

ADU Advisory Committee – Meeting #7

November 3, 2022 – via Zoom

Prepared by the Consensus Building Institute (CBI)

Meeting in Brief

The Advisory Committee met to further review the revised draft strategy for reducing barriers to building ADUs and creating neighborhood-sensitive standards. The purpose of the meeting was to hear the Committee’s input and questions regarding the updated strategies for Suburban and Urban Edge neighborhoods, in light of recent focus group discussions and City refinements, in preparation for discussing the final proposed strategy at the December meeting.

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.

Background/Introductions

City Councilmembers Black, Kashmann and Flynn introduced themselves and expressed appreciation for to the staff and Committee for considering their interests in recent conversations and tonight’s meeting regarding Suburban contexts in particular. City staff reminded the Committee of key components contained within the project’s scope, including removal of barriers to ADU construction to ensure alignment with a variety of neighborhoods and block patterns (i.e., suburban lots without alleys). The project will result in revisions to the Denver Zoning Code dictating the size, shape, and location of ADUs. The project will not propose to rezone properties. Thus, single-unit properties not already eligible for construction of ADUs will not be issued those allowances through this project.

Recap of September Committee Meeting

Concerns raised at the September meeting included:

- The use of models being shown tend to illustrate maximum potential standards, whereas in practice, ADUs typically don’t maximize all use allowances simultaneously
- Access to rear of lots without alleys has been raised as an issue
- Short-term rentals, while not a focus of the meeting, have also been mentioned by Council as a factor for consideration
- Focus on context sensitivity in the removal of barriers to ADU construction
- Placement of suburban ADUs and setbacks not being large enough to mitigate privacy concerns
- 2-story height allowance on privacy and shadow impacts in Urban Edge
- What about non-suburban lots without alleys?

City staff emphasized the importance of incorporating these concerns in the revision of proposed approaches for Suburban and Urban Edge neighborhoods.

Recap of Focus Groups

Suburban Context Focus Group

Focus group discussions held in early October yielded feedback consistent with concerns brought up in September as well as earlier meetings:

- Greater concerns about **ADU placement**.
- Setbacks should be adjusted to **reduce shadowing and privacy impacts** to neighboring properties.
- **Concern about height** including that a one-story ADU can be up to 17’.

Urban Edge Context Focus Group

The focus group discussed a context-based approach that is a **blend between Urban and Suburban allowances**. Adopting a context-based approach ensures that greater allowances can be made for Urban contexts, where the demand for ADUs are greater, versus tighter allowances in Suburban areas, where concerns about ADUs are much greater.

The focus group considered whether a two-story allowance is appropriate in Urban Edge contexts, as opposed to the 1.5-story limitation that this process proposes to eliminate. The discussion focused on Urban Edge neighborhoods without alleys and how it might be more appropriate to think about in terms of this context being somewhere between Urban and Suburban in terms of allowances.

The Committee discussed the following:

- This mixed approach may apply to Urban lots without alleys as well. Staff noted the City is in the process of analyzing how many lots in Urban contexts these allowances apply to currently. The hope is to strike a balance between removing barriers and creating allowances where ADUs are feasible.
- This mixed strategy applies to detached, rather than attached, ADUs, as the former have been the focus of concern.

Discussion of Updated Draft Strategy

Suburban Context

Joshua Palmeri introduced the modified approach for the Suburban context. The proposal at the last Committee meeting included:

- **Removal of minimum lot size requirements** to make all properties at least eligible for a detached ADU.
- **Making single-story ADUs easier to build.**
- **Adding new Suburban ADU zone districts** with context-sensitive form standards based on Council input, including a lower height limit.

The **new proposed strategy**, after modeling and testing comparisons, as well as presenting these models to focus groups, includes:

- **Modified location and form standards for 1-story ADUs (17’ tall)**
 - **10’ rear setback per property**, which would leave a minimum of 20’ spacing between units, currently more than current typical alley width allowance of 16’.
 - **Match primary structure’s side setback** (varies by lot width, up to 10’).
- **Modified strategy for 2-story ADUs**
 - 2-stories allowed **if** this fits in the primary envelope – 24’ maximum height.
 - 20’ rear setback per property.
 - Primary building allowance: 2.5-stories – 35’ tall

- **Match primary structure's side setback** (varies by lot width, up to 10')
- **Still limited by site constraints, use and 1,000sf maximum footprint size**
- Note that this option will likely be a **rare** outcome due to the cost of construction.

Committee discussion included the following:

- In the 2-story scenario, is the ADU required to be located entirely within the **primary envelope**? One possibility worth exploring, for instance, would be building an ADU attached by a breezeway to take advantage of the primary house bulk plane. The end result would not be much different from a detached ADU within the primary house setback.
- The larger **rear setbacks** could be an obstacle. Do these allowances consider the average lot coverage in Suburban areas? The City agreed that 20' is a large setback, but the City has heard that, because of privacy concerns, these may be needed for residents to feel comfortable with ADUs being built in their area.
- We should incentivize **one-story ADUs** in Urban Edge neighborhoods with **alleys**.
- A Committee member voiced that the 17' **height requirement** can be a challenge. Staff emphasized the need for a compromise to allow 2-story detached ADUs in some cases, e.g., where the impact would be similar to attached ADUs of the same size.
- We should incentivize **ADUs being placed in the center** of the lot rather than off to one side, to address concerns for neighbors on the side in addition to the rear. Staff agreed, emphasizing the intent of the bulk plane requirements is to help push the unit toward the center of the lot. The wider the lot, the more flexibility there is in this.
- Staff clarified that a 10' **rear setback** allows for landscaping and other privacy elements.
- Committee members expressed concern about the prioritization and ease of access for construction of garages as opposed to ADUs, stating the rules should **incentivize building housing** rather than garages.
- Councilmembers and some Committee members discussed why they believe allowances are greater for garages, why **privacy is different for suburban** lots than urban lots, and how placement on the lot doesn't necessarily make it easier to build a garage than an ADU. They emphasized that currently ADUs are not allowed in most suburban districts. Making them context-sensitive will go a long way toward opening new parts of the city to ADUs.
- Councilmembers agreed that building ADUs should be made easier across the city. Suburban neighborhoods are different than Urban contexts, so those requirements should be distinct.
- The City will be looking at these limitations in different lot conditions in Suburban neighborhoods to analyze how many lots could experience difficulties as a result of these proposed changes.

Urban Edge Context Draft Strategy

Joshua Palmeri reviewed the modified draft strategy proposed for the Urban Edge context. This included:

- **Removal of minimum lot size requirements**, making all properties at least eligible for a detached ADU
- The City has received and acknowledged feedback that 2-story ADUs may not be appropriate in all situations. While they make sense when alleys are present, **1-story ADUs may be more appropriate** when there are no alleys, or for small/narrow lots where primary structures are placed closer to the center of lot.
- 1.5-story ADUs do not seem to be appropriate outcome since, to get sufficient square footage on the second story, residents would need to build larger ground floors than

desired, adding to increased costs. Possible outcomes include smaller-footprint buildings, which are currently not allowed. This is a current limitation. This question has been raised with the Committee and the updated proposal is looking at adopting changes to simplify these aspects of construction.

The staff's **modified proposal** therefore includes the following provisions:

- **With alleys, follow Urban allowances**
- **Without alleys, follow modified Suburban allowances**
 - If a single-story is allowed – 17': 5' rear setback; match primary side setback
 - If a 2-story is allowed – 24': 12' rear setback; match primary side setback. *Note: you are still limited to ADU use limitations/allowances and footprint size of 1,000sf maximum (depending on lot size), but this option will likely be a rare outcome due to cost.*

Committee discussion included the following:

- 2-story ADUs are high-cost. When there is no car access (i.e., no garage), does that change its use? Is an office, workshop or studio permitted? Does the lack of car access change allowances? *The full two stories could be ADU use. It is limited to 1,000sf maximum.*
- With no alleyways, would a detached ADU present a problem for fire vehicle access? *Denver Fire reviews every proposal for egress and clearance (as well as hydrant location and hose length) and has rejected proposals for those reasons. Detached structures are allowed, and Denver Fire has the final say, so we do have a system of checks and balances in place.*
- Can the City incentivize one-story ADUs in the Urban Edge neighborhood when there are alleys? This will happen through lot coverage exemptions that make single-story ADUs possible, as well as removing building length requirement (up to 36' currently). The biggest incentive to building single-story ADUs will be cost.
- Committee members want to ensure that Suburban concerns are not being arbitrarily applied to Urban Edge contexts.

From the feedback received, City staff hear that the Urban Edge context is different enough from Suburban to need flexibility for rear setback smaller than 10'. Privacy concerns are citywide, so the **modified strategies** being proposed are attempting to balance the idea of **privacy, practicality, removing barriers, buildability, and being sensitive to context.**

Wrap-up + Overall ADU Strategy Update

Alisa Childress summarized the modified strategy being proposed:

- Urban neighborhoods will have **greater allowances**
 - 2-story
 - 24' tall
 - 5' rear setbacks
 - Flexibility for narrow lots
- Urban Edge context proposals include a **blended strategy** based on the presence of an alley
 - Different allowances for alley versus non-alley properties
 - With alley, follow Urban allowances
 - Without alley, follow modified Suburban allowances
- **Tighter allowances overall** in Suburban neighborhoods
 - 1-story
 - 17' tall

- 10' rear setbacks
- 2-story would only be allowed where a 2.5-story primary structure is also allowed.

Committee **responses** final comments included:

- A Councilmember expressed a strong interests in having owner-occupancy requirements, as well as concerns about short term rentals, to avoid speculation and ensure these are inhabited by local residents and families. This was echoed by a few members. *Staff suggested that requiring affordability restrictions might be one strategy to avoid speculation by investors. A Committee member suggested that using added density could incentivize affordability.*
- A Committee member voiced concern about removing the overcrowding rule and asked why this is being considered, wondering if it would violate the group living ordinance. Committee members explained this rule impacts housing affordability and is important for families who need to double up in housing. *City staff noted that group living limits still apply in these situations as well.*

Next Steps

City staff will incorporate feedback received during this meeting into a draft strategy report building on the initial alternatives report developed. This draft report will be shared at the December Committee meeting. Note that it will contain specific provisions not discussed during the Committee process. Staff will look forward to Committee and public input on all of these.

After a one-month final public strategy review period, staff will incorporate feedback into a draft proposed zoning amendment in early 2023.

Next meeting: The final Committee meeting will be held on December 15 from 4:30 – 6:30 pm.

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

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| Present | | |
| x | Councilwoman Kendra Black | Denver City Council Member for District 4 |
| | Councilman Chris Herndon | Denver City Council Member for District 8 |
| | Councilman Paul Kashmann | Denver City Council Member for District ? |
| | Councilman Kevin Flynn | Denver City Council Member for District ? |
| x | Gabriel Calderon | Member of BRUN-Berkeley Regis United Neighbors RNO |

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| 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 |
| | Pamela Jiner | Director of Monbello Walks/Montbello 2020 |
| | 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) |
| x | 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 |
| x | Suzanne Reed | Regis resident; concerned with housing options and short-term rentals near the university |
| | 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 |
| | 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

- Regarding what was brought up about using existing buildings: Setback rules can be changed, but building code issues from these old buildings will be an issue in addition to the zoning changes regardless. Use allowances are also an issue for ADUs. On 7.1.21, the text amendments went through, removing the maximum habitable space rule that was on the detached ADU chart. Most concerns are with privacy, but not many people are talking about use. With only 1,000sf habitable space, we're choosing cars over people again. Why do we care what's behind those walls? A shop wouldn't be less disruptive than a family. It feels like a political battle, but still it's unclear what the benefit of this change would be.
- A participant offers thanks to the City staff for their work.

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

- Hi, can you mention that the concern isn't just privacy for Suburban? It is also emergency access (that was a great point tonight), shadows not allowing ice to melt on sidewalks/walkways for N facing homes, and solar access among others. Thank you!
 - *Thanks, egress requirements are only 3'!! But yes, we've mentioned shadows/privacy/etc.*
- To that point of difference in neighborhoods - for me density was the reason I chose a house in a suburban neighborhood. I lived in a townhome for 20+ years and moved to a house in a suburban neighborhood to get away from the density. Others choose to live in the City for other reasons. It shouldn't be a negative as we are all different. We can all agree that housing is needed and that's why I appreciate the conversation.
 - *Thanks for your perspective. We understand there are important differences among our neighborhoods and we are trying to ensure that future ADU standards respond to the expectations regarding the maintenance of a particular neighborhood's character.*
- Owner occupancy is huge! Do not think this should change from today. Max square foot coverage is also problematic. Removing overcrowding rule is a mistake.
 - *We understand removing owner occupancy is a concern, but we've heard from ADU experts that it's a major barrier to ADU construction. We're still considering the appropriate solution. As for max square footage, our proposal is in line with peer cities and would better accommodate a range of household sizes while other standards would still limit the overall mass of the structure. The overcrowding rule is outdated and subjective and many jurisdictions are moving away from specifying a certain amount of square footage per person.*
- If the idea is to provide more housing, why would CM Kashmann want an ADU have to be removed and the tenants kicked out just because the owner decides to move out?
 - *When homes are sold now, renters are regularly kicked out. My goal is to keep properties available for the average home-buyer to purchase, not investment companies.*
- Agree with Councilman Kathmandu and Rosemary.
 - *Thanks for you input, Elaine.*
- Councilman Kashman, not Kath... spell check issue. Sorry.
 - *Thanks, but I've been called far worse than Kathmandu!*
- When homes are sold today, the amount of housing available is NOT reduced. But requiring the ADU to be decommissioned when the owner decides to live elsewhere DOES reduce the amount of housing available. Why is that a good outcome?
 - *We have investment companies buying hundreds of thousands of homes, making it ever more difficult for average buyers. This is one of the few things that limit their ability. I'd like to try to find a solution rather than just surrender a portion of our housing stock to hedge funds that we're trying to maximize.*
 - *Why would the ADU be decommissioned? Wouldn't the buyer be buying precisely because there is an ADU?*
 - *Say someone from out-of-state inherited a property with an ADU and couldn't / didn't plan to move. While they could rent out the primary dwelling, the ADU could not be rented and would have to be decommissioned, meaning a kitchen or bath would have to be removed or utilities cut so it would no longer qualify as a dwelling unit. This would displace existing residents.*

- Square footage of ADU versus primary dwelling unit had not been addressed adequately.
 - The square footage of an ADU would continue to be dependent on the square footage of the zone lot, regardless of the square footage of the primary dwelling.
- Thank you, I know this is a huge project and appreciate everyone's time.
- If one owns a home in SU and creates and operates an ADU, but then one moves out (perhaps to move in with a significant other), per the zoning rules today, since the owner is no longer an occupant, this ADU must be decommissioned. This is bizarre and should be fixed.
 - *Another good example.*
 - *Or they could sell the property.*
- So if a primary dwelling is 1,000 sq ft., the ADU can be 1,000 sq feet on a 7,000 sq. foot lot?
 - *Yes, it would be inequitable to limit the size of the ADU based on the size of the primary dwelling. Just because someone has a small home doesn't mean they should only be able to build a small ADU while someone with a mansion should be able to build a large ADU.*
 - *It's compared to the allowance of a primary, the primary could be 6,000sf on that same lot size.*