



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: January 18, 2024**

**AGENDA TITLE**

Second reading and motion to adopt Ordinance 8600, amending Title 9, “Land Use Code,” B.R.C. 1981, by repealing Chapter 9-14, “Residential Growth Management System,” and deleting all references thereto; and setting forth related details.

**REQUESTING DEPARTMENT / PRESENTERS**

Nuria Rivera-Vandermyde, City Manager

**Planning & Development Services**

Brad Mueller, Director of Planning & Development Services

Charles Ferro, Senior Planning Manager

Karl Guiler, Senior Policy Advisor

**Housing & Human Services**

Sloane Walbert, Inclusionary Housing Program Manager

**EXECUTIVE SUMMARY**

On May 8, 2023, the Colorado Legislature adopted [House Bill 23-1255](#) (HB 1255), intended to prohibit enforcement of “anti-growth” laws defined as “*a land use law that explicitly limits either the growth of the population in the governmental entity’s jurisdiction or the number of development permits or building permit applications for residential development or the residential component of any mixed use development submit to, reviewed by, approved by, or issued by a government entity for any calendar or fiscal year.*” The law is intended to remove zoning and land use barriers to new housing units and took effect on Aug. 6, 2023, 90 days after the legislative session ended. The adopted legislation is intended to prohibit growth management systems like Boulder’s.

On Jun. 15, Planning and Development Services (P&DS) staff notified the City Council about the recently adopted law and council directed staff to move forward with an ordinance to comply with state law. The ordinance was originally scheduled for Planning Board and City Council consideration in August and September of this year but was rescheduled due to the volume of other ordinances and projects scheduled for public hearings at that time.

The purpose of this item is for the City Council to consider the proposed ordinance on first reading before holding a public hearing on Jan. 18, 2024. The draft ordinance is to repeal the Land Use Code Chapter 9-14, “Residential Growth Management System,” B.R.C. 1981 and all references to the system to comply with [C.R.S. § 29-20-104.2](#) and is found in **Attachment A**.

Planning Board reviewed Ordinance 8600 at its Dec. 19, 2023 meeting and recommended approval of the ordinance on a vote of 5 to 0. On Dec. 21, 2023, City Council considered and passed the ordinance on first reading.

### **KEY ISSUES**

Staff has identified the following key issue to help guide the council’s discussion:

1. Does the City Council agree that the city’s Residential Growth Management System should be repealed in response to Colorado House Bill 23-1255?

### **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 8600, amending Title 9, “Land Use Code,” B.R.C. 1981, by repealing Chapter 9-14, “Residential Growth Management System,” and deleting all references thereto; and setting forth related details.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic** – Recent studies (some included within the [June 15 memorandum](#)) indicate that zoning restrictions can impact the cost of housing if the supply of housing is constrained and the demand for housing is high. Enabling more housing choice in Boulder could help reduce the cost of housing. The ordinance to remove the residential growth management system is in line with the intents of removing barriers to housing consistent with the recently adopted ordinances for zoning for affordable housing, occupancy reform and accessory dwelling units.
- **Environmental** – Allowing more housing options could enable some people to live closer to where they work, increase transit use, and encourage people to walk or bike, which are consistent with city of Boulder environmental goals. The city will continue to have stringent requirements for annexation and expansion of the

city consistent with the city's policies on growth management within the [Boulder Valley Comprehensive Plan \(BVCP\)](#). The BVCP promotes compact, infill development and additional housing to mitigate the jobs :housing imbalance. Environmental considerations will continue to be evaluated through the development review process.

- **Social** – Removal of the city's growth management system will remove yet another barrier to housing and slowing the ever growing cost of living in the community. Two Core Values of the [Boulder Valley Comprehensive Plan \(BVCP\)](#) are being a “*A welcoming, inclusive and diverse community*” and providing “*A diversity of housing types and price ranges.*” Further, one of the focus areas of the BVCP is Housing Affordability and Diversity. Adding additional housing is one way the BVCP notes that the city could mitigate the jobs: housing imbalance.

### **OTHER IMPACTS**

- **Fiscal** – This project is being completed using existing resources.
- **Staff time** – This project is being completed using existing staff resources.

### **BACKGROUND**

The City of Boulder has managed residential growth since 1976 through a series of different ordinances. The city's current residential growth management system (RGMS) is found in [Chapter 9-14](#) of the Boulder Land Use Code and was set forth in Ordinance 7385 adopted in 2004. The growth management system limits the annual increase of new residential units built in the city to no more than one percent of the existing housing stock. The growth management system controls the rate of residential growth in the city by limiting the number of allocations awarded each year. The purpose of local growth management has been “*to control growth in a way that assures the preservation of Boulder's unique environment, high quality of life and availability of public facilities and urban services.*”

Revisions to the system in 2000 and 2004 granted exemptions for certain desired types of development. These exemptions do not count toward the one percent cap established by the ordinance. Dwelling units that meet the exemptions listed below do not count against the available allocations for that year:

1. Dwelling units that are permanently affordable;
2. Units built pursuant to a development right contained in an intergovernmental agreement with Boulder County;
3. Housing projects built by the University of Colorado;
4. Units in developments with a minimum of 35 percent permanently affordable dwelling units;
5. Residential units constructed in mixed use, commercial, and industrial zoning districts;
6. Dwelling units built on land that was rezoned from a nonresidential zoning district classification to a residential zoning district classification after August 19, 2004;

7. Units that are removed and replaced within three years in a development that has four or fewer units.

The stated intent of the most recent ordinances was to simplify the administration of the system and to permit more residential construction, more quickly, than the previous growth management system. The exemptions prevent RGMS from being a barrier to the development of projects that the city, as a matter of policy, desires to encourage.

On May 8, 2023, the [House Bill 23-1255](#), states that a governmental entity shall not enact or enforce “anti-growth” laws defined as “*a land use law that explicitly limits either the growth of the population in the governmental entity’s jurisdiction or the number of development permits or building permit applications for residential development or the residential component of any mixed use development submit to, reviewed by, approved by, or issued by a government entity for any calendar or fiscal year.*” The law is intended to remove zoning and land use barriers to new housing units and took effect Aug. 6, 2023, 90 days after the legislative session ended.

The new law aims to prohibit enforcement of the city’s existing growth management system. It also impacts other communities like Golden and Lakewood, which have similar systems. In August 2023, Lakewood’s City Council voted 8-3 to phase out their growth management system within two years. [This article](#) goes into more detail. According to their planning staff, Golden has ceased any enforcement of the growth management rules in light of the state legislation and has begun development of code changes to address the new legislation. The issue will be raised with their City Council in 2024 for further direction on the matter.

The state law includes exceptions related to only temporary moratoria (termed a “temporary, non-renewable anti-growth law”) for any declared disaster, any necessary pause to develop or amend land use plans or land use laws covering residential development or the residential component of a mixed-use development, or to provide the extension or acquisition of public infrastructure, public services, or water resources not to exceed a period of two years. The city’s growth management system does not meet any of these exceptions.

P&DS staff notified City Council of this issue at a meeting on [Jun. 15](#) and council directed staff to move forward with an ordinance to repeal the city’s Residential Growth Management System to comply with state law. Staff has prepared an ordinance in **Attachment A** that would repeal the city’s Residential Growth Management System and all references to the system.

## **PUBLIC FEEDBACK**

Staff has received some public correspondence opposed to removing the city’s Residential Growth Management System despite the passage of the state bill. Refer to **Attachment B**. One commenter at the Planning Board meeting expressed concern about having unregulated growth in the city of Boulder.

## BOARD AND COMMISSION FEEDBACK

Planning Board reviewed Ordinance 8600 at its Dec. 19, 2023 meeting. The board had clarifying questions on the city's RGMS program, the scope of the state law on "anti-growth laws" and a brief discussion where it acknowledged the state bill's intent, the inefficacy of the program and how the program is counter to the city's current efforts to address the housing crisis. One member expressed concern about how passing Ordinance 8600 could impact efforts of the city to assert home rule if necessary in the future. The city attorney noted that action on the ordinance would not negatively impact the city's position should it find that home rule should be asserted on an issue of local concern. Following deliberation, the board recommended approval of the ordinance on a vote of 5-0 per the motion below:

*On a motion by M. McIntyre, seconded by K. Nordback, the Planning Board voted 5-0 (L. Smith and J. Boone absent) to recommend that City Council adopt Ordinance 8600, amending Title 9, "Land Use Code," B.R.C. 1981, by repealing Chapter 9-14, "Residential Growth Management System," and deleting all references thereto: and setting forth related details.*

## ANALYSIS

Staff recommends adoption of the ordinance as it would bring the city into compliance with state law and streamline building permit review for housing units, which currently require growth management allocation approvals before a building permit application may be submitted. Further, as the growth management requirements already include extensive exemptions, including for projects that are permanently affordable or part of a mixed-use development, there would be little change to the yearly number of dwelling units approved without the program despite the administrative efforts focused on implementing the program. More information about the waning efficacy of the program is discussed below. The program involves significant staff time and effort to administer, without an actual impact on residential growth in the city.

There was community support for the RGMS when adopted in 1976 and community support for growth management has largely continued within the community since that time. That said, the majority of dwelling units developed in the city have been exempt from the RGMS since 2000 and the system is not acting to limit residential growth in the city. The majority of regular, or non-exempt, allocations have been issued for projects with fewer than five units. For the years 2013 through 2022, the residential growth rate averaged 0.8% while the growth limit is set at 1%. The 0.8% figure includes exempt allocations issued during those years, even though exempt units do not "count" for RGMS purposes (towards the 1% limit). Thus, even when residential units that are exempt from the RGMS are included, the average annual growth rate has been under 1%.

The city has accurate data tracking RGMS allocations by type beginning in 2013. As shown in the table, as follows, allocations vary by year, but in recent years it has been common for the majority of the allocations in a given year to be exemptions from the RGMS: 91% in 2019, 67% in 2020, 80% in 2021, and 62% in 2022. The 2023

information as of Dec. 14 has also been added to this memorandum since the first reading memo.

<b>RGMS ALLOCATIONS BY TYPE</b>					
<b>Type</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023*</b>
Excess (counts toward the RGMS)	31	76	159	93	35
Exempt (e.g., mixed use, affordable etc.)	529	236	717	193	558
Demolitions	24	38	19	27	87
<b>Total Allocations</b>	<b>584</b>	<b>350</b>	<b>895</b>	<b>313</b>	<b>680</b>

*\*as of 12/14/23*

Because RGMS allocations are obtained at the outset of the permitting process, and because several years can pass from when a project receives its allocation to when it receives a certificate of occupancy, RGMS allocations and dwelling unit growth rates are not directly comparable by year. That is to say, an allocation obtained in 2022 does not mean that a certificate of occupancy was also obtained for that same development in 2022. Still, certificates of occupancy (resulting in the updated total housing units per year) are useful in determining the actual rate of growth of dwelling units from one year to the next. This information is shown in the table below, which is updated to include 2023 information as of Dec. 14. Based on this information, the average growth rate (including both exempt and non-exempt allocations) from 2019-2023 was 0.58%, below the 1% growth rate limitation. The average for the housing units that count against the 1% limit (excess or non-exempt) from 2019-2023 was 0.2%. Therefore, the system is not currently limiting growth within the city despite the implementation of the RGMS program.

<b>HOUSING UNITS SUMMARY</b>						
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<i>Averages</i>
Total Housing Units	46,247	46,429	46,875	47,037	47,581	
Housing Units Growth Rate (incl. non-exempt)	0.1%	0.4%	1.0%	0.3%	1.1%	0.58%
<b>Excess (counts toward the RGMS)</b>	<b>31</b>	<b>76</b>	<b>159</b>	<b>93</b>	<b>35</b>	
<b>Housing Units Growth Rate per RGMS</b>	<b>0.07%</b>	<b>0.2%</b>	<b>0.3%</b>	<b>0.2%</b>	<b>0.07%</b>	<b>0.2%</b>

More specifically, the table above shows that the housing unit growth rate, even when including the exempted units, averages around 1% from 2019 through 2023 reflecting a scenario without a formal RGMS program. The RGMS rate, which includes the exemptions for desired housing, is at around 0.58%, well below the 1% limit.

Based on this data and because the ordinance would ensure the Land Use Code is consistent with state law, staff recommends the discontinuation of the growth management system. Community values regarding deliberate and intentional growth will continue to be reflected in the [Boulder Valley Comprehensive Plan](#) and policies will continue to guide decisions about growth and housing development in the city. Future growth will continue to be managed through other means, including the urban growth boundary, defined service area, the Blue Line, and deliberate oversight in Comprehensive Planning Areas I, II & III. Further, restricting housing on a yearly basis is also counter to the city's goals of adding housing units to address the housing crisis.

## **ATTACHMENTS**

- A - Proposed Ordinance 8600
- B - Public Comment

ORDINANCE 8600

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, BY REPEALING CHAPTER 9-14, "RESIDENTIAL GROWTH MANAGEMENT SYSTEM," AND DELETING ALL REFERENCES THERETO; AND SETTING FORTH RELATED DETAILS

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

Section 1. Chapter 9-14, "Residential Growth Management System," B.R.C. 1981, is hereby repealed in its entirety.

Section 2. Section 9-1-2, "How to Use This Code," B.R.C. 1981, is amended to read as follows:

**9-1-2. - How to Use This Code.**

A general description of these land use regulations follows. This description is intended to provide the reader with some guidance using this code. This section is not intended to be a substitute for the standards, criteria and procedures contained in this code.

- (a) Organization: This title is divided into sixteen chapters. Each chapter is further subdivided into sections, subsections, paragraphs and subparagraphs. A consistent numbering and formatting convention is used throughout the title to identify these divisions and to help orient the user to the organization of information. The example below illustrates the formatting and numbering convention:

**EXAMPLE**

**9-1-1. - Section Heading.**

- (a) Subsection Heading, with text in the paragraph appearing as hanging indent for the entire Title as shown in this paragraph.
  - (1) Paragraph Heading, with text in the paragraph appearing as hanging indent for the entire Title as shown in this paragraph.
    - (A) Subparagraph Heading, with text in the paragraph appearing as hanging indent for the entire Title as shown in this paragraph.



1 \_\_\_\_\_  
 2 When necessary, the numbering system continues beyond the subparagraph heading following a  
 3 similar pattern of numbering and indentation. Each section includes all material between two  
 4 section headings. For example, Section 9-1-1 includes all material beginning with the number 9-  
 1-1 up to number 9-1-2. References to any division of this title include all material located within  
 the referenced section, subsection, paragraph, subparagraph, etc.

5 . . .

6 (i) Inclusionary Housing: The City has adopted regulations to assist in providing a diverse  
 7 housing stock affordable to people of varying incomes. Chapter 9-13, "Inclusionary  
 8 Housing," B.R.C. 1981, sets forth the standards for the City's inclusionary housing and  
 9 moderate income housing programs. Inclusionary housing requires that most new residential  
 development contribute toward permanent affordable housing in the City. Generally  
 speaking, twenty percent of the total number of units are required to be permanently  
 affordable to low income households.

10 ~~(j) Growth Management: The growth management system sets the maximum rate of residential  
 11 growth at approximately one percent per year. This is achieved by allocating the number of  
 12 dwelling units for which a building permit can be granted in any given year. Provided that  
 13 there are enough allocations, each development is entitled to up to forty allocations per year.  
 14 The allocations are distributed on a quarterly basis. During the last quarter of the year, the  
 15 applicant may receive up to thirty five more allocations (to a total of seventy five) if there  
 16 are enough allocations available in the system. If the applicant has a project that requires  
 17 more allocations than are allowed because of the size of the building, building configuration  
 18 or infrastructure phasing, the applicant may bank allocations over time to build out the  
 19 project. New residential development that meets the requirements of the City's affordable  
 20 housing programs and residential development located in commercial, industrial and mixed-  
 21 use zoning districts are not required to meet the allocation requirements of the growth  
 22 management system regulations. Those regulations are found in Chapter 9-14, "Residential  
 23 Growth Management System," B.R.C. 1981.~~

24 (k) Enforcement of The Land Use Regulations: Violations of the land use regulation are  
 25 investigated by the Planning Department and are prosecuted in municipal court, by district  
 court actions or through administrative hearings. A hearing also is available before the  
 Planning Board to protest a violation of a development review approval. The enforcement  
 provisions are found in Chapter 9-15, "Enforcement," B.R.C. 1981.

26 Section 3. Section 9-2-20, "Creation of Vested Right," B.R.C. 1981, is amended to read as  
 27 follows:

28 **9-2-20. - Creation of Vested Rights.**

29 (a) Site Specific Development Plan: For the purpose of this title and article 68 of title 24,  
 30 C.R.S., as amended, the term *site specific development plan* means any project which

requires a use review or site review. For the purposes of § 24-68-102.5, C.R.S., an application shall be deemed submitted upon the application for a use review, pursuant to section 9-2-15, "Use Review," B.R.C. 1981, or a site review, pursuant to section 9-2-14, "Site Review," B.R.C. 1981.

(d) Applicability of Ordinances That Are General in Nature: The establishment of a vested property right shall not preclude the application of City ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation including, without limitation, the provisions of chapter 9-3, "Overlay Districts," section 9-9-17, "Solar Access," chapters 9-12, "Subdivision," 9-13, "Inclusionary Housing," and ~~9-14, "Residential Growth Management System,"~~ B.R.C. 1981, and the City's building, fire, plumbing, electrical and mechanical codes. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this code pertaining to the development and use of property.

Section 4. Section 9-4-2, "Development Review Procedures," B.R.C. 1981, is amended to

read as follows:

**9-4-2. - Development Review Procedures.**

(a) Development Review Authority: Table 4-1 of this section summarizes the review and decision-making responsibilities for the administration of the administrative and development review procedures described in this chapter. The table is a summary tool and does not describe all types of decisions made under this code. Refer to sections referenced for specific requirements. Form and bulk standards may also be modified by site review. Additional procedures that are required by this code but located in other chapters are:

- (1) "Historic Preservation," chapter 9-11; and
- (2) "Inclusionary Housing," chapter 9-13; and
- (3) ~~"Residential Growth Management System," chapter 9-14.~~

**TABLE 4-1: SUMMARY OF DECISION AUTHORITY BY PROCESS TYPE**

<i>Standard or Application Type</i>	<i>Staff/City Manager</i>	<i>BOZA</i>	<i>Planning Board</i>	<i>City Council</i>
Solar Access Permit SUBSECTION 9-9-17(h)	D	D	—	—
<del>Growth Mgmt. Allocations, Std.</del> <del>SECTION 9-14-5</del>	<del>D</del>	—	—	—
Growth Mgmt. Allocations, ≤40 per year SUBSECTION 9-14-3(f)	D(14)	—	CA(30)	CA
Accessory Bldg Coverage SUBSECTION 9-7-8(a)	—	D	—	—

1 KEY:  
 2 D = Decision Authority CA = Call-Up and Appeal Authority  
 3 R = Recommendation only (n) = Maximum number of days for call-up or appeal

4 Section 5. Section 9-8-7, “Density and Occupancy of Efficiency Living Units,” B.R.C. 1981,  
 5 is amended to read as follows:  
 6

7 **9-8-7. - Density and Occupancy of Efficiency Living Units.**

- 8 (a) Dwelling Unit Equivalents for Efficiency Living Units: For purposes of the density limits of  
 9 Section 9-8-1, “Schedule of Intensity Standards,” B.R.C. 1981, two efficiency living units  
 10 constitute one dwelling unit.
- ~~11 (b) Dwelling Unit Equivalents for Growth Management Allocations: For purposes of counting  
 12 dwelling units under the provisions of Chapter 9-14, “Residential Growth Management  
 13 System,” B.R.C. 1981, two efficiency living units equal one dwelling unit.~~
- 14 (e**b**) Dwelling Unit Equivalents for Moderate Income Housing: For purposes of counting  
 15 dwelling units under the provisions of Ordinance No. 4638, as amended, “Moderate Income  
 16 Housing,” one efficiency living unit equals one dwelling unit.
- 17 (d**c**) Maximum Occupancy: No more than three persons shall occupy an efficiency living unit.

18 Section 6. Section 9-16-1, “General Definitions,” B.R.C. 1981, is amended to read as follows:

19 **9-16-1. - General Definitions.**

- 20 (a) The definitions contained in Chapter 1-2, “Definitions,” B.R.C. 1981, apply to this title  
 21 unless a term is defined differently in this chapter.
- 22 (b) Terms identified with the references shown below after the definition are limited to those  
 23 specific sections or chapters of this title:
  - 24 (1) Airport influence zone (AIZ).
  - 25 (2) Floodplain regulations (Floodplain).
  - (3) Historic preservation (Historic).
  - (4) Inclusionary housing (Inclusionary Housing).
  - ~~(5) Residential growth management system (RGMS).~~
  - (6**5**) Solar access (Solar).
  - (7**6**) Wetlands Protection (Wetlands).
  - (8**7**) Signs (Signs).

1 ...

2 A-E

3 ...

4 ~~Allocation means an approval required as a condition precedent to obtaining a building~~  
5 ~~permit for each dwelling unit in a development, unless exempted pursuant to, "Exemptions,"~~  
6 ~~B.R.C. 1981. (RGMS)~~

7 ~~Allocation period means a review period, generally three months in duration, commencing~~  
8 ~~on the first day on which applications may be accepted for such allocation period and ending~~  
9 ~~on the day preceding the first day on which applications may be accepted for the next~~  
10 ~~allocation period. (RGMS)~~

11 ...

12 ~~Development in reference to the residential growth management system in Chapter 9-14,~~  
13 ~~"Residential Growth Management System," B.R.C. 1981, means the entire plan to construct or~~  
14 ~~place one or more dwelling units on a particular parcel or contiguous parcels of land within the~~  
15 ~~city, including, without limitation, a planned unit development, site review, or subdivision~~  
16 ~~approval, but not including a subdivision platted into single-family lots on or before November~~  
17 ~~10, 1976. (RGMS)~~

18 ...

19 ~~Excess allocation means an allocation that is not awarded by the planning board or the city~~  
20 ~~manager pursuant to Subsection 9-14-6(b), B.R.C. 1981. (RGMS)~~

21 ~~Exemption means a dwelling unit approved under Section 9-14-8, "Exemptions," B.R.C.~~  
22 ~~1981, that does not require an allocation to receive a building permit. (RGMS)~~

23 ...

24 G-J

25 ...

26 ~~Good cause means any reason found to be sufficient to justify the request made. Whenever~~  
27 ~~the term is used in Chapter 9-14, "Residential Growth Management System," B.R.C. 1981, it~~  
28 ~~requires the applicant to request a hearing and to assume the burden of proof, but the approving~~  
29 ~~agency may consider such a finding on its own motion, the hearing shall be quasi-legislative in~~  
30 ~~character, and the hearing shall not be subject to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C.~~  
31 ~~1981. (RGMS)~~

32 ...

33 K-O

34 ...

35 ...

1 ~~Mixed use development means a building that contains dwelling units that are located in any~~  
2 ~~BMS, BC, I, MU, BR, BT, or DT zoning district. (RGMS)~~

3 ...

4 P-T

5 ...

6 ~~Permanently affordable unit means a dwelling unit that is restricted to remain permanently~~  
7 ~~affordable consistent with Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, through~~  
8 ~~contractual arrangements, restrictive covenants, and resale restrictions, subject to reasonable~~  
9 ~~exceptions, including, without limitation, subordination of such arrangements, covenants and~~  
10 ~~restrictions to a mortgagee. (RGMS)~~

11 ...

12 ~~Prorated means a system of allocating building permits in which developments or portions of~~  
13 ~~developments applying in an allocation period receive the same proportion of dwelling units,~~  
14 ~~according to the ratio of the total number of allocations available to the total number requests in~~  
15 ~~that period, as modified and elaborated in Chapter 9-14, "Residential Growth Management~~  
16 ~~System," B.R.C. 1981. (RGMS)~~

17 ...

18 ~~Special population means persons over the age of sixty, disabled persons, single parents, or~~  
19 ~~the homeless. (RGMS)~~

20 ...

21 Section 7. This Ordinance is necessary to protect the public health, safety, and welfare of  
22 the residents of the city and covers matters of local concern.

23 Section 8. The City Council deems it appropriate that this ordinance be published by title  
24 only and orders that copies of this ordinance be made available in the office of the city clerk for  
25 public inspection and acquisition.

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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 21st day of December 2023.

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

READ ON SECOND READING, PASSED AND ADOPTED this 18th day of January  
2024.

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

**From:** [Huntley, Sarah](#)  
**To:** [Guiler, Karl](#)  
**Subject:** FW: Communication snarls. Re: June 15 City Council discussion on Occupancy and Zoning for Affordable Housing  
**Date:** Sunday, June 11, 2023 8:02:44 PM  
**Attachments:** [image001.png](#)

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**From:** Lynn Segal <lynnsegal7@hotmail.com>  
**Sent:** Saturday, June 10, 2023 10:11 AM  
**To:** Pomerance, Stephen <stevepom335@comcast.net>; Friend, Rachel <FriendR@bouldercolorado.gov>; Wallach, Mark <WallachM@bouldercolorado.gov>; Folkerts, Lauren <folkertsl@bouldercolorado.gov>; Yates, Bob <yatesb@bouldercolorado.gov>; Brockett, Aaron <BrockettA@bouldercolorado.gov>; Joseph, Junie <JosephJ@bouldercolorado.gov>; Environmental Advisory Board <environmentaladvisoryboard@bouldercolorado.gov>; Benjamin, Matthew <BenjaminM@bouldercolorado.gov>; Speer, Nicole <speern@bouldercolorado.gov>; Winer, Tara <winert@bouldercolorado.gov>; Environmental Advisory Board <environmentaladvisoryboard@bouldercolorado.gov>; boulderplanningboard <boulderplanningboard@bouldercolorado.gov>; TAB <tab@bouldercolorado.gov>; Housing Advisory Board Group <HousingAdvisoryBoardGroup@bouldercolorado.gov>; landmarksboard <landmarksboard@bouldercolorado.gov>; OSBT <OSBT@bouldercolorado.gov>; WRAB <WRAB@bouldercolorado.gov>; Human Relations Commission <hrc@bouldercolorado.gov>; PRAB Admin <prabadmin@bouldercolorado.gov>; Guiler, Karl <guilerk@bouldercolorado.gov>; Pomerance, Stephen <stevepom335@comcast.net>  
**Subject:** Communication snarls. Re: June 15 City Council discussion on Occupancy and Zoning for Affordable Housing

**External Sender**

To CC and boards:

Sorry Karl and Steve, you two are not the object of my complaint about the inevitable upcoming city support of the flawed principles in HB-23-1255 to be incorporated into the Residential Growth Management System. It is to the CC I direct my angst. My bad.

Because of Rachel Friend, one cannot send an e-mail to the entire council along with a copy to others. She set it up so that you have to copy to each member individually if you do it that way, effectively coercing a send to council exclusively (through the website) creating an echo chamber. More obfuscation.

I really did send it to CC and now, to the rest of the many collaborators on the issue. Receipt to me is dated 6-9-23:

"Thank you for contacting the City of Boulder. Your correspondence has been shared with staff and/or all nine council members, depending on the selection you made. If you are simply sharing your perspective on an issue, please be assured that your viewpoint will be considered

even if you do not receive a response. We strive to respond to questions or requests for more information within three business days. Please do not reply to this email as it is not monitored. Have a good day!

**Preferred Form Language / Idioma en el que Prefiere Llenar el Formulario:** English / Inglés

**Name (optional):** lynn segal

**Organization (optional):** self

**Email (optional):** [lynnsegal7@hotmail.com](mailto:lynnsegal7@hotmail.com)

**Phone (optional):** (303) 447-3216

**My question or feedback most closely relates to the following topic (please choose one):** 12 | Finance/City Budget

**Comment, question or feedback:**

HB 23-1255 is exactly wrong on it's logical reasoning. It is unrestrained growth that causes drag on the system, driving up the costs of limited resources. The jobs- housing balance is fundamental to the BVCP's reason for being and as long as it is ignored, expect worse outcomes for the public in quality of life.

Wealth inequity is the root cause. Let the developer pay for the rec centers, police, fire, library and infrastructure, social services and homelessness. They can. It's global, it's extreme, it's present in the locality, this relentless purchase of real estate by REIT's. The public pays the increased costs of living.

And you are in the public trust.

Lynn"

Lynn

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**From:** Lynn Segal <[lynnsegal7@hotmail.com](mailto:lynnsegal7@hotmail.com)>

**Sent:** Friday, June 9, 2023 10:36 AM

**To:** Steve Pomerance <[stevepom335@comcast.net](mailto:stevepom335@comcast.net)>

**Cc:** Guiler, Karl <[guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov)>

**Subject:** Re: June 15 City Council discussion on Occupancy and Zoning for Affordable Housing

HB 23-1255 is exactly wrong on its logical reasoning. It is unrestrained growth that causes drag on the system, driving up the costs of limited resources. The jobs-housing balance is fundamental to the BVCP's reason for being and as long as it is ignored, expect worse outcomes for the public in quality of life.

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And you are in the public trust.



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**From:** Guiler, Karl <[GuilerK@bouldercolorado.gov](mailto:GuilerK@bouldercolorado.gov)>

**Sent:** Friday, June 9, 2023 10:15 AM

**Subject:** June 15 City Council discussion on Occupancy and Zoning for Affordable Housing

This email is to remind you that City Council will be discussing and providing direction on the **Occupancy Reform** and **Zoning for Affordable Housing** projects under Matters from the City Manager at its June 15 meeting. The council will also discuss the future of the city's **Residential Growth Management System** in light of [Colorado House Bill 23-1255](#).

A link to the memo packet detailing these City Council initiated projects, board and public feedback received and analysis of options is [here](#).

Comments can be conveyed to City Council in person or virtually during Open Comment at the [June 15-meeting](#). Alternatively, comments can be sent to City Council by using the form at this [link](#). We appreciate your input and those who have already participated in the process and provided feedback.

Best,

Karl

**Karl Guiler, AICP**  
**Senior Policy Advisor**



**City of Boulder**  
**Planning & Development Services**

O: #303-441-4236  
[guilerk@bouldercolorado.gov](mailto:guilerk@bouldercolorado.gov)

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**Karl Guiler, AICP**  
**Senior Policy Advisor**



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