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Sent: Thursday, April 6, 2023 1:14 PM

To: HOTLINE <HOTLINE@bouldercolorado.gov>

Subject: Recommendation on SB23-213 Developed by Intergovernmental Affairs Committee

Good Afternoon,

City Council's Intergovernmental Affairs Committee (Brockett, Folkerts, Benjamin, Winer) met yesterday morning to discuss [SB23-213](#) (concerning state involvement in local land use matters). The meeting was [noticed](#) on the city's online calendar and attended by members of the public, both in-person and remotely. Prior to the meeting, the committee had an opportunity to review a [city staff analysis of SB23-213](#). The mayor led the committee through a review of the key components of the bill. The committee then unanimously adopted a recommendation of **"Support While Asking for Amendments"**. The proposed amendments are attached and listed below along with the rationale for each.

City Council will have an opportunity to consider the substance of these recommendations, and any revisions to [SB23-213](#) that may have been adopted by then, at its [April 20th business meeting](#). City Council will also receive a very short briefing on the procedural elements of the city's involvement with this bill at its April 6th meeting.

[SB23-213](#) is [currently being heard](#) before the **Senate Local Government & Housing Committee**. Today's hearing is only to receive testimony and take questions. The introduction of and votes on amendments and the bill are expected to occur on Thursday, [April 13](#). Nevertheless, **Majority Leader Moreno**, the Senate sponsor of the bill, late yesterday afternoon released the attached, high-level conceptual summary of amendments that he is expecting to offer. It is important to note that many of these proposed amendments overlap, in whole or in part, with the IA Committee's recommendations.

Housing Needs Study

1. **Recommendation:** Amend to allow for/require DOLA to provide grants or assistance to communities to conduct analysis/studies of infrastructure capacity required to be submitted to it to demonstrate a municipality's eligibility for an extension of the ADU, Middle Housing and Key Corridor requirements.

Rationale: The expansion of units within previously built-out neighborhoods could result in a need to expand infrastructure capacity. This unfunded mandate upon communities should be supported by the State for communities.

ADU's

2. **Recommendation:** Amend the requirements around size or parking so that local governments retain flexibility to pair one or the other to achieve affordability goals. In addition, ensure that the bill does not alter existing city ADU affordability agreements.

Rationale: The city has been successful in obtaining voluntary affordable ADU's through incentives. The city wants to retain the existing affordable ADU process and have the ability to incentivize future affordable ADU's through any new ADU regulations.

Middle Housing

3. **Recommendation:** Amend the definition of middle housing to have a maximum of 3-unit (triplex) or 4-unit (quadplex) buildings.

Rationale: The introduction of multi-unit buildings greater than 4 could result in a significant change in neighborhood and community character inconsistent with the goals and policies of the BVCP.

4. **Recommendation:** If additional base requirements prevent local communities from having form and bulk standards (including but not limited to: Floor Area Ratio (FAR), lot coverage, height, wall articulation), amend to strike or allow local communities to continue to regulate form and bulk.

Rationale: The city has a long history of using form and bulk standards to help define character and appearance of structures in various zoning districts. Retaining this ability ensures the city can allow additional dwelling units and still support neighborhood and community character as described in the goals and policies of the BVCP.

5. **Recommendation:** Amend to allow for additional parking when a certain threshold of new units is reached and ensure that local tools like neighborhood parking permit programs can continue to be used to manage parking.

Rationale: If the number of units on an existing lot changes to something much greater (for example one unit to 4-units), additional parking in certain areas may be necessary. Allowing local communities to consider and regulate for this ensures that the goals and policies of the BVCP are met.

Key Corridors

6. **Recommendation:** Amend to allow local communities to control where along the corridor additional required density may be placed.

Rationale: Local communities have varied approaches and needs for how transit corridors are developed, and allowing flexibility in where that density is required/incentivized ensures that a balance of housing, commercial services, and transportation access are provided, consistent with the goals and policies of the BVCP.

7. **Recommendation:** Amend to separate the typologies and requirements for fixed rail vs. BRT vs local high frequency transit.

Rationale: The densities and development typologies for fixed rail, BRT and local transit are very different, and have different characteristics that local communities should have the ability to shape through comprehensive planning.

8. **Recommendation:** Amend to add a clear definition of a local high-frequency transit corridor, including consideration of routes where only certain days or times meet the definition of high-frequency (15 min or less).

Rationale: It is currently unclear which corridors qualify for high-frequency transit. Some routes may have a peak service frequency of 15 minutes or less but do not maintain that frequency during a majority of the day. Having a clear definition will ensure local communities can appropriately identify these corridors and plan accordingly.

Occupancy

9. **Recommendation:** Amend to allow local communities to continue to enact occupancy limits, with a state minimum of a family members plus two unrelated OR four to five unrelated. Ensure that the definition of family members is broad in scope.

Rationale: This amendment is consistent with the current policy direction of the city's occupancy regulation amendments underway.