

STUDY SESSION AGENDA

CITY COUNCIL CITY OF WHEAT RIDGE, COLORADO

7500 W. 29th Ave.
Wheat Ridge CO

October 21, 2019

6:30 p.m.

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Sara Spaulding, Public Information Officer 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.


Citizen Comment on Agenda Items

1. Preferred Concept Design for “The Green” on 38th Avenue
2. Short Term Rentals – City Council Survey Update and Discussion
3. Staff Report(s)
4. Elected Officials’ Report(s)

ADJOURNMENT

Memorandum

TO: Mayor and City Council

FROM: Patrick Goff, City Manager 
Ken Johnstone, Community Development Director

DATE: October 15, 2019 (for October 21, 2019 study session)

SUBJECT: Preferred Concept Design for “The Green” on 38th Avenue

ISSUE:

One of the top five priorities in City Council’s 2018/2019 Strategic Plan is to finalize a design for the 38th Avenue Streetscape. While the proposal for The Green does not directly implement that priority, it is a logical first step in extending streetscape improvements from the West 38 mixed-use project, which is nearing completion directly to the west. The 2019 Neighborhood Revitalization Strategy Update also recommends that the City continue to prioritize additional streetscape investments along 38th Avenue. A consensus was reached by City Council in 2018 to engage a designer to develop conceptual designs for The Green. Architerra Group was hired by the City in August 2018 through the City’s established procurement process. Architerra Group, representatives from the Jefferson County School District and City staff will present the preferred concept design for The Green to City Council at the October 21, 2019 study session.

PRIOR ACTIONS:

- At the April 2, 2018 study session, a consensus was reached by City Council to engage a designer to develop conceptual designs for The Green.
- City Council approved an appropriation of \$900,000 in the 2019 Open Space Fund Budget, as a transfer from General Fund reserves, for redevelopment of The Green.
- City Council reauthorized an appropriation of \$900,000 in the 2020 Open Space Fund Budget for redevelopment of The Green.

BACKGROUND:

The 2005 Neighborhood Revitalization Strategy (2005 NRS) focuses on the repositioning of Wheat Ridge as a vibrant community. In particular, the NRS urges the City to pursue policies that encourage redevelopment and to promote 38th Avenue as a destination main street and pedestrian-oriented place. Strategy 6 specifically calls to “accelerate and shape the development along 38th Avenue” because “Wheat Ridge is a community that lacks a defined center.” The NRS emphasizes the need to attract strong households, and ultimately the provision of an appealing, pedestrian-oriented destination such as 38th Avenue helps to create that household demand.

In 2009, this vision of a main street on 38th was reinforced in the City’s comprehensive plan, *Envision Wheat Ridge*. The plan specifically describes the future of the 38th Avenue corridor from

Wadsworth to Pierce as “a transit and pedestrian friendly ‘main street’ that features an extension of streetscape and urban design improvements that have been completed between Sheridan Boulevard and Harlan Street.” Enhancing community character and design is one of six key values on which the comprehensive plan is based. This includes a call to enhance the image of the City’s commercial corridors and specifically “to coordinate, fund, develop, and maintain streetscape improvements.”

The 38th Avenue Corridor Plan, adopted October 2011, refines the main street vision and outlines specific action steps for revitalization. The plan addresses a wide range of recommendations related to branding, signage, housing, private development, public improvements, art, zoning, and community events all of which contribute to a feeling of place. Specifically, the plan recommended the following actions items pertaining to the Jefferson County School District property:

Guiding Principle

Vitality

Action

Work with Jefferson County School District to consider utilizing the large surface parking lot that abuts 38th Avenue for non-school events such as farmer’s markets, family or youth bike rodeos, overflow parking or civic functions.

Guiding Principle

Vitality

Action

Work with Jefferson County School District to consider long term re-investment of their underutilized land along 38th Avenue (vacant land fronting 38th and parking lot) for mixed use development and community functions such as community gardens and corridor parking

Guiding Principle

Appeal

Action

Create public plazas or gathering places along the corridor at activity nodes for public gatherings

Subsequent to the adoption of the 38th Avenue Corridor Plan, the City hired a design firm to design conceptual streetscape improvements to 38th Avenue. As part of Phase II of that scope of work, Entelechy, the consultant urban designer, also designed conceptual designs for modifications to the schools vacant property along 38th, generally referred to as “The Green”. Already used for many City events such as the Criterium and Brewfest, Friday Night Live, RidgeFest, and the Holiday Celebration, in partnership with the School District, the improvements would be intended to improve its functionality for these and other special events and for community passive uses.

As noted earlier, a primary recommendation in the ***2019 Neighborhood Revitalization Strategy (2019 NRS) Update*** is to reinvest in the City’s primary corridors including 38th Avenue. It suggest the City complete “funding, final design and construction” of 38th Avenue streetscape improvements.

In August 2018, with Council’s direction from the April 2018 study session, staff engaged with Architerra Group, a local landscape design firm, to develop conceptual designs for The Green. Architerra developed multiple options and those were presented to focus groups of interested stakeholders, including various school district representatives, Stevens Elementary parents, Localworks and 38th Avenue businesses. Some of the designs maintained the current footprint of

The Green, while others altered that orientation such that it would occupy the entire frontage along 38th Avenue and relocate the school's parking and student drop-off area to be a buffer between 38th Avenue, The Green and the school.

This preferred concept design orientation has several advantages:

- Meets the School District's security/safety goals by providing a parking lot and circulation area that is protected from the street, more convenient to the building entry and will be perceived as being safer by providing a buffer between the elementary school and its outdoor playground and the various activities that occur on The Green.
- Provides a more efficiently designed parking lot, while maintaining the same number of spaces.
- Gives The Green a stronger street presence and visibility, furthering the City's goal of highlighting 38th Avenue as the City's "main street."
- Provides a logical extension of streetscape improvements that are being installed as part of the private development immediately to the west – West 38.

The City and the School District have an existing agreement that allows for shared use of The Green, which has been in place for the last several years. The School District continues to be very supportive of this redesign and continued shared use, which as noted above, meets important goals for both the City and District. City staff have inquired of the District whether they would be interested in deeding The Green to the City after completing these improvements, and the answer thus far has been 'no.' Because of that, staff acknowledges the importance of getting a solid long-term agreement that memorializes both parties intent for this to be a shared use facility between the City and School District. We have similar shared-use and maintenance agreements at several of our schools. The District also has a recent example of a long-term use agreement with the City of Arvada, which can serve as a template for a long-term agreement on this property.

ATTACHMENTS:

1. Preferred Concept Design for The Green on 38th Avenue
2. IGA between City of Arvada and Jefferson County School District



THE GREEN AT 38TH

Conceptual Site Plan

ATTACHMENT 1

10-17-19



**AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF ARVADA
AND THE JEFFERSON COUNTY SCHOOL DISTRICT FOR THE LEASE OF PROPERTY AT
CARR ST. AND W. 58TH AVENUE IN ARVADA**

1.0 PARTIES AND EFFECTIVE DATE. The parties to this Lease Agreement ("Lease" or "Agreement") are the City of Arvada, a Colorado municipal corporation ("City" or "Arvada"), and the Jefferson County School District R-1, a quasi-municipal corporation ("JCSD"), collectively referred to as (the Parties"). This Agreement shall be effective upon its mutual approval by the Parties and execution by authorized representatives thereof.

2.0 RECITALS AND PURPOSE.

2.1 JCSD owns certain real property, located at Carr Street and W. 58th Avenue in Arvada, Colorado (the "Property ") and described as follows: Refer to Attachment A

2.2 JCSD, in consultation with the City, has determined that the fields at Arvada K-8 School with additional development, can be better utilized as a joint resource between the City and JCSD

2.3 JCSD and Arvada agree that the Property can be more fully utilized for public/school purposes and a Neighborhood Park.

2.4 JCSD is willing to lease the Property to Arvada for the purposes of Arvada constructing the Neighborhood Park.

2.5 Arvada is willing to design, develop, construct and maintain the property in accordance with the terms in this provision for the duration of this Lease.

3.0 TERMS AND CONDITIONS. In consideration of the mutual covenants and promises hereinafter contained, and subject to the contingencies and conditions hereinafter set forth, the Parties do hereby agree as follows:

3.1 Lease Term. JCSD leases to Arvada the Property to have and to hold for a period of ninety-nine (99) years, at and for a total sum of Nine Hundred Ninety Dollars and No Cents (\$990.00) payable in equal annual installments of Ten Dollars and No Cents (\$10.00) per year. If after the expiration of the lease term, Arvada shall remain in possession of the Property without written agreement as to such holding, then such holding shall be deemed to be a holding upon a tenancy from month to month at a monthly rental of One Hundred Dollars and No Cents (\$100.00).

3.2 Commencement Date. The commencement date of the rental term hereunder shall be on the date when both Parties have executed this Agreement.

3.3 Financial Obligations of Arvada. Arvada agrees to pay and/or provide the following:

- (A) Rent as hereinabove provided when due and payable;
- (B) All costs direct and incidental to the design, development and construction costs for the Neighborhood Park; and
- (C) All maintenance and upkeep expenses for the Property including trash and water.

3.4 Financial Obligations of Owner. JCSD agrees to pay and/or provide the following:

- (A) The construction and maintenance of a fence on the East side of the Property designation between the Arvada K-8 school and the Neighborhood Park.

3.5 Park Construction. Arvada shall be responsible for complying, at its sole expense, with all federal, state, and local laws in accomplishing the construction of the park including, but not limited to, laws relating to fire protection, safety, health, and access for persons with disabilities. All work done by or pursuant to the direction of Arvada under this paragraph shall be accomplished in a good and workmanlike manner by a licensed contractor or contractors (and subcontractors, as applicable), free of mechanic's and material men's liens.

3.6 Use Restrictions. The Parties expressly understand that this Agreement is conditioned upon the use of the Property by Arvada only for the purposes of a neighborhood park and will also be used to support the recreational requirements of the School. Should the Property cease to be used for such purposes or is otherwise used for private or other commercial or business purposes, this Lease shall terminate upon written notice by JCSD to Arvada.

3.7 Maintenance and Repair. Arvada shall, throughout the term of this Lease, at no expense to JCSD, keep and maintain, or cause to be kept and maintained, the Property in a safe condition and a good state of appearance and repair, and shall not commit, suffer or permit any waste or nuisance on the Property or any acts to be done thereon in violation of any applicable laws. Subject to the above-referenced allocation of obligations, Arvada shall promptly make or cause to be made all repairs necessary to keep the Property in lawful order and condition.

3.8 Improvements to JCSD. At the termination of this Agreement, by lapse of time or otherwise, all improvements not then the property of JCSD, including all of the modifications and other alterations made thereto, and all other fixtures and improvements to the Property of any nature whatsoever, shall become the property of JCSD, and Arvada shall be prohibited from dismantling or otherwise removing such from the Property those fixed appurtenances.

3.9 Assignment. Arvada shall not sublet, assign, or otherwise encumber any portion of the Property or its interest in this Lease without the express written consent of JCSD which consent may be withheld in the absolute discretion of JCSD.

4.0 Liability and Insurance; Governmental Immunity. JCSD and Arvada, as governmental entities of the State of Colorado, are entitled to certain immunities under Colorado law, including the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, et seq., and are self-insured for \$150,000.00 per person and \$600,000.00 per occurrence as more fully set forth in Risk Management laws, C.R.S. §§ 24-30-1501, et seq. The Parties agree that such insurance shall satisfy all insurance requirements of this Agreement except as otherwise specified herein.

(B) The Colorado Constitution prohibits the State of Colorado, the City of Arvada and JCSD from agreeing to indemnify any other party, public or private. In addition, the Colorado Governmental Immunity Act limits the tort liability of public entities and their employees and authorized volunteers acting in the course of authorized governmental undertakings. Any provision of this Agreement, whether or not incorporated herein by reference, shall be controlled, limited and otherwise so modified by statute.

5.0 TERMINATION OF LEASE.

5.1 By JCSD. Upon the occurrence of any of the following, JCSD may, at its option, and without liability for trespass, forcible entry and detainer, damages, or breach, terminate the lease.

- (A) Arvada is in arrears in the payment of any installment of the rent, or any portion thereof, which condition remains uncorrected for a period of thirty (30) days after Arvada has been provided notice thereof pursuant to Paragraph 7.0 below;
- (B) Arvada is in default in any other covenant or obligation herein to be performed by Arvada, which default remains uncorrected for a period of thirty(30) days after JCSD has provided notice thereof pursuant to Paragraph 7.0 below;
- (C) Arvada fails to substantially complete the park construction as required by Sub-paragraphs 3.3 and 3.5; or
- (D) Arvada ceases to use the Property for the Specific purposes enumerated in Sub-paragraph 3.6 hereof, or otherwise uses the Property for private or other commercial or business purposes.

6.0 RIGHT OF FIRST REFUSAL. During the term of the Lease, before JCSD may sell the Property to a third party, JCSD shall first offer the Property to Arvada on the same terms and conditions as are offered by the third party. Arvada shall have sixty (60) days during which to accept said offer. It is further agreed that Arvada shall receive a credit toward said purchase price of the amount of improvements Arvada has made to the Property. If Arvada does not accept said offer within said period, JCSD shall be free to accept the third-party offer. If JCSD does not enter into an agreement with the third party on said terms and conditions and close the transaction within ninety (90) days, of the date of Arvada's decision not to accept, JCSD's right to sell the Property to the third party shall expire and the procedure described in this Section shall again be applicable.

7.0 NOTICES. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth on the signature page below, or at such other address as has been previously furnished in writing, to the other Party. Such notice shall be deemed to have been given when deposited in the United States mail.

8.0 EXHIBITS. All exhibits referred to In this Agreement are, by reference, incorporated herein for all purposes.

9.0 PARAGRAPH CAPTIONS. The captions of paragraphs and sub-paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit, or describe the scope or intent of this Lease.

10.0 ADDITIONAL DOCUMENTS OR ACTION. The Parties agree to execute any additional documents or take any additional action that is necessary to carry out this Lease.

11.0 INTEGRATION AND AMENDMENT. This Lease represents the entire agreement between the Parties and there are no oral or collateral agreements or understandings. This Lease may be amended only by an instrument in writing signed by the Parties. If any other provision of this Lease is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Lease shall continue in full force and effect.

12.0 WAIVER OF BREACH. A waiver by any Party to this Lease of the breach of any term

or provision of this Lease shall not operate or be construed as a waiver of any subsequent breach by either Party.

13.0 GOVERNING LAW AND VENUE. This Lease shall be governed by the laws of the State of Colorado. Venue for any action arising under this Lease or for the enforcement of this Lease shall be in the appropriate court for Jefferson County, Colorado.

14.0 BINDING EFFECT. This Lease shall inure to the benefit of, and be binding upon, the Parties, their respective legal representatives, successors, and assigns; provided, however, that nothing in this paragraph shall be construed to permit the assignment of this Lease except as otherwise expressly authorized herein.

15.0 ATTORNEY'S FEES. In the event of litigation between the Parties enforcing the terms of this Agreement, the prevailing Party shall be entitled to recover its reasonable attorney fees and costs.

16.0 NO THIRD PARTY BENEFICIARIES. It is expressly understood and agreed that enforcement of the terms and conditions of this Lease, and all rights of action relating to such enforcement, shall be strictly reserved to Arvada and JCSD, and nothing contained in this Lease shall give or allow any such claim or right of action by any other third party on such Lease. It is the express intention of Arvada and JCSD that any person other than Arvada or JCSD receiving services or benefits under this Lease shall be deemed to be an incidental beneficiary only.

17.0 GOVERNMENTAL IMMUNITY ACT. Nothing herein is intended to be nor may be construed as a waiver of the rights, immunities, protections, or limitations on damages provided to Arvada or JCSD by the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 et seq., as from time to time amended, or otherwise available.

18.0 COUNTERPARTS. This Lease may be executed in counterparts, each of which shall be deemed to be an original, but all together shall constitute but one and the same Lease.

DATED this _____ day of _____, 2012.

CITY OF ARVADA, a Colorado municipal corporation

Robert G. Frie, Mayor

8101 Ralston Road

P.O. Box 8101 Arvada, Colorado 80002

ATTEST:

City Clerk

APPROVED AS TO FORM:

Christopher K. Daly, City Attorney

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me this ____ day of _____ 2012,
by Robert G. Frie, Mayor for the City of Arvada, Colorado.

WITNESS my hand and official seal.

Notary Public

My Commission expires _____

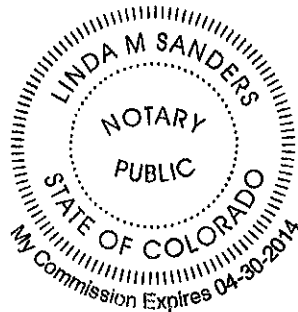
JEFFERSON COUNTY SCHOOL DISTRICT
NO. R-1

By: Steven H. Bell

Steven H. Bell, Chief Operating Officer

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me this 28th day of February 2012,
by Steven H. Bell of the Jefferson County School District R-1, a quasi-
municipal corporation.



WITNESS my hand and official seal.

Linda Sanders


Notary Public

My Commission expires 4-30-2014

Memorandum

TO: Mayor and City Council

FROM: Kenneth Johnstone, Community Development Director

THROUGH: Patrick Goff, City Manager 

DATE: October 21, 2019

SUBJECT: Short Term Rentals – City Council Survey Update and Discussion

ISSUE:

Short terms rentals (STRs) have been a discussion topic in the community for several years. Based on anecdotal evidence and monitoring of some of the umbrella providers (Airbnb, VRBO, etc.) they do exist in the City. Municipal Code is currently silent to the topic; however, interpreting various sections of existing codes, staff's interpretation has been that they are generally not allowed and that is communicated to persons inquiring of their permissibility. Staff has been monitoring their prevalence in the City, as well as monitoring what regulatory approaches (if any) other cities have taken, both locally, statewide and nationally. Based on staff resources and the ambiguity in the Code, staff is not currently pursuing enforcement actions to prohibit them.

PRIOR ACTIONS:

City Council has identified the establishment of a policy on STRs as a top priority in your 2018/2019 Strategic Plan. City Council was briefed on the topic at a March 18, 2019 study session meeting. That briefing included the following: 1) an overview of what STRs are; 2) a description of how current Code does and does not address them; 3) a summary of the results on the 2018 Citizen Survey, which had questions discussing how STRs might be regulated; and 4) an overview of how other cities are regulating this use. Council consensus at that meeting directed staff to prepare a survey for City Council to take that would gauge policy direction on various regulatory approaches for STRs.

The City Council survey was forwarded to Council in July and staff compiled the results in early-September. Those results are attached, as well as a staff summary of where there was and was not Council consensus.

FINANCIAL IMPACT:

The financial impact of regulating STRs is difficult to measure without additional policy direction from Council on a regulatory approach. Regulating them in any manner will require staff resources, and depending on the approach, likely additional staff resources. It is possible to

generate revenue to offset all or a portion of those staff costs, through the imposition of a lodger's tax (or equivalent) or a STR licensing/registration fee. Staff impacts/costs would vary based on two primary factors: 1) the complexity of the licensing system; and 2) the level of enforcement desired.

BACKGROUND:

Short term rentals are accommodations for the overnight lodging of fee-paying guests, typically for less than 30 consecutive days in duration and typically out of town visitors. STRs can range from the rental of a single room to the rental of an entire dwelling unit. STRs do not typically include the provision of meals or other on-site services, which is common in more traditional bed and breakfasts. Bed and breakfasts are currently regulated in municipal code and are allowed in all residential zone districts as a "special use" and require a special use permit. Bed and breakfasts also have certain performance standards, relative to minimum lot size, a maximum of 4 total guest rooms, minimum parking requirements, etc.

STRs have existed in one form or fashion for decades; though they have become much more prevalent as a land use phenomenon in the last 10 years. As noted previously, they have been identified as likely existing in Wheat Ridge for at least the last several years.

RECOMMENDATIONS:

Staff requests direction from City Council whether, and if so how, to regulate short term rentals in the Wheat Ridge.

ATTACHMENTS:

1. September 9, 2019 Memo from Scott Cutler summarizing the Council survey results
2. Council Survey results
3. March 18, 2019 staff report and attachments

Memorandum

TO: Kenneth Johnstone, Community Development Director
Lauren Mikulak, Planning Manager

FROM: Scott Cutler, Planner II

DATE: September 9, 2019

SUBJECT: Short-Term Rental Survey Summary – July 2019

In July of this year, a survey was sent to the Mayor and City Council obtain feedback on a variety of issues related to Short-Term Rentals (STRs). The 22-question survey covered a variety of topics, including licensing, occupancy regulations, enforcement, STR location, and some free-response questions.

All members of Council and the Mayor responded to the survey. On some issues, there was clear consensus, but for many topics there was no consensus. In general, Council is supportive of regulating STRs and collecting taxes, but is not unified on the substantive issues of how to regulate or where to allow them.

This memo summarizes the findings and themes found in the provided survey answers. The full survey results are also provided for your reference which include answers to the free-response questions.

Consensus

Council is highly supportive of regulating Short-Term Rentals and collecting taxes. They were also supportive of allowing a registration grace period, dedicating additional staff resources, and allowing “partial home” STRs. This is evidenced by the following survey questions and responses:

- STRs should be regulated under a separate short-term rental license (8 of 9 respondents selected this answer)
- STRs should have an annual short-term rental license fee (7 of 9 respondents selected this answer, and 1 additional respondent wanted to use the existing business license fee)
- All agreed a Lodger’s Tax should be collected. There was no consensus, however, over whether the existing model for hotel lodger’s tax should be used, or a customized model/rate should be used for STRs.
- “Partial home” STRs should be allowed (7 of 9 were supportive or somewhat supportive, with 1 opposed and 1 unsure)
- A grace period for existing short-term rentals to register prior to any potential enforcement (7 of 9 respondents were supportive)
- Additional staff resources should be dedicated to enforcing STR regulations (8 of 9

respondents were “very willing” or “somewhat willing” to dedicate additional resources)

Generally supportive

- Occupancy requirement for owner or primary resident to use the property as their primary residence. (6 were supportive or somewhat supportive, 2 were opposed, 1 was unsure)

No Consensus

While Council was supportive of regulating and taxing STRs, there was no consensus on where they should be allowed, if “whole home” STRs should be allowed, and what limits should be placed on STRs.

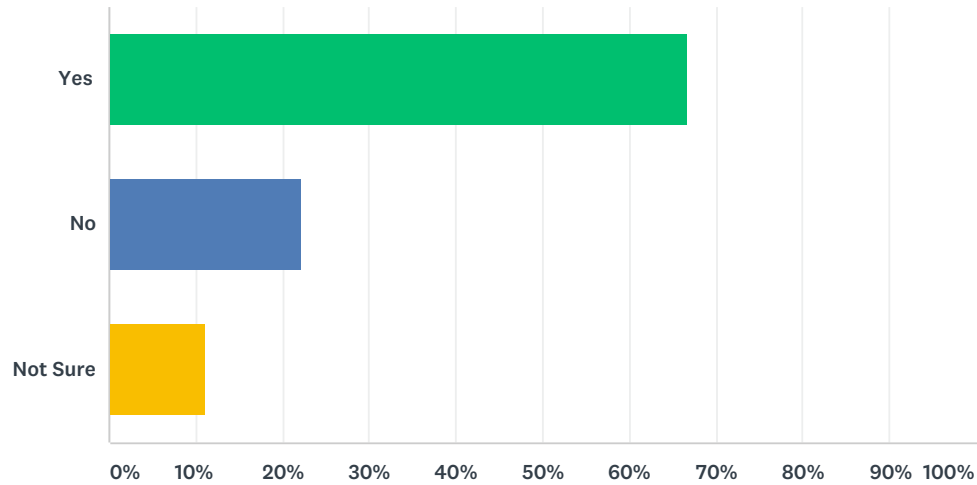
- Allowing “whole home” STRs (4 were supportive, 3 were opposed, 2 not sure)
- Allowing STRs in *all* or *some* residential zone districts (5 were supportive, 3 were opposed for both questions)
- Prohibiting STRs in R-1 zone districts (5 were opposed, 3 were supportive)
- Allowing STRs in commercial/mixed-use (5 were supportive, 3 were opposed, 2 were not sure)
- Limit on number of days (4 said no for various reasons, 3 said limit number of days)
- Primary enforcement concerns were relatively equally mixed between noise, registration/compliance, exceeding occupancy limits, and parking

Unsure

- Buffer/spacing requirements (4 of 9 were unsure). More information may be necessary.

Q1 Have you stayed in a short-term rental? If so, which service/website did you use to rent the unit?

Answered: 9 Skipped: 0

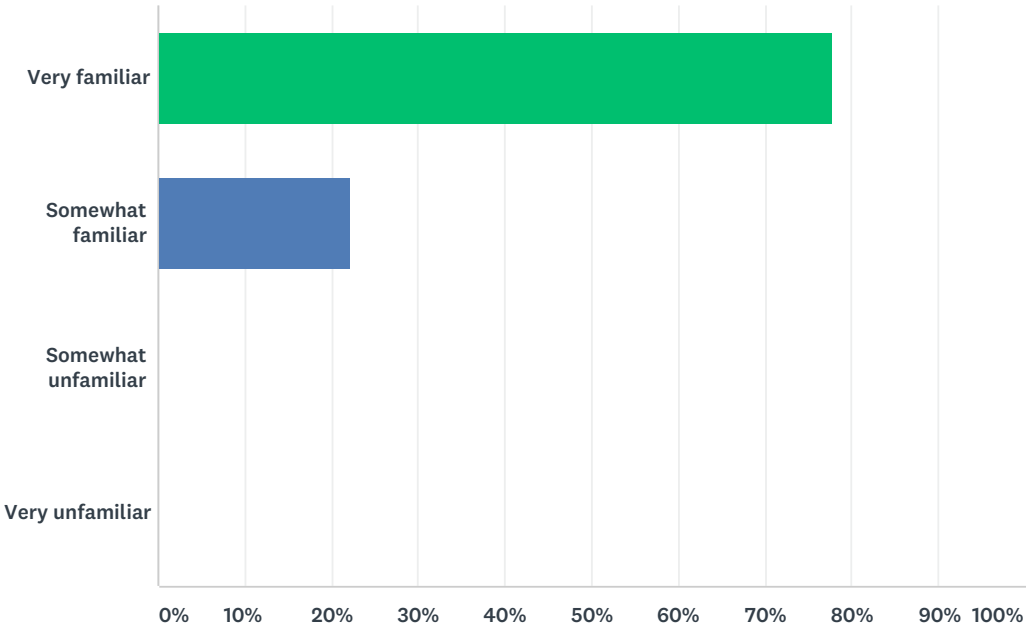


ANSWER CHOICES	RESPONSES
Yes	66.67% 6
No	22.22% 2
Not Sure	11.11% 1
TOTAL	9

#	SERVICE	DATE
1	AirBnB	8/27/2019 4:10 AM
2	B and Bs	7/30/2019 2:30 AM
3	VRBO & airnb	7/22/2019 2:18 PM
4	Air bnb	7/22/2019 9:37 AM
5	VRBO	7/22/2019 3:36 AM

Q2 How familiar are you with the concept of short-term rentals?

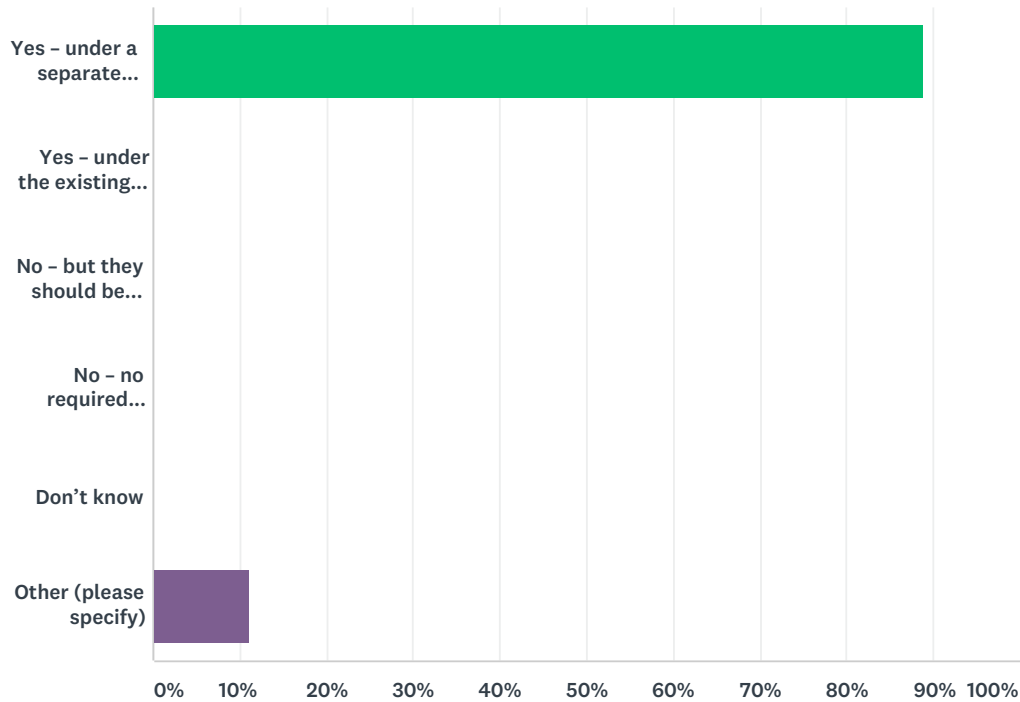
Answered: 9 Skipped: 0



ANSWER CHOICES		RESPONSES	
Very familiar		77.78%	7
Somewhat familiar		22.22%	2
Somewhat unfamiliar		0.00%	0
Very unfamiliar		0.00%	0
TOTAL			9

Q3 Should short-term rentals be licensed in Wheat Ridge?

Answered: 9 Skipped: 0

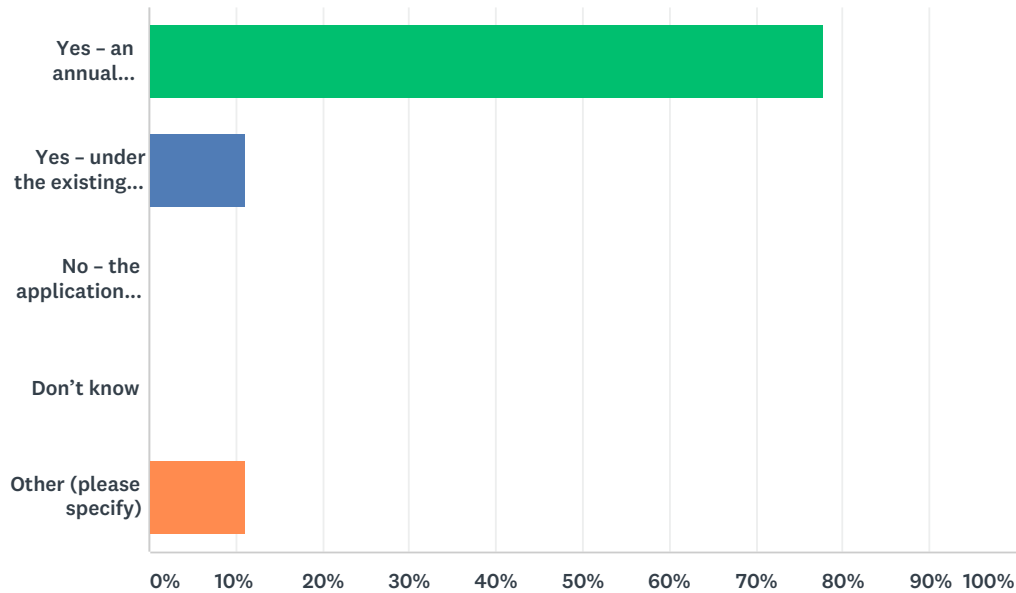


ANSWER CHOICES		RESPONSES	
Yes – under a separate short-term rental license		88.89%	8
Yes – under the existing business license application		0.00%	0
No – but they should be registered in some other way with the City		0.00%	0
No – no required registration with the City		0.00%	0
Don't know		0.00%	0
Other (please specify)		11.11%	1
TOTAL			9

#	OTHER (PLEASE SPECIFY)	DATE
1	Not Allowed. Period.	7/31/2019 7:12 AM

Q4 Should there be a license fee to register a short-term rental?

Answered: 9 Skipped: 0

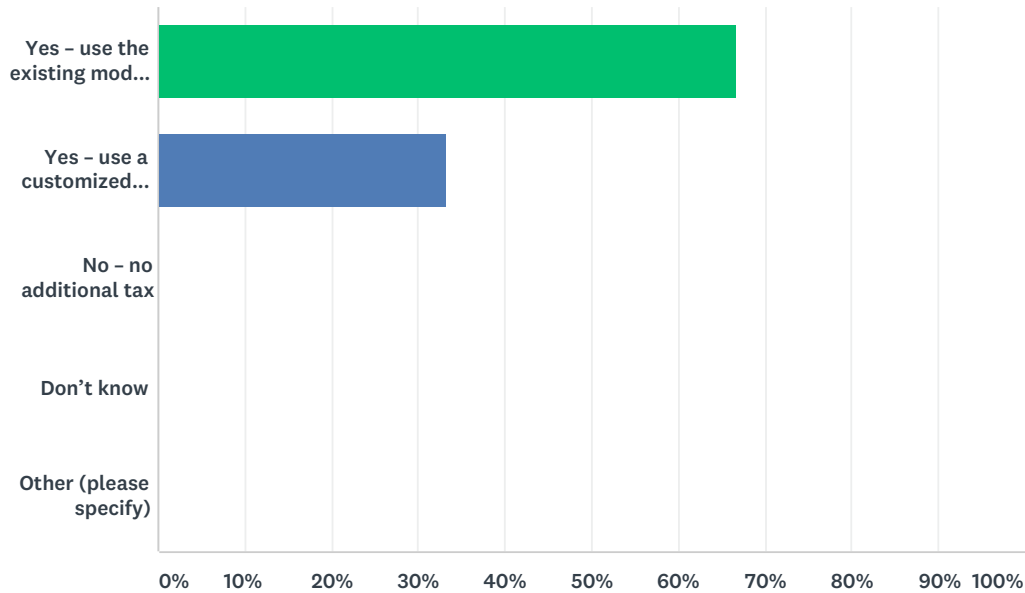


ANSWER CHOICES	RESPONSES	
Yes – an annual short-term rental license fee should be applied	77.78%	7
Yes – under the existing business license application fee	11.11%	1
No – the application should be free	0.00%	0
Don't know	0.00%	0
Other (please specify)	11.11%	1
TOTAL		9

#	OTHER (PLEASE SPECIFY)	DATE
1	open to recommendations of staff on process	7/22/2019 2:20 PM

Q5 Should the City collect a lodger's tax similar to hotels for short-term rentals?

Answered: 9 Skipped: 0

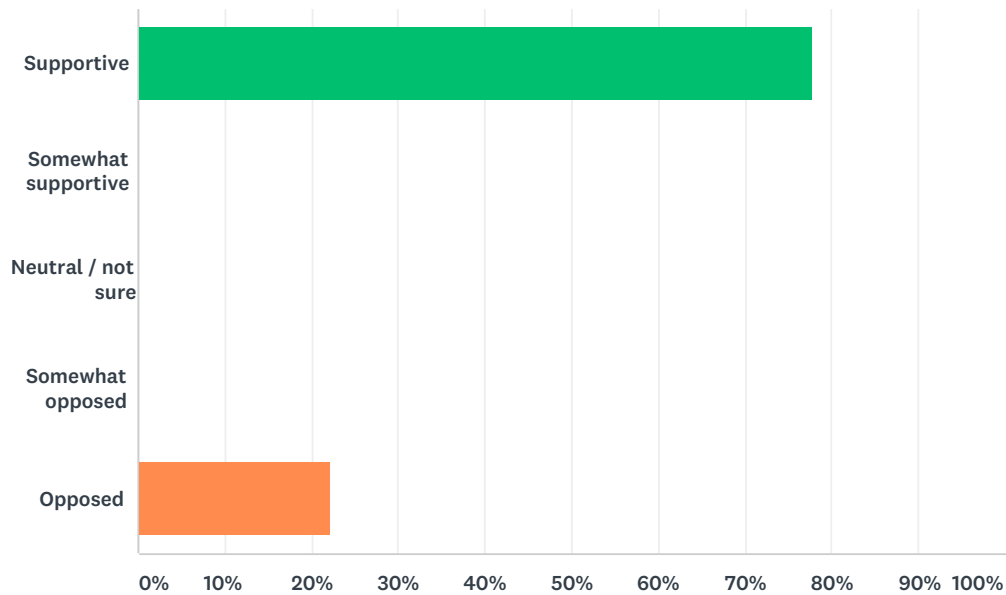


ANSWER CHOICES		RESPONSES	
Yes – use the existing model for hotels		66.67%	6
Yes – use a customized model or rate for short-term rentals		33.33%	3
No – no additional tax		0.00%	0
Don't know		0.00%	0
Other (please specify)		0.00%	0
TOTAL			9

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

Q6 How supportive are you of allowing existing short-term rentals to have a grace period to register prior to any potential enforcement?

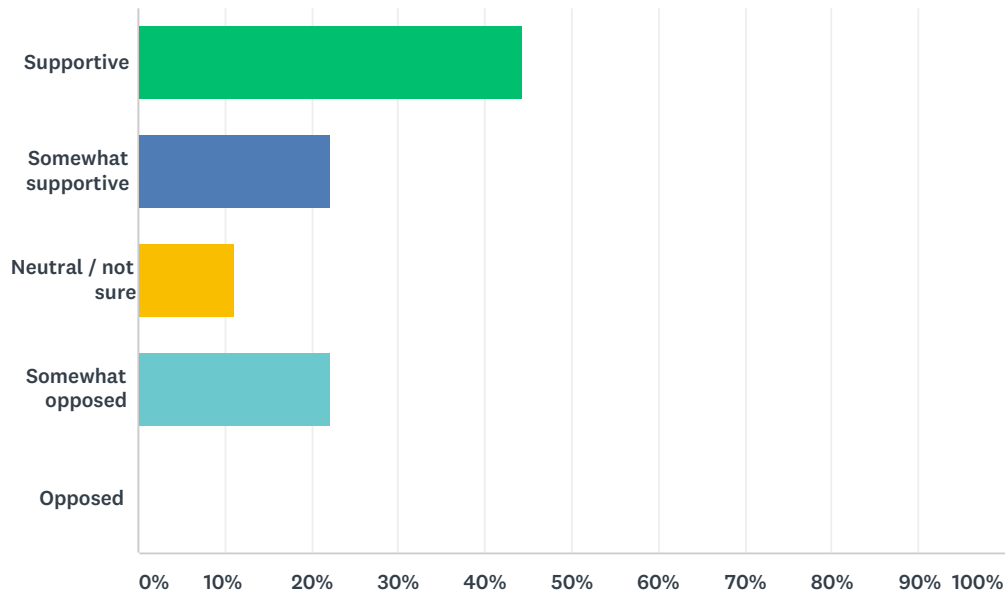
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Supportive	77.78%	7
Somewhat supportive	0.00%	0
Neutral / not sure	0.00%	0
Somewhat opposed	0.00%	0
Opposed	22.22%	2
TOTAL		9

Q7 Are you supportive of an owner or primary resident occupancy requirement? This requirement typically means that an owner or primary resident (long-term renter with landlord approval) must use the property as their primary residence, living there at least half the year.

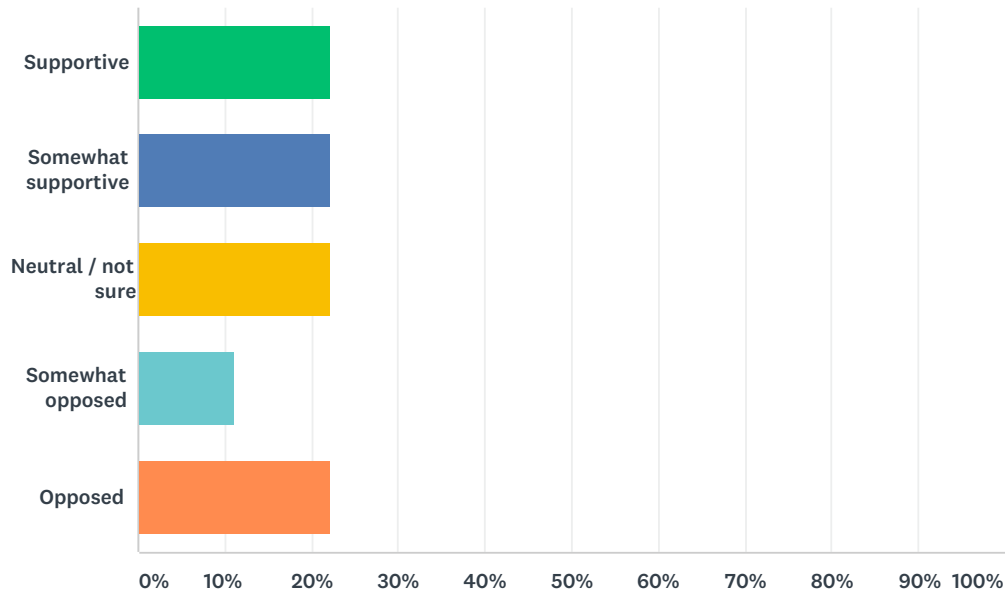
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Supportive	44.44%	4
Somewhat supportive	22.22%	2
Neutral / not sure	11.11%	1
Somewhat opposed	22.22%	2
Opposed	0.00%	0
TOTAL		9

Q8 Should “whole home” short-term rentals be allowed? This is when an owner or primary resident rents out the entire dwelling unit and is not on-site during the stay.

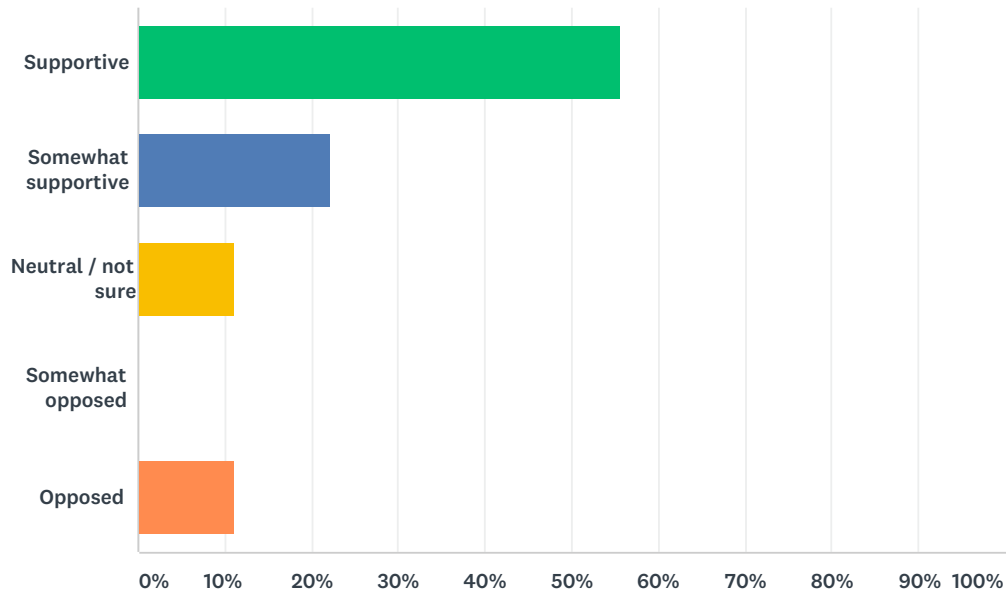
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Supportive	22.22%	2
Somewhat supportive	22.22%	2
Neutral / not sure	22.22%	2
Somewhat opposed	11.11%	1
Opposed	22.22%	2
TOTAL		9

Q9 Should “partial home” short-term rentals be allowed? This is when an owner or primary resident rents out a portion of a dwelling unit, such as a bedroom or basement, but not the entire dwelling unit.

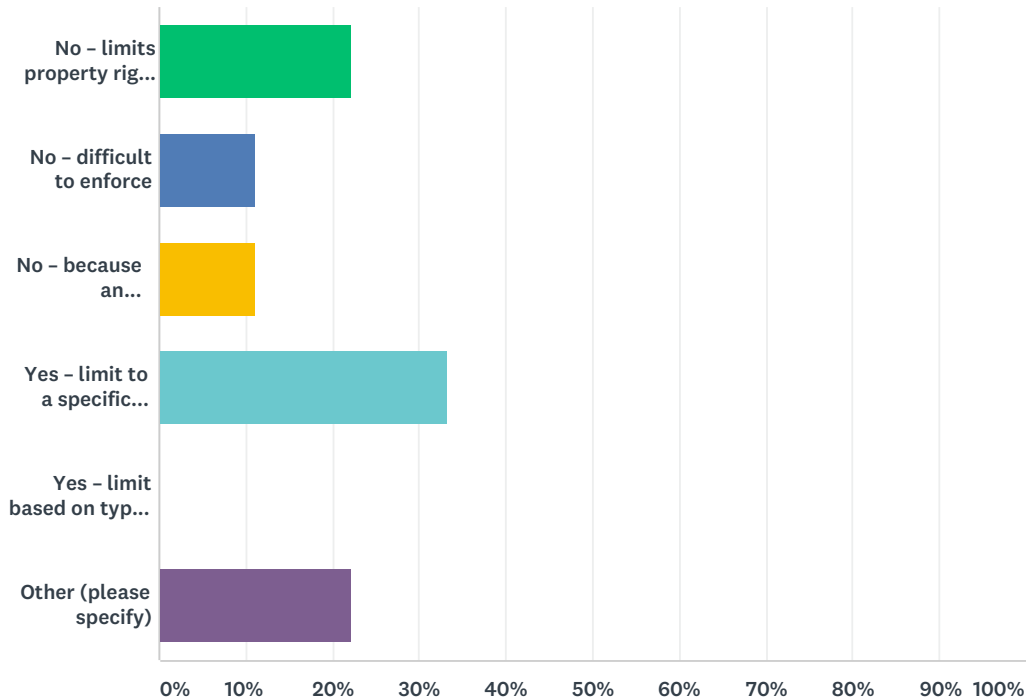
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Supportive	55.56%	5
Somewhat supportive	22.22%	2
Neutral / not sure	11.11%	1
Somewhat opposed	0.00%	0
Opposed	11.11%	1
TOTAL		9

Q10 Should there be a limitation on the amount of days a property owner or primary resident can operate a short-term rental?

Answered: 9 Skipped: 0

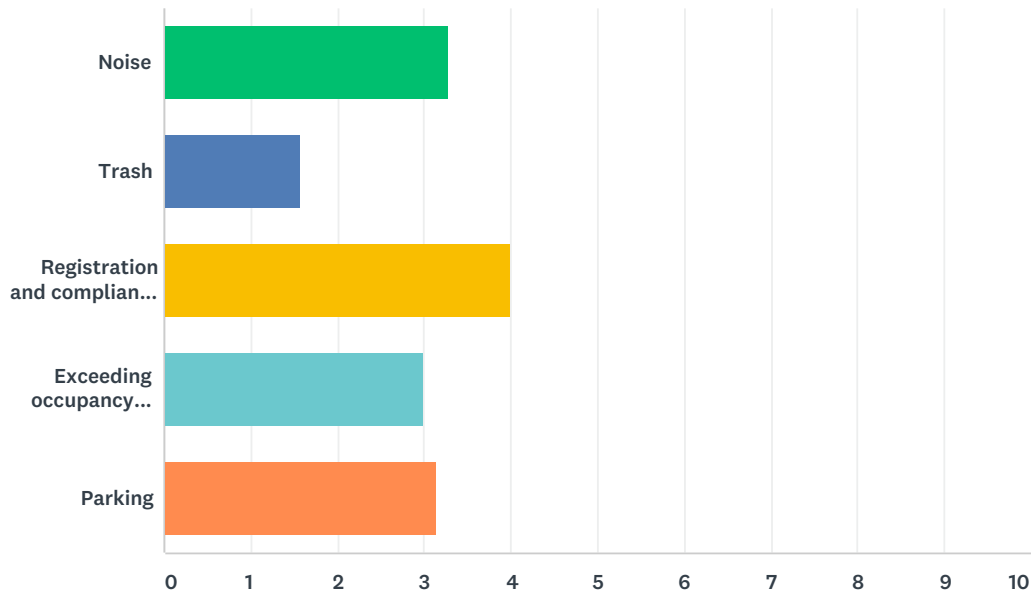


ANSWER CHOICES		RESPONSES	
No – limits property rights of owner or operator		22.22%	2
No – difficult to enforce		11.11%	1
No – because an owner/primary resident occupancy requirement already limits it to 180 days		11.11%	1
Yes – limit to a specific number of days		33.33%	3
Yes – limit based on type of rental (whole home vs. partial home)		0.00%	0
Other (please specify)		22.22%	2
TOTAL			9

#	OTHER (PLEASE SPECIFY)	DATE
1	I would think 30 days... since we are looking to that for hotels, however open	7/22/2019 2:21 PM
2	a	7/19/2019 8:16 AM

Q11 What are your enforcement concerns associated with short-term rentals? Rank the following items, 1 being the highest concern and 5 being the least concern. If you do not have enforcement concerns, leave this question blank.

Answered: 7 Skipped: 2



	1	2	3	4	5	TOTAL	SCORE
Noise	28.57% 2	14.29% 1	14.29% 1	42.86% 3	0.00% 0	7	3.29
Trash	0.00% 0	0.00% 0	0.00% 0	57.14% 4	42.86% 3	7	1.57
Registration and compliance with local/regional taxes	42.86% 3	42.86% 3	0.00% 0	0.00% 0	14.29% 1	7	4.00
Exceeding occupancy limits	28.57% 2	28.57% 2	0.00% 0	0.00% 0	42.86% 3	7	3.00
Parking	0.00% 0	14.29% 1	85.71% 6	0.00% 0	0.00% 0	7	3.14

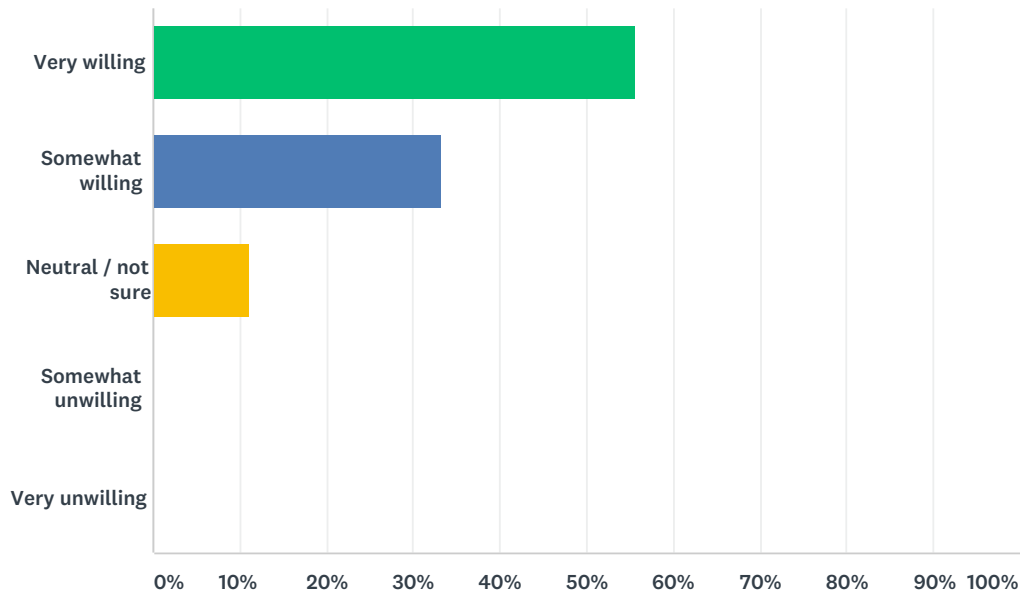
Q12 Do you have any other enforcement concerns not identified in Question 11?

Answered: 6 Skipped: 3

#	RESPONSES	DATE
1	No	8/27/2019 4:14 AM
2	Who are the renters?	7/31/2019 7:15 AM
3	Life/safety compliance; enforcement mechanisms and sanctions	7/30/2019 2:43 AM
4	The companies police themselves	7/22/2019 2:22 PM
5	No	7/22/2019 9:41 AM
6	Zoning laws- multifamily vs single family, complaint process, amenities required	7/22/2019 5:28 AM

Q13 Enforcement against potentially illegal STRs can be challenging and resource intensive and would almost certainly require additional staff/financial resources. How willing are you to dedicate additional staff resources for enforcement?

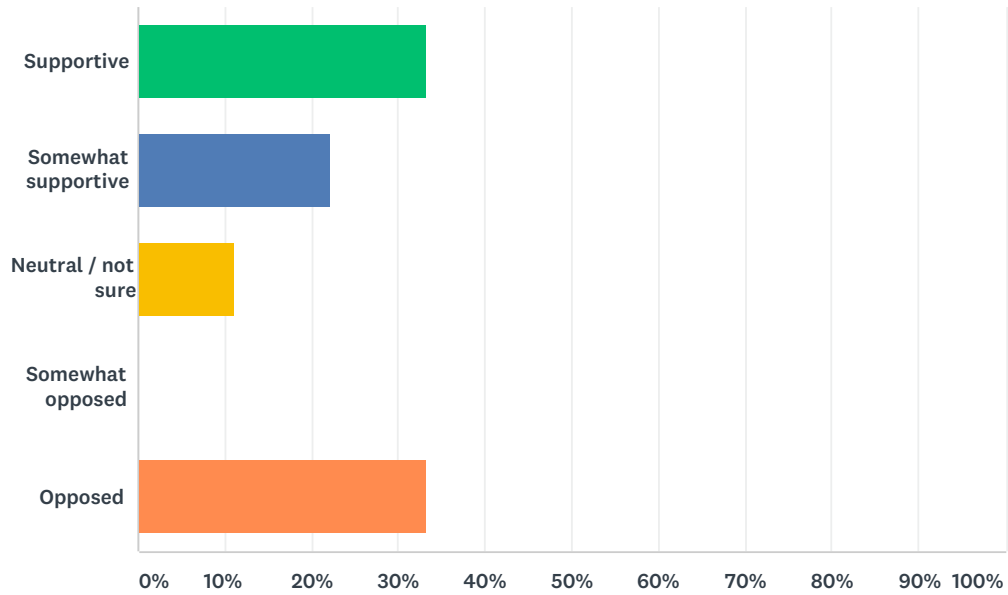
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very willing	55.56%	5
Somewhat willing	33.33%	3
Neutral / not sure	11.11%	1
Somewhat unwilling	0.00%	0
Very unwilling	0.00%	0
TOTAL		9

Q14 How supportive are you of allowing short-term rentals in all residential zone districts?

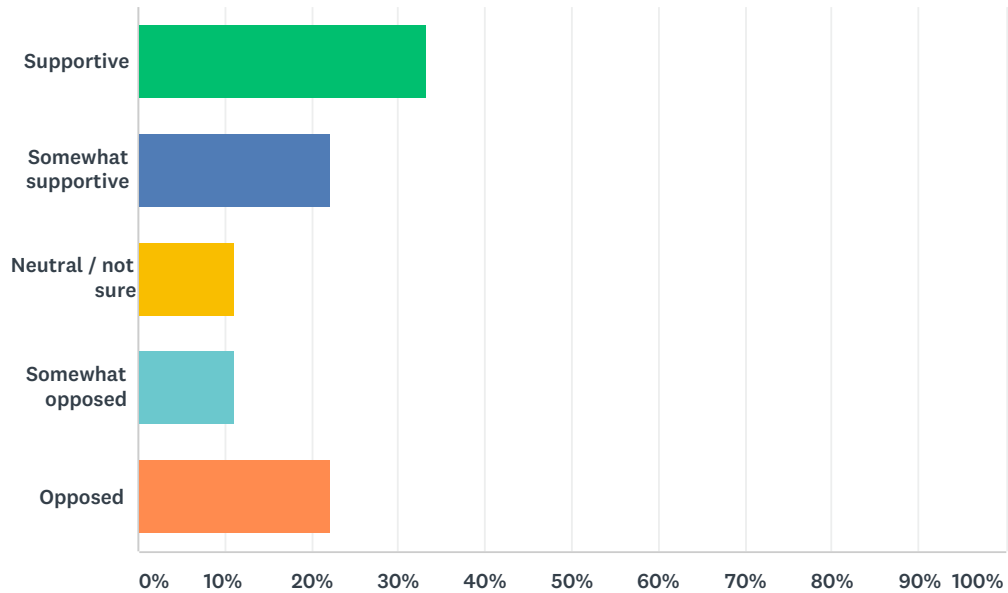
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Supportive	33.33%	3
Somewhat supportive	22.22%	2
Neutral / not sure	11.11%	1
Somewhat opposed	0.00%	0
Opposed	33.33%	3
TOTAL		9

Q15 How supportive are you of allowing short-term rentals in some, but not all, residential zone districts?

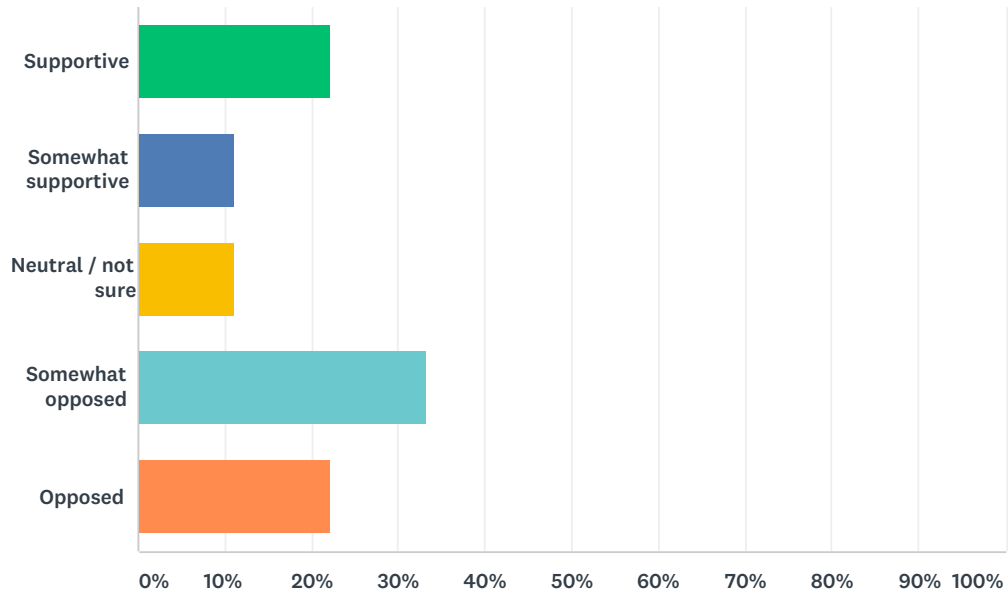
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Supportive	33.33%	3
Somewhat supportive	22.22%	2
Neutral / not sure	11.11%	1
Somewhat opposed	11.11%	1
Opposed	22.22%	2
TOTAL		9

Q16 How supportive are you of prohibiting short term rentals in the Residential-One (R-1) zone district?

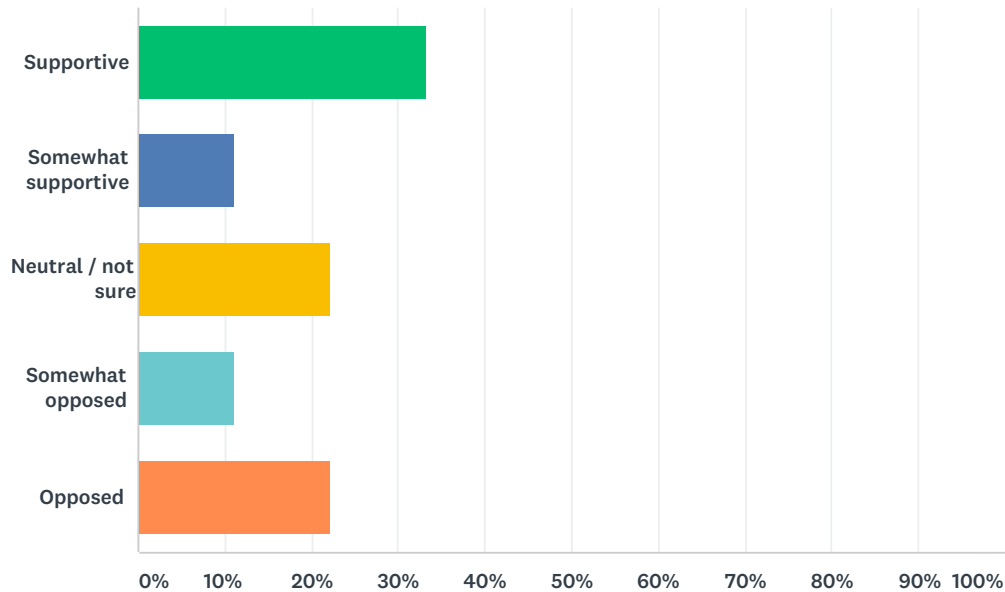
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Supportive	22.22%	2
Somewhat supportive	11.11%	1
Neutral / not sure	11.11%	1
Somewhat opposed	33.33%	3
Opposed	22.22%	2
TOTAL		9

Q17 How supportive are you of allowing short-term rentals in commercial, industrial, and mixed-use zone districts where hospitality uses are already allowed (such as bed and breakfasts and hotels)?

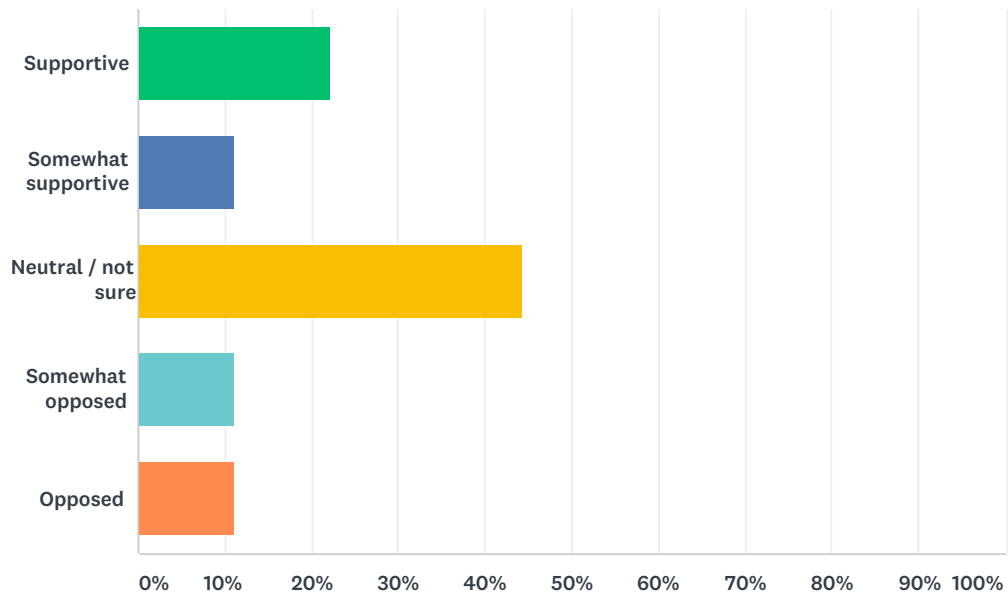
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Supportive	33.33%	3
Somewhat supportive	11.11%	1
Neutral / not sure	22.22%	2
Somewhat opposed	11.11%	1
Opposed	22.22%	2
TOTAL		9

Q18 How supportive are you of buffer requirements between properties that operate short-term rentals?

Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Supportive	22.22%	2
Somewhat supportive	11.11%	1
Neutral / not sure	44.44%	4
Somewhat opposed	11.11%	1
Opposed	11.11%	1
TOTAL		9

Q19 In general, how supportive of you are allowing short-term rentals in Wheat Ridge? Why?

Answered: 8 Skipped: 1

#	RESPONSES	DATE
1	Supportive because it provides needed short housing relief, and flexibility to the homeowners. It is a reality in our greater marketplac, so we should manage it.	8/27/2019 4:21 AM
2	Not at all. We have hotels, use them. Residential neighborhoods are not business districts.	7/31/2019 7:19 AM
3	Generally supportive provided a robust regulatory environment is in place.	7/30/2019 3:13 AM
4	I believe it should be allowed and taxed	7/22/2019 2:32 PM
5	Supportive,	7/22/2019 9:44 AM
6	Short-term rentals are a reality within our community and ought to be regulated in some form to allow for enforcement. It's better to address and regulate the market than have our city be silent with little to no ability to ensure that STRs are a net benefit to and for the community.	7/22/2019 5:41 AM
7	I think they can be a valuable service both for renters and operators. Many of the negative impacts are not necessarily STR-specific and can be addressed through code enforcement. Finally, enforcement of a ban would be difficult if not impossible.	7/22/2019 3:44 AM
8	Based on sufficient regulatory oversight, taxation, health and safety standards, and land-use constraints I would be supportive of limited days, owner on site, short-term rentals in non R1 zone districts, based on current occupancy standards.	7/19/2019 5:23 AM

Q20 Regardless of your support level for short-term rentals, what opportunities, if any, do you think they could provide to the community or property owners?

Answered: 8 Skipped: 1

#	RESPONSES	DATE
1	Tax revenue and visitation for City and supplemental income for owners.	8/27/2019 4:21 AM
2	NONE!	7/31/2019 7:19 AM
3	STRs can be a valuable income asset for property owners and may provide a way for homeowners to continue residency as income and occupancy levels change over time.	7/30/2019 3:13 AM
4	I think it does allow affordable housing if there are people renting a room. Honestly I think better regulated if this happens vs. trashy long term rentals. Supports property owner rights, and I think a safer option than long term	7/22/2019 2:32 PM
5	?	7/22/2019 9:44 AM
6	Primarily, a second income that could benefit residents. Respecting property rights within appropriate zoning. Attracting tourism within Wheat Ridge, which is outside the hustle/bustle of downtown but close enough to it and the mountains to be appealing to travelers. The mainstream industry is also fairly well regulated itself lending to high quality services but locally we need to be able to address the outliers.	7/22/2019 5:41 AM
7	In a time of high housing costs, they can be a valuable source of income for home owners.	7/22/2019 3:44 AM
8	Increase in local economic activity. Increase in visitors to Wheat Ridge.	7/19/2019 5:23 AM

Q21 Regardless of your support level for short-term rentals, what concerns, if any, do you have about them in regards to the community as a whole?

Answered: 8 Skipped: 1

#	RESPONSES	DATE
1	Getting owners signed up and compliant, and supporting the enforcement.	8/27/2019 4:21 AM
2	It downgrades the community as a whole.	7/31/2019 7:19 AM
3	STRs generally increase neighborhood occupancy and density and bring both desirable and undesirable impacts to the neighborhood: parking and noise issues; additional late night/early morning activity; additional "strangers" in the neighborhood; additional guests to visit local retail and restaurant establishments; income potential for local residents; tax and license income for the city;	7/30/2019 3:13 AM
4	I think better regulated than long term rentals. I think the parking concern is ridiculous. do we regulate long term rentals and or property owners	7/22/2019 2:32 PM
5	Fees must pay for the cost of regulation, limiting the # per block, limit the # of licenses to 2, one the is not owner occupied and and additional one if it is owner occupied, annual inspections and fee renewal required	7/22/2019 9:44 AM
6	Turning a single family zoning area into multi-family. Neighborhood issues...traffic, noise, trash.	7/22/2019 5:41 AM
7	I don't see real issues with the community as a whole. I think the negative impacts are largely localized, and can hopefully be ameliorated at that level.	7/22/2019 3:44 AM
8	Short term rentals in part derive their value from being situated in a quiet residential neighborhood, which is in turn disrupted by the activities associated with short term rentals. Lack of appropriate taxation to recover both administrative and environmental costs/impacts associated with this program. Identification of Short term rentals maybe hindered by the number of online services to conduct a short term rental.	7/19/2019 5:23 AM

Q22 Any additional thoughts?

Answered: 4 Skipped: 5

#	RESPONSES	DATE
1	Thank you!	8/27/2019 4:21 AM
2	no	7/31/2019 7:19 AM
3	STRs should balance fairly private property rights and community rights and desires. To allow these income features in a residential setting is an entitlement granted by the community to engage in commerce where people live. The economic benefit accrues almost primarily to the renter at (whatever) expense to the community. The community has the right to mitigate that expense (impacts) with a robust regulatory scheme that seeks to address the negative impacts (noise, parking, safety issues (both guest and neighbors), etc. and not be a resource drain for the municipality (indeed, slightly revenue positive). Most of these comments are also applicable to ADUs, also.	7/30/2019 3:13 AM
4	See 21	7/22/2019 9:44 AM

Memorandum

TO: Mayor and City Council

FROM: Ken Johnstone, Community Development Director
Marianne Schilling, Assistant to the City Manager

DATE: March 18, 2019

SUBJECT: Short-Term Rental Overview

ISSUE:

City Council requested that Staff provide information regarding short-term rentals.

BACKGROUND:

Addressing short-term rentals (STRs) is a 2018/2019 Strategic Priority for City Council based upon the 2018 Strategic Plan. STRs are increasingly prevalent nationwide, largely due to the emergence of websites such as AirBnB and VRBO. Regulations for STRs are inconsistent and are nonexistent in many communities. The information below details an overview of STRs, the City's current regulatory status regarding lodging, and a review of peer cities' approach to and experience with STRs.

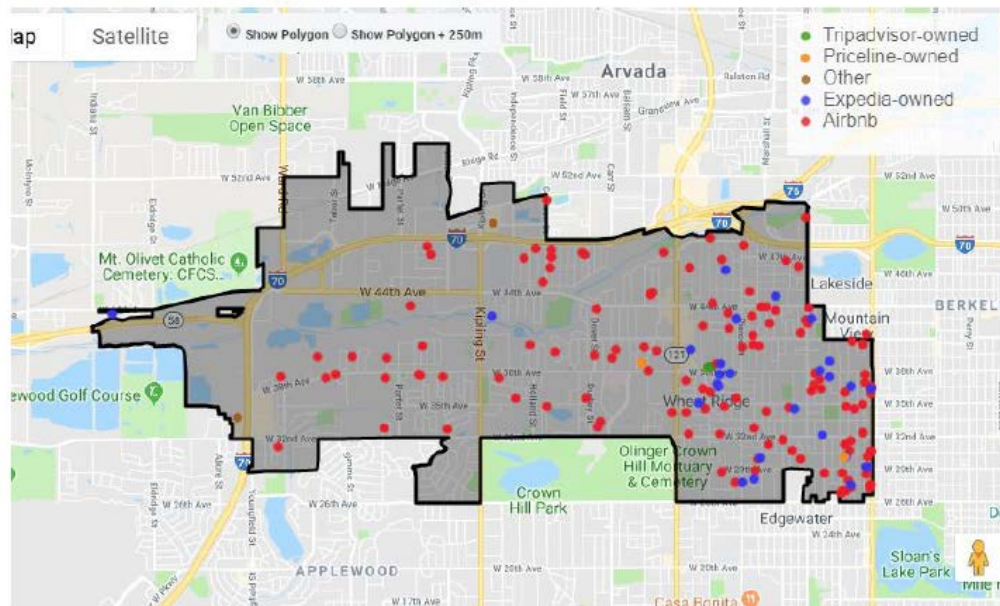
Short-Term Rental Overview

STRs are accommodations for the lodging of fee-paying guests for less than 30 consecutive days in duration. STRs fall under the umbrella definition of shared housing—unrelated people living in one dwelling unit or co-op—but are also distinct from shared housing because of the shorter rental duration and because occupants of STRs typically do not pool resources with the operators. Some communities, and the American Planning Association, also refer to STRs as “home sharing.” STRs can range from rental of a single room to rental of an entire dwelling unit.

Accessory dwelling units, or ADUs, are additional dwelling units that may be attached to or within an existing single family detached dwelling, or may be built as a separate accessory structure on the same lot as the primary dwelling. Typically, ADUs are small structures behind a primary house or in a basement, attic space or above a garage. While an ADU could be used as a short-term rental, STRs are typically not required to be separate or independent dwellings.

Over the past year, the City has not received any complaints regarding short-term rentals. However, on average, approximately three residents or prospective residents call the City on a monthly basis to ask about the process to become licensed as a STR owner. While the City does not currently regulate STRs, research from the website Host Compliance shows that there are approximately 140 STRs operating within city boundaries. This number makes up approximately one percent of the households in Wheat Ridge.

Short-term rentals in Wheat Ridge as of February, 2019



Sources: Host Compliance proprietary data

Current Code

The City does not specifically address STRs in its code, but they are generally not permitted. The primary reasons they are not permitted are:

- Code does allow for the “rooming and boarding” in all residential districts; however, it is only for a maximum of two individuals and for a period of not less than seven days, and
- Code also requires that to rent the entirety of a dwelling, it must be for a period of not less than 30 days.

Additionally, enforcement is challenging because of the two current provisions which allow renting rooms for a minimum of seven days and renting of entire dwellings for a minimum of 30 days. It would require significant staff resources to proactively monitor, document and successfully enforce an alleged STR over the course of those time periods, in order to be able to prove that the operator was violating those provisions.

In the 2018 Citizen Survey, residents provided their level of support for or opposition to a number of policies that could be enacted regarding STRs in Wheat Ridge. The survey questions asked details regarding potential policies, but did not ask if residents supported the allowing for STRs in general.

Overall, residents provided mixed reviews about policies related to short-term rentals in Wheat Ridge. Three policies regarding short-term rentals in Wheat Ridge garnered greater support than opposition among residents:

- Allowing ADUs to be used as STRs
- Requiring residents to apply for a City license to rent their property
- Allowing single family homes, apartments or condos to be used as short-term rentals

Renters were more supportive of the City allowing single family homes, apartments or condos to be used as STRs, while homeowners were more likely to support requiring the property owner to live in the house and only rent rooms.

Peer review

The City reached out to neighboring cities to find out how they are addressing STRs. Of the 14 cities and counties reviewed, nine are currently regulating STRs. Five either do not address STRs in their code or ban them explicitly. For the communities allowing STRs, if approved, the applicants paid a median cost of approximately \$130 for a license and remitted both sales and lodger's tax to their municipality.

In general, there was no consistent strategy for regulating STRs. Some cities require that the rental is the owner's primary residence while others allow for the property to be a non-primary residence. Cities require STRs to be located in residential zones (Colorado Springs), zones that allow hotel/motels for non-primary owners (Fort Collins), and/or no less than 500 feet from other STRs (Manitou Springs).

As part of the research, Staff asked neighboring communities for feedback regarding the STR regulation process. The primary lessons learned are included below:

- Adequate staff is necessary to administer a STR ordinance
- Consider the enforcement strategy prior to rolling out the licensing process
- If primary residence is required, consider the kind of documentation necessary to use as proof
- Manage expectations of the process; STR homeowners may expect an online, seamless process
- STR license owners may be more "high touch" than typical business licenses and require more staff time than usual

Next Steps

The purpose of the March 18 study session is to provide information regarding short-term rentals. Council may provide direction for Staff regarding next steps.

ATTACHMENTS:

1. STR Peer Review Table
2. STR excerpt from 2018 Citizen Survey

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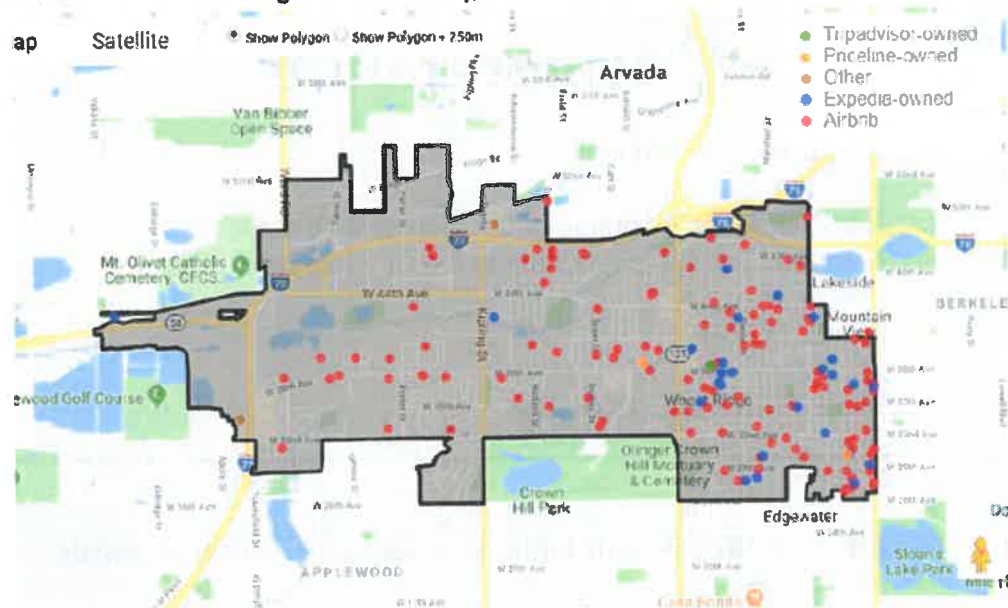
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ATTACHMENTS:

1. STR Peer Review Table
2. STR excerpt from 2018 Citizen Survey

Short Term Rental Peer Review

City/County	Allowed? not in code	Cost	Tax	Where allowed?	Occupations Best	Safety Req	Listing Req	Parking Req	ADU?
Arvada		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Aurora	Yes	\$46 Business License/Lodger's Tax + \$26 renewal fee (every 2 years)	8% Lodger's tax and applicable state tax depending on county	Wherever residential use are allowed, including ADUs	Primary resident occupied (long-term renters ok with permission of landlord; hosts do not have to be present)	Carbon monoxide detector required; smoke detector "advised" and required in some units by building code	Business license number must be posted on all listings; no external signage	No req	No
Boulder	Yes	\$108 STR license (4 years) + \$25 Business license fee (one-time)	7.5% Accommodation Tax	Any residential zone; ADUs may not have a STR license going forward unless already established and do not allow it to expire (no grace period).	Must be the owner's principal residence (residing in more than half the year); ADU rules only apply to those that had them established and licensed on or prior to January 03, 2023.)	Smoke and carbon monoxide detectors must meet City and National Fire Alarm and Signaling Code requirements. Subject to occupancy limits (3-4 unrelated depending on zoning)	Rental Listing MUST INCLUDE Maximum Unrelated Occupancy and Rental License number. May not be listed until rental license is complete and issued.	They abide by the same parking enforcement as any other residential property in the zone they reside in.	No, unless they have a short-term rental license already and do not allow it to expire (no grace period).
Colorado Springs	Yes	Sales Tax License (\$5-20/year)	Must collect sales and lodging tax for each stay	Any single- or multi-family residential zone	Can be managed by owner or a property management company	Must meet occupancy requirements (B+C)	No external signage		
Denver	Yes	\$90 Lodger's Tax (every 2 years) + \$25 STR Business License (yearly)	10.75% Lodger's Tax, Occupational Privilege Tax, + Other Applicable Taxes and Fees	Wherever residential uses are allowed, including ADUs (no zoning permit required)	Owner-occupied primary residence or long-term renters (with landlord permission), or ADUs if owner or long-term renter lives in primary structure; hosts do not have to be present	Smoke detector, carbon monoxide detector, fire extinguisher + rental packet with city rules/regis and safety/evacuation info	Business File Number must be posted on all listings	No req	
Edgewater	Yes		Local sales and lodging tax		Primary resident occupied, license cannot provide STR accommodations for more than 10 days per month or more than 60 days per calendar year	Must meet occupancy requirements (B+C). Contain smoke detector, carbon monoxide detector, fire extinguisher	Must provide the number of off-street parking spaces required by Sec. 16-5-160 of the City code		N/A
Englewood	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	At the January 7, 2019 City Council meeting, Council approved the Accessory Dwelling Unit (ADU) Ordinance. The Ordinance is effective February 9; and building permits may be submitted beginning February 11, 2019. The Ordinance permits construction of ADUs in the MU-R-8-8, MU-R-3-A, R-2-B, R-2-A, and R-1-C zone districts. There is a six-month moratorium on ADU permits within the Neighborhood Preservation Overlay.
Fort Collins	Yes	\$150 STR license, annual renewal of \$100	Local sales and lodging tax. Lodging at having Airbnb do this collection	Based on zoning. Not allowed in most low-density neighborhoods. Non-Primary only allowed in zones that allow home/hotels. Only owners may get licenses.	Primary STR : occupied by owner for at least 9 months of the year, and includes duplicates of property owner's ID located on the same premises as the STR. Secondary STR : restricted (any zone that allows non-primary also allows primary)	Self-certification of health and safety standards required before approval	License number must be included in all advertising, although this so it is not currently happening.	1 off-street space per every 2 rooms	
Golden	As "Tourist Homes"; no STRs as generally defined	N/A	N/A	Tourist Homes: Commercial zones, R-2 (SUP), R-2 & R-1 on major streets (SUP) (subject to change with new STR regs)	Tourist Home: A building containing five or fewer guest rooms designed to be used on a temporary basis	N/A	N/A	N/A	Yes
Greenwood Village	not in code	N/A	Owners must submit Lodging tax to city for stays less than 30 days (transactions exempt from tax - Sec 4-9-40(4))	Accessory buildings in res. zones may be used to house temporary guests; vague if these can be commercialized	Tenant reg: Must meet definition of family (3 or fewer unrelated people or a group of people related by blood/marriage/adoption)	N/A	N/A	N/A	N/A
Jefferson County	Yes	\$750 STR zoning review fee		Unclear	Property owner must be reachable 24/7 via telephone; no occupancy requirements	Smoke detector, carbon monoxide detector, fire extinguisher (must also provide proof of fire protection and water/sewer coverage in application) + "Being a Good Neighbor" policy sheet		1 off-street space plus 1 per add'l room	Yes
Lakewood	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Littleton	not in code	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Monte Vista	Yes	\$300 conditional use permit	Same as other City lodging properties, so sales tax and MS Lodging and Camping Tax. 10.75%	>500' from another STR; city maintains a map	None, except individual rooms may not be rented unless the property owner resides there; must be occupied at least 21 days per year; all STRs may not exceed 2% of the city's residential structures	1 fire extinguisher per floor, carbon monoxide alarm within 15 feet of sleeping rooms + posted notice with evacuation route, max occupants, max vehicles, trash pickup day, contact info, extinguisher/alarm locations, quiet hours (10pm to 7am)	Must contain permit number	1 space per bedroom/sleeping area and 2 spaces for any resident owner	We do not currently have ADU regulations.

Short-Term Rentals

Respondents provided their level of support for or opposition to a number of policies that could be enacted regarding short-term rentals (such as Airbnb) in Wheat Ridge.

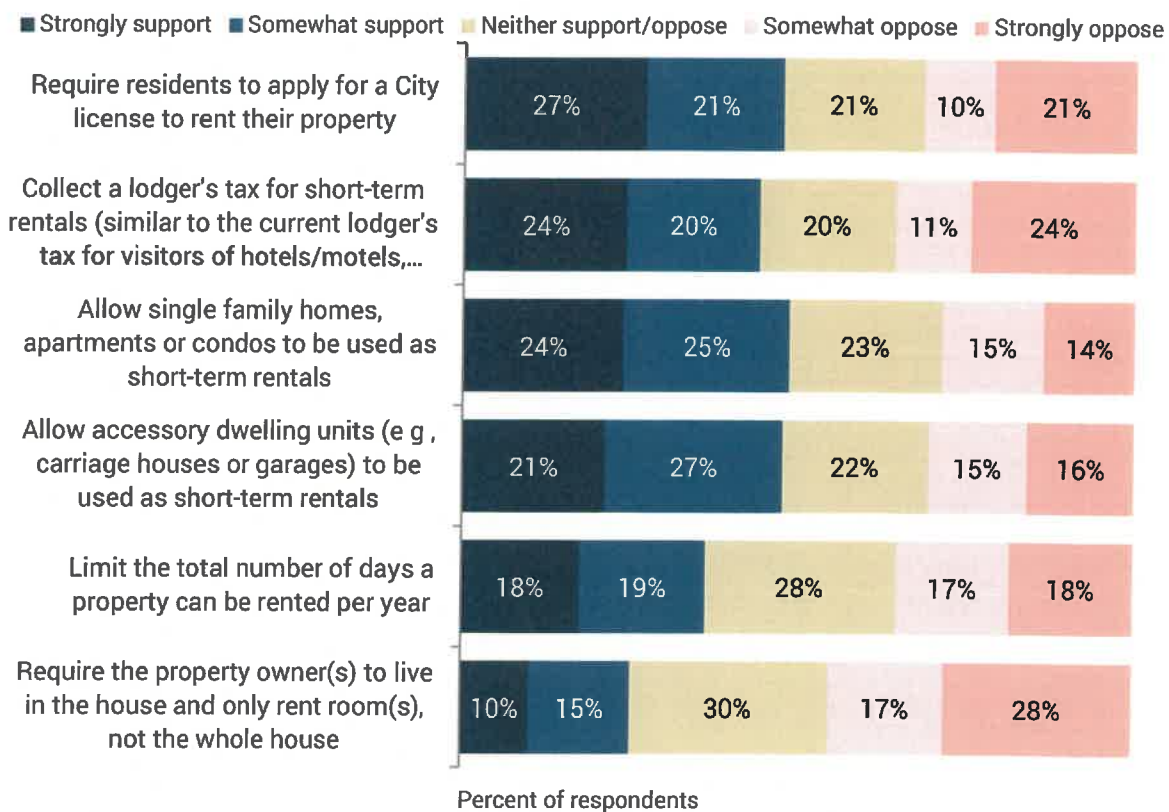
There were three policies that had greater support than opposition: allowing accessory dwelling units (e.g., carriage houses or garages) to be used as short-term rentals, requiring residents to apply for a City license to rent their property and allowing single family homes, apartments or condos to be used as short-term rentals. Support outweighed opposition for these policies by 17% to 20%.

Collecting a lodger's tax for short-term rentals was supported by 44% of respondents, but opposition was nearly as strong at 35%. Support and opposition were nearly equal for limiting the total number of days a property can be rented per year (37% supported and 35% opposed).

Requiring the property owner(s) to live in the house and only rent room(s), not the whole house, was opposed by more respondents (45%) than supported (25%).

Figure 34: Level of Support for Potential Policies Regarding Short-Term Rentals, 2018

To what extent do you support or oppose each of the following conditions if short-term rentals (such as Airbnb) were allowed in the City?



Renters were more supportive of the City allowing single family homes, apartments or condos to be used as short-term rentals, while homeowners were more likely to support requiring the property owner to live in the house and only rent rooms. Homeowners, those in single family homes and those who voted in the last election were more in favor of limiting the number of days a property can be rented per year than were their counterparts (see *Appendix B: Comparisons of Selected Survey Responses*.)