

ADU Advisory Committee – Meeting #4

June 9, 2022 – via Zoom

Prepared by the Consensus Building Institute (CBI)

Meeting in Brief

The 23-member Committee met for a fourth time to discuss proposed tools and approaches for addressing ADU challenges the Committee has identified within the suburban, urban and urban edge contexts. The Committee discussed feedback from the public survey and provided input on options for removing barriers to ADU construction in the different neighborhood contexts. The next meeting on August 4th will focus on refining these approaches as possible text amendments to the Denver Zoning Code.

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.

Committee Feedback and Public Survey Results

The Committee is charged with finding ways to make ADUs accessible to all neighborhoods within Denver. In addition to garnering input from Committee members over the past several months about key barriers to ADU construction, City Staff has garnered feedback from Committee members to identify their primary concerns regarding barriers to ADU construction thus far, staff developed a public survey to solicit input from the broader community. The survey was sent out via the City Planning Department email newsletter, social media blasts, and the ADU website. It was also available in Spanish. In total there were 377 respondents. The top ADU-related challenges that respondents identified included **privacy, ADU design and parking availability**, as well as the discrepancy over the design standards for **urban and suburban ADUs**. Many believed these standards should be uniform, while other expressed interest in differentiating between the two contexts. In addition, 57% of the respondents said the minimum lot size requirement should be removed, while 37% disagreed. 50% believed the current 1.5 story limitation is a barrier to construction. The majority of respondents (57%) also noted that if they were to construct an ADU, they would build a new, detached structure. The survey demographics generally trended towards wealthier and white homeowners.

‘Alternatives’ Discussion

Joshua Palmeri shared proposed tools and approaches for addressing the Committee’s top six issues related to ADU construction in the suburban and urban contexts: 1) Minimum lot size, 2) Height in stories, 3) Building coverage exemption, 4) Bulk plane height, 5) The re-use of existing structures, and 6) Setbacks. Drawing on previous Committee input, City staff shared potential approaches towards addressing these issues and asked for the Committee’s input. With this feedback, staff will work to refine these approaches and present a fleshed out, detailed proposal with appropriate language for a text amendment in August. The full presentation is available [here](#).

The Committee’s input with respect to the above issues is summarized below.

1) **Minimum lot size requirement**

- Should the minimum lot size requirement be **removed**?

- The current issue is that many properties in Denver are zoned for ADUs but do not meet the minimum lot size requirement to build detached ADUs. *Staff proposed the possibility of removing the minimum lot size requirement, given that ADUs are already limited/proportionate to their lot sizes.*
- Committee members expressed overall support for the proposal, emphasizing that setbacks, bulk planes and maximum lot coverage percentages are already in place to the limit size of ADUs. In addition, removing the minimum lot size requirement could reduce sprawl since people would be less inclined to move out of the city. Overall, there was strong support for removing the minimum lot size requirement.

2) Height in stories

- The current **1.5-story rule** can complicate design and construction, wasting space and adding costs. It makes sense to offer more flexibility in design to address the relevant issues, including privacy and sunlight.
 - Since current ADUs are only allowed to be up to 1.5 stories high for a detached ADU, the second story has technically less livable space due to the milk-carton roof.
 - The City would like to allow for variability in roof design and ground floor size to allow more livable space. Current zoning codes limit the square footage of a lot that an ADU can cover, with garages being exempt. On a larger lot, ground floors should be allowed to be bigger, and on smaller lots, they should be smaller.
- **The staff proposed** a context-based solution: 2 stories in the urban context, 1.5 in the urban edge context, and 1 story in the suburban context.
- Committee members emphasized that a 1.5-story limit in the urban edge context seem inequitable, since it would still prevent ADUs from being built on larger lots with plenty of room for setbacks.
- Some Committee members expressed that 2-story ADUs should be permitted in all contexts. Several noted that ‘mini-mansions’ are allowed to be built in the urban context and it does not make sense for ADUs to have stricter restrictions.
- Staff will explore whether 2 stories should be considered for all contexts, given Committee feedback that one-story in the suburban context might be too restrictive. Staff will consider the relationship between setbacks and resident feedback concerning privacy, with additional input from an upcoming ‘suburban context’ focus group discussion on June 16.

3) ‘Bulk Plane’ Height

- **The issue** is that the bulk plane height makes the quality of living space in an ADU less desirable, especially on smaller/narrower lots. (The ‘bulk plane’ refers to a series of planes that limit the volume of space a building can occupy.)
- The **proposal** is to raise the bulk plane height 1-2’ in the urban context. The staff also proposed modifying the bulk plane height in the urban edge context. The height of the structure would not be altered, just the design of the roof.
- Some Committee recommended allowing dormers to pierce the bulk plane. Others recommended looking at modeling that proposes a 20’ bulk plane.
- Some Committee members were proponents of removing the bulk plane all together, stating that taken together with other constraints such as the alley line and plan, they are producing unlivable spaces.
- Staff also asked the Committee for feedback on whether the bulk plane change should apply to larger lots, to encourage the building of ADUs toward the center of these lots.

- Committee members were generally supportive of making the bulk plane height more flexible especially on narrower lots where it has become a barrier.

4) Building Coverage Exemption

- The current **building coverage exemption** (a max of 50% or 500 square feet, or sf) only applies to ‘vehicular storage’ (i.e., garages) and not ADUs. Consequently 80% of an ADU’s ground floor must consist of parking space, which forces people to build more than one story and decrease accessibility. This also has significant cost implications.
- One **proposal** is to extend this building coverage exemption should to ADUs. The ADU would thus be allowed to have 50% or up to 500 sf exempt from the lot size coverage. The text amendment would include modifying the language “vehicular storage’.
- Some Committee members expressed agreement regarding extending this exemption and removing the parking requirement. Committee members also recommended potentially aligning footprint allowances for garages and ADUs to make conversions easier.
- In general, Committee members advocated that garages/cars should be subordinated to the City’s interests in creating more housing and livable space.
- Overall, there was strong support for ADUs being able to use the same exemption as cars. There was interest in potentially going further, i.e., in aligning detached garage and ADU standards.

5) Setbacks

- Current **setbacks** are the same citywide – 5’ side and rear, except for the smallest lots (<30ft wide), which allow for 3’ setbacks.
- In general, setbacks reflect concerns around privacy and access to sunlight.
- The staff **proposed** that in areas without alleys, a 7’ setback would be consistent with citywide ‘tree lawn’ and ‘amenity zones’ (the amount of space needed for a fully mature tree to have enough soil volume and growing space) to provide privacy/screening. In other words, if two ADUs were next to each other across properties, a 14’ space would be provided between them
- Staff asked for Committee feedback on whether an increase in the rear setback is needed if there is no reduction in the overall height limit to one story.
- There was some agreement that a one-story ADU in the suburban context would be less intrusive.
- Several Committee members stated a 7’ setback is adequate to plant foliage that would provide privacy if needed.
- Some Committee members agreed with not requiring side setbacks, since that would force the ADU further into the backyard. Some noted the importance of cooperation between neighbors in this context. I.e., if two neighbors were building ADUs, they could potentially both agree to build their ADUs with a small easement in order to maximize space.
- This issue will be explored with more modeling. The question of setbacks is closely related to the potential overall height limit in the suburban context. There is interest in more flexible setbacks in the urban context as well.

6) Re-use of existing structures

- The current **issue** is that 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.

- One **proposal** is to 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. Any newly added portion, like upper stories, would have to comply with current ADU form standards.
- A number of Committee members emphasized that garages do not require setbacks and that this same rule should be applied to ADUs.
- Several Committee members did stress the sustainability of re-using existing structures, but there were also concerns around the structural integrity of garages. Their foundations are different, and they do not have plumbing wired in, and these would be added costs to converting these structures. This was an area of interest to several Committee members.
- Committee members also had suggestions about lifting the alleyway setback.
- In summary, there was fairly strong support for new rules to enable these conversions, understanding that any new additions would still need to follow current ADU form standards. There will be additional discussion regarding these considerations in the suburban context, where there are few alleys and larger lots.

7) Other issues to be followed up on

- Owner occupancy
- Higher intensity zone districts
- Allowing ADUs for historically designated buildings

Process Overview

Joshua Palmeri revisited the Committee's timeline and objectives and emphasized the Committee is in the 'Evaluating Alternatives' phase. This was followed by an explanation of the proposed ADU Focus Groups.

Focus Groups. Joshua Palmeri emphasized the upcoming Focus Group meetings that will occur in June or July. These two groups are: The Suburban Focus Group and the AIA Architecture Focus Group. Having one or two Committee members on these groups will enable at least one member to report back to the larger Committee.

Wrap Up & Next Steps

Next meeting: There will be no July Advisory Committee meeting, due to the July 4th holiday. However, there will potentially be a Public Outreach meeting in July. The Committee will meet on **August 4** at 4:30-6:30 to explore more concrete proposals to these alternative solutions.

Homework: Please share suggestions/requests for technical resources to help inform Committee decisions.

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
 Fran Penafiel, Associate City Planner

Committee Members

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
	Naomi Grunditz	Clayton resident; planner and aide for Council District 1
x	Mary C Hawthorne	Wellshire resident; member of Cherry Hills Heights HOA
	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
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
x	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
	Suzanne Reede	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

- No public comments were shared at this meeting.

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

- Minimum lot size affects the smaller lot size more often as shown by the chart. Typically, lower income folks own the smaller lots, so this part of the zone code is unintentional zoning discrimination
 - *Good point.*
- Agreed, ADUs are already limited in size based on other code requirements, no need to add one more hurdle that is arbitrary and extremely inequitable. The variance process is very difficult and costly.
 - *It's good to hear there's a lot of support for removing this requirement.*
- “Gentle density” without changing the character of the neighborhood
 - *That's what we're aiming for.*
- In situations where 2 full stories might impact neighbor sight lines or in situations where the footprint of the ADU needs to be quite small, perhaps allowing sleeping lofts in “tiny house” ADU's? That would allow livable space with small footprints while also limiting height. Also, perhaps limit 2nd story windows that look over other yards?
 - *I think we want to create standards that would apply throughout a particular neighborhood context, rather than evaluating altering standards based on site-specific characteristics, but we have heard interest in allowing tiny houses as ADUs. We've also talked about whether the new ADU standards should address window placement.*
- Many folks may not understand what this means. Can you explain that this is a square foot? 1.5 story rule also causes the design of ugly ADUs because they just cut off 25% of the upper level.
 - *Thanks, did we cover it in the last model shown? I scrolled back to that example for a bit...*
- It sounds like a height thing... but all ADUs can go to 24 feet
 - *1.5-2 stories would still be limited to 24', but that number would likely be reduced for 1-story ADUs.*
- Referencing the survey results, there needs to be consideration of harm done to adjoining neighbors by cast shadows (especially winter conditions). There will be instances where functional portions of an adjoining neighbor's lot (other than landscaping/grass) may be in shadow and rendered unusable. In a future condition where ADU's will be use-by-right, a

mechanism needs to exist within the zoning code where the adjoining neighbor is informed of an impending ADU prior to construction where there are unique conditions.

- *This project won't allow ADUs as a use by right outside of the neighborhoods that are already zoned for ADUs or on properties where individual rezonings have been approved. Just like with the primary structures and non-ADU detached structures, standards regarding setbacks, height, bulk-plane, etc. are intended to protect solar access on adjacent lots within reason, and we will continue to be cognizant of this concern.*
- Right now, we have a requirement for 80% of the ground floor of an ADU to be used for vehicle uses, so a 2 story doesn't really build more housing, it builds parking. I am curious if that changes the conversation.
 - *We are also considering changing or eliminating the building coverage exemption for parking, so property owners aren't incentivized to build big garages just to have a second story ADU with livable square footage.*
- If anyone would like to see how an ADU can be built with minimal impact on neighbors, I invite you to contact me.
 - *Thanks for the invite!*
- Do you have a diagram of a ranch home next to an ADU over the garage? Also, rent for an ADU isn't likely to be affordable, will there be discussion on that?
 - *We presented a graphic of a single-story home with an ADU above a garage at the beginning of this presentation, when Abe discussed what we heard at the last meeting - the same graphic is in the 3rd presentation to the Advisory Committee available on the project website: <http://adusindenver.com/>. Regarding affordability, changing some of the ADU standards could simplify design and reduce the cost of building an ADU. However, ADUs are still expensive to build and it's up to the owner what they charge for rent. Regardless, the city's long-range plan, Blueprint Denver, recommends removing barriers to ADU construction.*
- Yes, to dormers piercing bulk plane
 - *Got it.*
- The most important issue no one is addressing is the affordability of ADU housing. Whether one is building an ADU for Grannie, or building and then renting one to a family without a home, where are charts discussing costs?
 - *We presented costs in a previous presentation and the most expensive line items include foundations, utility connections, and interior and exterior finishes. This project could simplify ADU design, which may reduce costs, but constructing ADUs will still be expensive. However, reducing ADU barriers may encourage more people to build them, which would increase the housing stock and hopefully help reduce rent overall.*
- Josh, so what would the rule be? If ground level is an ADU the get the exemption?
 - *As mentioned, the exemption would be the same for ADUs as it is currently for garages - 50% of the square footage.*
- Would this exemption apply to the current maximum building footprint in SU Districts? There is currently a maximum footprint depending on zone lot size (6,000sf or less in most SU Districts are limited to 650sf for the ADU)
 - *They're 2 different standards. As Abe and Josh have mentioned, the 650sf limitation for ADUs is exclusive of the building coverage exemption. We are also reconsidering the maximum square footage allowed in ADUs.*
- Thanks!

- *Live answered*
- Makes sense. Thanks
 - *Live answered*
- Absolutely correct!
 - *Even if this isn't a typical lot configuration, do you have a preference for the setback depth?*
- 10 feet with a row of mature trees purchased by ADU owner.
 - *Thanks for your input!*
- Amen! 0 setback on sides. Interesting idea.
- Thanks for asking.
- For Josh- Alleys are always easier issues than no alleys in suburban neighborhoods. Reuse is good in these circumstances.
 - *Agreed, it gets more complicated where there aren't alleys.*
- Kendra is asking the right questions. The setback needs to be 10 feet on all sides. No alleys in U- Hills.
 - *Thanks! Why do you feel 10' is the appropriate distance?*
- So, if we reuse a building on zero lot line and stack on top of it, can the upper-level stay on zero lot line?
 - *no, you may not increase a non-conformity... the upper would have to be setback*
- Could that be considered as a non-conformity that could be removed to allow that?
 - *We could consider it, but I think we need to balance reuse with the other concerns we've heard regarding neighboring impacts and the varying conditions among neighborhood contexts.*
- Josh- With MATURE trees planted by owner, which can thrive better in 10 feet, a 1 1/2 story ADU or much better, a single story ADU helps with privacy and sunlight issues. Thank you!
 - *Yes, these are key trade-offs that we will keep in mind as we continue to evaluate potential alternatives to existing standards.*
- Thanks everyone for a great discussion!
 - *Cheers!*
- I will digest and provide more comments next week.
 - *Sounds good. Thanks!*
- Great meeting. Thank you! Thanks Libby!