



Accessory Dwelling Units (ADUs) in Denver

City Council Budget & Policy Committee
January 9, 2023

Agenda

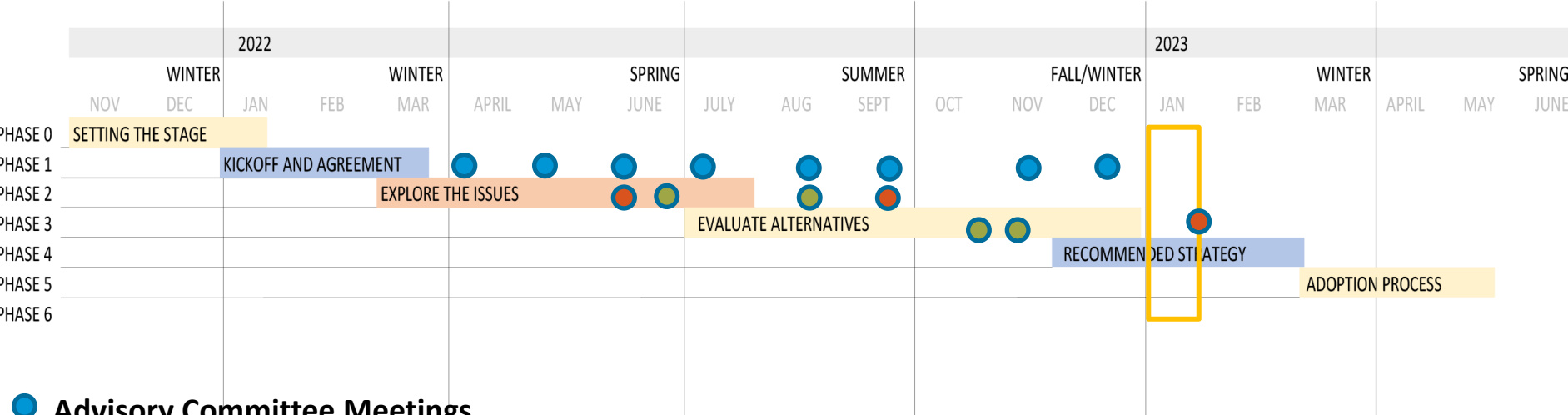
- Project overview
- Community engagement
- Key recommendations
- Q&A

Project Scope

- This project **is not** rezoning any properties.
- **It is** looking at how ADUs fit in with different neighborhoods and block patterns, like suburban lots without alleys (context-sensitive form standards), and how updates to the zoning code may reduce barriers to creating ADUs.
- **Outcomes will include** revisions to the Denver Zoning Code regarding the size, shape, and location of ADUs on a lot.



Process Overview



● **Advisory Committee Meetings**

● **Public Outreach**

- May survey on issues: 377 responses
- Aug-Sept survey and open house on solutions: 400+ responses
- Upcoming Public Open Houses Jan 24 – Feb 2

● **Focus Groups**

- Explored topics like suburban context, design/build issues, renter concerns

Community Outreach to Date

This project builds on extensive public input to remove barriers to ADUs through Blueprint Denver

Project-specific outreach:

- 1. Advisory committee
- 2. Focus groups
- 3. Public feedback at major project milestones
 - A. Surveys
 - B. Open houses
- 4. Neighborhood and Council meeting presentations (attend all requested)



ADUS IN DENVER

August 25, 2022 Open House
Survey Activity Worksheet

Thank you for coming to the ADUs in Denver Open House! The project began in fall 2021 to examine how the Denver zoning Code regulates ADUs (accessory dwelling units).

The basis for this project is Blueprint Denver, the city's long-range land use and transportation plan that based its recommendations on input from thousands of Denver residents. Blueprint Denver includes recommendations to remove barriers to constructing accessory dwelling units, and consider how they can fit better into different neighborhoods.

Project Objectives:

- Make it easier to create ADUs as an additional housing option
- Make sure new ADUs fit into different types of neighborhoods and block patterns, such as neighborhoods without alleys or neighborhoods with lower scale primary structures

The open house has several groupings of presentation boards providing general background and information about key issues identified so far and potential solutions for further discussion. We appreciate your feedback!

Considerations for Suburban Neighborhoods

ISSUE	ISSUE
ISSUE We've found that the lack of alleys and proximity to neighboring backyards in suburban neighborhoods creates privacy concerns when a detached ADU is taller than a house.	ISSUE The zoning code requires the same maximum setbacks (distance from a street, side or rear property line) for detached ADUs in all neighborhood contexts. We've found that the currently required setbacks may not be enough in suburban neighborhood properties without alleys because ADUs would be relatively close to neighboring backyards.
POTENTIAL SOLUTION Based on discussion alone, the city is exploring reducing the height allowance to 1-story for detached ADUs in suburban neighborhoods.	POTENTIAL SOLUTION The city is exploring potentially required setbacks for detached ADUs in suburban neighborhoods. How that impacts on neighborhood backyards could also be addressed by reducing allowed ADU height as described above.
QUESTION 10. Do you support reducing the detached ADU height allowance to 1-story and 17' to match the current garage allowance in suburban neighborhoods? Strongly Oppose Oppose Neutral Support Strongly Support	QUESTION 11. Do you support requiring minimum rear setbacks for detached ADUs in suburban neighborhoods? Strongly Oppose Oppose Neutral Support Strongly Support
GENERAL QUESTION 12. Do you have other comments about ADUs in suburban neighborhoods?	SUBURBAN NEIGHBORHOOD CONTEXT MAP See the Background boards for a larger map.

ADUs in Denver Survey Activity Worksheet

Open House
Participant worksheets

Community Outreach to Date

- Project Newsletter & Registered Neighborhood Organizations Outreach
 - First advisory committee meeting In March
 - Public survey in May
 - Open house notification
 - In-person event in August
 - Extended virtual open house through mid-September
- City Council
 - 3 share kits provided
 - Progress update for B&P Committee in May
 - Info item for LUTI Committee in August
 - City Council briefing invitation earlier this month



ADUs in Denver
Open House
4:45 – 7:15 p.m., Thursday, August 25
Carla Madison Recreation Center
And online: August 26 - September 2
denvergov.org/textamendments

 **DENVER**
COMMUNITY PLANNING
& DEVELOPMENT

Outreach Events to Date

Advisory Committee Meetings

- Meeting #1 – March 3, 2022
- Meeting #2 – April 7, 2022
- Meeting #3 – May 5, 2022
- Meeting #4 - June 9, 2022
- Meeting #5 - August 4, 2022
- Meeting #6 – September 8, 2022
- Meeting #7 – November 3, 2022
- Meeting #8 – December 15, 2022

Focus Groups

- Suburban Context focus Group – June 16, 2022
- AIA Focus Group - July 27, 2022
- Urban Edge Context focus group – October 2022
- Suburban Context focus group – October 2022
- AIA focus group – November 2022

Public Meetings

- Public Survey - ADUs issues/concerns – May 2022
- In Person Open House – August 25, 2022
- Online Open House – August 25-September 16, 2022
- Additional outreach events – January 2023

Planning Board and City Council

- Planning Board info item - May 4, 2022
- City Council Budget and Policy Committee update - May 9, 2022
- City Council LUTI – August 16, 2022
- City Council Briefings – November 2022
- City Council Budget and Policy Committee update – January 2023

Presentations to Neighborhood Groups (by request)

- INC ZAP – April 23, 2022
- University Park RNO – May 4, 2022
- East Wash Park RNO – May 11, 2022
- Bellevue-Hale Neighborhood Association – May 31, 2022
- Harvey Park RNO - Aug 27, 2022
- INC ZAP – September 24, 2022
- Wash Park East Neighborhood Association – Nov 8, 2022
- West Highlands Neighborhood Association – Jan 3, 2023

Presentations to Industry Organizations

- Presentation to AARP – April 20, 2022
- Panel discussion on ADUs for Mile High Hosts – April 28, 2022
- Presentation to Near SE Plan Steering Committee – May 12, 2022
- Presentation to CNU Colorado – May 12, 2022
- Presentation to ULI Housing Committee – June 7, 2022

UPCOMING Community Outreach

Jan. 24th – Feb. 2nd

- Talk to a city planner / office hours
- In-person open houses
 - 5 locations throughout the city
- Virtual open house



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A small illustration of a red house with a white garage door and a chimney. The house is set on a green lawn with a tree in the background.

Considerations for Suburban Neighborhoods

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GENERAL QUESTION 12. Do you have other comments about ADUs in suburban neighborhoods?	SUBURBAN NEIGHBORHOOD CONTEXT MAP See the Background boards for a larger map. A map of Denver showing various neighborhoods. Some neighborhoods are highlighted in green, indicating suburban areas. The map includes street names and neighborhood names.

Open House
Participant worksheets

Overview of Recommended Strategy

- Primarily address detached (rather than attached) ADUs
- Some updates apply everywhere (citywide)
 - Detached ADUs should be feasible on a wider variety of lots already zoned for ADUs
 - One-story ADUs should be easier to build
 - Lot size, coverage, sq. ft., existing structures, non-SU uses, owner-occupancy
- Many updates should vary by neighborhood context (U- , E- , S-)
 - Especially related to the location and height of a detached ADU in a suburban vs. urban environment
 - Setbacks, building height, bulk plane

Citywide Building Form Recommendations

Topic	Recommendation
Minimum lot size	Remove the min lot size requirement to allow all lots zoned for ADUs to at least be eligible for a detached ADU.
Building coverage exemption	Extend the building coverage exemption from garages to include detached ADUs, which will make it easier to build single-story ADUs and convert existing garages

Citywide Building Form Recommendations

Topic	Recommendation
Building coverage exemption	

- Make single-story/re-use easier
- This will remove a barrier to the construction of the type of dedicated affordable ADUs provided by the WDRC Single Family+ program



 **WDRC**
<http://www.mywdrc.org>



SA+R

Experience the different ADUs by scanning the QR code with any compatible smart phone.

2 Bedroom ADU

590 sf, 1 Bath



Citywide USE Recommendations

Topic	Recommendation
Minimum ADU size allowance	Increase the smallest max floor area from 650sf to 864sf to help improve the cost efficiency of building an ADU. Remove the overall structure length max to create more flexibility on narrow lots.
Re-use of existing structures	Allow garages that do not meet the min setbacks for a detached ADU to be converted to reduce the cost of construction, promote sustainability, and prioritize housing over parking
Accessory to non-single unit uses	Allow ADUs to be accessory to two-unit and multi-unit uses, to allow families in duplexes and row-homes to also create an accessory living space if needed.

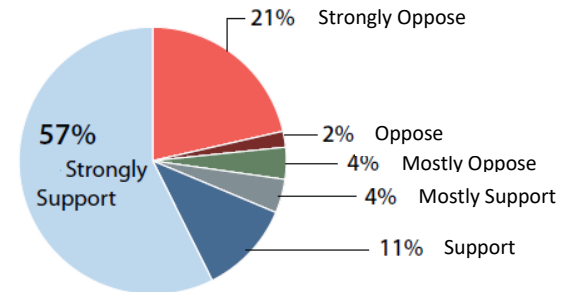
Citywide USE Recommendations (continued):

Keep Owner Occupancy Requirement

- Currently an ADU is only allowed when the property owner lives on site.
- Most agree that the owner occupancy requirement should be made more flexible, but concerns remain about owners living off-site
 - Advisory Committee
 - Public Surveys

Owner Occupancy

Do you support removing the owner-occupancy requirement in single-unit zone districts so that ADUs do not have to be “decommissioned” as dwelling units and residents forced to move out if the property owner can no longer live on the property?



Public Survey 9/16/22 – 400+ total responses

Context-based Recommendations (*not citywide*)

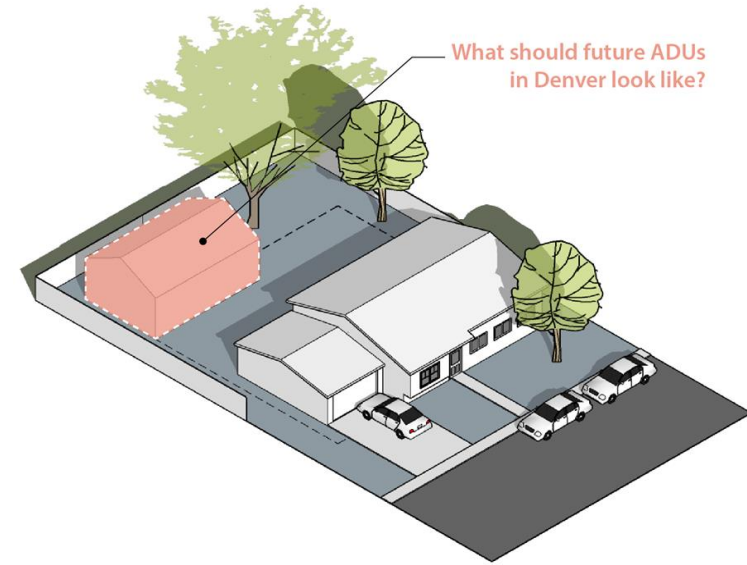
- Greater allowances in **URBAN** neighborhoods with flexibility where ADUs most easily fit in



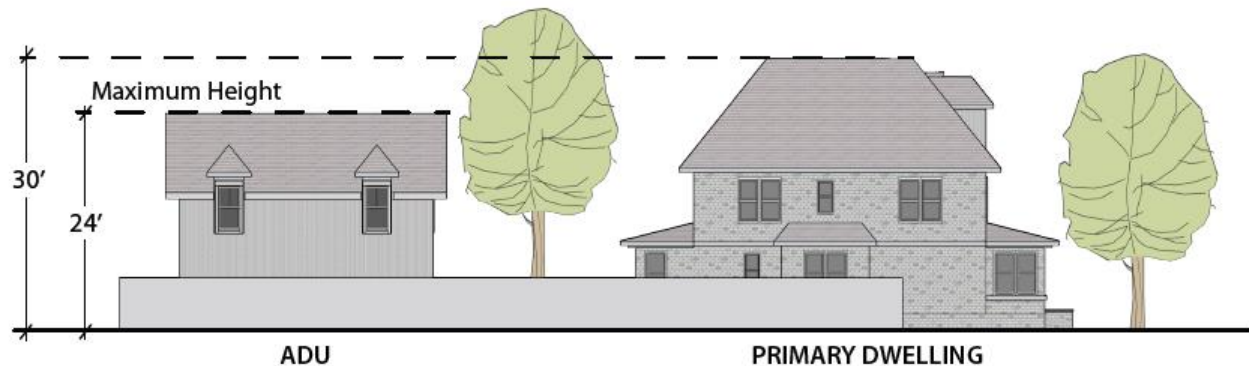
- Allowances for **URBAN EDGE** neighborhoods that recognize the unique balance of Urban and Suburban conditions



- Sensitive location and form standards in **SUBURBAN** neighborhoods



Draft Recommendations for Urban Neighborhoods



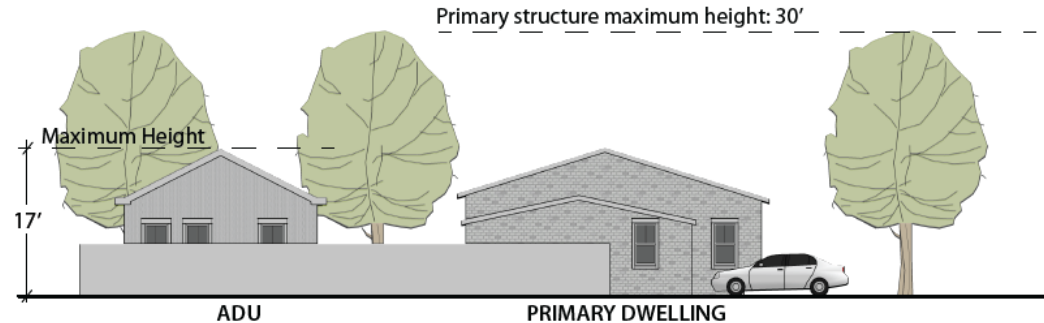
- Allow for a full two stories
- Added flexibility for small/narrow lots
lots <40' in width
- Make single-story/re-use easier
- Allow for some additional design elements

Height	
Maximum Height	Two-stories (24')*
Bulk Plane	For most lots, starts at 10' above the side property line and continues toward the center of the lot at a 45 degree angle., same as existing requirement for detached ADUs For the narrowest lots, starts 12' above the side property line and continues toward the center of the lot at a 45 degree angle.*
Setbacks	
Minimum Rear Setback	5' when garage door is present, 0' if no garage door is present*
Minimum Side Interior and Side Street Setback	3' for lots 40' wide or less*, 5' for lots greater than 40' wide
Design Elements	
Balcony/Entry Deck	35sf max allowance when an alley is present (not allowed to encroach into side setback)*
Dormer	Dormers allowed to penetrate the Bulk Plane*

* Indicates a standard that is different than the existing regulations

Draft Recommendations for Urban Edge Neighborhoods

- Allow for a full two stories on an alley
Single-story without alley, unless setback 12'min
- Added flexibility for small/narrow lots
lots <40' in width
- Make single-story/re-use easier
- Allow for some additional design elements



	Without Alley	With Alley
Height		
Maximum Height	One-story (17') if set back at least 5' from rear property line Two-stories (24') if set back at least 12' from rear property line	Two-stories (24')
Bulk Plane	For most lots, starts 10' above the side property line and continues toward the center of the lot at a 45 degree angle, same as existing requirement for detached ADUs For the narrowest lots (40' wide or less), starts 12' above the side property line * to ensure that a two story ADU can be built.	
Setbacks		
Minimum Rear Setback	5' for one-story, 12' for two-story	5', same as existing setback for ADUs
Minimum Side Interior and Side Street Setback	5' for the most common lot sizes, 3' for the narrowest lots (same as required setbacks for the primary house)	
Design Elements		
Balcony	35sf max balcony allowance when an alley is present*	
Dormer	Dormers allowed to penetrate the Bulk Plane*	

Draft Recommendations for Suburban Context

- Add new Suburban ADU zone districts with context-sensitive form standards
- Single-Story – 17' tall with 10' rear setback unless it fits in the 'primary envelope'
- Make single-story/re-use easier



Height	
Maximum Height	One-story (17') if set back at least 10' from rear property line* Two-stories (24') if set back at least 20' from rear property line (same as the rear setback for the primary house)*
Bulk Plane	Starts 10' above the side property line and continues toward the center of the lot at a 45 degree angle, same as existing requirement for detached ADUs
Setbacks	
Minimum Rear Setback	10' for a one-story ADU or 20' for a two-story ADU* (20' is the rear setback for the primary house, so this means a two-story ADU could only be built in the same part of the lot where a 2+ story house could be built)
Minimum Side Interior and Side Street Setback	7.5' for the most common lot sizes,* 5' or 3' for the narrowest lots (same as required setbacks for the primary house)

Questions and Discussion

- What is your input on recommendations, including owner occupancy?
- Do you have recommendations for locations/groups for upcoming public outreach?
- Anything else we haven't considered?

Appendix

DRAFT FOLLOW UP ACTIONS

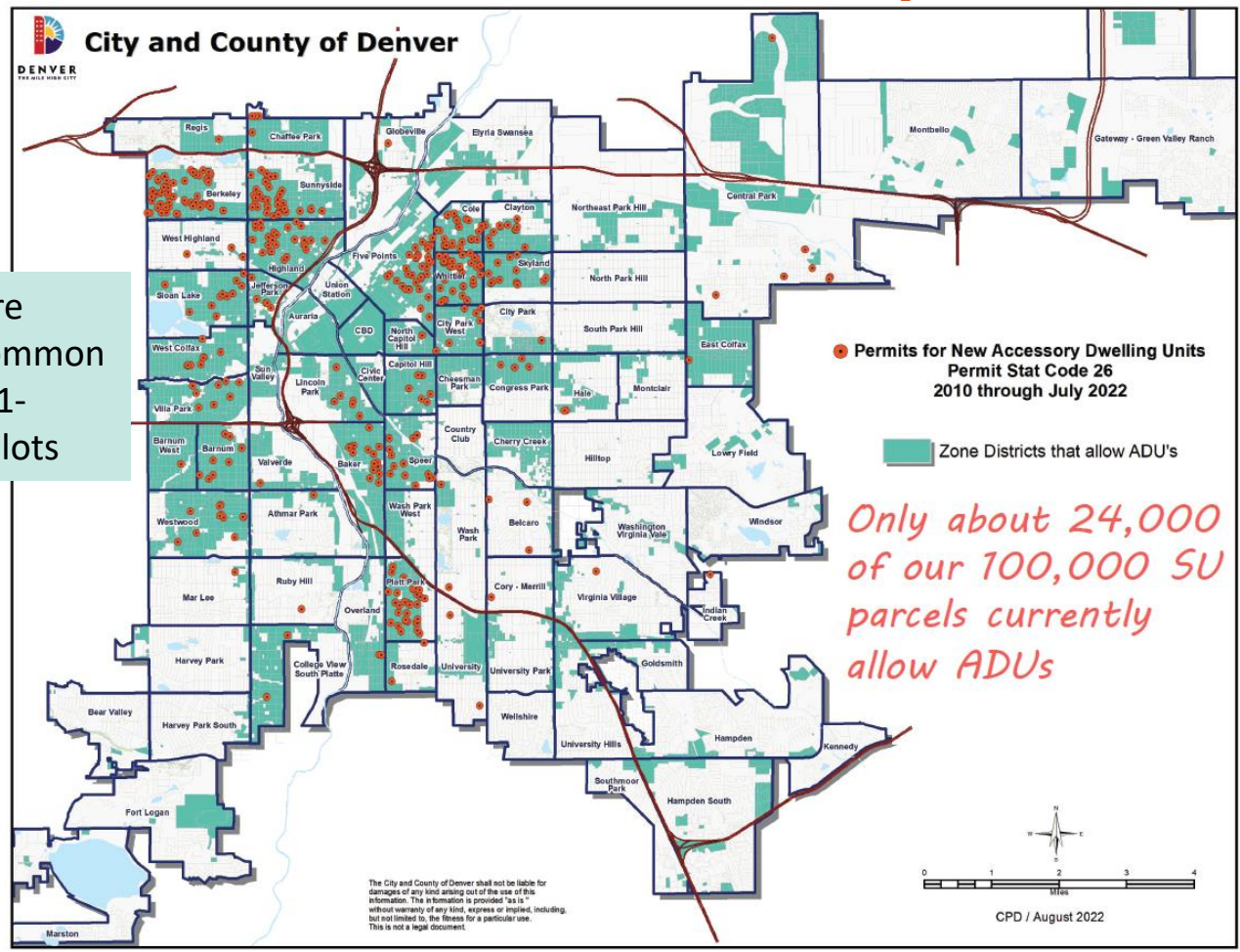
Topic	Recommendation
City of Denver Actions	
Permit Processes and Related Fees (fees charged by the City of Denver)	Continue to review overall permitting processes to promote a streamlined process for adding housing options in Denver, including ADUs. This should include review of permitting fees based on project cost to ensure that such fees do not create an unnecessary barrier to ADU construction.
Denver Building and Fire Code (establishes the minimum, mandatory standards for building construction in Denver based on international standards for safe, habitable structures)	Consider impacts on ADUs in future building code updates, including thresholds for review of project using the Residential Building Code vs. the International Building Code, as well as standards related to the conversion of existing structures, like detached garages into habitable dwelling units.
Required Public Improvements (off-site improvements sometimes required in conjunction with a development project)	Continue to review whether if or when construction of an ADU may trigger required public improvements, such as sidewalk reconstruction to ensure that the benefits of adding housing options in Denver are balanced with community benefits resulting from public improvements.
Other (Non-City) Actions	
Water and Sewer Tap Fees (fees for connecting new development to public infrastructure)	Continue to work with Denver Water (a public utility separate from the City of Denver) on when and how tap fees are applied to new ADUs and whether ADUs may use an existing water tap to reduce costs associated with building and ADU.

Background: Where ADUs are allowed and where they have been permitted

ADU permits by lot size

Lot Size	Number of Permits
< or = 3000	3
3001 - 4500	97
4501 - 5500	83
5501 - 6000	17
6001 - 7000	151
7001 - 8500	31
8501 - 9000	8
9001 - 10000	12
10001 - 12000	5
> 12000	8
	415
ADU median size is 647 sf	

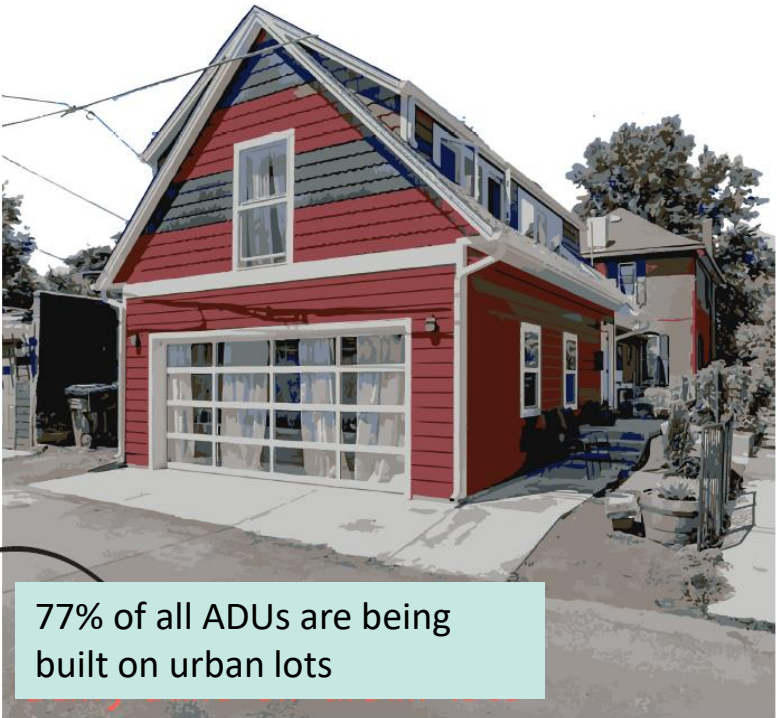
ADUs are most common on 6,001-7,000sf lots



Background: Where ADUs have been permitted

ADU permits
by zone
district

ZONE_DISTRICT	ADU Permit Count	% of all ADUs	
S-MU-3	1	0.2%	
S-SU-D	2	0.5%	
S-SU-F1	2	0.5%	
SUBURBAN TOTAL	5	1%	
E-SU-B1	1	0.2%	
E-SU-D1	3	1%	
E-SU-D1X	31	7%	
E-SU-DX	2	0.5%	
E-TU-C	8	2%	
URBAN EDGE TOTAL	45	11%	
U-RH-2.5	45	11%	
U-RH-3A	9	2%	
U-SU-A1	40	9%	
U-SU-B1	102	24%	
U-SU-C1	70	16%	
U-TU-B	28	7%	
U-TU-B2	3	1%	
U-TU-C	30	7%	
URBAN TOTAL	327	77%	
Parcel area < 6,000sf	203	48%	
Parcel area > or = 6,000sf	223	52%	
	426		



77% of all ADUs are being
built on urban lots

Peer City/State Owner Occupancy Research

Cities around the country vary in their approach to owner-occupancy (OO) requirements for ADUs.

- Oregon state law does not allow OO requirements for ADUs, but the Oregon DEQ determined that more than 2/3 of properties with ADUs have owners residing on the property.
- California state law does not allow OO requirements for ADUs. However, investors own 17% of the single-family housing rental stock but permit and construct just 8% of its ADUs.
- In 2019, Seattle lifted its OO requirement to reduce inequity between owners and renters in housing stock and decrease financial barriers to building ADUs. An environmental study determined that removing the requirement wouldn't increase speculation as it would discourage demolition of existing SU homes prior to redevelopment, instead incentivizing homeowners to maintain the existing housing stock while building ADUs.
- Fayetteville, Arkansas adopted an ADU ordinance in 2008, limiting ADUs to 600sf and required OO. Since then, the city has increased the size allowance to 1,200sf, dropped parking and OO requirements. It is now seeing more ADU construction.
- In Colorado, Fort Collins, Littleton and Salida don't regulate occupancy for any ADUs, while CO Springs and Lakewood require owner occupancy in attached ADUs, but not detached ADUs.