

**CITY OF BOULDER**  
**CITY COUNCIL MEETING**  
Municipal Building, 1777 Broadway  
Boulder, Colorado 80302  
Wednesday, August 29, 2018

**MINUTES**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Jones called the meeting to order at 6:03 p.m.

Council Members Jones, Brockett, Carlisle, Grano, Nagle, Weaver, Yates and Young were present. Council Member Morzel arrived at 6:04 p.m.

- A. Declaration in Honor of Dr. John C. Buechner was presented by Council Member Carlisle to Dr. Buechner's family

**2. PUBLIC HEARINGS**

- A. Consideration of motion to accept the East Arapahoe/SH 7 Transportation Plan (EATP)

Director of Transportation Mike Sweeney and Senior Transportation Planner Jean Sanson presented this item.

Transportation Advisory Board Member Johnny Drozdek spoke to council.

The public hearing opened at 6:43 p.m. and the following spoke regarding the East Arapahoe/SH 7 Transportation Plan (EATP):

- 1. John T. Andrews
- 2. Thomas Sanford
- 3. Aaron Johnson
- 4. David Cook
- 5. Bill Roettker

The public hearing closed at 6:58 p.m.

Go Boulder Manager Kathleen Bracke and Director of Planning + Sustainability Jim Robertson answered questions.

**MAYOR JONES MOVED TO ACCEPT THE EAST ARAPAHOE/(STATE HIGHWAY 7) TRANSPORTATION PLAN. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 7:17 P.M.**

- B. Continuation of a second reading and consideration of a motion to adopt Ordinance 8256 amending standards for accessory dwelling units and owner accessory units including Section 4-20-43, "Development Application Fees," Title 9, "Land Use Code," and Section 10-3-19, "Short-term Rentals," B.R.C. 1981, and setting forth related details (The Public Hearing was held on June 5, 2018. No new testimony was received. Council deliberation only.)

Director of Housing & Human Services Kurt Firnhaber and Senior Housing Planner Jay Sugnet introduced the item at 7:19 p.m.

**COUNCIL MEMBER MORZEL MOVED TO CONTINUE THE MEETING. COUNCIL MEMBER BROCKETT SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 10:44 P.M.**

**COUNCIL MEMBER BROCKETT MOVED TO ADOPT THE ALTERNATE VERSION OF ORDINANCE 8256 AS PROVIDED IN THE PACKET, AMENDING STANDARDS FOR ACCESSORY DWELLING UNITS AND OWNER ACCESSORY UNITS INCLUDING SECTION 4-20-43, "DEVELOPMENT APPLICATION FEES," TITLE 9, "LAND USE CODE," AND SECTION 10-3-19, "SHORT-TERM RENTALS," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS AND TO INCLUDE ALL THE FOLLOWING AMENDMENTS:**

**INCLUDE THAT THE TYPE 2 ACCESSORY DWELLING UNIT COULD BECOME A TYPE 1 ACCESSORY DWELLING UNIT IF AN OWNER COMPLIES WITH THE TYPE 1 RULES.**

**FOR ITEM 1, PARKING, ALLOW A PARKING SPACE TO BE A LEGAL PARKING SPACE IF IT'S WITHIN THE SETBACK, SO LONG AS IT IS NOT WITHIN THE RIGHT-OF-WAY OR THE SIDEWALK.**

**FOR ITEM 3, LEGAL NONCONFORMING STRUCTURES, DO NOT USE THE STAFF RECOMMENDATION TO REMOVE LEGAL NONCONFORMING STRUCTURES FROM THE SATURATION REQUIREMENT, AND ADD COOPERATIVE HOUSING UNITS TO THAT LIMIT.**

**FOR ITEM 7, DETACHED OWNER ACCESSORY UNIT SIZE, ALLOW A MAXIMUM OF 550 SQUARE FEET FOR A TYPE 1 ACCESSORY DWELLING UNIT AND 800 SQUARE FEET FOR A TYPE 2 ACCESSORY DWELLING UNIT.**

**FOR ITEM 12, OCCUPANCY LIMIT, REMOVE THE OCCUPANCY AND EXEMPT DEPENDENTS FROM THE OCCUPANCY LIMITS FOR ACCESSORY DWELLING UNITS AND THE MAIN HOUSE.**

**ADD IF A HOME IS LANDMARKED, AN ACCESSORY DWELLING UNIT THAT DOES NOT MEET ALL OF THE REQUIREMENTS IN THE ORDINANCE CAN BE ADDED.**

**ADD A SIX-MONTH AMNESTY PERIOD DURING WHICH TIME PEOPLE WHO HAD EXISTING NONLEGAL ACCESSORY DWELLING UNITS COULD APPLY WITHOUT PENALTY, FOLLOWED BY A PENALTY AMOUNT TO BE DETERMINED BY STAFF.**

**ADD A VARIANCE PROCESS THAT WILL LOOK AT THINGS LIKE THE SIZE OF WALLS AND VARIOUS OTHER CRITERIA TO BE DETERMINED BY STAFF.**

**ADD A SHARPER DEFINITION OF “PRIMARY RESIDENCE” FOR THE PURPOSES OF THIS ORDINANCE. COUNCIL MEMBER MORZEL SECONDED THE MOTION. THE MOTION PASSED 9:0 AT 11:31 P.M.**

**3. MATTERS FROM THE MAYOR AND MEMBERS OF COUNCIL**

- A. “Nod of Five” for staff to develop an ordinance requiring annual certification of principal residence for short-term rental licenses

This item was presented by City Attorney Carr at 11:32 p.m.  
The “Nod of Five” was granted at 11:38 p.m.

- B. "Nod of Five" for staff to develop an ordinance addressing predatory towing

This item was presented by City Attorney Carr at 11:39 p.m.  
The “Nod of Five” was granted at 11:41 p.m.

**4. DEBRIEF**

5. **ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE COUNCIL AT THIS TIME, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED ON AUGUST 29, 2018 AT 11:42 P.M.**

Approved this 20<sup>th</sup> day of September 2018.

APPROVED BY:

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Suzanne Jones, Mayor

ATTEST:

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Lynnette Beck, City Clerk