



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: May 4, 2023**

**AGENDA TITLE**

Second reading and consideration of a motion to adopt Ordinance 8571 amending Section 4-20-18, "Rental License Fee," Title 9, "Land Use Code," and Title 10 "Structures," B.R.C. 1981, to update the regulations for accessory dwelling units, and setting forth related details.

**REQUESTING DEPARTMENT / PRESENTERS**

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

**EXECUTIVE SUMMARY**

The purpose of this item is for City Council to consider an ordinance that would amend the Land Use Code with updates to the accessory dwelling unit (ADU) regulations.

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 code changes will facilitate process improvements to further simplify the administration of ADU applications.

A summary of the proposed changes can be found in [Attachment A](#), and Ordinance 8571 is provided in [Attachment B](#). In addition to the descriptions and analysis provided in this memo, the attached annotated ordinance in [Attachment C](#) includes detailed footnotes describing each proposed change.

The State of Colorado legislature recently introduced a bill ([SB 23-213](#)) that, if passed, would impact local government zoning regulation on a number of land use related issues such as occupancy, housing types, ADUs, and parking regulations. This is something that the city is currently watching closely. A summary of the proposed legislation is also found [at this link](#).

On April 20, City Council introduced and ordered the ordinance published at first reading. There were no first reading questions.

## STAFF RECOMMENDATION

### **Suggested Motion Language:**

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

Motion to adopt Ordinance 8571 amending Section 4-20-18, “Rental License Fee,” Title 9, “Land Use Code,” and Title 10 “Structures,” B.R.C. 1981, to update the regulations for accessory dwelling units, and setting forth related details.

## COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** – Ordinance 8571 is intended to support the creation of ADUs in Boulder, which provides for additional housing options in the city as well as income potential for homeowners.
- **Environmental** – These updates are not anticipated to have direct environmental impacts. The development of ADUs promotes an efficient use of land by incrementally accommodating additional housing units.
- **Social** – The changes are intended to allow for more ADUs to be built in the city, providing additional housing opportunities for people of all ages, incomes, and household types.

## OTHER IMPACTS

- **Fiscal** – This project is being completed using existing resources.
- **Staff time** – This project is being completed using existing staff resources. Implementation of the ordinance will require staff time to execute the associated procedural changes such as updating the electronic permit system, developing a new approval process, and updating self-service materials for customers. In addition, since the main objective of these changes is to reduce barriers to ADUs to increase the number in the community, staff anticipates an increase in the number of ADU proposals if the ordinance is adopted. After the last major update to the ADU regulations, there was a significant increase in number of ADU proposals. With existing constraints on staff capacity, additional staff resources may be required to allow for seamless implementation of the ordinance without impacting review times of other permit types.

## BOARD AND COMMISSION FEEDBACK

**Planning Board** – Ordinances changing the Land Use Code require Planning Board recommendation to City Council. On April 4, 2023, Planning Board reviewed Ordinance 8571 and unanimously recommended approval of the ordinance to City Council with the following motion:

*On a motion by **ml Robles** and seconded by **L. Kaplan**, the Planning Board voted 5-0 (**J. Boone & L. Smith** absent) to recommend that City Council adopt Ordinance 8571, amending Section 4-20-18, "Rental License Fee," Title 9, "Land Use Code," and Title 10 "Structures," B.R.C. 1981, to update the regulations for accessory dwelling units.*

Planning Board members also asked staff to consider a potential bicycle parking requirement for ADUs. Due to the timeline and limited scope of this project, staff does not recommend amending the current bicycle parking standards for ADUs at this time but will consider changes within future projects related to parking or ADUs.

**Housing Advisory Board** – The Housing Advisory Board reviewed [Ordinance 8571](#) at their [March 22](#) meeting. The board voted unanimously to recommend adoption of the ordinance.

**Board of Zoning Adjustment** – Staff met with the Board of Zoning Adjustment on February 14 to provide an overview of the current ADU approval process and discuss the potential code changes. The Board of Zoning Adjustment was generally supportive of removing the saturation limit, increasing the size limits, and all of the code clarification and process improvements.

## PUBLIC FEEDBACK

City Council recommended a "consult" level of engagement for this project, which focused on targeted engagement using existing advisory board processes and the results of the significant engagement done at the time of the last ADU regulation update in 2018. A detailed summary of previous feedback received in 2016-2018 can be found in [Attachment J](#) and specific feedback is briefly summarized within each main topic in the *Analysis* section of this memo.

### *General Public*

In addition to the input received through the advisory board processes and reviewing results of the previous engagement efforts, additional public input has been received over the last several months.

Staff developed a new page for the ADU regulation update on Be Heard Boulder, the city's online engagement site. This page included an open comment "ideas" board where visitors were asked to share their thoughts on ADUs, including experiences with existing ADUs and input on potential code changes. As of April 25, 41 ideas had been posted on the board. A range of opinions including support of the changes and others expressing concern have been shared. All comments that have been posted are [available at this link](#).

Open public comment was held during the public participation portions of the [January 17](#) Planning Board meeting and [January 25](#) Housing Advisory Board meeting. Additional written public comments sent to staff, Planning Board, Housing Advisory Board, and City Council are included in [Attachment K](#) of this memo.

- Nine speakers shared their thoughts about ADUs with the Planning Board on January 17. Some of the topics discussed by commenters included support of height flexibility for existing structures, general support for ADUs, and requests to go further with ordinance changes including eliminating the parking requirement and minimum lot size and reviewing planned unit developments. Other commenters expressed concerns about increased density, impacts in areas with high occupancy such as the University Hill neighborhood, concerns about ADUs impacting the integrity of existing neighborhoods, and concerns that ADUs will be expensive housing.
- One speaker shared thoughts about ADUs with the Housing Advisory Board regarding concerns about eliminating the saturation limit in the University Hill neighborhood.

On February 22, staff from Planning & Development Services and Housing & Human Services hosted a *Planning for Affordable Housing* virtual community meeting on several upcoming City Council work program priority projects, including the ADU regulation update. About 25 community members, including representatives of several neighborhood organizations, the University of Colorado, and other advocacy groups participated. After staff provided introductions to each of the projects and explained project timelines and opportunities for public input, the group divided into several small groups to discuss the issues and opportunities related to these projects. Some participants expressed support for the ADU changes, a desire to go further with changes, and some had concerns about ADUs not being rented out, not being truly affordable, or not being an adequate solution to the housing issues in Boulder.

Staff also has virtual office hours scheduled for April 3 and April 18 to answer any questions from the public regarding the ADU updates and other housing-related code changes.

At the [April 4](#) Planning Board public hearing, 5 residents spoke during the public hearing. Speakers expressed a range of opinions including support for elimination of the saturation limit as well as the other updates in the proposed ordinance, requests for flexibility for height of new structures, and concerns about potential increased population density, particularly in university-adjacent neighborhoods.

### *Community Connectors-in-Residence*

Staff met with the Community Connectors-In-Residence on January 13 to discuss the proposed 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 K](#).

### *ADU Owner Survey*

In 2022, Housing & Human Services (HHS) and Planning & Development Services (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 E](#).

### **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 D](#).

In 2022, P&DS and HHS staff completed a detailed evaluation of the most recent updates, which went into effect in early 2019. This evaluation was intended to inform future changes to the ADU regulations and is available in [Attachment E](#).

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 Nov. 10 study session, 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 developed a draft project charter for this scope of work which is available in **Attachment I**.

City Council also had a detailed discussion on the ADU regulation update at their [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.

The full summary of council questions and comments is available at [this link](#).

## **SUMMARY OF PROPOSED CHANGES IN ORDINANCE 8571**

The following sections provide background and summarize major topics related to the proposed ordinance. A summary handout is also available in **Attachment A**.

- **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***

#### **Background**

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-20<sup>th</sup> 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 now other methods of zoning control that mitigate impacts.

### **Comparable Cities**

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. The City of Seattle had a saturation limit in place for a few years when ADU regulations were first adopted in the city, but Seattle removed the limit quickly afterwards in the late 1990s. A matrix summarizing the ADU regulations of more than 30 comparable cities around the country is available in [Attachment G](#), and Boulder is the only city of this group 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."

### **Evaluation Results**

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 E](#), 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% in 2019 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.

## Analysis

The original intent of the saturation limit in the early 1980s was to mitigate potential impacts of ADUs by limiting the number allowed in any particular area. This was when ADUs were a relatively new and little understood concept. Forty years later, rather than using a saturation limit, most other cities in the state and around the country rely on their existing zoning standards and other ADU requirements to mitigate potential impacts of ADUs on neighborhoods. As noted previously, only one other example in the country was found to utilize a similar saturation limit for ADUs.

In Boulder, there are now 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, that did not exist in the 1980s. A summary graphic of the many zoning standards that apply to the design and location of ADUs is available in [Attachment F](#).

Additionally, Boulder's requirements for ADUs related to parking, occupancy limits, and owner occupancy further mitigate any potential impacts. Market rate ADUs are required to provide two parking spaces on their property, which ensures that the ADU does not contribute to on-street parking demand. The occupancy limit, or number of unrelated people that can live on a property, is not higher for properties with ADUs, aside from some flexibility about dependents. ADUs also uniquely require owner occupancy, which ensures that the owner is living on site and addressing any issues that may arise, unlike all other residential properties in the city that do not have owner occupancy restrictions.

The city currently has over 450 approved ADUs. While most of these ADUs (73 percent) are located in the RL-1 and RL-2 zoning districts which have a saturation limit, 27 percent are located in districts without a saturation limit. The districts without saturation limits do not appear to report more negative externalities from ADUs. In the 2022 survey of ADU owners, only 3 percent of all ADU owners reported any occasional complaints from neighbors about their ADU. This metric was unchanged compared to a 2017 survey after increasing the saturation limit from 10% to 20% in 2019.

## 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 J](#), 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.

*Proposed Code Change:* The proposed ordinance removes the current saturation limit of 20 percent for properties within a 300 foot radius in the RL-1 and RL-2 zoning district.

## *Size Limits*

### **Background**

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.

### **Comparable Cities**

There is significant variability among comparable cities that limit the size of ADUs (see summary matrix in [Attachment G](#)). 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.

### **Evaluation Results**

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](#)). Many of these standards vary based on the lot size as well, which also impacts how large of an ADU a particular lot can accommodate.

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 for ADUs from the code would significantly reduce review time and increase clarity for both applicants and city staff.

### **Analysis**

Further increasing the allowed floor area of ADUs could allow for more ADUs to be constructed in Boulder as there may be greater demand for slightly larger ADUs and potentially greater return on investment for property owners. As noted in some of the public input received, an increased size could also allow for additional types of households, such as small families, to find ADUs a feasible housing choice.

The original intent of the size limit for attached ADUs was to ensure that the accessory dwelling unit is smaller in size and therefore subordinate to the main home. The current requirement of 1/3 of the principal structure presents challenges for people with homes smaller than 3,000 square feet. The size restriction in some cases leads to impractical and costly remodeling work such as walling off portions of a basement to meet the size limit. A limit of 1/2 or 1,000 square feet (whichever is less) would still ensure that the ADU remains smaller than the principal structure, but would provide more flexibility for

adaptive reuse of smaller homes. Homes up to 2,000 square feet could have an ADU up to half the size of the principal structure, and those larger than 2,000 square feet would be limited to a 1,000 square foot attached ADU.

Correspondingly, to preserve the existing incentive for owners to pursue affordable units, the maximum size of affordable ADUs would also need to be increased (up to 1,000 square feet for detached, and two-thirds or 1,200 square feet for attached). 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.

### 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 maximum size of detached ADUs was increased to 550 square feet. For attached ADUs, the original staff 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.

To help visualize the size differences, staff compiled photos of a variety of the ADUs that have been approved and constructed since 2019 in [Attachment H](#). These photos include several ADUs that were approved around 800 square feet for detached ADUs and between 1,000 and 1,200 for attached ADUs, by either utilizing the increased size limit incentive for affordable ADUs or by receiving a variance approval from the Board of Zoning Adjustment.

*Proposed Code Change:* The proposed ordinance modifies the maximum size of ADUs as shown in the following table:

ADU Type	Current Size Limit	Proposed Size Limit
<i>Attached</i>	1/3 of principal unit or 1,000 square feet, whichever is less	1/2 of principal unit or 1,000 square feet, whichever is less
<i>Detached</i>	550 square feet	800 square feet
<i>Affordable Attached</i>	1/2 of principal unit or 1,000 square feet, whichever is less	2/3 of principal unit or 1,200 square feet, whichever is less
<i>Affordable Detached</i>	800 square feet	1,000 square feet
<i>Historic Attached</i>	1/2 of principal unit or 1,000 square feet, whichever is less	2/3 of principal unit or 1,200 square feet, whichever is less
<i>Historic Detached</i>	1,000 square feet	1,000 square feet

## *Clarification and Simplification*

The changes detailed below would improve clarity of the ADU regulations for common issues, as well as simplify language in the regulations.

### **Extend Approval Expiration Period**

A commonly raised issue by both applicants and staff was the administrative review 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 provide additional flexibility.

*Proposed Code Change:* The ordinance makes an ADU an allowed use, subject to specific use standards, rather than a conditional use. The current one-year expiration applies only to conditional use approvals. Since ADUs would now be reviewed at the same time as building permits, they would be subject to only the typical timelines of any building permit (180 days with the ability to request an extension). Since the expiration period of the conditional use approval was the issue identified, this change should provide the needed flexibility and will include a consistent expiration period with all other building permits.

### **Flexibility for Height of Existing Structures**

One issue with the code that has been raised through 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 clearly allow existing structures to be adapted into ADUs. This would allow for limited cases that could encourage the adaptive reuse of existing structures that are not increasing current height of structures.

*Proposed Code Change:* The ordinance clarifies the design standard language for maximum height of detached ADUs. It clearly states that the height of existing structures can be modified by staff (above the typical 20 foot limit) for existing structures, as long as the height, size, and roof form are not changing. Also, current flexibility for steeply pitched roofs up to 25 feet would remain, with confusing language about wall to roof ratios removed.

### **Lockable Separation of Attached ADUs**

A frequent misunderstanding in 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 standards 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.

*Proposed Code Change:* Language specifying the requirement for physical, lockable separation has been integrated into the design standards for attached ADUs.

### **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 determine the appropriate status of the single remaining property with this type of ADU.

*Proposed Code Change:* The standards for limited accessory units have been removed from the land use code. The single limited accessory unit in the city would meet all of the standards for an attached ADU, should the ordinance pass.

### **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.

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.

*Proposed Code Change:* The definition of “owner-occupied” has been clarified to include members who own at least 50 percent of an LLC. In addition, more specific language about the documentation needed to prove owner occupancy has been added to the general standards for ADUs. Clarification about the process to allow temporary rental license exemptions has been incorporated as well.

### **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 and frustrated about why they are being notified if there is not a public hearing or opportunity to provide any input that can influence the outcome. Additionally, the public notice adds administrative time, expense, and several steps to the ADU application process.

*Proposed Code Change:* By changing ADUs from a conditional use or [C] in the use table to an [A] or allowed use subject to specific use standards, ADUs would no longer require a separate administrative review process prior to building permit. Allowed uses do not require public notice, and to facilitate an efficient one-step review process of ADUs, the public notice requirement has been removed from the ADU standards.

### ***Process Improvements***

The following additional process changes can also be made to improve procedural issues identified during the 2022 evaluation.

## One-Step Review

ADUs are currently reviewed as a separate administrative application prior to building permit review. Based on discussions with review 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 are removed, the ADU process could be more seamlessly integrated into the building permit process and eliminate the need for a two-step process.

*Proposed Code & Process Changes:* As noted above, to facilitate a one-step review process, ADUs have been changed from a conditional use or [C] in the use table to an [A] or allowed use subject to specific use standards, and the public notice requirement has been removed from the standards. Procedurally, modifications to the building permit application requirements and EnerGov electronic permit review system would be required to implement the change to a one-step review.

## Addressing

Currently, properties are given “Unit A” and “Unit B” addresses 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.

*Proposed Code & Process Changes:* The change to a one-step review process where ADUs are approved through the building permit process will solve this issue. Procedurally, address changes will occur upon the letter of completion for the building permit instead.

## Declarations of Use

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 out of date. Properties are subject to current regulations as they change regardless of the recorded declaration of use.

*Proposed Code & Process Changes:* The standard declaration of use template used for recording will be updated to reflect any new regulations and to ensure it adequately covers compliance with any future code changes as well.

## 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.

*Proposed Code & Process Changes:* The proposed ordinance changes will facilitate a simpler review process with more straightforward standards. While this will significantly help public understanding of the application requirements, additional work to create handouts and videos for the City website will be completed upon adoption of the ordinance.

## ANALYSIS

Staff has identified the following key issues for the City Council's consideration:

1. Does the City Council find that the proposed ordinance implements the adopted policies of the Boulder Valley Comprehensive Plan?
2. Does the City Council suggest any modifications to the proposed ordinance?

Staff finds that the proposed ordinance implements the adopted policies of the comprehensive plan. The following analysis is provided to demonstrate how the project objective is met through the proposed ordinance.

### *What is the reason for the ordinance and what public purpose will be served?*

City Council identified updating the ADU regulations as a priority project for the 2022-2023 council term, with the express objective of increasing the number of ADUs in the community. This ordinance updates the ADU regulations based on a thorough review of the most recent significant changes to the ADU regulations adopted in 2018 and an understanding of the changes that would be most impactful at reducing barriers to ADUs in Boulder. The public purpose of increasing housing options for households of all types, ages, and incomes, is served by this ordinance.

### *How is the ordinance consistent with the purpose of the zoning districts or code chapters being amended?*

With this ordinance, ADUs would be allowed uses, subject to specific use standards, in the same districts where they are currently allowed as a conditional use: RR (Residential – Rural), RE (Residential – Estate), RL (Residential – Low), RM-2 (Residential – Medium 2), RMX (Residential – Mixed), P (Public), and A (Agricultural). The purposes of the residential districts are stated in Section 9-5-2 and designate residential uses of varying densities. Many residential uses are permitted by use review in the Public district and single-family homes are allowed with use review in the Agricultural district. The ordinance is consistent with the residential purpose of the residential districts and provides opportunities for single-family homes in the P and A districts to incorporate an ADU.

### *Are there consequences in denying this ordinance?*

The consequence of denying this ordinance is that existing ADU regulations that have been found to be barriers to ADU construction in Boulder would remain in place. The

inefficient and frustrating two-step process for ADU approval would be maintained. ADUs would continue to be limited in size and therefore provide housing options for limited household types. Frequent issues of interpretation and needed clarification would not be improved in the code.

#### *What adverse effects may result with the adoption of this ordinance?*

Staff does not anticipate that adverse effects may result with the adoption of this ordinance. Cities around the country allow ADUs without saturation limits and the recent trend in most cities is to further liberalize restrictions on ADUs, as many see ADUs as one solution to address housing shortages.

Boulder has a robust and detailed land use code with many requirements that ensure the compatibility of new structures, such as building coverage, floor area ratio requirements, setbacks, height, side wall articulation standards, solar requirements, bulk planes, and more which are expressly intended to ensure compatibility. In addition, the size limits, parking requirements, and owner-occupancy requirement further mitigate potential adverse effects of additional ADUs. Lots with ADUs are not allowed additional occupancy (number of unrelated people living on-site) beyond a typical single-family home, except for some additional flexibility for dependents.

City staff do not note increased levels of enforcement actions on properties with approved ADUs compared to other residential properties. Issues like snow removal, sidewalk obstructions, and bear proof containers are some of the most typical complaints on properties with ADUs, like many other residential properties. Some properties with approved ADUs have been in enforcement action due to long-term renting without a proper rental license or for short-term renting (which is prohibited by ADU regulations), but these issues occur throughout the city as well.

#### *What factors are influencing the timing of the proposed ordinance? Why?*

City Council identified updating the ADU regulations as a priority project for the 2022-2023 council term, with the express objective of increasing the number of ADUs in the community. The goal is to complete the project in the second quarter of 2023.

#### *How does the ordinance compare to practices in other cities?*

A detailed analysis was completed of the ADU regulations of over 30 comparable cities around the country (see [Attachment G](#) for a summary matrix), several of which have recently undertaken updates to their ADU regulations. These cities are primarily communities with large universities, less than 100 square miles of land area, below 200,000 people, as well as a similar population density and household size to Boulder. The cities had a range of median housing prices. Several other Colorado examples were also included for geographic comparability. The analysis resulted in the following key takeaways:

- None of the comparable cities have a saturation limit for ADUs
- Only a few have a minimum lot size
- Almost all cities limit 1 ADU per lot

- Boulder's maximum size of detached ADUs smaller than most cities (though many cities in Colorado tend to be lower than other states, 600-1,000 sf). Maximum size is typically around 800 sf or a % of principal structure
- Variation on parking requirements – 0 or 1, some cities waive requirements if located close to transit
- Almost all say ADU cannot be sold separately
- About half require owner occupancy

Further, staff researched the approval procedures for these cities and found that most of these cities review ADUs through a one-step building permit process. Many require proof of owner occupancy at the time of building permit, as Boulder currently requires during the administrative conditional use application. Only a few of the cities consider ADUs a conditional use (or similar discretionary review) as Boulder does currently and only a few of the communities require public notice of ADU applications.

#### *How will this ordinance implement the comprehensive plan?*

This project implements several relevant policies noted below.

Reducing barriers to ADUs through the proposed code changes will increase workforce and long-term rental housing options in single-family residential neighborhoods by providing ADUs as a more viable housing option for many types of households. Neighborhood character will continue to be protected and enhanced through existing zoning standards such as the compatible design standards, building coverage and floor area ratio requirements, as well as ADU-specific standards such as parking requirements, size limits, and the owner-occupancy requirement. Procedurally, the changes will simplify the approval process for ADUs in Boulder and better ensure efficiency, effectiveness, and quality customer service.

By providing options for affordable ADUs to reduce their parking requirement and increase size, incentives remain in place to ensure that many ADUs are kept at an affordable rental level in perpetuity, furthering the city's affordable housing goals. In addition, the evaluation of ADUs in Boulder noted that rental prices even of the market-rate ADUs tend to be more affordable to middle-income households. In addition, reducing barriers to ADUs may help to preserve existing housing stock by allowing homeowners to age in place in their homes and provide income potential. Increasing housing also supports a balance between housing supply and employment base in Boulder.

The increased size limits for ADUs will allow for housing for a greater range of households, including young families, who may find the current size limits infeasible. At the proposed size, ADUs can provide housing options for singles, couples, families with children and other dependents, extended families, non-traditional households, and older adults.

#### **Built Environment Policy 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.

**Built Environment Policy 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 (OAU)) 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.

**Housing Policy 7.01: Local Solutions to Affordable Housing**

The city and county will employ local regulations, policies and programs to meet the housing needs of low, moderate and middle-income households. Appropriate federal, state and local programs and resources will be used locally and in collaboration with other jurisdictions. The city and county recognize that affordable housing provides a significant community benefit and will continually monitor and evaluate policies, processes, programs and regulations to further the region's affordable housing goals. The city and county will work to integrate effective community engagement with funding and development requirements and other processes to achieve effective local solutions.

**Housing Policy 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.

**Housing Policy 7.08: Preserve Existing Housing Stock**

The city and county, recognizing the value of their existing housing stock, will encourage its preservation and rehabilitation through land use policies and regulations. Special efforts will be made to preserve and rehabilitate existing housing serving low-, moderate- and middle-income households. Special efforts will also be made to preserve and rehabilitate existing housing serving low-, moderate- and middle-income households and to promote a net gain in affordable and middle-income housing.

**Housing Policy 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.

**Housing Policy 7.11: Balancing Housing Supply with Employment Base**

The Boulder Valley housing supply should reflect, to the extent possible, employer workforce housing needs, locations and salary ranges. Key considerations include housing type, mix and affordability. The city will explore policies and programs to increase housing for Boulder workers and their families by fostering mixed-use and multi-family development in proximity to transit, employment or services and by considering the conversion of commercial- and industrial-zoned or -designated land to allow future residential use.

**Housing Policy 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.

**Local Governance & Community Engagement Policy 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.

**ATTACHMENTS**

- Attachment A: Ordinance 8571 Summary
- Attachment B: Proposed Ordinance 8571
- Attachment C: Annotated Ordinance
- Attachment D: Map of Approved ADUs
- Attachment E: ADU Update Evaluation: 2019-2022
- Attachment F: Graphic of Regulations Impacting ADU Design and Location
- Attachment G: Comparable City Research Matrix
- Attachment H: Photos of Recent ADUs in Boulder
- Attachment I: ADU Update Project Charter
- Attachment J: 2016-2018 ADU Public Engagement Summary
- Attachment K: CCR Summary and Public Comments Received

# Ordinance 8571 Summary

## ACCESSORY DWELLING UNIT REGULATIONS

### Background

The City Council identified updating the accessory dwelling unit (ADU) regulations as one of their top work program priorities for 2022-2023. The objective of the project is to increase the allowance of ADUs in the community. The scope of the project includes:

- Eliminating the saturation limit in the RL-1 and RL-2 zoning districts
- Considering changes to the ADU size limits
- Clarifying and simplifying the code
- Improving the approval process

### Saturation Limit

Remove the current restriction that limits ADUs in the RL-1 and RL-2 zoning districts to only 20% of properties within a 300 foot radius.

### Clarification & Simplification

Staff completed an evaluation of the most recent update to the ADU regulations and identified several opportunities for clarification and simplification of the ADU regulations, including:

- Facilitate a one-step review of ADUs at time of building permit by changing ADUs from a conditional use to an allowed use subject to specific use standards
- Expedite review by removing required notice to adjacent properties
- Provide flexibility of height requirement for existing structures to be adaptively reused as an ADU
- Clarify need for lockable separation of attached ADUs
- Remove underutilized limited accessory unit type
- Clarify requirements for owner occupancy regarding limited liability companies and temporary rental license exemptions

### Size Limits

Increase the allowable size of ADUs and remove the unique floor area definition for ADUs. The new size limits would be:

- Detached: 800 square feet.
- Attached: 1/2 of the principal structure or 1,000 square feet, whichever is less.
- Affordable or Historic Detached: 1,000 square feet.
- Affordable or Historic Attached: 2/3 of the principal structure or 1,200 square feet, whichever is less.

### Process Improvements

Aside from revised ordinance changes, additional improvements to the process will be implemented. These procedural changes will facilitate the one-step review made possible through the code changes, as well as the timing of address changes, and creating helpful self-service handouts and videos for the city website.



ORDINANCE 8571

AN ORDINANCE AMENDING SECTION 4-20-18, “RENTAL  
LICENSE FEE,” TITLE 9, “LAND USE CODE,” AND TITLE 10  
“STRUCTURES,” B.R.C. 1981, UPDATING THE  
REGULATIONS FOR ACCESSORY DWELLING UNITS; AND  
SETTING FORTH RELATED DETAILS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
COLORADO:

Section 1. Section 4-20-18, “Rental License Fee,” B.R.C. 1981, is amended to read as  
follows:

The following fees shall be paid before the city manager may issue a rental license or  
renew a rental license:

- (a) Dwelling and Rooming Units: \$190 per building.
- (b) Accessory Dwelling Units: \$190 per unit.

...

Section 2. Section 9-2-3, “Variances and Interpretations,” B.R.C. 1981, is amended to  
read as follows:

...

- (d) Board of Zoning Adjustment (BOZA): The BOZA may grant variances from the  
requirements of:

...

- (6) The size requirements for accessory dwelling units of Subsection 9-6-3(n), B.R.C.  
1981;

...

- (i) Floor Area Variances for Accessory Dwelling Units: The BOZA may grant a variance to  
the maximum floor area allowed for an attached accessory dwelling unit or for a detached

accessory dwelling unit under Subsection 9-6-3(n), B.R.C. 1981, only if it finds that the application satisfies all of the following applicable requirements of either Subparagraph (i)(1) or (i)(2):

...

(2) Unusual Physical Conditions:

(A) That there are unusual physical circumstances or conditions in the design of the existing structure the accessory dwelling unit would be in, including without limitation the thickness of exterior walls or framing, that affect the total allowed interior floor area of the accessory dwelling unit;

...

(E) That the accessory dwelling unit would be clearly incidental to the principal dwelling unit.

...

Section 3. Line 4 of Table 4-2: Public Notice Options in Section 9-4-3, “Public Notice Requirements,” B.R.C. 1981, is amended to read as follows:

(a) Process and Options: When a process or procedure identified in this title requires public notice, the city manager shall provide such notice according to Table 4-2 of this section. If a code section does not reference a specific method, the city manager shall determine the most appropriate notification method to be used.

**TABLE 4-2: PUBLIC NOTICE OPTIONS**

<i>Public Notice Type</i>	<i>Type of Application, Meeting or Hearing</i>	<i>Mailed Notice</i>	<i>Posted Notice</i>
4	Solar exceptions, solar access permits, <del>accessory units</del>	To adjacent property owners a minimum of 10 days before final action	Post property a minimum of 10 days from receipt of application and prior to final action or any hearing

...

Section 4. The Accessory dwelling unit line under “Residential Uses” of Table 6-1: Use Table in Section 9-6-1, “Schedule of Permitted Land Uses,” B.R.C. 1981, is amended to read as follows:

The schedule in Table 6-1 shows the uses that are permitted, conditionally permitted, prohibited, or that may be permitted through use review.

**TABLE 6-1: USE TABLE**

A = Allowed   C = Conditional Use   U = Use Review   [ ] = Specific Use Standards Apply   - = Prohibited																																					
Zoning District	RR-1,	RR-2,	RL-2,	RM-2,	RM-1,	RM-3,	RMX-1	RMX-2	RH-1,	RH-2,	RH-3,	RH-7,	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1,	BT-2,	BMS	BC-1,	BC-2,	BCS	BR-1,	BR-2,	DT-4	DT-5	DT-1,	DT-2,	IS-1, IS-2	IG	IM	IMS	P	A	Specific Use Standards
	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A										
RESIDENTIAL USES																																					
Residential Accessory																																					
Accessory dwelling unit	[C A]	[C A]	-	[C A]	[C A]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[C A]	[C A]	9-6-3(n)		

Section 5. Section 9-6-3, “Specific Use Standards - Residential Uses,” B.R.C. 1981, is amended to read as follows:

(a) **Residential Uses:**

(n) **Accessory Dwelling Unit:**

- (1) ~~General Requirements: Three types of accessory units may be approved as conditional uses: Attached accessory dwelling units, detached accessory dwelling units, and limited accessory units. The following standards apply to all three types of an accessory dwelling unit:~~

- (A) General Standards: An accessory dwelling unit shall meet the following standards:

- (i) Lot Limitations: An accessory dwelling unit may be created on a lot of 5,000 square feet or more with a detached dwelling unit. One accessory dwelling unit may be located on a lot.

- (ii) Maximum Floor Area: The accessory dwelling unit shall be limited to the floor area in Table 6-3. The board of zoning adjustment may grant a variance to this floor area requirement pursuant to Section 9-2-3, “Variances and Interpretations,” B.R.C. 1981  
Occupancy Requirement: For purposes of determining occupancy

requirements under Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, the principal dwelling unit and accessory unit shall be considered one dwelling unit. The occupancy of the principal dwelling unit together with the occupancy of any accessory unit shall not exceed the occupancy requirements set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, for one dwelling unit; provided, however, for purposes of this section only, any occupant and his or her dependents shall be counted as one person. The floor area limitation for quarters used by roomers under Paragraph 9-8-5(a)(1), B.R.C. 1981, shall not apply to an accessory unit.

**Table 6-3: Maximum Floor Area**

	<u>Accessory Dwelling Unit</u>	<u>Affordable Accessory Dwelling Unit</u>	<u>Designated Historic Property</u>
<u>Attached</u>	<u>One-half of the total floor area of the principal structure or 1,000 square feet, whichever is less.</u>	<u>Two-thirds of the total floor area of the principal structure or 1,200 square feet, whichever is less.</u>	
<u>Detached</u>	<u>800 sq. ft.</u>	<u>1,000 sq. ft.</u>	

(iii) Off-Street Parking: The minimum number of off-street parking spaces shall be provided on the lot or parcel as required by Table 6-4. The required parking spaces shall meet at least the minimum dimensional requirements in Table 9-6, "Small Car Parking Dimension Standards," B.R.C. 1981, and may be located in a required landscaped setback abutting the street.

**Table 6-4: Off-Street Parking Requirement**

<u>Accessory Dwelling Unit</u>	<u>The number of off-street parking spaces required in the zoning district for the principal dwelling unit and one additional off-street parking space</u>
<u>Affordable Accessory Dwelling Unit</u>	<u>The parking required in the zoning district for the principal dwelling unit.</u>
<u>Designated Historic Property</u>	

(iv) Owner-Occupied: The principal dwelling unit or accessory dwelling unit on the parcel or lot must be owner-occupied. The applicant shall provide evidence to the city manager to

demonstrate compliance with this requirement at the time of application or any time thereafter. For entities that are similar to ownership by a person, such evidence may include without limitation declaration of trust ownership, articles of organization, operating agreement, or similar documentation. The city manager may approve a temporary absence of the owner-occupant for less than one year with an affidavit of exemption pursuant to the procedures for temporary rental license exemptions in Section 10-3-2, "Rental License Required Before Occupancy and License Exemptions," B.R.C. 1981.

(~~iii~~v) Rental License: No owner of the property shall allow, or offer to allow through advertisement or otherwise, any person to occupy the accessory dwelling unit or the principal dwelling unit as a tenant or lessee or otherwise for a valuable consideration unless such rented unit has been issued a valid rental license by the city manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.

(~~iv~~vi) Short-Term Rental: Short-term rental of an accessory dwelling unit and short-term rental of a principal dwelling unit on a lot or parcel with an accessory dwelling unit are prohibited except as specifically authorized in Section 10-3-19, "Short-Term Rentals," B.R.C. 1981.

(~~v~~vii) No Independent Conveyance: No person shall convey an accessory dwelling unit independently of the principal dwelling unit on the lot or parcel.

~~(B) Application: All applicants shall apply on forms provided by the city manager showing how and in what manner the criteria of this subsection are met, provide a statement of current ownership and a legal description of the property, pay the application fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981, and submit plans as may be required by the manager.~~

~~(C) Public Notice: Notice of the application shall be provided consistent with "Public Notice Type 4," as defined by Subsection 9-4-3(a), B.R.C. 1981.~~

~~(D) Review and Approval: All applications for accessory units shall be reviewed under the procedures of Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.~~

(~~E~~viii) Declaration of Use Required: Before obtaining approval, all owners shall sign a declaration of use, including all the conditions standards for continued use, to be recorded in the office of the Boulder County Clerk and Recorder to serve as actual and

constructive notice of the legal status of the owner's property. If the unit is to be an affordable accessory dwelling unit, the declaration shall include a sworn certification that the unit will meet the affordability standard and a statement of the number of bedrooms.

(~~FIX~~) Amendments: The owner of an accessory dwelling unit may amend the approved size, affordability status, or other characteristics of an approved accessory dwelling unit by filing a building permit application that demonstrates compliance with applicable accessory dwelling unit standards. Prior to approval the owner must sign an updated declaration of use to be recorded in the office of the Boulder County Clerk and Recorder. The site plan for an accessory unit may be modified and an affordable accessory unit may be converted to an accessory unit that is not an affordable accessory unit provided that an application is filed and reviewed by the manager under the procedures of Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981. The application must demonstrate that the proposed accessory unit meets the requirements of this section except that it shall not be subject to the saturation limitations of Subparagraphs (m)(2)(A) and (E) and (m)(3)(A) and (E).

~~(G) Floor Area: For the purpose of calculating the floor area of an attached accessory unit or detached accessory unit under this subsection (m), floor area shall mean the total square footage of all levels measured to the outside surface of the exterior framing, to six inches beyond the interior wall on an exterior wall, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress by Chapter 10-5, "Building Code," B.R.C. 1981, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space.~~

(2) Attached Accessory Dwelling Units: In addition to the general accessory unit standards in Paragraph ~~(m)~~(1) of this section, the following standards apply to attached accessory dwelling units. ~~The owner or the owners of a lot or parcel with a single-family dwelling unit may establish and maintain an attached accessory dwelling unit within the principal structure of a detached dwelling unit in the RR, RE, RL, RMX, A, or P districts if all of the following conditions are met and continue to be met during the life of the attached accessory dwelling unit:~~

(A) ~~Neighborhood Area: In the RL-1 or RL-2 zoning districts, no more than twenty percent of the lots or parcels in a neighborhood area contain an accessory unit. For the purpose of this subparagraph:~~

(i) ~~The “neighborhood area” in RL-1 and RL-2 zoning districts is the area circumscribed by a line three hundred feet from the perimeter of the lot line within which any accessory unit will be located. Within the “neighborhood area” only accessory units within the RL-1 and RL-2 zoning districts are counted towards the twenty percent limitation factor.~~

(ii) ~~For the purpose of calculating the twenty percent limitation factor, the following shall apply:~~

a. ~~A legal, nonconforming structure containing two or more~~

~~dwelling units is counted as an accessory unit;~~

b. ~~A cooperative housing unit is counted as an accessory unit;~~

c. ~~An accessory unit that is licensed as part of a cooperative housing unit and said cooperative housing unit shall be counted together as one accessory unit; and~~

d. ~~The manager may promulgate regulations defining additional methods to be used in calculating the twenty percent limitation factor and the neighborhood area.~~

(iii) ~~If an application for an accessory unit exceeds the twenty percent requirement set forth in this Subparagraph (m)(2)(A), the manager will place the applicant on a waiting list for the neighborhood area.~~

~~At such time as there is room for an additional accessory unit within a neighborhood area, the manager will notify the first eligible person on the waiting list. Such person on the waiting list shall be required to provide notice of intent to file an application within thirty days and file an application within sixty days of such notice.~~

(B) ~~Parking: The attached accessory dwelling unit shall have the following off-street parking:~~

(i) ~~The number of off-street parking spaces required in the zoning district for the principal dwelling unit; and~~

(ii) ~~One additional off-street parking space on the lot or parcel upon which the detached dwelling unit is located; and~~

(iii) ~~The parking spaces required under this Subparagraph (m)(2)(B) shall not be required to meet the setback requirements of Section 9-7-1, “Schedule of Form and Bulk Standards,” B.R.C. 1981, provided that the parking spaces are not located in the public right-~~

of way.

(C) ~~Standards: The attached accessory dwelling unit is clearly incidental to the principal dwelling unit and meets the following standards:~~

(i) ~~The attached accessory dwelling unit is created only in a single-family detached dwelling unit on a lot of five thousand square feet or more.~~

(ii) ~~The attached accessory dwelling unit does not exceed one-third of the total floor area of the principal structure or one thousand square feet, whichever is less, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

(A) (iii) Interior Connections: All attached accessory dwelling units shall be physically separated by a wall or a lockable door. If there is an interior connection between the attached-accessory dwelling unit and the principal dwelling prior to the creation of the attached-accessory dwelling unit, the connection together with the lockable, physical separation shall be maintained for the duration during the life of the attached-accessory dwelling unit.

(B) (iv) Side Entrances: Any additional entrance resulting from the creation of an attached accessory dwelling unit may face the side of the lot fronting on the street only if such entrance is adequately and appropriately screened in a manner that does not detract from the single-family appearance of the principal dwelling unit.

(D) ~~Affordable Accessory Units: If the attached accessory dwelling unit is licensed as an affordable accessory unit, the following standards apply:~~

(i) ~~The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit.~~

(ii) ~~The unit may be more than one-third of the total floor area of the principal structure but shall not exceed one-half of the floor area of the principal structure or one thousand square feet, whichever is less. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

(iii) ~~If the unit is or will be offered for rental for compensation, the owner must obtain and at all times thereafter maintain a valid rental license for an affordable accessory unit issued by the manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.~~

(E) ~~Designated Historic Property: If the attached accessory dwelling unit is located within a principal structure that is designated as an individual landmark or recognized as contributing to a designated historic district under Chapter 9-11, "Historic Preservation," B.R.C. 1981, the following modifications to the standards of this Paragraph (m)(2) apply:~~

(i) ~~In the RL-1 and RL-2 zoning district, the unit is not subject to the twenty percent limitation factor of Subparagraph (m)(2)(A) provided that no more than thirty percent of the lots or parcels in the neighborhood area contain an accessory unit;~~

(ii) ~~The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit; and~~

(iii) ~~The unit may be more than one-third of the total floor area of the principal structure but shall not exceed one-half of the floor area of the principal structure or one thousand square feet, whichever is less. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

(3) Detached Accessory Dwelling Units: In addition to the general accessory unit standards in Paragraph (n)(1) of this section, the following standards apply to detached accessory dwelling units: ~~An owner or the owners of a lot or parcel with a single-family detached dwelling unit may establish and maintain a detached accessory dwelling unit within an accessory structure meeting the size restrictions described below, on a lot or parcel in the RR, RE, RL, RMX, A, and P districts if all of the following conditions are met and continue to be met during the life of the detached accessory dwelling unit:~~

(A) Maximum Height: The maximum height of accessory buildings with a detached accessory dwelling unit shall not be greater than twenty feet. The city manager may modify this height standard if the building meets one of the following: ~~Neighborhood Area: In the RL-1 and RL-2 zoning districts, no more than twenty percent of the lots or parcels in a neighborhood area contain an accessory unit. For the purpose of this subparagraph:~~

(i) If the roof pitch is 8:12 or greater, provided the building height does not exceed 25 feet; or ~~The "neighborhood area" in RL-1 and RL-2 zoning districts is the area circumscribed by a line three hundred feet from the perimeter of the lot line within which an accessory unit will be located. Within the "neighborhood area" only accessory units within the RL-1 and RL-2 zoning districts are counted towards the twenty percent limitation factor.~~

(ii) If a legal existing accessory building is converted to a detached accessory dwelling unit, provided that no changes are proposed to

the existing accessory building's height, floor area, or roof form. For the purpose of calculating the twenty percent limitation factor, the following shall apply:

- a. ~~A legal, nonconforming structure containing two or more dwelling units is counted as an accessory unit;~~
- b. ~~A cooperative housing unit is counted as an accessory unit;~~
- c. ~~An accessory unit that is licensed as part of a cooperative housing unit and said cooperative housing unit shall be counted together as one accessory unit; and~~
- d. ~~The manager may promulgate regulations defining additional methods to be used in calculating the twenty percent limitation factor and the neighborhood area.~~

(iii) ~~If an application for a detached accessory dwelling unit exceeds the twenty percent requirement set forth in Subparagraph (m)(3)(A), the manager will place the applicant on a waiting list for the neighborhood area. At such time as there is room for an additional accessory unit within the neighborhood area, the manager will notify the first eligible person on the waiting list. Such person on the waiting list shall be required to provide notice of intent to file an application within thirty days and file an application within sixty days of such notice.~~

(B) Parking Private Open Space: ~~The~~ A detached accessory dwelling unit shall have a minimum of sixty square feet of private open space provided for the exclusive use of the occupants of the detached accessory dwelling unit. Private open space may include porches, balconies, or patio areas. ~~the following parking:~~

- (i) ~~The number of off-street parking spaces required in the zoning district for the principal dwelling unit; and~~
- (ii) ~~One additional off-street parking space on the lot or parcel upon which the detached dwelling unit is located;~~
- (iii) ~~The parking spaces required under this Subparagraph (m)(3)(B) shall not be required to meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, provided that the parking spaces are not located in the public right-of-way. To the extent practical, any additional off-street parking that is constructed in the RR or RE zoning district required for the detached accessory dwelling unit shall be screened from the view of properties that directly abut a property line of the detached accessory dwelling unit.~~

(C) ~~Incidental to Principal Dwelling Unit: The detached accessory dwelling unit is clearly incidental to the principal dwelling unit and meets the following standards:~~

(i) ~~The detached accessory dwelling unit is created on a lot of five thousand square feet or larger.~~

(ii) ~~The detached accessory dwelling unit's floor area does not exceed five hundred and fifty square feet, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

(iii) ~~The following design standards apply to detached accessory dwelling units:~~

a. ~~Maximum height of accessory buildings with a detached accessory dwelling unit shall not be greater than twenty feet unless the roof pitch is greater than 8:12 and the resulting ratio of the height of the roof (measured from the eave line to the top of the roof) to the height of the side walls (measured from the low point of grade to the eave line) is less than a 1:2 ratio. The city manager may modify this height standard for a legal existing accessory building that is being converted to a detached accessory dwelling unit to the extent that the existing accessory building's height and size is not proposed to be modified. In no case may a building height exceed twenty-five feet.~~

b. ~~A detached accessory dwelling unit shall have a minimum of sixty square feet of private open space provided for the exclusive use of the occupants of the detached accessory dwelling unit. Private open space may include porches, balconies, or patio areas. Decks, porches, patios, terraces, and stairways, located at a height greater than thirty inches above grade, shall be considered part of the building coverage.~~

c. ~~Setbacks shall comply with accessory building setbacks. Where the rear yard of a property in the RR or RE zoning district directly abuts an RL zoning district, the rear yard accessory building setback shall be the same as the side yard setback for accessory buildings for applicable RR or RE zoning districts.~~

(D) ~~Affordable Accessory Units: If the detached accessory dwelling unit is licensed as an affordable accessory unit, the following standards apply:~~

(i) ~~The unit shall only be required to provide the parking required in~~

the zoning district for the principal dwelling unit.

(ii) ~~The unit's floor area may be up to eight hundred square feet. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

(iii) ~~If the unit is or will be offered for rental for compensation, the owner must obtain and at all times thereafter maintain a valid rental license for an affordable accessory unit issued by the manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.~~

(E) ~~Designated Historic Property: If either the accessory structure the detached accessory dwelling unit is located in or the principal structure on the lot or parcel is designated as an individual landmark or recognized as contributing to a designated historic district under Chapter 9-11, "Historic Preservation," B.R.C. 1981, the following modifications to the standards of this Paragraph (m)(3) apply:~~

(i) ~~In the RL-1 and RL-2 zoning district, the unit is not subject to the twenty percent limitation factor of Subparagraph (m)(3)(A) provided that no more than thirty percent of the lots or parcels in the neighborhood area contain an accessory unit;~~

(ii) ~~The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit; and~~

(iii) ~~The unit's floor area may be up to one thousand square feet. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

(4) ~~Limited Accessory Units: In addition to the general accessory unit standards in Paragraph (m)(1) of this section, the following standards apply to limited accessory units that may be approved as a conditional use in the RR-1, RR-2, RE, and RL-1 Zoning Districts only. An existing nonconforming duplex or two detached dwelling units located on the same lot and within the R1 use module may be converted to limited accessory dwelling units. A limited accessory dwelling unit may be modified and expanded as a conditional use. Conversion to a limited accessory dwelling unit is subject to compliance with all of the following standards:~~

(A) ~~Applicability: This Subparagraph (m)(4) is only applicable to dwelling units that legally existed, were actively used as multiple dwelling units, and had a valid rental license on January 1, 2005.~~

(B) ~~Expansion Limitation: The cumulative total of any expansion shall not~~

exceed twenty percent of the total floor area that was documented at the time of the initial expansion. Any expansion of the restricted accessory unit shall not exceed ten percent. In no case shall any expansion cause the cumulative size of the restricted dwelling units to exceed the maximum allowable floor area ratio of the underlying zoning district as set forth in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981.

(C) ~~Parking: The minimum number of off-street parking spaces shall not be less than three spaces. All parking shall comply with the design and access requirements set forth in Section 9-9-6, "Parking Standards," B.R.C. 1981. A minimum of one off-street parking space shall be available for use by the restricted accessory dwelling unit.~~

(D) ~~Loss of Prior Nonconforming Status: If a nonconforming duplex or two detached dwelling units are converted to limited accessory units through the conditional use process, any prior nonconforming status is lost.~~

Section 6. Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, is amended to read as follows:

...

(b) ~~Attached Accessory Dwelling Unit, Detached Accessory Dwelling Unit, or Limited Accessory Dwelling Unit: The occupancy of an attached accessory dwelling unit, detached accessory dwelling unit, or limited accessory dwelling unit must meet the requirements of Subsection 9-6-3(n), B.R.C. 1981. The principal dwelling unit and accessory dwelling unit shall be considered one dwelling unit. The occupancy of the principal dwelling unit together with the occupancy of any accessory dwelling unit shall not exceed the occupancy requirements set forth in this section for one dwelling unit; provided, however, for purposes of this subsection only, any occupant and his or her dependents shall be counted as one person. The floor area limitation for quarters used by roomers under Paragraph 9-8-5(a)(1), B.R.C. 1981, shall not apply to an accessory dwelling unit.~~

...

(d) Cooperative Housing License: A dwelling unit licensed as a cooperative housing unit pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981, shall not be subject to the occupancy limits or any exceptions as set forth in this section; and an attached accessory dwelling unit or detached accessory dwelling unit licensed with such dwelling unit as a cooperative housing unit shall not be subject to the occupancy standards of ~~Subp~~Paragraph 9-6-3(n)(1)(A)(ii), "Occupancy Requirement" 9-8-5(b), "Accessory Dwelling Unit," B.R.C. 1981. All such dwelling units together with any

attached accessory dwelling unit or detached accessory dwelling unit so licensed shall be limited to no fewer than four occupants with the maximum number of occupants, without regard to whether the occupants are related or not, as follows:

...

Section 7. Row six under “Use” of Table 9-2: Use Specific Motor Vehicle Parking Requirements for Residential Uses in all Zones and row three under “Residential Uses” of Table 9-8: Off-Street Bicycle Parking Requirements in Section 9-9-6, “Parking Standards,” B.R.C. 1981, are amended to read as follows:

...

(b) Off-Street Parking Requirements: The number of required off-street motor vehicle parking spaces shall be provided in Tables 9-1, 9-2, 9-3, and 9-4 of this section; the number of required off-street bicycle parking spaces shall be provided in Table 9-8 of this section:

...

(2) Use Specific Motor Vehicle Parking Requirements for Residential Uses:

**TABLE 9-2: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR RESIDENTIAL USES IN ALL ZONES**

<i>Use</i>	<i>Parking Requirement</i>
Roomers within a single-unit dwelling	1 space per 2 roomers
Residential developments in which 1-bedroom units are 60 percent or more of the total	1.25 spaces per 1-bedroom unit
Rooming house, boarding house, fraternity, sorority, group living, and hostels	2 spaces per 3 occupants
Efficiency living units, transitional housing	1 space per DU
Bed and breakfast	1 space per guest room + 1 space for operator or owner's DU within building
<del>Attached a</del> Accessory dwelling unit, <del>detached</del> accessory dwelling unit	The off-street parking requirement for the principal DU must be met, plus any parking space required for the accessory <u>dwelling</u> unit, see Subsection 9-6-3(n), B.R.C. 1981

...

(g) Bicycle Parking:

(1) Required Bicycle Spaces: Bicycle parking spaces must be provided as required by Table 9-8 of this section.

**TABLE 9-8: OFF-STREET BICYCLE PARKING REQUIREMENTS**

<i>Use Type (based on Table 6-1 of Section 9-6-1)</i>	<i>Minimum Number of Off-Street Bicycle Spaces</i>	<i>Long-Term</i>	<i>Short-Term</i>
<b>Residential Uses</b>			
Dwelling units <sup>(a)</sup> with a private garage <sup>(b)</sup>	no requirement	n/a	n/a
Dwelling units without a private garage <sup>(b)</sup>	2 per unit	75%	25%
Accessory <u>dwelling</u> units	no requirement	n/a	n/a

...  
Section 8. Section 9-16-1, "General Definitions," B.R.C. 1981, is amended to read as follows:

(a) The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title unless a term is defined differently in this chapter.

...  
(c) The following terms as used in this title have the following meanings unless the context clearly indicates otherwise:

...  
*Accessory dwelling unit* means a separate and complete single housekeeping unit within a detached dwelling unit or within an accessory structure to the principal dwelling unit of the lot or parcel upon which the unit is located, ~~permitted under the provisions of Subsection 9-6-3(n), B.R.C. 1981.~~

...  
*Affordable accessory dwelling unit* means a unit for which the rents meet the affordability standard.

...  
*Attached accessory dwelling unit* means a separate and complete single housekeeping unit within a detached dwelling unit, ~~permitted under the provisions of Subsection 9-6-3(m), B.R.C. 1981.~~

*Designated historic property* means a property with a building designated as an individual landmark or recognized as contributing to a designated historic district under Chapter 9-11, "Historic Preservation," B.R.C. 1981.

...

*Detached accessory dwelling unit* means a separate and complete single housekeeping unit within an accessory structure to the principal dwelling unit of the lot or parcel upon which the unit is located ~~that is permitted under the provisions of Paragraph 9-6-3(n)(3), B.R.C. 1981.~~

...

~~*Limited accessory unit* means an existing nonconforming duplex or two detached dwelling units located on the same lot and within the R1 use module that has been approved in compliance with the standards in Section 9-6-3(n)(4).~~

...

*Owner-occupied* means a dwelling unit or accessory dwelling unit that is the principal residence of at least one owner of record of the lot or parcel upon which the dwelling unit or accessory dwelling unit is located, who possesses at least an estate for life, or a fifty percent fee simple ownership interest, or is the trustor of a revocable living trust, or is the member that owns at least fifty percent of a limited liability company, or is the partner that owns at least fifty percent of a partnership or limited liability partnership, or similar entity.

...

Section 9. Section 10-1-1, "Definitions," B.R.C. 1981, is amended to read as follows:

- (a) The following terms used in this title have the following meanings unless the context clearly indicates otherwise:

...

*Accessory dwelling unit* means an accessory dwelling unit permitted under Section 9-6-3(n), "Accessory Dwelling Units," B.R.C. 1981.

...

Section 10. Section 10-3-6, "License Application Procedure for Buildings Converted to Rental Property," B.R.C. 1981, is amended to read as follows:

Every operator converting a property to rental property shall follow the procedures in this

section for procuring a rental license:

(a) Submit to the city manager a complete application packet, on forms provided by the manager, at least thirty days before rental of the property including:

...

(4) If the unit is an affordable accessory dwelling unit as defined in Section 9-16-1, "General Definitions," B.R.C. 1981, a sworn certification that the unit will meet the rental affordability standard as defined in Section 9-16-1, "General Definitions," B.R.C. 1981.

...

Section 11. Section 10-3-7, "License Renewal Procedure for Buildings Occupied as Rental Property," B.R.C. 1981, is amended to read as follows:

Every operator of a rental property shall follow the procedures in this section when renewing an unexpired license:

(a) Submit to the city manager a complete application packet, on forms provided by the manager including:

...

(4) If the unit is an affordable accessory dwelling unit as defined in Section 9-16-1, "General Definitions," B.R.C. 1981, a sworn certification that the unit will meet the rental affordability standard as defined in Section 9-16-1, "General Definitions," B.R.C. 1981.

...

Section 12. Section 10-3-16, "Administrative Remedy," B.R.C. 1981, is amended to read as follows:

(a) If the city manager finds that a violation of any provision of this chapter or Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to the operator and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:

(1) Impose a civil penalty according to the following schedule:

(A) For any violation in the following areas or of affordability standards: The area south of Arapahoe Avenue, north of Baseline Road, east of 6th Street and west of Broadway, the area south of Baseline Road, north of Table Mesa Drive, east of Broadway and west of U.S. Route 36 and the area south of Canyon Boulevard, north of Arapahoe Avenue, west of Folsom Street and east of 15th Street or for any violation of affordability standards for an affordable accessory dwelling unit approved under Subsection 9-6-3(n), B.R.C. 1981:

...

(b) If the city manager finds that an affordable accessory dwelling unit was advertised, offered for rent or rented for an amount in excess of the affordability standard, in addition to the actions the manager may take under subsection (a), the manager shall impose a penalty equal to the amount charged in excess of the affordability standard during the term of the license, plus interest at the rate of twelve percent per annum, and shall pay such funds collected to the tenant who was charged in excess of the affordability standard.

...

Section 13. Section 10-3-19, "Short-Term Rentals," B.R.C. 1981, is amended to read as follows:

(a) Short-term rentals are prohibited unless the city manager has issued a valid short-term rental license for the property.

...

(o) An accessory dwelling unit or a principal dwelling unit on a single-family lot or parcel with an accessory unit may not be rented as a short-term rental unless all the following requirements are met:

(1) Both the accessory dwelling unit and the principal dwelling unit were legally established ~~on the effective date of Ordinance No. 8256~~ by February 1, 2019;

(2) A current and valid short-term rental license exists for the unit;

(3) If the accessory dwelling unit is licensed for short-term rental, only the accessory dwelling unit and not any other dwelling unit on the same property may be licensed or used as a rental;

(4) If a principal dwelling unit is licensed for short-term rental, then no accessory dwelling unit on the same property may be licensed or used as a rental;

- (5) An accessory dwelling unit may not be rented as a short-term rental for more than one hundred twenty days in any calendar year;
- (6) Notwithstanding the provisions of subsection (i), the occupancy of the accessory dwelling unit and the principal dwelling unit must meet the requirements of Subsection 9-68-35~~(nb)~~(4), B.R.C. 1981; and
- (7) Licensing Limitations and Requirements:
- (A) ~~After February 1, 2019, No application for a new short-term rental license shall be accepted, on or after the effective date of Ordinance No. 8256. On or after the effective date of Ordinance No. 8256, a new short-term rental license may be issued only for complete applications received by the city manager on or before the effective date of Ordinance No. 8256. On or after the effective date of Ordinance No. 8256, the~~ The city manager may renew unexpired short-term rental licenses pursuant to Section 10-3-7, “License Renewal Procedures for Buildings Occupied as Rental Property,” B.R.C. 1981. A license for which a complete renewal application is not filed within ninety days from the expiration date shall be considered expired.

...

Section 14. Section 10-11-3, “Cooperative Housing Licenses,” B.R.C. 1981, is amended to read as follows:

- (a) License terms shall be as follows:

...

- (l) Any attached accessory dwelling unit or detached accessory dwelling unit to a dwelling unit that is licensed pursuant to this chapter shall be part of the licensed cooperative housing unit and subject to the standards of this chapter. The occupants of the dwelling unit and accessory unit shall all be members of the cooperative. While such units are licensed as a cooperative housing unit under this chapter, neither the principal dwelling unit nor the accessory dwelling unit shall be required to be owner-occupied as would otherwise be required under Subparagraph 9-6-3(n)(1)(A)(iv), “Owner-Occupied,” B.R.C. 1981.

...

Section 15. Tables 6-3 and 6-4 are added to Section 9-6-3, “Specific Use Standards – Residential Uses,” B.R.C. 1981, by this ordinance. The City Council amends the Boulder Revised

1 Code by renumbering the subsequent tables in Chapter 9-6, "Use Standards," B.R.C. 1981,  
2 together with all associated references and cross references to the renumbered tables in the Boulder  
3 Revised Code.

4 Section 16. This ordinance shall apply to any building permit, conditional use, use review,  
5 and site review applied for on or after September 1, 2023. Any project for which a complete  
6 building permit, site review, use review, or conditional use application has been submitted to the  
7 city or which has received a site review, use review, or conditional use approval prior to the  
8 effective date of this ordinance for a use inconsistent with the provisions of this ordinance will be  
9 permitted to establish the proposed use under the use standards of Chapter 9-6, "Use Standards,"  
10 B.R.C. 1981, in effect at the time the building permit, site review, use review, or conditional use  
11 application was submitted to the city. Such applicants shall be required to pursue such development  
12 approvals and meet all requirements deadlines set by the city manager and the Boulder Revised  
13 Code necessary to establish the proposed use. The applications for such project shall demonstrate  
14 compliance with all applicable laws. Any failure to meet the requirements of the city manager or  
15 this section of this ordinance will result in a denial of such application. Any subsequent application  
16 shall meet the requirements in place at the time of such subsequent application.

18 Section 17. If any section, paragraph, clause, or provision of this ordinance shall for any  
19 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining  
20 provisions of this ordinance.

21 Section 18. This ordinance is necessary to protect the public health, safety, and welfare  
22 of the residents of the city and covers matters of local concern.  
23  
24  
25

1        Section 19. The City Council deems it appropriate that this ordinance be published by  
2 title only and orders that copies of this ordinance be made available in the office of the city clerk  
3 for public inspection and acquisition.  
4

5            INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
6 TITLE ONLY this 20th day of April 2023.  
7

8 \_\_\_\_\_  
9 Aaron Brockett,  
Mayor

10 Attest:

11 \_\_\_\_\_  
12 City Clerk  
13

14            READ ON SECOND READING, PASSED AND ADOPTED this 4th day of May 2023.  
15

16 \_\_\_\_\_  
17 Aaron Brockett,  
18 Mayor

19 Attest:

20 \_\_\_\_\_  
21 City Clerk  
22  
23  
24  
25

## ANNOTATED ORDINANCE 8571

NOTE: This version of the draft ordinance includes footnotes that help to describe all of the proposed changes as well as the redlined tracked changes to existing code language.

### Section 4-20-18, "Rental License Fee"<sup>1</sup>

The following fees shall be paid before the city manager may issue a rental license or renew a rental license:

- (a) Dwelling and Rooming Units: \$190 per building.
- (b) Accessory Dwelling Units: \$190 per unit.

...

### Section 9-2-3, "Variances and Interpretations"<sup>2</sup>

...

- (d) Board of Zoning Adjustment (BOZA): The BOZA may grant variances from the requirements of:

...

- (6) The size requirements for accessory dwelling units of Subsection 9-6-3(n), B.R.C. 1981;

...

- (i) Floor Area Variances for Accessory Dwelling Units: The BOZA may grant a variance to the maximum floor area allowed for an attached accessory dwelling unit or for a detached accessory dwelling unit under Subsection 9-6-3(n), B.R.C. 1981, only if it finds that the application satisfies all of the following applicable requirements of either Subparagraph (i)(1) or (i)(2):

...

- (2) Unusual Physical Conditions:

- (A) That there are unusual physical circumstances or conditions in the design of the existing structure the accessory dwelling unit would be in, including without limitation the thickness of exterior walls or framing,

<sup>1</sup> Updating "accessory unit" to "accessory dwelling unit" for consistency.

<sup>2</sup> Updating "accessory unit" to "accessory dwelling unit" for consistency.

that affect the total allowed interior floor area of the accessory dwelling unit;

- (E) That the accessory dwelling unit would be clearly incidental to the principal dwelling unit.

### Section 9-4-3, "Public Notice Requirements"

- (a) Process and Options: When a process or procedure identified in this title requires public notice, the city manager shall provide such notice according to Table 4-2 of this section. If a code section does not reference a specific method, the city manager shall determine the most appropriate notification method to be used.

**TABLE 4-2: PUBLIC NOTICE OPTIONS**

Public Notice Type	Type of Application, Meeting or Hearing	Mailed Notice	Posted Notice
4	Solar exceptions, solar access permits, <u>accessory units</u> <sup>3</sup>	To adjacent property owners a minimum of 10 days before final action	Post property a minimum of 10 days from receipt of application and prior to final action or any hearing

### Section 9-6-1, "Schedule of Permitted Land Uses"

The schedule in Table 6-1 shows the uses that are permitted, conditionally permitted, prohibited, or that may be permitted through use review.

**TABLE 6-1: USE TABLE**

A = Allowed   C = Conditional Use   U = Use Review   [ ] = Specific Use Standards Apply   - = Prohibited																												
Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	Specific Use Standards
Use Module	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	
RESIDENTIAL USES																												
Residential Accessory																												
Accessory dwelling unit <sup>4</sup>	[C A]	[C A]	-	[C A]	[C A]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[C A]	[C A]	9-6-3(n)

<sup>3</sup> This has been removed as ADUs are proposed to be an [A] use in the table, which would no longer be an administrative application that requires public notice.

<sup>4</sup> Review process has changed from a conditional use to an allowed use subject to specific use standards, to more efficiently process ADU applications in a one-step review rather than two-step.

## Section 9-6-3, "Specific Use Standards – Residential Uses"

### (a) Residential Uses:

...

### (n) Accessory Dwelling Unit:

- (1) ~~General Requirements: Three types of accessory units may be approved as conditional uses: Attached accessory dwelling units, detached accessory dwelling units, and limited accessory units.~~ The following standards apply to all three types of an accessory dwelling unit.<sup>5</sup>

- (A) General Standards: An accessory dwelling unit shall meet the following standards.<sup>6</sup>

- (i) Lot Limitations: An accessory dwelling unit may be created on a lot of 5,000 square feet or more with a detached dwelling unit. One accessory dwelling unit may be located on a lot.<sup>7</sup>

- (ii) Maximum Floor Area: The accessory dwelling unit shall be limited to the floor area in Table 6-3.<sup>8</sup> The board of zoning adjustment may grant a variance to this floor area requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.

- ~~(ii) — Occupancy Requirement: For purposes of determining occupancy requirements under Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, the principal dwelling unit and accessory unit shall be considered one dwelling unit. The occupancy of the principal dwelling unit together with the occupancy of any accessory unit shall not exceed the occupancy requirements set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, for one dwelling unit; provided, however, for purposes of this section only, any occupant and his or her dependents shall be counted as one person. The floor area limitation for quarters used by roomers under Paragraph 9-8-5(a)(1), B.R.C. 1981, shall not apply to an accessory unit.~~<sup>9</sup>

<sup>5</sup> Shorter language consistent with reorganization and rewording of Chapter 9-6 during Module One of the use table project. The use table has been updated to make ADUs an "[A]" allowed use subject to specific use standards, rather than require a conditional use application, to expedite permit reviews.

<sup>6</sup> Inserted for consistency with similar language elsewhere in Chapter 9-6.

<sup>7</sup> This requirement is pulled from current (n)(2)(C)(i) and (n)(3)(C)(i). Additional clarification added of only one ADU per lot.

<sup>8</sup> Rather than repeating similar standards in sections (n)(2) and (n)(3), the maximum floor area for both ADU types have been consolidated here.

<sup>9</sup> Occupancy standards for ADUs have not been changed but have been moved to Section 9-8-5 with all of the other occupancy standards.

**Table 6-3: Maximum Floor Area**

	<u>Accessory Dwelling Unit</u>	<u>Affordable Accessory Dwelling Unit</u>	<u>Designated Historic Property</u>
<u>Attached</u>	<u>One-half of the total floor area of the principal structure or 1,000 square feet, whichever is less.</u> <sup>10</sup>	<u>Two-thirds of the total floor area of the principal structure or 1,200 square feet, whichever is less.</u> <sup>11</sup>	
<u>Detached</u>	<u>800 sq. ft.</u> <sup>12</sup>	<u>1,000 sq. ft.</u> <sup>13</sup>	

- (iii) Off-Street Parking: The minimum number of off-street parking spaces shall be provided on the lot or parcel as required by Table 6-4. The required parking spaces shall meet at least the minimum dimensional requirements in Table 9-6, "Small Car Parking Dimension Standards," B.R.C. 1981, and may be located in a required landscaped setback abutting the street.<sup>14</sup>

**Table 6-4: Off-Street Parking Requirement**

<u>Accessory Dwelling Unit</u>	<u>The number of off-street parking spaces required in the zoning district for the principal dwelling unit and one additional off-street parking space</u>
<u>Affordable Accessory Dwelling Unit</u>	<u>The parking required in the zoning district for the principal dwelling unit.</u>
<u>Designated Historic Property</u>	

- (iv) Owner-Occupied: The principal dwelling unit or accessory dwelling unit on the parcel or lot must be owner-occupied. The applicant shall provide evidence to the city manager to demonstrate compliance with this requirement at the time of application or any time thereafter. For entities that are similar to

<sup>10</sup> This requirement for attached ADUs has been increased from one-third or 1,000 square feet, whichever is less.

<sup>11</sup> This requirement for affordable/historic attached ADUs has been increased from one-half to two-thirds and from 1,000 to 1,200 square feet.

<sup>12</sup> This requirement for detached ADUs has been increased from 550 square feet.

<sup>13</sup> This requirement for affordable detached ADUs has been increased from 800 square feet to 1,000 square feet, which is the current maximum for historic ADUs.

<sup>14</sup> Rather than repeating similar standards in sections (n)(2) and (n)(3), the parking requirements have been consolidated here. Parking requirements remain the same, with some additional flexibility added for the required parking spaces to meet small car standards rather than standard size parking standards. Removed clause about spaces in public right-of-way (unnecessary as it is specified as off-street parking).

ownership by a person, such evidence may include without limitation declaration of trust ownership, articles of organization, operating agreement, or similar documentation.<sup>15</sup> The city manager may approve a temporary absence of the owner-occupant for less than one year with an affidavit of exemption pursuant to the procedures for temporary rental license exemptions in Section 10-3-2, "Rental License Required Before Occupancy and License Exemptions," B.R.C. 1981.<sup>16</sup>

(~~iii~~iv) Rental License: No owner of the property shall allow, or offer to allow through advertisement or otherwise, any person to occupy the accessory dwelling unit or the principal dwelling unit as a tenant or lessee or otherwise for a valuable consideration unless such rented unit has been issued a valid rental license by the city manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.

(~~iv~~vi) Short-Term Rental: Short-term rental of an accessory dwelling unit and short-term rental of a principal dwelling unit on a lot or parcel with an accessory dwelling unit are prohibited except as specifically authorized in Section 10-3-19, "Short-Term Rentals," B.R.C. 1981.

(~~v~~vii) No Independent Conveyance: No person shall convey an accessory dwelling unit independently of the principal dwelling unit on the lot or parcel.

~~(B) Application: All applicants shall apply on forms provided by the city manager showing how and in what manner the criteria of this subsection are met, provide a statement of current ownership and a legal description of the property, pay the application fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981, and submit plans as may be required by the manager.~~<sup>17</sup>

~~(C) Public Notice: Notice of the application shall be provided consistent with "Public Notice Type 4," as defined by Subsection 9-4-3(a), B.R.C. 1981.~~<sup>18</sup>

<sup>15</sup> This language has been added to clarify how other entities are required to prove owner occupancy.

<sup>16</sup> Clarity added that property owners may temporarily live elsewhere outside of Boulder County, such as a sabbatical, and rent the principal dwelling unit as well, provided they receive a temporary rental license exemption, which stipulates that the owner is not gone for more than one year and the owner will re-occupy the property.

<sup>17</sup> This has been deleted as it is already covered by application requirement language in Chapter 9-2.

<sup>18</sup> Removed as noted above, ADUs are now an [A] in the use table, which does not require public notice.

~~(D) — Review and Approval: All applications for accessory units shall be reviewed under the procedures of Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.~~

~~(Fviii)~~ Declaration of Use Required: Before obtaining approval, all owners shall sign a declaration of use, including all the ~~conditions~~ standards for continued use, to be recorded in the office of the Boulder County Clerk and Recorder to serve as actual and constructive notice of the legal status of the owner's property. If the unit is to be an affordable accessory dwelling unit, the declaration shall include a sworn certification that the unit will meet the affordability standard and a statement of the number of bedrooms.

~~(Fix)~~ Amendments: The owner of an accessory dwelling unit may amend the approved size, affordability status, or other characteristics of an approved accessory dwelling unit by filing a building permit application that demonstrates compliance with applicable accessory dwelling unit standards. Prior to approval the owner must sign an updated declaration of use to be recorded in the office of the Boulder County Clerk and Recorder.<sup>19</sup> ~~The site plan for an accessory unit may be modified and an affordable accessory unit may be converted to an accessory unit that is not an affordable accessory unit provided that an application is filed and reviewed by the manager under the procedures of Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981. The application must demonstrate that the proposed accessory unit meets the requirements of this section except that it shall not be subject to the saturation limitations of Subparagraphs (m)(2)(A) and (E) and (m)(3)(A) and (E).~~<sup>20</sup>

~~(G) — Floor Area: For the purpose of calculating the floor area of an attached accessory unit or detached accessory unit under this subsection (m), floor area shall mean the total square footage of all levels measured to the outside surface of the exterior framing, to six inches beyond the interior wall on an exterior wall, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress by Chapter 10-5, "Building Code," B.R.C. 1981, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a~~

<sup>19</sup> These changes are intended to more broadly address future modifications to ADUs that comply with updated standards.

<sup>20</sup> This final sentence has been removed as it is unnecessary with the elimination of the saturation limits.

~~courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space.<sup>21</sup>~~

- (2) Attached Accessory Dwelling Units: In addition to the general ~~accessory unit~~ standards in Paragraph ~~(m)~~(1) of this section, the following standards apply to attached accessory dwelling units. ~~The owner or the owners of a lot or parcel with a single family dwelling unit may establish and maintain an attached accessory dwelling unit within the principal structure of a detached dwelling unit in the RR, RE, RL, RMX, A, or P districts if all of the following conditions are met and continue to be met during the life of the attached accessory dwelling unit:~~

~~(A) Neighborhood Area: In the RL-1 or RL-2 zoning districts, no more than twenty percent of the lots or parcels in a neighborhood area contain an accessory unit. For the purpose of this subparagraph:<sup>22</sup>~~

~~(i) The “neighborhood area” in RL-1 and RL-2 zoning districts is the area circumscribed by a line three hundred feet from the perimeter of the lot line within which any accessory unit will be located. Within the “neighborhood area” only accessory units within the RL-1 and RL-2 zoning districts are counted towards the twenty percent limitation factor.~~

~~(ii) For the purpose of calculating the twenty percent limitation factor, the following shall apply:~~

- ~~a. A legal, nonconforming structure containing two or more dwelling units is counted as an accessory unit;~~
- ~~b. A cooperative housing unit is counted as an accessory unit;~~
- ~~c. An accessory unit that is licensed as part of a cooperative housing unit and said cooperative housing unit shall be counted together as one accessory unit; and~~
- ~~d. The manager may promulgate regulations defining additional methods to be used in calculating the twenty percent limitation factor and the neighborhood area.~~

~~(iii) If an application for an accessory unit exceeds the twenty percent requirement set forth in this Subparagraph (m)(2)(A), the manager will place the applicant on a waiting list for the neighborhood area.~~

~~At such time as there is room for an additional accessory unit within a neighborhood area, the manager will notify the first eligible person on the waiting list. Such person on the waiting list shall be required to~~

<sup>21</sup> This unique definition of floor area has been removed. The typical definition of floor area in Chapter 9-16 will apply to ADUs to ensure greater consistency and clarity.

<sup>22</sup> The saturation limit for properties within the RL-1 and RL-2 districts has been removed.

~~provide notice of intent to file an application within thirty days and file an application within sixty days of such notice.~~

~~(B) — Parking: The attached accessory dwelling unit shall have the following off-street parking:~~<sup>23</sup>

~~(i) — The number of off-street parking spaces required in the zoning district for the principal dwelling unit; and~~

~~(ii) — One additional off-street parking space on the lot or parcel upon which the detached dwelling unit is located; and~~

~~(iii) — The parking spaces required under this Subparagraph (m)(2)(B) shall not be required to meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, provided that the parking spaces are not located in the public right-of-way.~~

~~(C) — Standards: The attached accessory dwelling unit is clearly incidental to the principal dwelling unit and meets the following standards:~~

~~(i) — The attached accessory dwelling unit is created only in a single-family detached dwelling unit on a lot of five thousand square feet or more.~~<sup>24</sup>

~~(ii) — The attached accessory dwelling unit does not exceed one-third of the total floor area of the principal structure or one thousand square feet, whichever is less, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~<sup>25</sup>

~~(A) (iii) — Interior Connections: All attached accessory dwelling units shall be separated by a lockable, physical separation.~~ If there is an interior connection between the ~~attached~~ accessory dwelling unit and the principal dwelling prior to the creation of the ~~attached~~ accessory dwelling unit, the connection together with the lockable, physical separation shall be maintained for the duration during the life of the ~~attached~~ accessory dwelling unit.<sup>26</sup>

<sup>23</sup> Parking requirements have been consolidated into the general standards in (n)(1) instead.

<sup>24</sup> This standard has been consolidated into the general standards in (n)(1)(A)(i) instead.

<sup>25</sup> Maximum floor area has been consolidated into the general standards in (n)(1)(A)(ii) instead. Maximum floor area for attached ADUs has been increased to one-half of the principal structure or 1,000 square feet, whichever is less.

<sup>26</sup> The "lockable, physical separation" language is pulled from the definition of "dwelling unit" in Chapter 9-16 and intended to clarify something that is a commonly misunderstood requirement during the ADU application.

~~(B) (iv) —~~ Side Entrances: Any additional entrance resulting from the creation of an attached accessory dwelling unit may face the side of the lot fronting on the street only if such entrance is adequately and appropriately screened in a manner that does not detract from the single-family appearance of the principal dwelling unit.

(3) Detached Accessory Dwelling Units: In addition to the general standards in Paragraph (n)(1) of this section, the following standards apply to detached accessory dwelling units.<sup>27</sup>

(A) Maximum Height: The maximum height of accessory buildings with a detached accessory dwelling unit shall not be greater than twenty feet. The city manager may modify this height standard if the building meets one of the following:

(i) If the roof pitch is greater than 8:12, provided the building height does not exceed 25 feet; or

(ii) If a legal existing accessory building is converted to a detached accessory dwelling unit, provided that no changes are proposed to the existing accessory building's height, floor area, or roof form.<sup>28</sup>

(B) Private Open Space: A detached accessory dwelling unit shall have a minimum of sixty square feet of private open space provided for the exclusive use of the occupants of the detached accessory dwelling unit. Private open space may include porches, balconies, or patio areas.<sup>29</sup>

~~(D) Affordable Accessory Units: If the attached accessory dwelling unit is licensed as an affordable accessory unit, the following standards apply:~~

~~(i) The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit.~~<sup>30</sup>

~~(ii) The unit may be more than one-third of the total floor area of the principal structure but shall not exceed one-half of the floor area of the principal structure or one thousand square feet, whichever is less. The BOZA may grant a variance to this size requirement~~

<sup>27</sup> The design standards for detached ADUs currently in (n)(3)(C) have been relocated here to follow the section on attached ADUs.

<sup>28</sup> The previous wording of this standard in (n)(3)(C)(iii) set a 25 foot absolute limit for existing structures. This instead provides flexibility to existing structures and staff may modify the height standard as long as the building is not changing in height, size, or roof form. Previous requirement for wall to roof ratio has been removed, with some flexibility to allow for steeper roof pitches up to 25 feet remaining.

<sup>29</sup> This is the existing standard for private open space (n)(3)(C)(iii)b. The final sentence "Decks, porches, patios, terraces, and stairways, located at a height greater than thirty inches above grade, shall be considered part of the building coverage" has been removed because it is duplicative of the definition of building coverage in 9-16.

<sup>30</sup> This has been incorporated in the general standards for parking above.

~~pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~<sup>31</sup>

~~(iii) If the unit is or will be offered for rental for compensation, the owner must obtain and at all times thereafter maintain a valid rental license for an affordable accessory unit issued by the manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.~~<sup>32</sup>

~~(E) Designated Historic Property: If the attached accessory dwelling unit is located within a principal structure that is designated as an individual landmark or recognized as contributing to a designated historic district under Chapter 9-11, "Historic Preservation," B.R.C. 1981, the following modifications to the standards of this Paragraph (m)(2) apply:~~

~~(i) In the RL-1 and RL-2 zoning district, the unit is not subject to the twenty percent limitation factor of Subparagraph (m)(2)(A) provided that no more than thirty percent of the lots or parcels in the neighborhood area contain an accessory unit;~~<sup>33</sup>

~~(ii) The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit; and~~<sup>34</sup>

~~(iii) The unit may be more than one third of the total floor area of the principal structure but shall not exceed one half of the floor area of the principal structure or one thousand square feet, whichever is less. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~<sup>35</sup>

~~(3) Detached Accessory Dwelling Units: In addition to the general accessory unit standards in Paragraph (m)(1) of this section, the following standards apply to detached accessory dwelling units. An owner or the owners of a lot or parcel with a single-family detached dwelling unit may establish and maintain a detached accessory dwelling unit within an accessory structure meeting the size restrictions described below, on a lot or parcel in the RR, RE, RL, RMX, A, and P districts if all of the following conditions are met and continue to be met during the life of the detached accessory dwelling unit:~~<sup>36</sup>

<sup>31</sup> This has been incorporated in the general standards for floor area above.

<sup>32</sup> This language has been removed as it is covered by the general standard related to rental licenses.

<sup>33</sup> The saturation limit has been removed, so this incentive has been accordingly removed.

<sup>34</sup> This has been incorporated in the general standards for parking above.

<sup>35</sup> This has been incorporated in the general standards for floor area above.

<sup>36</sup> Standards for detached units are now located above in (n)(3).

~~(A) — Neighborhood Area: In the RL-1 and RL-2 zoning districts, no more than twenty percent of the lots or parcels in a neighborhood area contain an accessory unit. For the purpose of this subparagraph:<sup>37</sup>~~

~~(i) — The “neighborhood area” in RL-1 and RL-2 zoning districts is the area circumscribed by a line three hundred feet from the perimeter of the lot line within which an accessory unit will be located. Within the “neighborhood area” only accessory units within the RL-1 and RL-2 zoning districts are counted towards the twenty percent limitation factor.~~

~~(ii) — For the purpose of calculating the twenty percent limitation factor, the following shall apply:~~

~~a. — A legal, nonconforming structure containing two or more dwelling units is counted as an accessory unit;~~

~~b. — A cooperative housing unit is counted as an accessory unit;~~

~~c. — An accessory unit that is licensed as part of a cooperative housing unit and said cooperative housing unit shall be counted together as one accessory unit; and~~

~~d. — The manager may promulgate regulations defining additional methods to be used in calculating the twenty percent limitation factor and the neighborhood area.~~

~~(iii) — If an application for a detached accessory dwelling unit exceeds the twenty percent requirement set forth in Subparagraph (m)(3)(A), the manager will place the applicant on a waiting list for the neighborhood area. At such time as there is room for an additional accessory unit within the neighborhood area, the manager will notify the first eligible person on the waiting list. Such person on the waiting list shall be required to provide notice of intent to file an application within thirty days and file an application within sixty days of such notice.~~

~~(B) — Parking: The detached accessory dwelling unit shall have the following parking:~~

~~(i) — The number of off-street parking spaces required in the zoning district for the principal dwelling unit; and<sup>38</sup>~~

~~(ii) — One additional off-street parking space on the lot or parcel upon which the detached dwelling unit is located;~~

<sup>37</sup> Saturation limit in RL-1 and RL-2 has been removed.

<sup>38</sup> Parking standards have been consolidated above in the general standards. Specific screening requirements in RR and RE have not been carried forward to make standards more consistent across districts.

~~(iii) The parking spaces required under this Subparagraph (m)(3)(B) shall not be required to meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, provided that the parking spaces are not located in the public right of way. To the extent practical, any additional off street parking that is constructed in the RR or RE zoning district required for the detached accessory dwelling unit shall be screened from the view of properties that directly abut a property line of the detached accessory dwelling unit.~~

~~(C) Incidental to Principal Dwelling Unit: The detached accessory dwelling unit is clearly incidental to the principal dwelling unit and meets the following standards:~~

~~(i) The detached accessory dwelling unit is created on a lot of five thousand square feet or larger.<sup>39</sup>~~

~~(ii) The detached accessory dwelling unit's floor area does not exceed five hundred and fifty square feet, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.<sup>40</sup>~~

~~(iii) The following design standards apply to detached accessory dwelling units:<sup>41</sup>~~

- ~~a. Maximum height of accessory buildings with a detached accessory dwelling unit shall not be greater than twenty feet unless the roof pitch is greater than 8:12 and the resulting ratio of the height of the roof (measured from the eave line to the top of the roof) to the height of the side walls (measured from the low point of grade to the eave line) is less than a 1:2 ratio. The city manager may modify this height standard for a legal existing accessory building that is being converted to a detached accessory dwelling unit to the extent that the existing accessory building's height and size is not proposed to be modified. In no case may a building height exceed twenty five feet.~~
- ~~b. A detached accessory dwelling unit shall have a minimum of sixty square feet of private open space provided for the exclusive use of the occupants of the detached accessory~~

<sup>39</sup> The minimum lot size has been consolidated into the general standards above.

<sup>40</sup> Maximum floor area is consolidated into the general standards above and the maximum for detached ADUs has been increased to 800 square feet.

<sup>41</sup> The standards related to height and private open space have been moved above to detached ADU design standard section in (n)(3). Language about specific roof pitch has not been carried forward as it was rarely utilized and overly complex.

~~dwelling unit. Private open space may include porches, balconies, or patio areas. Decks, porches, patios, terraces, and stairways, located at a height greater than thirty inches above grade, shall be considered part of the building coverage.~~

~~c. Setbacks shall comply with accessory building setbacks. Where the rear yard of a property in the RR or RE zoning district directly abuts an RL zoning district, the rear yard accessory building setback shall be the same as the side yard setback for accessory buildings for applicable RR or RE zoning districts.~~<sup>42</sup>

~~(D) Affordable Accessory Units: If the detached accessory dwelling unit is licensed as an affordable accessory unit, the following standards apply:~~

~~(i) The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit.~~

~~(ii) The unit's floor area may be up to eight hundred square feet. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

~~(iii) If the unit is or will be offered for rental for compensation, the owner must obtain and at all times thereafter maintain a valid rental license for an affordable accessory unit issued by the manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.~~<sup>43</sup>

~~(E) Designated Historic Property: If either the accessory structure the detached accessory dwelling unit is located in or the principal structure on the lot or parcel is designated as an individual landmark or recognized as contributing to a designated historic district under Chapter 9-11, "Historic Preservation," B.R.C. 1981, the following modifications to the standards of this Paragraph (m)(3) apply:~~

~~(i) In the RL-1 and RL-2 zoning district, the unit is not subject to the twenty percent limitation factor of Subparagraph (m)(3)(A) provided that no more than thirty percent of the lots or parcels in the neighborhood area contain an accessory unit;~~

<sup>42</sup> This unique setback standard for RR and RE has not been carried forward. This has led to several variance applications through BOZA which have all been consistently approved. Section 9-10-3 provides flexibility for nonconforming setbacks provided the size is not changed.

<sup>43</sup> These standards have been consolidated into the general standards tables for parking and floor area above.

~~(ii) The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit; and~~

~~(iii) The unit's floor area may be up to one thousand square feet. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

~~(4) Limited Accessory Units: In addition to the general accessory unit standards in Paragraph (m)(1) of this section, the following standards apply to limited accessory units that may be approved as a conditional use in the RR-1, RR-2, RE, and RL-1 Zoning Districts only. An existing nonconforming duplex or two detached dwelling units located on the same lot and within the R1 use module may be converted to limited accessory dwelling units. A limited accessory dwelling unit may be modified and expanded as a conditional use. Conversion to a limited accessory dwelling unit is subject to compliance with all of the following standards.<sup>44</sup>~~

~~(A) Applicability: This Subparagraph (m)(4) is only applicable to dwelling units that legally existed, were actively used as multiple dwelling units, and had a valid rental license on January 1, 2005.~~

~~(B) Expansion Limitation: The cumulative total of any expansion shall not exceed twenty percent of the total floor area that was documented at the time of the initial expansion. Any expansion of the restricted accessory unit shall not exceed ten percent. In no case shall any expansion cause the cumulative size of the restricted dwelling units to exceed the maximum allowable floor area ratio of the underlying zoning district as set forth in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981.~~

~~(C) Parking: The minimum number of off-street parking spaces shall not be less than three spaces. All parking shall comply with the design and access requirements set forth in Section 9-9-6, "Parking Standards," B.R.C. 1981. A minimum of one off-street parking space shall be available for use by the restricted accessory dwelling unit.~~

~~(D) Loss of Prior Nonconforming Status: If a nonconforming duplex or two detached dwelling units are converted to limited accessory units through the conditional use process, any prior nonconforming status is lost.~~

## Section 9-8-5, "Occupancy of Dwelling Units"

<sup>44</sup> The Limited Accessory Unit type has been removed as there was only one remaining in the city and it is very similar to an attached ADU.

- ...
- (b) ~~Attached Accessory Dwelling Unit; Detached Accessory Dwelling Unit, or Limited Accessory Dwelling Unit: The occupancy of an attached accessory dwelling unit, detached accessory dwelling unit, or limited accessory dwelling unit must meet the requirements of Subsection 9-6-3(n), B.R.C. 1981. The principal dwelling unit and accessory dwelling unit shall be considered one dwelling unit. The occupancy of the principal dwelling unit together with the occupancy of any accessory dwelling unit shall not exceed the occupancy requirements set forth in this section for one dwelling unit; provided, however, for purposes of this subsection only, any occupant and his or her dependents shall be counted as one person. The floor area limitation for quarters used by roomers under Paragraph 9-8-5(a)(1), B.R.C. 1981, shall not apply to an accessory dwelling unit.~~<sup>45</sup>
- ...

- (d) Cooperative Housing License: A dwelling unit licensed as a cooperative housing unit pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981, shall not be subject to the occupancy limits or any exceptions as set forth in this section; and an attached accessory dwelling unit or detached accessory dwelling unit licensed with such dwelling unit as a cooperative housing unit shall not be subject to the occupancy standards of ~~Subp~~Paragraph ~~9-6-3(n)(1)(A)(ii), "Occupancy Requirement"~~9-8-5(b), "Accessory Dwelling Unit," B.R.C. 1981. All such dwelling units together with any attached accessory dwelling unit or detached accessory dwelling unit so licensed shall be limited to no fewer than four occupants with the maximum number of occupants, without regard to whether the occupants are related or not, as follows:
- ...

### Section 9-9-6, "Parking Standards"<sup>46</sup>

(a) Rationale: The intent of this section is to provide adequate off-street parking for all uses, to prevent undue congestion and interference with the traffic carrying capacity of city streets, and to minimize the visual and environmental impacts of excessive parking lot paving.

...

**TABLE 9-2: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR RESIDENTIAL USES  
IN ALL ZONES**

Use	Parking Requirement
<del>Attached a</del> Accessory dwelling unit, <del>detached accessory dwelling unit</del>	The off-street parking requirement for the principal DU must be met, plus any parking space required for

<sup>45</sup> This language has not been changed but has been relocated from the ADU standards.

<sup>46</sup> Updated terms to consistently reference "accessory dwelling unit."

the accessory <u>dwelling</u> unit, see Subsection 9-6-3(n), B.R.C. 1981
--

...

## (g) Bicycle Parking:

- (1) Required Bicycle Spaces: Bicycle parking spaces must be provided as required by Table 9-8 of this section.

**TABLE 9-8: OFF-STREET BICYCLE PARKING REQUIREMENTS**

<i>Use Type (based on Table 6-1 of Section 9-6-1)</i>	<i>Minimum Number of Off-Street Bicycle Spaces</i>	<i>Long-Term</i>	<i>Short-Term</i>
<b>Residential Uses</b>			
Accessory <u>dwelling</u> units	no requirement	n/a	n/a

...

**Section 9-16-1, "General Definitions"**

- (a) The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title unless a term is defined differently in this chapter.

...

- (c) The following terms as used in this title have the following meanings unless the context clearly indicates otherwise:

...

*Accessory dwelling unit* means a separate and complete single housekeeping unit within a detached dwelling unit or within an accessory structure to the principal dwelling unit of the lot or parcel upon which the unit is located, ~~permitted under the provisions of Subsection 9-6-3(n), B.R.C. 1981.~~<sup>47</sup>

...

*Affordable accessory dwelling unit* means a unit for which the rents meet the affordability standard.

...

*Attached accessory dwelling unit* means a separate and complete single housekeeping unit within a detached dwelling unit, ~~permitted under the provisions of Subsection 9-6-3(m), B.R.C. 1981.~~<sup>48</sup>

...

<sup>47</sup> Removed unnecessary cross-reference.

<sup>48</sup> Removed unnecessary cross-reference.

Designated historic property means a property with a building designated as an individual landmark or recognized as contributing to a designated historic district under Chapter 9-11, "Historic Preservation," B.R.C. 1981.<sup>49</sup>

...

*Detached accessory dwelling unit* means a separate and complete single housekeeping unit within an accessory structure to the principal dwelling unit of the lot or parcel upon which the unit is located ~~that is permitted under the provisions of Paragraph 9-6-3(n)(3), B.R.C. 1981.~~<sup>50</sup>

...

~~*Limited accessory unit* means an existing nonconforming duplex or two detached dwelling units located on the same lot and within the R1 use module that has been approved in compliance with the standards in Section 9-6-3(n)(4).~~<sup>51</sup>

...

*Owner-occupied* means a dwelling unit or accessory dwelling unit that is the principal residence of at least one owner of record of the lot or parcel upon which the dwelling unit or accessory dwelling unit is located, who possesses at least an estate for life, or a fifty percent fee simple ownership interest, or is the trustor of a revocable living trust, or is the member that owns 50 percent or more of a limited liability company, or is the partner that owns 50 percent or more of a partnership or limited liability partnership, or similar entity.<sup>52</sup>

...

## Section 10-1-1, "Definitions"

- (a) The following terms used in this title have the following meanings unless the context clearly indicates otherwise:

...

*Accessory dwelling unit* means an accessory dwelling unit permitted under Section 9-6-3(n), "Accessory Dwelling Units," B.R.C. 1981.<sup>53</sup>

...

<sup>49</sup> This definition was previously included within the ADU standards. To facilitate the consolidation of floor area and parking standards into tables, the definition is added here instead.

<sup>50</sup> Removed unnecessary cross-reference.

<sup>51</sup> Removed as Limited Accessory Unit type has been removed.

<sup>52</sup> Added clarity about LLC and LLP ownership.

<sup>53</sup> Consistency of "accessory dwelling unit" term.

### Section 10-3-6, "License Application Procedure for Buildings Converted to Rental Property"<sup>54</sup>

Every operator converting a property to rental property shall follow the procedures in this section for procuring a rental license:

- (a) Submit to the city manager a complete application packet, on forms provided by the manager, at least thirty days before rental of the property including:
  - (1) A rental housing inspector's certification of rental inspection dated within twelve months before the application. The operator shall make a copy of the inspection form available to city staff and tenants of inspected units within fourteen days of a request;
  - ...
  - (4) If the unit is an affordable accessory dwelling unit as defined in Section 9-16-1, "Definitions," B.R.C. 1981, a sworn certification that the unit will meet the rental affordability standard as defined in Section 9-16-1, "Definitions," B.R.C. 1981.
  - ...

### Section 10-3-7, "License Renewal Procedure for Buildings Occupied as Rental Property"<sup>55</sup>

Every operator of a rental property shall follow the procedures in this section when renewing an unexpired license:

- (a) Submit to the city manager a complete application packet, on forms provided by the manager including:
  - (1) A rental housing inspector's certification of rental inspection dated within twelve months before the application. The operator shall make a copy of the inspection form available to city staff and tenants of inspected units within fourteen days of a request;
  - ...
  - (4) If the unit is an affordable accessory dwelling unit as defined in Section 9-16-1, "Definitions," B.R.C. 1981, a sworn certification that the unit will meet the rental affordability standard as defined in Section 9-16-1, "Definitions," B.R.C. 1981.

<sup>54</sup> Consistency of "accessory dwelling unit" term.

<sup>55</sup> Consistency of "accessory dwelling unit" term.

...

### Section 10-3-16, "Administrative Remedy"<sup>56</sup>

(a) If the city manager finds that a violation of any provision of this chapter or Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to the operator and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:

(1) Impose a civil penalty according to the following schedule:

(A) For any violation in the following areas or of affordability standards: The area south of Arapahoe Avenue, north of Baseline Road, east of 6th Street and west of Broadway, the area south of Baseline Road, north of Table Mesa Drive, east of Broadway and west of U.S. Route 36 and the area south of Canyon Boulevard, north of Arapahoe Avenue, west of Folsom Street and east of 15th Street or for any violation of affordability standards for an affordable accessory dwelling unit approved under Subsection 9-6-3(n), B.R.C. 1981:

...

(b) If the city manager finds that an affordable accessory dwelling unit was advertised, offered for rent or rented for an amount in excess of the affordability standard, in addition to the actions the manager may take under subsection (a), the manager shall impose a penalty equal to the amount charged in excess of the affordability standard during the term of the license, plus interest at the rate of twelve percent per annum, and shall pay such funds collected to the tenant who was charged in excess of the affordability standard.

...

### Section 10-3-19, "Short-Term Rentals"<sup>57</sup>

(a) Short-term rentals are prohibited unless the city manager has issued a valid short-term rental license for the property.

...

<sup>56</sup> Consistency of "accessory dwelling unit" term.

<sup>57</sup> Consistency of "accessory dwelling unit" term. Updated references to Ordinance 8256 to February 1, 2019, instead, to be more consistent with practice throughout code.

- (o) An accessory dwelling unit or a principal dwelling unit on a single-family lot or parcel with an accessory unit may not be rented as a short-term rental unless all the following requirements are met:
- (1) Both the accessory dwelling unit and the principal dwelling unit were legally established ~~on the effective date of Ordinance No. 8256~~ by February 1, 2019;
  - (2) A current and valid short-term rental license exists for the unit;
  - (3) If the accessory dwelling unit is licensed for short-term rental, only the accessory dwelling unit and not any other dwelling unit on the same property may be licensed or used as a rental;
  - (4) If a principal dwelling unit is licensed for short-term rental, then no accessory dwelling unit on the same property may be licensed or used as a rental;
  - (5) An accessory dwelling unit may not be rented as a short-term rental for more than one hundred twenty days in any calendar year;
  - (6) Notwithstanding the provisions of subsection (i), the occupancy of the accessory dwelling unit and the principal dwelling unit must meet the requirements of Subsection 9-~~68-35~~ (4), B.R.C. 1981; and
  - (7) Licensing Limitations and Requirements:
    - (A) ~~After February 1, 2019, No~~ application for a new short-term rental license ~~shall~~ may be accepted ~~on or after the effective date of Ordinance No. 8256. On or after the effective date of Ordinance No. 8256, a new short-term rental license may be issued only for complete applications received by the city manager on or before the effective date of Ordinance No. 8256. On or after the effective date of Ordinance No. 8256, the~~ The city manager may renew unexpired short-term rental licenses pursuant to Section 10-3-7, "License Renewal Procedures," B.R.C. 1981. A license for which a complete renewal application is not filed within ninety days from the expiration date shall be considered expired.

...

### Section 10-11-3, "Cooperative Housing Licenses" <sup>58</sup>

...

- (l) Any attached accessory dwelling unit or detached accessory dwelling unit to a dwelling unit that is licensed pursuant to this chapter shall be part of the licensed cooperative housing unit and subject to the standards of this chapter. The occupants of the dwelling

<sup>58</sup> Consistency of "accessory dwelling unit" term. Replaced language referencing Ordinance 8256 with official effective date for clarity now that the ordinance was adopted.

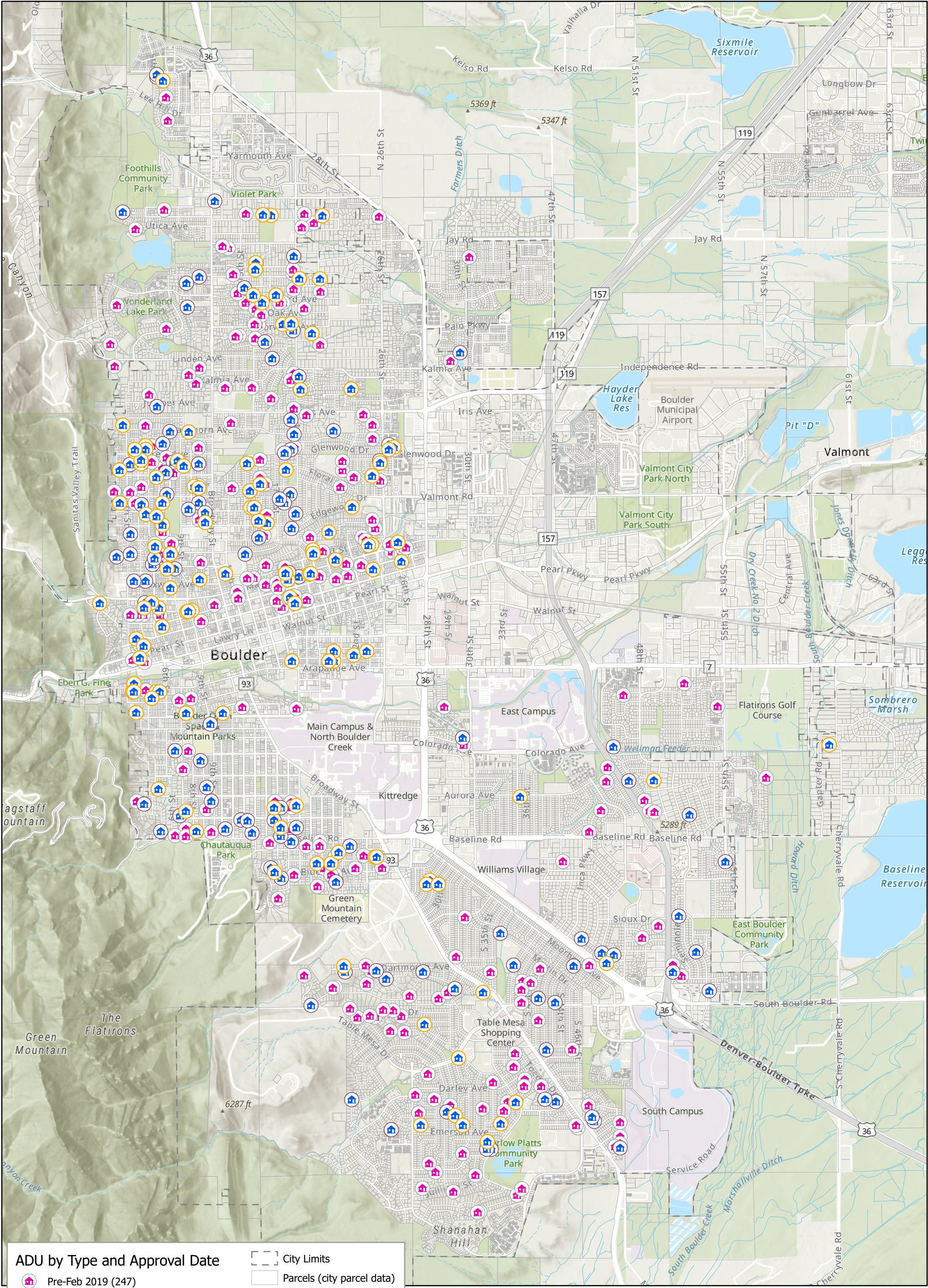
unit and accessory unit shall all be members of the cooperative. While such units are licensed as a cooperative housing unit under this chapter, neither the principal dwelling unit nor the accessory dwelling unit shall be required to be owner-occupied as would otherwise be required under Subparagraph 9-6-3(n)(1)(A)(iv), "Owner-Occupied," B.R.C. 1981.

...

DRAFT

# Accessory Dwelling Units by Type

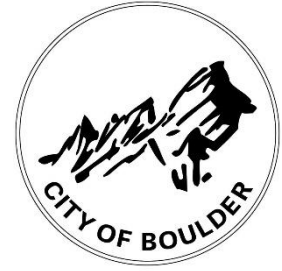
Attachment D - Map of ADUs by Type



The City of Boulder has provided the data as a public service and offers no guarantees or warranties, expressed or implied, as to the accuracy and/or completeness of the information contained herein. The City of Boulder makes no warranties about the datasets and disclaims liability for all uses of the datasets, to the fullest extent permitted by applicable law.

# 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

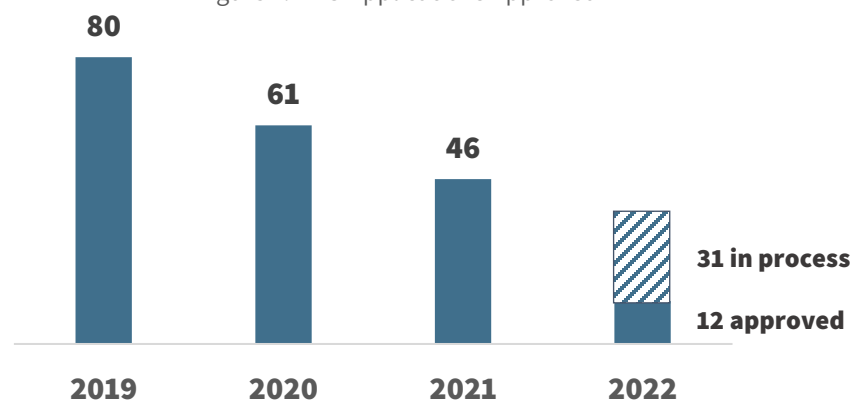
- Established unique method of measurement and definition of floor area for ADUs.
- Allowed flexibility for required parking to not meet the typical setback and paving requirements.
- Reduced minimum lot size required for ADUs from 6,000 to 5,000 square feet.
- Removed minimum size of attached ADU.
- 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

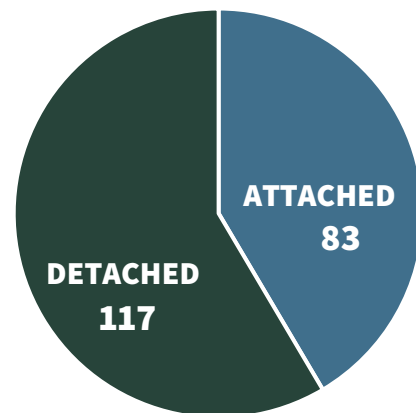


### ADU types

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

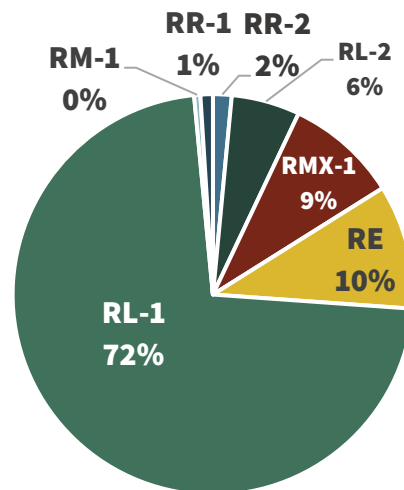


### Zoning district location and lot size

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.

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.

Figure 3. Approved ADUs Zoning District Locations



### 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.

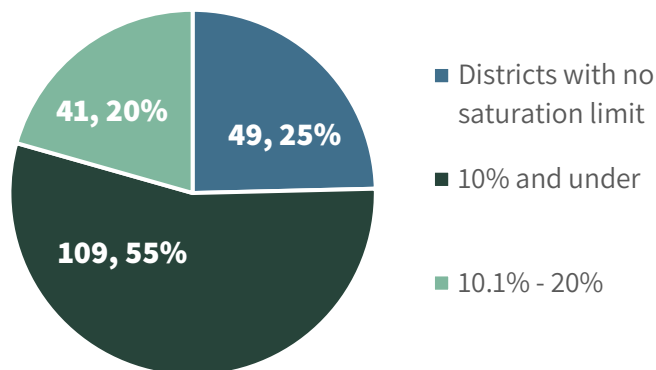
Figure 4. ADU Sizes

<b>ADU size (sf)</b> <b>MEDIAN: 582</b> <b>AVERAGE: 640</b>	
<b>Detached ADU size (sf)</b> Average: 547 <b>Average affordable: 634</b> <b>Average market-rate: 492</b>	<b>Attached ADU size (sf)</b> Average: 773 <b>Average affordable: 796</b> <b>Average market-rate: 763</b>
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.

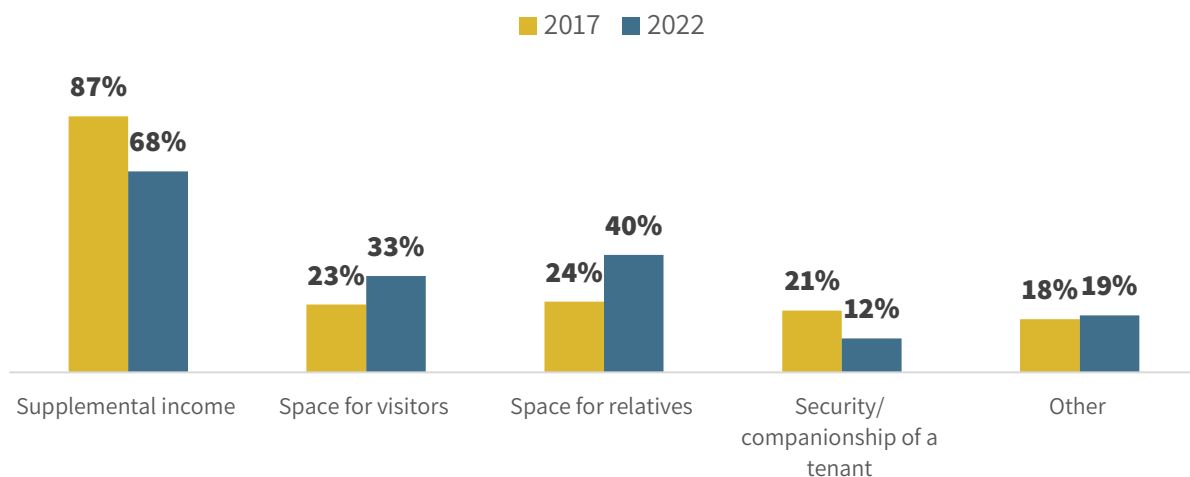
Immediately following the implementation of the regulatory changes in 2019, there was a corresponding spike in ADU applications. As a result, the 2022 version of this survey was sent to 439 households, a 47% increase in households surveyed compared to the 2017 survey.

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.<sup>1</sup>

### 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.**

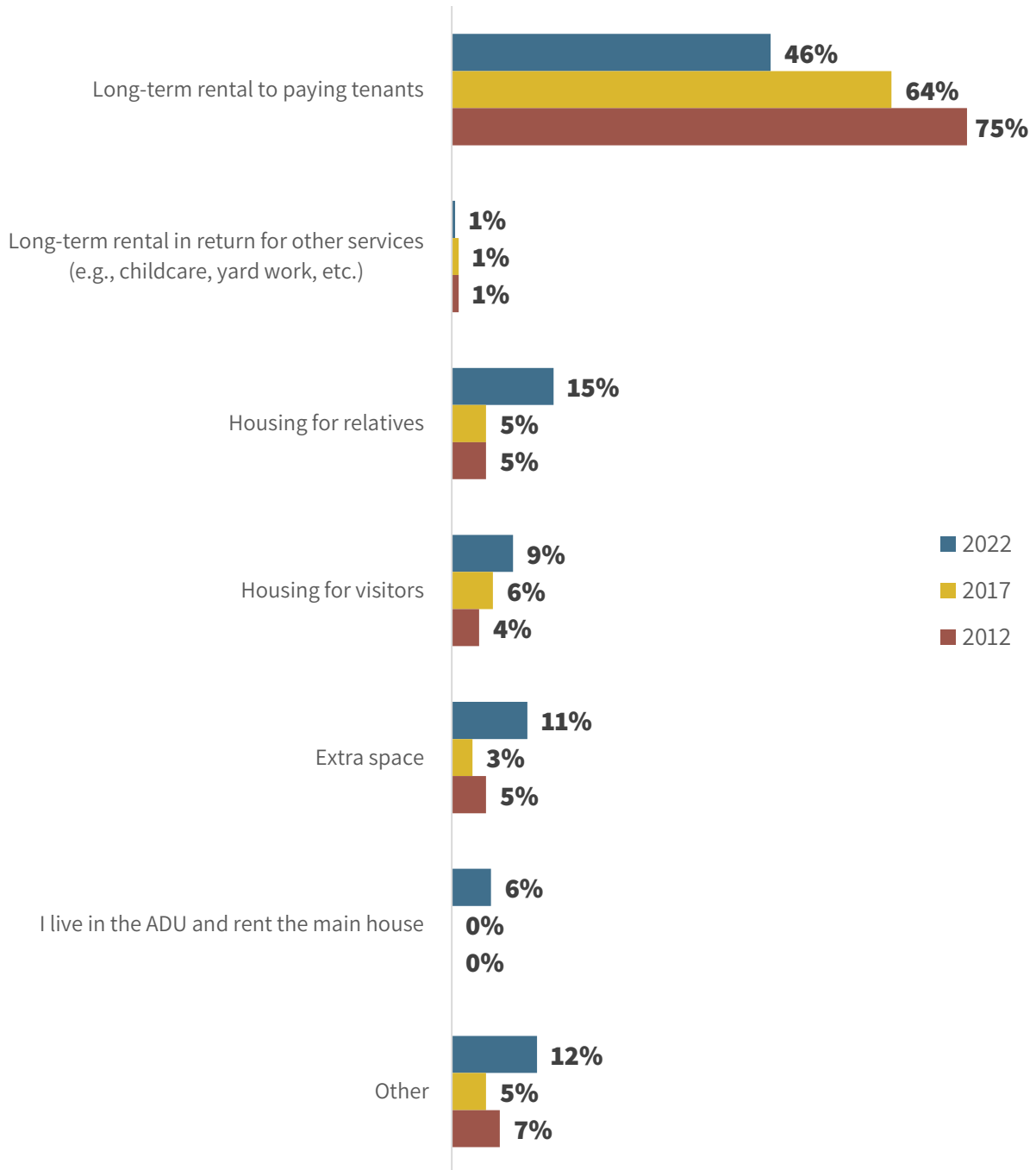
Figure 6. What do you consider to be the primary benefits of maintaining an ADU?



<sup>1</sup> Initial mailing sent August 31. Postcard reminder sent September 17. Survey closed October 10.

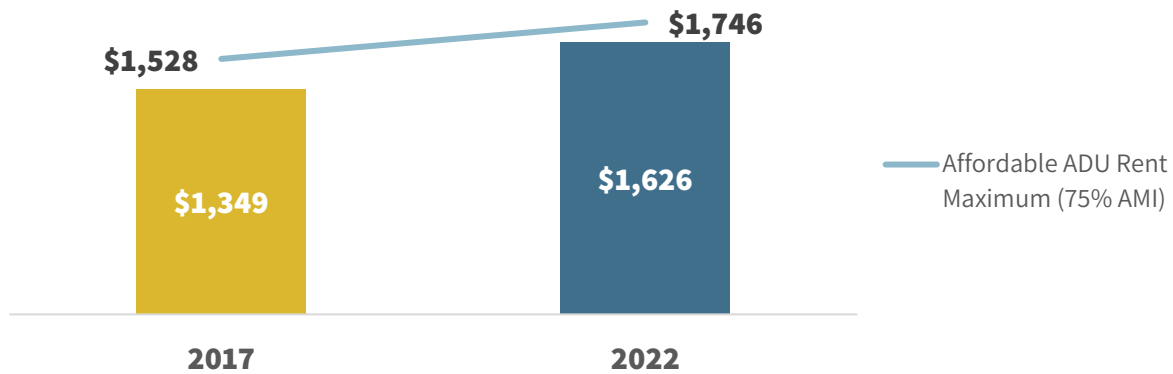
**The proportion of survey respondents currently renting their ADU to long-term paying tenants has decreased by 29% since 2012.** Using ADUs as housing for relatives, visitors, or simply extra space, all increased since previous surveys.

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



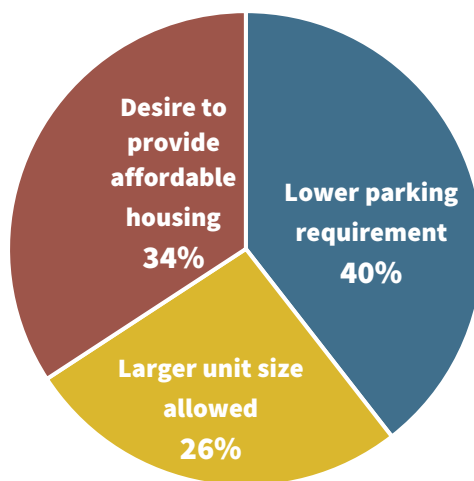
**Between 2017 and 2022, average reported rents among ADU owners have risen by 21% from \$1,349 in 2017 to \$1,626 in 2022.** Average rents for ADUs have remained lower than the Affordable ADU maximum rents, as defined by the City of Boulder. Conversely, average rents for all types of housing have increased 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?

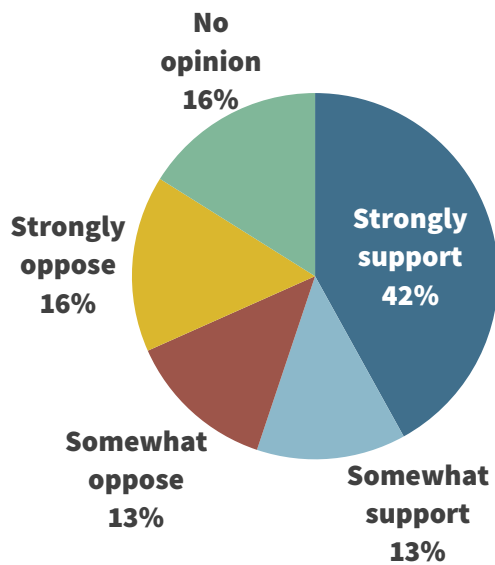
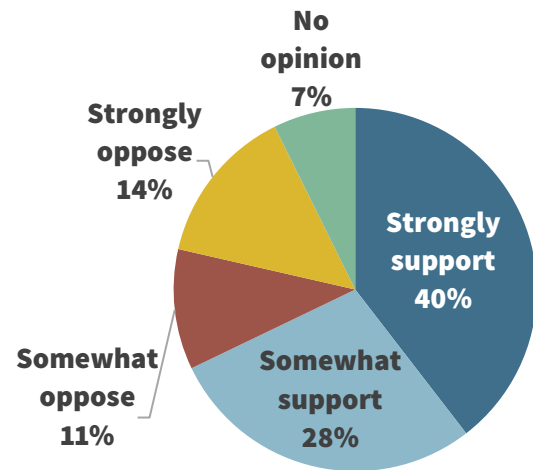
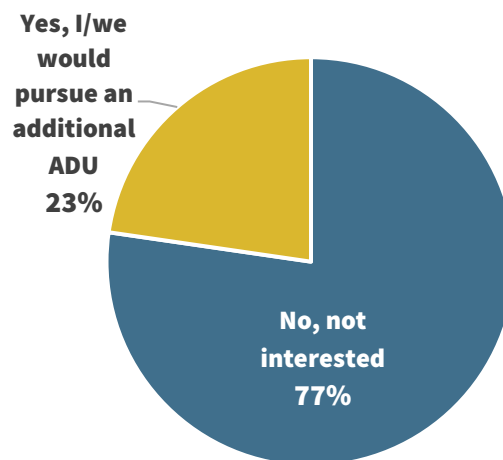


Figure 11. Support eliminating the saturation limit?



**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.

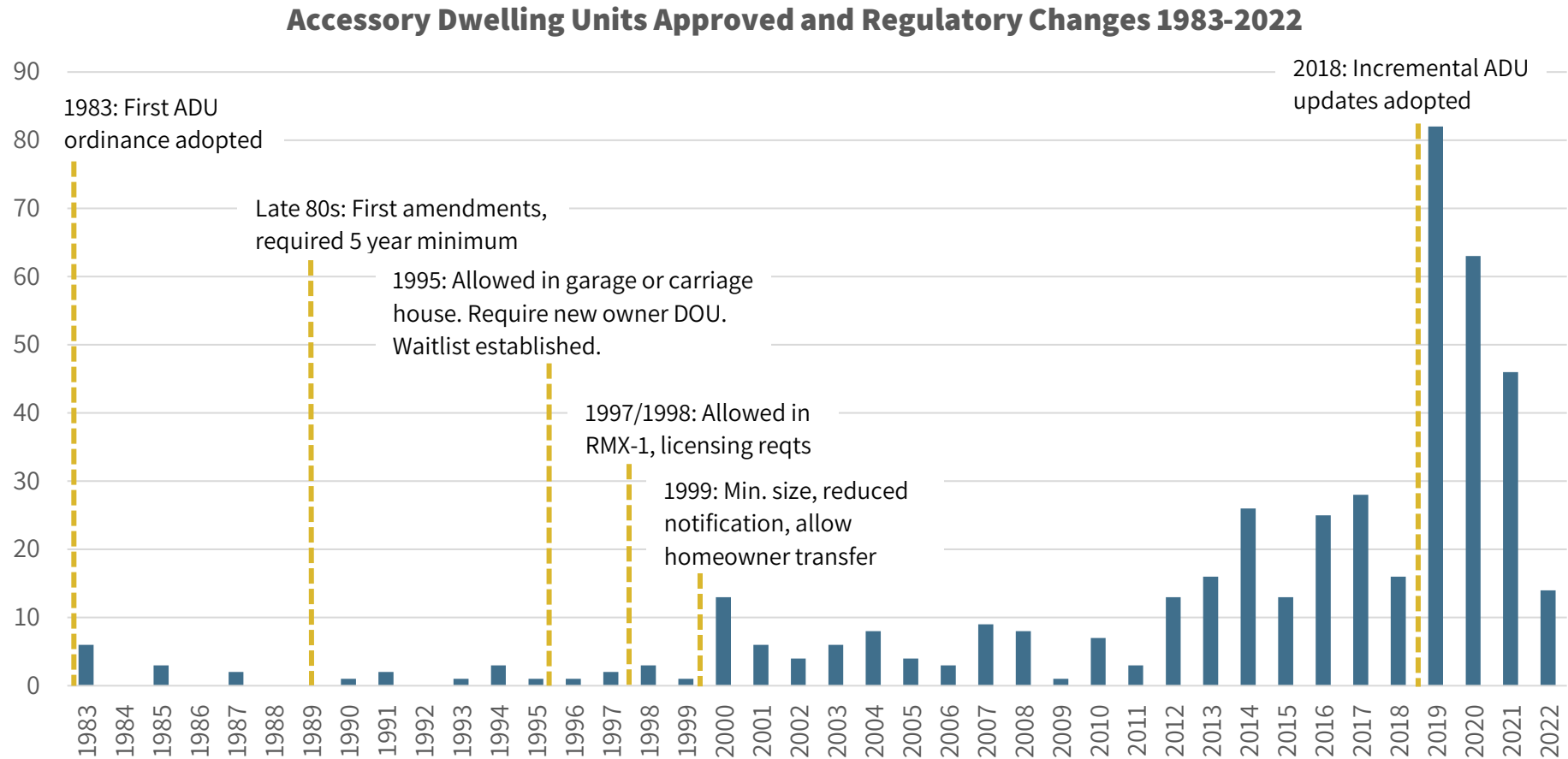
**Process improvements.** Aside from changes to the land use code, based on the internal stakeholder interviews, survey results, and city inquiries, it is clear that several potential improvements could be made to the city’s process of approving ADUs.

- **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

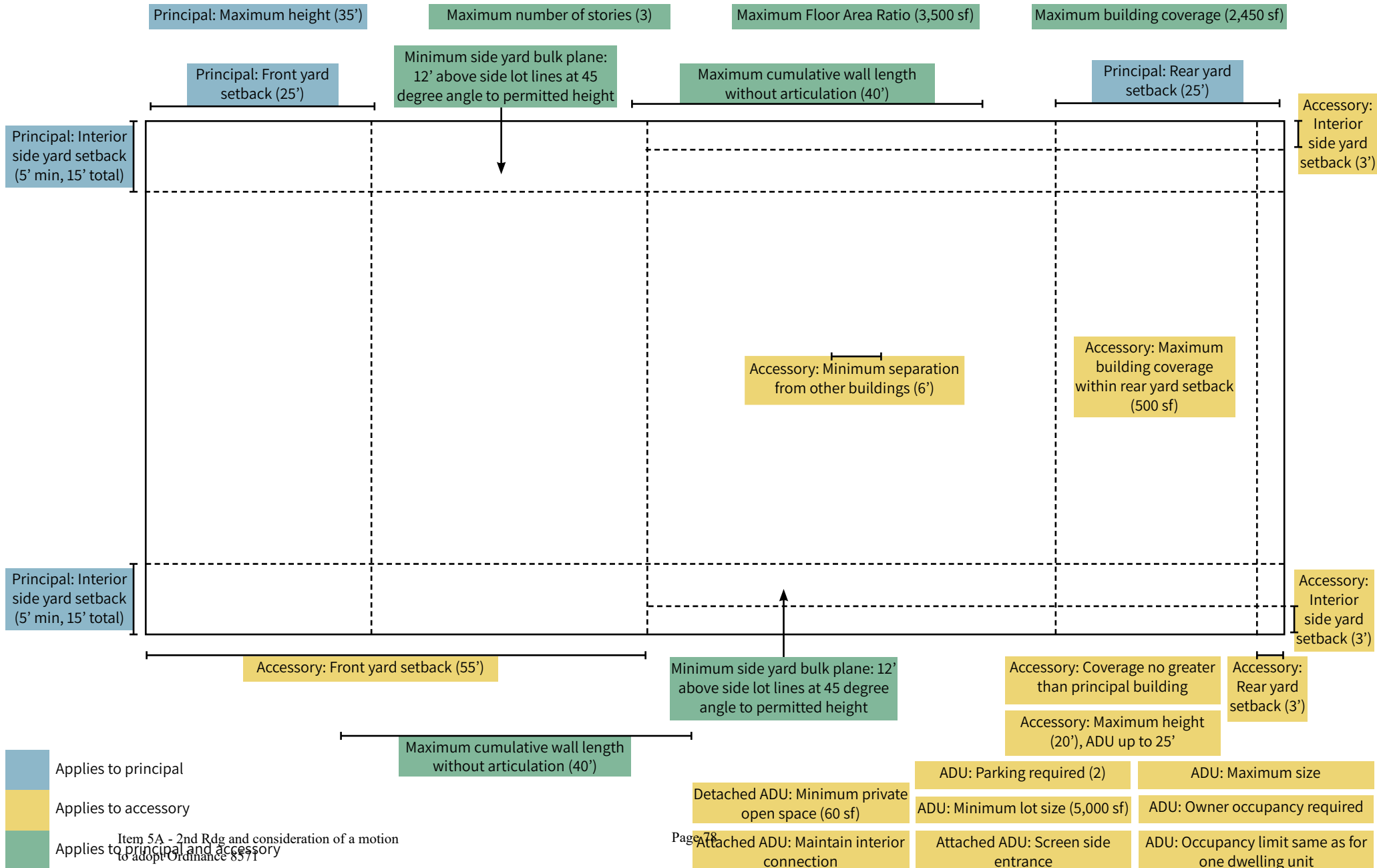


Note: 2022 data is through July 31, 2022.

# 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



# Comparable City Research: Accessory Dwelling Units

City	Where	Saturation Limit	Number	Size	Parking	Height	Occupancy	Ownership	Owner-occupancy	Minimum Lot Size
<b>BOULDER</b>	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
<b>ANN ARBOR, MI</b>	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
<b>ARVADA, CO</b>	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
<b>BERKELEY, CA</b>	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
<b>BLOOMINGTON, IN</b>	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
<b>BOISE, ID</b>	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
<b>BOZEMAN, MT</b>	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
<b>BROOMFIELD, CO</b>	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
<b>CAMBRIDGE, MA</b>	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
<b>CHAMPAIGN, IL</b>	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
<b>COLORADO SPRINGS, CO</b>	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

## Attachment G - ADU Comparable Cities Matrix

City	Where	Saturation Limit	Number	Size	Parking	Height	Occupancy	Ownership	Owner-occupancy	Minimum Lot Size
<b>COLUMBIA, MO</b>	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
<b>DENVER, CO</b>	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
<b>DURANGO, CO</b>	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
<b>EUGENE, OR</b>	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
<b>FAYETTEVILLE, AR</b>	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
<b>FLAGSTAFF, AZ</b>	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
<b>FORT COLLINS, CO</b>	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
<b>GAINESVILLE, FL</b>	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
<b>GOLDEN, CO</b>	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
<b>HONOLULU, HI</b>	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
<b>LAWRENCE, KS</b>	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
<b>LEXINGTON, KY</b>	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
<b>LONGMONT, CO</b>	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

## Attachment G - ADU Comparable Cities Matrix

City	Where	Saturation Limit	Number	Size	Parking	Height	Occupancy	Ownership	Owner-occupancy	Minimum Lot Size
	and non-residential districts									
<b>MADISON, WI</b>	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
<b>MINNEAPOLIS, MN</b>	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
<b>PASADENA, CA</b>	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
<b>PORTLAND, OR</b>	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
<b>RALEIGH, NC</b>	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
<b>SALT LAKE CITY, UT</b>	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
<b>SAVANNAH, GA</b>	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
<b>SEATTLE, WA</b>	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
<b>TEMPE, AZ</b>	Multi-family Districts	None	1 per lot	800 sf, 2 bedroom	0	Not addressed	Not addressed	Not addressed	Not addressed	None
<b>TUCSON, AZ</b>	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

## Attachment G - ADU Comparable Cities Matrix

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

# Accessory Dwelling Units in Boulder

## Examples of ADUs Approved Since 2019

This document is intended to show a variety of sizes and styles of recently approved and constructed ADUs.

### Detached

Street and alley views: Lots with alley access



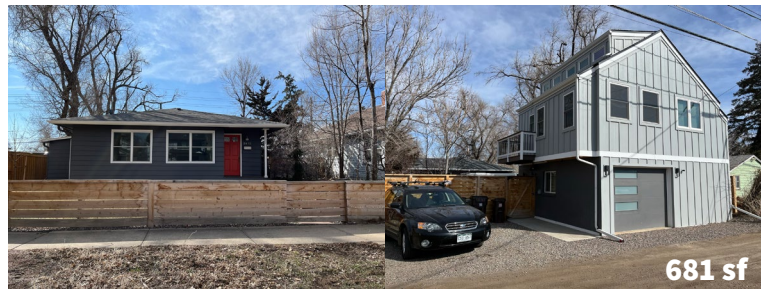
721 Concord Ave | RL-1 | 8,689 sf lot



903 Pine St | RL-1 | 10,107 sf lot



717 University Ave | RL-1 | 12,765 sf lot



2610 Pine St | RMX-1 | 7,000 sf lot



2875 6th St | RL-1 | 6,173 sf lot



3225 6th St | RL-1 | 9,837 sf lot



750 14th St | RL-1 | 6,227 sf lot



835 Pine St | RL-1 | 9,807 sf lot

## Detached

Street views: Lots without alley access



835 sf

1290 Hartford Dr | RL-1 | 7,082 sf lot



563 sf

2266 Edgewood Dr | RL-1 | 7,715 sf lot



669 sf

431 Arapahoe Ave | RL-1 | 10,462 sf lot



800 sf

5045 Cascade Ave | RE | 17,686 sf lot



799 sf

660 Juniper Ave | RR-2 | 15,050 sf lot



480 sf

880 35th St | RL-1 | 7,562 sf lot

## Attached

Street views



1200 sf\*

3530 Everett Dr | RL-1 | 7,480 sf lot



1550 sf\*

720 Willowbrook Rd | RE | 11,630 sf lot



769 sf

300 19th St | RL-1 | 7,396 sf lot



1062 sf\*

3560 19th St | RL-1 | 5,477 sf lot



695 sf

3875 Cloverleaf Dr | RE | 10,711 sf lot



812 sf

450 S 41st St | RL-1 | 6,827 sf lot

# 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
<b>Board/ Public Feedback</b>													
<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									
<b>Ordinance Review</b>													
<i>PB – Public Hearing</i>								2/21					
<i>City Council – 1<sup>st</sup> 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

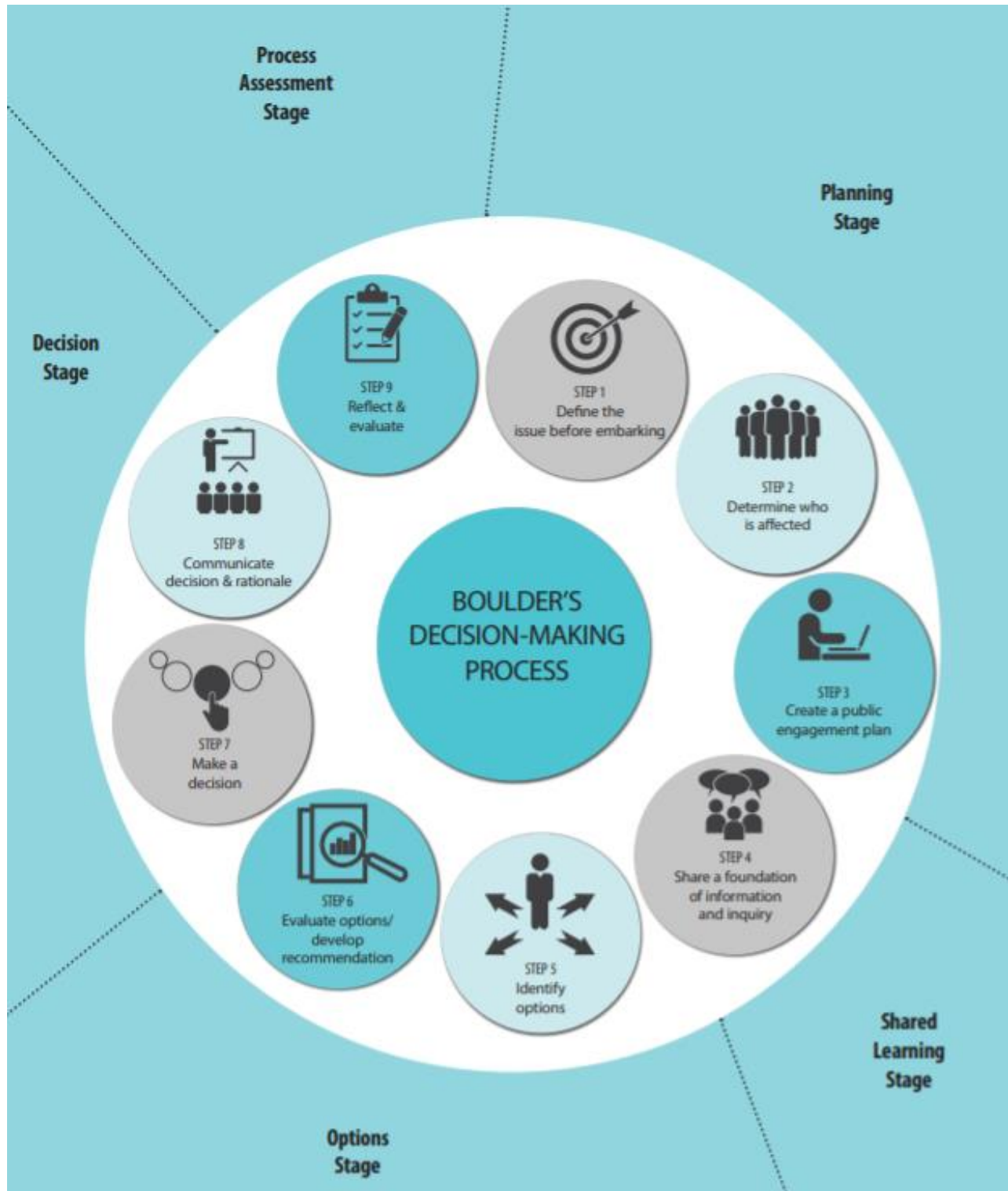
The city will follow a modified version of IAP2's engagement spectrum to help identify the role of the community in project planning and decision-making processes.

INCREASING IMPACT ON THE DECISION



	INFORM	CONSULT	INVOLVE	COLLABORATE
<b>PARTICIPATION GOAL</b>	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.
<b>PROMISE TO THE PUBLIC</b>	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



# 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.

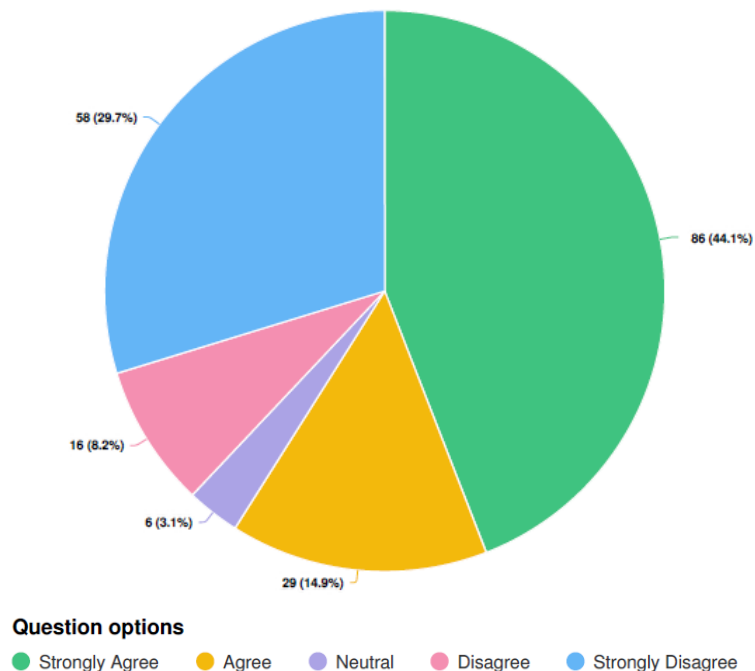
### SATURATION LIMIT

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 drowinging 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

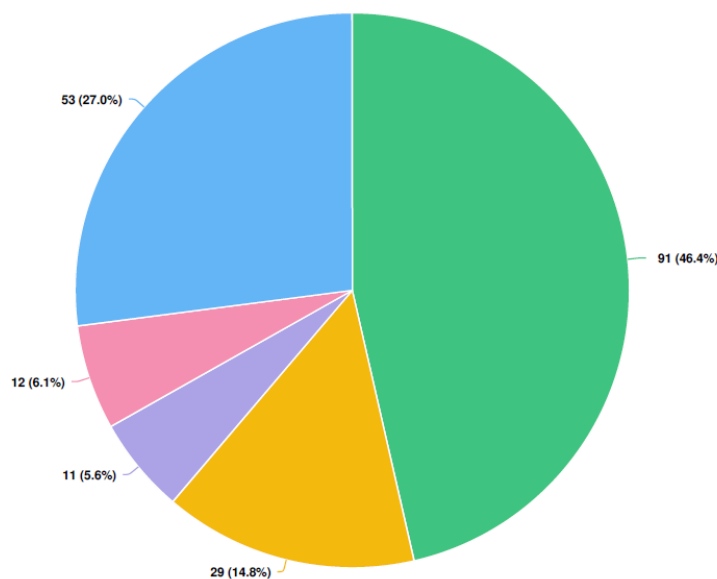
The questionnaire asked whether respondents supported the staff recommendation at the time to increase the size limit for attached ADUs from 1/3 of the principal structure or 1,000 square feet to 1/2 of the principal structure or 1,000 square feet. This change was not ultimately adopted, and the limit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

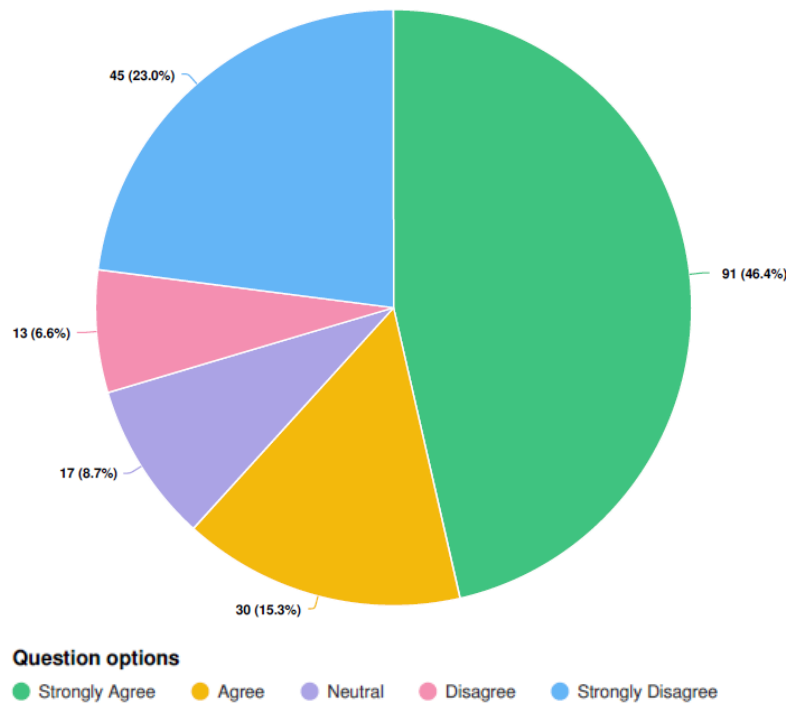
### DETACHED ADUS: INCREASE SIZE LIMIT TO 800 SQUARE FEET

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 ft<sup>2</sup>, 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 OAUs 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 OAUs 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 OAUs 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.<sup>2</sup> 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.

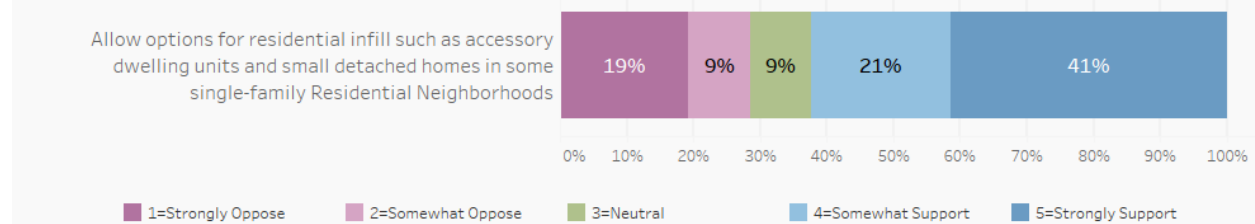
As implied by its name, the random sample survey was conducted among a random sample of Boulder Valley residents, using a postcard invitation to take an online survey, with a one-time use password printed on the postcard to ensure data integrity. Out of 6,000 survey invitations mailed, 382 were returned 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:

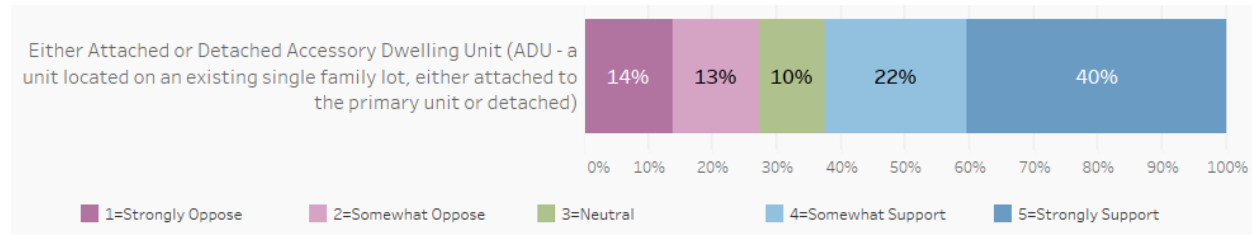
### SUPPORT/OPPOSITION FOR LAND USE CHANGES TO ALLOW FOR MORE HOUSING

***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).

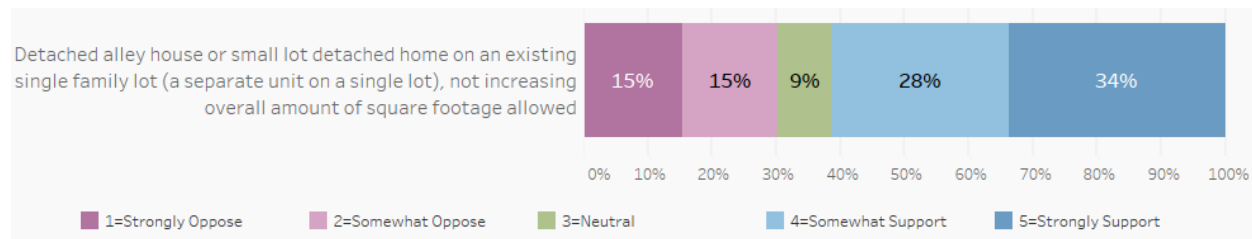


## SUPPORT/OPPOSITION FOR RESIDENTIAL INFILL OPTIONS IN ESTABLISHED SINGLE-FAMILY NEIGHBORHOODS

***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

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**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.

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**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

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**Sent:** Wednesday, September 28, 2022 7:07 PM  
**To:** Housing Advisory Board Group <[HousingAdvisoryBoardGroup@bouldercolorado.gov](mailto:HousingAdvisoryBoardGroup@bouldercolorado.gov)>  
**Cc:** Houde, Lisa <[HoudeL@bouldercolorado.gov](mailto: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**

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

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**From:** No Reply <[noreply@bouldercolorado.gov](mailto:noreply@bouldercolorado.gov)>  
**Sent:** Thursday, November 17, 2022 10:16 PM  
**To:** Mueller, Bradford <[MuellerB@bouldercolorado.gov](mailto: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](mailto: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.

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

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**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.

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**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](mailto: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](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

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**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**

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**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

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**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

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**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

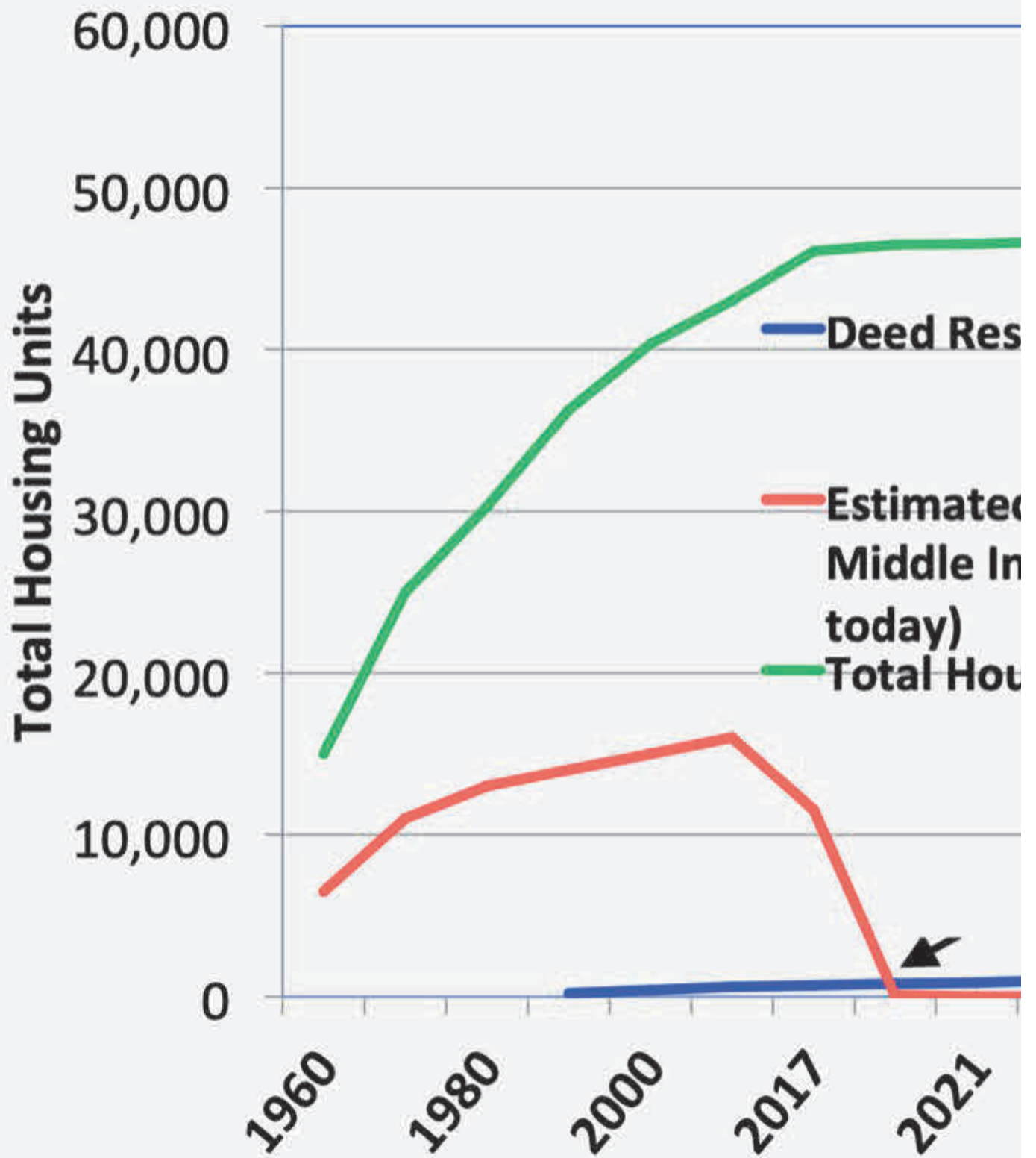
Rachel and my dear courageous COB public servants:

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

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](http://www.goosecreekclt.org)

## Houde, Lisa

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**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

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**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 26<sup>th</sup> 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 ADUs<sup>1</sup>.

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

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<sup>1</sup> , [https://centralaustincdc.org/fair\\_affordable\\_housing/Family\\_Displacement\\_in\\_Central\\_Austin.pdf](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

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**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

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**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.**

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**

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**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

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**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.

**Attachment K - CCR & Public Comment**

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

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**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

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**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](mailto: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**

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**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

## Attachment K - CCR & Public Comment

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**

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**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**

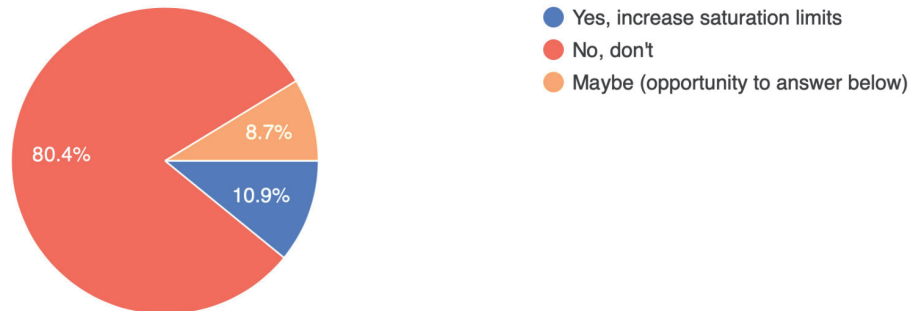
Questions were provided through a Google Survey document. We received 13 responses from Martin Acres, 9 from Goss Grove, 8 from Whittier, 6 from University Hill, 3 from the Community Gardens, 4 from Table Mesa, and a few unlabeled responses.

### **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

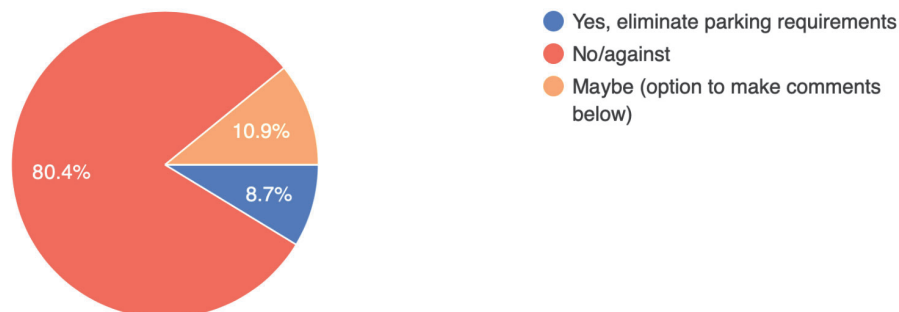


### **Summary of Results: Eliminate parking requirements?**

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



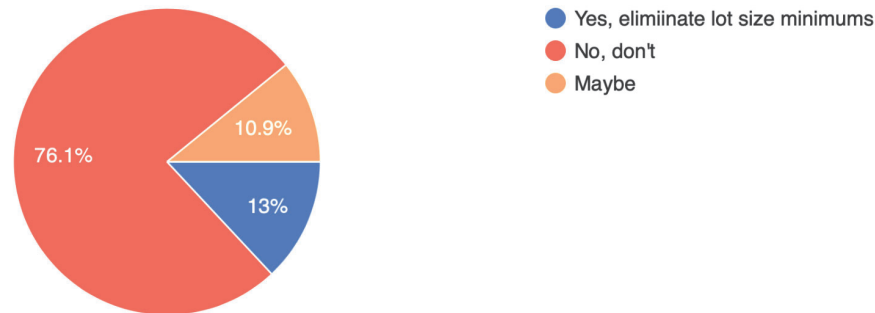
### **Summary of Results: Eliminate lot size minimum?**

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



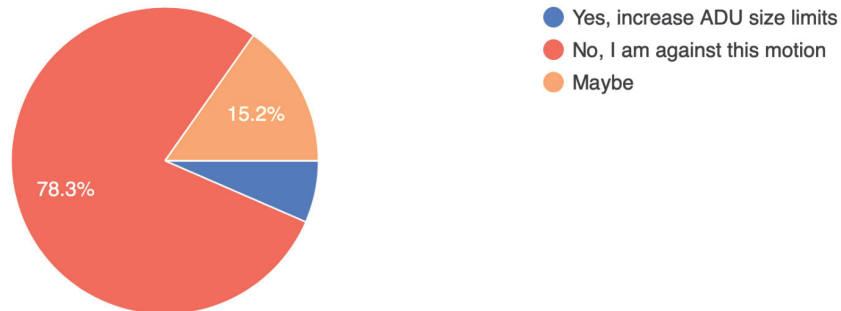
### **Summary of Results: Increase ADU size limits?**

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



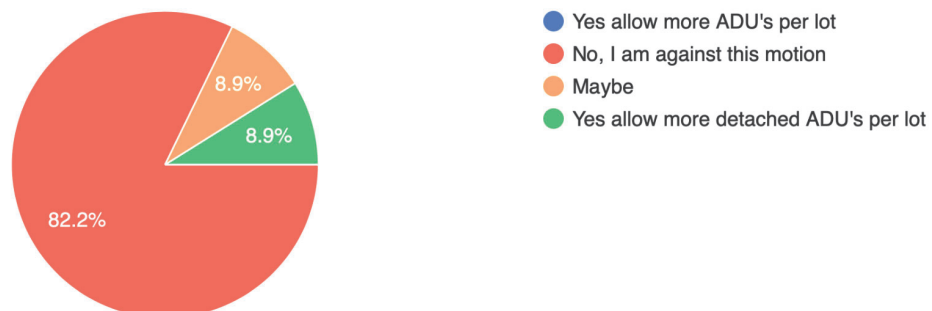
### **Summary of Results: Allow 1 attached and 1 detached or 2 detached ADUs?**

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



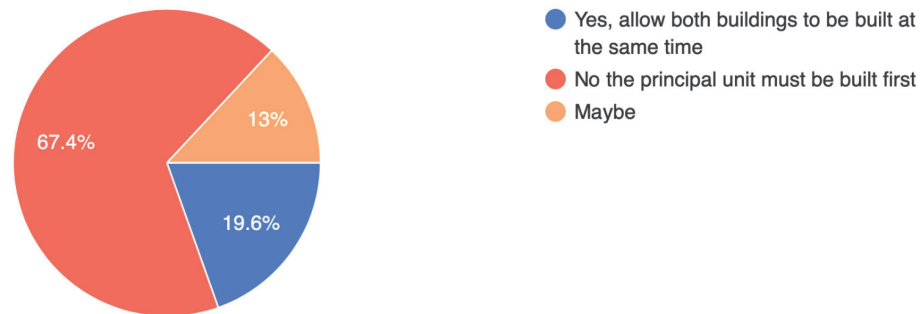
### **Summary of Results: Allow house and ADU to be built at the same time**

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..

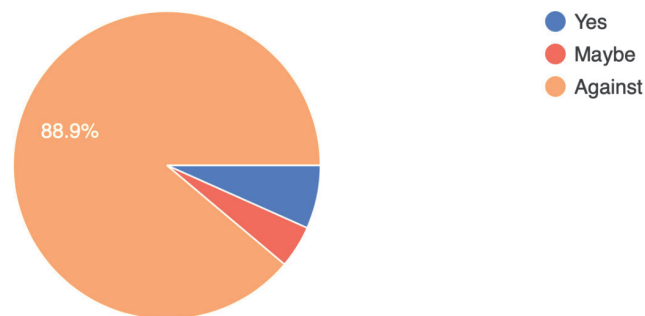
Most of the neighbors do not support LLCs being able to get around the city's rules. Comments included that the LLCs are interested in profit and not the character of the neighborhood and that they do not contribute to the community. Typically the "Owner-Occupant" representative is

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.

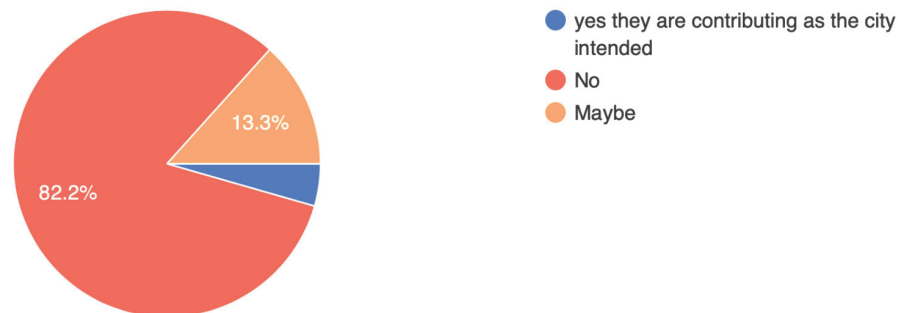
#### Are you in support of investor groups/LLC's being allowed to build ADU's?

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 11<sup>th</sup> 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

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**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**

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**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

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**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

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**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.

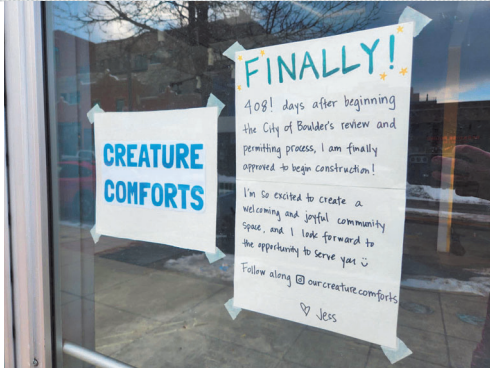
FYI, we have a 1650 main house and a 700 sq. ft. affordable ADU. It is used for 1) long term rental, 2) our niece to live in while she attends CU, and 3) for caretakers to live in when Regina and I need help as we age.

Macon Cowles  
1726 Mapleton Ave.  
Boulder, Colorado 80304  
[macon.cowles@gmail.com](mailto: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

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

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**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

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

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**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

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### External Sender

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Love it! Awesome m'dear!!

On Tue, Jan 17, 2023 at 11:22 AM Barbara Fahey <[barbara.s.fahey@gmail.com](mailto: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**

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**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

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**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

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**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](mailto:adrianfine@gmail.com) | 650-468-6331  
<https://www.linkedin.com/in/adrianfine/>

**Houde, Lisa**

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**To:** Mueller, Brad  
**Subject:** RE: ADUs

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**From:** Nicholas Fiore <[nick@flowerarchitecture.com](mailto:nick@flowerarchitecture.com)>  
**Sent:** Monday, January 16, 2023 9:40 AM  
**To:** boulderplanningboard <[boulderplanningboard@bouldercolorado.gov](mailto: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](mailto:nick@flowerarchitecture.com)

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

## Houde, Lisa

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**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](mailto: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.

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

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**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

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**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**

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**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](mailto:ninaasnes@comcast.net)

## Houde, Lisa

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**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](mailto: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**

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

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

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### 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](mailto:rmheg@aol.com)  
[www.rosemaryhegarty.com](http://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**

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

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

**External Sender**

Sent from my iPhone

Begin forwarded message:

**From:** JONATHAN HONDORF <[jonathanhondorf@aol.com](mailto:jonathanhondorf@aol.com)>  
**Date:** January 16, 2023 at 10:50:48 AM MST  
**To:** [planningboard@bouldercolorado.gov](mailto: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 .

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**

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**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**

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

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**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

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

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**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](mailto: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

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**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](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**

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

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

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**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

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**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

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

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**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**

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

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

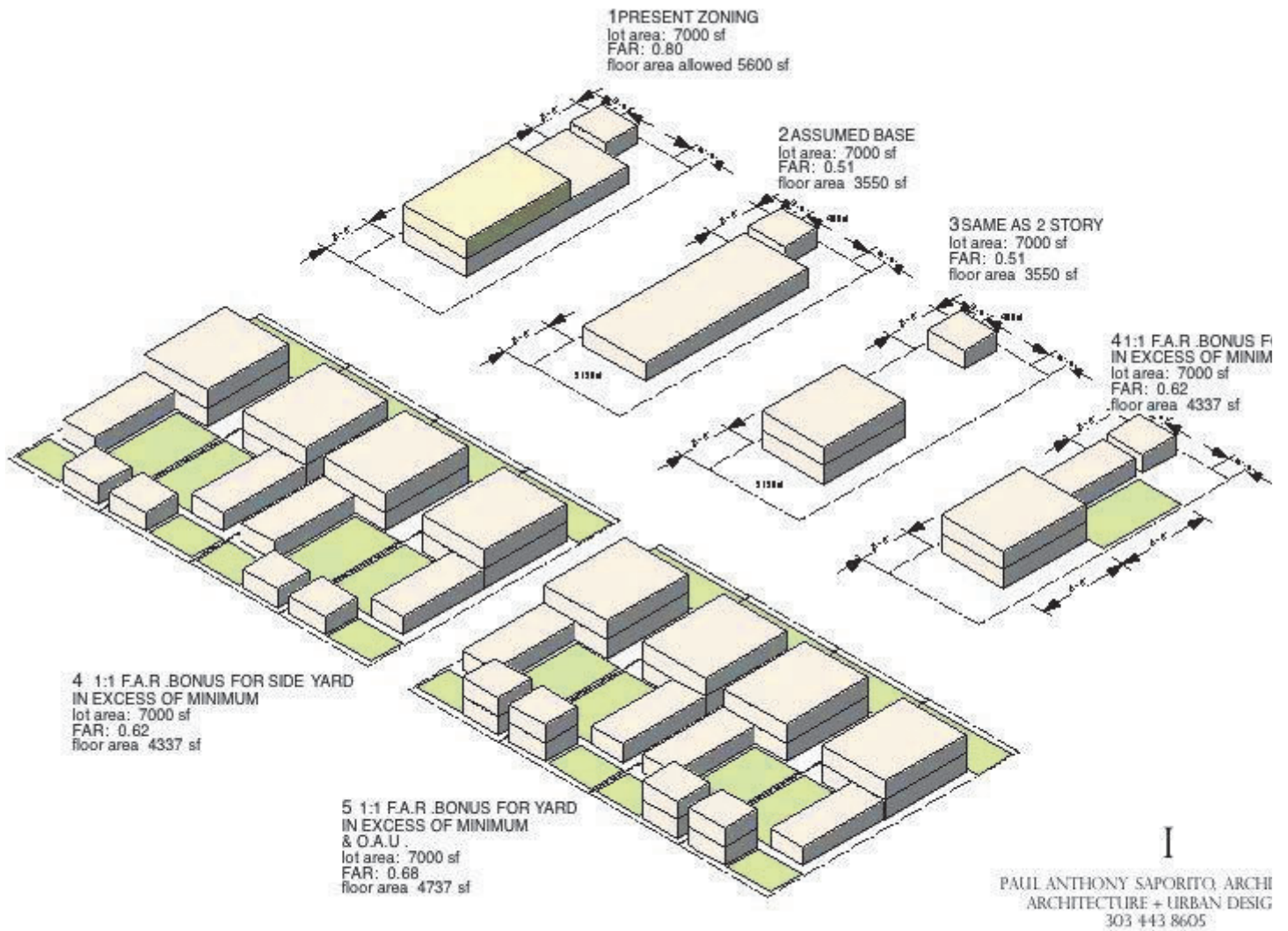
External Sender

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



Sent from my iPhone

**Houde, Lisa**

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**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

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**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](http://www.jerryshapins.tumblr.com) Art /Design /Advocacy

**Houde, Lisa**

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**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

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**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

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**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](mailto: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:

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](mailto:houdel@bouldercolorado.gov)

Planning & Development Services Department  
1739 Broadway, 3<sup>rd</sup> Floor, Boulder CO 80306  
[bouldercolorado.gov](http://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**

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**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

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**

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**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**

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**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

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**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

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**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  
[macon.cowles@gmail.com](mailto:macon.cowles@gmail.com)  
(303) 447-3062

## Houde, Lisa

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**From:** Guiler, Karl  
**Sent:** Tuesday, March 14, 2023 9:45 AM  
**To:** Houde, Lisa  
**Subject:** FW: Tamar Larsen :- Accessory Dwelling Units (ADUs)

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**From:** Ferro, Charles <ferroc@bouldercolorado.gov>  
**Sent:** Tuesday, March 14, 2023 8:08 AM  
**To:** Guiler, Karl <GuilerK@bouldercolorado.gov>  
**Subject:** FW: Tamar Larsen :- Accessory Dwelling Units (ADUs)

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**From:** No Reply <noreply@bouldercolorado.gov>  
**Sent:** Monday, March 13, 2023 5:08 PM  
**To:** Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Stanek, Cate <StanekC@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Ferro, Charles <ferroc@bouldercolorado.gov>  
**Subject:** Tamar Larsen :- Accessory Dwelling Units (ADUs)

**Preferred Form Language:** English / Inglés

**Name:** Tamar Larsen

**Organization (optional):**

**Email:** [tamarlarsen@yahoo.com](mailto:tamarlarsen@yahoo.com)

**Phone (optional):** (510) 717-2836

**My question or feedback most closely relates to the following topic (please choose one):** Accessory Dwelling Units (ADUs)

**Comment, question or feedback:** Lower Chautauqua/Upper Hill already experiencing a huge problem with disrespectful, loud, partying students. DO NOT INCREASE amount of people allowed on a single property with ADUs! This will only mean there are more students packed onto each property (to lower the rent per student), and create a worse living environment for the neighborhoods near campus. I am asking City Council Members to vote NO to ADU's added to properties and No to allowing more than 3 unrelated people per dwelling unit.

[[FSF080521]] Submission ID is #: 1079043608

[Compose a Response to this Email](#)

## Houde, Lisa

---

**From:** Guiler, Karl  
**Sent:** Tuesday, March 14, 2023 9:43 AM  
**To:** Houde, Lisa  
**Subject:** FW: Jane Dixon :- Accessory Dwelling Units (ADUs)

---

**From:** Ferro, Charles <ferroc@bouldercolorado.gov>  
**Sent:** Tuesday, March 14, 2023 9:11 AM  
**To:** Guiler, Karl <GuilerK@bouldercolorado.gov>  
**Subject:** FW: Jane Dixon :- Accessory Dwelling Units (ADUs)

---

**From:** No Reply <noreply@bouldercolorado.gov>  
**Sent:** Tuesday, March 14, 2023 8:59 AM  
**To:** Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Stanek, Cate <StanekC@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Ferro, Charles <ferroc@bouldercolorado.gov>  
**Subject:** Jane Dixon :- Accessory Dwelling Units (ADUs)

**Preferred Form Language:** English / Inglés

**Name:** Jane Dixon

**Organization (optional):**

**Email:** [jdixonweber@comcast.net](mailto:jdixonweber@comcast.net)

**Phone (optional):**

**My question or feedback most closely relates to the following topic (please choose one):** Accessory Dwelling Units (ADUs)

**Comment, question or feedback:** No to --

De-regulating the construction of ADUs with construction up to 900 sq ft (that's the size of many Martin Acres houses!) and removing limits on number of ADUs per block.

Put these kinds of "ideas" to the vote of the people.

[[FSF080521]] Submission ID is #: 1079265990

[Compose a Response to this Email](#)

## Houde, Lisa

---

**From:** Guiler, Karl  
**Sent:** Tuesday, March 14, 2023 9:49 AM  
**To:** Houde, Lisa  
**Subject:** FW: Mary Sznewajs :- Accessory Dwelling Units (ADUs)

---

**From:** Ferro, Charles <ferroc@bouldercolorado.gov>  
**Sent:** Tuesday, March 14, 2023 8:07 AM  
**To:** Guiler, Karl <GuilerK@bouldercolorado.gov>  
**Subject:** FW: Mary Sznewajs :- Accessory Dwelling Units (ADUs)

---

**From:** No Reply <noreply@bouldercolorado.gov>  
**Sent:** Monday, March 13, 2023 6:05 PM  
**To:** Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Stanek, Cate <StanekC@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Ferro, Charles <ferroc@bouldercolorado.gov>  
**Subject:** Mary Sznewajs :- Accessory Dwelling Units (ADUs)

**Preferred Form Language:** English / Inglés

**Name:** Mary Sznewajs

**Organization (optional):**

**Email:** [msznewajs@comcast.net](mailto:msznewajs@comcast.net)

**Phone (optional):**

**My question or feedback most closely relates to the following topic (please choose one):** Accessory Dwelling Units (ADUs)

**Comment, question or feedback:** I am opposed to raising occupancy and allowing more/bigger ADUs in single family home neighborhoods.

Why is it not a priority to make boulder appealing to families? We already have an aging population and our schools are shrinking. Do you think by adding more ADUs, condos, increasing non-familiar occupancy we will attract families to this city? I raised 4 kids here and the only growth I see is condos and apartments, no single family homes. That is totally unappealing for families.

The city VOTED against BAFP already, so why does the city council not respect our votes? Why can't the council address crime in our city, which is totally out of control, instead of revisiting what the voters have already decided is NOT in the best interest of our communities?

Mary Sznewajs

[[FSF080521]] Submission ID is #: 1079061820

[Compose a Response to this Email](#)

**Houde, Lisa**

---

**From:** chris.alaimo@yahoo.com  
**Sent:** Tuesday, March 7, 2023 7:55 PM  
**To:** Houde, Lisa  
**Subject:** I support eliminating the ADU saturation limit

#### External Sender

Lisa -- I am writing to voice my support for removing barriers to building more ADUs in the city of Boulder, and specifically eliminating the ADU saturation limit. My wife and I are long-time homeowners in Boulder, and feel very lucky to live here. However, we are concerned about the lack of diversity, and believe that building more affordable housing will have a positive effect on the community. With a shortage of housing at the national and local level, it seems reasonable to build more units in cities like ours that already have the infrastructure to support more people.

In our specific situation, we live in the University Hill neighborhood / RL-1 district, and our block is fairly well saturated with rental units. A developer is currently constructing an apartment building across the street (former Marpa House), and it's clear that the surrounding area can support denser housing. We would be happy to convert our detached garage into an ADU to provide another rental unit to help combat the housing shortage. However, the ADU saturation rate for our property is 42%, which is above the 20% limit for new construction, and we are not permitted to build (I believe).

From my standpoint, the 20% limit seems arbitrary, especially considering that more than half of the block is rentals, and many homeowners are already renting unregistered units that do not count against the saturation rate.

I recently found some materials on the city's website that indicate that the city is planning to reconsider some of the restrictions against new ADU construction. As a supporter of affordable housing, I lend my support to any efforts to increase the density of ADUs in the city.

Thank you for your work on this important issue.

Chris Alaimo  
916 11th St, Boulder, CO

## Houde, Lisa

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**From:** Ferro, Charles  
**Sent:** Wednesday, February 22, 2023 2:00 PM  
**To:** Houde, Lisa  
**Subject:** FW: Proposed ADU ordinance modifications to increase citywide density in single family neighborhoods

---

**From:** Diane Curlette <dcurlette25@gmail.com>  
**Sent:** Sunday, February 19, 2023 10:24 AM  
**To:** boulderplanningboard <boulderplanningboard@bouldercolorado.gov>  
**Subject:** Proposed ADU ordinance modifications to increase citywide density in single family neighborhoods

### External Sender

---

Dear City Planning Board Members,

For more than a decade, the leadership of the City of Boulder has ignored and refused to confront the jobs and housing imbalance created by importation of too many jobs and a dearth of housing for those employees, combined with uncontrolled enrollment growth at CU which also refuses to house its students, dumping the burden on existing neighborhoods.

Squeezing these extra residents into a tightly limited land area has forced residential rents and housing ownership costs to stratospheric levels and drawn focused attention from national and local property developers and hedge funds seeking to cash in on the bounty.

City leaders have also refused to seriously study developing housing in city owned lands, such as the Planning Reserve 3 or the Boulder airport property — each of which could house thousands of new homes — and focus instead almost exclusively on forcing increased density on existing single family neighborhoods.

In recent years voters defeated an attempt to remove Single Family zoning, thus preserving the tacit agreement between the city and a home buyer assuring the buyer that his/her major monetary investment would be protected from increased density.

While considering proposed changes the City is considering to ADU ordinances, please consider these facts:

- 1). Neighborhoods are a wonderful resource that helps make Boulder a good place to live and should be respected and preserved. The city's focus on an individual property only, and not the impact on neighbors and the neighborhood as a whole, smack of developer convenience, not residents needs.
- 2). Neighborhoods vary so much in lot size, housing style, percentage of owner-occupation, parking availability, auto and pedestrian traffic, noise patterns, household privacy, and view sheds, among other factors. Therefore, some are more able than others to accept infill such as ADU's.

Summarily downzoning neighborhoods is unfair to homeowners whose family wealth and enjoyment is centered in their homes. The investment in a home is usually the largest of a lifetime, and made with the understanding that the zoning of the property and the ones around it will not be summarily altered by their city government to negatively affect the enjoyment of that property. These homeowners are the tax paying backbone of the city, whose payments make possible the city government and whose property rights and interests should be respected. The current ADU ordinance recognizes and protects these rights to some degree. The city would be wise to recognize and protect this diversity, supporting existing neighborhood assets and promoting improvements in qualities of life where possible. The city's social fabric is only as healthy as its' most stressed neighborhoods. This is further reason to prudently tailor efforts to increase housing density to the local conditions in the neighborhoods.

## Attachment K - CCR & Public Comment

3). Decisions about neighborhood density should be made by the citizens and homeowners of that neighborhood, working with the city. There is strong support for neighborhood planning to make these changes. Developers reject this effort as too time consuming — but also maybe too democratic?

The City Council has so far refused to consider neighborhood planning as a solution to planning infill via ADUs.

Please help protect Boulder's neighborhoods through neighborhood planning and efforts to gracefully include more density via ADU's tailored to neighborhood capabilities.

Housing policy affects NEIGHBORS and NEIGHBORHOODS not just ADU owners. This is an actual ADU being constructed under current permits. Proposed ADU regulations changes would repeat this scene citywide. Please help do a good job of planning for the future of our city and stop the commodification of housing in our neighborhoods.



Thank you for your consideration of these important changes.

Diane Curlette  
Boulder

## Houde, Lisa

---

**From:** Ferro, Charles  
**Sent:** Wednesday, February 22, 2023 2:00 PM  
**To:** Houde, Lisa  
**Subject:** FW: Proposed changes in ADU regulations to increase residential density in single family neighborhoods

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

From: Diane Curlette <dcurlette25@gmail.com>  
Sent: Sunday, February 19, 2023 9:51 AM  
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>  
Subject: Proposed changes in ADU regulations to increase residential density in single family neighborhoods

External Sender

Dear Planning Board Members,

Proposed changes to ADU regulations will have a serious detrimental, and potentially life threatening impact on Boulders neighborhoods — a major asset of this community whose viability must be protected.

Three important points we should keep in mind regarding relaxing the ADU regulations to induce increased density throughout the City of Boulder.

Creating more intense housing density in our existing neighborhoods is unwise because it increases the likelihood of structure infernos during wildfires, it reduces the ability of residents to create defensible space around dwellings, as requested by our wildland firefighters, and it increases the summer temperatures and creates heat islands by reducing the amount of green spaces and shade in residential areas, counter to our environmental goals for the city.

1. The total loss of the Sagamore neighborhood in the Marshall fire was partly due to the dwellings being too close together, according to the experts. In many existing Boulder neighborhoods (like mine in Table Mesa), our homes are only about 15 feet apart at present. We won't benefit by increasing that danger.

2. Using the diagrams for defensible space in the fire prevention materials it is obvious that there will not be sufficient defensible space between dwellings to reduce structural fire infernos. Screening ADU's with shrubbery or trees to create private spaces for both dwellings will violate the defensible space rules on most city lots. And perhaps prevent adjacent neighbors from attaining defensible space as well.

3. When the city recently released their recent study of heat islands in Boulder — areas where paved areas, roofs and congestion predominated were hottest. Coolest areas were the single family neighborhoods. Conclusion was to plant more trees, and create more green spaces in the congested areas. Densifying existing green cooler spaces works against this goal.

So we simultaneously have two city agencies — fire and climate change — advocating for more defensible space and more greenery while the housing staff are pushing an opposite agenda — unlimited density of housing in existing single family neighborhoods — even near open space. Such folly!

## Attachment K - CCR & Public Comment

Added to this are the still valid concerns about parking density, noise, crowding, barking dogs, and marijuana smoke that often accompany dense living and which many of us paid dearly to avoid.

And I see no action by the city to improve the wildfire evacuation routes in the city to accommodate the increased projected population due to density. Evacuation via Table Mesa during the NCAR fire took several hours in bumper to bumper traffic. As one resident caught in the huge linear parking lot observed, "Good thing they put that fire out so fast. We would have burned to death in our cars if they hadn't." And that was only evacuating the current population.

Please recommend that any changes to the current ADU regulations be considered on a neighborhood by neighborhood basis, with input from those residents. Neighborhoods vary greatly in individual characteristics and ability to gracefully absorb various amounts of increased density.

Thank you for your consideration.

Diane Curlette  
Boulder

## Houde, Lisa

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**From:** Ferro, Charles  
**Sent:** Monday, February 6, 2023 10:02 AM  
**To:** Houde, Lisa; Guiler, Karl  
**Subject:** FW: Roz Dorf :- Accessory Dwelling Units (ADUs)

---

**From:** No Reply <noreply@bouldercolorado.gov>  
**Sent:** Monday, February 6, 2023 8:24 AM  
**To:** Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Stanek, Cate <StanekC@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Ferro, Charles <ferroc@bouldercolorado.gov>  
**Subject:** Roz Dorf :- Accessory Dwelling Units (ADUs)

**Preferred Form Language:** English / Inglés

**Name:** Roz Dorf

**Organization (optional):** N/A

**Email:** [roz.dorf@gmail.com](mailto:roz.dorf@gmail.com)

**Phone (optional):** (303) 494-6935

**My question or feedback most closely relates to the following topic (please choose one):** Accessory Dwelling Units (ADUs)

**Comment, question or feedback:** Water, and the lack of it, should be considered in the discussion of ADUs and raising the density of Boulder. Here is a link from CSU regarding droughts in Colorado.

<https://libguides.colostate.edu/waterhistory/drought#:~:text=According%20to%20the%20Colorado%20Climate,several%20years%20of%20severe%20drought.>

During the historic flood of 2013, a representative from NOAA was on the local news and stated that Colorado is three days from a drought. Please read the articles listed in the link.

One of my fields of expertise, as a paralegal, is water law. There are unintended consequences to density.

[[FSF080521]] Submission ID is #: 1065799640

[Compose a Response to this Email](#)

## Houde, Lisa

---

**From:** Guiler, Karl  
**Sent:** Tuesday, March 7, 2023 5:00 PM  
**To:** Houde, Lisa  
**Subject:** FW: Stacey Goldfarb :- Accessory Dwelling Units (ADUs)

FYI

---

**From:** Ferro, Charles <ferroc@bouldercolorado.gov>  
**Sent:** Tuesday, March 7, 2023 4:49 PM  
**To:** Guiler, Karl <GuilerK@bouldercolorado.gov>  
**Subject:** FW: Stacey Goldfarb :- Accessory Dwelling Units (ADUs)

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**From:** No Reply <noreply@bouldercolorado.gov>  
**Sent:** Tuesday, March 7, 2023 4:48 PM  
**To:** Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Stanek, Cate <StanekC@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Ferro, Charles <ferroc@bouldercolorado.gov>  
**Subject:** Stacey Goldfarb :- Accessory Dwelling Units (ADUs)

**Preferred Form Language:** English / Inglés

**Name:** Stacey Goldfarb

**Organization (optional):**

**Email:** [saufarb1@gmail.com](mailto:saufarb1@gmail.com)

**Phone (optional):** (720) 427-8144

**My question or feedback most closely relates to the following topic (please choose one):** Accessory Dwelling Units (ADUs)

**Comment, question or feedback:** Boulder is full enough. Don't ruin our neighborhoods. Not everyone can live in Boulder. Quit trying to squeeze too many people into our neighborhoods!  
Our forefathers fought to keep Boulder a small, quaint city by buying up all the land around the City so other towns would not merge into us. Now you want to increase the density. Are you crazy??

[[FSF080521]] Submission ID is #: 1076886353

[Compose a Response to this Email](#)

## Houde, Lisa

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**From:** Guiler, Karl  
**Sent:** Wednesday, March 22, 2023 8:22 AM  
**To:** Houde, Lisa  
**Subject:** FW: Pamela Gilbert :- Accessory Dwelling Units (ADUs)

---

**From:** Ferro, Charles <ferroc@bouldercolorado.gov>  
**Sent:** Tuesday, March 21, 2023 5:47 PM  
**To:** Guiler, Karl <GuilerK@bouldercolorado.gov>  
**Subject:** FW: Pamela Gilbert :- Accessory Dwelling Units (ADUs)

---

**From:** No Reply <noreply@bouldercolorado.gov>  
**Sent:** Tuesday, March 21, 2023 4:53 PM  
**To:** Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Stanek, Cate <StanekC@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Ferro, Charles <ferroc@bouldercolorado.gov>  
**Subject:** Pamela Gilbert :- Accessory Dwelling Units (ADUs)

**Preferred Form Language:** English / Inglés

**Name:** Pamela Gilbert

**Organization (optional):**

**Email:** [gilbertp001@hotmail.com](mailto:gilbertp001@hotmail.com)

**Phone (optional):** (303) 543-8223

**My question or feedback most closely relates to the following topic (please choose one):** Accessory Dwelling Units (ADUs)

**Comment, question or feedback:** I live at 415 s. 45th st. Currently across the street is a rental which regularly rents to 5 people ALL of whom have cars. (I have complained about Barb Miles several times, but she has figured out a way to usurp the 3-people rule - she only has 3 of her renters sign the lease.) Also, there is the "Beet Collective" katy-corner from me which has an undetermined amount of cars. However those renters seem more mindful about where they park, but they do have guests who aren't as mindful. The other 5 nearby properties are all occupied by single families. So of the 8 homes (mine included & I park in the garage), it is not uncommon for my (dinner) guests to find it difficult to secure a nearby parking spot. The point of this narrative is that it doesn't take much to clog up the street. These houses were built in the 1950s with single car garages. Of course, some of the garages have been turned into living space. Plus many of today's vehicles are too large to fit into a 1950s garage even if it was available. If there was an enforceable rule that each house or ADU only have as many vehicles as there were 'adjacent to the property' spaces, then I wouldn't mind ADUs.

## Houde, Lisa

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**From:** Guiler, Karl  
**Sent:** Friday, March 17, 2023 2:24 PM  
**To:** Houde, Lisa  
**Subject:** FW: Theresa Barker :- Accessory Dwelling Units (ADUs)

---

**From:** No Reply <NoReply@bouldercolorado.gov>  
**Sent:** Friday, March 17, 2023 12:11 PM  
**To:** Council <council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Stanek, Cate <StanekC@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Ferro, Charles <FerroC@bouldercolorado.gov>  
**Subject:** Theresa Barker :- Accessory Dwelling Units (ADUs)

**Preferred Form Language:** English / Inglés

**Name:** Theresa Barker

**Organization (optional):**

**Email:** [alakavern@aol.com](mailto:alakavern@aol.com)

**Phone (optional):** (720) 324-6416

**My question or feedback most closely relates to the following topic (please choose one):** Accessory Dwelling Units (ADUs)

**Comment, question or feedback:** I am against de-regulating the construction of ADU's. It will increase the congestion, noise, traffic and parking issues. There is currently a way for ADU's to be controlled that works. It already is difficult to park without taking the current rule away for off street parking.

[[FSF080521]] Submission ID is #: 1080793701

[Compose a Response to this Email](#)

## Houde, Lisa

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**From:** Guiler, Karl  
**Sent:** Friday, March 17, 2023 8:41 AM  
**To:** Houde, Lisa  
**Subject:** FW: Laura Dirks :- Accessory Dwelling Units (ADUs)

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**From:** Ferro, Charles <ferroc@bouldercolorado.gov>  
**Sent:** Friday, March 17, 2023 8:36 AM  
**To:** Guiler, Karl <GuilerK@bouldercolorado.gov>  
**Subject:** FW: Laura Dirks :- Accessory Dwelling Units (ADUs)

---

**From:** No Reply <noreply@bouldercolorado.gov>  
**Sent:** Thursday, March 16, 2023 8:10 PM  
**To:** Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Stanek, Cate <StanekC@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Ferro, Charles <ferroc@bouldercolorado.gov>  
**Subject:** Laura Dirks :- Accessory Dwelling Units (ADUs)

**Preferred Form Language:** English / Inglés

**Name:** Laura Dirks

**Organization (optional):** Entrepreneur

**Email:** [laura.m.dirks@gmail.com](mailto:laura.m.dirks@gmail.com)

**Phone (optional):**

**My question or feedback most closely relates to the following topic (please choose one):** Accessory Dwelling Units (ADUs)

**Comment, question or feedback:** There was a good reason for Boulder/ Boulder county to limit growth. Do not be bullied into adding ADUs in already crowded lots and residential areas! Think about the long term repercussions of ADUs!

[[FSF080521]] Submission ID is #: 1080516839

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**Houde, Lisa**

---

**From:** M Woolley <margiewoolley@yahoo.com>  
**Sent:** Friday, March 31, 2023 12:40 PM  
**To:** Houde, Lisa; margiewoolley@yahoo.com  
**Subject:** ADUs

**External Sender**

Hi Lisa,

I am a property owner on the Hill, and my house is currently used as a licensed rental. The address is 912 9th Street.

I am writing today to ask that my voice be heard in the deliberations concerning occupancy limits. Currently, my house's occupancy is limited to 3 unrelated persons, but I have 4 bedrooms, and enough space to accommodate a 4th person easily.

My concern is that the use of my property is being limited, while others are encouraged to build out or construct ADUs to add more living space. It doesn't seem fair to allow others to invite more people in, or ask others to spend money to make more space, while limiting the use of my space, which could easily accommodate another person. While the debate about ADUs and trying to increase housing options for those who need it swirls around, my 4th bedroom remains empty. It doesn't seem fair, nor logical.

Can the City relax the occupancy limit on the Hill to allow for 4 unrelated persons, instead of 3? This would allow me to make the empty living space I currently have (at no further expense to myself or the City) available for use for someone.

If a blanket change from 3 to 4 persons for the area is not possible, could the City at least address this issue on a case by case basis? I feel it is unfair to allow my neighbor to build an ADU to make more living space, while I have great space already available that cannot be used.

I hope this makes sense, and am hopeful that my voice will be heard in the ongoing deliberations regarding occupancy limits.

Thank you for your time and attention.

Best,

Margaret Woolley  
626-298-3001  
Margiewoolley@yahoo.com

[Sent from Yahoo Mail for iPad](#)

## Houde, Lisa

---

**From:** Guiler, Karl  
**Sent:** Monday, April 3, 2023 10:47 AM  
**To:** Houde, Lisa  
**Subject:** FW: ADU ordinance

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

From: Ferro, Charles <FerroC@bouldercolorado.gov>  
Sent: Monday, April 3, 2023 9:10 AM  
To: Guiler, Karl <GuilerK@bouldercolorado.gov>  
Subject: FW: ADU ordinance

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

From: Sarabeth Mitton <saramitt@gmail.com>  
Sent: Sunday, April 2, 2023 8:04 PM  
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>  
Subject: ADU ordinance

External Sender

Planning Board:

I would like to state that unlimited ADUs would further devastate my longtime neighborhood. I moved to the Hill in June, 1975, to a part of the neighborhood that was affordable single family homes on very small urban lots, not even buildable today. At that time there were no CU students this far SW of the business district. Some of those homes were subsequently subdivided in various ways over the decades so now we see 1912 single family bungalows like the one next to me, owned by an out of state investor and rented to 6 wealthy CU students at an exorbitant per bedroom rent. This may be dense but it is certainly not affordable to working people.

I believe the saturation of so many of the "grandfathered" properties around the Hill will fill any ADU with further densification of more of the same wealthy students. This is not the stated goal of expanding ADU availability. It may very well work on larger lots closer to places our workers would want to be, far from the density of so many students, some of whom are good neighbors but also so many who are not.

Please consider the saturation as already "over the limit" of practicality for quality of life for "anyone" on the Hill.

SARA MITTON  
885 Lincoln PL  
303-444-1597

## Houde, Lisa

---

**From:** Guiler, Karl  
**Sent:** Monday, April 3, 2023 10:46 AM  
**To:** Houde, Lisa  
**Subject:** FW: ADU licensing

---

**From:** Ferro, Charles <FerroC@bouldercolorado.gov>  
**Sent:** Monday, April 3, 2023 9:10 AM  
**To:** Guiler, Karl <GuilerK@bouldercolorado.gov>  
**Subject:** FW: ADU licensing

---

**From:** Viktor Przebinda <[vprzebinda@gmail.com](mailto:vprzebinda@gmail.com)>  
**Sent:** Monday, April 3, 2023 8:51 AM  
**To:** boulderplanningboard <[boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)>  
**Subject:** ADU licensing

---

### External Sender

Good morning, I came across the line item in tomorrow's agenda regarding ADU permitting. As a university hill resident I would like to remind the board of the consequences that increased housing density has on this neighborhood.

-v

1061 10th.

**Houde, Lisa**

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**From:** Ferro, Charles  
**Sent:** Tuesday, April 4, 2023 8:59 AM  
**To:** Guiler, Karl; Houde, Lisa  
**Subject:** FW: ADU proposal

---

**From:** Mary H. Cooper Ellis <coopermh@gmail.com>  
**Sent:** Tuesday, April 4, 2023 8:57 AM  
**To:** boulderplanningboard <boulderplanningboard@bouldercolorado.gov>  
**Subject:** ADU proposal

---

**External Sender**

---

Dear members of the Planning Board,

Historically single-family neighborhoods that are already overwhelmed by CU's failure to house its students deserve special consideration as you review the proposed changes to Boulder's ADU policies.

In particular, the proposed elimination of saturation limits throughout the city ignores the overcrowding that University Hill, Martin Acres, Goss Grove, and East Aurora already experience, with the attendant traffic, parking, trash, and noise problems that we residents face on a daily basis.

Please acknowledge this disparity in conditions by recommending that Council exempt our neighborhoods from any removal of saturation limits as part of their reconsideration of ADU policies.

Respectfully,

Mary Ellis  
764 14th St  
Boulder, CO 80302

## Houde, Lisa

---

**From:** Ozi Friedrich <ozi@radix.design>  
**Sent:** Tuesday, April 4, 2023 1:47 PM  
**To:** Houde, Lisa  
**Subject:** letter of support for ADU zoning changes

### External Sender

Hi there Lisa, hopefully I'm in time to send a letter of support for the ADU zoning revision before it goes to the planning board.

I'm an architect based in Denver who has made designing ADUs a focus of my practice. We are currently working for a retired school principal and longtime Boulder resident to design a detached ADU to support aging-in-place behind his longtime home. It has been extremely challenging to design an accessible dwelling unit for long-term living in 550 sf. Many of the required design solutions also escalate the cost of the project.

800 sf is a much more viable maximum size. It is big enough that one could even design a small two-bedroom unit, meaning that it would be possible to build ADUs that provide for family living. This would help house people who are dramatically underserved in the current construction market.

Thank you,

Ozi Friedrich, AIA, LEED AP  
720-432-5528  
[www.radix.design](http://www.radix.design)  
Pronouns: they/them



**Houde, Lisa**

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**From:** Ferro, Charles  
**Sent:** Tuesday, April 4, 2023 4:07 PM  
**To:** Houde, Lisa; Guiler, Karl  
**Subject:** FW: ADU's

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**From:** Dan Guesman <[dan@ccmboulder.com](mailto:dan@ccmboulder.com)>  
**Sent:** Tuesday, April 4, 2023 4:00 PM  
**To:** boulderplanningboard <[boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)>  
**Subject:** ADU's

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**External Sender**

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Dear Board,  
Increasing density won't solve the housing issues. It will just make Boulder less livable.

Daniel K. Guesman  
3417 Iris Ct  
Boulder, Colorado 80302  
Ph: 303-442-9008  
Email: [dan@ccmboulder.com](mailto:dan@ccmboulder.com)

## Houde, Lisa

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**From:** Ferro, Charles  
**Sent:** Tuesday, April 4, 2023 10:37 AM  
**To:** Houde, Lisa; Guiler, Karl  
**Subject:** FW: Unintended consequences concerning ADU Ordinance

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**From:** Sue Ellen Harrison <sueellenh@gmail.com>  
**Sent:** Tuesday, April 4, 2023 10:28 AM  
**To:** boulderplanningboard <boulderplanningboard@bouldercolorado.gov>  
**Subject:** Unintended consequences concerning ADU Ordinance

### External Sender

Dear Members of the Planning Board:

I am a long time resident of UniHill - living in the house I own in the 800 block of 12th St. since 1977. Like many long time residents, I have watched Boulder grow and change - sometimes for the better - but not always. You are considering changes to the ADU ordinance tonight and should you agree to eliminate the saturation limit, there will be severe unintended consequences to UniHill.

I will assume that there are neighborhoods within our City that can absorb more ADUs, but University Hill is not one of them. Statistics will tell you that there are not a lot of ADUs on UniHill and so eliminating the saturation limit should not have much impact. But it will have a negative impact on an area that is already over-saturated with density. Unlike other parts of the City, UniHill is proliferated with nonconforming uses. The ADU statistics do not tell the story of our neighborhood. We deal with parking, trash, noise at an unprecedented level compared to the rest of the City. And it is not just the legal nonconforming uses - we are all aware of houses that pack more people into a structure than is legally allowed. The Hill needs to be carved out of this ordinance and treated differently.

As a Hill resident, I am tired of Council and Staff saying that there are ordinances to address the problems and all we need to do is complain. The City does not have the resources necessary to control the issues on the Hill. I have been told by enforcement officers that it is difficult to enforce over-occupancy. I believe that - but I also think there are better things these officers could be doing with their time than counting tooth brushes. And it does not do any good to call in a noise complaint when it (often, not always) takes two hours to respond.

Do not start down a path that makes things worse for the Hill. It is my understanding that no one on the Planning Board lives on UniHill. That is unfortunate because you would better understand our issues if you did. Creating a situation that will allow for greater density of the Hill is a path that does not recognize the extent of our existing density due to nonconforming uses and will only result in unintended consequences to our neighborhood. Treat the Hill differently - because we are different from the rest of the City - carve us out of these changes.

Thanks for your time and consideration.

Sue Ellen Harrison  
840 12th St.  
Boulder CO 80302  
[sueellenh@gmail.com](mailto:sueellenh@gmail.com)

## Houde, Lisa

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**From:** No Reply  
**Sent:** Monday, April 3, 2023 5:06 PM  
**To:** Council; ContactCoB; Mueller, Brad; Stanek, Cate; Causa, Julie; Johnson, Kristofer; Ferro, Charles  
**Subject:** Lincoln Miller :- Accessory Dwelling Units (ADUs)

**Preferred Form Language:** English / Inglés

**Name:** Lincoln Miller

**Organization (optional):** Boulder Housing Coalition

**Email:** Lincolnisaac@gmail.com

**Phone (optional):** (303) 883-2526

**My question or feedback most closely relates to the following topic (please choose one):** Accessory Dwelling Units (ADUs)

**Comment, question or feedback:** Hi y'all, we are heading right for it, an iceberg that is a complete lack of affordable housing and the climate apocalypse. So the City of Boulder is moving some chairs around, tinkering at the edges of the ADU ordinance, to make it a bit better. Instead we need big, bold, action to turn this wheel. For a lesson on how to not hit the iceberg, see the bold policy put forward by governor Polis, SB23-213. I want to give credit to our Mayor Aaron Brockett for supporting this measure!

Now don't get me wrong, you all should pass these incremental improvements in the Cities ADU ordinance. ADU's are part of a solution and they steer us away from the iceberg a bit. ADU's provide: smaller, naturally affordable housing, help with aging in place, give homeowners options to make ends meet, all while providing gentile urban infill ( that helps with climate, part of the iceberg). So go ahead and improve what is perhaps the most restrictive ADU ordinance in the country. Please get rid of the archaic saturation limits, by all means, post haste.

But I have said this before and I guess I need to keep saying it, there are 3 natural limits to ADU's development in Boulder:

1. COB cost of construction is very high for a regular homeowner
2. COB's planning process is just a bear for regular folks to navigate (your staff changes do try to help out here so that is also good)
3. Architectural costs are also very high

Because these three limits are enough, you do not need any other limits in my opinion.

So if your curious what a bold ADU policy might look like it could have:

No restrictions

Fee's waived, yes no planning fees at all

2 Adu's per property

Full occupancy for adu's up to the health and safety limit for the square footage

Supplement the cities cost by offering pre-approved ADU building plans for sale at a low cost to homeowners.

Oh and no parking minimums on anything, ever again, #CitiesAreForPeople

[[FSF080521]] Submission ID is #: 1087100196

## Houde, Lisa

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**From:** Ferro, Charles  
**Sent:** Tuesday, April 4, 2023 8:57 AM  
**To:** Guiler, Karl; Houde, Lisa  
**Subject:** FW: ADU changes

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

From: Steven Phillips <steven.x.phillips@gmail.com>  
Sent: Tuesday, April 4, 2023 6:37 AM  
To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>  
Subject: ADU changes

External Sender

Dear Boulder Planning Board,

I heartily approve of the proposed changes to ADU requirements, though I would personally go further and remove parking restrictions and other impediments to ADUs.

I feel that ADUs in general have a number of huge benefits:

- more affordable housing
- income options for elderly residents who are low-income but house-rich
- ability for families with a disabled child to provide their child semi-independent living space
- more community vibrancy
- less greenhouse gas emissions due to more compact and efficient housing

Thank you,

-- Steven

## Houde, Lisa

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**From:** Ferro, Charles  
**Sent:** Tuesday, April 4, 2023 5:00 PM  
**To:** Guiler, Karl; Houde, Lisa  
**Subject:** FW: Changing ADU Regulations/The Hill's Case

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**From:** Valerie Bliss Stoyva <Valerie.Stoyva@colorado.edu>  
**Sent:** Tuesday, April 4, 2023 4:56 PM  
**To:** boulderplanningboard <boulderplanningboard@bouldercolorado.gov>  
**Subject:** Changing ADU Regulations/The Hill's Case

### External Sender

Dear Planning Board Members:

I urge you to see the Hill as a special case. Please do not encourage the expansion of ADU's on the Hill.

Gary Garrison writes in the Camera that neighborhood peace and tranquility are unimpaired by ADU expansion.

Since the 90's, when CU began expanding its student population and not building student housing, the Hill has been a Wild West, not peaceful and not tranquil.

When I was in high school, my family would eat at restaurants on the Hill, buy books on the Hill, and buy clothes on the Hill. Now, we avoid our own neighborhood. It's no longer a destination.

Matt Applebaum writes ADU expansion poses no emergency for Boulder's neighborhoods. On the Hill, Rosenberg's shut its doors, citing the difficulty of the environment. Guns are discharged at parties, people are selling their houses and leaving, and, last September, the Revised Noise Ordinance passed as an **emergency** measure.

The Hill is in an emergency.

More ADU's would further erode and destabilize the neighborhood. They would end up as student rentals, not long-term residences for young professionals.

Please exempt the Hill from ADU expansion, as well as Goss Grove, Martin Acres and Aurora 7.

Let the other Boulder neighborhoods catch up in terms of density, ADU's and rentals to students. Be kind to the Hill.

Sincerely,

Valerie Stoyva  
1004 Lincoln Place

## Houde, Lisa

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**From:** Ferro, Charles  
**Sent:** Wednesday, April 5, 2023 11:39 AM  
**To:** Guiler, Karl; Houde, Lisa  
**Subject:** FW: Margaret Woolley :- Occupancy Limits

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**From:** No Reply <noreply@bouldercolorado.gov>  
**Sent:** Wednesday, April 5, 2023 10:57 AM  
**To:** Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Stanek, Cate <StanekC@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Ferro, Charles <FerroC@bouldercolorado.gov>  
**Subject:** Margaret Woolley :- Occupancy Limits

**Preferred Form Language:** English / Inglés

**Name:** Margaret Woolley

**Organization (optional):**

**Email:** margiewoolley@yahoo.com

**Phone (optional):**

**My question or feedback most closely relates to the following topic (please choose one):**Occupancy Limits

**Comment, question or feedback:** Hi,

I am a property owner on the Hill, and my house is currently used as a licensed rental. The address is 912 9th Street.

I am writing today to ask that my voice be heard in the deliberations concerning occupancy limits. Currently, my house's occupancy is limited to 3 unrelated persons, but I have 4 bedrooms, and enough space to accommodate a 4th person easily.

My concern is that the use of my property is being limited, while others are encouraged to build out or construct ADUs to add more living space. It doesn't seem fair to allow others to invite more people in, or ask others to spend money to make more space, while limiting the use of my space, which could easily accommodate another person. While the debate about ADUs and trying to increase housing options for those who need it swirls around, my 4th bedroom remains empty. It doesn't seem fair, nor logical.

Can the City relax the occupancy limit on the Hill to allow for 4 unrelated persons, instead of 3? This would allow me to make the empty living space I currently have (at no further expense to myself or the City) available for use for someone.

If a blanket change from 3 to 4 persons for the area is not possible, could the City at least address this issue on a case by case basis? I feel it is unfair to allow my neighbor to build an ADU to make more living space, while I have great space already available that cannot be used.

I hope this makes sense, and am hopeful that my voice will be heard in the ongoing deliberations regarding occupancy limits.

Thank you for your time and attention.

Best,

Margaret Woolley  
Margiewoolley@yahoo.com

[[FSF080521]] Submission ID is #: 1087819873

[Compose a Response to this Email](#)

**Houde, Lisa**

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**From:** Karen George <karengorge@me.com>  
**Sent:** Thursday, March 30, 2023 3:31 PM  
**To:** Houde, Lisa  
**Subject:** ADUs

**External Sender**

Dear Lisa et al.,

**I am in favor of increasing occupancy only on one condition, that the increased occupancy is only allowed when there is increased off-street parking. All ADUs must have additional off street parking.**

The best way to ruin a neighborhood and engender emnity between neighbors is to have new occupants and their friends and family taking up all the street parking spaces.

I experienced this with a rental next door which was occupied by unrelated people ( over the limit ) who had many vehicles and friends with vehicles and consistently parked them in front of my house (and sometimes in front of my driveway). Me, my friends, my family, and my contractors could not park on street near my house. SO FRUSTRATING. I liked the people who lived next door, but I hated the parking they brought with them and was very relieved when they left.

Not providing enough off-street parking spaces does not prevent people from using their cars nor does it prevent having their visitors drive to, and park near, their homes. Not providing for additional off street parking for additional occupants creates resentment and frustration in a neighborhood—the opposite of what people want home to be.

I don't like "bait and switch" from planners anymore than I like "bait and switch" from retailers. I studied North Boulder Development Plan before buying my house and took on large mortgage so I could live in single family neighborhood.

**Please don't ruin Boulder neighborhoods by allowing more people without requiring more off street parking.**

Thank you for your consideration of this issue,

Karen George  
1120 Union Ave  
Boulder, CO 80304

## Houde, Lisa

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**From:** Michelle Theall <michelle@michelletheall.com>  
**Sent:** Thursday, April 13, 2023 11:28 AM  
**To:** Houde, Lisa  
**Cc:** Ross, Jenn; Rental Housing Licensing  
**Subject:** Community Engagement on ADU and Land Use Changes

### External Sender

Hi Lisa,

We have a legal attached ADU and have rented it out to long-term tenants over our 23 years of owning the home. It allows us to pay our mortgage and provides affordable housing to young couples just starting out. We're nearing our retirement years and my wife was just diagnosed with cancer. In looking at treatments, we considered going out of state for 3 to 6 months, and were surprised to find out that we could not rent our home AND keep our tenants in the ADU. We would have to kick them out AND relinquish our rights to have an ADU and reapply later upon our return. This wouldn't be fair to our tenants or to us, frankly, so I wanted the council to consider this important (and with an aging population nearing retirement becoming more common) scenario. Having a long-term tenant in our home does not increase the density of people in the neighborhood. It replaces our occupancy while we are away and provides us with the income to live elsewhere during treatment. If the new tenants in our primary home are a nuisance or disruptive, there are ordinances in place for that AND after 23 years living in our home, we have a great relationship with our neighbors and would certainly take care of it. We don't live on The Hill, and perhaps that area needs its own rules, but older, decades-long residents shouldn't be penalized for what goes on down the road. We've been paying our taxes for 23 years, after all. I'm not talking about short-term rentals, which we aren't allowed to do on our ADU or main dwelling. Just allowing us to rent out space we aren't using, pay huge property taxes on, and plan to return to. With a shortage of housing, would the city of Boulder rather us leave it unoccupied and leave us unable to offset the costs we'll incur to be housed elsewhere? When we return, will we even be able to afford to live here anymore?

I'm all for rules that make sense, but we need housing in Boulder (short and long term) and we need a way for those who own homes here to be able to afford to continue to live in them once they reach retirement age. Social security at this point isn't going to cover much of the rising property taxes, let alone mortgages. Just asking for a little help that seems to make sense.

Let me know you received this. We'd be at the meeting next week in person, but we will be out of town during that time.

Cheers,

Michelle Theall

-Author/Novel: The Wind Will Catch You (Sept. 2023): [www.michelletheall.com](http://www.michelletheall.com)

-Author/Memoir: Teaching the Cat to Sit

-Owner, Wild Departures: [www.wilddepartures.com](http://www.wilddepartures.com)

-Senior editor, Alaska Magazine: [www.alaskamagazine.com](http://www.alaskamagazine.com)

Facebook: @michelletheallauthor

Instagram: @theallm

Twitter: @theallm

**Houde, Lisa**

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**From:** HoudeL@bouldercolorado.gov  
**Subject:** FW: Accessory Dwelling Unit Regulation Update

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**From:** rob@traddb.com <rob@traddb.com>  
**Sent:** Tuesday, April 18, 2023 8:39 AM  
**To:** Houde, Lisa <HoudeL@bouldercolorado.gov>  
**Cc:** Guiler, Karl <GuilerK@bouldercolorado.gov>  
**Subject:** RE: Accessory Dwelling Unit Regulation Update

**External Sender**

Hi Lisa & Karl,

I just wanted to share some ADU feedback that I relayed to the Planning board on the April 4<sup>th</sup> Meeting. I wanted to reiterate that I think the height language should extend to new structures as well especially when the low point on some lots virtually prevents an ADU from being built.

In general I think the staff recommendations for ADU reviews will all be improvements; however, I would like to suggest expanding the maximum height to not only include existing buildings but to also include new structures. We live in a hilly town and physical constraints like steep lots can virtually eliminate the ability to build a 20' tall structure when the height is dictated by a low point 25' away. Even a moderately steep site greatly limits what can be built if anything at all. If we are going to consider a height variance for existing building, why not have it include other known constraints for new structures as well. Thanks for taking this into consideration.

—  
**ROB ROSS** | Principal, AIA  
C: 720.250.7903 | [TRÄD DESIGN + BUILD](#)

**Houde, Lisa**

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**From:** COSIMA KRUEGER-CUNNINGHAM <cardamomseed@aol.com>  
**Sent:** Monday, April 17, 2023 10:50 PM  
**To:** Houde, Lisa  
**Subject:** ADUs

External Sender

No ADUs on the Hill or West of the Hill!  
Period!

Cosima Krueger-Cunningham

Sent from my iPad

## Houde, Lisa

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**From:** Ken Farmer <kenfar@gmail.com>  
**Sent:** Tuesday, April 18, 2023 8:16 AM  
**To:** Houde, Lisa  
**Subject:** Another way that ADUs can help our city

### External Sender

Lisa,

I'm a pro-ADU homeowner in Martin Acres for two typical reasons and one that I feel that we should be more aware of:

The typical reasons:

- Typically provides housing that is much cheaper than new apartments
- Can provide additional income to help let existing members of our city age in place

Other reasons:

- A small number of additional people can make our neighborhoods more vibrant: these communities weren't designed for just 1-2 people per home, but for families. Bringing in another 1-2 adults into a home can bring a lot more ideas, activities and fun into our neighborhoods. Here's an example that I ran into when walking my neighborhood for ballot signatures a few years ago: I met a woman who was about 75 years old who introduced me to her roommate. He was a CU grad student, around 25 years old. These two clearly adored each other. She did most of the cooking, he did a lot of the errands and gardening. She was thrilled to have a roommate that could help with the heavy lifting, or if she needed help; he was thrilled to have an adopted grandmother in his life. They seemed to have a really rich, intergenerational and supportive relationship. I will never forget these two! This is what roommates and ADUs can help enable within our town.

And one suggestion:

- Building an ADU can be expensive if it's a separate building. But remodeling part of a basement into an ADU can be very affordable. I'd love to see the city provide a bit of guidance for folks on how to do that: the importance of building to code, of insulation, of proper wiring & plumbing, whether the ceiling height will be a problem, etc.

Thanks!

Ken Farmer  
Martin Acres