

# ADU Advisory Committee – Meeting #6

September 8, 2022 – via Zoom

Prepared by the Consensus Building Institute (CBI)

## Meeting in Brief

The Advisory Committee met to review and discuss an initial draft strategy for reducing barriers to building ADUs and creating neighborhood-sensitive standards. Based on input received today, staff will edit the draft strategy, prepare additional graphics to support the next Committee discussion, and set up suburban focus group meetings to further vet the proposed strategy for the suburban neighborhood context.

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.

## August 25<sup>th</sup> Open House

City staff briefly recapped highlights from the August 4 Committee meeting, as captured in the meeting summary and slide 3 from tonight's presentation. Staff then summarized the information provided and input received at the August 25<sup>th</sup> ADUs-in-Denver Open House. At the Open House, participants visited with staff and Committee members at 10 different stations around the room. The stations included maps, information on feedback collected thus far, description and illustration of major issues and associated potential solutions for removing barriers to ADUs and adapting them to the different neighborhood contexts. 21 in-person participants filled out survey worksheets with additional feedback. Surveys are also being collected on-line.

Survey responses so far have been generally supportive of the approaches the ADU Committee has discussed regarding barriers to ADU construction and tailoring ADU design to the different neighborhood contexts. Responses to the following questions were strongly supportive of proposed strategies:

- *Do you support allowing a detached ADU to have a full second story in urban edge neighborhoods?*
- *Do you support allowing a detached ADU to have a full second story in urban neighborhoods?*
- *Do you support removing minimum lot sizes to allow detached ADUs to be built on a wider range of lots in areas already zoned to allow ADUs?*
- *Do you support allowing more flexibility for converting existing structures into ADUs?*
- *Do you support increasing the bulk-plane height by up to 2' in order to allow for more habitable and economical ADU outcomes in urban neighborhoods?*

Responses to questions related to garage allowance and minimum rear setbacks were less uniformly supportive. There were additional comments about reuse of existing structures and designing and siting ADUs in urban neighborhoods. This feedback was summarized on slides 4-9 of the presentation.

Committee members commended the staff on the Open House and on separating out issues that cannot be addressed through this project. A few Committee members who participated in a focus group were surprised to hear public responses that were somewhat contrary to those discussions.

Committee questions included the following:

- The survey questions pointing toward *relaxing* regulations seem to be much more positively received, versus those looking at increasing *limitations*. Do you have an interpretation of why that is? *Staff response: the numbers were actually split between people who were very supportive and those who were opposed; so, these numbers average out, and may not be surprising. Staff will look into this in its ongoing public input process.*

## Discussion of Initial Draft Strategy

Josh Palmeri walked the group through the proposed zoning code changes at a conceptual level and solicited Committee members' input on each. He explained that so far, many issues have been discussed in isolation, and the goal for tonight is to bring them together with visuals to illustrate. He reminded the group that these changes are intended to promote equity, flexibility, ADU construction in general, and increased clarity for those interested in building ADUs on their lot.

### General Proposed Changes

Based on input received thus far, **form changes** should potentially include:

- **Removal of minimum lot size**, making sure that all properties are eligible for an ADU. Zoning shouldn't impact whether people have that flexibility.
- **Allowing for full two-stories** in Urban/Urban Edge settings, maintaining height and feet requirements/allowances.
- **Increased flexibility for smaller lots' bulk plane, setbacks, and square footage allowance.** A and B districts fit that description. The City would be proposing modifications in bulk plane height to make second story habitable. The Committee has heard clearly that it should be made easier to build single-story ADUs.
- **Adding new Suburban ADU zone districts** with context-sensitive form standards, including lower height limit.

The City is also looking at the following **use changes**:

- Allow ADUs as accessory to **other** uses like duplexes and row homes (TU/RH)
- **Remove** Owner-Occupancy requirement in single-unit (SU)
- Increase **use** allowance in square footage up to the next threshold
- **Remove** 'overcrowding' rule (Committee members generally agreed with this, given equity and enforcement challenges)

### 1) Urban Context

Josh reminded Committee members that urban neighborhoods are where most ADU permits are being applied for and issued, as well as legislative rezoning. 77% of all permitted ADUs are built on urban lots, with 25% in U-SU-B1 alone.

Proposed changes for the **urban** context include

- **Remove minimum lot-size requirements**, making all properties at least eligible for a detached ADU
- **Allow for full two-stories** across the board in Urban and Urban Edge, maintaining height and feet requirements/allowances
- **Added flexibility for small/narrow lots.** A and B districts fit that description. The City would be proposing modifications in bulk-plane height to make the second story habitable.
- Make single-story ADUs **easier** to build

The following points were raised regarding potential ADU changes to the urban context:

- Some members would like to see more graphics illustrating how a second story could impact adjacent residents, including in terms of shade. The City will tailor visuals to make these dynamics more clear in the next meeting.
- There were questions regarding the roof angle on two-story ADUs. Staff noted this is due to the ongoing bulk-plane requirement, which governs roof angles and can impact smaller lots.
- Is the City intending to allow dormers to project into bulk plane? Yes, *this issue will be discussed at the next Committee meeting.*
- There was a remaining concern about two-story ADUs in the suburban context, particularly around privacy and potential shading of neighbors' properties. While the suburban focus group discussed and provided input on this topic, at least one Committee member felt there was cause for further discussion, potentially involving other suburban neighborhood representatives. Staff will follow up with another focus group discussion in coming weeks.

## 2) Urban Edge Context

Ultimately, the City is not proposing to change much in this district either. Modifications will be made to the same items as in the Urban context. Priorities include the ability to have a fully habitable second floor, even with bulk plane restrictions. Proposals are intended to open up opportunities for more single stories.

Based on input received, the City is proposing to:

- Remove **minimum lot-size** requirements, making all properties at least eligible for a detached ADU
- Allow for the full **2 stories** across lot size
- Added flexibility for **small/narrow** lots (i.e., bulk plane, setbacks, and square footage allowance)
- Make single-story ADUs **easier** to build

The Committee discussion included the following:

- A Committee member noted there are currently many ways to comply with the 1.5-story requirement; this strategy opens up opportunity for windows that put people in eyesight directly into neighbors' yards. There are ways to architecturally fix this, but this may be worth looking at. Staff believe may be equivalent in terms of privacy to what exists now.
- Another remaining concern was the impact to the sense of open space. It would be great to see a visual comparison between 1.5 and 2 stories to see what difference that would make for the back yard and shading.
- Since an ADU is an 'accessory' to an existing property, it clearly cannot be bigger. How can we raise the bulk plane and still be within those limitations? *Staff response: the ADU rules create limitations in square foot and bulk plane. Ensuring overall subordination to the primary structure is part of this requirement.*
- The Architects/Builders Focus Group noted that ADUs on corner lots should consider omitting the bulk plane or other restrictions be lifted like side setbacks on the side of the ADU facing the street, as it could appear as its own house and is not creating a benefit on the street side.
- Related to incentivizing single-story ADUs: Is the purpose for the ADU to be treated similarly to garages? If so, is that because garages have an incentive? Yes. *The building coverage*

*exception considered only currently applies if vehicular storage is provided. We are trying not to give incentives for parked cars that we can't also give to housing.*

- Has staff considered allowing the rear setback for units without garage doors on at least half the ADU? Yes, it's an administrative challenge but staff is thinking about it.

### 3) Suburban Context

Here, the group is looking at similar adjustments as proposed for Urban and Urban Edge districts:

- Remove **minimum lot-size** requirements, making all properties at least eligible for a detached ADU
- Added flexibility for **small/narrow** lots
- Make single-story ADUs **easier** to build
- Add new Suburban ADU zone districts with context-sensitive form standards
  - Lower height limit to 1-story and 17' tall
  - Increase rear setback with flexibility for smallest lots to address privacy issues

Staff reminded Committee members that the changes are not intended to rezone any parts of the city for ADUs; rather, they would create suburban zone districts on the books that would be available for property owners to rezone into. One Committee suggested considering the staff consider the following in making final ADU recommendations for suburban neighborhoods:

- Only allow two stories for ADUs if it is in a neighborhood with two-story homes; some neighborhoods have covenants limiting homes to single stories
- Access to detached ADUs can be awkward, so considering attached ADUs could be helpful

The discussion included the following:

- One member expressed concern that a 7' rear setback may not be sufficient. This was somewhat in contrast to input from the first Suburban Context Focus Group discussion, in which participants expressed that there seemed to be a negligible difference between 7' and 10' rear setbacks. Staff will inquire further with suburban representatives about this; they want to ensure there is adequate input from suburban residents.
- A few Committee members emphasized once again that they and others they know in suburban settings would like fewer barriers and increased ability to build ADUs. Currently, zoning and other issues make it extremely difficult. Perspectives in different neighborhoods vary greatly; it may not be for everyone, but the goal is to increase access to housing, and this is a good direction for that purpose.
- The suburban context doesn't have alleys, generally, and most don't have side-loaded driveways back to the ADU. So, in some ways an attached ADU makes a lot of sense for access purposes.
- Committee members expressed interest in seeing additional models to compare and contrast attached versus detached ADUs.
- In District 3, where a displacement analysis is being conducted of approximately 13,000 households, it's been observed that the majority of residents are going to Districts 2 and 11. 50% of households double up, which will increase in those districts. Creating flexibility for families is incredibly important. Modeling attached versus detached would be helpful for comparison.
- Staff confirmed that, with the proposed changes, both an attached or detached ADU are possible. Citywide guidance is clear that housing options should be available, so prohibiting detached ADUs may not be seen as an equitable approach. Staff noted that regulations

around detached ADUs are more complicated than attached ADUs, which would be similar to home renovation.

- When the Suburban Context Focus Group was asked about recommendations, was the increase in population in certain areas included in their considerations? *Yes, that perspective has been brought into these discussions throughout the course of that process and project.*

The City confirmed there will be more focused discussion before the next Committee meeting with respect to the Suburban context in particular. Staff will be exploring solutions that **align with the project goals, address the criteria of effectiveness, equity, flexibility, and predictability, and address key stakeholder concerns.**

### Wrap Up + Next Steps

#### October – November Advisory Committee Meetings:

- Review + finalize changes for draft zoning amendment
- Review final zoning amendment

**Next Meeting:** The October Committee meeting will continue to look at proposed strategies for a redline draft of code changes. Input from tonight’s meeting will be incorporated into proposed adjustments for the October meeting.

### 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, ADUs in Denver

Abe Barge, Principal Senior Planner, City Planning Department

Libby Kaiser, Senior City Planner

Alisa Childress, City Planning Department

### Committee

Present		
x	Councilwoman Kendra Black	Denver City Council Member for District 4
	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
	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
	Pamela Jiner	Director of Montbello 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
	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)
	Brooke Murphy	La Alma-Lincoln Park resident; planner/impact associate for Elevation Land Trust
	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
	Suzanne Reed	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

None.

### Public Q&A (with staff responses that were shared during the Zoom webinar)

- Why does there continue to be a lack of consideration of impacts to adjoining neighbors - especially where adjoining sites have atypical site conditions? I have made previous comment that there needs to be a mechanism within the DZC to allow for neighbor comment prior to issuance of permits. Example: height of ADU will shadow a neighbors driveway during winter causing a hazardous condition.
  - *We are proposing to modify the existing ADU building form standards to be more sensitive in suburban neighborhoods in response to concerns we've heard, but zoning codes in general aren't intended to address every unique circumstance. The height and bulk plane limitations are already calibrated to limit shadow impacts on neighboring properties. Public comments are always welcome during the rezoning process and we encourage property owners to reach out to their neighbors to understand their concerns.*
- Prior to eliminating the owner-occupancy requirement, I would recommend a much more broader survey. You may find out that this is not as popular or practical as you may think.

The unintended consequence is creating a condition that is outside the main goal of encouraging ADU's.

- *Our online open house survey is still open until 9/6, which will give us more insight into how the public feels about eliminating the owner-occupancy requirement. We appreciate the concerns regarding removing this rule, but our research of peer cities and conversations with national ADU experts indicates this requirement is a major deterrent to ADU construction and eliminating it hasn't caused the unintended consequences people fear.*
- So the footprint size will be based off the zoning, not the lot size? This slide seems to show something different than the earlier one that showed 7000sf or less can go 864, but that last slide shows based off of lot zoning. Which one will it be, or is that not decided yet?
  - *Footprints will remain with zoning, only use allowance will jump*
- Libby, This just my point. The current code does not address unique conditions - and it should. Once the allowance for ADU's is expanded, building one becomes a use-by-right and the only failsafe becomes communications between neighbors, which is not an optimum way to address impacts in many circumstances.
  - *As Abe mentioned, we'll continue modeling what we're proposing to better understand the impacts.*
- Libby, I am not concerned about out-of-state "experts" or what is happening in Seattle or wherever. Planners love to make these statements (how we should be bicycling like Amsterdam comes to mind), but as an architect and planner I find there is sometimes little relationship between these statements and local context. I, and my neighbors in our neighborhood group, are concerned about our homes IN DENVER.
- "I agree with Renee's observation in the chat (only some of the chat is visible to observers) — the bulk plane remains except in RH, and that needs to be emphasized. Otherwise "2 story" sounds to most folks as if it can go straight up to full height at the side setback. Retaining the bulk plane, the difference from 1.5 to 2 stories is removing the strange requirement that the upper story has to be smaller than the lower story, which has driven so many of the odd-looking ADU results."
  - *We appreciate that and will strive to better communicate how the bulk plane applies in conjunction with the height.*
- Another good point in the chat by Renee that I'd like to elevate — we should clarify what accessory/subordinate means for detached ADUs. The current code has some vague language in this regard that may lead to inconsistent interpretations when permitting
  - *We agree the code is quite vague in not defining what subordinate objectively means and we'll consider how this could be clarified in coordination with development services and our residential design reviewers.*
- "Libby, I've been doing snips of the slides, but missed the urban edge proposal slides. If you can't go back at the end of this meeting is it possible to email me those slides?  
rcsdesign@me.com
  - *All the Advisory Committee presentations are available on the project webpage, and this one should be posted soon, under Project Archive, Advisory Committee Meetings. I'll also email it to you.*
- Great! Thanks.

- *You're welcome. We appreciate your interest.*