

City of Arvada

Planning Commission Agenda

AUGUST 6, 2024
CITY COUNCIL CHAMBERS
Regular Business

Commission Members:

Michael P. Griffith, Chair
Doug Magee, Vice Chair
Tim Knapp, Secretary
Tom Aljinovich
Brandon Figliolino
Andrew Gay
Steve Hannan

Staff Members Usually Present:

Jessica Garner, Dir. of Community and Econ Development
Emily Grogg, Senior Assistant City Attorney
Rob Smetana, Planning Manager
Claudia Vaughan, Manager of Development Engineering
Josie Suk, Systems and Administrative Manager
Heidi Van Gieson, Administrative Specialist
Dixielee Rodriguez, Administrative Specialist

Info: 720-898-7435

The meeting will include an open comment period where participants will have three minutes to provide comments to the Commission. Members of the public who wish to provide public comment on any agenda item or during general public comment should go to www.arvada.org/PLNCOMMISSION for information about how to participate. If any member of the public wishes to submit written comment regarding the item on the agenda, you may submit comments in writing via email to the Planning Department at cedboardsandcommission@arvada.org. Comments must be received no later than 5 p.m. the day before the meeting. All timely comments submitted will be presented to the Planning Commission. Please contact Josie Suk with any questions at 720-898-7627.

PLANNING COMMISSION MEETING – 6:15 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS
4. APPROVAL OF MINUTES
5. GENERAL BUSINESS
6. REPORTS
7. PETITIONS & COMMUNICATIONS
8. PUBLIC HEARINGS
 - A. Land Use and Housing Legislation Workshop
9. OTHER ITEMS

10. ADJOURN



REPORT TO PLANNING COMMISSION

AGENDA ITEM
8.A.

TO: PLANNING COMMISSION

DATE: August 6, 2024

SUBJECT: Land Use and Housing Legislation Workshop

Motion

The Community and Economic Development team will provide the Council with an update on land use and housing legislation passed by the State Legislature in 2024, and also an update on Proposition 123, and the implications for the City of Arvada.

Prepared by:

Heidi Van Gieson, Administrative Specialist

Reviewed by:

Approved by:

Josie Suk, Development Systems and Administrative Manager

Rob Smetana, Planning Manager

Jessica Garner, Director of Community and Economic Development

Gail Walker, Legal Specialist-Contracts

Emily Grogg, Senior Assistant City Attorney

Linda Haley, Deputy City Manager

Rachel Morris, City Attorney

Lorie Gillis, City Manager

Enclosure, exhibits & attachments required to support the report

Land Use Legislation Update

Planning Commission Workshop

August 6, 2024



We Dream Big and
Deliver

Purpose of Discussion

- Provide a high-level overview of the approved bills
- Inform the City Council of important dates and deadlines for compliance
- Staff will bring back all code-related items to the City Council for review and approval
 - Public Process
- Alignment of Housing Strategic Plan and LDC

2024 Land Use and Housing Bills

HB24-1007 - Residential Occupancy Limits

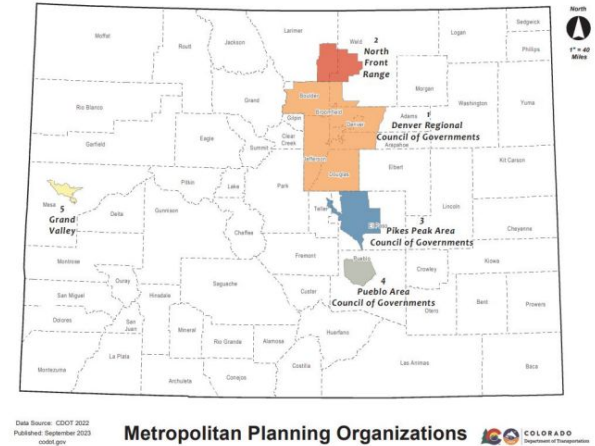
HB24-1304 - Minimum Parking Requirements

HB24-1152 - Accessory Dwelling Units

HB24-1313 - Transit-Oriented Communities

SB24-174 - Affordable Housing Plan

Proposition 123



HB24-1007 - Residential Occupancy Limits

“A local government shall not limit the number of people who may live together in a single dwelling unit based upon familial relationship.”

Exceptions:

- “Demonstrated health and safety standards, such as international building code standards, fire code regulations, or Colorado Department of Public Health and Environment wastewater and water quality standards.”
- “Local, state, federal or political subdivision affordable housing program guidelines.”

Effective date: July 1, 2024



HB24-1007 - Residential Occupancy Limits

What will the City need to do to comply?

- Eliminate/revise the definition of family as it relates to housing occupancy in the Land Development Code (LDC).
- Revise the short term rental regulations to impose an occupancy limit in the LDC (It is currently regulated by the definition of family).



HB24-1304 - Minimum Parking Requirements

Two limitations on minimum parking requirements:

1. “A municipality shall neither **enact nor enforce local laws that establish a minimum parking requirement** that applies to a land use approval for multifamily residential development, adaptive re-use for residential purposes, or adaptive re-use mixed-use purposes which include at least fifty percent of use for residential purposes that is within.....an Applicable Transit Service Area.”

Applicable Transit Service Area: Within one-quarter mile of (subject to DOLA maps):

- A G Line station within Arvada
- RTD bus routes 51 (Sheridan Boulevard), 52 (52nd between Marshall and Wadsworth, Ralston/58th between Wadsworth and Ward, and Ward between 58th and 64th), and 76 (Wadsworth Boulevard)



HB24-1304 - Minimum Parking Requirements

Two limitations on minimum parking requirements (con't):

2. “A local government may impose or enforce a minimum parking requirement in connection with a housing development project that is intended to contain twenty units or more or contain regulated affordable housing by **requiring no more than one parking space per dwelling unit** in the housing development.”

If a minimum parking requirement is imposed, the local government must provide written findings that are:

- Supported by substantial evidence that supports a finding of substantial negative impact on pedestrian, bike or emergency access; or existing on- and off-street parking spaces within one-eighth mile of the project.



HB24-1304 - Minimum Parking Requirements

The written findings must be completed within 90 days and:

- Be reviewed and approved by a professional engineer.
- Include parking utilization data collected from the area within one-eighth of a mile.
- Demonstrate that strategies to manage demand for on-street parking would not be effective to mitigate substantial negative impacts.

The written findings would need to be submitted to the Department of Local Affairs (DOLA) for any project on an annual basis. **There will be costs by the City associated with this process that can't be passed on to the developer**

Effective date: June 30, 2025

A map of the Applicable Transit Services Areas to be produced by DOLA by September 30, 2024.



HB24-1304 - Minimum Parking Requirements

What will the City need to do to comply?

- Remove residential parking minimums from the LDC for properties in G Line station areas and along applicable bus routes.
- Revise the LDC to reflect the bill language for residential development of 20+ units in other areas of the City.
 - Determine if one parking space per unit is necessary during pre-application process.
 - Meet documentation requirements (if applicable).
 - Annually report requirements (if applicable).



HB24-1152 - Accessory Dwelling Units

“A subject jurisdiction shall allow, subject to an administrative approval process, one accessory dwelling unit as an accessory use to a single-unit detached dwelling in any part of the subject jurisdiction where the jurisdiction allows single-unit detached dwellings.”

Limitations:

- Can only require off-street parking in certain situations.
- Owner occupancy requirement of either unit is prohibited.
- Accessory Dwelling Units (ADUs) to be between 500 and 750 square feet (Can be smaller or larger).
- Side setbacks no greater than for primary dwelling unit.
- Rear setbacks no greater than for other accessory buildings, or five feet.
- Design standards must be the same as for primary dwelling.



HB24-1152 - Accessory Dwelling Units

Limitations (con't):

- Must be reviewed through an administrative process.
- Preempts PUD and HOA restrictions.

Exceptions:

- ADUs can be required to meet historic district guidelines.
- Short term rental of ADUs can be restricted.
- Owner-occupancy can be required at the time of application for an ADU.
- Mobile homes and recreational vehicles are not considered ADUs.
- Life safety requirements.

Effective date: June 30, 2025



HB24-1152 - Accessory Dwelling Units

What will the City need to do to comply?

- Eliminate owner-occupancy requirement in the LDC.
- Revise parking requirements in the LDC.
- Revise rear setback regulations in the LDC.
- Evaluate limitations on short term rentals.
- Determine if the City will be a “Certified Accessory Dwelling Unit Supportive Jurisdiction”.
 - Requires implementation of one or more strategies, such as waiving fees, providing pre-approved plans, limitations on ADUs as short term rentals, etc.
 - Grant program eligibility (CHFA, DOLA)
 - Reporting requirements.



HB24-1313 - Transit-Oriented Communities

The bill requires cities to calculate a Housing Opportunity Goal (HOG) in transit areas and then provide for zoning capacity to meet the goal around transit or in other applicable areas.

- Transit areas (subject to DOLA maps):
 - Parcels within one-half mile from G Line stations
 - Parcels within one-quarter mile from future bus rapid transit along Sheridan Boulevard and Wadsworth Boulevard to Olde Town
- Required density for HOG calculation is 40 dwelling units per acre.
- HOG is based on number of acres within the transit area multiplied by 40 dwelling units per acre.



HB24-1313 - Transit-Oriented Communities

Parcels exempt from the HOG calculation:

- Industrially zoned land
- Floodplain
- Public or railroad right-of-way
- Parks and open space
- Federal, state, or local government owned
- School district owned
- Outside of one-half mile walkshed (map to be provided by DOLA)

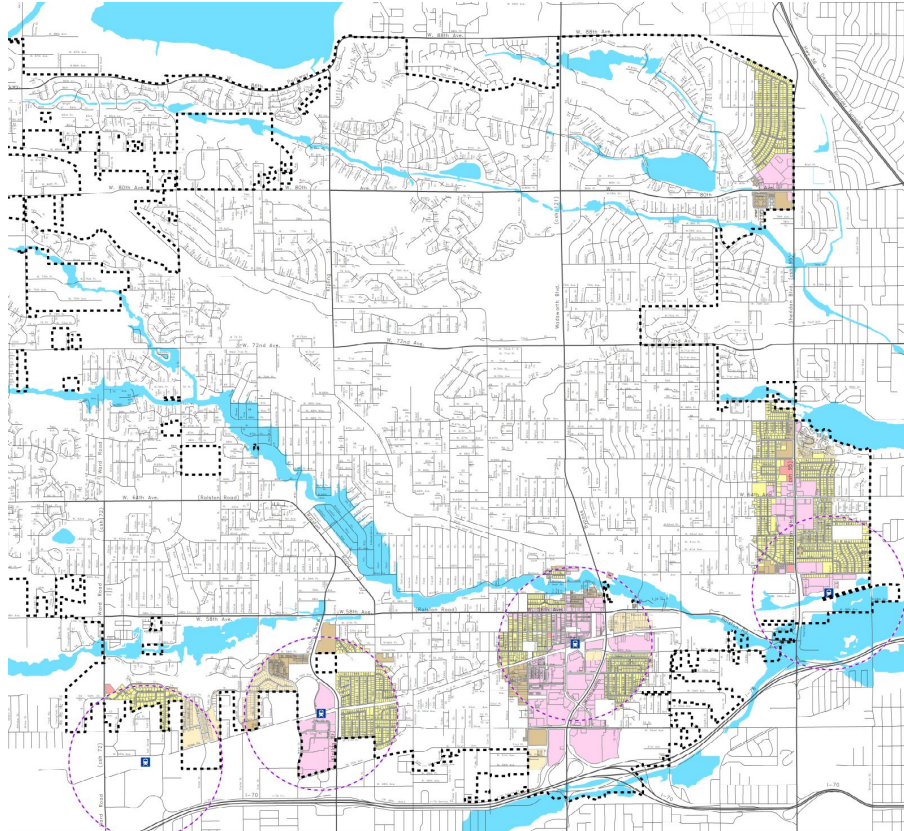
Arvada HOG may be as high as 48,400 units (subject to DOLA maps).

Arvada currently has 52,300 units.



HB24-1313 - Transit-Oriented Communities

(Conceptual, not the Official Map)



HB24-1313 - Transit-Oriented Communities

Cities may exempt certain areas from the HOG requirements if water supply is determined to be insufficient by DOLA.

Cities must have an affordability strategy (at least two standard strategies and one long-term strategy):

- Standard strategies include: Inclusionary zoning, a plan to leverage publicly owned, sold or managed land for affordable housing, a program to subsidize or reduce impact fees, establishing a density bonus program, expediting development approvals, reducing parking requirements, incentivizing construction of accessible units, and supporting housing for families.
- Long-term strategies include: A dedicated revenue source for affordable housing development, regulation of short term rentals that promote local housing needs, land banking, and affordable ownership strategies.



HB24-1313 - Transit-Oriented Communities

Cities must have a displacement mitigation strategy (at least two strategies):

- To be developed by DOLA

Cities must have an administrative approval process for project on less than five acres (Call ups would not be permitted).

Cities can:

- Enforce infrastructure standards that result in the denial of a project.
- Charge impact fees.
- Approve projects at a lower density.
- Allow higher densities at one station and lower densities at another.
- Allow commercial uses in transit centers.
- Deny a project that does not meet the requirements of a traffic study.



HB24-1313 - Transit-Oriented Communities

Flexibility:

- Transit centers can include mixed-use areas that allow residential.
- Minimum density of 15 units per acre allowed.
- Density can be “moved” to transit corridors and neighborhood centers, as designated by the city.
- Allows for “optional transit areas”.
- Projects can be approved at densities lower than 15/40 units per acre and up to 500 units per acre.

Key dates:

- ***September 30, 2024 - DOLA publishes transit and walkshed maps.***
- ***February 28, 2025 - DOLA provides HOG calculation model.***
- ***June 30, 2025 - Preliminary assessment reports due to DOLA.***
- ***December 31, 2026 - Water insufficiency notice due/Final assessment reports due.***
- ***December 31, 2027 - HOG to be implemented by cities.***



HB24-1313 - Transit-Oriented Communities

Grants:

- Transit-Oriented Communities Grant Program.
 - Must be a certified TOC

What will the City need to do to comply?

- Evaluate the transit and watershed maps when they are released.
- Determine if existing Mixed-Use zoning in place around the G Line stations comply with the requirements.
- Have community conversations regarding where density should be located (Part of the Comprehensive Plan update, if funded).
- Evaluate if additional zoning districts should be created to comply with requirements and remap areas of the City, if necessary.
- Prepare preliminary assessment reports due to DOLA.
- Evaluate water sufficiency and provide notice, if necessary.
- Prepare final assessment reports.



SB24-174 - Sustainable Affordable Housing Assistance

“No later than December 31, 2026, each local government shall conduct and publish a local housing needs assessment” every six years.

- Housing needs assessments that have been completed after 2022 and before December 31, 2024 may qualify.

“By January 1, 2028, and no less than every six years thereafter, a local government shall make a housing action plan, which plan is subject to approval by the governing body following a public hearing.”

- A housing action plan completed after January 2022 may qualify.
- Requires public engagement and adoption process.

Comprehensive Plan will need to include a water supply element and a strategic growth element:

- Policies to prevent sprawl and promote smart growth
- Vacant and underutilized sites analysis
- Sprawl analysis



SB24-174 - Sustainable Affordable Housing Assistance

Grants

- Priority for state grants will be given to municipalities that:
 - Have a completed and adopted a housing needs assessment.
 - Have reported progress in meeting the goals of the assessment.
 - Have a master plan that includes a water supply element and a strategic growth element.

What will the City need to do to comply?

- Determine if the recently approved housing needs assessment qualifies.
- Evaluate if housing action plan is needed in addition to approved Strategic Plan
- Update the Comprehensive Plan to address the new elements (by December 31, 2026).



Proposition 123 Update

CHFA's Programs	Purpose	Eligible Borrower
Land Banking	Provides grants to local and tribal governments and forgivable loans to non-profits to acquire and preserve land for affordable for sale housing or affordable rental housing	Local and tribal governments Non-profits
Concessionary debt	Provides debt financing for affordable housing	For-profit, non-profit and governmental entities
Tenant Equity Vehicle	Provides below market rate equity investments to eligible for-profit and non-profit entities for the construction and preservation of low and middle income multifamily rental developments	For Profits, Non-profits, Governmental entities, including housing authorities, Tribal Governments
Modular and Factory Build Finance	Finance the development or expansion of housing manufacturing facilities	For-profit or non-profit manufacturer

Prop 123 Next Steps

- Out of the four programs, land banking is best application option for City
- CHFA will announce next land banking option late July
- Strategies for City:
 - Monitor available properties
 - Discussions with developers on potential Prop 123 projects
 - Land Banking-City can acquire the land, developer would build units
 - Support affordable housing developers with their Prop 123 efforts
 - 90 Day Expedited Review Process

Housing Strategic Plan & LDC

- Focus on Policy Lever 2 strategies to: implement land use and zoning modifications to unlock supply, improve natural affordability and housing diversity, and to incentivize affordable projects.
 - Fast-tracking process for affordable housing (Prop 123)
 - Definitions
 - Density Bonuses
 - Design standards
 - Lot sizes, lot coverage
 - Monitoring current and emerging inclusionary zoning practices locally
 - Ongoing collaboration with the Housing Advisory Committee (HAC)
 - More to come

Next Steps

- Additional workshops on topics and proposed code changes
- Information in the Council weekly updates
- Public hearings on code amendments in late Q4, 2025 Q1

Additional Questions?
Thank you!

Jessica Garner, AICP, CED Director

Rob Smetana, AICP, Manager of City Planning & Development

Carrie Espinosa, Housing Manager

Rozalynne Thompson, AICP, Principal Planner

Emily Grogg, Sr. Asst. City Attorney