



PLANNING COMMISSION

Work Session

July 6, 2022

6:00 PM

- ❖ **Discussion Related to Hotel/Motel Licensing**
- ❖ **Discussion Related to Parking Requirements in the Downtown Historic District**

The Public will be able to view and hear this meeting remotely at the following address:
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Date: June 30, 2022

To: Idaho Springs Planning Commission

CC: Andrew Marsh, City Administrator, Carmen Beery, City Attorney

From: Jerad Chipman, AICP, Community Development Planner

Re: Discussion Related to Hotel/Motel Licensing

The City of Idaho Springs currently has a number of hotel/motel uses. Some of the rooms within these hotels/motels have been used for long-term rentals rather than their intended transient, short-term use. The Definition of hotel and motel found within the Municipal Code is as follows:

Hotel and motel. Any commercial building or buildings intended or designed to be used, rented, or hired out to be occupied for transient purposes, or which are occupied for sleeping purposes for guests, which may contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves and ovens. Motel and hotels contain lobbies for guest check-in, and onsite maintenance and management.

The definition focuses on transient users and indicates that kitchens are optional. Many of the hotel/motel rooms in Idaho Springs do not have kitchens and are not being used for a transient population, but as long-term housing. City staff is concerned with the state of the housing shortage within the City, however, conditions in some of these units have become concerning, and recent events have reinforced the staff's concerns regarding how these units are being utilized.

Staff is exploring ordinances that would require licensing of hotel/motel facilities for the purpose of inspecting the units from time-to-time. There are several ways to draft such an ordinance, and staff would like the Planning Commission's input on the issue. Attached to this report is an ordinance from the City of Wheat Ridge that establishes a licensing program and requires each hotel/motel to meet a maximum level of "calls for service" - this is an objective benchmark to measure when a property's demand on police and emergency services becomes unusually and unacceptably high/out of the ordinary. The ordinance includes an inspection program. This is one means of addressing potential issues, however, the program requires additional staff time to track the call volume and conduct the inspections. Another means of accomplishing the goal of ensuring safety within the units would be to begin a licensing program without regard to emergency call volume that requires a periodic inspection by the Building Official as already occurs with short-term rentals.

Staff is requesting Planning Commission discussion and direction regarding this matter.

Footnotes:

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Editor's note— Ord. No. 1723, § 1, adopted October 25, 2021, set out provisions intended for use as article XIV, §§ 11-500—11-509. To preserve the style of this Code, and at the editor's discretion, these provisions have been included as article XVI, §§ 11-560—11-569.

Sec. 11-560. - Findings.

The city council finds this article is needed for the protection of the health and safety of the public, and further to that end, finds as follows:

- (1) Calls for service at hotels within the city are disproportionately higher than other businesses and residences. The use of police department resources in responding to these calls for service is excessive.
- (2) The nature of calls for service at hotels include unwanted parties, disturbances, welfare checks, theft, suspicious persons and vehicles, drug calls, domestic violence, assaults, motor vehicle thefts and motor vehicle recoveries.
- (3) Hotels with high calls for service evolve into nodes of illegal activity, including drug dealing, prostitution and other illicit behaviors.
- (4) Adopting stronger local requirements to limit illegal activities in hotels and motels is an essential tool to further combat economic blight in the city.
- (5) It is necessary to establish and enforce standards for hotels by providing for a separate licensing system, including inspection and revocation or suspension of licenses if determined that the hotel is not operated consistent with established standards and/or contributes disproportionately to calls for services or documented rates of illegal activity.

(Ord. No. 1723, § 1, 10-25-21)

Sec. 11-561. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Calls for service are public initiated dispatched calls for police assistance that are generated by the community, through a call or text to 911 or the non-emergency line.

Calls for service rate is equal to the total calls for service at the licensed premises divided by the total number of hotel rooms in the applicable period.

Extended stay lodging is the renting of a hotel room for a duration of stay greater than twenty-nine (29) consecutive days. Extended stay lodging includes transient lodging establishments constructed and operated to provide accommodations for longer term stays by including additional common area amenities and in-room cooking facilities beyond what might be provided in the standard hotel establishment.

Hotel is a transient lodging establishment renting individual rooms for temporary occupancy and typically not including facilities for cooking. The term "hotel" includes establishments also known as "motels."

Licensed premises include a hotel and its buildings, land, parking areas and accessory structures.

(Ord. No. 1723, § 1, 10-25-21)

Sec. 11-562. - License required; licensee fee; license renewals.

- (a) *Issuance.* No person shall conduct or operate a hotel without first having obtained a hotel license issued by the city as

required by this article. This requirement to obtain a hotel license is in addition to the requirement to obtain a business license pursuant to article II of this chapter. Applicants for a hotel license shall pay the applicable fee.

- (b) *Renewal.* The renewal of an existing hotel license issued pursuant to this article shall be granted upon the payment of the annual license fee and the filing of a completed renewal application in the form set forth in section 11-563 with the treasurer at the same time as the renewal application for the business license for the hotel. The treasurer may waive the timely filing requirement if the licensee demonstrates in writing that the failure to complete timely filing is not solely the result of neglect.
- (c) The failure to approve or renew or the denial or revocation of either the hotel license or the business license for that operation shall automatically revoke the corresponding business or hotel license, as applicable.
- (d) *Term.* The term of a hotel license shall be one (1) year and shall run concurrently with the associated business license under article II of this chapter.

(Ord. No. 1723, § 1, 10-25-21)

Sec. 11-563. - Application form; processing.

- (a) All applicants for a hotel license shall file a completed application with the treasurer on forms provided by the treasurer.
- (b) The completed application shall contain the following information and shall be accompanied by the following documents:
 - (1) The business name and address of the applicant. If the applicant intends to operate the hotel under a name other than that of the applicant, the applicant shall state the business name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.
 - (2) Each individual applicant, partner of a partnership, managing officer or managing director of a corporation, the manager of a limited liability company and all business managers shall be named in each application form.
 - (3) If the applicant is:
 - a. An individual, the individual shall state such person's legal name and any aliases and submit satisfactory proof that the individual is eighteen (18) years of age or older;
 - b. A partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and provide a copy of the partnership agreement, if any;
 - c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the statutes of the State of Colorado, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the State of Colorado, the names and capacity of all officers, directors, and the name of the registered corporate agent and the address of the registered office for service of process;
 - d. A limited liability company, the company shall state its complete name, the date of its formation, evidence that the company is in good standing under the statutes of the State of Colorado, or in the case of a foreign company, evidence that it is currently authorized to do business in the State of Colorado and the name of its members, the manager, and registered agent and the address of the registered office for service of process.
 - (4) The location of the hotel, including a legal description of the property, street address, and telephone number(s).
 - (5) For renewal applications, proof of compliance with requirements outlined in section 11-564.

(Ord. No. 1723, § 1, 10-25-21)

Sec. 11-564. - Eligibility requirements for hotel license.

No hotel license shall be issued or maintained under this article unless and until the applicant provides sufficient information to establish, and the treasurer reviews and determines the sufficiency of the same, of the following requirements:

- (1) The applicant shall have achieved and maintained a call for service (CFS) rate of 1.8 within twelve (12) months of obtaining

a hotel license. The required CFS rate shall be decreased to 1.5 on January 1, 2023. The city may in its sole discretion permit extensions of the twelve (12) month period, not to exceed a total of an additional six (6) months during which time the hotel license shall be deemed extended.

- (2) The applicant shall demonstrate participation in the city's certified crime free hotel/motel program, as evidenced by the approval of the Wheat Ridge Police Department.
- (3) The applicant shall have made all necessary corrective actions in response to matters identified through the city's most recent annual hotel/motel inspection program report for the subject location, which program is enforced through the city's police and community development departments, in cooperation with applicable fire protection districts.
- (4) The applicant shall demonstrate compliance with the city's landscape inspection program, as applicable and as certified by the community development department.
- (5) The applicant shall demonstrate compliance with the applicable series of adopted international building and property codes applicable to the subject property, including the International Property Maintenance Code, as demonstrated by certification from the city's chief building official.
- (6) The applicant shall establish and maintain an approved security plan, including crime prevention through environmental design, video surveillance, security guards, fencing, and lighting, as approved by the city's police department.

(Ord. No. 1723, § 1, 10-25-21)

Sec. 11-565. - Approval or denial of application.

- (a) A completed license application shall be reviewed by the police department prior to action by the treasurer. The application shall be approved or denied by the treasurer within thirty (30) days of the date of filing. The application shall be denied if:
 - (1) The applicant fails to satisfy the eligibility requirements of section 11-564;
 - (2) The application or any investigation performed or ordered by the city establishes that the proposed licensee fails to conform to any requirement of this article, the Wheat Ridge Code of Laws or other applicable law; and
 - (3) The applicant knowingly made a false statement or knowingly gave false information in connection with the application; or
 - (4) The applicant is overdue in payment to the city of taxes, fees, fines or penalties assessed against the applicant or imposed against the applicant.
- (b) Nothing in this article shall prevent the treasurer from revoking approval if it is discovered that the application contained or included false or incorrect statements, or information which would otherwise constitute sufficient grounds for the denial of the application. The decision of the treasurer to approve or deny a license application shall not be construed as a quasi-judicial act but shall be a final administrative decision of the city.
- (c) In the event the treasurer denies the license application the treasurer shall prepare a decision stating the reasons or basis for the denial. A copy of the findings and decision shall be sent to the address of the applicant as shown on the application within ten (10) days after the date of denial. The denial shall become a final administrative decision of the city on the fourteenth day following the date of the decision unless the applicant files a timely appeal, as provided by section 11-567.

(Ord. No. 1723, § 1, 10-25-21)

Sec. 11-566. - Suspension or revocation of license: grounds.

- (a) The treasurer may suspend or revoke a hotel license upon the treasurer's finding of any of the following facts in the treasurer's reasonable discretion, based upon available information. It is not required that any criminal conviction be obtained to support the treasurer's administrative action.
 - (1) Failure of the licensee to achieve and maintain the eligibility requirements described in section 11-564; provided, however, the treasurer shall offer the licensee notice and opportunity to cure the identified violations at least thirty (30) days prior to taking further adverse action.

- (2) Incidents of disorderly conduct in violation of chapter 16 of this Code have occurred upon the licensed premises or upon any areas, sidewalks, access ways or grounds within the immediate neighborhood of the licensed premises involving a customer, and/or employee of the licensee;
 - (3) The licensee, manager, or any employee thereof illegally offered for sale or illegally allowed to be consumed or possessed upon the licensed premises or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises, narcotics or dangerous drugs;
 - (4) The licensee or manager is not upon the licensed premises at all times if the premises is open for business;
 - (5) The licensee, manager or employee has allowed or permitted patrons and employees to engage in acts of prostitution, negotiations for acts of prostitution within the licensed premises or upon any parking areas, sidewalks, access ways or grounds immediately adjacent thereto;
 - (6) The licensee, manager or employee has allowed or permitted customers to engage in public displays of indecency, or has allowed or permitted customers to engage in acts of public urination or defecation within the licensed establishment upon any parking areas, sidewalks, access ways or grounds immediately adjacent thereto;
 - (7) The licensee or manager knowingly made a false statement or knowingly gave false information in connection with an application for license or for a renewal of a license;
 - (8) The licensee has failed to maintain books or records sufficient to properly document the permitted length of stay of individual customers;
 - (9) The licensee is delinquent in payment to the city for taxes or fees.
- (b) Summary suspension: the treasurer shall have the discretion to summarily suspend a hotel license in the event the treasurer determines that an immediate threat to public health, safety or welfare is posed by the licensee's failure to comply with the requirements of this article or any conditions of its existing license. In the case of a summary suspension, the licensee shall be afforded a right of appeal substantially in the manner provided at subsections 11-567(b) and (c).
- (c) Suspensions of a hotel license may be for any term up to a maximum of the amount of time remaining in the one-year term of the license as issued.

(Ord. No. 1723, § 1, 10-25-21)

Sec. 11-567. - Suspension, revocation and appeal procedures.

- (a) The city treasurer shall have the authority to suspend or revoke hotel licenses. In so acting, the treasurer shall apply the relevant eligibility requirements and standards contained in this article.
- (b) *Appeals*. In the event the treasurer denies, does not renew, suspends or revokes a license, the applicant shall have the right to a quasi-judicial hearing before an administrative hearing officer appointed by the city. A written request for hearing shall be made to the treasurer within ten (10) days of the date of mailing of the treasurer's written decision. The hearing shall be conducted within thirty (30) days of the date of the treasurer's receipt of written request for hearing unless a later date is requested by the applicant.
- (c) The procedure for the appeal to and in consideration by the administrative hearing officer shall be conducted substantially in the manner described at and sections 11-31 and 11-32 of this Code, provided, however, that the hearing shall be conducted by an administrative hearing officer appointed by the city in compliance with section 2-87.
- (d) Except in the case of a summary suspension, the hotel may continue to operate during the appeal process and until the final decision of the hearing officer is rendered.

(Ord. No. 1723, § 1, 10-25-21)

Sec. 11-568. - License addendum for extended stay operations.

- (a) *Application*. As a part of or separately from an application for a hotel license under this article, the applicant may also apply

for the right to offer extended stay lodging as defined in section 11-561 in all or portions of the licensed hotel property. Applications for an extended stay addendum to a hotel license shall be filed on forms provided by the treasurer and shall include the following information:

- (1) Number of rooms and a percentage of square footage in the hotel to be devoted to extended-stay operations.
 - (2) Certification of compliance with requirements of subsections (b), (c) and (d) below have been met with respect to the proposed extended-stay component of the hotel operation.
 - (3) Evidence of all required zoning and development approvals under chapter 26 of the Code of Laws and demonstrated compliance with any conditions of approval.
 - (4) Evidence of a valid business license.
- (b) *Zone district compliance.* Extended-stay facilities are allowed only in the following zone districts:
- (1) Commercial-one (C1) as a special use permit process;
 - (2) Commercial-two (C2) as a special use permit process;
 - (3) Mixed-use commercial (MU-C), and all MUC subdistricts as a conditional use permit process; and
 - (4) Mixed-use-neighborhood (MU-N) as a conditional use permit.

The applicant, in addition to a precondition of the issuance of an extended-stay hotel license addendum, must apply for and obtain approval of the relevant special use under the procedures set forth in section 26-114 of this Code.

- (c) *In-room characteristics.* The following in-room characteristics are required for all lodging units permitted as extended-stay lodging:
- (1) Minimum size for entire unit: Three hundred (300) square feet.
 - (2) Minimum size for living room: One hundred twenty (120) square feet.
 - (3) A defined bedroom must be provided separate and apart from other portions of the unit.
 - (4) The following minimum kitchen/cooking facilities are required (but may not be located in the defined bedroom or bathroom): refrigerator, cooktop, dedicated sink, cabinets with cooking/dining supplies.
 - (5) The maximum sleeping occupancy per room or unit shall be two (2) persons per dedicated bedroom.
 - (6) Personal possessions may not be stored on exterior balconies, interior corridors or in a manner that prohibits adequate movement and ingress/egress within the unit, with the exception on balconies for items such as bikes, strollers, and coolers.
 - (7) Housekeeping must be available, although an additional charge may be made for the same.
- (d) *Common area characteristics.*
- (1) The following common area amenities must be available to the residents of all extended stay lodging facilities:
 - a. Twenty-four-hour desk staffing;
 - b. Prohibition of storage of any personal possessions within shared common areas of the building and/or site;
 - c. Universal wireless internet available included within room charge;
 - d. In-room or common area laundry facilities adequate for number of guests.
 - (2) A minimum of three (3) of the following common area amenities shall be provided at the choosing of the extended stay lodging licensee, subject to the city's review and approval:
 - a. Business center of a size at least one hundred twenty (120) square feet;
 - b. A fitness center of at least three hundred fifty (350) square feet for every two hundred (200) rooms;
 - c. A swimming pool at least fifteen (15) by twenty-five (25) by four (4) feet;
 - d. Meeting areas or conference rooms;
 - e. On-site restaurant or other available food options provided adequate for number of guests.

As part of the review process for the extended-stay lodging license addendum, the treasurer may determine that one (1) or more of the foregoing amenities in this subsection (2) is not required, taking into consideration the age, location and size of the hotel property itself, as well as the portion thereof proposed to be devoted to extended stay lodging.

- (e) *Duration of stay.* Duration of occupancy in any extended stay lodging unit may be for a period of thirty (30) consecutive days or more.
- (f) *Guest behavior.* Persons renting an extended stay unit in a hotel with a valid extended-stay hotel license addendum under this article must be present in the unit at all times during which other persons are also present. In addition, persons renting the unit may not:
 - (1) Sublet the unit to any other person; or
 - (2) Permit occupancy of the unit by any person other than the registered guest or guests.

(Ord. No. 1723, § 1, 10-25-21)

Sec. 11-569. - Implementation schedule.

It is the intention of the city that existing hotels within the city be given the sufficient time to make the operational and physical modifications and improvements necessary to satisfy the eligibility requirements in section 11-564. Accordingly, the following implementation schedule for this article is adopted:

- (1) Existing hotels shall have until January 1, 2022 within which to submit an application and application fee for a hotel license.
- (2) The city treasurer shall have thirty (30) days within which to review applications for existing hotels.
- (3) A hotel, once licensed, shall comply with the schedule to achieve the required CFS metric in subsection 11-564(a).
- (4) existing hotels shall have until June 30, 2022 to limit the duration of guest stays to less than thirty (30) days, unless the hotel has applied for and received an extended stay addendum under section 11-568.
- (5) On or before June 30, 2023, and every eighteen (18) months thereafter, the council shall conduct a review of the implementation of this Article and shall consider any amendments deemed appropriate in response to that review.

(Ord. No. 1723, § 1, 10-25-21)

Sec. 15-16. - Offensive trade or business.

Whenever the pursuit of any trade, business or manufacturing or the maintenance of any substance or condition of things results in a condition detrimental to the health, safety, general welfare or comfort of the inhabitants of the city, such pursuit shall be declared unlawful, shall be deemed a nuisance, and shall be abated. By way of illustration, but not limitation, the pursuit of the following trades or businesses shall constitute unlawful nuisances:

- (1) *Junkyards and dumping grounds.* All places used or maintained, or permitted to be used or maintained, as junkyards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, machinery of any kind, or for any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, when such places are kept in such manner as to interfere with the comfortable enjoyment of life or property by others or cause a detriment to the public health, safety or welfare. Nothing in this subsection shall be deemed or construed to prevent the city from acquiring, operating and maintaining a facility for the storage of motor vehicles, vehicles, boats, machinery or equipment pursuant to this Code.
- (2) *Storage of motor vehicles.* Storage of automobiles, trucks, tractors, recreational vehicles, boats and motor vehicles, whether or not in an operable condition, by an auto repair establishment, for a period in excess of ten (10) days, unless shielded from the view of any member of the general public.

- (3) *Slaughterhouses and rendering plants.* All places used or maintained or permitted to be used or maintained for slaughtering for bone crushing, bone boiling, bone rendering, bone burning, fat boiling, fat rendering, fat drying, gut cleaning or the making or the manufacture of fertilizing materials of any kind or description from any dead animal or part thereof, or any boiling of fat or grease of any description when such places are operated in any unclean or offensive manner, or when such places are so as to interfere with the comfortable enjoyment of life or property by others or cause a detriment to the public health, safety or welfare.
- (4) *Improper construction sites.* All places at which construction or excavation operations occur and from which trucks or other vehicles emerge from the site and carry onto or deposit in any street or other public place any mud, dirt, sticky substance or other litter which causes a hazard to automobile traffic or which otherwise causes a detriment to the health, safety or welfare of the inhabitants of the city or their property, or to any property of the city.
- (5) *Improper storage operations.* All places at which the responsible party keeps, stores or permits to be kept or stored any building materials, construction materials, paper, trash, waste material, junk, or litter upon any property in such a manner to cause a fire hazard or other detriment to the health, safety or general welfare of the inhabitants of the city, or in such a manner that the stored materials may be blown or deposited upon any other public or private property.
- (6) *Slaughtering of animals.* Any use of residential property for animal slaughtering or butchering whether for private use or for sale in a manner which interferes with the comfortable enjoyment of life or property by others or causes a detriment to the public health, safety or welfare.
- (7) *Certain massage businesses.* A massage business that is operating without possessing the licenses required by section 11-234 of this Code, or that continues to operate after receiving a notice of summary suspension under subsection 11-243(b) of this Code.

(Ord. No. 2001-1219, § 1, 5-21-01; Ord. No. 1696, § 5, 8-24-20)

Sec. 15-26. - Disorderly house.

The keeping of any dwelling, boardinghouse, rooming house or other residential property in violation of any provision of this chapter or of chapter 26, including any violation of maximum occupancy limitations imposed by that chapter or any condition of approval of the use of property imposed by action of the city, is a nuisance. A disorderly house shall also include keeping any such property in a condition or manner which generates law enforcement calls disproportionate to other properties in the neighborhood or which negatively affects neighboring properties and/or residents, whether by continuous or excessive noise or by maintenance of the property in an unsightly or unwholesome manner, noxious or offensive to others or injurious to public health, safety or welfare.

(Ord. No. 2001-1219, § 1, 5-21-01)



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Date: June 30, 2022

To: Idaho Springs Planning Commission

CC: Andrew Marsh, City Administrator, Carmen Beery, City Attorney

From: Jerad Chipman, AICP, Community Development Planner

Re: Discussion Related to Parking Requirements in the downtown Historic District

As the City works towards the design of the potential downtown parking structure, analyzing parking requirements for uses within the Historic Downtown has been contemplated. Currently, if a property owner is interested in altering the use of a space within a building, that space is assessed to determine what the existing parking requirement is and what the proposed future parking requirement would be. If the change in use would require more than 125% of the current parking requirement, the location would not be able to change the use without a variance. An example of this calculation is detailed in the below table:

Example Building with 2,000 square feet.

Use	Spaces required per Gross Floor Area	Parking Spaces Required	125% of the original use
Current: Office	1 per 400	5	6.25
Proposed: Retail	1 per 300	6.6	Over the allowable threshold of 6.25
Proposed: Restaurant	1 per 250	8	Over the allowable threshold of 6.25

This calculation allows some room for use changes, however, in many occurrences it is still limiting in an environment where the property owner is not able to create additional parking. The downtown also has a number of building spaces that are not currently being utilized and could either be occupied in the future, or would be able to be used for residential units. Many of these building spaces are located on the second floors of existing buildings. There have been a few instances when the City has been able to create additional parking spaces. The most recent parking expansion was to the block south of Tommyknocker. Another opportunity is on the horizon with the proposed development of the parking structure behind Tommyknocker. Staff is requesting the Planning Commission's discussion and direction regarding possibly altering the current parking ordinance pertaining to the Historic Downtown in the

event that the parking structure is constructed. Would the Planning Commission be interested in one of the following options? The options are high level and would need refining in any potential ordinance change:

1. Waiving the off-street parking requirements in the Historic Downtown. – Maximalist approach.
2. Drastically reducing the off-street parking requirements in the Historic District.
3. Calculating the number of new net parking spaces that the parking structures provides and mathematically “deducting” from that number of available new spaces when a change of use occurs. – This would allow for use changes within the downtown, but only until the number of spaces has been utilized by the parking requirements that the each use change would standardly require.
4. Create a parking impact fee for any additional spaces that are required from a change in use. Dedicate such impact fees to contribute to current and future parking facilities in the Historic Downtown.
5. Do not change the current rules.