



Accessory Dwelling Units (ADUs) in Denver

April 18, 2023

Overview

- Project overview
- Community engagement
- Key recommendations
- Zoning Criteria
- Staff Recommendation

WHY ADUs?

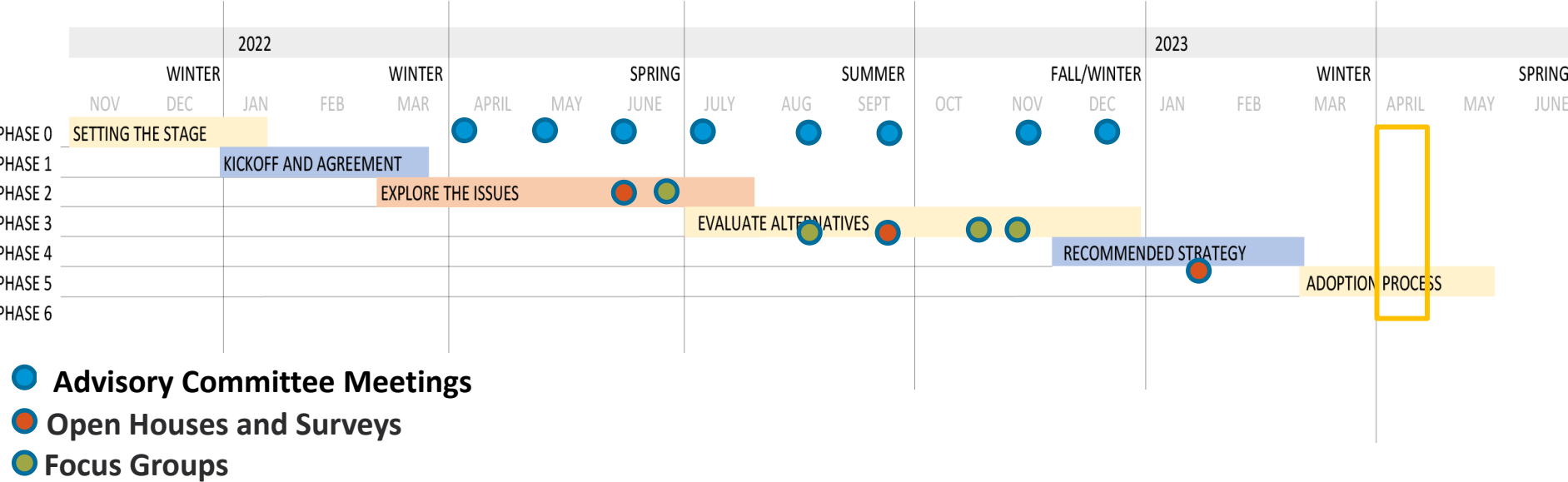


Project Overview

- 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 include** revisions to the Denver Zoning Code regarding the size, shape, and location of ADUs on a lot + a related amendment to remove barriers to ADU construction in Former Chapter 59 zone districts



Process Overview

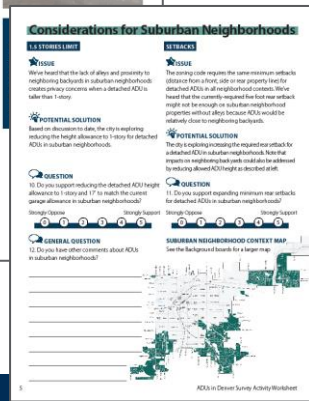
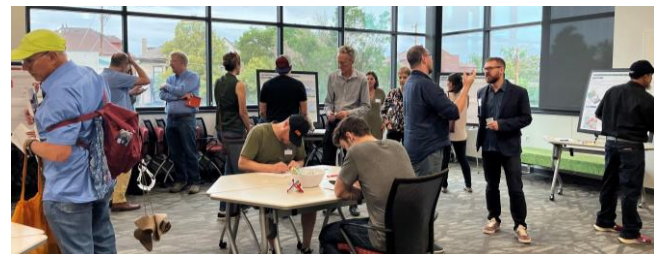


Community Outreach to Date

This project builds on extensive public input to address context 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 (6x in person, 2x virtual)
4. Neighborhood presentations
5. Council and Planning Board updates (4x)



Open House Participant worksheets

Latest 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

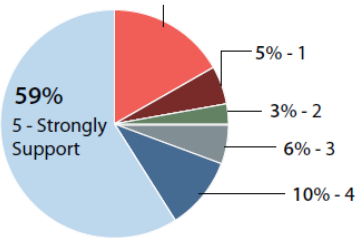
121 Participants, 36 Virtual



Citywide Policy Alternatives

Minimum Lot Size

Do you support removing minimum lot sizes to allow detached ADUs to be built on a wider range of lots in areas already zoned for ADUs?



Average Support

3.6/5

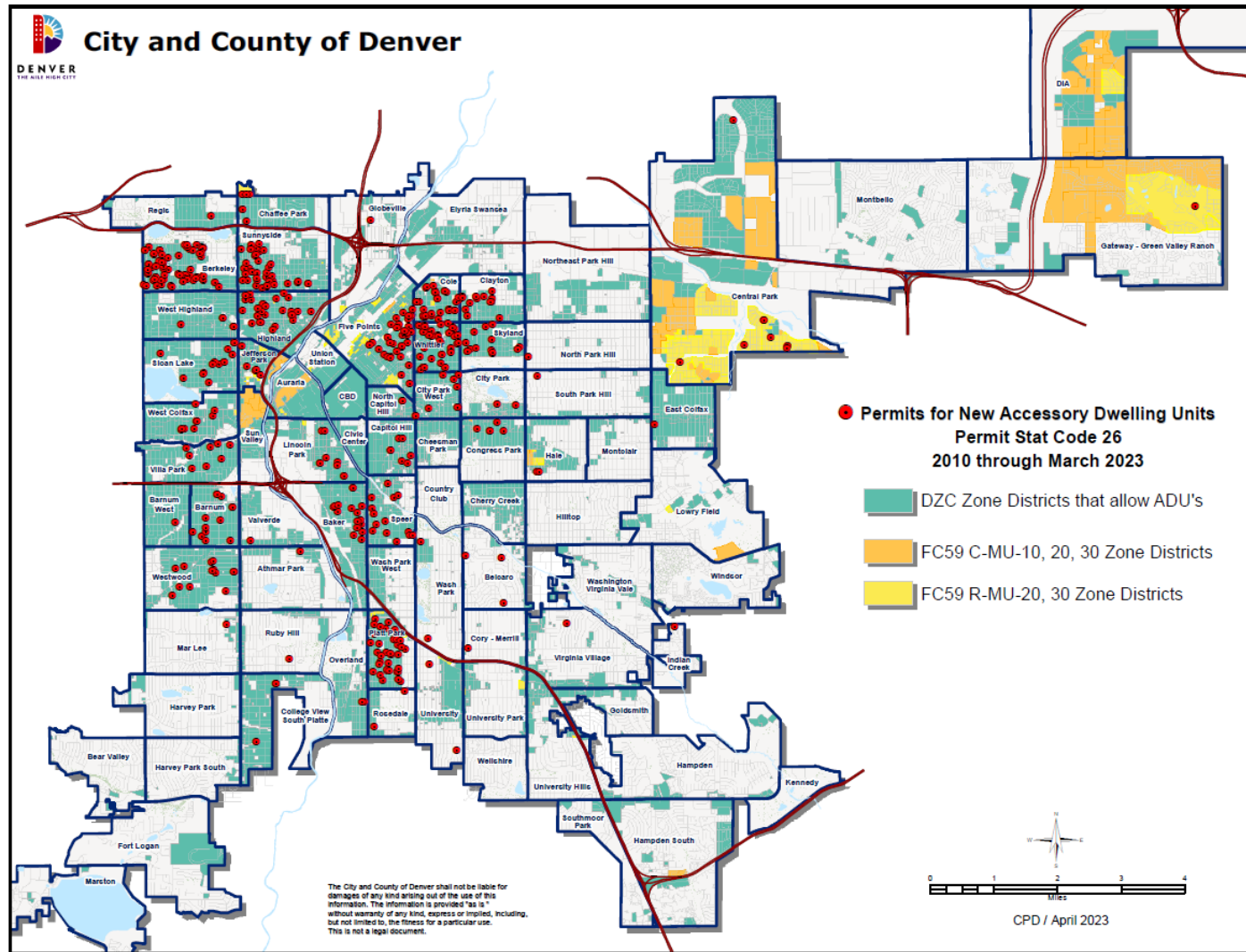
Outreach summaries on the [ADUs in Denver web page](#) describe feedback opportunities and summarize results

ADUs to date

Only 450 ADUs
permitted since 2010

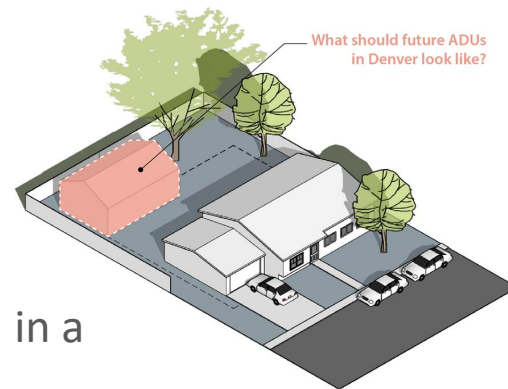
About 30% of the city
allows ADUs today

100,000 SU parcels
citywide



Overview of Recommended Strategy

- Primarily address detached (rather than attached) ADUs
- 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, design elements like dormers and balconies
- 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



Key issues addressed:

| | | ISSUES | Impact on Neighborhood & Community | Design, Construction & Build-ability | Cost & Afford-ability | Use Allowances & Restrictions |
|---------------|--|---------------------------------------|------------------------------------|--------------------------------------|-----------------------|-------------------------------|
| Context Based | | Setbacks | ✓ | ✓ | | |
| | | Building Height | ✓ | ✓ | ✓ | |
| | | Bulk Plane | ✓ | ✓ | ✓ | |
| Citywide | | Minimum Lot Size Requirement | ✓ | ✓ | | ✓ |
| | | Maximum Building Coverage | ✓ | ✓ | | ✓ |
| | | Maximum Square Footage | ✓ | ✓ | ✓ | ✓ |
| | | Reuse of Existing Accessory Structure | | ✓ | ✓ | |
| | | Accessory to Non-SU Uses | | ✓ | | ✓ |
| | | Owner Occupancy | ✓ | | ✓ | ✓ |

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 USE Recommendations

| Topic | Recommendation |
|-----------------------------------|--|
| Minimum ADU size allowance | Increase the 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 only Detached ADUs as accessory to TU + MU, as to not confuse the building code requirements vs the zoning code. For Row/Town House development, an SDP would be required. |

Citywide USE Recommendations (continued):

| Topic | Recommendation |
|-----------------|--|
| Owner Occupancy | Remove or modify the Owner Occupancy requirement for more flexibility and to help get more ADUs built. No changes to the owner-occupancy requirement are recommended at this time. |

- Currently an ADU is only allowed when the property owner lives on site, in perpetuity.
- Many agree that the owner occupancy requirement should be made more flexible, but concerns remain about owners living off-site:
 - Advisory Committee
 - Public Surveys
 - Latest feedback from Open Houses was split, 60/40 in favor of removing but,
No changes to the owner-occupancy requirement are recommended at this time.

Context-based Recommendations (*not citywide*)

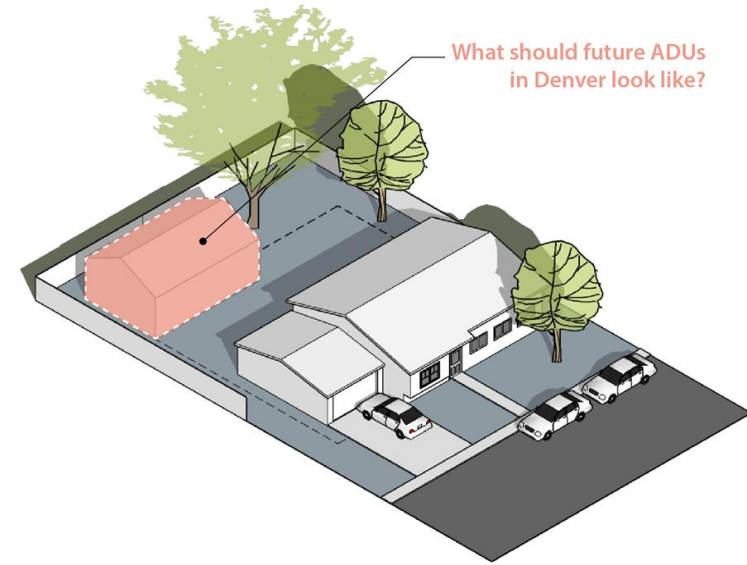
- Greater allowances in **URBAN** neighborhoods with flexibility where ADUs most easily fit in



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

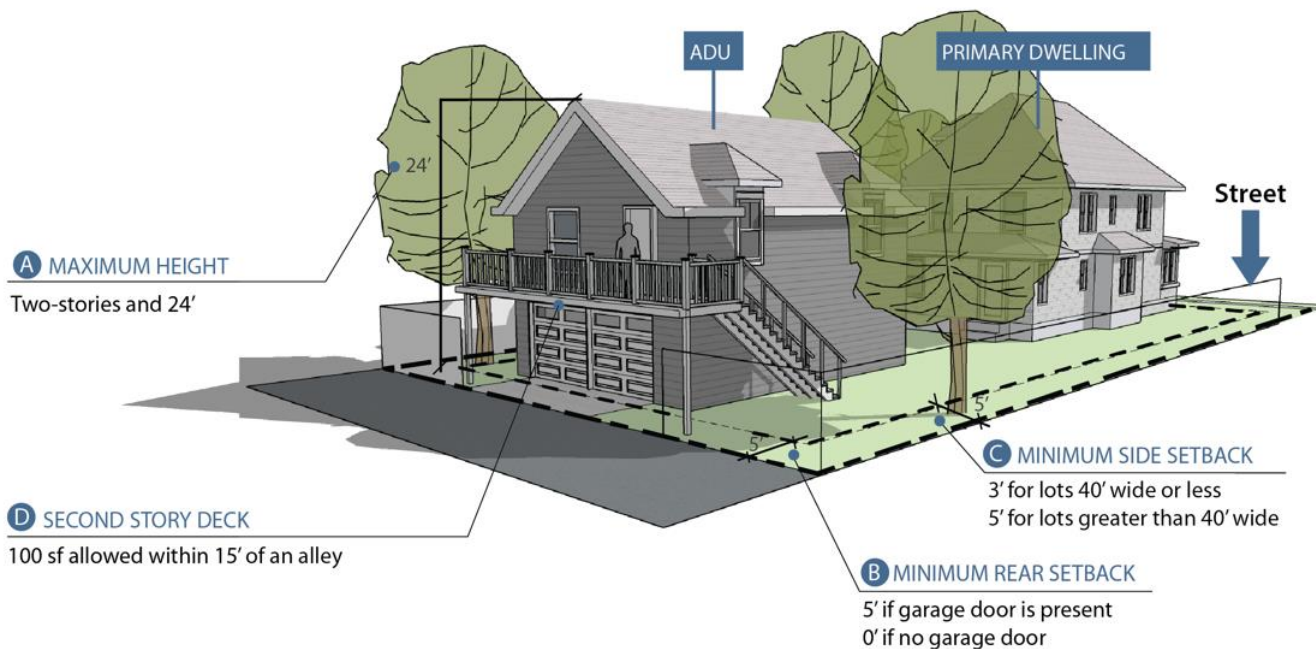


- Sensitive location and form standards in **SUBURBAN** neighborhoods



Draft Recommendations for Urban Neighborhoods

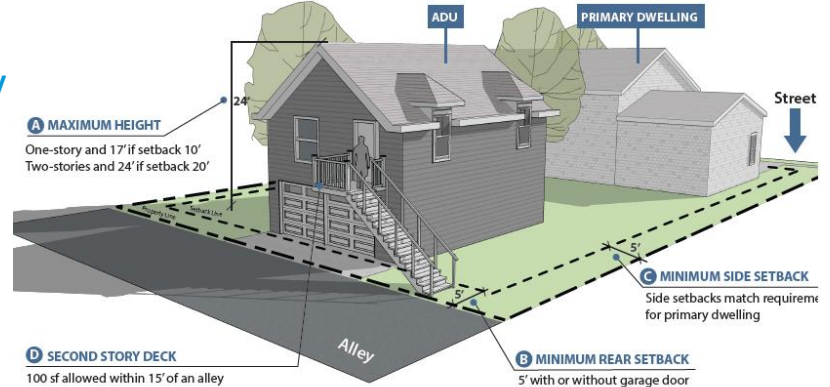
- Allow for a full two stories
- Added flexibility for small/narrow lots
lots <40' in width
- Make single-story/re-use easier
- Allow for additional design elements like, balconies and dormers



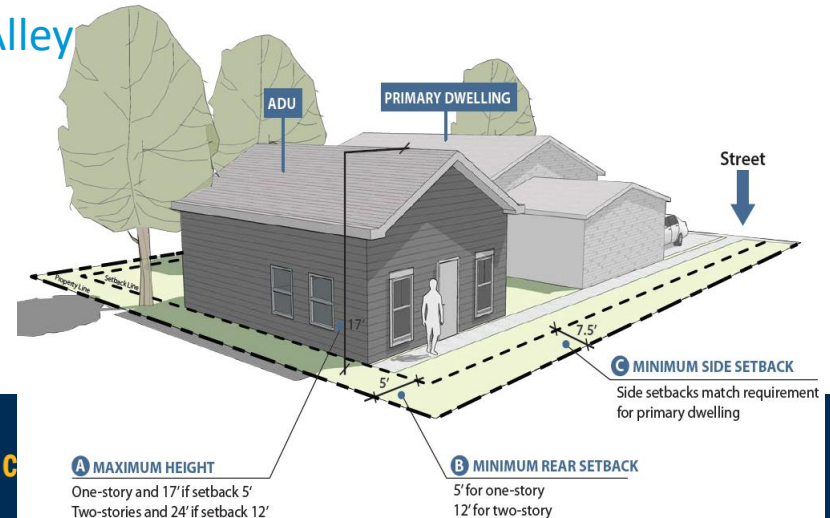
Draft Recommendations for Urban Edge Neighborhoods

- 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

Alley

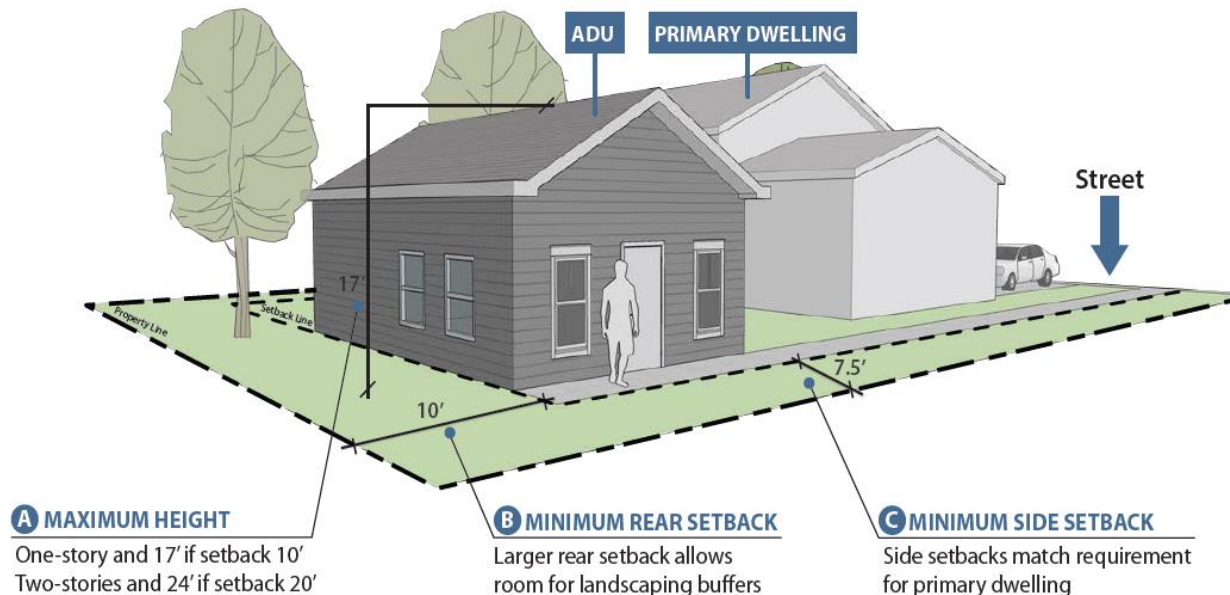


No Alley



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

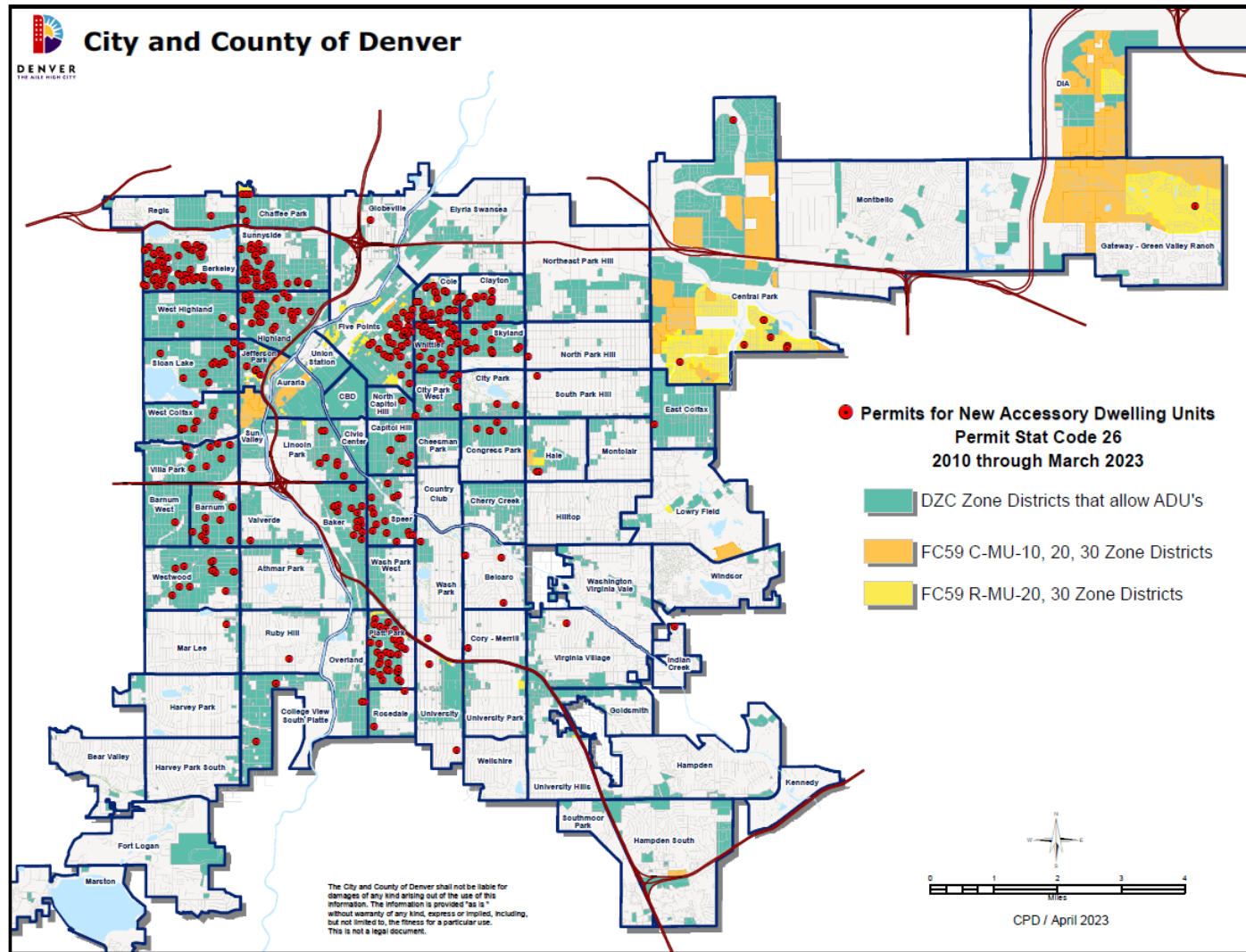


Former CH 59 Approach

ADUs are allowed in
FC 59 zoned districts,
that are zoned MU
Multi-Use

Limited in Square-
footage, based on the
Primary Structure SF.

Follows same location
standards as the Primary

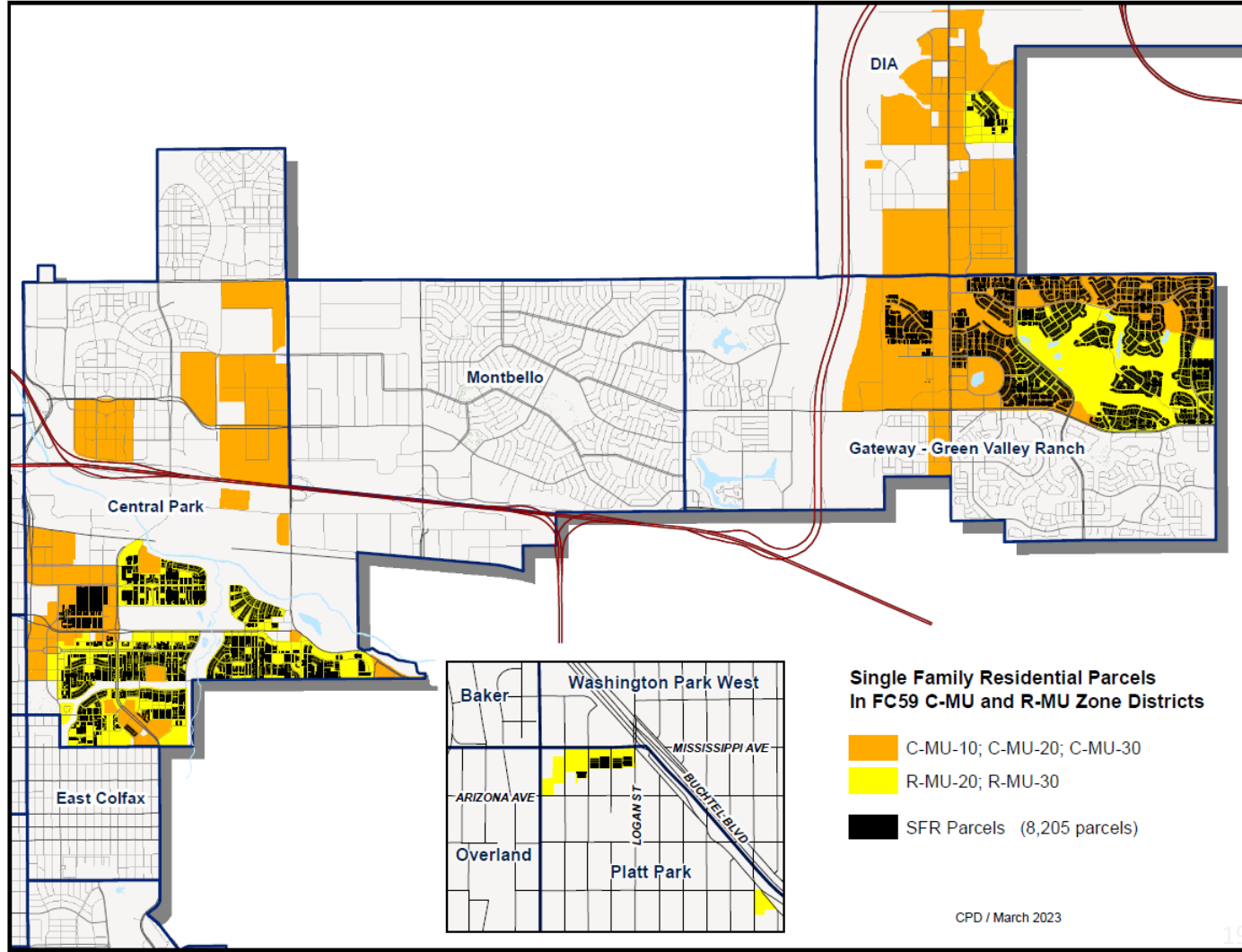


Former CH 59 Approach

ADUs are allowed in FC 59 zoned districts, that are zoned MU Multi-Use

Limited in Square-footage, based on the Primary Structure SF.

Follows same location standards as the Primary



Former CH 59 DRMC Bridge Amendment*

| Topic | Recommendation |
|---|--|
| Minimum ADU size allowance | Increase the max floor area allowance for ADUs to match that of the Denver Zoning Code allowance, up to 1,000sf, regardless of primary structure size. |
| Remove 'difficult to enforce' additional building standards | Remove the architectural requirement to 'match the materials' of the primary structure, and Remove the occupancy limit of 200sf per person. |

*Draft ordinance with bridge amendment language is available on today’s meeting agenda on the [Planning Board web page](#)

Zoning Criteria

Review Criteria and CPD Staff Evaluation

The criteria for review of a proposed text amendment are found in Section 12.4.11.4 of the DZC. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed text amendment satisfies each of the review criteria:

- 1. Consistency With Adopted Plans**
- 2. Public Health, Safety and Welfare**
- 3. Uniformity of District Regulations and Restrictions**

Zoning Criteria

1. Consistency With Adopted Plans

Denver Comprehensive Plan 2040

The proposed text amendment is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

Equitable, Affordable, and Inclusive vision element:

- **Goal 3, Strategy B** to “Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit.” (p. 29).
- **Goal 8, Strategy D** to “Expand the supply of housing accessible to seniors and people with disabilities, including more housing choices for seniors to age in place” (p. 30).

The Strong and Authentic Neighborhoods vision element:

- **Goal 3, Strategy B** to “Ensure city policies and regulations support historic preservation and eliminate barriers in city processes to help all neighborhoods preserve what matters most.” (p. 34)
- **Goal 3, Strategy E** to “Support the stewardship and reuse of existing buildings.” (p. 34)

2. Public Health, Safety and Welfare

3. Uniformity of District Regulations and Restrictions

Zoning Criteria

1. Consistency With Adopted Plans

Blueprint Denver (2019)

The following *Blueprint Denver* policies provides guidance specific to the ADUs in Denver text amendment content:

- **BP Denver Key Equity Concepts:** “The city will use the equity concepts and their related measurements to ... guide implementation actions, including regulatory changes...”(p.31)
 - improving access to opportunity, reducing vulnerability to displacement, and expanding housing and jobs diversity.
- **Land Use and Built Form: Housing, Policy 5:**
“Remove barriers to constructing accessory dwelling units and create context-sensitive form standards.” (p. 84)

2. Public Health, Safety and Welfare

3. Uniformity of District Regulations and Restrictions

Zoning Criteria

1. Consistency With Adopted Plans

2. Public Health, Safety and Welfare

The text amendment furthers the public health, safety and welfare of Denver residents, land-owners, and community members by implementing the city's adopted plans through regulations that are responsive to current community needs.

Uniformity of District Regulations and Restrictions

Zoning Criteria

1. Consistency With Adopted Plans
2. Public Health, Safety and Welfare
- 3. Uniformity of District Regulations and Restrictions**

This text amendment will result in regulations for ADUs that are uniform within each zone district in which the Accessory Dwelling use will be allowed.

Staff Recommendation

Based on the review criteria for text amendments stated in the Denver Zoning Code, Section 12.4.11 (Text Amendment), staff recommends that LUTI recommend to the Denver City Council approval of the ADUs in Denver text amendment to the Denver Zoning Code with the condition that the LUTI Review Draft be edited for clarity, correctness, illustrative graphics, section references, and other non-substantive matters as well as any other changes to the LUTI Review Draft made necessary by such edits. Staff also recommend that LUTI recommend to the Denver City Council approval of the companion amendment to the Denver Revised Municipal Code.

Appendix

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
- In Person Open House – Swansea – January 25, 2023
- In Person Open House –La Alma Lincoln Park – January 26, 2023
- Office Hours – January 30 - February 2, 2023
- In Person Open House – Montbello – February 1, 2023
- In Person Open House – Virginia Village – February 2, 2023
- Online Open House – February 7, 2023
- In Person Open House – Bear Valley- February 9, 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 update – 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

DRAFT FOLLOW UP ACTIONS

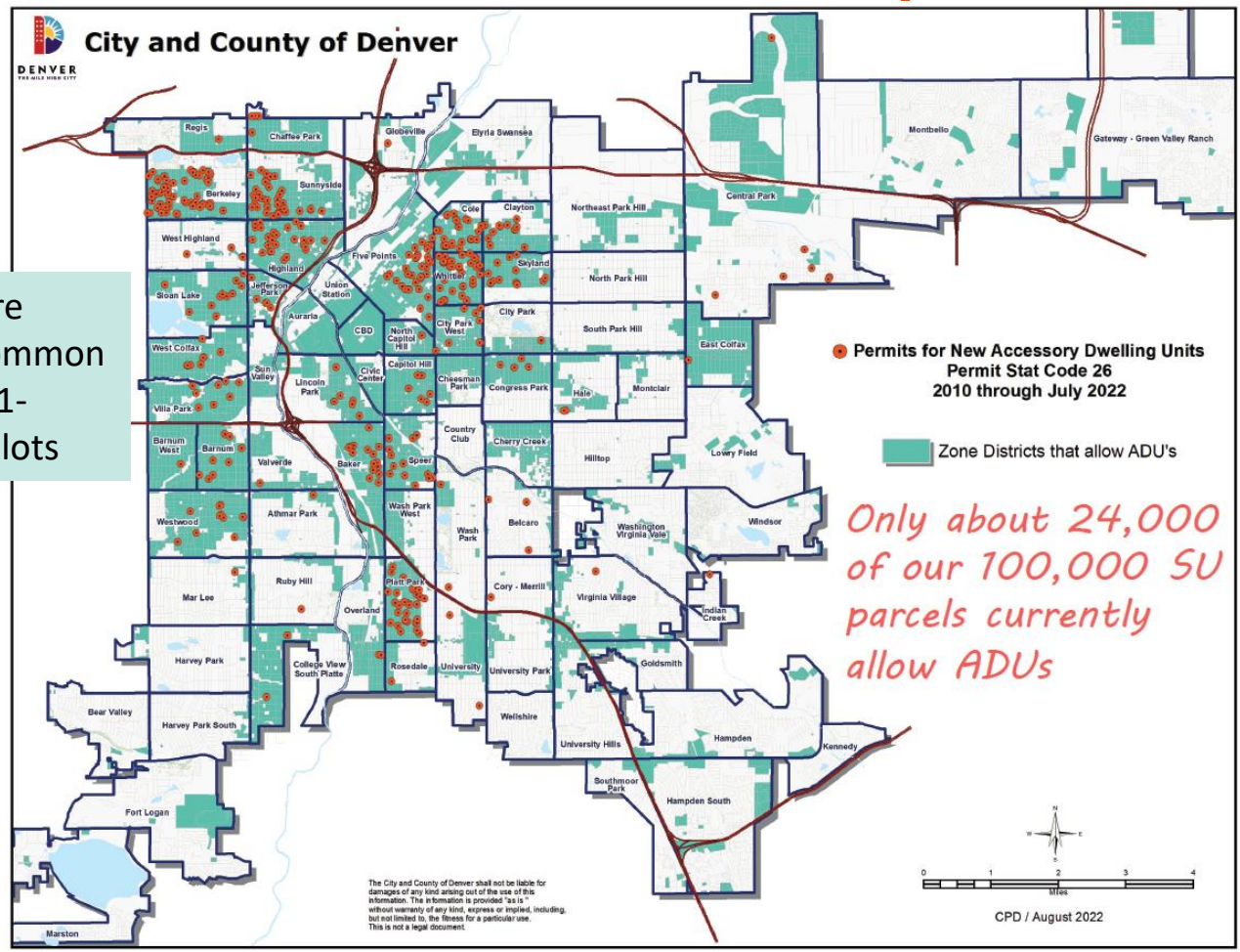
| Topic | Recommendation |
|--|---|
| City of Denver Actions | |
| Permit Processes and Related Fees (fees charged by the City of Denver) | Continue to review overall permitting processes to promote a streamlined process for adding housing options in Denver, including ADUs. This should include review 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 | |

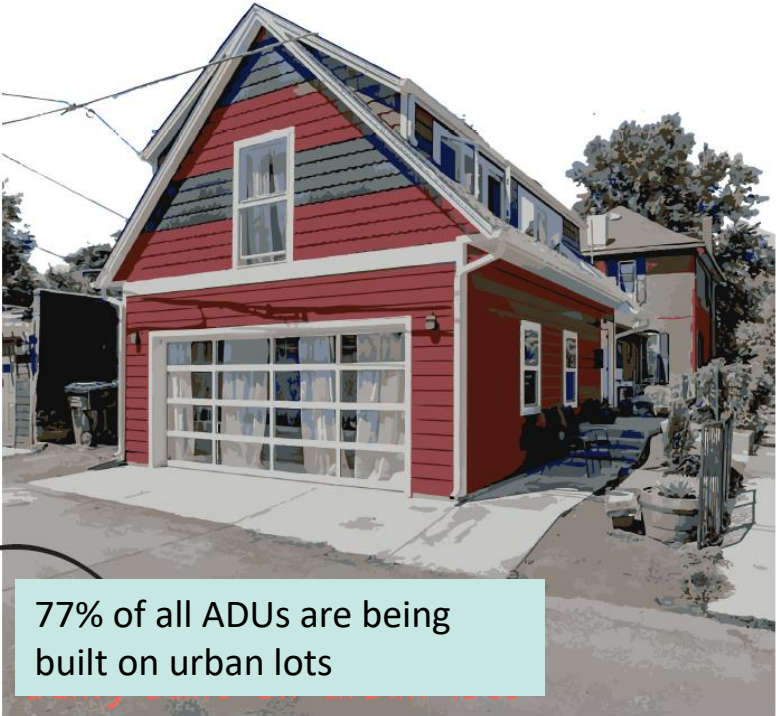
ADUs are most common on 6,001-7,000sf lots



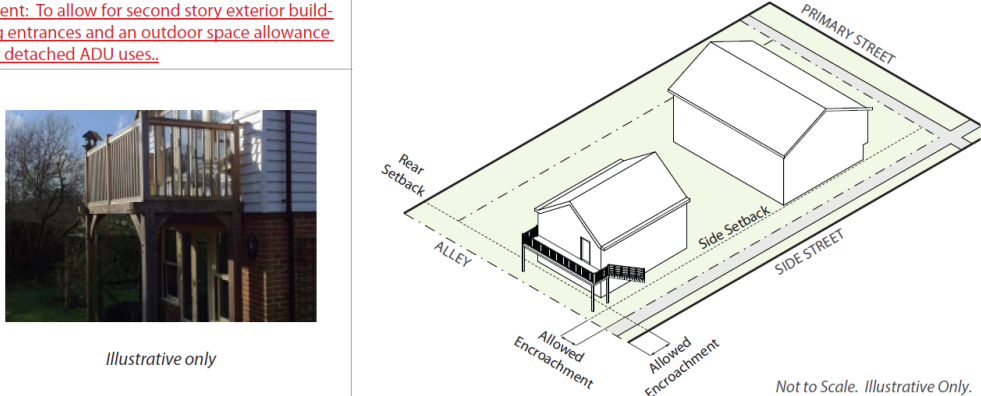

Background: Where ADUs have been permitted

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

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|--|---|--------------------|-------------|--------------------|-----------|
| <u>Rooftop and/or Second Story Decks</u> <ul style="list-style-type: none"> • <u>All sides shall be at least 50% open except for any side abutting a building facade or fire wall.</u> | <u>All G- Zone Districts</u> | <u>Detached Accessory Dwelling Unit</u> | <u>Not allowed</u> | <u>5'</u> | <u>Not allowed</u> | <u>5'</u> |
| <u>Intent: To allow for second story exterior building entrances and an outdoor space allowance for detached ADU uses.</u> |  <p>Not to Scale. Illustrative Only.</p> | | | | | |
|  <p>Illustrative only</p> | | | | | | |

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.