



# HOUSING BOULDER WORKING GROUP AGENDA #4

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## Create Diverse Housing Choices Working Group #4

Library Arapahoe Meeting Room – 1001 Arapahoe Ave., Boulder, CO 80302

April 8, 2015

6 – 8 p.m.

(Light refreshments will be served)

**Objective:** discuss overall coordination with the five working groups; start to discuss the list of tools that the working group identified at the March meeting; provide feedback to Code for America on proposed community engagement tools; discuss how the working group will participate in the upcoming sub-community meetings and how to conclude the work of the group.

<b>6:00 – 6:05</b>	<b>Agenda overview/logistics</b> <ul style="list-style-type: none"><li>- Speaker panel on Apr. 27 (6-8pm)</li><li>- Five sub-community meetings early to mid May</li></ul>	<b>Facilitator</b>
<b>6:05 – 6:20</b>	<b>Coordination among working groups</b> What tools are the other working groups discussing?	<b>All</b>
<b>6:20 – 7:30</b>	<b>Discuss short list of tools</b> Our goal is to identify which tools rise to the top and would benefit from a broader community discussion	<b>All</b>
<b>7:30 – 7:50</b>	<b>Code for America and Community Engagement Tools</b>	<b>All</b>
<b>7:50 – 8:00</b>	<b>Public Comment</b>	



# HOUSING BOULDER Working Groups' Discussion Topics

	Strengthen Current Commitments	Maintain the Middle	Diverse Housing Choices	Strengthen Partnerships	Aging in Place
<b>GENERAL HOUSING</b>					
A1. ACCESSIBLE HOUSING					<b>X</b>
A2. ACCESSORY DWELLING UNIT/OWNER'S ACCESSORY UNIT REQUIREMENTS	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
A3. CO-HOUSING		<b>X</b>	<b>X</b>		
A4. COOPERATIVE HOUSING		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
A5. MOBILE HOME PARKS	<b>X</b>				
A6. SENIOR HOUSING OPTIONS					<b>X</b>
A7. SMALL HOMES	<b>X</b>	<b>X</b>		<b>X</b>	
A8. TINY HOMES	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	
A9. HOUSING THE HOMELESS	<b>X</b>				
<b>EXISTING PROGRAMS</b>					
B1. HOME REHABILITATION LOAN PROGRAM					<b>X</b>
B2. HOMEBUYER ASSISTANCE PROGRAMS		<b>X</b>			
B3. INCLUSIONARY HOUSING (IH) PROGRAM	<b>X</b>	<b>X</b>		<b>X</b>	
B4. REVENUE SOURCES FOR AFFORDABLE HOUSING	<b>X</b>	<b>X</b>			
B5. ANNEXATION	<b>X</b>	<b>X</b>			
<b>PRESERVATION STRATEGIES</b>					
C1. COMMUNITY LAND TRUSTS					
C2. LAND BANKING	<b>X</b>	<b>X</b>			
C3. PRESERVATION OF RENTAL AFFORDABILITY	<b>X</b>	<b>X</b>			<b>X</b>
C4. HISTORIC PRESERVATION OF SMALLER HOUSES AND ACCESSORY BUILDINGS		<b>X</b>			
<b>PARTNERSHIP INITIATIVES</b>					
D1. EMPLOYER-ASSISTED HOUSING	<b>X</b>	<b>X</b>			



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D2. GREEN AND LOCATION-EFFICIENT MORTGAGES		<b>X</b>			
D3. HOUSING CHOICE (SECTION 8 ) VOUCHER OPTIONS	<b>X</b>				
D4. REVERSE MORTGAGES					
D5. UNIVERSITY STUDENT, FACULTY, AND STAFF HOUSING	<b>X</b>				
<b>LAND USE AND REGULATIONS</b>					
E1. BONUSES FOR HIGHER AFFORDABILITY AND CERTAIN HOUSING TYPES	<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>
E2. FEE REDUCTIONS, EXPEDITED REVIEW PROCESS, AND/OR MODIFICATION OF STANDARDS	<b>X</b>				<b>X</b>
E3. HEIGHT LIMIT	<b>X</b>	<b>X</b>			
E4. LAND USE DESIGNATION AND ZONING CHANGES	<b>X</b>	<b>X</b>	<b>X</b>		
E5. LINKAGE FEES FOR NON-RESIDENTIAL DEVELOPMENT	<b>X</b>				
E6. OCCUPANCY LIMITS		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
E7. RESIDENTIAL GROWTH MANAGEMENT SYSTEM	<b>X</b>				
58. SERVICE AREA EXPANSION					
<b>OTHER</b>					
F1. HOMEOWNERS' ASSOCIATION (HOA) FEE AFFORDABILITY		<b>X</b>			
F2. HOUSING ADVISORY BOARD					
F3. REGIONAL SOLUTIONS AND STATE-LEVEL ADVOCACY	<b>X</b>				
F4. RENT CONTROL	<b>X</b>	<b>X</b>			



## A4. Cooperative Housing

*Cooperative housing is a form of rental or ownership housing where unrelated individuals live in one or more residential buildings owned by a membership-based corporation. Cooperative housing is characterized by shared management and consensus (i.e., arriving at a common decision rather than voting) or other egalitarian governance. Cooperative rental housing typically features shared common areas (e.g., kitchen, community room, bathrooms) and private bedrooms, though there are many variations on this model.*

### Key Issues:

- Advocates for cooperative housing have cited the following barriers to using the [Cooperative Housing Ordinance B.R.C. 1981 9-6-3\(b\)](#) (CHO):
  - Conditional land use with 5-year renewal period;
  - 6- to 8-person occupancy limit: 10+ residents would be required for a viable co-op;
  - Ownership requirement: Existing legal co-ops in Boulder are 501(c)3-owned;
  - Parking requirements are too high for cooperative housing;
  - The bus pass is expensive for low-income residents; and
  - There is a one-time revocation of conditional use for code violation (i.e., weeds, trash, noise).
- The ordinance was written for ownership cooperatives, yet the greatest interest has been expressed for rental co-ops.
- Concerns related to cooperative housing in existing neighborhoods include noise, activity, trash, traffic, and parking.
- Cooperative housing, as practiced by the Boulder Housing Coalition (BHC), is a more efficient use of land and advances many city sustainability goals.
- Cooperative living is a lifestyle that will work for and/or appeal to a relatively small portion of the population; thus enabling cooperative housing is likely to create additional housing opportunities for only a small niche of Boulder residents, including primarily service and nonprofit workers, seniors and some families. It is often cited as an affordable housing option.
- Cooperative living builds the capacity of residents who must equitably share responsibility for the household, participate in governance, and navigate shared living. Many residents translate these skills into volunteer efforts, work in local nonprofits, and community activism.

### Background:

- The existing CHO was adopted in the mid 1990s and has yet to produce any cooperative housing.
- [Boulder Housing Coalition](#) (BHC), a HUD-recognized CHDO (pronounced “chodo”—Community Housing Development Organization), reports strong demand for their rooming and family units.
- A handful of informal rental cooperatives exist in Boulder, demonstrating interest in this model as well.
- BHC bypassed the CHO to establish its 3 affordable rental cooperatives as grandfathered non-conforming uses.

### Implementation Options:

1. Amend one or more of the current restrictions to encourage this housing type (e.g., requirements for homeownership, minimum habitable space, EcoPasses, off-street parking, and the six-person occupancy limit) and also respond to neighborhood concerns.

See also, “Occupancy Limits”.



The Masala Co-op. Source: [boulderhousingcoalition.org](#)

### Goals Addressed Through this Tool:

Strengthen Our Commitments

Maintain the Middle

✓ **Create Diverse Housing Choices in Every Neighborhood**

Create 15-Minute Neighborhoods

Strengthen Partnerships

✓ **Enable Aging in Place**



## A3. Co-Housing

*Co-housing is a type of intentional community that provides individual dwelling units, both attached and detached, along with shared community facilities. Members of a co-housing community agree to participate in group activities and members are typically involved in the planning and design of the co-housing project. Private homes contain all the features of conventional homes, but residents also have access to extensive common facilities, such as open space, courtyards, a playground, and a common house. This tool would encourage development of more co-housing.*

### Key Issues:

- Co-housing creates an option for people who wish to live in an intentional community.
- Co-housing provides housing choice, but not necessarily affordability.
- Because co-housing does not have a land use definition, new co-housing projects must be held to the same standards as any other subdivision or development. Most co-housing projects apply for a parking requirement reduction, but this can be difficult to qualify for. Creating a separate definition for co-housing would enable development standards to be customized to this unique housing type.
- Co-housing will not substantially expand the number of units in Boulder because it is a specialized type of housing and lifestyle.
- The provision of communal amenities can reduce affordability.

### Background:

Several co-housing communities exist in Boulder, including:

- Washington School Village (<http://www.washington-village.com/>);
- Nomad (<http://nomadcohousing.org/>);
- Wild Sage (<http://www.wildsagecohousing.org>); and
- Silver Sage (<http://bouldersilversage.wordpress.com>).

All were developed by Wonderland Hill Development Co., a Boulder-based co-housing developer.

Wonderland Hill Development's Peter Spaulding made the following argument in support of co-housing for seniors: "A recent national study contends that 40 percent of the seniors in assisted care today are prematurely institutionalized. That's what happens when you don't live in a supportive community. It is also unfortunate that, instead of sitting on one of their front porches discussing the issues of the day or playing a game of Scrabble with their neighbors, the average senior in America is watching over 6 hours of TV per day. That's a lot of humanity left on the table. Americans drove 5 billion miles last year between taking meals to seniors at home and nurses on-the-go providing services. For many seniors, that is their only contact with another human during the day. And it is hard on our environment."

### Implementation Options:

1. Consider revising land use regulations to facilitate development of more co-housing.
2. Explore working with developers to identify appropriate locations for new co-housing.

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Wild Sage Co-Housing. Source: [wildsagecohousing.org](http://wildsagecohousing.org) accessed September 9, 2014

## A2. Accessory Dwelling Unit/Owner's Accessory Unit Requirements



*An Accessory Dwelling Unit (ADU)/Owner's Accessory Unit (OAU) is a secondary living unit that is located within a residence or in an accessory building on the same property. Most often, accessory units are created through the conversion of basement or attic space, or space above a garage (sometimes known as "granny flats" or "in-law apartments"). They are allowed in an owner-occupied house in low-density residential zones and must meet specific criteria to ensure compatibility with the neighborhood.*

### Key Issues:

- Amending some or all requirements in the ADU/OAU ordinance (e.g., no more than 10% ADUs in a specific area, parking requirement, neighborhood notice, and size limitation of 6,000 square feet for OAU) could create more ADUs and OAUs within the city.
- This type of housing can impact neighborhood character due to change in density, diminished privacy and increased noise, activity, and traffic created by accessory unit tenants.
- ADUs and OAUs can provide additional affordability options in existing neighborhoods with amenities and access to services.
- ADUs and OAUs can allow seniors to downsize by moving into the ADU while renting out the primary house.
- ADUs and OAUs use land efficiently and advance many city sustainability and historic preservation goals.

### Background:

- The Boulder Valley Comprehensive Plan (BVCP) policy on accessory units (2.11) states: "Consistent with existing neighborhood character, accessory units will be encouraged in order to increase 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."
- ADUs are regulated by section [9-6-3, "Specific Use Standards – Residential Uses"](#) of the Boulder Revised Code 1981.
- Year ADU Ordinance (BRC 1981, 9-6-3(a)) was adopted: 1982.
- The [2012 ADU Study](#) found 186 ADUs and 42 OAUs in Boulder.
- General Provisions (ADU, OAU, LAU): (i) Owner Occupied—the owner of the property must reside in one of the permitted dwelling units on the site; (ii) The occupancy of any accessory unit must not exceed two persons. Overall, the occupancy for one dwelling unit cannot exceed the occupancy requirements set forth in section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981; and (iii) Additional Roomers Prohibited—the property cannot also be used for the renting of rooms pursuant to paragraph 9-8-5(a)(1), B.R.C. 1981.
- ADUs are fairly evenly distributed through the city, with slight concentrations in the Newlands, University Hill neighborhoods, and in South Boulder. OAUs are primarily located in the Whittier neighborhood in Central Boulder.

### Implementation Options:

1. Consider amendments to the current ordinance to encourage this housing type and respond to neighborhood concerns.

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Above-Garage Accessory Dwelling Units.  
Source: [accessorydwellingunits.org/what-are-and-why-people-build-them/](http://accessorydwellingunits.org/what-are-and-why-people-build-them/), accessed November 17, 2014



## E1. Bonuses for Higher Affordability and Certain Housing Types

*An affordable housing bonus would allow for more housing units to be built than allowed by zoning if the proposed project provides more affordable units than required by Inclusionary Housing. This would be based on—and expand—the bonuses already offered for affordable housing in the Mixed Use 1 (MU-1) and Residential - Mixed 2 (RMX-2) Zone Districts.*

*A bonus could also be offered to incentivize developers to provide specific housing types. Possible examples include micro-units, age-restricted/senior and family-friendly housing.*

### **Key Issues:**

- The current bonus system is used solely by affordable housing developers, as it does not provide enough incentive for market-rate developers. That is because affordable units are a net loss to market developers.
- Additional research would be needed to determine whether a bonus in additional parts of the city or for certain housing types would be attractive to market developers.
- Allowing additional units may be controversial.

### **Background:**

The bonus for affordable housing is offered in two zones:

- The RMX-2 Zone District was originally created for the North Boulder Holiday Neighborhood with the intention of facilitating a high percentage of affordable housing there. The zone also exists in Palo Park, however, Holiday is the only development that has used the bonus and it is now completely built out. The zone allows 10 units per acre without the bonus. The bonus allows five additional units per acre to be built if at least 30 percent of units (in the entire project) are permanently affordable. Additional units are allowed for projects that are at least 35 percent and 40 percent affordable.
- The MU-1 Zone District is also located in the North Boulder Holiday Neighborhood. It allows bonus units to be built in predominantly residential projects if at least 35 percent of units (in the entire project) are permanently affordable. This bonus has not been utilized very much, because affordable housing developers tend to not build mixed-use developments. Therefore, this type of bonus may be most effective in high-density residential zones rather than in mixed-use zones.

### **Implementation Options:**

1. Consider providing a housing bonus in additional zones.
2. Consider providing a bonus for specific housing types.

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Holiday Neighborhood: RMX-2 Zone.

Source:

[www.holidayneighborhood.com](http://www.holidayneighborhood.com)



## E6. Occupancy Limits

*Land use regulations limit the number of unrelated persons who may occupy a dwelling unit. Use of this tool would raise or eliminate the limit—citywide or in specific areas—so that more people can share and thereby reduce their living costs.*

### **Key Issues:**

- Increased or eliminated occupancy limits could greatly increase housing choice and opportunity in Boulder.
- The current code, [9-8-5 Occupancy of Dwelling Units](#), allows up to three unrelated persons in low-density residential districts and up to four in medium-density and high-density districts.
- Two exceptions to the occupancy limits: The cooperative housing ordinance allows an increase over the occupancy limit on a limited and selective basis. There are also a limited number of legal non-conforming units which have occupancies greater than currently allowed in the zone.
- Preliminary outreach found that many residents, particularly in single-family neighborhoods, are concerned that raising the occupancy limit could create more noise, activity, trash, traffic, and parking problems.
- Considering higher occupancy limits for seniors was identified as an “early win” task for Housing Boulder and is currently underway.
- A study/analysis could help to predict demand for people electing to live at higher occupancies than they currently are.
- Removing or significantly increasing occupancy limits could normalize a number of currently illicit rentals and increase legal housing availability.
- Higher occupancy limits could enable new housing models. For example, new student housing tends to default to four bedrooms, yet other unit types could emerge if occupancy limits change.

### **Background:**

**Boulder:** Current occupancy limits have been in place since 1981. Occupancy limits in Boulder are enforced on a complaint basis.

**Elsewhere:** Most university towns nationwide have occupancy limits in place; however, a number of Northeast cities have no limits on unrelated roommates—the Oregon State University (OSU) campus in Bend, Oregon is one of them.

California Supreme Court held that it was impermissible to have different zoning rules for related individuals than for those unrelated, writing, “In general, zoning ordinances are much less suspect when they focus on the use than when they command inquiry into who are the users.” California cities have been unable to enforce any occupancy restrictions. Instead, occupancy limits are determined by size of units, rather than their number of bedrooms. California codes establish limits based on square footage: 70 to 119 square feet can accommodate two people and 120 to 169 square feet can accommodate three people.

### **Implementation Options:**

1. Explore revisions of occupancy limits by zone.

2010 AHTF RECOMMENDED 

2. Consider establishing a pilot project in a specific site or neighborhood district.
3. Explore eliminating occupancy limits.

### **Goals Addressed Through this Tool:**

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## A8. Tiny Homes

*Tiny homes or tiny houses are generally 400 square feet or less, but can range up to 800 square feet and down to as little as 80 square feet. Many tiny houses are built on trailers. The tiny house movement is driven by a number of concerns, including environmental, affordability and “simplicity”.*

### **Key Issues:**

- Tiny homes use land and energy efficiently and conserve resources, which align with city sustainability goals.
- Tiny homes are inherently more affordable and considered one approach to addressing homelessness.
- Building regulations that protect life and safety could reduce the affordability of tiny homes. Though some tiny home manufacturers are choosing to comply with International Building Code standards, tiny houses are typically designed to avoid code compliance by building the structure to be non-permanent structures by building the home on chassis or other means and limiting the footprint (size) below a community’s regulatory threshold.
- Similar to ADUs and OAU, rent from tiny homes could help offset the primary homeowner’s housing costs or tiny homes could house people who support older and/or disabled homeowners with home maintenance and care needs.
- Tiny homes in existing single-family neighborhoods may raise concerns about additional parking demand.
- Tiny homes are often built to be mobile and may be a dynamic source of housing.

### **Background:**

- Tiny homes already exist in Boulder.
- Other communities across the country are:
  - Using tiny homes to address homelessness
  - Allowing tiny home R/V parks
  - Allowing tiny home pilot and/or temporary communities;
  - Allowing tiny home coops

### **Implementation Options:**

1. Explore the use of tiny homes as one approach to address homelessness.
2. Explore current regulatory barriers to encourage backyard tiny homes.
3. Explore a pilot project for Option 1 and/or Option 2.

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Photo Source: [countryliving.com](http://countryliving.com) accessed January 22, 2015



Photo source: <http://www.nbcnews.com/business/real-estate/tiny-houses-big-idea-end-homelessness-n39316> accessed January 29, 2015



## E4. Land Use Designation and Zoning Changes

*The Boulder Valley Comprehensive Plan (BVCP) Land Use Designation Map broadly indicates the type of land use appropriate for each parcel of land in the city and the range of development intensity that should be allowed by the parcel's zoning. Changes to the Land Use Map can be made through regular updates to the BVCP (next update in 2015). Land use and zoning changes can also be considered as part of an area planning process.*

### Key Issues:

- Changes to land use designation are usually made as part of regular updates to the BVCP, with the next update to occur in 2015.
- Zoning changes follow any land use designation changes. Zoning regulates on a more detailed level the specific types of uses and the intensity of development that is allowed in each zone. For example, zoning changes can be made to reduce minimum lot size or increase allowed building size.
- As part of every five-year BVCP Major Update, the city updates its projections of how many additional housing units and jobs can be added based on zoning. While there is little vacant land left to develop in the city, a lot of redevelopment could occur under current zoning. The BVCP 2015 Update will provide an up-to-date view of development/redevelopment potential prior to community discussions about whether land use designation changes should be considered.
- Two key ways to increase the amount of housing in the city would be to allow higher densities in residential areas and/or along transit corridors and/or allow more mixed use in commercial and industrial areas (see BVCP policies 2.16 and 7.10). These types of development would provide mostly attached units. However, without additional regulation, there's no guarantee that these would be small or affordable. For example, much of the mixed use that has been built downtown and elsewhere is relatively upscale. But regardless of price, mixed-use development can reduce residents' transportation expenses, if commercial and other services and/or jobs are within walking or biking distance.
- Another avenue for analyzing and considering land use changes is through an area planning process. The city can initiate an area planning process for a particular part of the city at any time. Zoning changes usually follow adoption of an area plan. Examples of area planning include the North Boulder Sub-community Plan, the Transit Village Area/Boulder Junction Plan, and Envision East Arapahoe project, currently underway.
- A "community benefit" requirement could be added specifying that for any "upzoning" (giving a property more development potential), the developer must provide more affordable housing than normally required.

### Background:

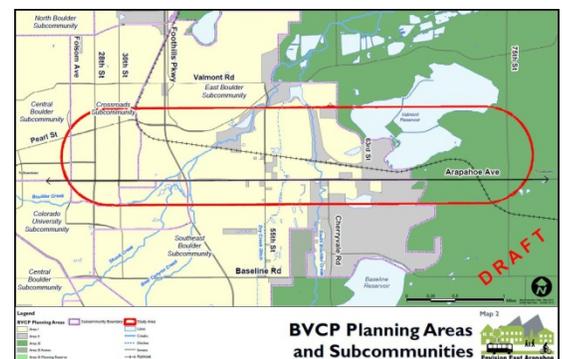
- Major updates to the BVCP occur every five years and include consideration of land use designation changes with community and property owner input. Changes within the city must be approved by both Planning Board and City Council. Changes within the Boulder Valley but not within the city (Areas II and III) must also be approved by the Boulder County Planning Commission and Board of Commissioners. Area plans are approved by Planning Board and City Council.
- The BVCP has policies supporting mixed use and higher densities in select areas ([e.g., Policy 2.16](#)). Over the past couple of decades, changes have been made through BVCP updates and area planning processes to allow more mixed use and higher densities in specific parts of the city, for example, downtown, North Boulder, and Transit Village/Boulder Junction.

### Implementation Options:

1. Consider land use changes in the BVCP 2015 Major Update to allow additional residential development in certain areas, potentially in exchange for an affordable housing "community benefit" requirement upon re-zoning.
2. Identify specific areas for an area planning process that would consider land use and zoning changes to allow more residential development, potentially in exchange for an affordable housing "community benefit" requirement upon re-zoning.

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Envision East Arapahoe Project Planning Area. Source: [boulder.colorado.gov/planning/east-arapahoe-planning-project](http://boulder.colorado.gov/planning/east-arapahoe-planning-project), accessed November 13, 2014