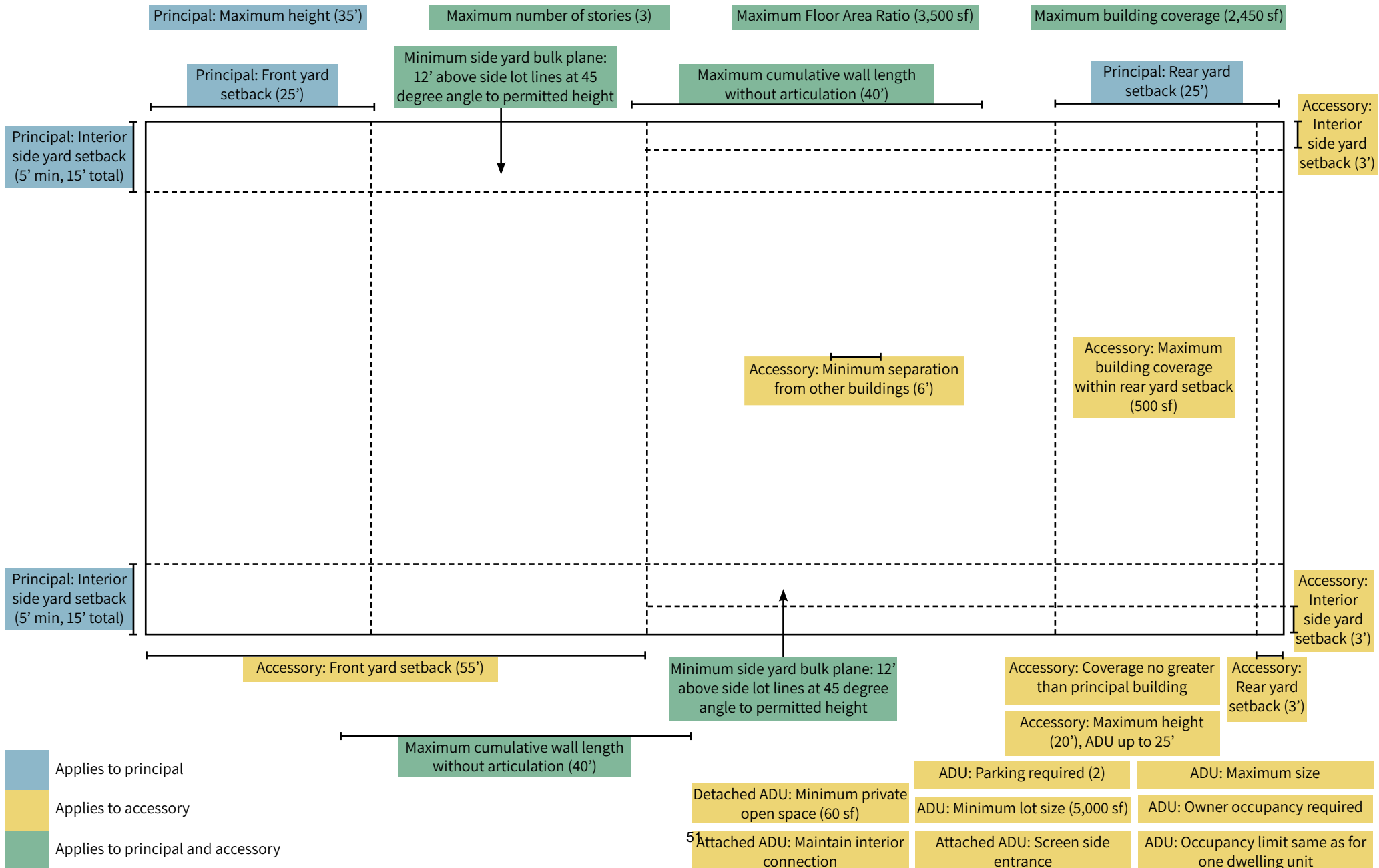
	Population	Persons/ HH	Land Area	Population/ Sq. Mile	University Size	Median Rent	Median Value of Housing Units
Boulder	104,175	2.26	26.33	4,112	University of Colorado: 30k	\$1588	736k
Ann Arbor, MI	121,536	2.25	28.2	4,094	University of Michigan: 45k	\$1299	347k
Arvada, CO	123,436	2.55	38.91	3,028	N/A	\$1444	424k
Berkeley, CA	117,145	2.4	10.43	10,752	UC-Berkeley 45k	\$1767	1.06 million
Bloomington, IN	79,968	2.18	23.23	3,472	Indiana University: 32k	\$946	219k
Boise, ID	237,446	2.38	84.03	2,591	Boise State University: 22k	\$1009	283k
Bozeman, MT	54,539	2.17	20.6	1950	Montana State University: 17k	\$1145	413k
Broomfield, CO	75,325	2.54	32.97	1,692	N/A	\$1711	451k
Cambridge, MA	117,090	2.13	6.39	16,469	Harvard:6k, MIT: 12k	\$2293	843k
Champaign, IL	89,114	2.3	22.93	3,613	University of Illinois Urbana-Champaign: 33k	\$922	167k
Colorado Springs, CO	483,956	2.51	195.4	2,140	University of Colorado at Colorado Springs: 13k, Colorado College: 2k	\$1196	295k
Columbia, MO	126,853	2.31	66.54	1,720.1	University of Missouri: 30k	\$890	208k
Denver, CO	711,463	2.44	153.08	3,922.6	University of Denver: 12k; University Colorado Denver: 19k; Metro State: 20k	\$1397	428k
Durango, CO	19,223	2.3	14.71	1,701	Fort Lewis College: 4k	\$1297	473k
Eugene, OR	175,096	2.29	44.18	3,572.2	University of Oregon: 23k	\$1075	305k
Fayetteville, AR	95,230	2.23	54.14	1,366	University of Arkansas: 27k	\$837	232k
Flagstaff, AZ	76,989	2.45	66.03	1,031.3	Northern Arizona University: 25k	\$1286	363k
Fort Collins, CO	168,538	2.56	57.21	2,653	Colorado State University: 23k	\$1373	399k
Gainesville, FL	140,398	2.33	63.15	2,028	University of Florida: 34k	\$965	180k

Golden, CO	19,871	2.4	9.63	1,901	Colorado School of Mines: 7k	\$1495	541k
Honolulu, HI	1 million	2.98	600.63	1,586	University of Hawaii: 13k	\$1779	702k
Lawrence, KS	95,256	2.28	34.15	2,611.2	University of Kansas: 28k	\$953	205k
Lexington, KY	321,793	2.36	283.64	1042	University of Kentucky: 30k	\$920	201k
Longmont, CO	100,758	2.59	28.78	3,294	N/A	\$1437	396k
Madison, WI	269,196	2.2	79.57	3,037	University of Wisconsin: 44k	\$1147	262k
Minneapolis, MN	425,336	2.28	54	7,088	University of Minnesota: 51k	\$1078	268k
Pasadena, CA	135,732	2.44	22.96	5,969	Cal Tech: 3k	\$1787	822k
Portland	641,162	2.29	133.45	4,375	Portland State University: 17k	\$1325	439k
Raleigh, NC	469,124	2.4	147.12	2,826	North Carolina State University: 25k	\$1175	267k
Salt Lake City, UT	200,478	2.37	110.34	1,678	University of Utah: 33k	\$1050	346k
Savannah, GA	147,088	2.55	106.85	1,321.2	Savannah College of Art & Design: 12k	\$1049	162k
Seattle	733,919	2.08	83.83	7,251	University of Washington: 46k	\$1702	714k
Tempe, AZ	184,118	2.37	39.94	4,050	Arizona State University: 75k	\$1230	288k
Tucson, AZ	543,242	2.4	241	2,294	University of Arizona: 45k	\$861	167k

Regulations Impacting ADU Design and Location

Form and Bulk, Compatible Design, and ADU Standards

Example: 7,000 square foot lot in RL-1 district - Market Rate ADU



2016-2018 ACCESSORY DWELLING UNIT PUBLIC ENGAGEMENT SUMMARY

Background

This document summarizes public feedback on accessory dwelling units (ADUs) since 2016 to help inform the 2023 ADU regulation update project. Summaries are provided and specific feedback relevant to the scope of work in the 2023 project have been included.

2018 Incremental ADU Updates

The most recent updates to the accessory dwelling unit regulations were adopted in late 2018. Significant public engagement was undertaken in 2017-2018. As many of the topics discussed during these engagement opportunities relate to potential changes in 2023, staff is reviewing the results of this previous input to inform future changes as well.

2017-2018 Engagement Efforts

The following strategies were used to obtain input from the public during the 2018 code update:

- **250** people “shared their ADU story”.
- **216** people attended open houses in 2017-2018 with staff presentations, Q&A, feedback forms.
- **194** people took the Be Heard Boulder online questionnaire.
- **26** individuals spoke to Planning Board and the Housing Advisory Board.
- **10** meetings with groups and city boards, and numerous meetings with individuals.
- **6** ordinance readings for City Council adoption.

Summary of Key Community Concerns in 2017-2018

Community members involved in the engagement efforts for the 2018 update identified the following key concerns:

- **Neighborhood nuisances** – while most residents appreciated and enjoyed their neighborhoods and neighbors, many were concerned with current rentals and associated nuisances (parking, trash, noise, etc.).
- **Over occupancy** – although occupancy limits are the same for a home with an accessory unit and a home without, many in the community were concerned that the city is not adequately enforcing current regulations in other rental situations.
- **Owner occupancy** – overwhelming support for this provision.
- **Illegal rentals** – concern that illegal rentals throughout the city should be addressed prior to allowing any additional ADUs.

- **Saturation** – while most feedback was supportive of increasing the saturation rate, there continued to be concerns voiced about additional rental properties in single-family neighborhoods.
- **Affordability** – concern was expressed for both accessory unit rents charged and the future appreciation of the accessory unit property and impact on surrounding properties.

“Share Your ADU Story” Responses

The city sent requests for members of the community to share their experiences with ADUs through various means (City Planning email list, NextDoor notices, ads in the Daily Camera, postcards to 10,973 households living within 300 feet of existing legal accessory units, and a survey to 230 ADU owners). Residents submitted over 270 stories on the ADU update website between Nov. 10, 2017 and Mar. 21, 2018. Common themes from the input received included:

- **Did not know ADU existed:** Many neighbors of ADUs who received a postcard reported not being aware that one or more ADUs existed in their neighborhood.
- **ADU as tool for housing affordability:** Respondents showed overall strong support for ADUs as one tool to address Boulder’s housing affordability challenges.
- **Rental housing concerns:** People expressed concerns with ADUs as rentals and rental housing in general. Many perceive rentals, generally, as a root problem of neighborhood nuisances (noise, parking, trash, etc.). Many believe the city is not doing enough to address these nuisances.
- **Importance of ADUs:** Stories illustrated how important ADUs are to households as housing for family members with special needs, additional income enabling them to stay in Boulder amid rising living costs, providing an option for aging in place, providing socio-economic diversity in the community, etc.

Open Houses

Two open houses were held in November 2017, December 2017, and May 2018, and were attended by 216 people. General themes expressed by the attendees at the open houses included:

- **Support for simplifying the regulations:** General support for 2018 proposed changes to ADU regulations to create additional diversity in the community, to allow empty nesters to age in place, to provide housing for family members, and to provide additional affordable rental opportunities.
- **Desire to retain owner occupancy requirement:** Support for keeping in place current requirements regarding owner occupancy.
- **Support changes to saturation and size limits:** Support for increasing saturation limit and size limits to provide more flexibility, with many suggesting that the saturation limit should be increased beyond 20 percent or eliminated entirely.
- **Rental housing concerns:** Concern with potential impacts of additional housing units in terms of nuisances that many associate with rentals (trash, noise, parking, etc.).

Be Heard Boulder Questionnaire

A questionnaire was created to gather community input on the staff recommendations for regulatory changes. A summary of the feedback is provided below, as well as verbatim responses. Three questions that were posed at the time are directly relevant to the 2023 scope of work.

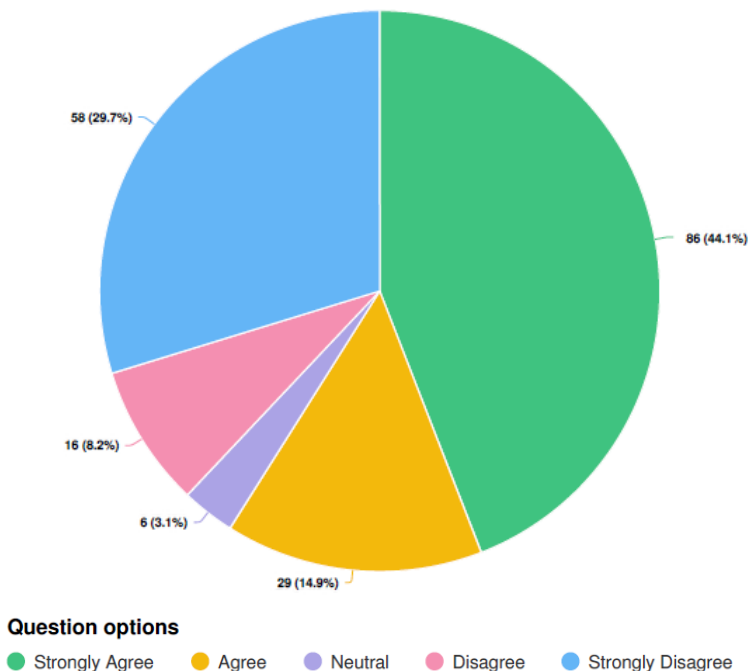
SATURATION LIMIT

In 2018, the changes proposed at the time would increase the saturation limit from 10 to 20 percent. Respondents indicated their support through a multiple-choice question and then provided explanations for their choice. The increased 20 percent limit was ultimately adopted in the 2018 amendment.

The questionnaire also included themes of feedback from other engagement efforts related to potential changes to the saturation limit:

- The current saturation rate discourages individuals from applying for permits altogether and may instead encourage the creation of illegal units.
- The saturation rate should be higher than 20% or removed completely.
- No additional accessory units should be allowed in the city due to the potential impacts (e.g., parking, noise, litter, etc.) of additional rentals.

RECOMMENDATION: Increase the saturation rate from 10 to 20% citywide. This is an incremental change that will not have a significant effect on the total number of ADUs, but will allow more Boulder households to construct an accessory unit. If a par...



Optional question (195 response(s), 3 skipped)

Questionnaire comments have been sorted by those that generally indicate support of the increased saturation limit (90, 58%), those that expressed concerns (53, 34%), and general comments (12, 7%). Note that of the 90 respondents who indicated support for the proposal at the time to increase the saturation limit from 10 to 20 percent, 35 respondents (22%) specifically noted that they believed the limit should be increased even further or completely eliminated.

2018 support for increasing saturation limit (beyond 20% or eliminate)

- Boulder has a housing crisis and this limited, incremental approach is far too conservative to help ease the situation.
- Increasing the saturation limit seems like a good idea, but I would also increase the range because the narrow 300-ft range would create barriers. The idea of saturation limits in general assumes that ADUs are bad things that should be spread around so that the bad impacts are evenly burdened. I just don't see ADUs as a negative thing.
- I agree with increasing the saturation rate citywide. I believe that the city should move toward at least a 40% saturation rate, which still implies a small increase in housing units citywide. I disagree with the proposal to decentralize decision-making to subcommunity planning efforts. These decisions should be made citywide and not privilege the affluent, incumbent homeowners in particular neighborhoods.
- Eliminate the barriers and the saturation limits
- There should be no saturation rate. It is frankly a silly concept that limits the ability of Boulder to address its housing shortage.
- There should be no saturation requirement - ADU-OAUs should be allowed by right in every single family lot in the city. Evidence and national data shows that even in the most liberal policies ADUs impact less than 1% of the housing stock. Whatever are we protecting by limiting the places where ADUs can be built?
- Incremental change is not what we need with the affordable housing crisis we have. This town is full of wealthy people because they are the primary type of people who can live here and they keep flooding in. Sad to not see more of a bold vision from the city that invented open space and other unique things. We are watching people leave this town because of this and it is sad.
- I definitely agree that we should increase the saturation rate for ADUs. The only reason I didn't do "strongly agree" is that I think the restrictions on now allowing owners to include ADUs if they are within a certain distance from a property that has one is still very detrimental, and I would like to see the city move away from this policy too.
- A property-owner should not be denied the right to create an ADU just because their neighbor built one first. I support raising the limit gradually, with the rate eventually removed.
- The saturation rate should be removed entirely to promote optimum housing flexibility. 20% is a vast and welcome improvement, but I am against the idea to set neighborhood by neighborhood increases as this unnecessarily complicates the regulations and causes confusion about what is allowed where. Further I would like to see apartments, duplexes etc removed from the saturation calculation.

- I would look to even greater saturation with areas that handle more capacity such as where there are larger lots
- I support increasing the saturation rate, but I'm concerned that 20% will soon also be too low. Maybe it should increase gradually and continually over time?
- There should be no saturation requirement
- I agree with increasing the saturation rate from 10 to 20%, but I think this does not go far enough. 40% or even higher would have a stronger impact in terms of creating more units and I don't believe it would not negatively affect the fabric of the neighborhoods. If anything, I think it would allow neighborhoods to become more diverse, interesting and vibrant.
- No limit on saturation should be imposed. Thornton allows all single family lots an ADU. This does not mean a doubling of density as the distribution of density varies according to factors such as transit and commercial proximity. See also the example of Berkeley where saturation increases near BART.
- I'd prefer to have a much higher saturation rate, but 20% is better than 10%.
- Saturation rate is completely unfair and penalizes new homeowners in any neighborhood. You should be incentivizing ADUs like Denver is, and removing any caps whatsoever.
- I think this does too little. There should be no saturation requirement--it should be removed altogether. All residents of a neighborhood should have equal access the to opportunity to have an ADU
- I actually think saturation limits should be eliminated as I do not think we will be "overrun" by ADUs. Based on personal experience, having owned and lived in my home here for 42 years, that potential benefits of flexible use of owner-occupied homes far outweighs the downsides.
- I think the number should be higher than 20%.
- saturation rate should be increased to 20%, but I believe it should be dropped altogether. There will be so many obstacles to ADU's (cost, finding contractor/workers, time for project) that a non regulated selection process will be present.
- I think it should go even higher. I would like to make housing in Boulder more affordable without damaging our open space, and the additional tax revenue of more people living here should help with litter, use, etc.
- You need to remove this requirement completely not just increase the saturation rate. It is not fair if your neighbor gets the permit a week before you so now you are not allowed the same zoning rights as your neighbor. I believe there will be a lawsuit in the future if this restriction is kept in place. ADUs/OAUs are expensive to build. I do not believe Boulder will suddenly see every house building one as people fear.
- There should be NO saturation limit!
- I would prefer there be no limit. This rewards some homeowners over others.
- I think the saturation rate should be removed. ADUs are important for increasing the availability of housing and reducing how far people commute.
- I do not think there should be any limits on saturation rates. Other cities do not have this limitation, and saturation rates have remained low in those places. There are a limited number of folks who want to build an ADU/OAU. It is self-limiting. However, it is not equitable that I

cannot have my mother live with me in an independent unit simply because someone nearby has already built an ADU.

- I think it should be increased even more, at 40%, so I'll support the 20% rate if that's the best we can get.
- I support increasing, but would support even more just doing away with the limit. No other community feels the need for such a restriction. I would love to see many more ADUs and OAU's.
- I don't feel this is a reasonable rule. With this, only 20% of homeowners in an area are able to realize the potential value of an ADU. ADU's allow for homeowners to earn an additional source of monthly income, and I feel it is unfair for someone to be unable to build an ADU because it took them longer to acquire financing or funding. Rather than basing it on how many neighbors have them already, it should be more based on lot coverage, density of a neighborhood, zoning, or something where a potential home buyer is able to understand the rules when they are going out looking for places they are looking to buy.
- As I support an unlimited number of ADUs, increasing from 10-20% is a step in the right direction.
- I would be in favor of raising the saturation rate to 30 or 40%, but the 20% limit at least addresses some problems of the current saturation rate (discouraging people from considering the ADU option/illegal units). Single-family homes are such a sacred cow in Boulder, despite the fact that many families aren't so typical any more.
- I agree that the saturation limit should be raised, but not to 20%, to 100%. There is no reason why my neighbors' houses should have an impact on what I can do with my house.
- I am a strong supporter of the diversity that comes from ADU's. 20 % seems better than 10%. Honestly, I think that anyone who wants one should be able to have one if they meet all the other requirements. So , I support any liberalization at all.

2018 support to increase saturation limit to 20 percent

- I believe that Boulder needs to find creative ways to tackle its housing situation. Increasing the ADU saturation rate to 20% is a good option.
- I want denser housing, I want 4 story apartment blocks everywhere in certain parts of the city.
- 10% has always seemed arbitrary. Start with 20% and see how it goes.
- Again I feel on site parking is essential. Also visual and architectural suitability must be considered.
- We need more housing options in Boulder.
- More ADUs is better all around. More options
- Makes the most sense
- Higher density will support a middle class
- I don't think that we'll ever get to 20%, but I support increasing flexibility so that people who are able to and interested in creating an ADU are able to. Just because your neighbors got there first doesn't mean you should miss out on your chance - restricting it too much would limit it to current homeowners, and future homeowners with an interest in building an ADU would not be able to do so.

- It may even be 'illegal' to discriminate against any property owner that applies for an ADU.
- I am a firm believer in incremental changes that allow us to test the consequences that are voiced as both positive and negative impacts. This could be safely done without much overall effect and would allow data to be gathered for moving forwards.
- It's my understanding that cities, like Portland, have no minimal restrictions on the % and the number is still under 20%. It seems like boulder is trying to fix a problem that doesn't exist. This is if the adu's are owner occupied.
- 20% looks like it would not have any drastic negative effects.
- I would support higher saturation limits, we need density to bring down housing costs.
- Again, as long as there is sufficient off street parking for the ADU's, saturation is not a concern.
- We need to increase the population density of Boulder to preserve open space and keep the economy growing. ADUs and OAU's do not drastically alter the character of the neighborhoods nearly as much as scraping and building huge single family dwellings. Young and old alike want smaller housing options, regardless of their income level. If we continue as is, we're suburbanizing the city, rather than urbanizing it.
- Boulder (and the Front Range) are in an affordable housing crisis. I think the city should remove as many barriers as possible to allowing ADUs on owner-occupied parcels.
- Greater density will help Boulder better use the space available.
- As long as the units are only in homes where the homeowners are living, which is what I understood from above, I feel the impact to neighbors won't be too bad.
- Boulder needs more housing, and allowing homeowners to create ADU's will be mutually beneficial for everyone.
- It's the fair way to go.
- I would love to see more affordable housing in Boulder and I also want to see more people who came to Boulder years ago be able to stay and adding an ADU/OAU can make it easier.
- Increased density is a reality in Boulder. Gotta put people somewhere. It also provides additional income to homeowners which broadens the income levels needed to own in Boulder.
- I live in a Goss-Grove, a neighborhood with a high concentration of ADUs and it's fine and adds a lot to the neighborhood character, plus mitigates the rent in an area that's extremely close to downtown (at least compared to other downtown-adjacent neighborhoods that have fewer ADUs). The more the merrier!
- I don't feel like the ADU impact a neighborhood, my neighborhood, in a negative manner
- I live near several ADUs and their impact is minimal. I'd be very surprised if it's only 10% in my neighborhood today.
- If Boulder truly wants to have more affordable housing options available to seniors, low-income residents, and students, then increasing the saturation rate is a great step.
- Can't determine who will want to build an ADU, so it is unfair to prevent some people just because someone else nearby did it first.
- There is a lack of affordable housing in Boulder and homeowners should have the option for additional income given the expensive housing market.

- We need more housing in Boulder. This is the low-hanging fruit solution.
- It seems to make only a minor difference. There are already varying numbers of people living in each home. Some families have 5 children at home, some couples live alone without children. This change doesn't seem to significantly change what is already happening with varying density.
- Given the higher cost of living and drowning out of affordable housing in Boulder, I'd support bumping the saturation to 20%.
- It seems of a minimal impact and allows more affordable housing
- I don't believe the city would reach this limit as not that many people want an ADU. I also believe that higher density is good to a certain degree.
- So long as the owner-occupancy requirement remains (and is enforced), this measure would increase housing affordability for more people. That result is one that I want to see.
- If there aren't any parking impacts, why does this need to be regulated???
- Most homeowners will make responsible choices to improve their quality of life: to keep a loved one closer to them. Some may offer units for rent, but Boulder residents are educated and will not make poor choices.
- Given the challenges to create and license an ADU, and respecting the rights of homeowners to use their property the best way they can to stay in place, we should allow them everywhere.
- The very high need for more affordable housing and transportation choice in Boulder is far greater than the relatively minor negative impacts to neighborhoods associated with even a high percentage of homes with ADUs.
- 10% seems very low.
- I think the saturation limit should be higher.
- I agree the change would small, since it's obvious that not everyone who is eligible can, or wants, to build.
- Shouldn't impact neighbors
- Adus provide needed density of housing while benefiting existing owners. More saturation will make for a more interesting and vibrant town
- if city won't build vertically then adding density is only option
- Boulder has such a low level of housing at this point and I don't want to see more commuters coming into town.
- I'm in agreement with ADUs as one in a suite of options for creating more housing, enabling the elderly to stay in their increasingly expensive and unaffordable homes, and allowing families to move their elderly parents onto their properties. I am unconcerned about the whacked out, sky-is-falling hyperbole of my neighbors who are against additional density. I do strongly believe that the additional 10% of ADU permits should be rent controlled. IOW, that those constructing ADUs not be allowed to price them as luxury units with sky high rents.
- I agree with the information in the recommendation
- Again, I am 100% for having an OAU myself, and so the saturation is no problem for me.
- More urban infill, less displacement.
- This sounds like a reasonable target for Boulder.

- I would like to add an ADU to our home but the area has reached it's saturation limit. I do not mind the increased density, in fact it seems like a good way to increase housing while preserving open space.
- Agree, but neighborhoods should also be given the option of having a *lower* limit too.
- Housing more people is a good thing.
- Need to solve the housing crisis people!
- I believe many residents have faulty assumptions about the renters of ADUs based on prejudice and classism. We are very grateful that the ADU provides the opportunity to afford living in an actual neighborhood instead of an apartment complex, and we do not contribute extra parking, noise, or litter. In fact, we routinely PICK UP litter around the neighborhood while walking our dog, and do our best to make positive contributions to the neighborhood and community.

2018 concerns about increasing saturation limit

- I think no additional accessory units should be allowed in the city due to the potential impacts (e.g., parking, noise, litter, etc.) of additional rentals.
- Having lived in the Whittier neighborhood when alley houses were all the rage, and seen both the drawbacks and the limited impact it made on affordable housing, I do not support increasing ADUs in single family home neighborhoods.
- The obvious...parking, noise, dogs barking...stated above.
- Because I live where there is already 10% saturation of grandfathered units in a RLneighborhood and it makes an enormous impact, especially where lot size is smaller than average or even standard for legal construction there are few off street spaces. No neighborhood should go higher than 10% and all existing grandfathered non-conforming uses need to be counted!
- Start out with 10% and then ask the community if they want 20%
- Not enough infrastructure to support all those additional units. It will force existing residents to pay for upgrades to schools and utilities.
- No. Leave the saturation at 5%. It's bad enough my property taxes will go up with more ADU's but creating more saturation will force more longtime residents like myself out of Boulder that can't or have no desire to build ADU's. It's already happening. I ask you to consider the following, How many ADU applications have actually been denied because of the 10% rule? Staff should plot all the ADUs and OAU's in the city, and all the 300' radii around them, and show how many times, and where, the presence of one ADU/OAU has prevented a second application within radii.
- The infill in the city is making it unlivable. Too many people filling every open spot. Yes our city is desirable to live in and that makes it expensive to live in, but we shouldn't build in every open spot to encourage more people. We are not a big city and the desire to make it seem like one and undesirable.
- Saturation rates should be equal in all neighborhoods for equal distribution of unit mixes parking and traffic flow.

- I think a few more would not be a problem, as long as they are small, not up to half of the house. BUT, the unlimited saturation of OAU's is frightening. I think everyone is overlooking this potential impact.
- I think people will monetize this policy unless it is linked to permanently affordable housing. We don't need more market rate housing and I don't think that the potential disruption to SF neighborhoods (that increasing density through ADUs may create) is warranted unless there is a benefit to lower and middle income residents.
- The assumption that illegal rentals will convert to ADUs or become licensed rentals is false. Illegal rentals are not unilaterally investigated and shut down by the city, so they will continue to proliferate in addition to any increased ADU saturation rate, worsening density and quality of life for everybody except for the transient student population that has no vested interest in neighborhood character or Boulder in the long term.
- 2. Before increasing the saturation rate from 10%, we suggest that Council probe the extent to which the 10% saturation limitation actually contributes to low numbers of ADUs. How many ADU applications have actually been denied because of the 10% rule? Staff should plot all the ADUs and OAUs in the city, and all the 300' radii around them, and show how many times, and where, the presence of one ADU/OAU has prevented a second application within radii.
- It may be true that the 10% saturation ceiling is very rarely the limiting factor. If that's the case, we recommend that first Boulder fully (or at least, more fully) tap the 10% saturation, before considering doubling it.
- Alternative: Allow different saturations in different neighborhoods. Keep saturations to 10% in neighborhoods already known to be experiencing disproportionate amounts of impacts and challenges from growth. There are a number of relatively stable neighborhoods, further from CU, that don't struggle under as many impacts. Perhaps they could absorb an increase in concentration without it becoming a "tipping point" issue. Further, In the staff analysis of saturation, they comment that only 15% of eligible properties have an accessory unit. And they follow that with reasoning that increases in saturation would have a similar uptake. But that doesn't mean that a much higher percentage wouldn't actually be built in the future. We've seen this in recent times with commercial development. When the slow growth initiatives were passed in the '70s only residential was affected - and for 40 years not much happened - until the recent commercial growth spurt. We should learn from our mistakes. Last: any increases to saturation should be done in a sub-community plan, and then, only if and when it can be proved that the 10% saturation limit is actually the culprit of why Boulder doesn't have more ADUs.
- That will allow for too many units and turn single family house zoning into duplexes.
- The new rule last summer for co-ops was supposed to be city wide also and only one is in north Boulder and one is on Uni Hill and four are in Martin Acres. This is only the legal ones that have registered. The over crowding is making Martin Acres a place where families are being forced out due to no parking, no room on trails and in the park, and crowded Table Mesa restaurants. Too many parties every night of the week so kids can't sleep at 8:30 at night. I don't trust the

city to make anything city wide because of rich people and neighborhoods with their own HOA's.

- I would be ok increasing it up to 50%
- I support the 10% saturation with a review when we get close to that number. Why move directly to 20% which is over 4X the current level when staff itself admits that it won't have a significant effect on the total number of ADUs. This caution would be especially prudent if the parking restrictions get lifted.
- Again, staff is here presenting a highly questionable, and potentially very inaccurate, guess. First of all, staff is basing much of the entire ADU project on a notion of the number of ADUs currently in the city. However, staff's number only includes the number of LEGAL ADU's. There are many more ILLEGAL ADUs. Virtually every neighbor on every street in certain neighborhoods knows of an illegal ADU on their street. The City's woefully inadequate enforcement staff has no concept of how many illegal units are out there. I'm not faulting the enforcement staff. I'm faulting the fact that there are exactly 1.5 FTE field enforcement officers, charged with field enforcement of these type of infractions, with 20,000 rental units to cover.
- Before anything happens, the community deserves to see a solid action plan from the City regarding how they intend to quantify, and bring into licensure, all the illegal, unlicensed ADUs. Then, re-tally the TOTAL number of ADUs in the City, and only then chart a policy course. Because at least then, you'll be working from true and accurate numbers. Then, there's the further, vital question of whether the 10% saturation limit is really the limiting factor? Before increasing the saturation rate from 10%, Council should probe the extent to which the 10% saturation limitation actually contributes to low numbers of ADUs. How many ADU applications have actually been denied because of the 10% rule? Staff should plot all the ADUs and OAU's in the city, and all the 300' radii around them, so we can actually see the extent to which the current saturation is fully utilized (or not), and show how many times, and where, the presence of one ADU/OAU has prevented a second application within radii. And I mean a real map, with real plotting, not the fake video game illustration provided here by staff. It's meant to convince people, but has absolutely no basis in actual current ADU saturation/locations and whether or not the 10% limiting factor is what's actually discouraging more ADU deployment. Further, the animated model provided here is a fictitious rendering of the results of increases in saturation. The truth is, staff has no idea how many ADUs will result from an increase in saturation levels.
- We may find that the 10% saturation ceiling is very rarely the limiting factor. If that's the case, we recommend that first Boulder fully (or at least, more fully) tap the 10% saturation, before considering doubling it.
- I disagree with densification. I value protecting the character and lifestyle of the neighborhoods.
- go with 10%, can always change to 20% later if 10% ends up being to little, impossible to lower
- Areas with dense population should not be increased by right.
- ADU's financially benefit the owner and increase the selling price when sold. The impacts are felt by the neighbors

- This adding of inventory flies in the face of the master planning of the city, and creates additional strain on infrastructure that is already crumbling.
- Not sure we should allow as high as 10-20%
- Too much density
- THERE IS NO ENFORCEMENT and therefore you don't even know what the rate is in Boulder! And THERE IS NO ENFORCEMENT unless you rat on your neighbor. Until this situation is remedied, you should not be adding to our problems.
- Is this only known, legal ADUs? There many unknown and therefore illegal ADUs? I think the city probably has no idea how many illegal ADUS are out there. What is the plan to FIRST bring the illegal ADUs into the fold-- and then decide. There are probably many more opportunities to still work within the existing 10% saturation limit that have not been utilized-- because we don't even really know how fully that 10% limit has been pushed. Has the city actually turned down ADU applicants due to the 10% saturation limit so far? If this is not a barrier today, why would we change it?
- It seems to me, having now read the report to the city council, that you want to open up every part of the city to accessory units. I disagree with this approach. Therefore, I don't want to see the saturation rate go up - because you're not just proposing increasing the saturation rate in zones currently open to accessory units, you're recommending 20% saturation rates in almost all zones, including those that don't currently allow for accessory units of various types.
- ADU will provide a small fraction of affordable housing. By building new affordable units money will be spent more wisely and efficiently. ADU's are not the "big answer".
- This change should not be pursued by the City of Boulder. The City can't even enforce the many illegal ADU's. Why should we trust the City to be able to monitor the legal ones! Do not double the saturation rate until the City understands the true situation. Double or triple your current 1.5 field enforcement officers first.
- Twenty percent is too high a concentration in already built-out neighborhoods.
- There are NO humans whom do not prefer to live in a beautiful, natural setting. Human population density is the very plague though that will permanently ruin the very ecosystem that makes this (& many other places) so appealing.
- our single family areas are already overcrowded
- You have completely ignored the number of unregistered ADUs, which are apartments, some very old, that already exist in homes on the Hill but are not registered for reasons other than the 10% saturation. A system for dealing with these units must be developed before granting permission for new units. I believe the saturation rate for existing unregistered ADUs, some of which are used illegally but many of which are not, would far surpass a 20% saturation. I suggest you work with the neighborhood to create criteria that would guide who is permitted in what order. Your map shows three registered ADUs in the core Hill neighborhood. This is a joke.
- Solutions to lack of affordable housing need to be looked at in a broader context. The City is proposing piecemeal solutions which will later preclude other, perhaps better solutions. Creating evermore rentals (there are already so many corporate-owned apartments) should

not be the future of Boulder. Additionally, once again, assessing the impact by neighborhood -- "sub-community plans" -- is the first step. The City has no idea how many ADUs already exist. I know of a number of unlicensed ADUs near my home. So these numbers are not factually correct. And -- a distinction should be made between ADUs that involve construction and ADUs that would mostly entail adding a stove to an existing unit (in-house rental). The environmental impact of more construction within the neighborhoods is not addressed at all.

- WE have this same situation and it is a mess on our street.
- This is NOT an incremental change. I think Staff's calculations are faulty in that they do not know exactly how many illegal ADUs are already out there. I know of several people who rent out space in their homes without the City's knowledge. So, the current saturation is an unknown number to Staff. I also don't think the demand for ADUs is what the City would like to think - it's far less.
- 15% a better number
- The recommendation will increase density that is destroying our quality of life.
- The City's recommendation permits more growth that has destroyed our Environment and the quality of life that we have previously enjoyed in Boulder
- 20% is way too high a saturation rate as evidenced by the graphic
- There should not be an increase over the current 10% unless a sub-community plan, written by residents in the given sub-community determines, that there should be a higher saturation.
- Saturation rate should only be increased if the ADUs are required to be PERMANENTLY AFFORDABLE. That should be a requirement with any ADU. Otherwise the ADU will become too expensive for low- to medium-income people. Increasing density can still mean super expensive--look at San Francisco and New York City.
- An increase in saturation may work in some neighborhoods, but will not work in others. A city wide increase will cause problems in some neighborhoods. ADU density needs to be evaluated neighborhood by neighborhood with final say given to the neighbors, not city planners.
- If a neighborhood wishes to increase saturation it is appropriate that their wishes be addressed in a sub-community planning process rather than increasing saturation city wide.
- If we haven't met the 10% saturation, why does it need to be expanded?
- I worry about density, cars, traffic, etc. where I live.
- You don't even know how many ADU's are out there currently. I say, I say, Slow down!
- 20% is way too high. It's a terrible strain on a neighborhood when someone does what happened here recently: razes a moderately sized home, wipes out several large and beautiful trees and a garden, builds a main unit at least twice as large as the one before *and adds a substantial OAU. Suddenly space and beauty and views are markedly reduced and the whole neighborhood feels crowded, since we already had a duplex, two large fourplexes, and a big house and OAU immediately surrounding. The area feels like the center of a city block, built up with buildings wherever one looks, and the feeling of nature almost nonexistent (and studies show that some exposure to nature has a big positive and necessary effect on the psyche). If that big unit and destruction of all the trees and almost all the yard space could be allowed under the present regulations, we definitely should *not be *doubling! that saturation rate. It

all feels like a heartrending violation of nature, neighborhood and psychological space as it is. I also felt that way just looking at the representation offered here. Thank you for that and the clarity it provided. 20% is wa-a-ay too much to allow

2018 general comments: saturation limit

- More over regulation. Really a 5000 sq ft lot restriction ? You are missing house that can easily have an addition without having to build on the lot. For instance, I have a 900 sq ft addition on my house, and need no new building. I only have to put a stove in and I have an ADU. Less regulation is needed not more
- With legal non-conforming structures included, it becomes impossible to not have 10% saturation. In my neighborhood which is low density and older homes, there are several nonconforming structures that aren't rentals and don't involve parking issues.
- Doubling the number of ADU's isn't significant?
- "Saturation?" - the word itself is self explanatory.
- Due to the unknown costs and difficulty navigating the process to build an ADU, we cannot predict that the homeowners who have interest and resources to follow through are distributed evenly throughout the city.
- Historically middle class neighborhoods are more likely to face similar challenges today in terms of affordability, property taxes on increasing values and fixed income, and desires to age in place. This indicates that homeowners seeking ADUs may be geographically close to one another, while other sections of the city have no need to augment their income nor desire to help others.
- If neighborhoods controlled by an HOA wished to mandate it, that seems fair. However, lacking any engineering challenges (sewer + water pipes, etc.), 20% still seems like an arbitrary number.
- I'm not sure what the actual number of ADUs is; what is the current number, both legal and illegal?
- I'm a bit on the outskirts of Boulder and am not sure how to comment.
- Let each neighborhood decide on their saturation limit.
- ADUs in some neighborhoods might have more impact due to resident type (e.g., Goss Grove, Univ Hill with students), but my experience is that these kinds of units encourage younger working-age residents to move into and work in Boulder.
- I'm not opposed to some more ADUs, but it totally depends on the conditions under which they are allowed. If people can expand their building's footprint, or convert their garage so that what they have is essentially a duplex, then I'm totally against allowing more. But if they stay within the existing building's footprint, and envelope, then I'm OK with a few more.

ATTACHED ADUS: INCREASE SIZE LIMITS

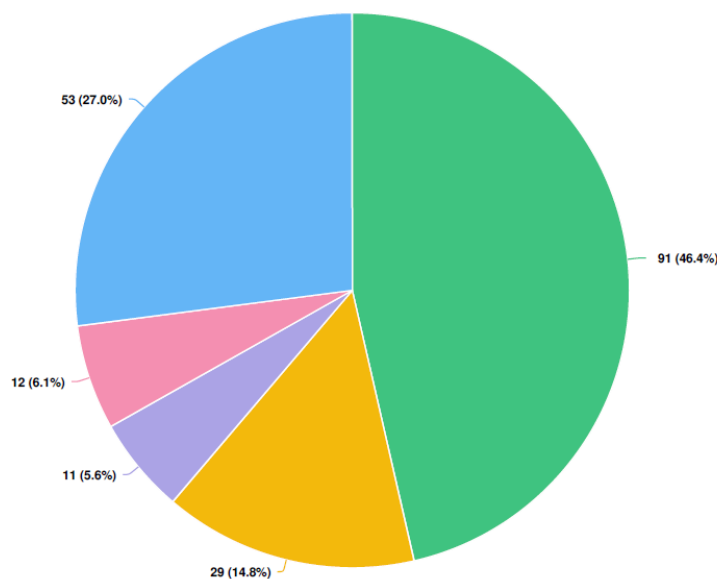
The questionnaire asked whether respondents supported the staff recommendation at the time to increase the size limit for attached ADUs from 1/3 of the principal structure or 1,000 square feet to 1/2 of the principal structure or 1,000 square feet. This change was not ultimately adopted, and the limit remains 1/3 of the principal structure or 1,000 square feet for attached ADUs.

The questionnaire also detailed the following themes of feedback from other engagement efforts prior to the questionnaire related to size limit changes:

- The 1/3 size limit is a constraint in smaller homes and sometimes requires sections of basements to be walled off for no practical reason.
- There should be a consistent limit on ADU size of 800 sq. ft. regardless of the size of the primary dwelling to help keep the units affordable in the future.
- The size of the unit should depend entirely on the size of the primary unit and there should not be an upper limit to provide additional flexibility.

The majority of respondents (62%) indicated support for the change at the time, with about 33% opposed.

RECOMMENDATION: Change the 1/3 size limit to 1/2 for principal dwellings of less than 2,000 sq. ft. to give smaller homes additional flexibility in creating an ADU or interior OAU.



Question options

● Strongly Agree
 ● Agree
 ● Neutral
 ● Disagree
 ● Strongly Disagree

Optional question (196 response(s), 2 skipped)

After indicating their agreement or disagreement, respondents were asked to provide further explanation of their selection. Comments below have been sorted by those that generally indication

support of the increased size limit for attached units (58, 53%), those that expressed concerns (29, 27%), and general comments (21, 19%). Note that of the 58 respondents who indicated support for the proposal at the time to increase the size limit from 1/2 to 1/3 of the principal structure, 14 respondents (35, 22%) specifically noted that they believed the limit should be increased even further.

2018 support for increasing the size limit for attached ADUs beyond 1/2

- I don't think it goes far enough, if someone has a large lot, existing structures, etc. change it to half for all homes, but include it in general lot area coverage restrictions. If I understand this recommendation correctly, if someone has a 2100 sq ft house they couldn't build an oau/adu as large as someone with a 2000 sqft house could, and I don't see how it makes sense or operates in the community's best interest.
- Again, over regulation. I only agreed because these limits are ridiculous. What does it matter if the ADU is bigger than the main house? In my case, I am retired, only the wife and I, and we do not need a large place. We want the ADU to be large so we can rent to a family. Again, My proposed ADU was just, and get this, just bigger than the the 1/3 requirement by 30 FEET.... again, the planning and development department would not come out and look at the place. I said I could easily wall off an existing mud room. The planning and development required me to spend \$1000s of dollars to submit a professional blue print, instead of just coming and see the place. I was not allowed to submit the blue prints myself
- So 1/3 still applies to house of say 2,200 sq feet? How does that make sense? Size should be 1,000 square feet for all ADU or OAR structures, or better yet, why the size limit at all? Aren't other limits like FAR and the multiple layers of other Boulder rules like in the historic zones enough? Surely you see why it is so hard for someone to navigate this stuff and it adds cost to the project, further increasing housing costs.
- What difference does this % make? The home can look the same from the outside regardless of the inside lay out and the neighborhood impact won't change. Why is any regulation necessary? Who cares if the adu is bigger than the rest of the house? I just can't see a reason for this regulation.
- Proscribing square footage alone won't make properties more affordable! It's all about supply + demand = more supply of rental units, will mean more affordable rents. And I agree that if a principal dwelling is small but has a large plot of land, the owner should absolutely be allowed to build a larger ADU as they see fit.
- The ADU/OAU size limit shouldn't depend on the size of the house. I'd rather see just a hard size limit (and maybe something below 1000 sq ft).
- I think 1/2 is still too low, but this is an improvement from 1/3.
- I think the restriction should be removed altogether, but at least this makes it a little easier for a few people to build ADUs or OAUs.
- But hey, come on, this is arbitrary. Let people build withing the existing FAR and setback codes, then get out of the way. Just like you do for these awful giant homes people are allowed to build.
- Make it even smaller! I lived in 300 and 400 square foot apartments for a few years. If people want to live in them, they should be allowed to.

- I think 800 square feet is appropriate for detached ADUs. I think there should be no size restrictions for "interior" ADUs.
- Not sure why subordinate size is relevant at all.
- Too small
- I would go further and say that the limit should be fixed at 800 or 1000 sq ft and not be based on the size of the house. If it is based on the size of the house, lower income folks who live in smaller houses will have less options than wealthier people living in larger homes. This seems classist and against Boulder values.

2018 support for increasing size limit for attached ADUs to 1/2 of principal structure

- Remove as many barriers as possible, as soon as possible.
- This makes sense.
- However perhaps 1,500 sf would be a better number. 2,000 sf is not a small home and 750 sf is more than sufficient for a granny apartment.
- Need more flexibility for ADUs
- Makes the most sense
- There are too many restrictions on ADU/OAUs and this is certainly one of them. 1000 ft should be allowed for every ADU/OAU
- I agree in principle, however someone isn't considering the implicit non-linearity this wording defines. While the analysis cites the irrelevance of homes "'less than 3,000 sq. ft.'", the recommendation expresses "'less than 2,000 sq. ft.'"
- Higher density will support a middle class. My family and parents could afford to live in and contribute to the city of Boulder.
- If part of the point of ADUs and OAUs is to help ensure long-term affordability for existing homeowners of modest means, I don't think we want to punish people for living in modestly sized homes. I feel like the current requirements would create an incentive for people to expand their own living space as well as the ADU, which has negative environmental implications (heating a larger space!). It's especially counterproductive if the existing homeowners are older people without children living at home - their homes are likely already underoccupied. Don't create an incentive for them to expand their homes!
- In terms of increasing affordable housing in Boulder, it would be best to be able to create an ADU that would accommodate a parent(s) and a child. This would increase the affordable housing stock to more tenants. How you do that in 500 square feet is what the City policy will force homeowners to grapple with.
- Smaller homes need the flexibility.
- I agree with the analysis. People should not be penalized for living in smaller homes. An increasing number of people want smaller homes, but commercial developers don't want to build them, so it's up to owners of older and smaller homes investing to continue making them viable. Any disincentive for doing so should be removed.
- Good move!
- Agree with everything that increases flexibility around ADU and OAU construction.
- Smaller, means more affordable units so I am supportive

- There are a lot of 1,000 sq ft houses on largish lots in the city which would benefit by this (I would actually cap the units to 750 sq ft).
- I agree that the current law discriminates against people with smaller homes.
- The current limits hamstring homeowners of small houses! If you have a 1,000 sqft ranch, your ADU would have to be 333 sqft which is too small to make any sense.
- To give smaller home owners better options.
- I don't have a problem with property owners having ADU's or OAU's
- As long as the ADU/OAU meets the city's codes for square footage per occupant, then that is all that should matter.
- This is such an easy answer to adding more housing to Boulder.
- This seems like it may create problems if small homes are also on small lots, but I presume setbacks and other rules would protect from too much crowding. This seems reasonable.
- the argument/analysis put forward makes total sense to me.
- Limit the impact and construction needed so people can live efficiently and affordably
- Promoting more housing options is a positive step for our community
- This makes sense...
- Homeowners living in smaller homes are more likely to need additional income support. There is no reason to arbitrarily limit the size of an internal apartment that does not change the exterior footprint. How homeowners and tenants divide their living space inside is up to them and no business of their neighbors.
- The current rules totally favor people with big houses, who tend to be more affluent. People in smaller homes should be able to create additional housing options.
- I believe that the size limit is an improvement, but it still penalizes those who choose to live in a small-footprint house themselves. Given that housing footprint is linearly related to carbon footprint, having a restriction seems out of place with Boulder's goals.
- Smaller homes should have the opportunity for adus
- Same as before; allow residents who might otherwise be priced out of their neighborhood to have an additional property, and increase housing stock for both young people starting out and expanding aging population looking to downsize but stay in the community.
- We need more housing in the city.
- My home is only 1200 square feet WITH an internal conversion of the attached garage into main living space, and only 1000 sf without the garage conversion, (along with MANY homes in Martin Acres and Aurora neighborhoods, which have large lots and plenty of room for an OAU). An OAU of just 600 sf is tiny and might not even be worth the expense of doing so. I think this provision should be 800 sf for all ADUs or OAUS that are added on, regardless of the size of the existing home.
- Perhaps this would allow more smaller homes to remain standing and stop the influx of 38,000 square houses from being built in areas with small lots.
- the current laws are complicated - simplify.
- Makes sense!
- Many (most?) ADUs *are* basements, so this must be a very common problem...

- Just make the limit a fixed square footage and move on for the love of God. This forces it to be subordinate for all larger homes. If I own a small home of 1,600 ft, and I want to live in 600 feet and rent 1000, what's the problem. This may allow more people to afford homes in boulder.
- I prefer flexibility and diversity. Boulder has adequately strict lot coverage requirements and I don't believe that additional limits are needed
- It is not practical to modify a small building to have an ADU and meet current guidelines.
- More density and and more infill. See #3.
- I think 1000 square feet is too big and would prefer a consistent limit of 800 feet, regardless of whether the main house is no more than 2000 feet. I do agree that we shouldn't penalize smaller houses and potentially induce the owners to make them larger (as the ones near me did) in order to have a larger OAU.
- Its a silly rule

2018 concerns about increasing the size limit of attached ADUs

- Smaller is more affordable.
- No. A de facto duplex rather than a main and subordinate set of units operate very differently in a neighborhood. Those of us already dealing with these in our current neighborhood should be heard as experts in practice, not the on paper analyst by supporters in theory.
- "Note that staff particularly targets neighborhoods with this idea, when they write: "This requirement presents challenges for people with smaller homes." The problem is, neighborhoods with smaller homes are generally already under more stresses from impacts than most areas. Further, homes are more closely spaced in neighborhoods with smaller houses. So impacts from ADUs and OAU's will be felt more keenly, due to the closer proximity of properties. The point is, 1/3 of the principal structure is plenty of space in Boulder's more affluent neighborhoods with larger houses. This change is specifically designed to increase ADUs in Boulder's most modest, least affluent neighborhoods. However, these are the very same neighborhoods that are already struggling much more disproportionately from impacts of growth, as it is. The goal should be adding diversity and inclusivity to exclusive neighborhoods. (A progressive policy.) This particular item will simply target the neighborhoods that are already that. So it will in fact be a regressive policy. Keeping the 1/3 limit as it is incentivizes ADUs in Boulder neighborhoods that don't participate in change, inclusivity, and diversity to as high a degree. So I strongly recommend keeping the 1/3 sq. ft. limit."
- I believe increasing the size to half the size of the house in effect converts it to a duplex, and is an end run around single family zoning.
- Smaller properties can't be "subdivided" for rental purposes (legal or illegal) without increasing density, introducing non-vested transients, and destroying the character of single-family neighborhoods.
- Note that staff particularly targets certain neighborhoods with this idea, when they write: "This requirement presents challenges for people with smaller homes." The problem is, neighborhoods with smaller homes are generally already under more stresses from impacts than most areas. Further, homes are more closely spaced in neighborhoods with smaller

houses. So impacts from ADUs and OAU's will be felt more keenly, due to the closer proximity of properties. And areas with smaller homes not only have smaller lots, they also typically have narrower streets, compounding the problem even further. The point is, 1/3 of the principal structure is plenty of space in Boulder's more affluent neighborhoods with larger houses. This change is specifically designed to increase ADUs in Boulder's most modest, least affluent neighborhoods. However, these are the very same neighborhoods that are already struggling much more disproportionately from impacts of growth, as it is. The goal should be adding diversity and inclusivity to exclusive neighborhoods. (A progressive policy.) This particular item will simply target the neighborhoods that are already that. So it will in fact be a regressive policy. Keeping the 1/3 limit as it is incentivizes ADUs in Boulder neighborhoods that don't participate in change, inclusivity, and diversity to as high a degree. So we strongly recommend keeping the 1/3 sq. ft. limit.

- Size should be consistent with the original house. The lot size would matter, and smaller houses are generally (although not entirely) on smaller lots.
- Again, density issues, combined with essentially ignoring the purpose of zoning.
- This is very bad as there was a good reason why the original house was small. Many are on small lots
- They need to be kept small and smaller than the main house.
- According to your own statements-- aren't Boulder's more wealthy, exclusive neighborhoods the ones who need to change? That is where the larger homes are. Keeping the 1/3 Sq ft means that they are more likely to be able-- rightfully so- to do ADUs. More modest neighborhoods are already under pressure. Increasing ADU size to 1/2 of the main unit will just sledgehammer our modest already struggling neighborhoods even more.
- I feel the current size limit is adequate.
- 1000 square feet is plenty big for an ADU, especially given the size of smaller homes. An ADU is supposed to be small!
- ridiculous
- OAUs are not subject to any concentration/saturation limits because the current zones where they're allowed are characterized by extremely large yards: Residential Rural (30,000 sq ft lot) and Residential Estate (15,000 sq ft lot). But allowing OAUs in all other zones, with no saturation limits could, theoretically, result in an OAU in every back yard of every house. It would be incredibly careless for the City to go forward with this change, with absolutely no saturation limits.
- Areas with smaller homes also have smaller lot sizes. ADUs would have disproportionate impact on neighborhoods with smaller lots.
- The size of the unit should depend entirely on the size of the primary unit and there should not be an upper limit to provide additional flexibility.
- By making this change you are, again, creating more saturation in neighborhoods than what was intended for the established neighborhoods. You are trying to find ways to cram more people into designated areas where the areas are already over-saturated due to the high use of single family homes as rental units.

- There isn't even enough viable options to preserve the natural spaces we have maintained to now (for example the endangered tall grass prairie habitat surrounding the CU South property). WHY -pray tell- are we trying to stuff more beings into an ecosystem that has far-surpassed scientifically proven environmental carrying capacities? It just doesn't even make survival sense as a species!
- as above don't destroy present housing zoning
- The ADUs and OAU's would be too large for small homes typically on smaller lots.
- Smaller homes are typically on smaller lots. Thus, the current restriction makes sense. Smaller homes, smaller lots, less parking, already higher density. NO on this. I absolutely, strongly disagree.
- The recommendation will increase density that is destroying our quality of life. It will permit more dwellings to qualify for the ADU.
- The City's recommendation permits more growth that has destroyed our Environment and the quality of life that we have previously enjoyed in Boulder
- It would be almost like 2 houses on one lot.
- This should only be allowed if the ADUs are required to be PERMANENTLY AFFORDABLE. That should be a requirement with any ADU. Otherwise the ADU will become too expensive for low-to medium-income people. Increasing density can still mean super expensive--look at San Francisco and New York City.
- I think the original regulations make sense.
- I worry about density, cars, traffic, etc. where I live.
- Again; proportion. Don't want to recreate what happened to Whittier in the early '90's where huge homes were built in backyards.
- Note that staff particularly target certain neighborhoods with this idea, when they write: "This requirement presents challenges for people with smaller homes." The problem is, neighborhoods with smaller homes are generally already under more stresses from impacts than most areas. Look at the neighborhoods in Boulder struggling under impact. They tend to be neighborhoods with smaller houses. Further, homes are more closely spaced in neighborhoods with smaller houses. So impacts from ADUs and OAU's will be felt far more keenly, due to the closer proximity of properties. I wish the staff analysis would have mentioned this demonstrable reality. And areas with smaller homes not only have smaller lots, they also typically have narrower streets, compounding the problem even further. The point is, 1/3 of the principal structure is plenty of space in Boulder's more affluent neighborhoods with larger houses. Increasing the square foot limit to 1/2 the principal unit is specifically designed to increase ADUs in Boulder's most modest, least affluent neighborhoods. However, these are the very same neighborhoods that are already struggling much more disproportionately from impacts of growth, as it is. The goal should be adding diversity and inclusivity to exclusive neighborhoods. (A progressive policy.) This particular item will simply target the neighborhoods that are already that. So it will in fact be a regressive policy. Keeping the 1/3 limit as it is incentivizes ADUs in Boulder neighborhoods that don't participate in change,

inclusivity, and diversity to as high a degree. So I strongly recommend keeping the 1/3 sq. ft. limit.

2018 general comments: attached ADU size limits

- It seems more fair. I would actually be more in favor of granting planning officials a 20%-30% leeway to grant additional space above the 1/3 of principal dwelling unit if that helped for space to be used efficiently and consciously.
- For exterior OAU's, there should be considerations other than just size of principal home in
- Smaller homes are more ecological.
- The allowable size of ADUs or OAU's should not be contingent on the size of the principal dwelling. The background notes that the original intent was to "ensure that the accessory unit is smaller in size and therefore subordinate to the main home," but it does not provide a rationale for this constraint.
- What happens to homes between 2000 and 3000sq.ft? They'd be limited by 1/3 whilst everyone else is allowed 1000sq.ft regardless..
- Is it really the intention of the recommendation that homes 2,000-2,997 sqft have a more restrictive ratio than those <2,000 sq. ft.? For example, a home which is 1,998 sq. ft. might be allowed a 999 sq. ft. OAU, however a homeowner whose principal dwelling is 2,001 sqft is restricted to 667 sq. ft.?"
- The ADU size limit should be determined by a formula for the complete lot including a requirement to limit pervious pavement.
- Anything over 200 sf is livable for a single person. People who are rich overestimate what people actually need to be warm, dry, and comfortable.
- I think there should be practical flexibility but I also think part of what makes these units affordable is the size therefore the size should be limited.
- I live in a smaller home.
- I own a home in East Aurora (purchased in 2015, after 35 years renting in Boulder). My house - like nearly every un-remodeled home in my neighborhood is only 1,061 sq ft to begin with. A max of 800 sq ft makes way more sense than a randomly applied 1/3. Otherwise you're penalizing homeowners who own reasonably sized homes (we have a family of 4 in 1,000 sq ft).
- Repeat of answer: We have more important work for city's brilliant people than to be policing homes and acting like dictators, which they don't want to be.
- They need to be big enough to make sense as a livable space. I would make all of them have a limit of 800 square feet regardless of the size of the main house.
- How we measure square footage also needs to be considered. In Boulder, we measure sq. footage to the outside perimeter of the building we are measuring. When measuring small spaces and taking into account that modern construction requires 6" walls to get higher R-values and less air infiltration, that way of measuring (to the outside of the wall) leads to overstating the usable sq. footage. For example, in our 16" X 19" 2-story studio accessory unit, the gross sq. footage is 773 sq. ft but the sq. footage inside the perimeter walls is only 680 sq. ft.
- I own a 2100 sq. ft. home.

- Again, people don't always need to live in large places. Think Japan. They have small apartments and living places.
- I feel size should not be an issue governed by council. If you're going to allow development then allow it freely.
- Not sure what I think of this yet.
- I think having a consistent limit, like 800 sq ft, makes much more sense. That way the number of occupants is limited by the space, and avoids the temptation for people to in effect turn their house into a duplex.
- See my previous answer.
- Same answer as before.

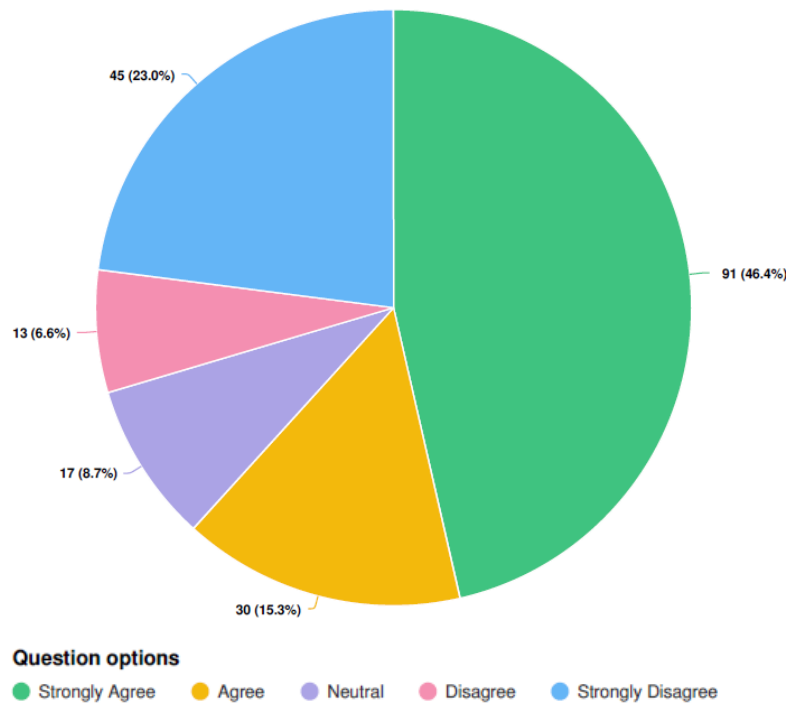
DETACHED ADUS: INCREASE SIZE LIMIT TO 800 SQUARE FEET

The initial staff recommendation during the 2018 ADU update was to increase the permitted size of detached ADUs from 450 square feet to 800 square feet. Ultimately, the size was increased to 550 square feet. Respondents indicated their level of support for the increase to 800 square feet through a multiple-choice question and then provided explanations for their choice.

The questionnaire also described the following themes of feedback from other engagement efforts prior to the questionnaire:

- The current size limit is too restrictive, prevents good design, and does not provide sufficient living space to keep “a married couple married” as stated by an open house participant.
- There should be a consistent limit on ADU and OAU size of 800 sq. ft. regardless of the size of the primary dwelling to help keep the units affordable in the future.
- The size of the unit should depend entirely on the size of the primary unit and there should be additional flexibility to build larger than 1,000 sq. ft.

RECOMMENDATION: Increase the size limit and building coverage limits for a detached OAU to 800 sq. ft.



Optional question (196 response(s), 2 skipped)

Questionnaire comments have been sorted by those that generally indicate support of the increased saturation limit (52, 55%), those that expressed concerns (29, 31%), and general comments (13, 14%). Note that of the 52 respondents who indicated support for the proposal at the time to increase the size

limit to 800 square feet, 10 respondents (11%) specifically noted that they believed the limit should be increased even further.

2018 support for increasing the detached ADU size limit beyond 800 square feet

- REMOVE ALL BARRIERS. How will you deal with homeowners who have garages already built to 3 ft. rear setbacks or 0 lot line rear, interior lot line setbacks.
- Again, doesn't go quite far enough, oau and ADU should just be considered the thing, 1000sqft-ish isn't unreasonable if there is space on the lot or an existing structure
- I agree with increasing the size, but you are still over regulating. The new regulations will be applied on top of these Height and setback regulations which are draconian also
- The current regulations are extremely constraining and make OAU's largely unsuitable for families with children. The size limit should be increased to at least 1,000 sq. ft.
- Be bolder! OAU size should not be limited except by building requirements of the lot size.
- Make it larger than 800
- My husband and I would like to build an OAU for us to live in and rent out our larger home to a family. 800SF seems do able, though I'd prefer a little more space to live in. If you could bump that up to a nice round number like 1000 SF, I'd appreciate it.
- If it fits on the lot and meets city code, then let them build.
- This is a reasonable size for more than one person to live comfortably. Not sure that there shouldn't be a larger limit
- But also suggest removing the 300 foot minimum to allow tiny houses to qualify.

2018 support for increasing the size limit of detached ADUs to 800 square feet

- 500 is too small more often than not.
- This makes sense except if the unit is a garage conversion then again on site parking sufficient for all potential residents, both now and future residents, must be provided. Receiving a variance now because "granny no longer drives" does not mean that a young couple who both have cars might not be future tenants.
- 600sq ft may be a compromise making more sense, but absolutely must meet setbacks and FAR. If you claim coops can live in 200sq ft per person, than a couple can stay married in 600.
- Boulder needs more housing options.
- Need more flexibility
- The staff recommendation is logical.
- I do agree however that existing garages over 450 SF should be allowed. In fact it makes sense to allow an existing garage up to 800 SF to be converted to an OAU IF there is a regulation change. Converting an existing structure vs. building a new structure is preferable to adjacent neighbors.
- 450 sq ft is very small! And I would argue that converting existing spaces (such as garages that may be larger than 450) has a much smaller impact on neighbors than building a new <450 sq ft home.

- Again - do we not trust the zoning regulations and FAR to provide good outcomes? It seems to me that the ADU policy should deal with those nuances that the overarching codes and regulations do not. Simplify is better in this case.
- I think that increasing to size 800 ft², with quick permitting up to the maximum, actually will increase the availability of desirable affordable housing here in the city of Boulder.
- Again, why the limit on size? Doesn't the zoning code in other places and things like historic district regs adequately address this kind of issue?
- This seems totally reasonable and the right type of policy.
- Smaller than 800 sq. ft. is not worth the expense and trouble to build.
- This change should be a no-brainer.
- Sensible change to simplify the code.
- 450 sq ft is too small for a family. 800 sq ft is reasonable and works well elsewhere.
- makes sense
- These should be big enough for people to retire into once kids move out; not just for 1 grad student to rent.
- Fine, but at the risk of repeating myself, this will regulate itself based on the size of the existing house, and the existing FAR codes. Get rid of it. Simplify.
- Makes sense per comments above.
- Again, I think that % of lot coverage/built footprint more relevant and more equitable than an absolute number...more flexibility while restraining overbuilding on a lot.
- People would be more likely to live in an OAU without this size constriction.
- It just makes sense -
- 800 for the ADU and 800 for the garage is a pretty good maximum size. The maximum should be at least 650 square feet and certainly no bigger than 800 square feet. The 450 on top of 500 requirement was "silly".
- Your last sentence says what I would say. Seems fine.
- analysis makes total sense...
- That seems like a reasonable size for a couple or single person to live in.
- Again more options for more affordable housing
- It works in Portland very well. It is a decent amount of space for two people
- I'd like to be able to convert half of my garage into an OAU.
- I feel that this would go far in providing homeowners with flexibility on how they provide affordable options.
- The current size limit is too restrictive, prevents good design, and does not provide sufficient living space to keep "a married couple married" as stated by an open house participant.
- Same as before - need more mixed size and mixed income properties.
- It is an adequate size for 2 people if the lot size and the primary residence size can accommodate on-site parking for renters.
- This would provide a comfortable living space for one or two people
- This makes sense!

- 800 is actually larger than necessary (650 would be more appropriate, I think), but the current 450 limit is ridiculously and unworkably small (it doesn't allow for ADA-compliance or even for high-efficiency design (e.g., thick high-R-value walls)).
- Over-garage ODUs are a fantastic way of expanding affordable housing options in Boulder. This choice opens up that option for many homeowners.
- Cuz an 800 sq ft OAU would be awesome and could house a larger family.
- We need to increase the amount of housing in Boulder to get out of the affordability crisis. 800 sq ft seems like a good size for an apt for a couple. 450 sq ft is probably only big enough for one person. Housing more people will bring down the cost of living.
- I am an architect and 800sf is a really useful small home size.
- "I completely agree with this: The current size limit is too restrictive, prevents good design, and does not provide sufficient living space to keep "a married couple married" as stated by an open house participant."

2018 concerns about increasing the size limit of detached ADUs

- 800 sqft is a quite a large increase from 450sqft. If one of the goals is to preserve affordability, 800 sq ft is large enough to demand considerable rent.
- "I disagree with the staff recommendation to increase the size to 800 sq. ft. That is the size of entire 2 bdrm houses in many of Boulder's more modest neighborhoods. Allowing OAU's to be that size will effectively be adding second houses to lots. This is a major concern."
- Increasing the size and coverage limitations to 800 sq. ft. effectively subdivides properties in single-family neighborhoods, permanently increasing density and destroying the character of single-family neighborhoods.
- "We disagree with the staff recommendation to increase the size to 800 sq. ft. That is the size of entire 2 bdrm houses in many of Boulder's more modest neighborhoods. Allowing OAU's to be that size will effectively be adding second houses to lots. This is a major concern."
- It is too big a structure.
- Way too big. Even for three people, 600 sf is plenty. Our first home was 320 sf and we moved when we had the second kid (it was a trailer house south of town in 1983).
- "800 square feet is the size of entire 2 bdrm houses in many of Boulder's more modest neighborhoods. Allowing OAU's to be that size will effectively be adding second houses to lots. That is a terrible idea. Again, the staff illustration here is very deceiving. The only reason their illustration ""works,"" if it can be called that, is that they've drawn a giant McMansion principal dwelling unit. Imagine an entire neighborhood of principal dwelling unit houses roughly the size of the OAU staff illustrates here, with the purple shading. That's closer to reality in many neighborhoods. So this proposed change is essentially a proposal to add two houses on lots. If it were presented to the public that way, accurately, and in keeping with reality as opposed to fictitious drawings, I believe the public would feel differently. Again, the public has a right to non-biased presentation of information. That is not what staff has done here. "
- "Or hey, why not just split the lots and build more houses! /sarcasm I don't like to use the ""character of the neighborhood"" argument, but it really does apply here."

- Too much density. A family of four or more can live in 800 ft.² you're doubling the number of families on the lot
- 800 sq. feet on a 5000sq ft lot is too much. Another "incremental" change?
- This is the size of a modest house-- many of which still exist in my neighborhood. Why are we adding two houses on one lot? That is not an ADU. That is a house.
- How is this very different from the "house behind a house" approach which has largely destroyed the character of Whittier?
- This highly concerning change should not be pursued by the City of Boulder. 800 square feet is the size of entire 2 bdrm houses in many of Boulder's more modest neighborhoods. Allowing OAU's to be that size will effectively add second houses to lots. It will fundamentally and forever eliminate the neighborhood character in most parts of Boulder.
- 800 sq ft seems too big; in some neighborhoods 800 sq ft approaches the size of a 2 bedroom house.
- 800 sq ft seems large, that's as big as our house
- this makes a bad idea worse
- This would be too large, especially if OAU's are permitted in currently prohibited low density zones and lot sizes are reduced.
- You need to face up to the fact that people did NOT buy into a duplex neighborhood. They bought into a SF neighborhood. If you want to turn one into the other, give the neighbors a vote on what they want. This should NOT be up to the city council, but up to the residents who will have to deal with the impacts on their quality of life.
- Once again: you will be increasing the value of the land, substantially, driving up housing prices, without impacting the rental market. There is no evidence that Boulder needs a few hundred more rental units. As of last year, the apartment vacancy rate was quite high. The problem is the rates -- and you are not addressing that. What you are doing is making home purchases even less affordable!!!
- We have three of these and they look terrible in the neighborhood. Also they block the views of the neighbors of the mountains. Boulder is no longer Boulder.
- Staff's depiction of the OAU is fundamentally what the majority of principle dwellings/homes in Boulder already look like. This is a skewed representation, as usual. Increasing to 800 SF would fundamentally change the character and livability of certain neighborhoods on Boulder permanently. Extremely bad idea.
- The recommendation will increase density that is destroying our quality of life. It will permit more dwellings to qualify for the ADU.
- The City's recommendation permits more growth that has destroyed our Environment and the quality of life that we have previously enjoyed in Boulder
- It should remain as it is.
- That is a huge increase. It should only be increased if the ADUs are required to be PERMANENTLY AFFORDABLE. That should be a requirement with any ADU. Otherwise the ADU will become too expensive for low- to medium-income people. Increasing density can still mean super expensive--look at San Francisco and New York City.

- A better way to allow for increased OAU size is to allow it by variance, ONLY IF nearby neighbors sign off on it. If someone is a great neighbor and wants to do a responsible larger OAU, I would not have a problem with it. If a bad neighbor wants to expand his property, I would not want that. The city seems to eager to grant people the ability to do what staff wants, rather than what neighbors want.
- Way too big, almost amounts to a second house on the lot
- The way it is written now is good. Don't change it. Again; proportion!!!
- "Maybe other limitations would have affected the situation, but the OAU next door to me was built within the existing regulations, and it feels huge and, along with doubly the original house, has completely changed the feeling of the neighborhood. I can't imagine having allowed it to be even bigger. However, there may be other requirements that would have limited this. If so, that could be a different situation, though it already feels too large."

2018 general comments: detached ADU size limits

- 800 sqft is equal to a 4 car garage!
- The sketch describes why. It is a second unit on a single family house. There is so much involved in making a detached garage into a habitable unit, using less than the whole structure is irrelevant. These OAU's are not supposed to be for entire families, and something smaller than 800 sq. ft. should be enough for a single person or even a young couple. 800 sq. ft. would be OK if the existing limit on the number of people is retained.
- Make it the same as current 500 sq foot of building coverage for now.
- "Needs to be related to lot size 100 sq ft for each 1000 sq ft of lot size would make the most sense and allow larger OAU's on large lots"
- Has to be determined by the size of the lot --
- I am tired of reading the details in this survey. Why don't you try hiring a writer who specializes in mass communications? Geez.
- Empower citizens and city staff to focus on the right priorities.
- Not everyone lives with someone else. Make some dwellings be smaller for people to live alone. What are you thinking? Only creating living spaces for couples. :o(
- see other answers
- I think 600 Sq feet is a reasonable size for a detached unit.
- For the myriad reasons described in other sections of my submission
- Increase size limit to 500 sqft. Increasing to 800 sqft is the size of entire 2 bedroom houses in many of Boulder's more modest neighborhoods. Allowing OAUs to be that size will effectively be adding second houses to lots.
- Increasing the size only if occupancy is controlled

2016 BVCP Community Survey

The [Boulder Valley Comprehensive Plan 2016 Community Survey](#) was intended to help guide and inform the 2015/16 update of the Boulder Valley Comprehensive Plan (BVCP).

The 2016 BVCP Community Survey addressed a variety of topic areas that are important focus areas for the BVCP update, including reaction to potential land use plan changes for residential infill and non-residential, options for future housing choices, feedback on building heights, desired neighborhood improvements, developer requirements, and other related topics.

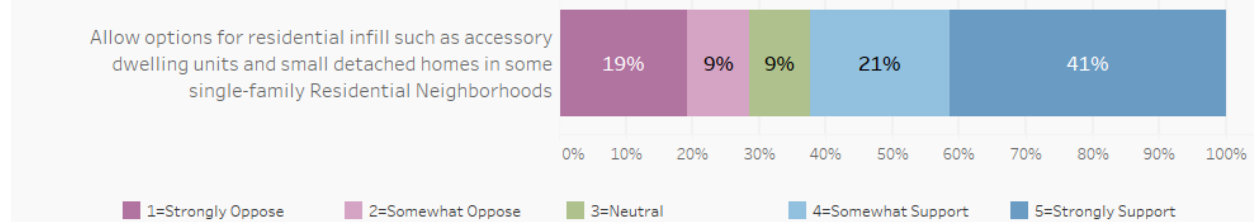
As implied by its name, the random sample survey was conducted among a random sample of Boulder Valley residents, using a postcard invitation to take an online survey, with a one-time use password printed on the postcard to ensure data integrity. Out of 6,000 survey invitations mailed, 382 were returned as undeliverable, while 5,618 were presumed delivered. A total of 623 surveys were completed in full or part. The net response rate (after excluding undeliverable surveys) was 11.1 percent. The margin of error at the 95 percent confidence interval is approximately +/-3.9 percentage points.

The raw survey data were weighted to match the demographic profile of the adult household population in the Boulder Valley by age and housing tenure (own vs. rent), based on 2010 Decennial Census and 2009-14 American Community Survey data. The objective of the weighting was to ensure that the results are representative of the Boulder Valley population on key demographic characteristics, and are intended to fine-tune the specific answers to the survey.

The survey report includes several responses relevant to accessory dwelling unit regulations:

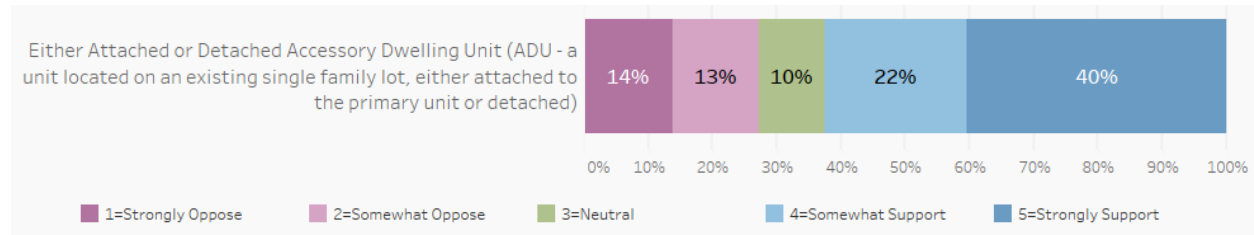
SUPPORT/OPPOSITION FOR LAND USE CHANGES TO ALLOW FOR MORE HOUSING

Allow options for residential infill such as accessory dwelling units and small detached homes in some single-family Residential Neighborhoods. The majority of respondents supported it (62 percent). Twenty-nine percent opposed residential infill and 9 percent was neutral. Greater support was observed for residents of Central Boulder-North of Arapahoe (73 percent support) and East Boulder (71 percent). Greater opposition is noted among residents of Central Boulder-South of Arapahoe (46 percent oppose), North Boulder (43 percent oppose), and Gunbarrel (36 percent oppose).

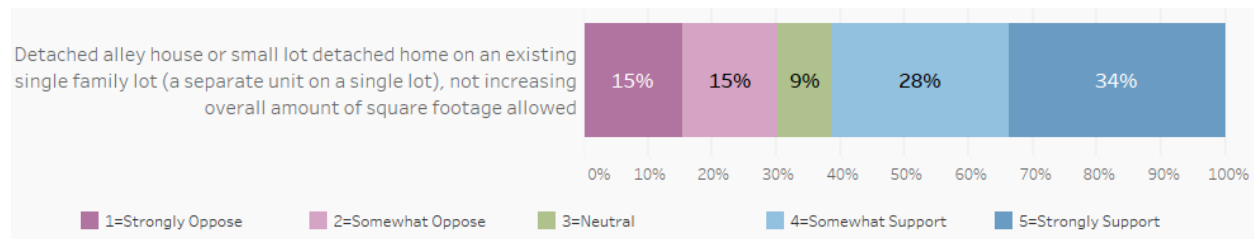


SUPPORT/OPPOSITION FOR RESIDENTIAL INFILL OPTIONS IN ESTABLISHED SINGLE-FAMILY NEIGHBORHOODS

Either Attached or Detached Accessory Dwelling Unit (ADU - a unit located on an existing single family lot, either attached to the primary unit or detached). Reaction to this option was somewhat supportive (62 percent), with 27 percent of survey participants opposed and 10 percent neutral. Greater support is observed for residents of East Boulder (77 percent support) and Southeast Boulder (75 percent). Greater opposition is noted among residents of North Boulder (44 percent opposed).



Detached alley house or small lot detached home on an existing single family lot (a separate unit on a single lot), not increasing overall amount of square footage allowed. The response to this scenario showed a fairly similar reaction to ADUs, with 62 percent in support and 30 percent in opposition (9 percent neutral). Greater support is observed for residents of East Boulder (75 percent support), Central Boulder-North of Arapahoe (75 percent), and Southeast Boulder (71 percent). Greater opposition is noted among residents of Gunbarrel (45 percent opposed) and North Boulder (44 percent).



Community Connectors-In-Residence: Accessory Dwelling Units (ADUs)

January 13, 2023

- What are the requirements for ADUs to have a bathroom and kitchen? (Staff response: ADUs have their own separate bathroom and kitchen to count as an ADU)
- Support the change to remove the saturation limit, remember when that rule was passed and it was mostly “NIMBY” people at the time.
- Support for increasing the size limit of ADUs.
- Suggest looking into benefits for first-time homeowners, people of color, economically disadvantaged. Maybe a program that assists them in their purchase or ADU construction.
- Support ADUs over large McMansions being built that only provide housing for 2 people.
- Also suggest looking into allowing more duplexes, triplexes, quadplexes based on a size limit.
- Concern that ADUs like a nanny unit above a garage only benefit that private owner, not beneficial overall to providing housing to the Boulder population.
- Support anything that creates more housing units.
- In terms of income and wealth-building, only really benefits homeowners. But if there was a program to allow people within the affordable housing program to building an ADU, that would be a benefit.
- Concern that because owners choose tenants, there might be discrimination, owners may not be open to everyone in the community.
- Consider requiring owners of ADUs to take classes to understand Section 8 vouchers, make sure that ADU owners can accept section 8 vouchers. That would help successful transition to self-sufficiency.
- Landlords do have to comply with non-discrimination laws, but it can be hard to ensure that they really are not discriminating.
- Concern that there is competition with CU students for these housing units. How can we ensure that ADUs really support housing for low-income, or simply affordable housing, rather than creating more dorms for students. ADUs should not just support wealthy students.
- Questions about mobile homes with ADUs on county land (staff will provide contact information for county planners)
- Potential to reduce fees for permits based on a tier or qualification – lower or waive fee for low income. This might allow more people to build ADUs and benefit from ADUs.
- Boulder cost of living has become much more expensive, but people do not want to leave Boulder. On paper, people’s incomes might be too high to meet the limit for affordable housing. Consider reviewing the income ceilings to make sure people can stay in Boulder.
- Income limits should not be a hard limit but should link to the cost of living.
- Support for a program that supports students on scholarships living in ADUs.
- Look into changes to Section 8 voucher program to allow people to use vouchers to live in ADUs. Reduce the barrier for people using vouchers to live in ADUs.
- Increase the size limit to allow for sizes that are suitable housing for families.
- Consider removing requirement for owner-occupancy.
- Make sure ADUs are not used for AirBnb because that does not solve the housing problem.
- Support tiered licensing discounts for severely economically disadvantaged, support first time homeowners, low income, permanently affordable housing.
- Oppose idea to remove owner occupancy requirement because companies will just profit from them and they will cause more issues.

Houde, Lisa

From: Huntley, Sarah
Sent: Thursday, October 6, 2022 10:35 AM
To: Housing Advisory Board Group; Houde, Lisa
Subject: FW: ADU's

Forwarding from Lynn Segal.

From: Lynn Segal <lynnsegal7@hotmail.com>
Sent: Wednesday, September 28, 2022 11:13 PM
To: Housing Advisory Board Group <HousingAdvisoryBoardGroup@bouldercolorado.gov>; Houde, Lisa <HoudeL@bouldercolorado.gov>
Cc: alexia parks <alexiaparks@gmail.com>
Subject: Fw: ADU's

External Sender

Sent: Wednesday, September 28, 2022 7:07 PM
To: Housing Advisory Board Group <HousingAdvisoryBoardGroup@bouldercolorado.gov>
Cc: Houde, Lisa <HoudeL@bouldercolorado.gov>
Subject: ADU's

Subsidize ADU'S. Why would I hook up the infrastructure for water in my outbuilding? I would have an instant demand for conditioning the space and constantly having someone in there. I already burst my pipes trying an evaporative cooler that didn't work anyway. I got turned off after spending \$30,000 for infrastructure on my outbuilding when I put in a water spigot and the city made me remove it. I guess they figured I would miss-use it for a shower in the winter. I had to choose from only a toilet and 2 faucets. You decide. So, five years now, and no use of my space. My recommendation is to offer me a subsidy!

Stop the hemorrhaging of affordability into Boulder resulting from developer subsidies. I heard of yet another one from WW Reynolds today at Landmarks Design Review Committee, the Lazy Dog should be developed into an ugly contemporary with the cornice removed ("it's out of character") so that he can "breathe life" into this space no one can afford now. The cornice was the only element WITH character. How about he brings the rent down to earth so renters CAN afford it? Any idea what kind of return Reynolds got on Liquor Mart? Flipped it from \$9 to \$16 M from 2018- 2020. How about at the Life Sciences Google space @33rd/ Walnut where he doubled his hundreds of millions, in short order. I'd tell you to hear Jeff Wingert's argument on behalf of Reynolds for yourself at LDRC today, but it is not recorded. Shameless begging. Why does HAB not stop the bleeding of unaffordability before applying solutions? Make the developer pay. You can advise council. LDRC held up a 73 yo.historic preservationist/artist for cold windows replacement on her house. She has a heating bill of \$400/per month in Floral Park and LDRC pushed it up to Landmarks Board. As a result, she won't get an audience until Dec. Bill Jellick cut her off in mid-sentence. And she found a resource for the identical windows for \$30,000 she was willing to pay. It's slash and burn at Landmarks. It is inefficient and burdensome for equity. Where is HAB for this woman? Advise council to treat folks right at Landmarks Board.

CarShare/Uber for the block is an option for ADU's I have a van I haven't used in 3 yrs. in my garage.

Guess what, when I used to do Airbnb short term, there was NO parking demand. Tourists or visiting scientists don't use cars. Tourists in Cuba stay in local houses, not hotels. Family housing is being speculated for dividing up to separate bedroom rentals. \$\$\$\$

When Hill developer John Kirkwood can turn communal Marpa House into 16 separate units with 3 bedrooms each and then rent by the bedroom, what happens to the rent?

The low-income demographic needs cars/trucks for their service jobs. THEY need the parking for their landscaping gear. But a parking space is \$200,000. How is this perk for rent reduction in exchange for no cars going to help hard laborers?

Yay, Terry another 3 ft. deeper below grade and you get an 8 ft. ceiling. Basements YES! It should not count against the sf. That is a no brainer. Why spend 2 min. talking about it? JUST DO IT.

I agree Terry, HAB thinks the hour is getting late? PB, OSBT, TAB, WRAB, LB - they are all going strong at 9 P. And this board has the most challenging work to do.

770 Circle got a demolition passed @LDRC 21 Sept. Ask council to call it up. 8K sf. \$6.1M estate that is fireproof flagstone and stucco. probably \$5M to landfill it. Built in 1941, it is beautifully restored. This demolition is a human rights violation and the classic case for the mechanism of inflated value resulting in the cycle of despair of housing unaffordability that bleeds into inflating and upvaluing the whole community. And making your job harder.

Lynn

Houde, Lisa

Subject: FW: Nov 10 study session items -- correspondence: FW: Elisabeth Patterson :- Planning and Development Services

From: No Reply <noreply@bouldercolorado.gov>
Sent: Thursday, November 17, 2022 10:16 PM
To: Mueller, Bradford <MuellerB@bouldercolorado.gov>
Subject: Elisabeth Patterson :- Planning and Development Services

Preferred Form Language: English / Inglés

Name: Elisabeth Patterson

Organization (optional): Better Boulder

Email: info@betterboulder.com

Phone (optional): (303) 931-8331

My question or feedback most closely relates to the following topic (please choose one): Planning and Development Services

Direct my submission to: Staff and Council

Comment, question or feedback: November 7, 2022

Re: Council and Planning & Development Services Priorities

Dear Mayor Brockett and Members of Boulder City Council:

In advance of the November 10 Study Session, Better Boulder offers the following input on projects to be discussed. You may notice an ongoing theme in our remarks as we urge you to act swiftly and boldly to continue to make Boulder better.

A. ADUs

Only 439 ADUs have been built in Boulder since the 1983 inception of the program. This lack of uptake of ADU construction is attributable to the city's over-regulation designed to limit density, as well as regulatory complexity and other barriers.

Better Boulder has been deeply involved in ADUs since our inception. In 2018, we hosted an ADU Summit with hopes that regulations would be updated in a comprehensive manner. While that proposed overhaul did not happen, today, in order to make Boulder more accessible and livable and to promote middle income and missing middle housing, City Council should set a goal of 10% of single family housing units having an ADU and set policy, procedures, and communications to encourage ADUs. ADUs are exceptionally equitable housing types, with benefits to existing homeowners and the potential ADU occupants.

Item 4C - ADU Project Update and Discussion

Better Boulder encourages Council to take an aggressive and positive position and direct the city manager and P&DS to move quickly. The City has performed many years of community engagement since 2015, and surveys have always shown broad support for ADUs. 93% of all ADU owners surveyed report that neighbors are generally approving or not mentioning existing ADUs. As such, Better Boulder would revise the City staff's recommended approach to more of an "inform" level of engagement with the target date of Q2, 2023 for completion of all the recommendations developed by the Housing Advisory Board. In addition, we recommend a streamlined level of engagement performed through HAB and Planning Board for:

- Elimination of saturation limits.
- Elimination of parking requirements.
- Elimination of minimum lot sizes for ADUs.
- Revision of ADU size limits.
- Creation of pre-approved ADU plans.
- Streamlining of the entitlement process, code clarification, and process improvements.

B. Missing-Middle Housing - Duplexes and Additional Units as of Right if Deed Restricted Units Created on Site

1. Better Boulder has heard interest from Council in allowing duplexes to be built "by right" on all lots currently zoned for single-family housing, and we wholeheartedly endorse this proposal to create missing-middle housing. This proposal is now the law of the land in all of California and in Minneapolis. There is no reason a thought-leading city like Boulder should not adopt this urgently-needed housing reform to do our part to address the crippling undersupply of housing nationally that has had such devastating consequences for affordability in our community and around the nation. To facilitate construction of duplexes, code revisions are required including allowing for condo-ization of single family lots, changes to parking requirements, standard designs that are pre-approved by P&DS, and others. In light of current concerns from P&DS about workload, Better Boulder is willing to assist in an effort to draft specific ordinance language to achieve this change. An expedited study should be undertaken to determine whether a requirement for deed restriction as part of a duplex proposal will increase housing availability, or whether it will essentially act as a poison pill largely eliminating construction of newly-authorized duplexes altogether.

2. Lauren Folkerts recently proposed through a Hotline post that the City allow one additional unit by right in any zoning area beyond what is currently authorized for every deed-restricted unit created on-site. This modest-yet-powerful proposal, combined with incentives such as waivers of all City fees for the construction of deed-restricted units, would be an important step to increase missing-middle and workforce housing in Boulder, and again it is one that Better Boulder supports. As with the duplex proposal, in light of the staff workload capacity issues expressed by P&DS, Better Boulder is willing to assist in this effort by drafting specific ordinance language to achieve this change.

3. Local housing experts have suggested that for larger projects there could be simple code revisions such as changing the open space requirement to 15% from the current 6000 SF per unit requirement in some zones for example, which is a barrier to providing on site units.

4. Incentives for on-site affordability, such as waiving the Site Plan Review process when on site affordability is provided could offset the loss that developers experience when providing on site affordable units.

C. Occupancy Reform.

Boulder City Council has a number of housing priorities. Given the robust conversation and campaigns around occupancy limits over the past few years, and desire for reforms, the council should quickly move to adopt changes in line with peer cities such as Denver. Council should look at a community process that takes 2-3 months and engages the people who

are most harmed by the city's current occupancy limits and those who have had concerns with occupancy changes.

D. Boulder Junction Phase 2

Phase 2 of Boulder Junction represents the single largest opportunity for the City to advance its housing, climate, social equity, cultural and transportation goals.

1. Better Boulder supports the recommended staff process outlined in the November 10th Study Session Memorandum on the proposed scope of work, public engagement plan, and schedule for the Boulder Junction Phase 2, including the consolidation of tasks and sequencing the project in a way that distinguishes the 'planning' updates from the 'implementation' steps.
2. For the sake of process continuity, Better Boulder recommends that Task 3 – Plan Amendment Adoption & BVCP Land Use Updates, be implemented at the end of Q3 and before the City Council election in Q4.
3. Better Boulder celebrates and supports the heavy emphasis on placemaking and mobility and protected bike lanes and pedestrian connectivity within not only Boulder Junction II, but a robust connectivity between Boulder Junction I and Boulder Junction II and the rest of the city-wide bike trail system as part of the re-evaluation of Boulder Junction Phase II. The goal is to create an extension of the existing Boulder Junction I, 15-minute neighborhood.
4. In the initial TVAP plans from 2007, there was a "Mixed Use Industrial" (IMU) zone that was proposed for a large portion of Boulder Junction II. Better Boulder thinks this should no longer have industrial uses as a primary use but a potential complementary one. The land for Boulder Junction II is next to transit and should be used for housing first and other complementary uses to housing. Instead of Industrial Mixed Use, we think this should mimic the East Boulder Area Plan's land use that was designated Mixed Use TOD. This allows mixed uses, but would be "predominantly residential," promoting greater social equity and housing diversity within walking distance to a multimodal transit hub and bike connectivity. With higher housing densities, the Mixed Use TOD zoning will allow for higher densities, helping to reduce the jobs-housing imbalance within the core of the city.
5. Flood protection for the community and surrounding businesses is critical for the success of this next phase. Infrastructure and flood mitigation projects, including the Boulder Slough, must be solved concurrently while the plan gets adopted and implemented. No residential project is allowed to be built in the current 100-year flood plain.
6. Better Boulder recommends that the city analyze the lessons learned from Phase I, by consulting the developers, architects, planners and others and understand what could be improved on Phase II.
7. Better Boulder recommends that the city engage a retail and food beverage district consultant during the process to better understand the opportunities and constraints, the right locations, for retail and food and beverage rich nodes that can contribute to a vibrant street experience.
8. Better Boulder supports a more permissive and aspirational form-based code that will render more interesting buildings and encourage architectural creativity and variety in service to a vibrant, vital, healthy, and beautiful public realm.

E. Site Review Criteria Update

Better Boulder recognizes that this work has been years in the making by staff, many individuals, boards, and other groups and is nearing the completion/approval phase. We agree with the latest direction by council that the form-based code needs built-in flexibility to allow for creativity and innovation in design. Better Boulder also agrees that the greenhouse gas emission reductions should be a part of the discussion for the Energy code updates and kept separate from the Site Review Criteria.

F. Use Table & Standards

In December, City Council will consider an ordinance for Module Two (Industrial Areas) of zoning code changes. This ordinance - which Planning Board recommended with minimal changes in October - would result in long-overdue and considerable changes and updates to the allowed uses, standards, and use definitions in all industrial areas. Better Boulder supports these changes implementing the 2017 BVCP policies that envision more services, uses, and amenities (e.g., restaurants, limited retail uses/personal services, gyms) to serve industrial zone users and employees. This will

result in fewer lunchtime and after work vehicular trips and help make the industrial areas more of a community.

Given that this ordinance affects the zoning of every property in every industrial zone, please note that the draft ordinance was posted online less than a week before the Planning Board meeting. It is likely that many property owners still are not aware of or do not understand the broad implications of the changes - on existing properties, tenants, or planned improvements. As an example, the consolidation of the office categories is a great improvement, but the proposed code results in a new size limit (50,000 sq. ft.) to all previously defined "technical offices" (a common current use category). Better Boulder urges City Council to seek a more robust outreach effort that engages impacted property owners.

G. Zoning for Affordable Housing

If we've learned anything from recent research, it is that zoning has real-world impacts on the provision of housing, often by favoring the few and excluding the working poor and middle class. A recent study shows that "first-time and repeat homebuyers are now the oldest on record, and the proportion of purchases by Black, Asian and Pacific Island Americans is the lowest since 1997." DC, 11/4/2022, At Home at H17. These national numbers are very likely to be much worse in Boulder. The facts are incontrovertible, and the steps Boulder has taken to remedy the imbalance are too few and do not meet the critical needs of the moment.

To address the magnitude of the affordable housing need, there are many steps City Council should be taking. Occupancy limitations should be reconsidered in favor of a "household living together" standard (as opposed to relying upon blood or marriage relationships). Single family zoning should be reconsidered, as discussed above. Owner-occupied Accessory Dwelling Units should be positively encouraged as discussed above - a city staff member should be assigned to assist with any and all such applications, since housing more people within our existing structures should be Boulder's highest priority. Among Boulder's most "wasted" assets are the empty bedrooms found everywhere within our single family zone districts.

H. Civic Area Downtown Planning

The City needs to evaluate the extent to which Downtown has recovered from COVID-19's worst effects, including the health of its restaurants, the occupancy of its office space and the availability of employees to fill all the positions open in these very different commercial uses. What effects have been mitigated, which are likely to be long-term challenges that can eventually be met, and which represent permanent change that create opportunities to do things differently and change or reconfigure how downtown is used as part of the constantly-evolving process that thriving urban areas go through with each new decade and each new generation.

Questions we should be asking ourselves are as follows: Are there opportunities in the neighborhoods surrounding the Downtown area where the possibility for development of transit-friendly workforce housing may still exist, and, if so, where? What are the barriers to development of shared housing, cooperatives and other types of affordable workforce dwelling units close to Downtown? What current conditions in and around Downtown may be discouraging Boulder residents from visiting, dining, and shopping Downtown? Does downtown meet the pedestrian-friendly and bicycle-friendly challenges of today? How can visitors to CU's conference Center and the new hotels proposed on The Hill be enticed/assisted to support Downtown businesses (what are the barriers needing to be overcome)? A renewed and reinvigorated downtown planning process is needed now as we move past COVID lockdowns into a new reality for the use of this public realm.

Thank you for your consideration and for your service,

The Better Boulder Board of Directors

Houde, Lisa

From: Mueller, Bradford
Sent: Sunday, November 20, 2022 7:28 PM
To: Houde, Lisa
Subject: FW: Harry Ross :- Planning and Development Services

For the correspondence file.

From: No Reply <noreply@bouldercolorado.gov>
Sent: Friday, November 18, 2022 5:50 AM
To: Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Bradford <MuellerB@bouldercolorado.gov>; Pannewig, Hella <Pannewigh@bouldercolorado.gov>; Ferro, Charles <FerroC@bouldercolorado.gov>; Stafford, Edward <StaffordE@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>
Subject: Harry Ross :- Planning and Development Services

Preferred Form Language: English / Inglés

Name: Harry Ross

Organization (optional):

Email: harryrosstemp@gmail.com

Phone (optional):

My question or feedback most closely relates to the following topic (please choose one): Planning and Development Services

Direct my submission to: Staff and Council

Comment, question or feedback: I am opposed to expanding ADU's in Boulder. I already live next to an ADU and it is very problematic. Expanding further will ruin neighborhoods.

[[FSF080521]] Submission ID is #: 1036171231

[Compose a Response to this Email](#)

Dear Boulder City Council,

We write to express concerns we've heard from our neighborhood residents about the proposed elimination of ADU regulations. Allowing density to increase from one to three, or even two, dwelling units per lot will have very negative consequences in the four CU-adjacent neighborhoods. Ditto for eliminating the off-street parking requirements.

The Double Irony:

A very poorly-understood double irony exists in Boulder. We're not sure whether Council understands this. This double irony consistently produces very disproportionate, negative consequences for Boulder's four CU-adjacent neighborhoods.

We're not sure if Council fully appreciates how much more challenging day-to-day life already is, in our four neighborhoods (Martin Acres, Uni Hill, Goss Grove, East Aurora). Due to our proximity to CU, our neighborhoods have very high percentages of rentals, particularly student rentals.

Even without this proposed ADU density increase, we already struggle with exponentially more daily quality of life issues: noise, congestion, much greater daily churn (loud comings and goings at all hours of the day and night), trash, and parking issues. Until you have lived in a predominately student-rental neighborhood, you likely under-appreciate how many more issues we struggle with, daily.

We're familiar with many quiet, stable, tranquil Boulder neighborhoods in which perhaps 5% to 10% of the homes are rentals, and those rentals tend to be families and professionals. Such neighborhoods might be able to withstand more infill and density-related stress, without being pushed past a tipping point. That's not the case for us.

The second part of the double irony is this: Every time the City rolls out a new "city-wide" housing experiment, in actual fact the true deployments of said experiments are not city-wide. In reality, they consistently coagulate and concentrate in our four neighborhoods that, ironically, are least able to withstand more stress and quality of life pressures.

Our neighborhoods are widely known as "targets of opportunity." Investors know they'll have high demand for whatever they develop here, due to our proximity to CU, and they'll reap large profits as a result. So we're always first in line, and we're often (almost exclusively) the deployment ground for the City's densification plans like ADUs, co-ops, etc.

Ironically, the neighborhoods least able to withstand more quality of life stressors and pressures wind up with most of the City's new housing experiments. Our neighborhood, for example, received a very disproportionate number of 12-person co-ops after the City loosened co-op rules. While many neighborhoods saw no new co-ops, we received far more than a proportional share, for a neighborhood that is just 1.5% of Boulder. Meanwhile, the majority of Boulder's most stable, quiet neighborhoods that could absorb more change and impacts...saw no new deployment from the co-op ordinance.

Council, please recognize that if you don't take steps to guarantee new policies will be city-wide, they won't be. The ADU ordinance, like others before it, will take the form of additional "piling on" to the neighborhoods least able to handle more impacts. We have some specific suggestions to accomplish that, below.

First, there are better ways of creating affordable housing; please utilize them instead. We feel that Council should not approve the proposed eliminations of ADU rules, at least not for the four CU-adjacent neighborhoods that already experience so much impact, as is. We strongly feel that Council should instead:

*Increase the required percentages of inclusionary housing in new residential developments, and

*Increase linkage fees for new commercial developments.

Both policies above directly and irrefutably create true affordable housing, while ADUs don't, particularly at the unaffordable rates by which you define affordable ADUs. We don't understand why you would ignore the indisputably successful, surgical tools you have to create affordability, while instead further compromising neighborhoods that are already near the tipping point.

Our request: Maintain ADU limits in our four CU-adjacent neighborhoods via a regulatory carve-out for our neighborhoods, in which a saturation limit of one (not two) ADU projects every 200 feet be maintained. That's conceding some density. But then please resurrect the "Carr Amendment" which was proposed during the co-op ordinance. Former City Attorney Tom Carr proposed to have special restrictions in our four neighborhoods, in recognition that we're already under much greater quality of life pressures as is, and b) we're always the first "targets of opportunity."

We also request that the off-street parking requirement be maintained because of parking problems that many parts of our neighborhoods already experience.

Further, 800 to 900 square foot ADUs are far too large for neighborhoods like ours, where many principal dwelling units are 800 sf two-bedroom homes.

Understand this is not a NIMBY request. Picture our request as a way of ensuring that your ADU roll-out will actually be city-wide. Without any restrictions for our four "usual suspect" neighborhoods, you won't see city-wide deployment, you'll just see most of the new ADUs end up in our four neighborhoods.

Additionally, we respectfully request that Councilmembers not blithely suggest that if we have issues with noise, trash and parking, that we "just call Code Enforcement." For those of you who aren't cast into the unfortunate position of having to regularly utilize enforcement, allow us to explain:

Contacting Code Enforcement is almost totally ineffective. We realize many on Council believe that if there's a noise problem, one simply calls the police or code enforcement, and their problem is solved. While that's a picturesque, appealing idea...reality is quite different. Not only are there far too few code enforcement officers for the size of the problem, Boulder's deeply flawed "complaint-based system" forces the burden of proof onto the victims. We are told that we must document, photograph, find the source of noise ourselves, create logs of incidents, etc. None of us wish to spend our lives that way. We are not (nor do we wish to become) investigators, detectives or prosecutors.

Instead, a far better strategy would be to maintain guardrails to prevent problems where you can practically guarantee they'll occur (our neighborhoods), rather than "designing for problems," as we believe this ADU proposal to be, and then leaving residents to attempt in vain to fix problems on the back end.

Here's another of Boulder's least-understood problems with the City's and BPD's new, totally data-based system that relies exclusively, and erroneously on actual reported violations: The truth is that many violations go unreported, because many residents fear retaliation from the perpetrators in the offending properties. So your data maps and call logs, in reality, vastly under-count the actual number of issues. In short, Council's perceived solution to quality of life challenges (calling code enforcement) is actually an ineffective, exceptionally difficult, time consuming process.

In closing: We offer a sobering, cautionary tale from the City of Austin, TX:

Around the year 2010, Austin, TX passed a "city-wide" law known as the High Occupancy Unit (HOU) ordinance. As the following summary shows, actual HOU deployment wasn't anything approaching city-wide. HOUs coagulated and concentrated in the already-beleaguered neighborhoods closest to the University of Texas. The effects on those neighborhoods were devastating, leading Austin to repeal its HOU ordinance just a few years later. Can Boulder learn from history, and other cities' mistakes, or are we condemned to repeat those mistakes?

In particular, Austin's experience regarding loss of families (which we're also seeing in Martin Acres, as quality of life deteriorates each year) speaks directly to Councilman Benjamin's publicly-stated concern over decreasing BVSD enrollment in South Boulder. To quote the Austin report:

https://centralaustincdc.org/fair_affordable_housing/Family_Displacement_in_Central_Austin.pdf

(Austin report): "...today, **our community is losing a most important component of that diversity: its families. This loss is already complete in areas zoned and thought protected for single-family use. It may be irreversible, and many areas have reached the tipping point. The trend began near the campus...**"

"Single family uses in the 78751 zip code, most particularly the Northfield Neighborhood, have been devastated. **HOU's have placed many of their blocks beyond the tipping point of recovery.** Northfield has experienced the brunt of conversions of buildings to High-Occupancy

Units (HOU), and the **disappearance of families, long term renters, and the historically contributing structures** they once lived in.”

“Based on rents published in listings, **HOU’s have not created household affordability for the people who rent them**, nor as a class, have they delivered meaningful supply to the market to reduce rents elsewhere. **Conversely, HOU’s have increased the prevailing rents on a per-person basis**, compared to rents in denser multi-family uses and less restrictive zoning districts.”

“When HOU structures reach a tipping point in an area, **family flight accelerates. These areas become a street with yards that are not maintained, parking that is inadequate, and a monoculture that lacks social cohesion and continuity.**”

Thank you for considering our earnest requests and deep concerns regarding ADU de-regulation.

The Martin Acres Neighborhood Association steering committee

Jan Trussell

Bob Porath

Dorothy Cohen

Bennett Scharf

Mike Marsh

Ron DePugh

Lisa Harris

Houde, Lisa

From: No Reply
Sent: Wednesday, November 9, 2022 12:15 PM
To: Council; ContactCoB
Subject: Jan Burton :- Feedback on pending council action

Preferred Form Language: English / Inglés

Name: Jan Burton

Organization (optional):

Email: jan.burton111@yahoo.com

Phone (optional):

My question or feedback most closely relates to the following topic (please choose one):Feedback on pending council action

Direct my submission to: Council

Comment, question or feedback: In August my cousin and his wife sold their home in Kansas City and moved to Morrison, Colorado to live in what they call a “house within a house” with their daughter, son-in-law, and two young grandchildren. This multigenerational family housing arrangement not only benefits both families financially, but it helps my cousin and his wife “age in place”, even more important because he has Parkinson’s disease. It also supports their daughter and her young family who often need childcare. This wouldn’t be possible in Boulder.

The City has performed many years of community engagement since 2015, and surveys have always shown broad support for ADUs. 93% of all ADU owners surveyed report that neighbors generally approve of existing ADUs. I remember the comprehensive survey supporting the last Boulder Valley Comp plan had 80%+ support for ADUs. The Drake Research study done in May, 2021 showed 68% support for ADUs, duplexes and triplexes in single family neighborhoods. Without duplexes and triplexes, I feel the ADU support would be 80%+.

Clearly, there will be a need for comprehensive community engagement around occupancy limits. But you should move forward with the HAB recommendations with limited community engagement (because we’ve done it time and time again). Please ask staff to implement the following as quickly as possible:

Elimination of saturation limits.

Elimination of parking requirements.

Elimination of minimum lot sizes for ADUs.

Revision of ADU size limits.

Creation of pre-approved ADU plans (see Eugene, Ore efforts. <https://www.eugene-or.gov/4707/Pre-Approved-ADU-Plans>)

Streamlining of the entitlement process, code clarification, and process improvements.

Thanks for your consideration. Jan

[[FSF080521]] Submission ID is #: 1031732653

Houde, Lisa

From: Macon Cowles <macon.cowles@gmail.com>
Sent: Wednesday, November 9, 2022 11:01 PM
To: Folkerts, Lauren; Bob Yates; Joseph, Junie; Winer, Tara; Brockett, Aaron; Benjamin, Matt; Friend, Rachel; Wallach, Mark; Speer, Nicole
Cc: Sugnet, Jay; Houde, Lisa; Hollie Hendrickson
Subject: ADU Work proposed by Staff

External Sender

Dear Council:

I have reviewed the staff memo for your 11/10 Study Session and I have these comments.

Boulder still has the most restrictive ADU ordinance in the country. This is evident from looking at staff's comparison of our requirements with the 30 other cities that is set forth on Packet P. 28/92. And yet only two modest proposals are suggested by staff to be investigated in response to the Council priority on ADUs:

- 1) eliminate saturation limit, and
- 2) increase permitted size of the ADU. Packet p. 29/92.

This response falls far short of what is needed to get more ADUs. The HAB has suggested to Council a menu of other changes required. Packet p. 72/92.

But if Council goes with only those 2 proposals, there is no need for staff to run an engagement process. THAT was already done for three years from 2015-2018 in the earlier iteration of ADU reform. Instead, all that is needed is public hearings by HAB, Planning Board and Council, and then a vote on the ordinance changes. Running a process will not result in different information. Action is called for.

Eliminating lot size restriction can be done without a process. Why? Because the Compatible Development standards already limit the coverage and the mass and scale of any residential construction. Compatible Development restrictions are on a sliding scale, directly related to lot size. So there is already a whole portion of our land use code that would limit the mass, scale and coverage of the 5,000 sq. ft. lot size is eliminated as a requirement for an ADU.

And please, look at the parking requirement. We are not going to make sizable gains in Housing and planning until we act. Actions are frustrated in Boulder planning because our requirements and regulations are so burdensome: burdensome on staff to administer and burdensome on the community that has to move projects through regulations like cheese through a grater. To think and act big, take on the parking issue, consider reducing the parking requirement to zero. That was identified in staff's survey as the biggest obstacle to doing ADUs. So let's have a public hearing before HAB, PB and CC at which we consider the elimination of the requirement. Then vote on it, and you can move on to the next priority.

Thank you for taking the time to read this. And thank you for your service to the community.

Best wishes.

Macon Cowles
1726 Mapleton Ave.
Boulder, Colorado 80304

Houde, Lisa

From: Mueller, Brad
Sent: Thursday, November 10, 2022 3:36 PM
To: Ferro, Charles; Houde, Lisa; Guiler, Karl; Cawrse, Sarah; Johnson, Kristofer
Subject: FW: Progressive Win-Win on housing data gathering
Attachments: BVCP Midterm Update Housing Pilot staff recommendation (1).pdf

One more

From: David Adamson <david@goosecreekclt.org>
Sent: Thursday, November 10, 2022 3:28 PM
To: Rachel Friend <rachelkfriend@gmail.com>
Cc: Brockett, Aaron <brocketta@bouldercolorado.gov>; Speer, Nicole <speern@bouldercolorado.gov>; Folkerts, Lauren <folkertsl@bouldercolorado.gov>; Benjamin, Matt <benjaminm@bouldercolorado.gov>; Mueller, Brad <muellerb@bouldercolorado.gov>; Firnhaber, Kurt <FirnhaberK@bouldercolorado.gov>
Subject: Progressive Win-Win on housing data gathering

External Sender

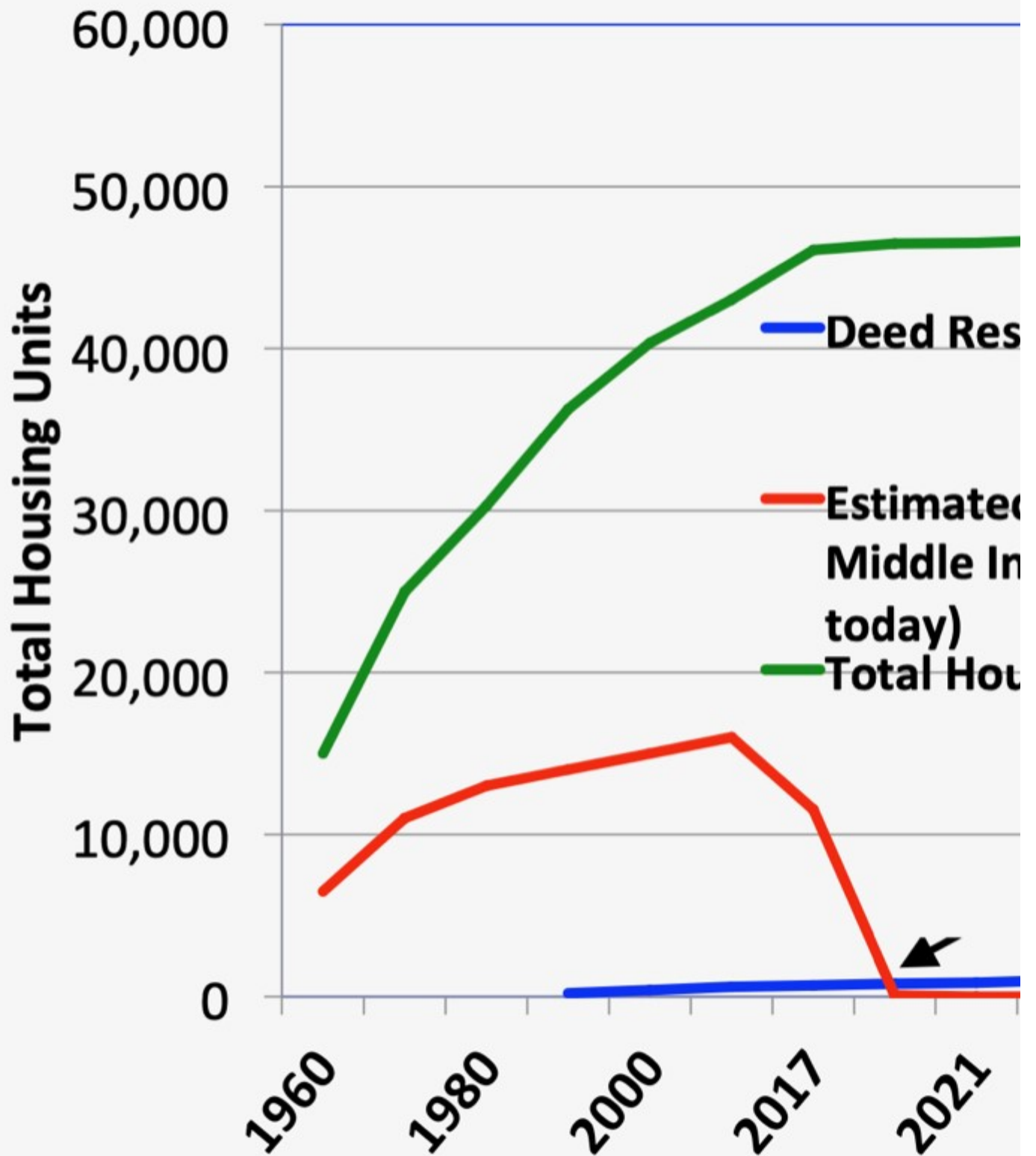
Rachel and my dear courageous COB public servants:

Please ask for this information tonight so we can inspire the world with a bold win-win on housing/climate/economic and racial justice/business vitality/health/beauty (as Goose Creek [Back Porch group](#) has demonstrated since 2018:

1. For each year since goal was set for MIHS, how many units have been added?
2. Please post this on Boulder measures housing
3. Please also track net loss of affordable housing per BHP 2014 strategic plan

Please reverse this collapse. It can be done to everyone's benefit with true community benefit zoning. **Unless YOU shape the market** for land away from luxury only, we will just keep losing our true wealth: diverse people! We can IMPROVE single family neighborhood community character! Start with [Pilots](#). If you had agreed during BVCP Midterm Update, first pilots would be rolling out now and we would be showing everyone else how to do it.

History & Future of Middle Income For



I predict that further focusing on liberalizing ADU's will again add precious few additional affordable units and 0 for sale attainable housing which is what we need. Influential housing folks argue at least its doable, not a bad argument if that

Item 4C - ADU Project Update and Discussion

was all we could actually achieve as momentum is the key to social movement growth. BUT everyone wins from doing so much more!

Again, please ask how many units through ADU liberalization have been created and after new reform, how many more?

We have plenty of staff to help create monstrous net zero luxury homes and remodels but none for our #1 priority!

Links: net shed rate: <https://boulderhousing.org/news/2014-strategic-plan> White Paper: <http://goosecreekclt.org/back-porch-consensus-suggestions-on-affordable-housing/>

Respectfully,

David Adamson



815 North St. Boulder, CO 80304
(303) 545-6255 www.goosecreekclt.org

Houde, Lisa

From: Sugnet, Jay
Sent: Tuesday, October 25, 2022 8:50 AM
To: John Garnett
Cc: Housing Advisory Board Group; Houde, Lisa; Guiler, Karl; Hendrikson, Hollie
Subject: RE: Proposed ADU changes

Hi John,
Thanks so much for sharing your feedback! I am sharing this with the city staff working on the update.
Jay

From: John Garnett <johne.garnett@gmail.com>
Sent: Monday, October 24, 2022 8:30 PM
To: Housing Advisory Board Group <housingadvisoryboard@bouldercolorado.gov>
Cc: John Garnett <johne.garnett@gmail.com>
Subject: Proposed ADU changes

External Sender

Hi,
We have been evaluating an ADU on our property for our working kids for a couple of years. They both work in Boulder from home based businesses.

First, the recommendations being proposed are great. Some clarifications, simplifications, and easing of restrictions will help encourage ADU development.

My recommendations would be as follows:

Make the maximum detached ADU size proportional to the lot size. Much like the FAR. 900 sq ft is really small for a larger family. I don't understand why an attached ADU can be so much larger.

Measure the square footage from inside the framing. 900 sq ft is still only 840 sq ft after a 6" wall is subtracted. Wall thickness adds insulation but it reduces the square footage. It encourages builders to limit the insulation. ?

We live in a 2700 sq ft house on almost a full acre. Address: 858 Gapter Road. We Would like to build an ADU for our kids to live in. They could live there, run their businesses, and help assist us as we age in place. A detached ADU makes more sense for us, but 900 square feet looks like a **postage stamp** on our lot.

Lastly, the cost of a home in Boulder is very high and the cost per square foot is higher for a smaller home. We had an 800 sq ft ADU quoted at \$700,000(and that was before the Marshall fire.) Any change that can make it easier or less expensive to build in Boulder would be welcome.

That's my input. I believe you are moving in the right direction.

Cheers,
John

Cheers,
John

October 19, 2022

Members of Boulder Housing Advisory Board,

Members of the Goss Grove Neighborhood Association, University Hill Neighborhood Association and Martin Acres Neighborhood Association met to discuss the proposed changes to several of the aspects of the ADU ordinance that were on the agenda at the September 28, 2022 HAB meeting.

Everyone present at this meeting agreed that availability of affordable housing is an important issue in Boulder. Providing affordable options for residents in all parts of Boulder is crucial. Strengthening the current ordinances in Boulder that address the affordability of units should be a goal. One of the specific suggestion from the group is that the metrics attached to the pricing of affordable ADU units should be revised to provide even lower cost living opportunities in these units.

This group also appreciates the ADU opportunity in Boulder as an important addition to the options homeowners have to best utilize their home for their future.

This group is taking a survey of neighbors in order to get more citizen feedback on the HAB agenda items. The wider survey that is being gathered may not be available before the HAB October 26th meeting but that citizen feedback will be included in future discussions.

The consensus of this group so far is that the “one size fits all” approach that HAB is considering is not a good fit for the varied specific circumstances present in different neighborhoods, or sections of neighborhoods, particularly those adjacent to CU campuses and/or where investors are the primary motivators. In fact, other cities like Austin have had experience with ADUs¹.

The consensus of this group was that any changes to the ADU requirements should be neighborhood specific to fit with the zoning, parking district, density, and nature of the varied neighborhoods in Boulder.

The specific issues discussed consisted of the 6 items from the HAB agenda of September.

Here are the results of this group’s discussions during the meeting.

- **Eliminate saturation limits**—the consensus of the group was not to eliminate saturation limits but rather work with different neighborhoods to establish a reasonable saturation

¹ , https://centralaustincdc.org/fair_affordable_housing/Family_Displacement_in_Central_Austin.pdf

limit depending on the circumstances and preferences of the neighborhood. These neighborhoods already have a high number of renters and non-ownership tenants.

- **Eliminate parking requirements for an ADU or triggered by ADU construction**—the consensus was to not eliminate these requirements but to make any future changes by the specific neighborhood, zoning, parking district, density etc.
- **Eliminate lot size minimums for ADUs**—the consensus was to not eliminate lot size minimums. Full lots, not legally subdivided lots, in GG for instance are as small as 3600 sq. ft.
- **Increase ADU size limits**—the consensus was not to increase ADU size limits in the attached and detached units in both the market rate or affordable units.
- **Allow one attached and one detached, or two detached, ADUs per parcel**—the consensus was that the number of ADUs should depend on the lot size, neighborhood conditions, saturation, zoning, and inputs from the specific neighborhood.
- **Allow ADU permitting before or at the same time as house permitting**—the group had several suggestions to qualify this provision. These include new construction of both the main house and ADU would be less disruptive for the neighbors by being accomplished simultaneously. One dwelling is therefore not required to wait for construction of the other. The previous city policy of ‘3 year stagger’ was discussed as a way to improve compliance with the residency requirement for ADU properties. Ensuring the residency requirement of the property when both units are complete was a concern of the group.

Thank you for your time and careful attention as you consider these suggestions and responses to proposed changes to the ADU regulations.

Regards,

Deb Crowell, Susan Iott, Michele Bishop, Lisa Spalding, Valerie Stoyva Yavuz, and Jan Trussell

Houde, Lisa

From: Sugnet, Jay
Sent: Friday, September 16, 2022 10:22 AM
To: Houde, Lisa; Guiler, Karl; Hendrikson, Hollie
Subject: FW: Housing advocacy groups' recommendations for ADU reform

Follow Up Flag: Follow up
Flag Status: Flagged

fyi

From: Kurt Nordback <knordback@yahoo.com>
Sent: Friday, September 16, 2022 9:20 AM
To: Housing Advisory Board Group <housingadvisoryboard@bouldercolorado.gov>
Subject: Housing advocacy groups' recommendations for ADU reform

External Sender

Dear Housing Advisory Board,

We, the undersigned, are members of organizations dedicated to addressing Boulder's housing crisis: Better Boulder, Boulder Is For People, and Boulder Housing Network. Like many problems, the housing crisis does not have a single solution. However, we firmly believe that there are many policy changes that can individually make small contributions to alleviating the crisis, and if combined, could significantly improve the availability and affordability of housing in Boulder. A couple of us testified at your August 28 meeting about ADUs, and Board members invited us to present our ideas about ADUs in writing before your next meeting.

We have been meeting to discuss one such policy tool: Accessory Dwelling Units (ADUs). We chose to tackle ADU policy first because, although it may not be the most impactful of potential tools, reform of Boulder's ADU rules is on the city staff work plan for this fall, and because we feel many of the potential reforms are relatively simple code changes.

We have reached consensus on six changes that could be quick to implement, simple, and require no significant funding. We have also discussed longer-term, more challenging, or more costly changes, and we may be bringing some of those forward in the future. But for now, these are the quick-fix code and policy changes we recommend:

1. Eliminate saturation limits.

Current rules limit the fraction of properties with ADUs within a given area. For instance, in the city's largest residential zone district, RL-1, only 20% of properties within a 300-foot radius are allowed to have ADUs.

A saturation limit was put in place originally to alleviate fears of an overabundance of ADUs. The limit was raised as part of the 2019 ADU code revisions, but it remains an obstacle to creating more ADUs in some areas of town, particularly since nonconforming properties such as duplexes are also included in the calculation. Perhaps just as important, it is an opaque and confusing metric that may deter would-be ADU developers, and it slows the ADU permitting process. It's impractical for a property owner to determine on their

own whether their property meets the limits. Only city staff have the data and tools to do the calculation, and it must be done by hand (the city's GIS software can't do it automatically). Last and perhaps least, this provision significantly complicates the ADU code in the Boulder Revised Code.

2. Eliminate parking requirements for an ADU, or triggered by ADU construction.

The ADU rules currently require one off-street parking space for a market-rate ADU. Moreover, they require that in order to build a market-rate ADU on a parcel that does not have the required one off-street space for the primary house, two parking spaces (one for the house and one for the ADU) must be provided.

The parking requirement is a significant impediment on constrained lots, or those with limited street access. It is also contrary to Boulder's efforts to reduce incentives for motor vehicles and to create a less car-dependent urban form. And private land that is valuable for environmental, social, and health purposes — for trees, gardens, recreation, gathering, and open space — should not be required to be paved to park vehicles.

3. Eliminate lot-size minimum for ADUs.

Current rules do not allow an ADU on any lot smaller than 5,000 square feet. While such lots are fairly rare in Boulder, this restriction seems unnecessary and arbitrary.

4. Increase ADU size limits.

The following table shows the current ADU size limits:

	Market-rate	Affordable
Attached	1/3 dwelling size or 1000 sq ft, whichever is less	½ dwelling size or 1000 sq ft, whichever is less
Detached	550 sq ft	800 sq ft

We recommend increasing the size limits so that the square footage of the ADU can be half the area of the principal structure, even for market rate ADUs.. This allows a property owner to create an ADU on one floor of a house without having to wall off a portion of that floor in order to meet the limitations noted above. We also suggest increasing the detached ADU size limits to 650 square feet (market-rate) and 900 square feet (affordable), to allow them to be more suitable for families. Alternatively or in addition, the size-limit exception process could be changed from one requiring a hearing at BOZA (Board of Zoning Adjustment) to a simpler administrative process.

5. Allow one attached and one detached, or two detached, ADUs per parcel.

The existing rules do not explicitly limit a property to a single ADU, though some may argue that that is implied.

Based on a suggestion from City Council, we recommend explicitly allowing one attached and one detached ADU, or two attached ADUs, per parcel. Many property owners are not able to or interested in providing an ADU. Allowing those who are able and interested to create a second ADU would help to meet our housing needs.

6. Allow ADU permitting before or at the same time as house permitting.

Item 4C - ADU Project Update and Discussion

Although not specified so in the city code, the administrative convention has been to only allow an ADU application for parcels where a primary house exists or construction permits have been issued.

This results in an inefficient and unduly costly process when attempting to build a house and ADU at the same time. It requires an applicant to submit sequentially for the house and ADU permits, and given the protracted time period for issuance of the permits, it means that construction also happens sequentially. Therefore crews for excavation, foundation, framing, etc. do their work for the house, and then must return -- months later -- to do similar work for the ADU. With delayed permitting, rising costs, and supply-chain issues for materials and construction, the current system can lead to canceling plans for an ADU.

It also means that an owner of any empty lot who wishes to build and perhaps live in an ADU first, before building the house, is not allowed to do so. This administrative restriction seems unnecessary and counterproductive to easing our housing crisis.

Thank you for considering our suggestions, and thank you for your service to our community on HAB.

Eric Budd
Jan Burton
Jake Brady
Ed Byrne
Chelsea Castellano
Macon Cowles
Rosie Fivian
Lisa Wade
Kathleen McCormick
Kurt Nordback

Houde, Lisa

From: No Reply
Sent: Sunday, November 6, 2022 5:29 AM
To: Council; ContactCoB
Subject: james martin :- Feedback on pending council action

Preferred Form Language: English / Inglés

Name: james martin

Organization (optional):

Email: jimmymartin@comcast.net

Phone (optional):

My question or feedback most closely relates to the following topic (please choose one):Feedback on pending council action

Direct my submission to: Council

Comment, question or feedback: I am writing to ask that you NOT adopt the recommendations of the HAB regarding ADUs. This is an attempt to eliminate single family zoning in the city and I am opposed to that.

I have reviewed the HAB Agenda and record dated October 26, 2022. It is appalling that the HAB only referenced the recommendations of an activist group called Boulder Housing Network. BHN 's ultimate goal is to eliminate single family zoning and upend Boulder's unique neighborhoods.

No to eliminating saturation limits and parking requirements.
No to increasing ADU size limits (increases to 650 or 950 sq. ft.).

Two recommendations make some sense:

1. Creating pre-approved ADU plans;
2. Streamline the entitlement process.

Thank you.

[[FSF080521]] Submission ID is #: 1030326661

[Compose a Response to this Email](#)

Houde, Lisa

From: No Reply
Sent: Thursday, November 10, 2022 1:56 PM
To: Council; ContactCoB
Subject: Kathleen McCormick :- Feedback on pending council action

Preferred Form Language: English / Inglés

Name: Kathleen McCormick

Organization (optional):

Email: fonthead1@gmail.com

Phone (optional): (303) 817-2088

My question or feedback most closely relates to the following topic (please choose one):Feedback on pending council action

Direct my submission to: Council

Comment, question or feedback: Dear City Council Members,

In your study session this evening, please support revisions to the ADU regulations that have been recommended by the Boulder Housing Advisory Board, as well as Better Boulder, the Boulder Housing Network, and Boulder is for People, with whom I participated in an ad-hoc ADU policy group. I'm a member of the Boulder Arts Commission, the Better Boulder Board, and an editor for the Boulder Housing Network, and I'm also married to HAB chair Michael Leccese, though I write here for myself.

Michael and I built a licensed attached ADU studio apartment in our house six years ago, and since then have rented it to a series of young Boulder professionals and graduate students at an affordable rate. These have included a middle-school math teacher/graduate student, a CU administrator/graduate student, a staff member for an environmental conservation organization, and a nanny/graduate nursing student. All of them have been quiet, respectful, and grateful to live in a convenient neighborhood at a reasonable rent. These are next-generation Boulderites who are contributing to our community and otherwise would have been living in over-occupied housing or driving into Boulder daily from surrounding less-expensive communities.

I respectfully ask City Council to make ADU changes a priority now to allow more Boulder homeowners to offer similar opportunities to people who work and attend school in Boulder and can't afford the rents. ADUs offer low-hanging fruit for expediting an increase in the supply of gentle-infill housing in single-family neighborhoods, at the expense of homeowners. Eighty percent of residents support ADUs, and the City's recent ADU survey showed that the vast majority of ADUs are in the affordable range. ADUs provide income for homeowners and more diverse housing options to accommodate multiple generations of family, caregivers, caretakers, and others.

The City has done extensive community engagement for ADUs, and we know the factors that make them a successful housing option for many U.S. cities, so staff does not need to conduct further engagement. From many discussions with neighbors and other Boulder residents, the ADU recommendations I think are most important are to eliminate the saturation limits, the off-street parking requirements, and the lot-size restrictions to allow homeowners with smaller lots and more modest homes to benefit from ADU ownership.

Item 4C - ADU Project Update and Discussion

Let's encourage greater diversity and economic inclusion by making key ADU revisions now. I appreciate your consideration and all your efforts to promote more and more equitable housing in Boulder.

Kind regards,
Kathleen McCormick
3055 11th Street, Boulder CO 80304
303.817.2088; fonthead1@gmail.com

[[FSF080521]] Submission ID is #: 1032340994

[Compose a Response to this Email](#)

Houde, Lisa

From: Ferro, Charles
Sent: Monday, December 5, 2022 9:46 AM
To: Guiler, Karl; Houde, Lisa; Houde, Lisa
Subject: FW: Jessica Murdzek :- Planning and Development Services

FYI

From: No Reply <noreply@bouldercolorado.gov>
Sent: Monday, December 5, 2022 6:46 AM
To: Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Pannewig, Hella <Pannewigh@bouldercolorado.gov>; Ferro, Charles <FerroC@bouldercolorado.gov>; Stafford, Edward <StaffordE@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>
Subject: Jessica Murdzek :- Planning and Development Services

Preferred Form Language: English / Inglés

Name: Jessica Murdzek

Organization (optional):

Email: jessica.murd.123@gmail.com

Phone (optional):

My question or feedback most closely relates to the following topic (please choose one): Planning and Development Services

Direct my submission to: Staff and Council

Comment, question or feedback: Hi City Council folks,

I know y'all have quite a few items on your list regarding increasing affordable housing in Boulder. I'd like to encourage you to lower restrictions on ADUs, remove parking minimums for all new structures, and allow densification in the current city limits. I'm currently being priced out of Boulder, and I'm sad to leave. You need to allow more housing stock to be created ASAP. The single family zoning areas must be changed to allow for more dense zoning. Incremental change will be key.

I'd also like to encourage you all to learn about the Strong Towns approach (from Chuck Marohn). He focuses on making a city financially sustainable.

Thanks for all the work you're doing! Please remember there are a lot of low income folks who don't have time to email you but still need your help. Please think of what would be best for them, don't only take into account the noisy neighborhood groups.

Houde, Lisa

From: No Reply
Sent: Monday, November 7, 2022 4:36 PM
To: Council; ContactCoB
Subject: Kurt Nordback :- Feedback on pending council action

Preferred Form Language: English / Inglés

Name: Kurt Nordback

Organization (optional):

Email: knordback@yahoo.com

Phone (optional):

My question or feedback most closely relates to the following topic (please choose one):Feedback on pending council action

Direct my submission to: Council

Comment, question or feedback: I'm writing in regards to your upcoming discussion of ADUs. I'd like to underscore the thoughtful and well-considered recommendations from HAB, which would address many of the most significant restrictions in our current ADU policy while still being an evolutionary change from the 2018 reforms.

I'd also like to raise a couple of additional points for your consideration.

1. Condominium conversion

As you know, although rentals in Boulder are expensive, our greatest affordability challenge is in homeownership. This was highlighted in the Middle Income Housing Strategy, and was repeated in the Staff memo for your recent study session on affordable housing:

"In 2016, middle income households were able to afford 99% of the city's rentals, but only 17% of detached for-sale homes. Affordable ownership remains the challenge for renters looking to buy a home in Boulder."

I would therefore urge you to consider recommending that condo conversion (separate conveyance) of ADUs be allowed. Condo conversion of a house plus ADU allows each to be purchased independently of the other, and it replaces property that is held under one title (that in almost all cases is unaffordable to the middle class) with more affordable pieces held under separate titles. Unlike subdivision, with which it is sometimes conflated, condo conversion doesn't affect what's allowed in terms of density or physical form in any way; it simply allows for independent ownership of parts of a single property. As I see it, this is completely consistent with the goals of the Middle Income Housing Strategy and other city housing objectives. Condo conversion was only prohibited as an afterthought to the 2018 ADU update, and it's my perception that it was prohibited not because there was any identified problem with it, but simply because it hadn't been considered. I would suggest that now is the time to consider it.

2. Owner occupancy

As Staff pointed out to HAB during their discussion, if we really want more of the desperately-needed moderate-cost

Item 4C - ADU Project Update and Discussion

housing provided by ADUs, we'll need to remove the owner-occupancy requirement. The main reason is that many homeowners aren't comfortable being landlords, or are unaccustomed to sharing space with another family unit. Even when a homeowner wants an ADU, financing can be a challenge.

So I'd like to encourage you to consider how we could relax the owner-occupancy requirement in a way that would be politically feasible. I would propose that we permit non-owner-occupied ADUs other than in the Hill neighborhood, and with a 20% saturation limit for non-owner-occupied ADUs (assuming the general saturation limit is removed). This of course is not necessarily the "right" answer, but I do feel we should be creative in coming up with a way to allow for more of the ADUs we need so much, including in select cases on non-owner-occupied properties, in a way that will be politically acceptable.

Thank you.

[[FSF080521]] Submission ID is #: 1030940696

[Compose a Response to this Email](#)

Houde, Lisa

From: No Reply
Sent: Wednesday, November 9, 2022 8:59 PM
To: Council; ContactCoB
Subject: Francoise Poinatte :- Housing and Human Services

Preferred Form Language: English / Inglés

Name: Francoise Poinatte

Organization (optional):

Email: fmpoinatte@msn.com

Phone (optional): (720) 210-8802

My question or feedback most closely relates to the following topic (please choose one):Housing and Human Services

Direct my submission to: Council

Comment, question or feedback: Dear Council members,

I urge you to prioritize ADU policy revisions at tomorrow night's Study Session. The HAB suggested a list of very needed ADU reforms that Better Boulder supports as well. These include elimination of saturation rate, parking requirements and minimum lot sizes, in addition to the City offering pre-approved plans and stream lined processes for City approval. All these revisions are common sense and would do a lot to promote ADUs as a much needed supply of housing beneficial to both homeowners and renters alike.

Please request staff to minimize public process in adopting these revisions. The City went through an exhaustive process in 2018, and shouldn't have to repeat this. ADUs enjoy public support and these changes are simply revisions designed to simplify and encourage creations of ADUs.

Reducing process, and looking at what other communities have done successfully, will greatly reduce work load on staff. These revisions ought to have been included in the work done on ADUs in 2018. It's time to adopt them now as a priority.

Thank you for your hard work!

Françoise Poinatte

[[FSF080521]] Submission ID is #: 1031932064

[Compose a Response to this Email](#)

Results of Accessory Dwelling Units (ADU) Survey 11/9/22

To: City Council

From: Goss Grove, Martin Acres, and University Hill Neighbors

Date: Nov. 9, 2022

Subject: Input on changes to ADU regulations

As the neighborhoods closest to the University and downtown, we already feel the impacts of dense, rental housing. All of the Goss Grove neighborhood, the northern and eastern parts of University Hill, and the core of Boulder from Alpine south to Baseline, including many areas to the east of campus, are zoned to have 4 unrelated occupants per rental unit. We are aware of efforts by the city to update its ADU policy and would like to provide the results of a Google Questionnaire distributed city-wide to our neighbors via Next Door and through neighborhood association lists. In general, we support more affordable housing in Boulder and live in areas that provide it. We ask that our neighborhoods be carved out of policies that might encourage ADUs in less dense, yet accessible neighborhoods.

For these reasons, most of the neighbors don't agree that raising saturation limits, lowering lot size requirements, eliminating parking requirements, and allowing more ADUs per lot will help the city achieve affordable housing goals—at least in our experience in our neighborhoods. See response summaries and graphs below.

Responses from around the four neighborhoods surrounding downtown and CU

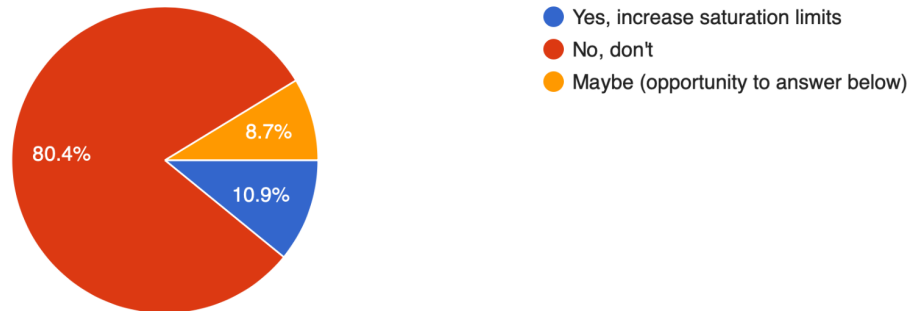
Questions were provided through a Google Survey document. We received 13 responses from Martin Acres, 9 from Goss Grove, 8 from Whittier, 6 from University Hill, 3 from the Community Gardens, 4 from Table Mesa, and a few unlabeled responses.

Summary of Results: Increase saturation limits?

Comments included: A lot of thought went into the saturation limits so don't change them. This will lead to a loss of trees, vegetation, privacy, and community. It will increase noise, parking, tension, and problems. This is a back-door way to change the single-family zoning category to allow more housing—don't do it. City Council asks for more affordable housing but they miss opportunities to provide housing and instead allow increased expensive student housing.

The first recommendation is Increasing saturation limits. This means that there will be no limit on how many ADU's are built in a given area of a neighb...of zoning. Are you in support of this proposal?

46 responses

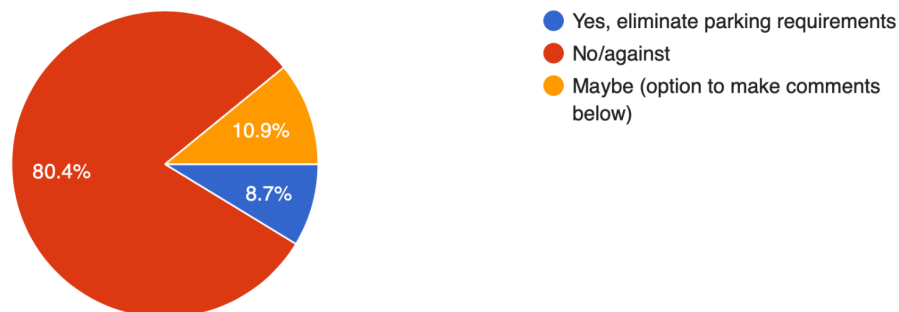


Summary of Results: Eliminate parking requirements?

Comments include: Parking is already too hard in many high density neighborhoods. Lifting the parking restrictions may be well intended—e.g., reducing gas and emissions—that backfires. People drive and will want to have cars. Restricting cars is a disingenuous appeal to eco-minded people but in reality just creates worse problems.

They are also proposing to eliminate parking requirements for ADU's. (Under the new proposal, ADU residents would occupy parking spaces on the s...irement) Are you for or against this proposal?

46 responses



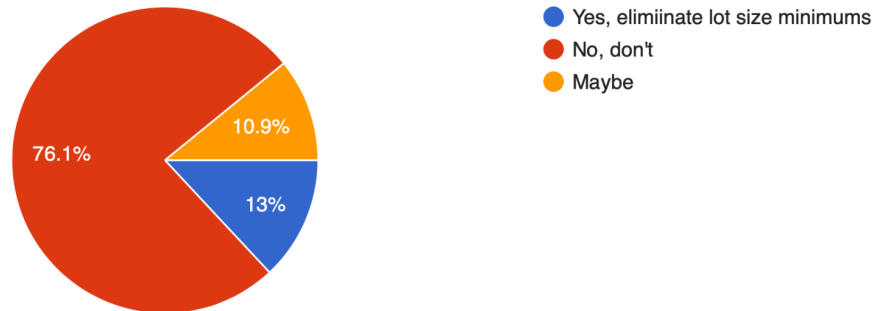
Summary of Results: Eliminate lot size minimum?

Comments included: The size of houses to lots needs to be controlled. There is such a thing as too much density. This will affect heating and flooding and with increased climate change, these things will be worse. There will be no yards and all will be concrete.

Some said the limits seem arbitrary. But if building occurs, measures need to be taken to limit the impact on neighbors by controlling size and proximity to neighbors—such as location on the lot.

They are also proposing to eliminate lot size minimums (currently lots less than 5,000 square feet are not allowed to build an ADU). Are you for or against this proposal?

46 responses



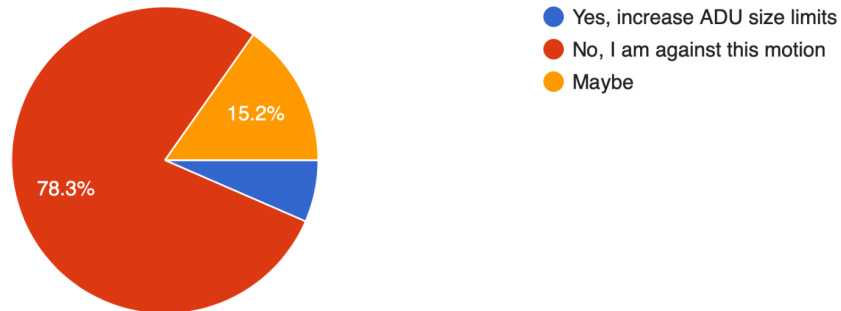
Summary of Results: Increase ADU size limits?

Comments included: This is as large as some of the older homes in Boulder and is against the spirit of the “granny-flat.” Larger ADUs won’t help affordability—affordable level is already too high and more space will make it higher. One comment said that the larger size will allow more renters and more money.

One said that increased size would remove regulations, another said that it would be okay if it was an owner and related party (to prevent the problems of unknown renters).

They are proposing to increase ADU size limits. (The proposal is to increase market rate ADU size limits to 650 square feet (from 500) and allow addit... Boulder.) Are you for or against this proposal?

46 responses



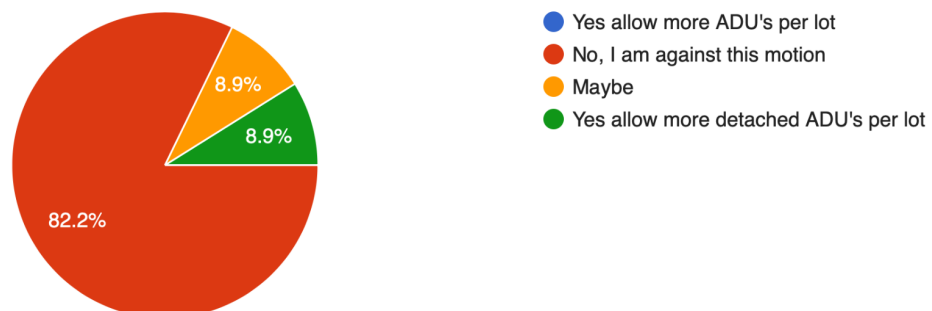
Summary of Results: Allow 1 attached and 1 detached or 2 detached ADUs?

Comments included: This would change single family zoning and compounds the problems described above. People purchased their homes in these areas to retain some land and privacy and taking that away impacts their lives and investments.

Some said this depends on the size of the lot, the flood plain, and location. One person in favor of ADUs generally said that having 1 ADU per lot helps to keep it owner occupied.

They are proposing to allow either 1) single attached and one detached OR 2) two detached ADU's in addition to the original building, per lot. Are you for or against this proposal?

45 responses



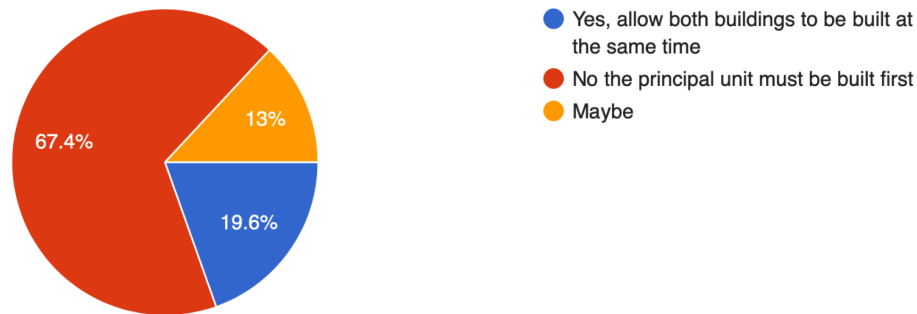
Summary of Results: Allow house and ADU to be built at the same time

Comments included: Get the noise, lack of privacy and dust done all at the same time; it is an inhumane inconvenience for those that live next door! The neighbors do recognize, from experience, the hassle of having a house and ADU built separately. If an ADU is approved, any work on both the house and ADU should be allowed to go ahead at the same time

Those not in favor said that simultaneous building benefits the contractor, not the neighbors. And building one house might reduce the frenzied home-building activity that is occurring.

They also are proposing to allow the ADU to be built before or at the same time as the primary house (either a renovation or scrape and build). **A... project). Are you for or against this proposal?

46 responses



Summary of Results: Should LLC's have the same rights as Individual home owners with respect to ADU ownership, and owner occupancy rules?

Comments Included: Neighbors have experienced Limited Liability Corporations (LLCs) buying houses in the neighborhood and charging more to rent them either to long-term or short-term tenants. This doesn't support affordable housing or an increase in housing. LLCs add a renter to their corporation and allow them to live on site as an "owner," thus meeting the city rules that an owner occupy the site where an ADU is built. LLC's are not real people. The distinction of who the owner occupant is is a slippery slope allowing for many loop-hoops. Therefore LLC's should not have the same privileges as individual home owners that care about the community that they live in..

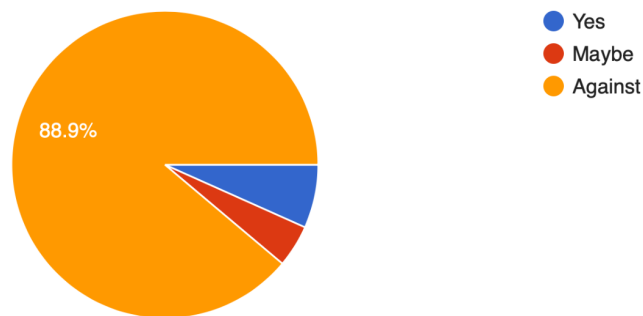
Most of the neighbors do not support LLCs being able to get around the city's rules. Comments included that the LLCs are interested in profit and not the character of the neighborhood and that they do not contribute to the community. Typically the "Owner-Occupant" representative is

not invested in being a long term resident. The floor plans being built by LLC's are made for renters not long term occupants. They in fact take away from the community by causing problems with additional trash and noise. Neighbors commented that allowing LLCs to build ADUs doesn't support the intent of the rules. Many commented that the city can't build its way to affordability—prices just keep going up because people want to move to Boulder.

Those who support ADUs said that they should be owner-occupied for the long-term to ensure affordable housing is provided. Most neighbors understand that these LLCs are not contributing to affordable housing. If, LLC's are going to be allowed to participate in ADU ownership, owner-occupant representatives should not be allowed to live in the affordable unit since this does nothing to contribute to affordable housing.

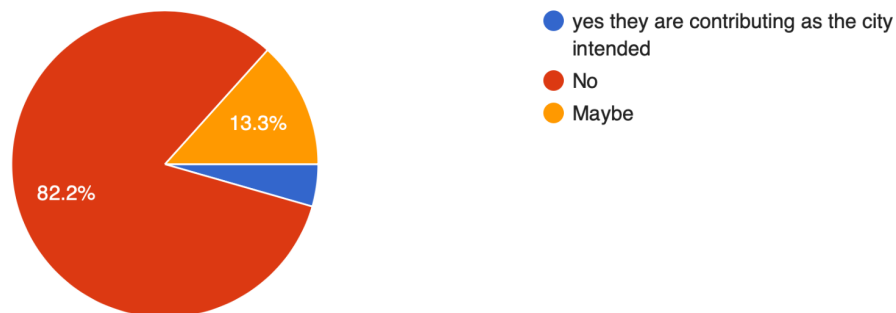
Are you in support of investor groups/LLC's being allowed to build ADU's?

45 responses



Do you think that LLC's/investor groups that are building ADU's are significantly and appropriately contributing to the city's goal to increase affordable housing as intended?

45 responses



In summary, General Survey Theme: A request for “THOUGHTFUL Development”

A common thread in discussions and input generated by this survey was what could be summarized as a request for “Thoughtful Development.” Those who replied “maybe” to the questions consistently stated “it depends on the neighborhood.” Some have tons of parking, for example, and some have none. Some have huge yards and others have none. As a result, we ask whether codes, and development, can be thoughtful towards maintaining community. If an ADU is going to be built, is it going to foster a neighbor and keep existing neighbors in doing so? Should new builds be allowed to put windows, stairways etc. only 3 feet away from the fence of an existing and established neighbor? That is, a general lifting of all restrictions, unchecked with respect to the needs and different neighborhoods throughout the city is not going to get us to a place of more housing, and even more affordable housing, all the while maintaining community, liveability and character. Already people are moving away from Boulder because it is losing its community. Let’s add ADU’s, and affordable ADU’s thoughtfully.

Thank you for considering the input put forth by Boulder residents that spent the time to complete this survey in light of the proposed code changes and allowances that are presently given to LLC’s and private investors.



December 12, 2022

Dear Members of the Boulder City Council,

The proposed changes to ADU regulations discussed at your November 10, 2022 study session raised concerns for the University Hill Neighborhood Association due to the current impacts of the high population density in our neighborhood. We object to the one size fits all approach of eliminating saturation limits and increasing ADU size limits for neighborhoods of vastly different needs, desires, and carrying capacities. We share these concerns with other neighborhoods surrounding the university and hope to discuss alternatives with staff before your study session next year.

The assertion that no other city in the country has saturation limits has been taken up as a rallying cry for deregulation, but three of the five zones in Chicago that allow ADUs have an annual limit of two per block. This allows the city to judge the effects of a gradual population increase. Utah's new law allowing ADUs in any residential zone statewide and stipulating that cities may not regulate or restrict them went into effect in October 2021. However, a provision of the law allows cities to prohibit ADUs in a percentage of their residential areas, which ranges from 25% in most cities to 67% in cities with large universities. Provo, home to Brigham Young University and comparable in population to Boulder, passed a code change that permitted the exemption of up to 67% of its residential areas.

There are other examples of cities with saturation limits, but many cities use other tools to guard against adverse impacts on neighborhoods, like special permits that include a public hearing. Dallas requires an appeal for a special exception to single-family regulations adjudicated at a public hearing before the Board of Adjustments. The board may "not consider how the appeal may benefit the applicant" and can grant the exception only if it will not adversely affect neighboring property.

The saturation limit is the only tool Boulder has that prevents adverse effects from population increases that could overwhelm our neighborhoods. The number of legal nonconforming properties on University Hill places a strain on many blocks. For example, the 800 block of 11th Street has a sorority with an occupancy of 109, a triplex across the street with 9 legal residents, and the soon to be completed apartment complex across the alley, which will have an occupancy of 48.

We ask that representatives of the University Hill Neighborhood Association, the Martin Acres Neighborhood Association, the Goss Grove Neighborhood Association, and representatives of the East Aurora neighborhood be given the time to discuss with staff how best to accommodate our neighborhoods if changes to our current ADU regulations are going to occur.

Daniel Hopkins, Professor of Political Science at the University of Pennsylvania, determined that Americans' strongest connections are to their neighborhoods, not their states, cities, or towns. Please respect our connection to our neighborhoods and trust our ability to advise on what is best for them. Do not rush through an irreversible change that will affect the entire city without considering whether the change is appropriate for specific neighborhoods.

Sincerely,

University Hill Neighborhood Association – Executive Committee

Nancy Blackwood
Stephen Clark
Mary Cooper Ellis
Valerie Stoyva
Lisa Spalding
Jyotsna Raj
Scott Thomas

Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 9:21 PM
To: Houde, Lisa
Subject: FW: In support of relaxing ADU regulations

From: Ryan Bonick <ryan.bonick@gmail.com>
Sent: Monday, January 16, 2023 5:14 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: In support of relaxing ADU regulations

External Sender

Hi,

I am writing as I am unable to attend tomorrow's planning board meeting, but wanted to make my thoughts on ADUs known in advance of the vote tomorrow.

I do not believe ADUs will singlehandedly solve Boulder's affordability problems. However, I do believe they are an incredibly valuable tool in the city's arsenal, and relaxing the regulations around it will be a good thing. [Boulder's Housing Advisory Board agrees with me.](#)

I would also like to see modifications to occupancy calculations and parking requirements, but those are sadly not on the docket tomorrow.

Thank you for your time,
Ryan Bonick

Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 7:22 PM
To: Houde, Lisa
Subject: FW: ADU Reform

-----Original Message-----

From: Buzz Burrell <buzzburrell@icloud.com>
Sent: Monday, January 16, 2023 11:36 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU Reform

External Sender

Dear Planning Board:

ADU's are a Win-Win-Win. For zero cost to anyone except the person constructing one, this is the easy button for affordable housing.

Just drop all regulations, except maximum size. There are no problems. Stop sweating the easy stuff.

I constructed an ADU 12 years ago. Going through the red tape was extremely difficult, dissuades many from attempting it, and protects or accomplishes nothing.

In the ensuing 12 years, my two units have been fabulously successful. My son and his family of 4 live in the main unit, and my wife and I live in the accessory unit. Our combined electric, gas, and water bills are significantly lower than for the average single family home. Two families are living in one structure, taking up far less space, having less impact, and with excellent affordability as this house with ADU has the same Appraised Value as this house without the ADU.

JUST DO IT. Boulder likes to think of itself as being progressive, when in fact, it has become remarkably regressive. Let's walk our talk.

Buzz Burrell
1290 Chambers Dr
Boulder Co
80305

Houde, Lisa

From: Ferro, Charles
Sent: Tuesday, January 17, 2023 10:02 PM
To: Houde, Lisa
Subject: FW: Saturation Limit: where one neighbor can get it, another cannot
Attachments: 180226 300 ft. of 1726 Mapleton.pdf; 180226 300 ft. of 1735 Mapleton.pdf

From: Macon Cowles <macon.cowles@gmail.com>
Sent: Tuesday, January 17, 2023 9:33 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: Saturation Limit: where one neighbor can get it, another cannot

External Sender

PB, tonight I spoke of my cross the street neighbor who had to move her historic garage on the alley 3 feet from the alley because as built in the 19th c., it extended 3" into the alley. Moving the building 3 ft, it then violated the height ordinance. Sinking the historic structure in order to get a building permit for the studio-ADU cost them \$30,000. The cross the street neighbor is Beth Helgans, at 1735 Mapleton.

I wanted to let you know also that when the saturation rate was raised to 20%, Beth and I lined up at 7:30 the first morning so we would not be barred by the saturation limit. But we agreed that I would be in front of her in line. I could only get an ADU that complied with the 20% saturation limit if I were first in line. Because if Beth got hers first, hers would count toward the 20% and our house would not qualify. But my getting approved first did NOT bar her. That is because each of our houses had a different radius, and therefore a different number of non-conforming structures within that 300 feet.

If you want an idea about the counting difficulties, I am attaching the two charts made for us by City staff in 2018 to count the number of units that would be counted to apply the saturation limit.

FYI, we have a 1650 main house and a 700 sq. ft. affordable ADU. It is used for 1) long term rental, 2) our niece to live in while she attends CU, and 3) for caretakers to live in when Regina and I need help as we age.

Macon Cowles
1726 Mapleton Ave.
Boulder, Colorado 80304
macon.cowles@gmail.com
(303) 447-3062

Houde, Lisa

From: Macon Cowles <macon.cowles@gmail.com>
Sent: Thursday, January 26, 2023 11:01 AM
To: Matt Benjamin; Aaron Brockett; Lauren Folkerts; Friend, Rachel; Junie Joseph; Nicole Speer; Wallach, Mark; Tara Winer; Bob Yates
Cc: Houde, Lisa; Mueller, Brad
Subject: Please eliminate saturation and parking requirements for ADUs

External Sender



Dear Council:

The sign announcing it had taken 408 days to get a building permit from the City of Boulder arrived the same week as a postcard offering a small lot on Bluff St., described as “Nestled Bliss,” for \$1,700,000. (See image below.) The two counterpoints are emblematic of the crisis of planning in our beloved city.

Our processes are so lengthy and difficult that dreams of opening a business or making a home are turned to dust by the planning machinery. Planners are so busy administering the machinery that we cannot timely make the changes we must to make this vibrant city available to the young and different. If action is deferred, it will be too late.

The only projects that survive are those sponsored by and for the very rich, like the lot on Bluff. An ambitious builder will apply the rule of thumb: spend twice as much on the home as you spent on the lot. There will soon be another \$4 million home in the neighborhood.

Our code has secured the primacy of the very expensive single family home. “\$13 million sale of Boulder estate shatters county record for home sales” is the headline of a January 24, 2023 Denver Post article documenting that the three priciest homes in the entire County are in Central Boulder. **It is stunning that in the face of placemaking for the rich, we cannot take simple steps to make room for others: such as eliminating the saturation and parking requirements for ADUs. We must act quickly, lest we turn away so many people that our beloved City becomes a wealthy shell.**

Macon Cowles
1726 Mapleton Ave.
Boulder, Colorado 80304
macon.cowles@gmail.com
(303) 447-3062



Houde, Lisa

From: Deb Crowell <DebCrowell@live.com>
Sent: Wednesday, January 25, 2023 6:38 AM
To: Houde, Lisa; Guiler, Karl; Mueller, Brad; Meschuk, Chris; Rivera-Vandermyde, Nuria; Winer, Tara; Sugnet, Jay
Subject: ADU's Developed/Owned by LLC's: A Case Example

External Sender

To the members of City Council and the Planning Department,

Having lived in our house for 30+ years, we expected that someday someone would build an ADU next to our backyard. In that there are only two owner-occupants at our end of the neighborhood, the prospect of having a new permanent neighbor, invested in living in our neighborhood was exciting. While we continue to see the value of increasing housing in Boulder, we have come to realize from our first-hand experience, that some of the present codes and allowances, especially with respect to LLC ownership and development 1) defeat the purpose of the city's attempt to increase affordable housing and 2) threaten the quality of community cohesiveness of our neighborhoods. In light of the upcoming focus on ADU revisions that are under consideration, we would like to share our observations based on our personal experience with regards to an "Affordable ADU" that is nearing completion this month. They are as follows:

1. The extremely flexible definition of the "owner occupant" in the case of an LLC owning an ADU provides loop holes that create opportunities for development groups that are solely aimed at financial gain. There are several case examples in our neighborhood where the definition of an "owner occupant" is blatantly non-existent such that it is clear that there is no real person that is truly living in the neighborhood and therefore there is no on-site management of the property. We suspect that the LLC "owner-occupant" representative, soon to move in next door, is a puppet who will not last more than a few years before his LLC takes advantage of the transferable definition of an owner occupant for LLC's. If there is no enforcement by the city, this scenario will continue to grow, as we have seen in the Goss-Grove neighborhood in the last few years. We want ADU's to create neighborhoods filled with invested neighbors, not investment development groups.

Bottom line: If LLC's are allowed to build ADU's the result is not consistent with the city's goal of creating affordable housing

2. We are specifically aghast at the fact that LLC's are allowed the same building privileges as an individual owner (increased square footage and parking-exempt) when building an "affordable ADU" in which the said "owner occupant" of the LLC is then allowed to then occupy, meanwhile, renting the primary house for market rate. If the owner is living in the affordable unit, how does that make it an affordable ADU? How can the owner occupant also double as one that qualifies for affordable housing?

Additionally, in a neighborhood rife with parking problems we wonder why off-street parking, even for an affordable ADU, is waived? One would think that additional parking be the responsibility of the party that is adding density to our neighborhood and also profiting from increasing density? As it is in our case example next door, the second inhabitant(s) have yet to move into the front house and

the “owner occupant” (living in the “affordable” ADU) has yet to park in his (long and skinny) driveway. He clearly prefers the convenience of parking in the street. So, where will the tenant for the primary house park I wonder? Very likely on the street as well. I hope, as the city seems to hope, that that person will not have a car, but our neighborhood can’t take that risk.

Bottom line: if LLC’s are allowed to build affordable ADU’s and the owner occupant representative is allowed to live in the affordable unit, then they are being granted privileges that do not meet the city’s goal of creating affordable housing, meanwhile creating a public burden with regards to parking availability on the street.

3. In our case example, it is our experience that the larger the ADU (and corresponding expansion of the front house in order to maximize the allowable build size), the more the development affects the quality of life of those on neighboring lots. With the present codes that already allow for maximization of every square footage of a lot (in our neighborhood), there is no consideration for the livability, and privacy of the existing houses surrounding the lot. Nor are there any mediation services in place by the city to protect existing neighbor’s privacy during the planning process. In our case, 5 properties were affected. That is, the onus was on us to try and negotiate the rearrangement of stairways and request that windows be frosted that run along the scant 3-foot side-yard set-back allowances. We now look at, hear and smell the HVAC system that is no more than 5 feet away from our very small and intimate backyard. As it was, property line disputes, and other unneighborly negotiations ensued during construction. We would suspect that, if the lot next door were being developed by a true owner-occupant, rather than an LLC, more polite considerations negotiations would be taken with respect to how the floor plans would affect existing neighbors.

Bottom line: if this project were that of a private home owner, wanting to become an integral part of our neighborhood, we suspect that the development of the lot would have progressed far more amicably. If the city wants to increase housing and maintain quality of community living, then mediation and code protections should be in place such that everyone can continue to experience a quality of life under increased and imposed high density regulations as well as during the construction phases.

4. Finally, if the city continues to allow an entity to a) purchase land b) immediately expand the front house in order to build an ADU to maximum size which is contingent on the front house and then c) break ground on the ADU only several months later, we would suggest and are in agreement with HAB’s proposal that all construction occurs as one project instead of two separate, staggered projects.

Bottom Line: While we see many advantages of the now extinct 3-year clause requiring an owner to inhabit the property before building (this would be a barrier to LLC investors), if the city’s goal is to support unchecked growth than please take bordering neighbors (sometimes up to a block away) out of their misery and get all the construction done at once, in the shortest turnaround time as possible. It has been a painful and disruptive year of blow-by-blow surprises, noise, dirt and privacy violations.

5. What will happen to Boulder’s neighborhoods if the goal of increasing housing supersedes community planning? With only one other permanent owner occupant within the Goss & Grove 21st and 22nd blocks of high-density housing, we have been crucial anchors to keeping our end of the neighborhood in check as a safe, aesthetic and livable neighborhood and not a student slum. We pick

up glass and trash on the street, shovel the walks, maintain our lawns, trim the city trees and maintain amicable relationships with the managers of the rental properties on our street. We are frequent users of the city's 303-441-3333 number to report back yard open fires, broken median sprinklers, noise ordinance violations and other concerning neighborhood issues using the Inquire Boulder site. (I myself have been the eco-cycle neighborhood representative, and have been an active chair and member of the Goss Grove Neighborhood Association where I was involved in formulating the 6-day (trash) review as well as serving as an integral member on the parking permit program committee.) We have worked to create cohesiveness in our very diverse community; we built a community garden on old 23 between Goss and Grove, we have an annual cook-out/lawn game party every fall to welcome the new residents, and have held summer yard sales which have generated the result of building community cohesion between our diverse residents on our block. We know that students and young professionals renew their rental agreements on our street because, to quote a student on move-in day, "it's a real neighborhood, and that's cool".

After all of the work we have invested in this end of the neighborhood, we did not want to have to move, rent or sell our property. However, our back yard will no longer be a sunny and private living space due to the two story ADU with windows towering over our yard and 3 feet from our hot tub. Every time we smell and hear the whir of the HVAC motor, we are reminded of what looms above our yard. We can hear the heat pump in the winter with our bedroom windows shut so we know that sitting in our back yard in the summer while our neighbor runs his air conditioner will be unpleasant. It didn't have to be this way had we had mediation and protections in place that represented the needs of those that lived on both sides of the fence.

Bottom Line: As a result, we are moving out of Boulder and will add our house to the rental fleet until we sell our home. We don't think we are alone in making this move. There will be only one true owner-occupant left on our block. We know that we are not alone; there is an exodus of people leaving the city. The city needs to look at the big (community) picture if they are going to accelerate plans to increase housing density and further lift restrictions.

To conclude: We are not against affordable housing nor are we against an increase in density in order to create more housing. We share our story in hopes the city is able to accomplish its goals by offering:

- Careful consideration that ADU ownership and development by LLC's is a threat to the city's best intentions with regards to creating housing, especially with respect to the privileges granted and loop-holes created to benefit LLC development groups.
- Thoughtful code revisions for all parties involved
- Mediation, open plans and discussions for all members involved in ADU development (on all sides of the fence)
- Strict and dedicated enforcement of owner occupancy requirements

Thank you in advance for your consideration,
Deb Crowell
2276 Goss Circle



Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 9:21 PM
To: Houde, Lisa
Subject: FW: ADU Reform

From: Diane Dvorin <diane@bayhillsgroup.com>
Sent: Monday, January 16, 2023 5:38 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU Reform

External Sender

Dear Planning Board:

My husband and I strongly support the 6 recommendations you have before you regarding regulation of ADUs. We know from personal experience that this type of housing is an important part of diversifying the housing choices in our community and a gentle way of increasing density in our neighborhoods as we move into a very different future on many fronts.

We are long-time Boulder residents, still living in the same house I bought here in 1976. When purchased, the property already included a bare-bones "mother-in-law unit," converted from what had previously been an alley garage. Over the years, we significantly improved our "Little House," tracking with the permitting and rental licensing requirements as they changed over time. Unequivocally, over these 47 years, this flexible ADU format has served both our family and our neighbors in many significant ways. We expect this will be the case going forward as well, making it more possible to for us now to age in place and continue to enjoy the neighborhood and City that we love.

Thank for your work on behalf of our community.

Sincerely,--
Diane Dvorin & Bill Butler

*3232 Sixth St
Boulder, CO 80304
Mobile 303-641-6478
Home/Office 303-449-0981*

Houde, Lisa

From: Ferro, Charles
Sent: Tuesday, January 17, 2023 11:35 AM
To: Houde, Lisa
Subject: FW: ADU's

From: Emily Reynolds <emily2reynolds@gmail.com>
Sent: Tuesday, January 17, 2023 11:27 AM
To: Barbara Fahey <barbara.s.fahey@gmail.com>
Cc: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: Re: ADU's

External Sender

Love it! Awesome m'dear!!

On Tue, Jan 17, 2023 at 11:22 AM Barbara Fahey <barbara.s.fahey@gmail.com> wrote:

Dear Planning Board,

Many years ago I lived on University Hill for a number of years. Due to the continuous noise, accessibility, trash and traffic issues there, I embarked on an aggressive savings program for many years so I could afford to buy a less than 1000 square ft home in a single family Boulder neighborhood in 1981. We're retired now after a 40+ year career as public servants and still live on the same street.

Now we hear plans are afoot to turn our quiet and accessible neighborhood into University Hill by adding the potential of ADU's in every single family neighborhood. We feel this is a slap in the face to those of us who sacrificed much to be able to live in a peaceful place. Please vote this down and instead recommend that the City subsidize more and free express buses from Longmont, Denver, Broomfield and Golden.

There's a certain subset of people who will always choose to live in cheaper housing in less desirable areas no matter how much housing we provide in Boulder. Fast and free buses will allow them to get here in a more environmentally sound way.

Missoula, Montana has a bus system that generated huge ridership once it became free and now it's mostly electric. They accomplished this through a combination of federal grants and local business and government subsidies. Their surprising environmental success is worth a look.

Sincerely,
Barbara and Mark Fahey

Houde, Lisa

From: Ferro, Charles
Sent: Tuesday, January 17, 2023 5:57 PM
To: Houde, Lisa
Subject: FW: Yes to ADUs

-----Original Message-----

From: k. f. <kartzner@hotmail.com>
Sent: Tuesday, January 17, 2023 5:18 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: Yes to ADUs

External Sender

Hi board,

Sorry I'm late to this, but just wanted to send a note to encourage this board to support measures like legalizing ADUs and actively exploring other ways to make Boulder equitable and more affordable for folks. Thanks!

Katie Farnan

Sent from my iPhone

Houde, Lisa

From: Ferro, Charles
Sent: Tuesday, January 17, 2023 6:27 PM
To: Houde, Lisa
Subject: FW: Make ADUs as easy to build as possible

From: Adrian Fine <adrianfine@gmail.com>
Sent: Tuesday, January 17, 2023 6:20 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: Fwd: Make ADUs as easy to build as possible

External Sender

Dear Planning Board,

You're probably getting a ton of emails saying "go slow on ADUs we don't know their impacts" and a bunch of emails saying "change the saturation limit to X, reduce sideyard requirement to Y".

I won't go into all the details of the ordinances you are updating, but **I encourage you to make it as easy as possible for as many people as possible to build an ADU.** If we're interested in seeing more housing, then ADUs are part of the equation, and I encourage you to do everything you can to make it easy to plan, permit, construct and inhabit an ADU.

Thanks,
Adrian Fine

--

Adrian Fine
adrianfine@gmail.com | 650-468-6331
<https://www.linkedin.com/in/adrianfine/>

Houde, Lisa

To: Mueller, Brad
Subject: RE: ADUs

From: Nicholas Fiore <nick@flowerarchitecture.com>
Sent: Monday, January 16, 2023 9:40 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADUs

External Sender

Hello PB -

I've applied for many ADUs in the city, and I built one myself at my house in TMesa. The rules are arbitrary and capricious, to say the least. It's embarrassing, the state of zoning and housing rules in this highly conservative 'progressive' bastion of a city. We're not even the most progressive city in Boulder County, on the issue of housing. You likely know this.

For ADUs - there are many rules that need to change:

- No saturation limit
- Adjust height limit calculations or raise the height (the 25' rule was designed to hamstring buildings in a hilly town... if you don't know what I mean by this, then you, like 99.9% of Boulderites, don't know how the code defines height)
- Market rate vs affordable limited - trash this distinction; only city politicians and city staff cares. Build ADUs don't argue about definitions
- Size limits: a bit larger is ok, IMHO
- 'COMPATIBILITY' language in the code. DELETE. There is NO good reason that a city staffer, new to town, not a resident nor neighbor, etc., should have ANY say on 'compatibility' of the design. Credential? Experience in design? Why this is in the code escapes me, other than a NIMBY instinct in past CCs. Even (honest) staff understand this is silly.
 - Note - I served on the Landmarks Board, and I understand the big fat juicy instinct to 'shape' or have a say in design of structures that you might pay for or live in. Resist this instinct. Let owners/architects do their thing. Great stuff comes with meh stuff, that's life.
- Energy Code: This is an aside, but we are at the point where the energy code is a real reason that we are a fully 'wealthy only' town. We can pretend it adds only 2-3% or whatever b.s. staff will tell you, but it's not true. I'm in favor, but the city should be subsidizing this, PV for example.

Cheers
Nick

Nicholas Fiore AIA (he/him)
Desk [720 515 7749](tel:7205157749)
Mobile [434 531 6837](tel:4345316837)
nick@flowerarchitecture.com

FLOWER
[1100 Spruce Street Suite 104](#)
[Boulder, CO 80302](#)
flowerarchitecture.com
[@flowerarchitecture](#) (insta)
A Curiosity Shoppe

Houde, Lisa

From: Sugnet, Jay
Sent: Monday, January 23, 2023 4:57 PM
To: Housing Advisory Board Group
Cc: John Garnett; Houde, Lisa
Subject: FW: John Garnett :- Housing and Human Services

Dear HAB,
Below is an email we received through the city's online portal. It is directed to you.
Jay

From: No Reply <noreply@bouldercolorado.gov>
Sent: Monday, January 23, 2023 4:47 PM
To: Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Firnhaber, Kurt <FirnhaberK@bouldercolorado.gov>; Crowe, Elizabeth <CroweE@bouldercolorado.gov>; Sugnet, Jay <sugnj1@bouldercolorado.gov>; Morse-Casillas, Lyndsy <morsecasillasl@bouldercolorado.gov>
Subject: John Garnett :- Housing and Human Services

Preferred Form Language: English / Inglés

Name: John Garnett

Organization (optional):

Email: johne.garnett@gmail.com

Phone (optional):

My question or feedback most closely relates to the following topic (please choose one): Housing and Human Services

Comment, question or feedback: My comments are directed towards the Housing Advisory Board recommendations. I support those proposed changes but have the following comments.

My perspective is that of a home owner who wishes to build a detached ADU to allow our son's family to live near us while we age in place. Currently, our son and his partner commute into Boulder to work.

Comments:

1. The HAB recommends increasing the allowed size of detached ADU's. I agree and suggest that "there be a relationship between lot size and ADU, particularly for larger lots." A 1000 sq ft detached ADU on a 39,000 sq ft lot is very reasonable and can house a family.

- Based on FAR we could build a 10,000sq ft home on our nearly one acre lot
- It's common in other cities to allow larger ADU's on larger lots
- All sizes of ADU's are needed to house a diverse population

2. HAB recommends simplifying the measurement of allowed square footage. I agree, and want to point out that the current regulations result in a 7-9% reduction of the actual living space. Measuring from the outside walls and counting mechanical rooms as living space further reduce the allowable living space.

Item 4C - ADU Project Update and Discussion

3. Simplify the process for ADU approval it adds complexity to the already burdensome rules for building in Boulder. That results in additional cost and time to build. Currently, A nice, small ADU in Boulder would cost \$700 per sq/ft or more. That is prohibitive for many.

Bottom line, increase the size of allowed ADU's and simplify the process if you wish to expand the stock of this type of housing.

Thank you

John Garnett

[[FSF080521]] Submission ID is #: 1060645441

[Compose a Response to this Email](#)

Houde, Lisa

From: Ferro, Charles
Sent: Thursday, January 19, 2023 7:33 AM
To: Houde, Lisa
Subject: FW: a comment regarding proposed changes to ADU's

-----Original Message-----

From: Molly Greacen <mollygreacen@womanmedicine.com>
Sent: Wednesday, January 18, 2023 10:11 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: a comment regarding proposed changes to ADU's

External Sender

Hello friends on planning board,

Thank you for your service to our city.

I am writing to let you know that as a resident of Boulder for 45 years, I am strongly against city council's proposed changes and deregulation of ADU's. I have seen what it does in the Table Mesa neighborhood, a two story ADU looming over the backyard of my long time friends. For them, it is a disaster. The proposal would allow not just one, but two ADU's of 800 sq ft in single family low density zoned neighborhoods like mine in north Boulder. This type of increased density would make us more vulnerable to flooding and wildfires, not to mention destroying the peace and quiet of my neighborhood.

Please build multistory residential dwellings in the new East Boulder industrial area around 55th street. Leave the neighborhoods alone.

Thank you,

Molly Greacen

Conifer ct in north Boulder

Houde, Lisa

From: Ferro, Charles
Sent: Tuesday, January 17, 2023 1:48 PM
To: Houde, Lisa
Subject: FW: ADU's

-----Original Message-----

From: Kathleen Hancock <khancock@khancock.com>
Sent: Tuesday, January 17, 2023 1:14 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU's

External Sender

Dear Planning Board,

I am writing to encourage you to take a moderate approach to considering how to expand ADU development in Boulder. I am sympathetic to the goal of increasing affordable housing in Boulder. However, I also understand market rates are high in Boulder and that the best/only way to increase access to affordable housing is to require that that housing be reserved for those who meet affordable housing income requirements. Simply adding more housing, particularly in many of the highly desirable and thus expensive neighborhoods that have been zoned to be single family homes, will not bring down prices. It will increase density, create parking challenges, add traffic congestion and probably more accidents between cars and bikes, and otherwise change the neighborhoods in which people have invested hard earned income.

I note that the survey consisted entirely of (200) people who already have ADUs. While this is an important demographic to sample, it leaves out all the neighbors who might well have different opinions of how existing ADUs have worked and whether they really want to go from 20% saturation to no limit on saturation. The vote on Bedrooms are for People asked the entire city for their opinion; it was voted down. This must be taken seriously and not simply over-ridden because some elected officials had hoped for a different result.

Given the above, I would support Planning Board and then City Council approving a limited increase in ADUs - from 20 to 25% - keeping the current parking restrictions, and making some improvements to the process (such as extending the approval expiration period and removing the Unit A and Unit B addressing). I oppose the height increases; these have been a mainstay of Boulder and help keep Boulder the attractive city it is for so many. In addition, these new ADUs should be required to meet the affordable housing requirements; otherwise, you are just adding more expensive housing to Boulder.

Thank you for your consideration.

~ Kathleen Hancock

Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 7:20 PM
To: Houde, Lisa
Subject: FW: ADU Reform

From: Betsy <bjhandco@comcast.net>
Sent: Monday, January 16, 2023 10:06 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU Reform

External Sender

Dear Planning Board:

I strongly support reforming ADU regulations that make it easier for residents to create these apartments. We desperately need more housing in Boulder. We know that is true. Planning Board can help make it happen. These reforms will help (I eliminated the height variance recommendation because I'm afraid that might jeopardise the rest of the reforms):

1. Remove the saturation limit, so that ADUs are not limited to the first 20% of homeowners within a 300 foot radius.
2. Increase the permitted maximum size of ADUs, which for detached market rate units is now limited to 500 sq. ft.
3. Give owners more time than one year after a permit is issued to actually complete construction
- 4.
5. Simplify the code sections on ADUs to eliminate repetitive, wordy and confusing language.
6. Improve the process, getting rid of red tape. For example, permit a property owner to apply for an ADU permit AND a building permit at the same time

Betsy Hand

880 6th Street

Boulder

303 447-87073

Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 7:22 PM
To: Houde, Lisa
Subject: FW: ADU Reform

From: Nina Handler <ninaasnes@comcast.net>
Sent: Monday, January 16, 2023 11:16 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU Reform

External Sender

Dear Planning Board:

I hear that you are looking into ADU reforms. I live in North Boulder and would like to add my opinion.

Please remove the saturation limit. That seems unfair and also limits the amount of housing available.

Please increase the maximum square footage which is now limited to 500 square feet. I think 1200 would be a more reasonable number.

Please remove any laws that base the size of the ADU on the size of the main house. If this is true, it is totally inequitable. For example, my nextdoor neighbor has a 5000 square ft house and is allowed to build up to an additional 750 square foot detached garage with the same amount of land. My house is only 1790 square feet and I shouldn't be penalized for having a smaller house.

Thank you for your help in changing these outdated policies for our city.

Best regards,

Nina Handler Asnes
1734 Sumac Ave, Boulder, CO 80304
303-807-1963

Nina Handler
ninaasnes@comcast.net

Houde, Lisa

From: Mueller, Brad
Sent: Tuesday, January 17, 2023 8:28 PM
To: Houde, Lisa
Cc: Ferro, Charles
Subject: FW: Kimman Harmon :- Feedback on pending council action

Probably an ADU comment.

From: No Reply <noreply@bouldercolorado.gov>
Sent: Tuesday, January 17, 2023 8:15 PM
To: Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Meschuk, Chris <MeschukC@bouldercolorado.gov>; Davis, Pam <DavisP@bouldercolorado.gov>; Rivera-Vandermyde, Nuria <Rivera-VandermydeN@bouldercolorado.gov>; Huntley, Sarah <Huntleys@bouldercolorado.gov>
Subject: Kimman Harmon :- Feedback on pending council action

Preferred Form Language: English / Inglés

Name: Kimman Harmon

Organization (optional):

Email: kimman@kimmanharmon.com

Phone (optional):

My question or feedback most closely relates to the following topic (please choose one): Feedback on pending council action

Direct my submission to: Staff and Council

Comment, question or feedback: Under the category of anything that can be done can be over done; please consider what you are proposing.
Could you start a little lighter?
And be a little smarter?

You want to cover every square inch of a property with buildings? Where will the moisture go?

Let's be a lot smarter about all of this.

Slow down and think about who will truly benefit from all this....not the renter, that's for sure.

[[FSF080521]] Submission ID is #: 1058477348

[Compose a Response to this Email](#)

Houde, Lisa

From: Ferro, Charles
Sent: Wednesday, January 25, 2023 8:45 AM
To: Houde, Lisa
Subject: FW: ADU changes

From: rmheg@aol.com <rmheg@aol.com>
Sent: Tuesday, January 24, 2023 8:23 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU changes

External Sender

I am deeply concerned about the proposed changes to ADU's in city of Boulder. I am concerned with the huge size of ADU's and multiple ADU's being allowed on one property. Deeply concerned with the removal of current requirements for maintaining percentage of property not being developed vs buildings allowed. The current size of ADU's proposed are the size of my house!!! Not an ADU! My house!!! What is going to happen with flooding? wildfires ?? with these densely packed neighborhoods? Look at Louisville and Superior!! My neighborhood is already densely packed. It cant handle any more. It cant handle more cares, more noise, more pollution. Boulders solution to pack our neighborhoods while ignoring housing projects such as Millennium which would have been a great mixed housing for affordable/seniors etc but was sold and approved for CU high end non affordable housing is so disappointing. Boulder will only ruin itself if we keep packing people it, but have no cap on CU students- we build more housing and CU will keep filling it up... Why dont we have any talks about mass transit. We have missed so many opportunities - letting developers pay in lieu vs building affordable housing! These changes are just more pieces leading to destruction of any quality of living in Boulder.

Rosemary Hegarty PT, APT, CCRT
303-499-4602 office
rmheg@aol.com
www.rosemaryhegarty.com

1.16.2023

Dear Planning Board Members,

I am writing in support of changes to the current ADU policies. ADU provide an opportunity for more affordable housing and we need more housing opportunities in Boulder. I have lived and worked in Boulder for the last 53 years and have seen many changes. The one issue that continues to be a problem is affordable housing. I have many friends who have moved out of Boulder because they couldn't afford it. The majority of my friends who had to move are people of color, thus making Boulder an even "whiter" community. This makes me very sad. There are solutions to these problems.

I live in and own a duplex that is an older house. I would love to be able to apply for an ADU. It is my understanding under the current rules, I am not allowed to build an ADU. I have a sufficient size lot and should be able to build an ADU. I think we need to eliminate the saturation level for a neighborhood to have ADU's. I realize initially people were concerned about everyone wanting to add an ADU but that hasn't turned out to be the case.

It would be nice if the City of Boulder could eliminate some of the red tape in applying for an ADU. The code could eliminate repetitive wording, confusing language. I don't see any good reason why an applicant couldn't apply for an ADU and a building permit at the same time. It would make it so much simpler.

In addition, I think it would be good to be able to build more than 500 sq. ft. in an ADU. I would suggest up to 1000 sq. ft. per unit. If you wanted to differentiate between a market rate and a unit that is affordable, you could make the market rate one under 1000 sq. ft. I don't believe there needs to be a limit on the lot size to build an ADU.

These are simple changes to the current rules that would make it easier to build an ADU and help ensure more affordable housing. I appreciate your consideration of changing the rules to make more opportunities for affordable housing.

With appreciation,

Janet Heimer

2216 Bluff St.

Boulder, CO

Houde, Lisa

From: Mueller, Brad
Sent: Tuesday, January 17, 2023 7:24 AM
To: Houde, Lisa
Subject: FW: ADU Reform

From: JONATHAN HONDORF <jonathanhondorf@aol.com>
Sent: Tuesday, January 17, 2023 1:43 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: Fwd: ADU Reform

External Sender

Sent from my iPhone

Begin forwarded message:

From: JONATHAN HONDORF <jonathanhondorf@aol.com>
Date: January 16, 2023 at 10:50:48 AM MST
To: planningboard@bouldercolorado.gov
Subject: ADU Reform

Dear Planning Board:

Thank you for reviewing our draconian ADU code.
I have studied the ADU codes in LA and ours are
In need of a change.

I was the last to receive an ADU on my area and let me tell you this has not been an easy process.

People harass me because

1. They can't get one in
2. I rent to minorities
3. I'm elderly

There should be no restrictions on the amount in neighborhoods allowed.

1. So people don't get harassed
2. There's a housing crisis
3. It's more sanitary due to Covid to have separate kitchens baths and units.
4. Allow More than 3 unrelated to live together
 - A. Because since birth control big families dont

Live in our ridiculous fifties housing stock. While during the 50's most homes had 5-6 persons mine had 7. My neighbors had 9. Our infrastructure can handle this.

5. ADU's allow homes to be repurposed ,upgraded to the new Energy efficient IBC codes
6. Allow affordable rent units priority.
7. Promote minority rentals .

Item 4C - ADU Project Update and Discussion

8. Allow more than one year to build the ADU because it's a confusing expensive process and most contractors are very busy.

9. Combine the permitting with the ADU approval process and the rental licensing . I think this will help staff and the applicants.

I'm excited that you are reviewing this.

Finally use it or lose it! If the applicants hoard the ADUs and don't use them they forfeit the unit.

Because many are not even using the ADUs they are hoarding them to create value in their homes

Thank you

Elizabeth Hondorf

Former BOZA chair

Sent from my iPhone

Houde, Lisa

From: Elizabeth Kois <lizrobb@me.com>
Sent: Tuesday, January 17, 2023 9:34 AM
To: boulderplanningboard
Subject: ADU's

External Sender

I am writing this letter opposing the idea of Boulder allowing 3 ADU's per household lot. This is way too big an allowance and feels much like throwing gas on a fire. Allowing one ADU per owner is reasonable. However, not a cart blanc! Clear rules on setback specifications, height restrictions and architectural lighting and aesthetic considerations required.

Tripling the allowance would negatively impact Boulder in ways that the city nor county of boulder is prepared nor equipped to handle. We will trade out walkable, welcoming neighborhoods where natural landscapes and greenery meet the eye for a landscape of parked cars, built out spaces, clogged roads, noise and neighbor stress and conflict. The idea that this huge increase will help low income housing is unfounded. ADU's will not house low income families, nor any of the homeless addicts on the street. They will become an income boost for the property owners who will prefer to house new hires of high paying tech jobs and college students who's parents will pay ridiculously high rents. Remember the majority of these students won't be paying taxes nor voting for all of the trickle down issues and expenses generated by a surge of population.

Slow, controlled growth is the intelligent way to handle the housing issue. There is a reason this is a desirable place to live. I suggest that the entire board as well as the entirety of city council be required to read Paul Danish's proposals and plan. I am very thankful for the forward thinkers that saw what would be lost and never recovered if conservative parameters were not established. Your leadership must bear wisdom and grit and hold our ground so to not destroy all the reasons we all live here. I am not an elitist. I am for a Healthy community that blends all ages, incomes, professions, ethnicities and families. As I drive into Boulder via east Pearl, I feel angry by the ugly, cheap, un-welcoming hard scape that greets us now. My God, they blocked the flatirons view from Pearl Street?! This town has been hijacked by outside money and it's greed. How can any of those who were elected to be gaurdians for this paradise look in the mirror? I am heartbroken by the direction this council has moved. I hope and pray that you all will fight for ideas that help balance the population. And that you will keep your focus on being good stewards of this beautiful place. Encourage creativity in the process and fight the temptation to "take- the-money" way out.

Back to the main point of this letter, Let's all experience the implications of "just One" ADU. I know we will all be very glad we held the reins.

PS- let's clean up our town! More pressure on the state to provide a treatment/rehab center for addicts! You don't fix that problem, we won't need more housing.

Sincerely,
Liz Kois

Sent from my iPhone

Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 7:19 PM
To: Houde, Lisa
Subject: FW: ADU Reform

From: Bogdan Lita <optoengineer@gmail.com>
Sent: Monday, January 16, 2023 9:44 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU Reform

External Sender

Dear Planning Board:

I support increasing the density of allowed ADU for each neighbourhood, allowing the parking on the street and allowing mods to the building code to enable taller units.

I also think the city should partner with one of the prefab manufacturers so that owner cost will be decreased and the building permit is simplified. For example, Simple Homes or any others.

Regards,
Bogdan Lita
5477 Blackhawk Rd.
Boulder

Houde, Lisa

From: Ferro, Charles
Sent: Monday, January 23, 2023 1:11 PM
To: Houde, Lisa
Subject: FW: Andrew Lowell :- Planning and Development Services

From: No Reply <noreply@bouldercolorado.gov>
Sent: Monday, January 23, 2023 12:46 PM
To: Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Pannewig, Hella <Pannewigh@bouldercolorado.gov>; Ferro, Charles <FerroC@bouldercolorado.gov>; Stafford, Edward <StaffordE@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>
Subject: Andrew Lowell :- Planning and Development Services

Preferred Form Language: English / Inglés

Name: Andrew Lowell

Organization (optional):

Email: andrewclowell@gmail.com

Phone (optional):

My question or feedback most closely relates to the following topic (please choose one): Planning and Development Services

Comment, question or feedback: ADU Study Session

I see that the council will engage in a study session this week around decreasing ADU densities in neighborhoods as well as increasing size limits and occupancy of these ADUs.

I have been a resident of Martin Acres for 15 years now and I purchased my home because of the low density zoning in the neighborhood. I am protesting the idea of more density within our neighborhoods, they are not built for this. As city council, you are constantly forgetting about residents that have lived here for a long time and are only focusing on how you can jam more people into this town and drive all current residents out with increased taxes.

Again, I formally protest any changes to ADU laws and zoning changes within my neighborhood, Martin Acres. The people spoke with voting down "Bedrooms for people" and you seem to have not listened to them and are just looking at other back door methods to get the same thing. Stop. You are only inviting more crime, higher taxes, and decreases in quality of life for all residents.

[[FSF080521]] Submission ID is #: 1060542351

[Compose a Response to this Email](#)

Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 9:24 PM
To: Houde, Lisa
Subject: FW: Concerns about eliminating ADU regulations

From: MANA Steering Committee <manasteeringcommittee@gmail.com>
Sent: Monday, January 16, 2023 7:19 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Cc: Jan <janalan80305@gmail.com>; porath005@earthlink.net; Bennett Scharf <bjscharf@centurylink.net>; Dorothy Cohen <dorothy_cohen@q.com>; Mike Marsh <mgmarsh1@juno.com>; ronma <ronma@rockymountainmoggers.com>; LisaMarie Harris <lisamarieharris@hotmail.com>
Subject: Fwd: Concerns about eliminating ADU regulations

External Sender

Dear Boulder Planning Board:

In advance of your Jan. 17 meeting, we're sharing the concerns we've heard from our neighborhood residents about the proposed de-regulation of ADUs. Allowing density to increase from one to three (or even two) dwelling units per lot will have very negative consequences in the four CU-adjacent neighborhoods of Martin Acres, Uni Hill, Goss Grove, and East Aurora. Ditto for eliminating the off-street parking requirements. That's because our four neighborhoods are already under much greater strain than many parts of the city, due to our very high percentage of student rental houses.

Our comments can be summarized under five major headings:

1. Boulder's four CU-adjacent neighborhoods are already under much more impact than most of Boulder, due to our very high percentage of student rental houses. We are close to the tipping point of livability, as is. This ADU proposal may well push us past the tipping point. As such, we request specific carve outs for the four CU-adjacent neighborhoods. Specifically, that current ADU saturation limits are maintained for our four neighborhoods. If City leaders don't understand why we're asking this, they might consider trying to live in one of our neighborhoods for a month, preferably at beginning of a semester, when nightly student parties are at a maximum. One will understand then. In addition, 800 to 900 sq ft ADUs are larger than many of the original houses in our neighborhoods. (It's not an accessory unit, when it's larger than the principal unit.)
2. Boulder already has much better ways of creating affordable housing. Increase those. \$1650/month for an "affordable" ADU is a falsehood, when the average going monthly rent per bedroom is \$1,000/month for shared rental houses...which is, by far, the normative case for Boulder renters. Nearly every renter we know, including ourselves earlier in life, lived in shared rental houses in Boulder. We know of no one who could afford the privilege of a private apartment with a private kitchen and private bathroom. So we ask: Why is \$1650/month considered affordable, when the actual experience for 98% of Boulder's renters is shared rental houses or apartments, at \$1,000 per bedroom?
3. Increased risk of flooding: Three, or even two, ADUs per lot will greatly exceed Boulder's current "maximum surface coverage" law that dictates that roughly 75% of a residential lot cannot be built on, but instead must be maintained as "permeable surface" to absorb extreme rainfall and flood risk events. We are very surprised the City would be seriously considering increasing flood risk by decreasing our permeable surfaces. Houston, TX flooded so badly because, in the

face of little to no building regulations...practically every surface was built on, with virtually no remaining permeable surfaces. Why would Boulder go down that same road?

4. Increased risk of urban wildfires: Housing density was cited as a main reason for the severity of the Marshall fire, both in terms of how quickly it spread, and the damage to property and life. Again, we are very surprised that the City of Boulder would be considering a change that could potentially triple or double Boulder's residential density. We are even more vulnerable than Superior and Louisville, because unlike those cities, our residential areas directly abut the foothills forests. Why would Boulder increase its risk of urban wildfires?

5. Consider that Austin, TX, passed a high occupancy unit (HOU) law that greatly increased neighborhood density. It pushed neighborhoods, particularly those near the University of Texas "past the tipping point" (quoting from Austin's report, to which we give you a link, below). Austin saw a mass exodus of families from neighborhoods, something that in Boulder will further erode our already diminishing public schools. Families with children don't want strangers living in their backyard. If you want to preserve public school enrollment and keep Boulder's families, you need to make neighborhoods more family-friendly. This ADU law is the opposite of family friendly. It's landlord and developer-friendly...not so much for families which typically want privacy in their living arrangements. Note that **Austin quickly repealed its HOU law**, because of all the unforeseen problems and unintended consequences it created. Can Boulder learn from the failed experiments of other cities, or will it repeat them?

Please see below, for elaborations on these points.

1. Boulder's four CU-adjacent neighborhoods:

We're not sure if the City fully appreciates how much more challenging day-to-day life already is, in our four neighborhoods (Martin Acres, Uni Hill, Goss Grove, East Aurora). Due to our proximity to CU, our neighborhoods have very high percentages of rentals, particularly student rentals.

Even without this proposed ADU density increase, we already struggle with exponentially more daily quality of life issues: noise, congestion, much greater daily churn (loud comings and goings at all hours of the day and night), trash, and parking issues. Until you have lived in a predominately student-rental neighborhood, you likely under-appreciate how many more issues we struggle with, daily.

We're familiar with many quiet, stable Boulder neighborhoods in which perhaps only 5% to 10% of the homes are rentals, and those rentals tend to be families and professionals rather than students. Such Boulder neighborhoods might be able to withstand more infill and density-related stress, without being pushed past a tipping point. That's not the case for us.

Our neighborhoods are widely known as "targets of opportunity." So investors know they'll have high demand for whatever they develop here, due to our proximity to CU, and they'll reap large profits as a result. So we're always first in line, and we're often (almost exclusively) the deployment ground for the City's densification plans like ADUs, co-ops, etc.

Our request: Maintain ADU limits in the four CU-adjacent neighborhoods:

We request in the strongest possible terms a regulatory carve-out for our four neighborhoods, in which a saturation limit of one (not two) ADU projects every 200 feet be maintained. That's conceding some density. We also request that the off-street parking requirement be maintained because of parking problems many parts of our neighborhoods already experience.

Additionally, we respectfully request that the City not suggest that if we have issues with noise, trash and parking, that we "just call Code Enforcement." For those of you who aren't cast into the unfortunate position of having to regularly utilize enforcement, we assure you that is not at all a successful or satisfactory option. That is a myth. Contacting Code Enforcement is almost totally ineffective. Boulder's deeply flawed "complaint-based system" forces the burden of proof

onto the victims. We are told that we must document, photograph, find the source of noise ourselves, create logs of incidents, etc. None of us wish to spend our lives that way. We are not (nor do we wish to become) investigators, detectives or prosecutors, such as Boulder's current complaint based code enforcement requires.

Instead, a far better strategy would be to maintain guardrails to prevent problems from developing in the first place, rather than trying in vain to fix them on the back end. Please recognize that if you don't take steps to prevent it, the ADU ordinance, like others before it, will take the form of additional "piling on" to the neighborhoods least able to handle more impacts.

2. There are better ways of creating affordable housing; please utilize them instead.

We feel that ADUs do not represent a significant increase for affordable housing, at \$1,650/month when 98% of Boulder renters are paying \$1,000/month per bedroom in shared rental houses or apartments. We strongly feel that the City should instead **increase the required percentages of inclusionary housing in new residential developments, and increase linkage fees for new commercial developments**. Both policies directly and irrefutably create true affordable housing, while ADUs don't. We don't understand why the City would ignore these indisputably successful, surgical tools, but instead be so eager to further compromise neighborhoods that are already near the tipping point.

\$1650/month rent for an "affordable ADU" is not at all affordable, compared to the \$1,000 per bedroom average going monthly rent in shared rental houses. A quick craigslist search reveals many 3 bedroom rental houses in Boulder renting for around \$3,000/month, or \$1,000 per person. We, and everyone we know in Boulder, lived in shared rental houses earlier in our lives. We don't know anyone who had the money to enjoy the privilege of private kitchens and bathrooms, such as a private ADUs and private apartments provide. So we don't understand why \$1650/month is considered affordable, and the City is prepared to grant concession after concession for them, when the normative renter experience in Boulder (by far) is \$1000 per bedroom.

3. Conflict with Boulder's "maximum surface coverage" law:

Boulder currently has a very worthy, intelligent requirement that only approximately 25% of the surface area of a residential lot can be built upon. This is so that 75% of the yard is maintained as "permeable surface" that can absorb water from severe rainstorms and potential flood events. Already, a 1,000 sq ft house + a driveway + a backyard shed or two + a backyard patio = about 25% of the lot. How will 3 houses on a lot not vastly exceed Boulder's current maximum surface coverage law?

4. Increased risk of urban wildfires:

Recall that the Superior Fire Marshall attributed "housing density" as one of the leading causes for the Marshall "urban wildfire" - both its severity, and how quickly it spread. As such, it seems foolish to allow, as this ADU proposal would, a tripling of density in all neighborhoods in Boulder - a town with much more of an urban/forest foothills interface, compared to Superior and Louisville.

In closing: A sobering, cautionary tale from the City of Austin, TX:

Around the year 2010, Austin, TX passed a "city-wide" law known as the High Occupancy Unit (HOU) ordinance. As the following summary shows, actual HOU deployment wasn't anything approaching city-wide. HOU's coagulated and concentrated in the already-beleaguered neighborhoods closest to the University of Texas. The effects on those neighborhoods were devastating, leading Austin to repeal its HOU ordinance just a few years later. Can Boulder learn from history, and other cities' mistakes, or are we condemned to repeat those mistakes?

In particular, Austin's experience regarding loss of families (which we're also seeing in Martin Acres, as quality of life deteriorates each year) speaks directly to Councilman Benjamin's publicly-stated concern over decreasing BVSD enrollment in South Boulder. To quote the Austin report:

(Austin report): “...**today, our community is losing a most important component of that diversity: its families.** This loss is already complete in areas zoned and thought protected for single-family use. It may be irreversible, and many areas have reached the tipping point. **The trend began near the campus...**”

“Single family uses in the 78751 zip code, most particularly the Northfield Neighborhood, **have been devastated. HOU’s have placed many of their blocks beyond the tipping point of recovery.** Northfield has experienced the brunt of conversions of buildings to High-Occupancy Units (HOU), and **the disappearance of families, long term renters, and the historically contributing structures** they once lived in.”

“Based on rents published in listings, **HOU’s have not created household affordability for the people who rent them,** nor as a class, have they delivered meaningful supply to the market to reduce rents elsewhere. Conversely, HOU’s have increased the prevailing rents on a per-person basis, compared to rents in denser multi-family uses and less restrictive zoning districts.”

“When HOU structures reach a tipping point in an area, family flight accelerates. These areas become a street with **yards that are not maintained, parking that is inadequate, and a monoculture that lacks social cohesion and continuity.**”

Link to the full Austin report is here:

https://centralaustincdc.org/fair_affordable_housing/Family_Displacement_in_Central_Austin.pdf

Thank you for considering our earnest requests and deep concerns regarding ADU de-regulation.

The Martin Acres Neighborhood Association steering committee

Jan Trussell
Bob Porath
Dorothy Cohen
Bennett Scharf
Mike Marsh
Ron DePugh
Lisa Harris

Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 7:22 PM
To: Houde, Lisa
Subject: FW: ADU update

From: Kurt Nordback <knordback@yahoo.com>
Sent: Monday, January 16, 2023 10:55 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU update

External Sender

Dear Planning Board,

I'm writing in regards to your discussion tomorrow night of proposed changes to the city's ADU regulations. As you see in your memo, at a series of meetings HAB has discussed extensively how to encourage more ADUs. HAB's proposal is a well-thought-out suite of reforms that would make it easier and cheaper for Boulderites to create ADUs, which would increase our supply of moderate-price housing at zero cost to the city and simultaneously make it easier for homeowners to afford rising taxes and insurance.

On Staff's recommendation, City Council elected not to include HAB's full set of proposals in this phase of the project. I want to encourage you to recommend that all of the HAB proposals be incorporated into these reforms. The proposed code changes (eliminating the parking requirement, eliminating the lot-size minimum, and modestly increasing allowable ADU sizes) are straightforward and don't require any additional study. Creating pre-approved plans obviously would take some time, but we should start on it now.

There's no good reason to delay. Please urge Council to incorporate all of HAB's -- really very modest -- suggestions into this project.

Thank you.

Kurt Nordback

Houde, Lisa

From: Emily Reynolds <emily2reynolds@gmail.com>
Sent: Tuesday, January 17, 2023 9:39 AM
To: boulderplanningboard
Subject: ADUs NO!
Attachments: IMG_0512.JPG; IMG_0933.jpeg

External Sender

Hello Planning Board,

Presto change-o! Cha ching! Your view and mine can be taken over this same way. No view of the weather coming in, no mountain views, no afternoon sunshine in one of Boulder's earliest solar homes.

A worker on the monstrosity to the west asked if he could work from my side of the fence during construction because he **couldn't open his ladder** in the 3-foot space left. Of course the owner (from Pennsylvania) installed a toilet before that was legal. Of course he pretended it was an office when that was the only allowed use. Of course he lied to neighbors saying he was building a 10 x 12 shed. Of course he doesn't live on the property. And of course he has made radical changes to the appearance of the historic home on the lot altho that too is illegal.

Please check the attached pix to get an idea of the wanton destruction caused by people like your own ml robes, who clearly represents a **conflict of interest**.

Can you guess which attached picture was before and which one was after?

Before ADU:

After ADU:

So sad what Boulder has become! How sad that Planning Board won't protect Boulderites from out-of-state, out-of-mind developers!

Sincerely, Emily

Houde, Lisa

From: Mueller, Brad
Sent: Tuesday, January 17, 2023 9:34 AM
To: Houde, Lisa
Subject: FW: Destruction of Neighborhoods via ADUs

From: Emily Reynolds <emily2reynolds@gmail.com>
Sent: Tuesday, January 17, 2023 8:21 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: Destruction of Neighborhoods via ADUs

External Sender

Dear Planning Board,

I am writing today about the destructive move to densify every neighborhood in Boulder with more and more and more ADUs. I am adamantly opposed to this move. You got all that nasty stuff at 30th & Google and countless massive new developments all around town. Now you need to further degrade our established neighborhoods in search of more money for developers and greedy landlords, along with higher housing prices? Let's not pretend this will help chip away at Colorado's housing shortage. In case you missed it, this would be the third and most ghastly relaxing of regs for ADUs within a few years. Please do not allow this!

Also, it is critical to note that Board member ml robes has a clear and obvious CONFLICT OF INTEREST being a developer of ADUs and should NOT be allowed to vote on an issue that clearly benefits them personally. Please do not allow this travesty!

Please do the right thing instead of mindlessly approving yet more development. You're destroying what used to make Boulder special.

Thank you, Emily
Emily Reynolds
2030 Mesa Drive, Boulder, CO 80304

Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 7:21 PM
To: Houde, Lisa
Subject: FW: ADU Reform

From: Paul Anthony Saporito <saporitoarchitects@gmail.com>
Sent: Monday, January 16, 2023 10:20 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU Reform

External Sender

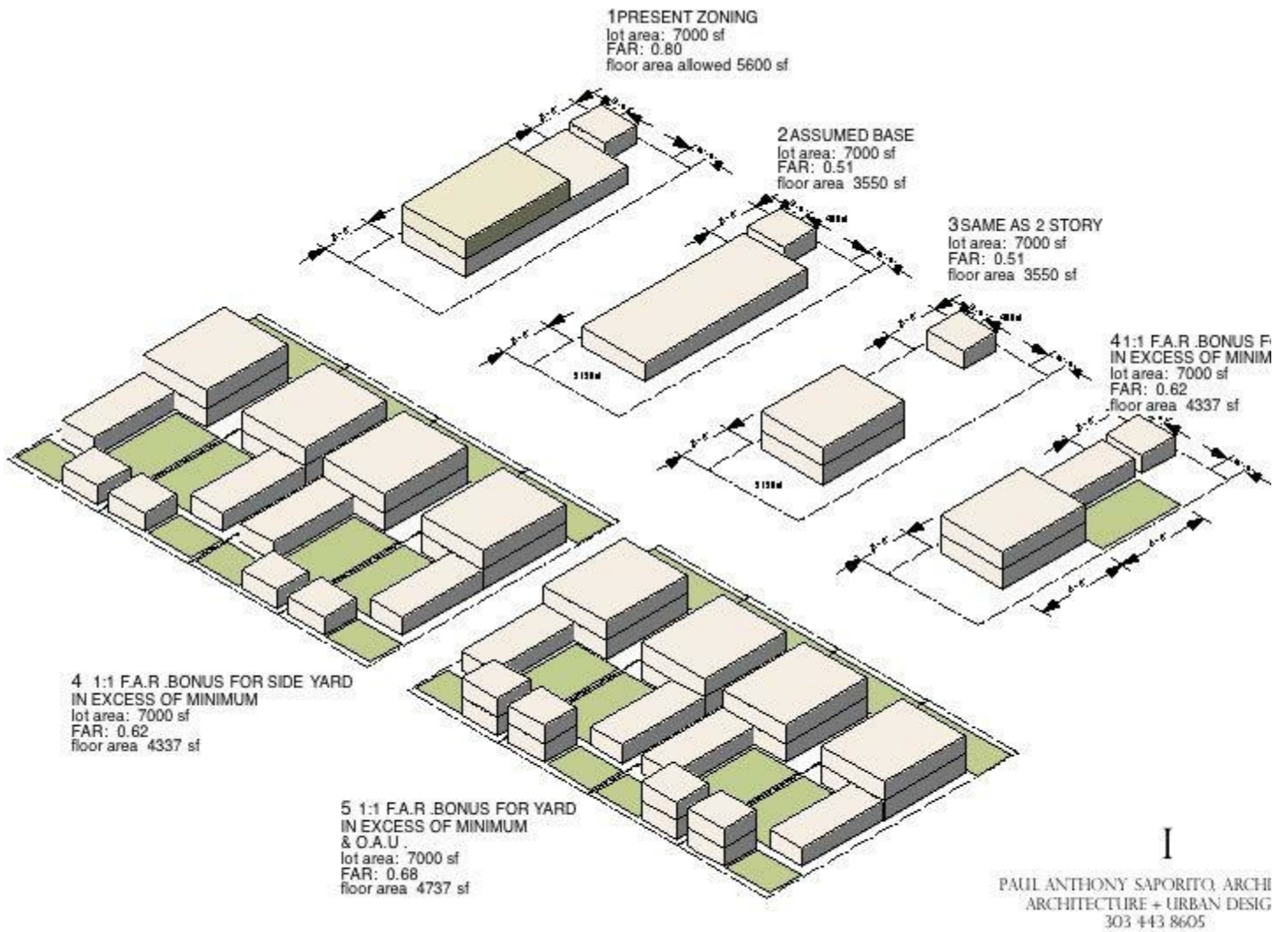
Dear Planning Board:

I write in support of proposed modifications to the current ADU regulations. These reforms will address the inequities and challenges facing the supply of available housing within the city, and create alternatives to continued suburban sprawl.

To those concerned about the negative perception of greater densities, please consider linking additional units with meaningful urban spaces, the courts and semi private yards at the interior of blocks. As shown in the attached image, 2,3 or even 4 units on a lot can contain such spaces. You might also refer to the book "Courtyard Housing in Los Angeles " by Tice, Sherwood, and Polyzoides.

Thanks for your consideration,
Paul Saporito

Item 4C - ADU Project Update and Discussion



Sent from my iPhone

Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 7:20 PM
To: Houde, Lisa
Subject: FW: 8 Benfits of updating ALL staff recommended ADU changes

From: Jerry Shapins <jshapins1@gmail.com>
Sent: Monday, January 16, 2023 10:04 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: 8 Benfits of updating ALL staff recommended ADU changes

External Sender

Dear Planning Board:

Of coarse you should approve ALL of the recommended changes to the ADU regs. Why?

1. To strengthen and deepen the demographic , neighborhood and housing complexity and supply throughout the city.
2. To provide and encourage more affordable, smaller and more sustainable housing choices.
3. To reduce wasted urban land.
4. To provide citizen a means to additional personal income.
5. To encourage more rapid implementation of increased housing supply.
6. To offer a way for seniors to age in place by allowing a place to build a ground level bedroom, a caregivers bedroom, or a temp home for relatives.
7. To reduce the frustration and costs of using the existing regs.
8. To encourage creative and surgical land development.
9. To make the ADU regs proactive!

Thank you so much for considering these ideas!

With Appreciation,

Jerry Shapins

--

Jerry Shapins, ASLA Emeritus 644 Dewey Avenue Boulder, Colorado 80304 Tel 7208396280
www.jerryshapins.tumblr.com Art /Design /Advocacy

Houde, Lisa

From: Ferro, Charles
Sent: Wednesday, January 18, 2023 4:17 PM
To: Houde, Lisa
Subject: FW: ADU Reform

-----Original Message-----

From: Ellen Stark <starkellen@gmail.com>
Sent: Wednesday, January 18, 2023 3:44 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU Reform

External Sender

Dear Planning Board: i support A.D.U's. First because it can provide affordable housing for people within established neighborhoods. Secondly, because it enables people whose children have moved out to be able to remain in their homes. It has been wonderful for me and there has been no complaints from neighbors and the young couple living in the ADU are very happy.

Yes to ADU's.

Thank you,
Ellen Stark

Sent from my iPad

Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 7:20 PM
To: Houde, Lisa
Subject: FW: ADU Reform

-----Original Message-----

From: Isaac Stokes <isaacstokes@gmail.com>
Sent: Monday, January 16, 2023 10:00 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU Reform

External Sender

Dear Planning Board:

Please adopt all 6 of the potential measures to loosen and encourage more ADUs.
Meet need more housing. Period.

Thank you,
Isaac Stokes
457 Pearl St

Sent from my iPhone

Houde, Lisa

From: Mueller, Brad
Sent: Monday, January 16, 2023 7:20 PM
To: Houde, Lisa
Subject: FW: ADU Reform - Support the quickest, most comprehensive changes possible

From: Vida Verbena <islandlark@gmail.com>
Sent: Monday, January 16, 2023 10:17 AM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: ADU Reform - Support the quickest, most comprehensive changes possible

External Sender

Dear Planning Board,

Greetings and thank you for your service! I wanted you to hear from someone who is:

- from Boulder (born and raised)
- rented over 20 houses and apartments here (including ADUs) between 1980-2009
- owned a mobile home/rented land here 2009-2015
- now owns a single family home (without an ADU) in East Aurora, one of the few neighborhoods with a healthy mix of family, student rental, and elderly homeowners in Boulder.
- is supporting aging parents in Boulder, who would benefit from being able to move into an ADU (ours or another)
- would love to have an ADU that we could earn rent from to supplement the insane costs of homeownership

We would heartily support our neighbors or us — every house on the block, even! — to be able to build ADUs of any size that fits on their lot (not limited to 500 sq ft).

Please do:

1. Remove the saturation limit, so that ADUs are not limited to the first 20% of homeowners within a 300 foot radius.
2. Increase the permitted maximum size of ADUs, which for detached market rate units is now limited to 500 sq. ft.
3. Give owners more time than one year after a permit is issued to actually complete construction
4. Provide a route by which a property owner can get a height variance on an ADU if there is a difficult condition or lot.
5. Simplify the code sections on ADUs to eliminate repetitive, wordy and confusing language.
6. Improve the process, getting rid of red tape. For example, permit a property owner to apply for an ADU permit AND a building permit at the same time

Thank you!

E & B

Houde, Lisa

From: Mike Marsh <mgmarsh1@juno.com>
Sent: Thursday, January 19, 2023 12:04 PM
To: Houde, Lisa
Subject: ADUs

External Sender

Hi Lisa,

Thanks for your note. First, I should clarify: My predominate interest is simply having a good, accurate, non-biased 360 degree perspective on the ADU question, before the community dives into it. I always believe in this, whether I am for or against something. I am not so much taking a position about ADU saturation limits (I'm still evolving thoughts about it), as much as I'm just wanting us to start from an accurate, unbiased reference point.

I remain curious why you don't mention all the U.S. local jurisdictions that don't allow any ADUs at all. There are literally hundreds of towns across broad stretches of the U.S. that take single family zoning very seriously, and its definition of one dwelling unit per lot. Your email below asks about cities that have limitations on ADUs. My answer is that there are hundreds of such communities that have a 100% limitation on ADUs...that is, they allow none. That is a very strict limitation on ADUs. I don't advocate, or agree with, totally banning ADUs, but it's factual to say that such a limitation exists in many US communities. Why you totally omit this fact, has become a curiosity to many. It doesn't feel like good science to selectively omit relevant facts.

I, and many others I've spoken with, feel that your introductory slide, whether consciously or not, produced a "sensationalist, screaming headline" via the opening bullet point that no other community has ADU saturation limits. The truth is, most of the lay public doesn't track this stuff closely. So your opening slide very likely produced a false perception that Boulder is some type of extreme outlier...perhaps that no other community in the U.S. limits ADUs, or has such a discriminatory policy against ADUs.

And that's far from the truth. Many other communities have other ways of limiting ADUs. And hundreds don't allow them at all. So the truth is, Boulder is somewhere in the middle to progressive end of the ADU spectrum, because we do allow them. But the lay public would never know that, from your opening slide. That's why people are concerned about it.

You can see the fallacy of the way the search has worked so far: When you google "ADU saturation limits," your search by definition only includes cities that allow ADUs, but restrict them in some way. However, that's not what you write below. You ask us to find cities that have limitations on ADUs...and the answer is there are literally hundreds of communities which limit ADUs so severely that none are allowed at all. That still comports with the definition you have stated - a limitation on ADUs. Other have annualized saturation limits. Being transparent to the public about these points would get our city out of this counterproductive hair splitting, in which many residents are unfortunately being led to believe that no other cities limit ADUs.

For example, I think it would serve the community much better, and it would be far more accurate, for the opening slide to say something like this:

- Some cities limit ADUs in various ways. We'll explore some of those.
- Some cities and towns don't allow any ADUs at all.
- While we couldn't find an exact replica of Boulder's ADU saturation limit, we found several examples of annualized saturation limits.

The above would produce the following benefits: 1) It's accurate and provides a more 360 degree perspective on the question. 2) It doesn't put a "spin" on the ADU question...a conscious or unconscious effort to "set up" the community to be "outraged:" about Boulder's "outrageous and unparalleled" anti-ADU policies, and 3) It would inform the public that there's a spectrum on how communities treat ADUs, we're somewhere in the middle, given that many communities don't allow any ADUs.

I believe that we are getting hung up on semantics, and staff are unnecessarily splitting hairs by restricting analogies to the the strictest definition possible. For example, your team seems to feel there's an incredibly significant difference between "annualized" saturation limits (# per year) and an "absolute, gross total #) saturation limit. But I don't think the community sees a huge difference. The people I've spoken with look at a city with an "annual" saturation limit and say, yes, that's a saturation limit, and we'd be interested in it. Psychologists say that one of humans' problems with change is not just the size, scale and appearance of change...but also the pace of change, i.e., how quickly it's happening. An annualized saturation limit allows ADUs, it simply manages the pace at which they're built. Which in turn doesn't overwhelm people with the rate or pace of change.

I and many others feel it's really splitting hairs, and rather opportunistic or even deceiving, to say there are no comparable examples, simply because they don't precisely match Boulder's. That's not the interest of most people. Most (understandably) simply seek something to manage the pace of change so that it's not too much, too soon. When we see an annual saturation limit, we still consider that a saturation limit.

By the way, the "Carr Amendment" that previous Boulder City Attorney Tom Carr proposed for the 2015 or 2016 co-op ordinance would have limited the number of new co-ops per year, in the four CU-adjacent neighborhoods. We were supportive of that annualized saturation limit. I don't know anyone who split hairs and complained that it was an annualized saturation limit rather than a gross total saturation limit. So we don't understand why City staff now refuse to consider an annualized saturation limit to be a saturation limit. It absolutely is...just on an annualized basis.

Thanks,
Mike

On Jan 18, 2023, at 12:03 PM, Houde, Lisa <HoudeL@bouldercolorado.gov> wrote:

Mike,

Thank you for reaching out with these concerns. While certainly there are many ways that cities choose to regulate ADUs, we have been unable to find any other city that uses a saturation limit for ADUs in the same way that Boulder does. We very much appreciate the work that yourself and others have done to find other cities with the same type of limit, but the examples provided differ in important ways as outlined below. If you discover other cities that have limitations on ADUs, either similar or dissimilar to Boulder's saturation, please let us know. We will also continue our research as well.

Boulder's saturation limit sets a radius of 300 feet from the subject parcel in the RL-1 and RL-2 districts, within which only 20% of properties may have an ADU, coop, or nonconforming multi-unit property. This saturation limit exists in perpetuity unless a neighbor officially removes their ADU and thus the saturation of the neighborhood is reduced. If an area exceeds the saturation limit, an owner may choose to be placed on a waiting list in case a neighbor ever removes their ADU, coop, or nonconforming multi-unit property. Below are the other examples we've investigated that have been cited by community members:

Item 4C - ADU Project Update and Discussion

1. **Chicago** - Chicago only recently adopted ADU regulations and is currently in a pilot program that began in 2021. For this pilot program, they've identified 5 different areas of the city that they are initially allowing ADUs within. In three of those zones, they are indeed allowing 2 ADU permits per block, per year. The important difference here is that the limit is reset every year, so it is not a saturation limit like Boulder's but rather a limit of the number of permits that can be issued per year. Owners would need to only wait until the next year to apply for an ADU; they would not be precluded in perpetuity from pursuing an ADU based on their neighbors' status. Additionally, this is a temporary pilot program as this is Chicago's first attempt at allowing ADUs, while Boulder has allowed ADUs since 1983. A few other notes about Chicago's ADU ordinance: Chicago actually allows more than one ADU per lot (while Boulder limits to only 1/lot), and allows ADUs to be established on lots with more than one parcel (where in Boulder an ADU may only be placed on a lot with a single-family home). Chicago does not require any additional parking for new ADUs, where Boulder requires 1 space for the ADU plus the requirement for the principal home.
2. **Provo, Utah** – This is quite different as it is a district-level exemption in response to state-mandated requirements to allow ADUs. While the state mandates that all Utah cities must allow ADUs, in college towns with large student populations, cities may prohibit ADUs in up to 67% of the land area zoned for residential use. While this is a restriction on where ADUs may be located, it is not a saturation limit. There is no maximum number of ADUs within a specific radius – in the 33% of land zoned to allow ADUs, there is not a set limit on the number of ADUs that may be established within a specific area. In that way, it is quite different from Boulder's saturation limit.

Thanks again for the input and please let us know if you find other examples. City Council has directed our department to make changes to the ADU regulations to encourage more housing options and solicit feedback on the ideas to change the code. We understand that some residents are opposed to additional ADUs or oppose the removal of the saturation limit, so we will convey that feedback to City Council at our study session next week and throughout the duration of the project.

Lisa Houde, AICP
Senior City Planner

<image001.png>

O: 303-441-4234

houdel@bouldercolorado.gov

Planning & Development Services Department
1739 Broadway, 3rd Floor, Boulder CO 80306
bouldercolorado.gov

Houde, Lisa

From: Mike Marsh <mgmarsh1@juno.com>
Sent: Thursday, January 19, 2023 4:56 PM
To: Houde, Lisa
Subject: Other cities' examples of ADU policy

External Sender

Hi Lisa,

To answer your question, below are some examples that people I've worked with have found. Understand...this is not our profession. We have professional responsibilities totally unrelated to these things. But when many of us first heard you make the sweeping statement that saturation limits don't exist anywhere else in the U.S., there was the instant realization that sweeping statements such as that generally aren't accurate. And sure enough, further research confirmed it. Annualized saturation limits are saturation limits in most people's minds. We also feel that, given enough time and resources, we could find more examples of saturation limits, annual saturation limits, or other limits. But there's only so much time we can throw at this.

Here are just a few examples that popped up in fairly quick searches:

Chicago limits the number of ADUs on an annualized basis. I think many Boulder residents might be interested in this method, too, so it absolutely should be included as an example of what other cities are doing. Especially if, as I recommend, you broadened your narrow definition to instead use the more on-point phrase "ADU limitations." The fact that Chicago's is a pilot program is irrelevant. You didn't handicap or qualify your statement as such. Your bullet point wasn't "Boulder is the only example of non-pilot program ADU saturation limits." Nor did it say, "Boulder is the only example of gross total ADU saturation limits vs. annualized saturation limits." Since your bullet point was broad and sweeping in its statement, Chicago should be included, as should other cities that have annualized saturation limits.

Traverse City, MI, has saturation limits on at least an annual basis. That is a type of saturation limit.

Dallas, TX policy says ADUs can't be used for rentals. That supports the "family and relatives" use for ADUs. But the proponent still has the burden of proof to show it won't negatively impact the neighborhood. I think many in Boulder would be interested in this, so it should be included.

Fairfax, VA says either the ADU occupant or owner has to be at least 55 years old. That's something that I believe would be of interest because it addresses at least two oft-stated concerns: people being able to age in place, and concerns about ADUs adding to overall noise and general craziness in neighborhoods. Older adults are often more respectful and quiet.

Newcastle County, Delaware issues building permits for ADUs up to 0.4% of the number of single family detached homes in the county, annually.

Provo, Utah has exclusion zones. While not a saturation limit per se, I think it might still be of great interest to residents in Boulder's four CU-adjacent neighborhoods, which are already under much greater stress and impacts than other neighborhoods. I've heard many of my neighbors, Uni Hill, and Goss Grove neighbors say they think our four neighborhoods should be an exclusion zone in which

Houde, Lisa

From: Mike Marsh <mgmarsh1@juno.com>
Sent: Tuesday, January 17, 2023 7:32 PM
To: Houde, Lisa
Subject: Why are you saying no other cities have ADU saturation limits?

External Sender

Hi Lisa,

Numerous residents have delivered to the City multiple examples of U.S. cities that have ADU saturation limits.

Why are you continuing to promulgate the mis-truth that “no other U.S. cities have ADU saturation limits?”

That’s a demonstrably false statement.

In addition, keep in mind that hundreds of cities across the U.S. allow no ADU’s. That’s an ADU saturation limit that allows none. But it’s the most extreme example of a saturation limit, nevertheless. Any honest count of saturation limits must surely include the hundreds of communities that allow none.

I’m very concerned that you’re ignoring the lists of U.S. cities that have ADU saturation limits, that our MANA board, and the UHNA board, have sent to the City.

We can all have discussions about ADUs, but to start the discussion off with falsehoods such as you’re promulgating, is not helpful at all.

We can, and will, publish our findings of several U.S. communities with saturation limits. That will simply expose staff’s falsehoods. It’s unfortunate that staff couldn’t have simply included the examples of ADU saturation limits that we sent.

In disappointment,

Mike Marsh
Martin Acres Neighborhood Association (MANA) steering committee member

Item 4C - ADU Project Update and Discussion

current ADU saturation limits are maintained, because they feel like they're literally at the tipping point, as is. Some neighborhoods are literally teetering on the brink and don't have the resiliency to absorb any more impacts.

Our neighborhood, for example, is roughly 50% rentals, many are student rentals. Long-term residents have steadily sought to increase the percentage of owner-occupied dwelling units, simply because every neighborhood needs enough long term residents to work for long term neighborhood improvements. When most of a neighborhood is short term residents who rent for a year or two, and move on, they (understandably) don't have much interest in long-term neighborhood improvements. Adding more ADUs is adding more short term residents. Balance in all things...and some neighborhoods are significantly out of balance with regard to the number of short-term vs. long-term residents, and this imbalance manifests in obvious ways, including lack of care and concern which presents significant challenges. In contrast, many other Boulder neighborhoods are 95% owner-occupied. Adding ADU rentals there would help them create more balance. I don't believe in neighborhoods being all, or nearly all, owner-occupied, either. Balance is the key, and having carve-outs for the four CU-adjacent neighborhoods would provide it.

Thanks
Mike

Houde, Lisa

From: Sonnet Grant <sonnetcg@gmail.com>
Sent: Tuesday, January 24, 2023 11:02 AM
To: Housing Advisory Board Group; Houde, Lisa
Subject: ADU regulations - please consider

External Sender

Hi,

Thank you for revisiting the ADU rules in your upcoming meetings. Clearly the most recent changes helped increase in the number of ADU's being built in Boulder which is a much needed housing source!

Please consider supporting the following changes to help accommodate more diverse living situations and provide additional housing options in Boulder. Not only to students and young people just getting into a rental but to middle class mature adults that are looking for long term alternative ways to live and thrive in Boulder.

1. Increase allowed square footage so that people can actually build livable homes that can accommodate many types of families and also support those wishing to age in place. With care homes closing and the elderly being unhoused ADU's with decent sized living spaces could take up some of the slack. Maximum ADU size should have a relationship to lot size as is allowed in Denver and other cities. Please consider guidelines that don't unfairly disadvantage those with small or large lots.
2. Change how ADU square footage is calculated and what's included in that calculation. The current rules are confusing and make no logical sense. Outdoor space, entryways, walls and stairways are not living space. These rules make already tiny homes even smaller and the building process unnecessarily complicated.
3. Get rid of the size difference for attached/detached - this rule only confuses things further. Someone should be allowed to build the same size ADU regardless of it being attached or detached. Allowable building size should be proportional to lot size instead.
4. Follow recommendations to eliminate saturation limits and parking requirements. This will help remove additional barriers to ADU building.

Thank you for your consideration!

Houde, Lisa

From: Jessica Dion <jessdion@gmail.com>
Sent: Thursday, January 26, 2023 4:12 PM
To: boulderplanningboard; Houde, Lisa
Subject: NO to changes in ADU

External Sender

Dear Planning Board,

I am writing today against the loosening of the rules regarding development of ADUs in the City of Boulder. It is another flawed idea that will again line the pockets of developers while degrading the quality of life of the residents. Refer to what happened in Austin. The resident of Goss Grove.

I am not against ADUs but there need to be stronger rules around LLCs, size, off street parking.

This will not make housing costs more affordable. If you are serious about affordable housing:

- enrollment of CU students needs to be capped
- stop inviting tech companies (and their high paid employees) to set up in the city
- tax property investors higher rates if they own more than 2 homes as they do in some European countries
- manage job/ housing imbalance

Please look at housing demand instead of focusing on supply- it takes both and even then, Boulder will always be expensive

Houde, Lisa

From: Ferro, Charles
Sent: Thursday, January 26, 2023 5:36 PM
To: Houde, Lisa
Subject: FW: Saturation Limit: where one neighbor can get it, another cannot
Attachments: 180226 300 ft. of 1726 Mapleton.pdf; 180226 300 ft. of 1735 Mapleton.pdf

From: Macon Cowles <macon.cowles@gmail.com>
Sent: Thursday, January 26, 2023 5:32 PM
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>
Subject: Saturation Limit: where one neighbor can get it, another cannot

External Sender

PB, tonight I spoke of my cross the street neighbor who had to move her historic garage on the alley 3 feet from the alley because as built in the 19th c., it extended 3" into the alley. Moving the building 3 ft, it then violated the height ordinance. Sinking the historic structure in order to get a building permit for the studio-ADU cost them \$30,000. The cross the street neighbor is Beth Helgans, at 1735 Mapleton.

I wanted to let you know also that when the saturation rate was raised to 20%, Beth and I lined up at 7:30 the first morning so we would not be barred by the saturation limit. But we agreed that I would be in front of her in line. I could only get an ADU that complied with the 20% saturation limit if I were first in line. Because if Beth got hers first, hers would count toward the 20% and our house would not qualify. But my getting approved first did NOT bar her. That is because each of our houses had a different radius, and therefore a different number of non-conforming structures within that 300 feet.

If you want an idea about the counting difficulties, I am attaching the two charts made for us by City staff in 2018 to count the number of units that would be counted to apply the saturation limit.

FYI, we have a 1650 main house and a 700 sq. ft. affordable ADU. It is used for 1) long term rental, 2) our niece to live in while she attends CU, and 3) for caretakers to live in when Regina and I need help as we age.

Macon Cowles
1726 Mapleton Ave.
Boulder, Colorado 80304
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(303) 447-3062



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 16, 2023

AGENDA TITLE:

Consideration of a motion to accept the summary of the January 26, 2023 Study Session on the Accessory Dwelling Unit Regulations Update.

PRESENTERS:

Nuria Rivera-Vandermyle, City Manager
Brad Mueller, Director of Planning & Development Services
Charles Ferro, Senior Planning Manager (Development Services)
Karl Guiler, Senior Policy Advisor
Lisa Houde, Senior City Planner

EXECUTIVE SUMMARY

This agenda item provides a summary of the January 26, 2023 study session on the accessory dwelling unit regulations update. The purpose of this study session was to update the City Council on the status of the accessory dwelling unit (ADU) update project and to discuss major focus areas.

Key takeaways from the study session discussion were:

- **Saturation Limits:** City Council supported elimination of the saturation limit.
- **Size Limits:** City Council supported increasing size limits and updating the method of floor area measurement.
- **Code Clarification and Process Improvements:** City Council agreed with staff's recommended changes to clarify the code. Council was open to ADUs being owned by LLCs as long as there is a clear process to prove owner occupancy.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this summary and action in the form of the following motion:

*Motion to accept the summary (**Attachment A**) of the January 26, 2023 Study Session on the Accessory Dwelling Unit Regulation Update.*

NEXT STEPS

Based on the feedback from council, staff will move forward with drafting an ordinance and continue public engagement efforts. Staff anticipates bringing an ordinance to Planning Board for their recommendation and public hearing in early April, and first reading at Council in late April.

ATTACHMENTS

Attachment A: Summary of the January 26, 2023 study session on Accessory Dwelling Unit Regulations Update.

ATTACHMENT A
January 26, 2023 Study Session
Accessory Dwelling Unit Regulation Update

PRESENT

City Council: Mayor Aaron Brockett, Mayor Pro Tem Mark Wallach, Matt Benjamin, Rachel Friend, Lauren Folkerts, Junie Joseph, Nicole Speer, Tara Winer, Bob Yates

Staff: Nuria Rivera-Vandermyde, City Manager; Brad Mueller, Director of Planning & Development Services; Charles Ferro, Senior Planning Manager; Karl Guiler, Senior Policy Advisor; Lisa Houde, Senior City Planner

PURPOSE

The purpose of this study session was to update the City Council on the status of the accessory dwelling unit (ADU) update project and to discuss major focus areas.

SUMMARY OF PRESENTATION & DISCUSSION

Brad Mueller, Director of P&DS, introduced the item.

Lisa Houde presented information on the Accessory Dwelling Unit Regulations Update.

Following the staff presentation, council asked questions followed by a discussion structured around key questions. Responses from the council members and staff is provided beneath each question.

Council Questions

Council members asked the following questions (staff answers are *italicized*):

- Why did the Housing Advisory Board's recommendation of eliminating parking requirements not make the list of changes in the scope of work?

Staff response: Due to the balance of work plan priority projects and the timing for each project, staff did not recommend including removing parking requirements in the scope of work. The issue would require significant public engagement in order to fully address that issue, so it was put into a second tier of potential future changes to consider for ADU regulations. For this work plan priority project, staff wanted to ensure it was limited in scope and focused.

- Isn't the existence of the parking requirement one of the incentives for getting an affordable ADU?

Staff response: Correct, for a market rate ADU the owner has to provide a parking space but for an affordable ADU they do not have to provide a parking space. That has proven to be a successful incentive based on the city survey of ADU owners, which showed that 40 percent of owners chose to do an affordable ADU to reduce their parking requirement.

- In the neighborhoods that have the Neighborhood Parking Program, where there is maybe 1 or 2 cars on an entire block, why would we not want to possibly use one of those parking passes (each house gets two), for ADU parking?

Staff response: The parking requirement for ADUs must be accommodated on-site, so on-street parking cannot be utilized. There are certainly other cities that do allow that, but as Boulder's ADU regulations are now, the parking has to be accommodated on the private property rather than the street.

- How is the wall currently measured for ADUs and how are we proposing it to be measured?

Staff response: ADUs have a special exception where measurement is to six inches beyond the interior wall instead of using the exterior wall, which is how floor area is typically measured in Boulder. This causes significant confusion.

- I'm guessing that was a well-intentioned rule to try and encourage more insulation?

Staff response: Exactly, there was a good intention but there are other avenues where flexibility could be provided for a particular type of construction, or if slightly larger ADUs were allowed, it might not be such an issue to accommodate that insulation.

- Do we know what percentage of the time that permanent affordable ADUs are rented out for? There is no rule against building an affordable ADU and then not renting it out, right?

Staff response: Correct, there is no restriction that people have to rent their affordable ADU, it is just if they were to rent it, the rent has to stay below 75% area median income levels, which the city establishes each year.

- For affordable ADUs, the monthly rent is capped, but is there also a restriction on who they can be rented to? Do people have to income qualify?

Staff response: There are no designations for who can rent it, there is just the maximum cap at 75% area median income.

- Why would we increase the approval timeline to 3 years instead of 4 or 5?

Staff response: Three years is the typical limit for other types of land use review applications and we have seen that it is realistic with construction timelines. Applicants do have opportunities to extend approvals as well.

- If you have an owner-occupied ADU, and the owner sells it to someone who will not be living on-site, can you clarify what you mean about the ADU being removed? The ADU doesn't disappear from the property and get demolished does it?

Staff response: To remove an ADU you would have to remove the kitchen at a significant expense, but would not have to demolish the whole structure.

- What percentage of the LLC does the designated owner-occupant have to own?

Staff response: Fifty percent, similar to other types of arrangements like revocable trusts.

- Is there any prohibition on an owner-occupant in an LLC selling off part of their ownership interest in the LLC?

Staff response: The prohibition is that ADUs have to be owner-occupied, so that would be prohibited. Whether we are able to track that efficiently might be difficult for the city. But, if the owner is not the person living on site then they are out of compliance with the ADU requirements.

- Can a 50 percent owner of an LLC live in multiple properties and prove owner occupancy? Does the city have a way to check that? What is proposed to fix any loopholes?

Staff response: The city relies on our definitions of owner occupancy and principal residence. In the update, staff intends to clarify one way or another whether LLCs are allowed to prove owner occupancy, and how they would do so. For a typical ownership situation with a person as the owner, if they get an ADU approval and record their declaration of use with the county, they can sell their property the next year, and since we have that document recorded with the county, the next owner knows. The city doesn't have a mechanism to check owner occupancy with subsequent property owners, but they are still subject to the ADU requirement of owner occupancy and if there was an issue, the city could enforce that. The city has not had enforcement issues related to this.

- If you are a small business owner and your LLC is based out of your house, the issue with LLCs in the ADU context only relates to the ownership of the house, correct? This wouldn't flag those small businesses and create extra complication for them would it?

Staff response: There are a variety of reasons people may want to have their property within an LLC, such as protecting assets. The property ownership as an LLC is the issue potentially related to owner occupancy, rather than an LLC for a small business being run out of the home.

- Could you describe the next steps in the process for the ordinance?

Staff response: The Planning Board will review the ordinance in early April and City Council will see first and second reading in late April/early May. Public engagement will continue in the meantime.

M. Wallach chaired the discussion and brought the discussion back to the council to answer the following questions:

QUESTIONS FOR CITY COUNCIL

Question #1: Saturation Limits

Does City Council have any comments related to the proposed elimination of the current 20 percent saturation limit within a 300-foot radius of all ADUs in the RL-1 and RL-2 zoning districts?

Council Comments and Feedback

B. Yates noted that there were almost two dozen public meetings and hearings the last time the ADU regulations were updated. Boulder's 1983 laws were really outdated and a lot of community members wanted to weigh in, so we spent a lot of time listening. Some wanted ADUs to be liberalized a lot, some didn't want any changes, and we finally settled on a package that was probably incomplete, but with the thought that we would come back in four or five years and evaluate how things were going. Here we are five years later, and looking at some of the things we didn't quite get right in 2018. One of them was the saturation limit. Boulder was one of the first cities to adopt ADUs so it was relatively unknown and a 10% saturation limit was added at the time. We lived with that for 35 years and in those intervening years many other cities recognized ADUs and did not put saturation limits in place. Many wanted to eliminate the saturation limit in 2018, many others did not, so instead we increased the limit to 20%, a modest change. We saw some incremental ADUs created in those five years which was great. We still find ourselves in a situation where we're an outlier, other than that small town in Connecticut, we're one of the only cities in the country that has a saturation limit at all. It was modest for us to go from 10% to 20% and all of the concerns about that increase simply didn't happen. He suspects very few people even know there is an ADU in their neighborhood or they do know and are happy with their ADU neighbors. He expressed full support of going all in and eliminating the saturation limit and hopes we have the courage now to do that.

A. Brockett thanked B. Yates for laying out the history and agreed that it is time to do away with the saturation limits. They seem to be an unnecessary control over a much needed housing type which is great for kids staying home, parents-in-law, or for renting to create housing in our community, so removing this restriction is a great next step. He asked staff which city in Connecticut has a saturation limit (Staff response: South Windsor, a suburb of Hartford) and noted that hopefully soon they will be the only city in the country with a saturation limit.

The City Council did a straw poll and all nine council members expressed support to eliminate the saturation limit.

Question #2: Size Limits

Does City Council have any comments about increasing the allowable size of ADUs and/or clarifying the floor area measurement of ADUs?

Council Comments and Feedback

L. Folkerts described that we are seeing a drop in the number of ADUs being rented out, and the rental rates we are getting seem that most ADUs are being rented at affordable prices, whether or not they are truly an affordable ADU per the code. She noted that the difference between market rate and affordable is not super fruitful as it is more about whether we are housing people and at rates they can afford. If a regular market rate ADU is doing that, then why have this extra system with extra hurdles. However, this is not part of the agenda for today. The list staff came up with clarifying both how size is measured and the size restrictions seemed to make a lot of sense.

B. Yates noted this was another item that was not done in 2018. The rule for 35 years in Boulder was 450 square feet for detached ADU. The proposal in 2018 was to increase to 800 square feet, as is proposed tonight. There was not the courage at the time to go that far, many people in town were opposed to that, so we only modestly increased it to 550 square feet. 550 square feet is essentially the size of a studio, it is a very small space, not appropriate for more than two people and doesn't work for a family of three or four. He supports the recommendation to go to 800 square feet for a detached as should have been done in 2018. That helps, especially for detached units, the actual cost of building which is several hundred dollars a square foot. The amount of rent charged will be a function of size, so building a bigger unit at a lower cost per square foot, they can justify the construction costs because the rent will recoup. Positive both for social reasons of housing more than two people and to create rental income for people who want to age in place. He offered two caveats to his endorsement of staff recommendation: he wants to ensure there is an affordability delta and believes it is important that we come up with some type of differential, whether size, parking, or something else, to cause people to continue to sign up for affordable ADUs. Around 35% of owners have opted for that. He realizes that the market rate units are also naturally affordable, but that may not always be the case so we should continue to incentivize people to limit their rental charges. He is open to changing what the deltas are but thinks there should be some. The second caveat is while 800 square feet sounds better for families and makes more economic sense, he can imagine there are probably a few lots in Boulder that are really tiny and adding another 800 square feet probably makes it pretty tight. When staff comes back with more concrete recommendation, he asked staff to look at whether there is a sliding scale or FAR calculation of some sort based on lot size, to be sure that we are not putting 800 square foot ADUs on small crowded lots.

R. Friend added a colloquy and asked B. Yates whether very large lots should also have a sliding scale where larger ADUs could be permitted.

B. Yates said yes, the sliding scale should work in both directions.

L. Folkerts added a colloquy and asked if ADUs are still required to meet the floor area requirements that otherwise apply to a site?

Staff (L. Houde) responded that there is a sliding scale already for overall floor area and building coverage that is a calculation based on lot size and the ADUs are subject to that overall requirement for the site anyway. For instance, if you had a smaller lot, you may be permitted to do an ADU technically, but because of the building coverage and FAR for the site, you may not be able to accommodate the full 800 square feet based on those sliding scale lot size requirements. It is certainly something we can look into and other communities have different limits for different lot sizes.

B. Yates asked that when staff returns with the ordinance, if an explanation and breakdown of that could be included to show how that works. Maybe the overall FAR is an adequate tool for the concern.

N. Speer echoed support for increasing the allowable size of ADUs. As long as the processes are consistent for those who are wanting to make their own home larger or making a home for someone else to live in, then she supports that.

M. Wallach believed that eliminating the calculation of square footage based on egress is common sense. There are many methodologies for calculating square footage, so anything that is rational and consistent will work. As far as increasing the size, he also wants to make sure there is enough delta to incentivize affordable ADUs as they are very important and we have gotten a good response so far. My concern is that if you increase the size too much, you eliminate the incentive, assuming you can provide parking. If you get to 800 square feet, the unit might be \$3000 a month which is a concern. We don't want just more housing, we want housing that will serve our interests that will be more affordable for more people. The incentive for affordable should be maintained.

A. Brockett expressed support for the staff recommendation with changing the measurements and increasing the sizes. The compatible development rules that were crafted 10 years ago do place limits and we do not need additional limits on ADUs as there are plenty of rules already.

The City Council did a straw poll and all nine council members expressed support for staff's recommendation to increase the size limit and modify the method of measurement.

Question #3: Other Changes

Does City Council have any other comments on other proposed simplification and clarification changes?

Council Comments and Feedback

B. Yates expressed concerns about LLC ownership in terms of the owner-occupancy requirement. Typical owner occupancy is relatively easy because neighbors know if the person is really living there or not, but the neighbors don't know how much of the ownership interest of the LLC the person has. There is potential for abuse as prospective tenants could temporarily own 50 percent of an LLC to prove owner occupancy, but then there is another tenant. It seems there is a danger here and we have heard stories from community members about this happening. Another avenue of concern is that owner occupancy is not being continually checked, it is not

like there are that many real estate conveyances in the city in a year. It wouldn't be hard for someone annually to check which properties had been sold, so he would recommend that. For LLCs, he suggested either prohibiting LLC ownership like is already done for short-term rentals, which is the easiest thing to do, or if that is too draconian, he suggested an annual proof for LLCs since they are kind of secretive, and they certify under penalty of perjury that they still own 50 percent or more of the LLC. He recommended doing the same thing on ownership even if not an LLC.

Staff (L. Houde and K. Guiler) noted that additional staffing capacity may be required for this type of rule, and that staffing will be a future conversation as well depending on how the new rules may impact capacity.

R. Friend added a colloquy for the hypothetical with an LLC, noting that a renter offered 50 percent of an LLC may walk away and does not believe this is something to be worried about. This would not provide protection to LLC owners.

T. Winer added a colloquy and expressed support for the ADU project but noted that we are asking some members of the community to come with us despite less excitement, so if we add a new rule but don't have the staff to protect those new rules, we may lose some community backing. It would be good to be able to say yes we are checking these licenses to keep community trust in this exciting venture that we are doing.

M. Wallach added a colloquy and noted that LLCs are a corporate vehicle that participates in real estate transactions that are designed for secrecy and lack of disclosure. If we want to bring community along, he thinks the LLCs could be very fraught.

N. Speer noted that she does not want small businesses with LLCs to be negatively impacted by additional regulations when their business LLCs are run out of their homes.

A. Brockett expressed support for all of the staff's suggested clarification changes and noted that he and his wife are participants in a couple of LLCs and it is not done for secrecy reasons, you can look up the ownership of the LLC on the Secretary of State's website, it is purely for liability protection, and had gotten advice that in certain circumstances LLCs are formed as a standard practice. They are not inherently nefarious so as long as you are testing that it is still owner-occupied, which is trackable, he thinks it is fine because it is a relatively common way to own property, as long as we continue to validate the ownership and owner-occupied nature. He supports all of staff's suggestions.

R. Friend expressed support for staff's recommendations. Regarding the LLCs, she shared anecdotally that two homes she purchased were from LLC sellers which were both families, with whatever potential reason for that LLC structure, but these were not owned by anyone renting out the homes or businesses. She would not want to make it difficult for people who for whatever reason have a financial structure that makes an LLC advantageous for their families. She is okay with LLCs owning the properties and assumes that if someone saw it being abused, we would still have a reporting system in place and we could investigate that.

M. Benjamin expressed support for the direction of the project. The LLC is really about the liability aspect of protection. There are a number of states that offer anonymity or secrecy of who

is on the LLC, like Delaware, so it is easy to derive intent of the LLC. He expressed appreciation for staff's work.

M. Wallach noted that no major real estate transaction is done without LLCs. The issue for us is appropriate disclosure and knowing who is living there. It is not that there is any problem with using LLCs, it is just that we have a different interest than that of the owner. If we can come up with the appropriate forms of disclosure, there is nothing inherently wrong with the LLC, but we don't want the anonymity of the LLCs to be a barrier to what we're trying to achieve. In terms of the other issues: absolutely increase the expiration period, flexibility of height yes, he thinks we are going in a good direction here. The public notice is almost a form of politeness to your adjacent neighbors who don't wake up one morning and see a backhoe in the backyard and have no idea what is going on. Maybe a cursory form of notice to those parties that are adjacent, not a neighborhood notice, because we're taking away the saturation limit, but something where people are being good neighbors and letting them know there will be a construction project next door. He suggested that it would not need to go past that.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 16, 2023

AGENDA TITLE:

Consideration of a motion to accept the summary of the January 26, 2023 Study Session on the Accessory Dwelling Unit Regulations Update.

PRESENTERS:

Nuria Rivera-Vandermyle, City Manager
Brad Mueller, Director of Planning & Development Services
Charles Ferro, Senior Planning Manager (Development Services)
Karl Guiler, Senior Policy Advisor
Lisa Houde, Senior City Planner

EXECUTIVE SUMMARY

This agenda item provides a summary of the January 26, 2023 study session on the accessory dwelling unit regulations update. The purpose of this study session was to update the City Council on the status of the accessory dwelling unit (ADU) update project and to discuss major focus areas.

Key takeaways from the study session discussion were:

- **Saturation Limits:** City Council supported elimination of the saturation limit.
- **Size Limits:** City Council supported increasing size limits and updating the method of floor area measurement.
- **Code Clarification and Process Improvements:** City Council agreed with staff's recommended changes to clarify the code. Council was open to ADUs being owned by LLCs as long as there is a clear process to prove owner occupancy.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this summary and action in the form of the following motion:

*Motion to accept the summary (**Attachment A**) of the January 26, 2023 Study Session on the Accessory Dwelling Unit Regulation Update.*

NEXT STEPS

Based on the feedback from council, staff will move forward with drafting an ordinance and continue public engagement efforts. Staff anticipates bringing an ordinance to Planning Board for their recommendation and public hearing in early April, and first reading at Council in late April.

ATTACHMENTS

Attachment A: Summary of the January 26, 2023 study session on Accessory Dwelling Unit Regulations Update.

ATTACHMENT A
January 26, 2023 Study Session
Accessory Dwelling Unit Regulation Update

PRESENT

City Council: Mayor Aaron Brockett, Mayor Pro Tem Mark Wallach, Matt Benjamin, Rachel Friend, Lauren Folkerts, Junie Joseph, Nicole Speer, Tara Winer, Bob Yates

Staff: Nuria Rivera-Vandermyde, City Manager; Brad Mueller, Director of Planning & Development Services; Charles Ferro, Senior Planning Manager; Karl Guiler, Senior Policy Advisor; Lisa Houde, Senior City Planner

PURPOSE

The purpose of this study session was to update the City Council on the status of the accessory dwelling unit (ADU) update project and to discuss major focus areas.

SUMMARY OF PRESENTATION & DISCUSSION

Brad Mueller, Director of P&DS, introduced the item.

Lisa Houde presented information on the Accessory Dwelling Unit Regulations Update.

Following the staff presentation, council asked questions followed by a discussion structured around key questions. Responses from the council members and staff is provided beneath each question.

Council Questions

Council members asked the following questions (staff answers are *italicized*):

- Why did the Housing Advisory Board’s recommendation of eliminating parking requirements not make the list of changes in the scope of work?

Staff response: Due to the balance of work plan priority projects and the timing for each project, staff did not recommend including removing parking requirements in the scope of work. The issue would require significant public engagement in order to fully address that issue, so it was put into a second tier of potential future changes to consider for ADU regulations. For this work plan priority project, staff wanted to ensure it was limited in scope and focused.

- Isn’t the existence of the parking requirement one of the incentives for getting an affordable ADU?

Staff response: Correct, for a market rate ADU the owner has to provide a parking space but for an affordable ADU they do not have to provide a parking space. That has proven to be a successful incentive based on the city survey of ADU owners, which showed that 40 percent of owners chose to do an affordable ADU to reduce their parking requirement.

- In the neighborhoods that have the Neighborhood Parking Program, where there is maybe 1 or 2 cars on an entire block, why would we not want to possibly use one of those parking passes (each house gets two), for ADU parking?

Staff response: The parking requirement for ADUs must be accommodated on-site, so on-street parking cannot be utilized. There are certainly other cities that do allow that, but as Boulder's ADU regulations are now, the parking has to be accommodated on the private property rather than the street.

- How is the wall currently measured for ADUs and how are we proposing it to be measured?

Staff response: ADUs have a special exception where measurement is to six inches beyond the interior wall instead of using the exterior wall, which is how floor area is typically measured in Boulder. This causes significant confusion.

- I'm guessing that was a well-intentioned rule to try and encourage more insulation?

Staff response: Exactly, there was a good intention but there are other avenues where flexibility could be provided for a particular type of construction, or if slightly larger ADUs were allowed, it might not be such an issue to accommodate that insulation.

- Do we know what percentage of the time that permanent affordable ADUs are rented out for? There is no rule against building an affordable ADU and then not renting it out, right?

Staff response: Correct, there is no restriction that people have to rent their affordable ADU, it is just if they were to rent it, the rent has to stay below 75% area median income levels, which the city establishes each year.

- For affordable ADUs, the monthly rent is capped, but is there also a restriction on who they can be rented to? Do people have to income qualify?

Staff response: There are no designations for who can rent it, there is just the maximum cap at 75% area median income.

- Why would we increase the approval timeline to 3 years instead of 4 or 5?

Staff response: Three years is the typical limit for other types of land use review applications and we have seen that it is realistic with construction timelines. Applicants do have opportunities to extend approvals as well.

- If you have an owner-occupied ADU, and the owner sells it to someone who will not be living on-site, can you clarify what you mean about the ADU being removed? The ADU doesn't disappear from the property and get demolished does it?

Staff response: To remove an ADU you would have to remove the kitchen at a significant expense, but would not have to demolish the whole structure.

- What percentage of the LLC does the designated owner-occupant have to own?

Staff response: Fifty percent, similar to other types of arrangements like revocable trusts.

- Is there any prohibition on an owner-occupant in an LLC selling off part of their ownership interest in the LLC?

Staff response: The prohibition is that ADUs have to be owner-occupied, so that would be prohibited. Whether we are able to track that efficiently might be difficult for the city. But, if the owner is not the person living on site then they are out of compliance with the ADU requirements.

- Can a 50 percent owner of an LLC live in multiple properties and prove owner occupancy? Does the city have a way to check that? What is proposed to fix any loopholes?

Staff response: The city relies on our definitions of owner occupancy and principal residence. In the update, staff intends to clarify one way or another whether LLCs are allowed to prove owner occupancy, and how they would do so. For a typical ownership situation with a person as the owner, if they get an ADU approval and record their declaration of use with the county, they can sell their property the next year, and since we have that document recorded with the county, the next owner knows. The city doesn't have a mechanism to check owner occupancy with subsequent property owners, but they are still subject to the ADU requirement of owner occupancy and if there was an issue, the city could enforce that. The city has not had enforcement issues related to this.

- If you are a small business owner and your LLC is based out of your house, the issue with LLCs in the ADU context only relates to the ownership of the house, correct? This wouldn't flag those small businesses and create extra complication for them would it?

Staff response: There are a variety of reasons people may want to have their property within an LLC, such as protecting assets. The property ownership as an LLC is the issue potentially related to owner occupancy, rather than an LLC for a small business being run out of the home.

- Could you describe the next steps in the process for the ordinance?

Staff response: The Planning Board will review the ordinance in early April and City Council will see first and second reading in late April/early May. Public engagement will continue in the meantime.

M. Wallach chaired the discussion and brought the discussion back to the council to answer the following questions:

QUESTIONS FOR CITY COUNCIL

Question #1: Saturation Limits

Does City Council have any comments related to the proposed elimination of the current 20 percent saturation limit within a 300-foot radius of all ADUs in the RL-1 and RL-2 zoning districts?

Council Comments and Feedback

B. Yates noted that there were almost two dozen public meetings and hearings the last time the ADU regulations were updated. Boulder's 1983 laws were really outdated and a lot of community members wanted to weigh in, so we spent a lot of time listening. Some wanted ADUs to be liberalized a lot, some didn't want any changes, and we finally settled on a package that was probably incomplete, but with the thought that we would come back in four or five years and evaluate how things were going. Here we are five years later, and looking at some of the things we didn't quite get right in 2018. One of them was the saturation limit. Boulder was one of the first cities to adopt ADUs so it was relatively unknown and a 10% saturation limit was added at the time. We lived with that for 35 years and in those intervening years many other cities recognized ADUs and did not put saturation limits in place. Many wanted to eliminate the saturation limit in 2018, many others did not, so instead we increased the limit to 20%, a modest change. We saw some incremental ADUs created in those five years which was great. We still find ourselves in a situation where we're an outlier, other than that small town in Connecticut, we're one of the only cities in the country that has a saturation limit at all. It was modest for us to go from 10% to 20% and all of the concerns about that increase simply didn't happen. He suspects very few people even know there is an ADU in their neighborhood or they do know and are happy with their ADU neighbors. He expressed full support of going all in and eliminating the saturation limit and hopes we have the courage now to do that.

A. Brockett thanked B. Yates for laying out the history and agreed that it is time to do away with the saturation limits. They seem to be an unnecessary control over a much needed housing type which is great for kids staying home, parents-in-law, or for renting to create housing in our community, so removing this restriction is a great next step. He asked staff which city in Connecticut has a saturation limit (Staff response: South Windsor, a suburb of Hartford) and noted that hopefully soon they will be the only city in the country with a saturation limit.

The City Council did a straw poll and all nine council members expressed support to eliminate the saturation limit.

Question #2: Size Limits

Does City Council have any comments about increasing the allowable size of ADUs and/or clarifying the floor area measurement of ADUs?

Council Comments and Feedback

L. Folkerts described that we are seeing a drop in the number of ADUs being rented out, and the rental rates we are getting seem that most ADUs are being rented at affordable prices, whether or not they are truly an affordable ADU per the code. She noted that the difference between market rate and affordable is not super fruitful as it is more about whether we are housing people and at rates they can afford. If a regular market rate ADU is doing that, then why have this extra system with extra hurdles. However, this is not part of the agenda for today. The list staff came up with clarifying both how size is measured and the size restrictions seemed to make a lot of sense.

B. Yates noted this was another item that was not done in 2018. The rule for 35 years in Boulder was 450 square feet for detached ADU. The proposal in 2018 was to increase to 800 square feet, as is proposed tonight. There was not the courage at the time to go that far, many people in town were opposed to that, so we only modestly increased it to 550 square feet. 550 square feet is essentially the size of a studio, it is a very small space, not appropriate for more than two people and doesn't work for a family of three or four. He supports the recommendation to go to 800 square feet for a detached as should have been done in 2018. That helps, especially for detached units, the actual cost of building which is several hundred dollars a square foot. The amount of rent charged will be a function of size, so building a bigger unit at a lower cost per square foot, they can justify the construction costs because the rent will recoup. Positive both for social reasons of housing more than two people and to create rental income for people who want to age in place. He offered two caveats to his endorsement of staff recommendation: he wants to ensure there is an affordability delta and believes it is important that we come up with some type of differential, whether size, parking, or something else, to cause people to continue to sign up for affordable ADUs. Around 35% of owners have opted for that. He realizes that the market rate units are also naturally affordable, but that may not always be the case so we should continue to incentivize people to limit their rental charges. He is open to changing what the deltas are but thinks there should be some. The second caveat is while 800 square feet sounds better for families and makes more economic sense, he can imagine there are probably a few lots in Boulder that are really tiny and adding another 800 square feet probably makes it pretty tight. When staff comes back with more concrete recommendation, he asked staff to look at whether there is a sliding scale or FAR calculation of some sort based on lot size, to be sure that we are not putting 800 square foot ADUs on small crowded lots.

R. Friend added a colloquy and asked B. Yates whether very large lots should also have a sliding scale where larger ADUs could be permitted.

B. Yates said yes, the sliding scale should work in both directions.

L. Folkerts added a colloquy and asked if ADUs are still required to meet the floor area requirements that otherwise apply to a site?

Staff (L. Houde) responded that there is a sliding scale already for overall floor area and building coverage that is a calculation based on lot size and the ADUs are subject to that overall requirement for the site anyway. For instance, if you had a smaller lot, you may be permitted to do an ADU technically, but because of the building coverage and FAR for the site, you may not be able to accommodate the full 800 square feet based on those sliding scale lot size requirements. It is certainly something we can look into and other communities have different limits for different lot sizes.

B. Yates asked that when staff returns with the ordinance, if an explanation and breakdown of that could be included to show how that works. Maybe the overall FAR is an adequate tool for the concern.

N. Speer echoed support for increasing the allowable size of ADUs. As long as the processes are consistent for those who are wanting to make their own home larger or making a home for someone else to live in, then she supports that.

M. Wallach believed that eliminating the calculation of square footage based on egress is common sense. There are many methodologies for calculating square footage, so anything that is rational and consistent will work. As far as increasing the size, he also wants to make sure there is enough delta to incentivize affordable ADUs as they are very important and we have gotten a good response so far. My concern is that if you increase the size too much, you eliminate the incentive, assuming you can provide parking. If you get to 800 square feet, the unit might be \$3000 a month which is a concern. We don't want just more housing, we want housing that will serve our interests that will be more affordable for more people. The incentive for affordable should be maintained.

A. Brockett expressed support for the staff recommendation with changing the measurements and increasing the sizes. The compatible development rules that were crafted 10 years ago do place limits and we do not need additional limits on ADUs as there are plenty of rules already.

The City Council did a straw poll and all nine council members expressed support for staff's recommendation to increase the size limit and modify the method of measurement.

Question #3: Other Changes

Does City Council have any other comments on other proposed simplification and clarification changes?

Council Comments and Feedback

B. Yates expressed concerns about LLC ownership in terms of the owner-occupancy requirement. Typical owner occupancy is relatively easy because neighbors know if the person is really living there or not, but the neighbors don't know how much of the ownership interest of the LLC the person has. There is potential for abuse as prospective tenants could temporarily own 50 percent of an LLC to prove owner occupancy, but then there is another tenant. It seems there is a danger here and we have heard stories from community members about this happening. Another avenue of concern is that owner occupancy is not being continually checked, it is not

like there are that many real estate conveyances in the city in a year. It wouldn't be hard for someone annually to check which properties had been sold, so he would recommend that. For LLCs, he suggested either prohibiting LLC ownership like is already done for short-term rentals, which is the easiest thing to do, or if that is too draconian, he suggested an annual proof for LLCs since they are kind of secretive, and they certify under penalty of perjury that they still own 50 percent or more of the LLC. He recommended doing the same thing on ownership even if not an LLC.

Staff (L. Houde and K. Guiler) noted that additional staffing capacity may be required for this type of rule, and that staffing will be a future conversation as well depending on how the new rules may impact capacity.

R. Friend added a colloquy for the hypothetical with an LLC, noting that a renter offered 50 percent of an LLC may walk away and does not believe this is something to be worried about. This would not provide protection to LLC owners.

T. Winer added a colloquy and expressed support for the ADU project but noted that we are asking some members of the community to come with us despite less excitement, so if we add a new rule but don't have the staff to protect those new rules, we may lose some community backing. It would be good to be able to say yes we are checking these licenses to keep community trust in this exciting venture that we are doing.

M. Wallach added a colloquy and noted that LLCs are a corporate vehicle that participates in real estate transactions that are designed for secrecy and lack of disclosure. If we want to bring community along, he thinks the LLCs could be very fraught.

N. Speer noted that she does not want small businesses with LLCs to be negatively impacted by additional regulations when their business LLCs are run out of their homes.

A. Brockett expressed support for all of the staff's suggested clarification changes and noted that he and his wife are participants in a couple of LLCs and it is not done for secrecy reasons, you can look up the ownership of the LLC on the Secretary of State's website, it is purely for liability protection, and had gotten advice that in certain circumstances LLCs are formed as a standard practice. They are not inherently nefarious so as long as you are testing that it is still owner-occupied, which is trackable, he thinks it is fine because it is a relatively common way to own property, as long as we continue to validate the ownership and owner-occupied nature. He supports all of staff's suggestions.

R. Friend expressed support for staff's recommendations. Regarding the LLCs, she shared anecdotally that two homes she purchased were from LLC sellers which were both families, with whatever potential reason for that LLC structure, but these were not owned by anyone renting out the homes or businesses. She would not want to make it difficult for people who for whatever reason have a financial structure that makes an LLC advantageous for their families. She is okay with LLCs owning the properties and assumes that if someone saw it being abused, we would still have a reporting system in place and we could investigate that.

M. Benjamin expressed support for the direction of the project. The LLC is really about the liability aspect of protection. There are a number of states that offer anonymity or secrecy of who

is on the LLC, like Delaware, so it is easy to derive intent of the LLC. He expressed appreciation for staff's work.

M. Wallach noted that no major real estate transaction is done without LLCs. The issue for us is appropriate disclosure and knowing who is living there. It is not that there is any problem with using LLCs, it is just that we have a different interest than that of the owner. If we can come up with the appropriate forms of disclosure, there is nothing inherently wrong with the LLC, but we don't want the anonymity of the LLCs to be a barrier to what we're trying to achieve. In terms of the other issues: absolutely increase the expiration period, flexibility of height yes, he thinks we are going in a good direction here. The public notice is almost a form of politeness to your adjacent neighbors who don't wake up one morning and see a backhoe in the backyard and have no idea what is going on. Maybe a cursory form of notice to those parties that are adjacent, not a neighborhood notice, because we're taking away the saturation limit, but something where people are being good neighbors and letting them know there will be a construction project next door. He suggested that it would not need to go past that.