ADUs in Denver

Advisory Committee Meeting #4
(Approaches / Alternatives)
Welcome Back!

ADU Advisory Committee

City Staff
Councilwoman Kendra Black
Councilman Chris Herndon
Gosia Kung – Denver Planning Board

Gabriel Calderon  Chelsey Hume  Terra Mazzeo  Sarah Senderhauf
Ozi Friedrich    Lisa Kerin-Welch  Brooke Murphy  Rosemary Stoffel
Emily Goodman   Pam Jiner       Cesar Olivas   Renee Martinez Stone
Naomi Grunditz  Jennifer Steffel Johnson  Suzanne Reede  Michelle Ferrigno Warren
Mary Hawthorne  Shawn Johnson  Donna Repp   Darcy Wilson
Recap of May Committee meeting (committee Menti activity)

Does this ADU fit into the Urban Context?
The location fits?: 9.7/10
The size fits?: 9.3/10
The height fits?: 9.6/10

Does this ADU fit into the Urban Edge?
The location fits?: 8/10
The size fits?: 7.4/10
The height fits?: 6.4/10
Recap of May Committee meeting (committee Menti activity)

Does this ADU fit into the Suburban Context?
The location fits?: 7.6/10
The size fits?: 8.3/10
The height fits?: 9.4/10

Which ADU fits in best in Suburban?
1-story on the left: 10 members
2-stories on the right: 7 members
Recap of May Committee meeting (committee Menti activity)

The City did a scan for “ADU” in the short-term rental (STR) complaints that have come in through Salesforce. Of 1,380 STR property complaints since January 2018, less than 10 mentioned “ADU” specifically (less than 1% of complaints).

The Excise & Licenses department described only a handful of STR complaints referring to ADUs. In those cases, the issues were either that both the main home and ADU were being rented; or the individual thought that STRs were inappropriate in any structure.

Considering the data regarding the use of ADUs for short-term rental (STR), how should we move forward?

- We should assume that STR rules will stay as they are: 3.6
- We should continue to discuss STRs in ADUs: 2.8
Public Survey Results

If your neighbor were building an ADU, what concerns would you have? [Check all that apply]

- **Parking availability**: 60.00%
- **Access to sunlight**: 50.00%
- **Overcrowding**: 40.00%
- **ADU design fits in neighborhood**: 30.00%
- **Privacy**: 20.00%
- **None**: 10.00%
- **Other (please specify)**: 0.00%

**Responses**
- **Other**: 15 mentioned short term rentals or AirBnB - “Increase in crime, from unknown short term renters, traffic and congestion.”
- “Increased density and impact on water / sewer / electrical / gas and road infrastructure.”
- “I’m most concerned about getting people housing.”
Public Survey Results

The ADUs in Denver project is considering applying different zoning regulations to ADUs in different neighborhood settings (urban, suburban, etc.) - meaning that ADUs in suburban neighborhoods might look different than ADUs in more urban neighborhoods. What concerns might you have around suburban or urban ADUs knowing they are different environments?

• “Seems smart to differentiate between suburban and urban.”

• “Urban areas have alleys that would allow ADUs to have more options for access, whereas suburban ADUs would normally not have the alley access option. Therefore, the designs may be one story in suburban and the 1.5 story design in urban areas, with smaller lot size.”

• “Keep the rules uniform so people understand it.”
Public Survey Results

The zoning code currently does not allow detached ADUs on lots smaller than the zone district minimum, even when a property is zoned to allow an ADU. To what extent do you agree with reducing or removing minimum lot size standards?

- **55% agree vs. 37% disagree**
- “*Overcrowding and compromise of permeability.*”
- “*How does it make any sense to allow an additional unit on a lot that is already the size of a postage stamp? It’s just more "cramming density into already dense neighborhoods." More effort needs to be put into adding density to historically larger lots not smaller lots.”
Public Survey Results

ADUs are currently limited to 1.5 stories, which means the upper-story can only be 75% of the ground floor area of the lower-story. To what extent do you agree that this is a barrier to ADU construction?

- **49% agree vs. 32% disagree**
- **20% neutral**
Public Survey Results

If you wanted to build an ADU, or have built an ADU, you would:

- **40% convert existing detached structure**
- **57% build new detached structure**
- **17% convert space in home**
- **13% addition to home**
- **14% other: build above or next to existing garage**
Alternatives Discussion

To be discussed today:
Minimum Lot-Size
Height in Stories
Bulk-Plane Height
Building coverage exemption
Setbacks
Re-use of Existing Structures

To be discussed later:
Owner Occupancy
Creation of Suburban Context Zone Districts
ADUs with Duplex/Rowhome/etc.
Minimum Lot-Size

ISSUE: Many properties in Denver are zoned for ADUs but don’t meet the minimum lot-size requirement to build a detached ADU.

What we’ve heard from the Committee:

• Confirmed, it is an issue
• The current rules are inequitable
• The threshold is arbitrary
• Causes more time and money to pursue a variance
• ADUs are already size limited/proportionate to their lot-size
BACKGROUND: Sloan Lake rezoning is a great example; 30% of the neighborhood doesn't meet the requirement, even after receiving ADU zoning.
BACKGROUND:
City-wide we have about **21,500** lots that are currently detached ADU ineligible due to lot size:

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Minimum Lot Size</th>
<th>Parcels Below Min</th>
<th>Total Parcels</th>
<th>Percent Below Min</th>
<th>Percent of total SU lots</th>
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<tbody>
<tr>
<td>SU-A</td>
<td>3000</td>
<td>395</td>
<td>2,834</td>
<td>14%</td>
<td>2.8%</td>
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<td>SU-B</td>
<td>4500</td>
<td>4,417</td>
<td>14,131</td>
<td>31%</td>
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<td>SU-C</td>
<td>5500</td>
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<td>18,205</td>
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<td>SU-D</td>
<td>6000</td>
<td>3,468</td>
<td>53,677</td>
<td>6%</td>
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<td>SU-E</td>
<td>7000</td>
<td>87</td>
<td>438</td>
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<td>8500</td>
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<td>SU-G</td>
<td>9000</td>
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<td>SU-I</td>
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<td>257</td>
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<td><strong>51%</strong></td>
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MINIMUM LOT-SIZE

POTENTIAL SOLUTION:
Should we remove minimum lot-size requirements for ADUs? As ADUs are already size limited/proportionate to their lot-size?

Are there blind spots or unintended consequences we should keep in mind?
Any other major concerns?

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DETACHED ACCESSORY DWELLING UNIT

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<tbody>
<tr>
<td>Zone Lot Size (min)</td>
<td>3,000 sf</td>
<td>4,500 sf</td>
<td>5,000 sf</td>
<td>7,500 sf</td>
<td>10,000 sf</td>
<td>3,000 sf</td>
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<tr>
<td>Exemption from Maximum Building Coverage</td>
<td>50%</td>
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An exemption from the maximum building coverage shall be given for a portion of the lot area occupied by the detached ADU form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached ADU building, up to a maximum credit of 500 sf. To qualify, the ADU form shall comply with minimum 15’ building separation, as measured according to Article 13, and at least 80% of the Street Level GFA of the ADU form shall be used for vehicle parking.
**ISSUE:** the current 1.5-story height limitation can complicate design and construction, in what already looks and feels like a 2-story building. This adds unnecessary cost and time to design, build, etc.

**What we’ve heard from the committee:**
- *Confirmed, it is an issue*
- *This is possibly the greatest barrier to economical ADU construction*
- *Causes design/construction complications*
- *Prevents many pre-fab/construction efficiencies*
- *Makes the structural design more complicated*
Height in Stories

400sf due to combination of form standards
BACKGROUND: Are we adding unneeded construction detailing, finishing, corners, jogs, water-proofing, loss of square-footage, etc.
Height in Stories

POTENTIAL SOLUTION: Would a context-based approach achieve success?

2-stories in Urban – 1.5-stories in Urban Edge – 1-story in Suburban

Other input needed around height:

• 2-stories in URBAN feels appropriate
• Is 1.5-stories in URBAN EDGE worth maintaining or should it move to 2-stories as well?
• 1-story may feel more appropriate in SUBURBAN, but could 1.5-stories work with substantial setbacks or placement?
ISSUE: The Bulk-plane height makes the quality of living space in an ADU less than desirable, especially on smaller lot sizes/narrow lots.

What we’ve heard from the committee:

- Confirmed, it is an issue
- Often can’t utilize the full square footage allowance
- It is built but not used
- Very low head heights on two sides of the ADU
Bulk-Plane Height

BACKGROUND: Let’s take a look at how the BP works in real life and some of the issues associated with it.
Bulk-plane
Bulk-plane
Bulk-plane
Bulk-plane Modified
Bulk-plane Modified
Bulk-plane Modified
Bulk-plane Modified
POTENTIAL SOLUTION: Modify the Bulk-plane height 1-2’ in URBAN context? does URBAN EDGE need an increase? Or are the larger lot sizes sufficient?

Are there blind spots/unintended consequences to keep in mind? Should dormers be allowed to ‘pierce’ the bulk-plane?
ISSUE: the current building coverage exemption (50% or 500sf max) only applies to ‘vehicular storage’ and not to ADUs

What we’ve heard from the committee:

• **Confirmed, it is an issue**
• **We need to stop prioritizing cars over housing**
• **We don’t see enough single-story ADUs built, which could also make ADUs more accessible**
• **This causes costs to rise dramatically by forcing a 2-story structure on many smaller lot sizes**
BACKGROUND: This rule is a carryover from our garage building form standards and was a way to help ‘incentivize’ parking on-site. We have seen that the market is yielding garages and parking for most new construction.

More single story ADUs are wanted
Building coverage exemption

Building Coverage Exemption – parking must be 80% of ground-floor

80% of 650sf = 520sf
520sf of ground-floor must be parking
Building coverage exemption

POTENTIAL SOLUTION: Extend this exemption to ADUs
Would apply to either an ADU or a garage... maximum lot-coverage would not be increased.
Are there blind spots/unintended consequences we should keep in mind?

Other major concerns?
Setbacks

ISSUE: Current setbacks are the same citywide 5’ side and rear, except for the smallest lots < 30ft wide, which allow for 3’ side setbacks.

What we’ve heard from the committee:

- **Confirmed, it is an issue**
- **Concerns around privacy and sunlight**
- **But is privacy any different than a large primary structure?**
Setbacks

BACKGROUND: Setbacks may help with concerns around privacy and access to sunlight, we have a need for appropriate setbacks where alleys do not exist, especially in the Suburban Context.

Also need to balance construction feasibility and site constraints, if we are to remove barriers.
BACKGROUND: What can currently be built in Suburban Context:

Setbacks

- PRIMARY STRUCTURE – 20’ rear setback
- 35’ tall
- GARAGE – 5’ rear setback
- 17’ tall, 0’ side setback
- POTENTIAL ADU – 7’ rear?
- 7’ side?
BACKGROUND: What can currently be built in Suburban Context:

Setbacks

PRIMARY STRUCTURE – 20’ rear stk
35’ tall

POTENTIAL ADU – 7’ rear?
BACKGROUND: What can currently be built in Suburban Context:

GARAGE – 5’ rear stk
17’ tall, 0’ side stk

POTENTIAL ADU – 7’ rear?
BACKGROUND: What can currently be built in Suburban Context:

- PRIMARY STRUCTURE – 20’ rear stbk, 35’ tall
- GARAGE – 5’ rear stbk, 17’ tall, 0’ side stbk
- POTENTIAL ADU – 5’ rear?
BACKGROUND: What can currently be built in Suburban Context:

- **PRIMARY STRUCTURE** – 20’ rear stbk, 35’ tall
- **GARAGE** – 5’ rear stbk, 17’ tall, 0’ side stbk
- **POTENTIAL ADU** – 7’ rear?
BACKGROUND: What can currently be built in Suburban Context:

PRIMARY STRUCTURE – 20’ rear stbk
35’ tall

GARAGE – 5’ rear stbk
17’ tall, 0’ side stbk

POTENTIAL ADU – 10’ rear?
PROPOSED SOLUTION: In areas without alleys, a 7’ setback is consistent with our citywide ‘tree lawn’ and ‘amenity zones’ (a fully mature tree has enough soil volume and space) to provide a full life of privacy/screening.

If two ADUs were next to one another, across properties, a 14’ space would be provided between them, or room for a double row of trees.

Are there blind spots/unintended consequences to keep in mind?

Does a larger setback actually increase the feeling of privacy? 5’, 7’, or 10’?
ISSUE: Existing structures, like garages, are not allowed to be converted if they don’t meet the current ADU regulations, such as 5’ setbacks from side and rear property lines.

Balancing privacy and cost/re-use, cannot increase non-conformity
Re-use of existing structures

BACKGROUND:

Balancing privacy and cost/re-use, can not increase non-conformity

What we’ve heard from the committee:

• Confirmed, it is an issue
• We should allow for re-use of structures where feasible
• Public survey suggests it is of interest
Re-use of existing structures currently not allowed to use the red garage
Re-use of existing structures
potential outcome of addition to garage
Re-use of existing structures

POTENTIAL SOLUTION: Allow an existing accessory structure to be used as an ADU even if it doesn’t meet all the building form standards for a detached ADU.

Balancing privacy and cost/re-use, cannot increase non-conformity (meaning that any increases in footprint, height, etc. would have to meet ADU form standards) any newly added portion, like upper stories, would have to comply with the current standards.

Are there blind spots/unintended consequences we should keep in mind?

Other major concerns?
Quick Discussion Recap Where are we potentially close and what needs more work?

- **Minimum Lot-Size**
  - Fairly strong support for removing minimum lot sizes

- **Height in Stories**
  - Definitely allow 2 story in Urban and consider full two story in Urban Edge (need modeling). For Suburban, a 1-story limit may be too restrictive, so taller should potentially be allowed with greater setbacks (need modeling). Staff will consider relationship between setbacks and resident feedback about privacy.

- **Bulk-Plane Height**
  - Bulk plane should become at least a little more flexible, at least (or especially) on narrower lots where it becomes a major barrier

- **Building coverage exemption**
  - Relatively strong support for ADUs being able to use the same building coverage exception as cars. Interest in potentially going further aligning detached garage and ADU footprint standards

- **Setbacks**
  - May need more work and modeling + also depends on where we land with overall height limit in Suburban. There’s interest in more flexible setbacks in the Urban context as well (primarily to create parity with detached garage standards)

- **Re-use of Existing Structures**
  - Fairly strong support, considering that expansion/increasing height of a garage would still have to follow detached ADU standards (also note that making setbacks much more flexible might also relate to re-use of existing structures.) Consider not allowing in Suburban, where there are no alleys or on larger lots?
**Public Outreach**
- Public survey on Issues closed last month
- Public survey on Alternatives
- Public meeting on recommended strategy

**Focus Group**
- Focus groups to explore specific topics like suburban context, design/build issues, renter concerns, etc.
Focus Group Discussion

Focus Groups moving to a rolling/as needed basis:
To help staff propose alternatives and prioritize decision making as we progress

• **Suburban Focus Group** meeting next week to discuss Suburban specific issues
  A small group of 8-12 folks, some committee members – 6/16
• Will report back to this committee with findings
• **AIA/Architecture Focus Group** in the planning stages to be held in July
Next meeting: August 4, 2022 (skips July)

**Alternatives – Looking to Solutions**

In June, we've explored initial alternatives/solutions.

At the next meeting we will continue looking at possible solutions to support staff preparation of an initial strategy or set of recommended alternatives.
Thank You!