

Boulder City Council
1777 Broadway
Boulder, CO 8032-6220

July 28, 2009

Dear City Council Members,

On behalf of the members of The American Institute of Architects (AIA) Colorado North Chapter, the AIA Colorado North board of directors would like to offer its opinion on the proposed Compatible Development Ordinance. A number of our members have been involved with the ongoing public discussions and have reviewed the proposal from the city staff and Planning Board. While we appreciate the amount of thought that went into it, we feel the proposed ordinance should be rejected in its entirety.

Our primary concern is that the ordinance is overly restrictive. Good design is very difficult to legislate, and this ordinance will not necessarily prevent objectionable houses. An ordinance of such extreme restrictiveness should only be contemplated if there is consensus among Boulder residents that there is a problem that needs to be fixed, and that this ordinance is the most effective and fair way to fix it. Based on the sharply divided public reaction to date, this ordinance fails on both levels.

AIA Colorado North understands and supports the need for more energy-efficient houses. Boulder's rigorous Green Points program becomes increasingly strict as house size increases. This program already addresses the city's desire to provide financial incentive to build small and to restrict the carbon footprint of larger houses. Rather than improving upon or enhancing the goals set forth by Green Points, the Compatible Development Ordinance may discourage or prevent many new energy-efficient updates and remodels, and therefore may actually work against Boulder's Kyoto goals.

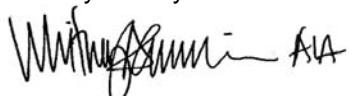
We also realize the positive impact that good design has on communities and people. However, this ordinance will not prevent controversial or poorly-designed houses. Generally speaking, the market rewards those who design and build attractively and appropriately. A brief review of current real estate listings reveals that unattractive and overly large houses are being penalized in today's market. As a result, people are now designing smaller, more efficient and more appropriate homes.

Every new layer of regulation exacerbates Boulder's affordable housing problem. Boulder is already one of the most expensive municipalities for the permits, fees and required professional services necessary to build a home. This ordinance will increase the property values for those who have already expanded their homes (our wealthiest residents), while those that have not yet expanded will see their property values decline.

Given the hilly and often non-rectilinear nature of many of Boulder's housing lots, the proposed regulations will result in further complication, disagreement, expense and hardship. Reasonable design constraints are normal and appropriate, but there comes a point when the unintended consequences of regulations outweigh the problems they are attempting to solve. Many of the buildings that we love most in Boulder, such as Charles Haertling's houses and many of the Mapleton mansions, are considered landmarks and a vital part of a diverse and healthy neighborhood. These are the types of buildings that could be prohibited by the proposed ordinance. While this ordinance might reduce the impact of some of the more onerous houses, it will also prohibit many that could enhance the vitality and diversity of the fabric of our community.

Boulder has constraints and protections already. Will adding yet another layer of regulation improve public welfare? Is the proposed response proportional to the perceived problem, and will it be effective at solving it? We have studied the issue carefully and believe strongly that it will not.

Thank you for your consideration,



Whitney Churchill, AIA
President, AIA Colorado North

AIA Colorado North
1515 Arapahoe St., Ste. 1-110
Denver, CO 80202
303.446.2266 (p)
303.446.0066 (f)
www.aiacolorado.org