

**STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
Hybrid - Virtual Meeting**

November 15, 2021

Mayor Bud Starker called the Study Session to order at 6:32 p.m.

This meeting was conducted both as a virtual meeting and hybrid, where some members of the Council or City staff were physically present at the Municipal building, and some members of the public attended in person as well. All eight members of Council were present in Council Chambers for this session.

Mayor Starker welcomed the Council, other elected officials, staff and interested citizens.

Mayor Starker also explained the virtual/hybrid meeting format, how citizens will have the opportunity to be heard, and the procedures and policies to be followed.

Council members present Scott Ohm, Amanda Weaver, Judy Hutchinson, Janeece Hoppe, Korey Stites, Valerie Nosler Beck (virtually), Leah Dozeman, and Rachel Hultin.

Also, present: City Manager, Patrick Goff; City Clerk, Steve Kirkpatrick; City Attorney, Gerald Dahl; Director of Parks and Recreation, Karen O'Donnell; Director of Community Development, Ken Johnstone; Susan Powers, President of Urban Ventures, LLC, interested citizens and guests.

Citizen's Right to Speak

Kia Ruiz, 10259 W. 72nd Pl., Arvada. Children and adults are constantly exposed to people experiencing homelessness and mental health issues within and around the motels located at I-70 and Kipling. Please, consider interventions that help those afflicted with mental health issues in a professional and empathic manner.

John McMillin, 9801 W. 38th Ave., came to speak about the discussion of ADU tonight. Please, do not pass an Ordinance that creates a lot of controversy and unfairness. Separate the issue of non-conforming properties vs. ADU. We who own non-conforming properties want to comply with the zoning code already approved for our homes. Please, do not consider these non-conforming properties in the same light as ADU. Please, follow the lead of other cities and consider moving ahead with a more inclusive non-conforming policy.

Susan McMillian, 9801 W. 38th Ave. came to address the emotional impact of any actions Council might take with respect to non-conforming properties. We have been told we must apply for a change to allow our current property to remain in use. The City has found no violations. The Mayor and several Councilmember have asserted falsehoods about our property and told us we shall be evicted if we fail to comply with City requirements. This has taken a terrible emotional and financial toll on our family.

Note about Wheat Ridge Speaks:

Citizens may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. The deadline for citizens to submit comments is 12:00 Noon Mountain Time on the day of a Council session so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item.

These comments appeared in Wheat Ridge Speaks concerning tonight's agenda:

I support City Council doing all it can to expand access to affordable housing in the City. Housing prices have continued to grow much faster than wages, both for renters and homeowners, causing more and more households to pay more than the recommended 30% of their income on housing. I was struck this weekend, reading the New York Times' piece "Will Real Estate Ever Be Normal Again?". It reads: "Now the largest living generation [millennials], they control just 4 percent of America's real estate equity; in 1990, when baby boomers were a comparable age, they already controlled a third. What's more, because of the financialization of housing, millennials need more savings or to take on greater debt to buy a house than previous generations did. The end result is that millennials buying their first home today are likely to spend far more, in real terms, than boomers who bought their first home in the '80s." As a millennial still straining to afford their first home, despite being a decade older than my parents when they bought their first home, the piece resonated. I would love to own a home in Wheat Ridge, and if I'm struggling to compete to buy a home - with a master's degree and a professional job - how can we expect Wheat Ridge to remain accessible for people of a variety of jobs and incomes? There is unlikely to be one silver bullet solution, but instead will require a number of different strategies, including preserving existing affordable housing - both deed-restricted and "naturally occurring" affordable housing, building new affordable housing, and allowing increased housing supply via relaxing restrictive land use controls - like enabling ADUs, your other agenda item. I encourage City Council to pursue a holistic set of strategies and urge my neighbors to be open-minded and generous with allowing more neighbors in our city. While doing so entails some degree of change, I would argue it is on the whole very positive - enabling more residents in Wheat Ridge adds to our tax base to invest in parks and other public amenities, supports local businesses by increasing foot traffic, and contributes to our sustainability goals by allowing more people to live in an area with transit service, walking and bicycling infrastructure, and proximity to restaurants, grocery stores, jobs, and other key destinations. Thank you for the opportunity to comment.

November 14, 2021, 12:23 PM

Kelly Blynn, 7407 W 33rd Ave

First, thank you for your commitment to our community in the work that you do. I have some thoughts to share as it relates to ADUs, which I support. Housing affordability and attainability is at a crisis in metro-Denver. We have public school

teachers driving daily from Greeley because they can't afford housing here. Wheat Ridge has homes with spacious and often underutilized lots. This is the absolute perfect combination to allow ADUs. I've been a Wheat Ridge resident since 2014. I have an ADU which I am quite-confident was added in the early-1960s. My decisions to buy in WR was primary about having a place for my parents, should I ever need to have them live with/near me. My parents are 82 and 75. They live in TX now. They moved from Lakewood 20 years ago to take care of her parents. On my block, there are a total of 28 houses, and we have this:

- o It appears to me that there are at least seven ADUs. Of the seven, at least two are rented full-time, with owner occupying residents in the main house. Some are not in-use and some are occupied and used as if it was a traditional addition. At least several have/had separate gas and electric meters, despite the R-1 zoning. Of those that have ADUs, I am by-far the newest resident – in fact, only two houses on my block have sold since I purchased mine 7.5 years ago.
- o There are: D At least nine houses that have more than one generation of people living in it – and this is not counting kids that are 18 or younger. Three of these are original owners (pre-1960) and one of those has FOUR generations living in that house. I'm confident that at least three of those older residents with a younger generation there wouldn't be able/comfortable to live alone without that younger relative there – meaning they would otherwise choose/need to move-away. More ADUs would allow more of this kind of familial care to occur.
- D The average lot size on my block appears to be substantially greater than 10,000 square feet. It's my guess that the footprint of the average house on my block is roughly 1,500 square feet – meaning that the lot coverage is quite low.
- D Many of these homes, including mine, once had horses or other medium/large animals. Today, none have them – with the largest being a roughly 90-pound dog. Yet, we have these vast lot sizes that are for many of us a burden to maintain. My next-door neighbor uses obscene amounts of chemicals to keep weeds at-bay. My perspective as a Realtor: I've done about 600 transactions. More than a third of those have been in Jefferson County. Of my JeffCo transactions, there have been a notable number of parents moving to Denver to be closer to grandkids. Some are full-time and some are part-time residences for these buyers. Many of these possibly could have been ADUs.

More than ten of my listings were people who downsized from a larger house or a non-ranch style home (with stairs) into a senior apartment. At least half of those would have considered building an ADU so they could downsize but stay at the same property. And this would often allow family members to live in the main house. I have several clients with "total failure to launch kids". Others have kids who have been able to complete college and in some cases graduate school ONLY because the parents were willing and able to provide housing long after the kids turned 18. Many did not have ADUs, but many more would have been willing and able to do this had they had an ADU. I know of several people with adult children who are developmentally disabled. The kids are somewhat independent, but the parents are terrified of what life looks like after the parents are gone. Having an ADU in some situations can give these kids more independence – allowing them to learn important life skills and still have someone easily look-in on them. If there was an ADU for the developmentally disabled person, and the option for a sibling or another relative to move into the main house, it could have profound impacts on several people in that

family. I have now twice provided housing to older high school students who are in a housing insecure situation. The first was in an abusive situation by her mother's boyfriend. When the school realized that she was in this situation, they intervened and connected her with us, and she lived in our ADU. Without this option, there was almost no chance of making it to graduation. Even before COVID, I have many clients who are working from home. Studies very clearly show that "having a commute" is very good for a person's stress and peace of mind. A home office in the main living spaces or in a bedroom is mentally horrible. Having an ADU can be incredible for a work-from-home situation. Guidelines needed: The surrounding communities have done this and seemingly with very few problems. Obviously there need to be rules. Possibly consider: - Denver's rule that one or the other may be rented, but not both [to separate people/families]. - They should have three+ off-street parking spaces (two for the main house + one for the ADU) so that it's not a burden to street parking in the neighborhood. - Setbacks and bulk planes must be maintained consistent with the zone district.

November 15, 2021, 10:20 AM

Steve Kinney
2870 Newland St
Wheat Ridge, 80214

Dear City Council, please establish a supportive policy in favor of ADUs in Wheat Ridge. Given our city's late historical formation (1960s) and the prior construction of much of our housing stock please support and respect the value and presence of these existing, legally conforming ADUs. These structures have significant on-going value and opportunity to homeowners and their existence may have weighed significantly in the purchase rationale for the homeowner. Finally, given seemingly never-ending house price increases the construction of reasonable new ADUs on homes with larger lots may provide opportunity for local residence in Wheat Ridge that many people would otherwise miss out on. I do not believe we should be one of the few Denver area municipalities that misses the opportunities for homeowners and residents by precluding reasonable and complimentary new ADU construction. Thank you for your consideration- Chris McCune (7395 W. 32nd Avenue)

November 15, 2021, 8:25 AM

Chris McCune
7395 W. 32nd Avenue Wheat Ridge, 80033

I support legalizing existing ADUs in the city and enabling ADUs by right in single-family zones throughout the city. Doing so is a low impact, small step to take to increase affordability in the city by allowing more households to share lots and allowing homeowners on a fixed income to develop a new income stream that can help them stay in their homes.

While households have tended to get smaller, our regulations have not kept pace to enable flexibility in our housing choices. Many households do not need the size homes or lots that Wheat Ridge has to offer and could easily share a property with another household - my husband and I would love to be able to do this. Adding the type of "gentle density" that ADUs can offer

(<https://www.brookings.edu/research/gentle-density-can-save-our-neighborhoods/>, <https://cohousingaffordabilityproject.org/the-research/>) has many benefits - increased spending at local businesses, increased tax base, lower energy and infrastructure costs, and lower per capita emissions and environmental impact.

November 14, 2021, 12:41 PM

Kelly Blynn
7407 W 33rd Ave Wheat Ridge, 80033

1. Affordable Housing

Discussion of this item began at approximately 6:44 pm

Issue

Affordable housing continues to be identified as an issue by Wheat Ridge residents. On the biennial Resident Survey, respondents were asked to rate the “availability of affordable quality housing” in Wheat Ridge. Only 37% of respondents rated this characteristic of Wheat Ridge as excellent or good in 2021, a significant decrease from 51% in 2012.

Staff Reports

Patrick Goff, City Manager stated the background of the item and listed a few of the , partnerships and implemented numerous programs and services over the years to attempt to address housing affordability issues in Wheat Ridge. These to include

- Since their inception in 2001, the Wheat Ridge Housing Authority (WRHA) acquired, remodeled, and resold 49 dwelling units to income-qualified individuals. Over the years, this included 32 condominium units, 6 duplex units, and 11 single-family homes.
- The City and WRHA collaborated on the sale and repurposing of Fruitdale School, which resulted in an additional 16 rental units for workforce housing, five of which are income restricted.
- Wheat Ridge 2020 (now Localworks) purchased and rehabilitated 13 blighted homes across the community and resold them as affordable housing options to local homebuyers. Funds for this program were provided through the Neighborhood Stabilization Program from both the George W. Bush and Barack Obama administrations.
- The Town Center and Town Center North projects at the southeast corner of 44th and Wadsworth was a partnership between the City, Renewal Wheat Ridge and a private developer using the competitive Low Income Housing Tax Credit (LIHTC) program to provide 138 units of income-restricted apartments for seniors.

- In partnership with other Jeffco municipalities and residents, the City participates in the distribution of Community Development Block Grant (CDBG) and HOME funds. These funds support programs that provide services and housing to vulnerable populations, including low- to moderate-income individuals, seniors, and veterans.
- Wheat Ridge is collaborating with Foothills Regional Housing to provide a living community designed to implement proven successful strategies around housing, education, employment, health and other well-being indicators for over 300 families to keep these families from slipping into poverty and becoming homeless.
- The City has also collaborated with Foothills Regional Housing by assigning over \$5 million of private activity bonds to Foothills for the Caesar Square project in Wheat Ridge and the Allison Village project in Arvada to provide close to 200 affordable units for veterans, youth transitioning out of foster care, and other low-income residents.
- A county-wide homeless navigation model was launched in 2020, comprised of six municipal and county-based homeless navigators who work directly with persons experiencing homelessness or at imminent risk of homelessness. The role of the Homeless Navigator is to assist those experiencing a housing crisis find stable housing and obtain the services and resources needed to maintain that housing.
- The Housing Navigation Collaboration (HNC) is a group comprised of the governments of Jefferson County, City of Lakewood, City of Arvada, City of Westminster, City of Wheat Ridge, City of Golden and City of Edgewater. On behalf of the HNC, Jefferson County recently released a Request for Proposal for professional services for two Housing Navigation Centers in Jefferson County. The Centers will provide housing navigation and day resource centers to accommodate an approximate daily flow of 200 persons seeking resources; emergency short-term overnight beds to house up to 100 persons per night; and 80 units of permanent, affordable workforce housing and 70 units of permanent supportive housing for individuals who formerly experienced homelessness.

He turned over the discussion to Susan Powers, President of Urban Ventures LLC, who with a detailed PowerPoint presentation addressing the question of what affordable housing means as term of art, what affordable housing would cost, and how successful efforts in the Denver area have made affordable housing available.

Councilmembers had questions and comments:

Councilmembers thanked staff and Ms. Powers for their briefings.

Councilmembers and Ms. Powers engaged in an exchange of information and best practices with respect to financing, sponsoring and locating affordable housing. The

discussion included examples of private-government partnerships that have successfully developed affordable housing.

Mr. Goff reported that the City has received a grant from the CO Department of Local Affairs in the amount of \$112,000 to conduct a strategic planning process for affordable housing in our City.

2. Accessory Dwelling Units (ADUs) Update

Discussion of this item began at approximately 8:06 pm

Issue

The topic of Accessory Dwelling Units (ADUs) has been discussed periodically over the last six years. Most recently, at the strategic planning retreat on February 20, 2021, City Council identified nonconforming ADUs as a topic staff should address in the coming months with a study session. It was Council consensus at that time for staff to return later in 2021 to discuss this topic.

Staff Reports

Scott Cutler, Senior Planner presented to Council a detailed update on what public outreach has occurred for ADUs to date, summarize local communities' approaches to ADUs, and summarize nationwide best practices for ADU ordinances.

Items that were discussed include:

- Definition of ADUs
- Background information including a summary of past public processes and more recent public sentiment
- Current code
- How ADUs and nonconforming dwellings are currently handled
- Practice of other Front Range communities
- Best practices for ADU ordinances
- Potential next steps and recommendations

Councilmembers had questions and comments, to which staff and Mr. Cutler gave detailed responses.

- What zoning issues do ADU raise, especially in terms of lot coverage and minimal requirements for an ADU to be completely self-sufficient as a residence.
- What impact could an HOA's have on an ADU?
- Discuss the differences and implications of legally non-conforming and illegally non-conforming properties with ADU.
- Is it feasible to write an ordinance that allows room for flexibility in evaluating individual situations?
- Councilmembers expressed the desire to move forward in a way that allows leniency in enforcing the code, so we do not unduly burden homeowners.

- A discussion of how ADU applications would be reviewed, and the methods staff would use to assess ADU applications followed, with emphasis on allowing room for discretion and variances.
- Council and staff discussed processes and procedures for informing the residents that the City is moving toward regulating ADU and how homeowners can openly approach City staff with the details of their individual situations.
- Councilmembers favor a fair and lenient model vs. a punitive approach. We need voluntary compliance that does not threaten homeowners with dire consequences if they come forward and cooperate.
- Perhaps a useful approach is a checklist that the City can give to homeowners, so the residents know how their situation fits the Code.
- In future study sessions Council needs to see and discuss some specifics about how regulating ADU will work.
- In terms of impact on neighbors, we need to be careful about regulations such as how many off-street parking spots are required and what portion of a lot must remain open space.
- What will happen when properties zoned R-1 seek approval of an ADU?
- Whatever action the City takes needs to apply city-wide.

CM Hoppe and CM Hultin, during a lengthy deliberative discussion, asked for the following **consensuses**, to direct staff to develop an ADU policy with the following elements:

- Maximum flexibility to permit existing legal, non-conforming ADUs and illegal ADUs
- Allow ADUs citywide in all residential zoning districts as well as MU districts so long as the primary use is residential
- Allow detached, attached, and basement ADUs
- Allow for administrative review for ADU permit applications
- No requirement to give notice to neighbors
- No minimum lot size requirement
- Require 1 additional off-street parking with flexibility for exemptions for existing ADUs
- Require owner occupancy for either the ADU or the primary residence
- Size of an ADU is not to exceed 50% of primary residence, not to exceed 1000 sf with an exception for basements which can be the entire space
- 25' height limit
- Allow no more than 1 ADU per lot
- No limit on the total number of ADUs allowed across the City

Consensuses attained.

3. Staff Report(s)

Discussion began at 9:39 pm,

Mr. Goff reported on the recent surge in CoVid infection rates, test positivity rates and hospitalization statistics in Colorado. Council discussed the prudence of returning to virtual Council sessions until the surge subsides.

4. Elected Officials' Report(s)

There were none tonight.


ADJOURNMENT

The Study Session adjourned at 9:50 PM.

APPROVED BY CITY COUNCIL ON JANUARY 24, 2022.



Steve Kirkpatrick, City Clerk



Rachel Hultin, Mayor Pro Tem