

ADUs in Denver Advisory Committee–Meeting #3

May 5, 2022, 4:30-6:30pm – via Zoom

Prepared by the Consensus Building Institute (CBI)

Meeting in Brief

The Committee explored specific ADU issues, concerns and barriers with visual examples to see how those issues differed across neighborhood types. The Committee discussed specific zoning and ADU challenges and elaborated on recurring issues/concerns around ADU construction/design, affordability and cost, uses and allowances, and impacts on neighbors and community. The next meeting in June will explore tools and options to address key ADU challenges.

Click [here](#) for a video recording of the meeting, future meeting announcements, and other materials. The public comments and Q&A from the meeting are included at the end of this summary. The Q&A is an excellent resource for answers to commonly asked questions.

Last Meeting ‘Recap’

Libby Kaiser, Senior City Planner, summarized the input from the April meeting and reminded the public that the ADU Advisory Committee is charged with finding ways to make ADUs accessible to all neighborhoods within Denver. The full presentation is available [here](#).

- **Impacts to neighbors:** lot coverage, parking, privacy concerns, different designs for different lots, outreach
- **Design:** minimum lot size, sustainability, 1.5 story height limitation, privacy concerns as they relate to window design
- **Cost and affordability:** overlap with previous sections, single-story vs. above garages, livable space, prefab. Also soil analysis and foundation expense, water tap fees, sidewalk buildout, property taxes/tax incentives
- **Use and use allowances:** owner occupancy regs, short vs. long term use, ADUs behind primary homes, using ADUs to incentivize historic preservation, accessory commercial uses

Committee comments included the following, drawing on the above summary of issues:

- ‘Accessory commercial uses’ do include ADUs as home offices; this issue is a bit out of scope
- Prefabricated homes should be considered apart from tiny homes; staff noted tiny homes are challenging because of zoning laws concerning their classification
- Single story ADUs vs. garages: current regulations incentivize garages because of open space allowance, but request that the City treat single story and garage ADUs the same

Understanding Urban, Urban Edge, Suburban Contexts for ADUs – and What Current ADU Design Rules Look Like in Practice

Following the summary of major issues discussed in the previous two meetings, Josh Palmeri, Project Manager and Senior City Planner, discussed three different neighborhood types and zoning districts – Urban, Urban Edge, and Suburban – and how current ADU rules apply to each. He then walked the Committee through a design ‘build out’ of an ADU under current rules, using visual diagrams to help illustrate the types of issues the Committee has discussed thus far. This included a visual representation of what current ‘bulk plane’ rules require and look like, challenges in the 1.5-story and

square-footage limitations, and differences in current rules governing garages versus ADUs. The full presentation is available [here](#).

Committee Comments and Questions

Throughout the visual presentations, staff paused for Committee questions. The following is a summary of questions and corresponding staff responses:

- **Historic preservation and ADUs.** In thinking about neighborhood character and ADUs, a Committee member suggested it could be useful to track the average age of structures in each context to help determine what ADU rules would apply best in that context. The City confirmed it has this data. Another suggested it could be useful to offer incentives to property owners to designate their home as a historic property, which benefits the City, by allowing them to build or renovate an ADU even in a zoning district where it may not otherwise be allowed.
- **Neighborhoods with row homes.** One Committee member wondered if the City has considered possible changes to Urban Row House (URH) zoning districts (ex. Baker neighborhood, with row homes/duplexes). Staff explained that ADUs are allowed in these districts but, in light of their significant density, have not come up as the most pressing or concerning issues for the committee, although we will be proposing to remove barriers where appropriate.
- **Garages vs. ADUs.** A Committee member asked why garage-addition sizing limitations are standard, but ADU-size limitations vary by context/size of primary structure. Staff explained that this is likely due to how old garage zoning laws have been in place vs. ADU rules, a compromise based on concerns of accessory units overtaking lots.
 - There was a follow-up question from a Committee member on being unable to convert a garage to ADU, because it would be considered too big. Staff explained that this is correct. For this reason, the idea of changing regulations to allow switching back and forth between uses is an option that could be considered.
- **Current rules that shape ADU design and built outcomes.** Advisory members voiced their agreement that current zoning requirements can make ADU projects difficult, particularly from the standpoint of accessibility and persons with disabilities.

Committee Discussion of Key Issues by Neighborhood Context

City staff also conducted a Mentimeter poll to capture Committee members' input. The poll allowed Committee members to provide input and voice concerns based on ADUs in Urban, Urban Edge, and Suburban contexts. The complete results of the Mentimeter poll are included below as an attachment.

Committee members emphasized the following points in the polling exercise:

- **Urban neighborhood context example**
 - Most Committee members agreed that looking at illustrations of ADUs currently allowed to be built in the urban context, they mostly fit.
 - Most Committee members agreed the ADU examples in the urban context were appropriately placed in relation to neighboring properties.
 - Most Committee members that the ADU examples in this context fit from sidewalk and aerial views, with more agreement on the sidewalk view.

- Committee members also noted their answers might have been a bit different if the examples illustrated different-storied buildings in this context (single story vs. multi-level).
- Members appreciated design choices such as windows that were pointed away from neighboring residences.
- A Committee member highlighted the importance of having these structures *look like someone lives there. Adding the human element to alleys vs just garages and space for cars.*
- **Urban edge neighborhood context example**
 - Most Committee members agreed that in looking at illustrations of ADUs currently allowed to be built in the urban edge context, they mostly fit.
 - Most Committee members agreed the ADU examples in this context were placed appropriately in relation to neighboring properties. There was slightly less alignment, compared with the prior context, about whether the ADUs in this context were too close to their neighbors and whether they took up too much of the lot area.
 - Most Committee members agreed the ADU examples in this context fit from the sidewalk view.
 - There was also discussion among the Committee on corner lot designs and how they can be very different than mid-block ADU design (i.e. zoning currently doesn't allow new "curb cuts," which can be a problem for corner lots with garages and where a door is/the neighborhood feel of a potential ADU). A Committee member also voiced the opinion that corner lots should allow tandem homes.
 - Some Committee members also voiced a preference for a smaller ADU shown in one of the illustrations because *it looks like someone's home, complete with a nice stoop.*
- **Suburban neighborhood context example**
 - Most members agreed that looking at illustrations of ADUs currently allowed to be built in the suburban context, they mostly fit.
 - Most members agreed the ADU examples in this context were placed correctly in relation to neighboring properties. Although there was less agreement, compared with the prior 2 context examples, about whether the ADUs in this context were too close to their neighbors.
 - Most members agreed the ADU examples in this context fit from the sidewalk view, but with less alignment on whether the location of the ADU was ultimately appropriate.
 - Some members voiced the concern that adding ADUs in suburban context might make folks uncomfortable just from the increased density. Another Committee member remarked that site design could help alleviate some of these concerns (tree buffers, landscaping etc).
 - Committee members also voiced the concern that site specific limitations on size in relation to primary structure could overly restrict ADUs and create an equity issue for folks with smaller homes. A Committee member made the recommendation that perhaps the size of ADUs in this context should stay tied to lot size, or potentially limit ADUs to one-story in a suburban context

Following the ADU context examples, the Committee was asked a few questions regarding City-wide scenarios concerning 1) owner occupancy and ADUs and 2) short term rentals and ADUs. Committee members emphasized the following points in this portion of the polling exercise:

- The Committee generally did not believe an owner should have to remove an ADU if they no longer reside on the property.
- There was majority support for the idea that owner occupancy requirements should be removed and the requirements should be made more flexible.
- Conversely, as it relates to short-term rentals (STR) rules, there was overall agreement from the Committee that the rules should stay as they are, and these should be allowed. It was unclear whether the Committee should continue discussing short term rentals in the context of ADUs.

Wrap Up & Next Steps

- Public survey – [available on ADUs in Denver website](#)
- ADU focus groups – the City is anticipating four Focus Groups, which will center around the key issues discussed in the April meeting.
 - Committee members are asked to sign up for at least one of these four groups, which will enable at least one member to report back to the larger Committee.
 - Staff will send out a Google form for folks to sign up for focus groups.
 - Staff is hoping to get these started in the next two weeks.
- June meeting – this will be held the second week in June (2nd Thursday), June 9th. We will start evaluating possible solutions with a focus on evaluating alternatives and possible outcomes based on what the committee has heard in the previous three mtgs.

Meeting Attendees

The meeting was attended by the following Committee members and City staff:

City and County of Denver – Community Planning and Development
 Joshua Palmeri, Senior City Planner and Project Manager, Denver ADUs
 Abe Barge, Principal Senior Planner, City Planning Department
 Libby Kaiser, Senior City Planner
 Genna Morton, CPD staff

Committee Members

Present		
x	Councilwoman Kendra Black	Denver City Council Member for District 4
x	Councilman Chris Herndon	Denver City Council Member for District 8
x	Gabriel Calderon	Member of BRUN-Berkeley Regis United Neighbors RNO
x	Ozi Friedrich	Architect; member of Baker Landmark Commission
x	Emily Goodman	Community Navigator for East Colfax Community Collective
x	Naomi Grunditz	Clayton resident; planner and aide for Council District 1
x	Mary C Hawthorne	Wellshire resident; member of Cherry Hills Heights HOA

x	Chelsey Hume	Virginia Village resident; ADU project manager for Habitat for Humanity of Metro Denver
x	Lisa Kerin-Welch	Mayfair-Montclair resident, real-estate advisor for ADU4U; member of STRAC-Denver's Short-Term Rental Advisory Committee
x	Pamela Jiner	Director of Monbello Walks/Montbello 2020
x	Jennifer Steffel Johnson	Park Hill resident; CU Denver Professor of Planning
x	Rosemary Stoffel	University Park resident; board member of University Park Community Council
x	Shawn Johnson	Sunnyside Resident; has experienced barriers building a fully accessible ADU for his aging mother
x	Gosia Kung	Sloan Lake resident; architect; Denver Planning Board Member
x	Terra Mazzeo	City Park West resident; architect; owner of AlleyFlats (ADU prefabrication/development company)
x	Brooke Murphy	La Alma-Lincoln Park resident; planner/impact associate for Elevation Land Trust
x	Cesar Olivas	Chaffee Park resident; architect working on affordable housing
x	Donna Repp	Mar Lee resident; past president of the Mar Lee/Brentwood/Sharon Park Neighborhood Association
x	Suzanne Reede	Regis resident; concerned with housing options and short-term rentals near the university
x	Sarah Senderhauf	Park Hill resident; ADU sales manager/real-estate broker with L&D Construction
x	Renee Martinez Stone	West Highlands resident; Executive Director of WDRC-West Denver Renaissance Collaborative
x	Michelle Ferrigno Warren	Athmar Park resident; Athmar Zoning Committee member
x	Darcy Wilson	Cole resident; construction professional for Stan Mar; member of the African-American Construction Council and UNDR – United Neighbors of NE Denver

Public Comment

- 1.5 story limit is severely limiting building ADUs
- Folks want porch options or access to outside directly from unit
- Desire to have ADUs allowed to be long term rentals to allow for additional income, particularly on historic preservation properties (there's a lot of cost associated with up keeping those)
- Concern that focusing only on size of ADU in trying to keep it in line with neighborhood could just lead to folks selling off their homes/lots because they have no other option to stay in place due to cost

Public Q&A

1. Accessory Home Office - AHO

- a. Yes - Note that you can currently have an accessory office use in your home or in an ADU subject to various limitations (mostly having to do with outside employees and walk in business)
2. I agree almost all of the garages we have tried to convert to ADU's have been denied due to building code changes or cost implications.
 - a. We're aware of all the challenges, but also know there's a lot of interest in garage conversions and will keep thinking about how zoning at least could get out of the way.
3. This is a very typical scenario when building ADUs. Once you apply all the regulations it's hard to deliver a livable space.
 - a. Right!
4. Will there be consideration for unique lot configurations so that the adjoining lot will not be severely impacted?
 - a. Can you describe "unique"?
5. These are great visuals that explain the issue. Thank you planning staff!
 - a. Thanks!
6. Getting rid of the maximum habitable space rule, in the last text amendments, (July 1st, 2021) did help address livable space which is great, but the code for minimum lot size makes the homeowner build bigger garages to get bigger living upstairs. Now that the whole building can be living, we could build smaller ADUs if the minimum lot size is eliminated or reduced to 3000 sf for all lots
 - a. Reducing the minimum lot size required for ADUs is certainly being considered.
7. "Unique" could apply to adjoining lots that are at different elevations (the adjoining lot at the lower elevation). The elevation difference along with an active driveway in the adjoining lot would be subject to severe winter shadow and rear of house.
 - a. So far, we've been focusing on "typical" conditions, but will further explore how updated ADU regulations would impact a variety of lots/neighborhoods.
8. The plan map now showing needs to be orientated N/S to see different impacts.
 - a. Thanks Robert! yes most Denver lots are oriented that way, but does not make for great landscape screen orientation.
9. When there is further consideration of "unique" lots, there needs to be a mechanism to evaluate the conditions and develop alternative solutions.
 - a. Good question Robert, it is difficult to account for all unique scenarios, we do have the variance process for those cases, but we are hoping to eliminate most barriers for basic ADU development in this project and we can track further issues beyond that end.
10. We are very interested in looking at lot size. Our lot is 550 sf too small to have an ADU with the current regulations. We live in a densely populated neighborhood.
 - a. We are definitely considering whether the minimum lot size requirement should be eliminated and will dig into this more when we start to develop solutions.
11. Great comment Cesar! Activates the alley!

12. Should the survey have not been taken from the perspective of the "other" options that the proposed changes could make the ADU look like? Perhaps that is already the plan to do so moving forward.
 - a. As Abe mentioned, right now we're focusing on the issues related to the current regulations. In the next meeting, we will begin to look at potential solutions that present fewer barriers to ADU construction.
13. Good Comment Ozi! Maybe when the committee comes up with the suggested changes, those renderings can be done as well.
 - a. That's the plan!
14. East/west alleys would be severely shaded in the winter time with an ADU on the south: imagine the un-melted snow and ice.
 - a. The same condition would occur with a garage on the south side of the alley or a suburban house that is allowed to extend into the rear of the lot.
15. With the primary home one story and ADU 1.5 story - I understand the concern that it might not look like it 'fits', however if we're concerned about all the 'scrapes' in neighborhoods, I would be worried that limiting the height for the ADU to mirror the primary home may lead to even more scrapes due to affordability, etc.
 - a. Thanks Elise, you are correct, we need to keep in mind what the future build out scenario could be!
16. Code probably wouldn't allow new curb cuts for garages
 - a. that's right, it would likely take alley access
17. If there's an alley, the ADU should have the garage entry from the alley.
 - a. that is correct Bruce, DOTI would require that, unless an existing curb cut does exist!
18. Agree Renee! Looks so much better on corner lots
19. "Abe, Can we add D1 to Suburban? And A1?"
 - a. yes, that is part of this scope... A-G
20. Thanks Josh!
21. Where are the sidewalks? Or is this "Wellshire"?
 - a. I think we just ran out of time - our team has been a graphic-making machine.
22. Except for the cul-de-sac end houses, those are quite small lots.
 - a. They are average-sized suburban lots.
23. "We need housing! Remove owner occ requirements. Place big fines on the bad offenders who have bad tenants rather than restrict everyone"
 - a. As Abe said, we'll consider revising or removing this requirement, which many of our peer cities do not have.
24. Also, regulating the size using the existing primary home could also have negative impacts on historic preservation. Not using size to regulate adds the option to preserve a small existing home instead of scraping and still build needed space using an ADU.
 - a. We agree.
25. Are there thoughts on removing limitations on short-term renting the primary home and living in the ADU?
 - a. We are considering both scenarios.

26. The ability to STR your ADU, will get more ADUs built. We are finding that many homeowners STR for a few years, to recoup the investment, then move to the long term. Allowing STR's in ADU will create more housing in the long run.
 - a. Our research has suggested the same.
27. Thanks Libby!