



## **PLANNING COMMISSION**

**Work Session**

**August 3, 2022**

**6:00 PM**

- ❖ **Discussion Related to Hotel/Motel Licensing**
- ❖ **August Staff Report**

**The Public will be able to view and hear this meeting remotely at the following address:**

**<https://www.colorado.gov/pacific/idahosprings/city-council-live>**



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Date: July 28, 2022

To: Idaho Springs Planning Commission

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

From: Jerad Chipman, AICP, Community Development Planner

Re: Hotel/Motel Licensing

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At the June 2022 Planning Commission hearing, the Planning Commission discussed the current challenges that the City has been facing with hotels and motels being utilized for long-term occupancy. Most of these facilities were designed to house transient individuals or small groups for short periods of time, such as a few nights or a week. Some of these facilities are now being utilized as residential units for seasonal workforce or for year round residents. The City's goal is to protect the health, safety, and wellbeing of these residents while understanding that these facilities fulfill a housing need within the housing deficient City. The below language is a draft ordinance that is intended to be discussed at the Planning Commission meeting. A final ordinance will come before the Planning Commission at a future meeting.

## Chapter 21 - Land Development Regulations

### Article II. - Definitions

#### Sec. 21-15. – Definitions

Hotel and Motel – Extended Stay. The renting of a hotel or motel 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.

### Article III. – Zoning

#### Section 21-51 – Hotel and Motel Licensing and Extended Stay Restrictions.

- (A) Applicants that wish to operate a hotel or motel use may refer to Hotel and Motel Licensing and Extended Stay Restrictions found in Chapter 9, Article XIV.
- (B) The Land Use category of Hotel, motel includes the definition of Hotel and Motel – Extended Stay.

## Chapter 9 - Licenses, Permits and Miscellaneous Business Regulations

### Article XIV. – Hotel and Motel Licensing and Extended Stay Restrictions

- (A) Purpose and Intent. The purpose and intent of this article is to ensure the health, safety and wellbeing of transient populations and populations that reside in hotels and motels for an extended period of time, while not displacing populations from available residential resources within the housing deficient City. The long-term habitation in facilities not designed for long-term residential living is unhealthy and unsafe due to numerous hazards such as lack of adequate cooking, food-storage and sanitary facilities, lack of adequate lighting, living and storage space, and lack of ventilation. This article addresses the intent through licensing, inspection, and minimum unit standards.
- (B) The duration of occupancy shall be calculated based upon the number of nights of occupancy of an individual in the establishment as a whole, not the number of nights of occupancy of a single room. The purpose of this calculation is to prohibit the avoidance of an occupancy being determined to be extended stay by moving from one room to another, while remaining at the establishment for a period of longer than twenty-nine (29) days.
- (C) License Required. It is unlawful for any person, either directly or indirectly, to conduct or provide any hotel, motel, or extended stay occupancy lodging without first obtaining a license as required under this chapter. Said license must be kept current at all times during which long-term occupancy lodging is provided or available.
- (D) Application form; processing.
  - a. All applicants for a hotel license shall file a completed application with the City Clerk, for purposes of this section the City Clerk means the individual holding the office of City Clerk or his/her/their designee, on a form provided by the City.
  - b. A completed application shall contain the following information and be accompanied by the following documents:
    - i. The business name and address of the applicant. If the applicant intends to operate the hotel or motel 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.
    - ii. 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.

iii. If the applicant is:

1. 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;
2. 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;
3. 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;
4. 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.

iv. The location of the hotel, including a legal description of the property, street address, and telephone number(s).

v. For renewal applications, proof of compliance with requirements outlined in this Section.

- c. A floor plan of the entire establishment within which extended stay occupancy lodging is sought designating the specific units to be used for extended stay occupancy lodging;
- d. A detailed floor plan of the extended stay occupancy units showing the location of all the required facilities set forth in Section...; and
- e. Square footage calculations for each room within each extended stay occupancy unit.

(E) Review, approval or denial of application. The City Administrator or his or her designee shall review the application per the minimum standards located within this section of the Municipal Code. Once the minimum standards have been met, an inspection shall occur prior to the license being issued.

- a. A completed license application shall be reviewed by the police department prior to action by the Administrative Department. The application shall be approved or denied by the City Clerk within thirty (30) days of the date of filing. The application shall be denied if:

- b. The applicant fails to satisfy the eligibility requirements found in this section;
- c. 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 City of Idaho Springs Municipal Code or other applicable law; and
- d. The applicant knowingly made a false statement or knowingly gave false information in connection with the application; or
- e. The applicant is overdue in payment to the city of taxes, fees, fines or penalties assessed against the applicant or imposed against the applicant.
- f. Nothing in this article shall prevent the City Clerk 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 City Clerk 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.
- g. In the event the City Clerk denies the license application the City Clerk 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.

(F) Minimum Standards.

- a. General
  - i. Evidence of a valid business license
  - ii. Compliance with this code including without limitation any applicable building and fire codes adopted by the city, as demonstrated by certification from the City's chief building official.
- b. Extended stay rooms specifically.
  - i. The units available for extended stay occupancy shall be designated for such use on a building floor plan, and no other rooms may be offered or used for long-term occupancy without a full review as set forth in this chapter.
  - ii. Every unit used for long-term occupancy shall meet the following requirements:
    - 1. Every room licensed for extended stay occupancy shall prominently display on the inside of the main entrance door of the room a statement that such room is licensed for long-term use pursuant to this chapter.
    - 2. The cooking appliance required as a component of an efficiency dwelling unit shall mean a built-in cook-top or stove unit. Hot plates, griddles, microwaves or similar devices shall not be considered cooking appliances for the purpose of this chapter. Two sinks must be located within

**Commented [JC1]:** I have an inquiry into SafeBuilt regarding whether a communal kitchen would work.

the unit. One for use in conjunction with cooking and one for use in conjunction with the lavatory.

3. Light, Ventilation and Occupancy Limitations per Chapter 4 of the International Property Maintenance Code shall be adhered to.

- iii. 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.
- iv. Housekeeping must be available, although an additional charge may be made for the same.
- v. The following common area amenities must be available to the residents of all extended stay lodging facilities:
  1. Twenty-four-hour desk staffing;
  2. Prohibition of storage of any personal possessions within shared common areas of the building and/or site;
  3. Universal wireless internet available included within room charge;
  4. In-room or common area laundry facilities adequate for number of guests.
- vi. 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:
  1. Business center of a size at least one hundred twenty (120) square feet;
  2. A fitness center of at least three hundred fifty (350) square feet for every two hundred (200) rooms;
  3. Meeting areas or conference rooms;
  4. ~~A communal kitchen adequate for the number of extended stay rooms.~~
- vii. It shall be unlawful for a hotel, motel owner, operator, manager or person in charge of a hotel or motel to permit occupancy at the hotel or motel for more than twenty-nine (29) days within any sixty (60) day period unless otherwise meeting the provisions of this chapter or except in circumstances where there is a written contract between the hotel and:
  1. A governmental, charitable or insurance agency to house families in crisis;
  2. A relocation service as part of a business relocation; or
  3. A specific business entity for a business purpose which requires extended temporary occupancy.
  - 4.

(G) Renewal and Inspection Requirements

- a. Twice yearly inspection of the premises to include, Police Department, Administrative Department and Building Division, and Fire District. All units are to be inspected for health-safety and overcrowding requirements.

**Commented [JC2]:** Some Codes call out certain portions of this code such as minimum bedroom size etc.

**Commented [CB3R2]:** Yes; I think Dan's input here is also valuable. I understand not reinventing any wheels. I also think there is value in setting forth actual #s and measurements here - so folks do not have to go dig up & read another Code to figure this out.

**Commented [JC4R2]:** I will bring examples of this item to the Planning Commission meeting for their consideration.

**Commented [JC5]:** Is this too many? Are there other options?

- b. 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 district.

(H) Suspension and Revocations.

- a. 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 this section. Accordingly, the following implementation schedule for this article is adopted:
  - i. Existing hotels shall have until January 1, 2023 within which to submit an application and application fee for a hotel license.
  - ii. The City Clerk shall have thirty (30) days within which to review applications for existing hotels.
  - iii. A hotel, once licensed, shall comply with the schedule to achieve the required minimum standards in subsection Article XIV (F).
  - iv. Existing hotels shall have until June 30, 2023 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.
  - v. Annual license renewal shall occur in by January 1<sup>st</sup> of each year along with twice annual inspections.

Role of the Planning Commission.

Staff is requesting that the Planning Commission provide comments on the proposed ordinance for the purpose of completing a final draft for action in September.

# Manitou Springs Ordinance



## Chapter 18.86 - LONG-TERM OCCUPANCY LODGING

### Sections:

#### 18.86.010 - Intent and Purpose.

The intent and purpose of this chapter is to protect the health, safety and welfare of the general public, including the residents of hotels and motels in the city. The long-term habitation in facilities not designed for long-term residential living is unhealthy and unsafe due to numerous hazards such as lack of adequate cooking, food-storage and sanitary facilities, lack of adequate lighting, living and storage space, and lack of ventilation. In addition, the intent and purpose of this chapter is to protect and improve the aesthetics of the city, and to maintain the predominantly commercial character of the city's commercial and downtown zone districts, which are not designed or planned for residential uses.

(Ord. No. 0819, § 1(Exh. A), 6-18-2019)

#### 18.86.020 - Duration Determination.

The duration of occupancy shall be calculated based upon the number of nights of occupancy of an individual in the establishment as a whole, not the number of nights of occupancy of a single room. The purpose of this calculation is to prohibit the avoidance of an occupancy being determined to be long-term by moving from one room to another, while remaining at the establishment for a period of longer than thirty days.

(Ord. No. 0819, § 1(Exh. A), 6-18-2019)

#### 18.86.030 - Public notice.

Public notice, as specified in Section 18.44.010, shall be provided for public hearings under this chapter.

(Ord. No. 0220, § 17, 2-18-2020)

Editor's note— Sec. 18 of Ord. No. 0220, adopted Feb. 18, 2020, amended § 18.86.030 in its entirety to read as herein set out. Former § 18.86.030 pertained to notice requirements, and derived from Ord. No. 0819, adopted June 18, 2019.

#### 18.86.040 - Minimum Standards.

In addition to complying with all laws, and all other requirements of this code, including building and

fire regulations, every long-term occupancy unit shall meet, at a minimum, the following standards:

1. No more than twenty percent of available room rental days in an establishment may be used for long-term occupancy lodging during a calendar year. The number of available room rental days shall be determined by multiplying the number of rooms available by the number of days such rooms are available for rent during a calendar year. For example, if an establishment has ten rooms that are available for rent three hundred sixty-five days per year, the number of available room rental days shall be three thousand six hundred fifty, which allows for seven hundred thirty long-term occupancy room rental days.
2. It shall be unlawful for a hotel, motel owner, operator, manager or person in charge of a hotel or motel to permit occupancy at the hotel or motel for more than thirty days within any sixty day period unless otherwise meeting the provisions of this chapter or except in circumstances where there is a written contract between the hotel and:
  - a. A governmental, charitable or insurance agency to house families in crisis;
  - b. A relocation service as part of a business relocation; or
  - c. A specific business entity for a business purpose which requires extended temporary occupancy.

For both subsections b. and c. of this subsection 2., the occupancy shall not exceed a period of one hundred eighty (180) days in any three hundred sixty-five (365) day period.

3. The units available for long-term occupancy shall be designated for such use on a building floor plan, and no other rooms may be offered or used for long-term occupancy without a full review as set forth in this chapter.
4. A list of occupants of each unit shall be maintained by the owner of the hotel or motel.
5. Every unit used for long-term occupancy shall meet the following requirements:
  - a. The standards for an efficiency dwelling unit, unless otherwise provided for in this chapter.
    - i. The cooking appliance required as a component of an efficiency dwelling unit shall mean a built-in cook-top or stove unit. Hot plates, griddles, microwaves or similar devices shall not be considered cooking appliances for the purpose of this chapter. Two sinks must be located within the unit. One for use in conjunction with cooking and one for use in conjunction with the lavatory.
    - ii. Occupancy of a unit shall be no more than two occupants per bedroom.
    - iii. The unit shall have a living room of not less than one hundred ten square feet (20.4 m<sup>2</sup>) of floor area per occupant.
    - iv. Natural light. The minimum net glazed area shall not be less than four percent of

the floor area of the room served.

- b. Compliance with this code including without limitation any applicable building and fire codes adopted by the city.
- c. Off-street parking that meets the standards set forth in Section 18.36.010 for multi-family attached dwellings. Parking on-site must meet current criteria for number of spaces required. There shall not be creation or expansion of non-conforming parking lots created by changing from short term rental to long term occupancy; all parking spaces must be accounted for on-site.
- d. Every room licensed for long-term occupancy shall prominently display on the inside of the main entrance door of the room a statement that such room is licensed for long-term use pursuant to this chapter.
- e. No personal items may be stored outdoors, on porches or balconies, or in common areas of the hotel or motel. All personal items shall be stored in the long-term occupancy room or other indoor area specifically designated for storage.
- f. For monitoring purposes, long-term lodging room usage shall be reported to the city monthly at the same time the establishment reports lodging tax information.

(Ord. No. 0819, § 1(Exh. A), 6-18-2019)

#### 18.86.050 - License Required.

It is unlawful for any person, either directly or indirectly, to conduct or provide any long-term occupancy lodging without first obtaining a license as required under this chapter. Said license must be kept current at all times during which long-term occupancy lodging is provided or available.

(Ord. No. 0819, § 1(Exh. A), 6-18-2019)

#### 18.86.060 - Approval Procedure.

- A. Application. At the time an application is filed, the applicant shall provide the application fee set by the City Council by separate resolution and all information required on the application form approved by the city administrator or his designee, which shall include without limitation:
  1. A floor plan of the entire establishment within which long-term occupancy lodging is sought designating the specific units to be used for long-term occupancy lodging;
  2. A detailed floor plan of the long-term occupancy units showing the location of all the required facilities set forth in Section 18.86.040;
  3. Square footage calculations for the floor and windows of each long-term occupancy unit; and

4. A parking plan showing that the parking requirements set forth in this chapter will be met.
- B. Review. After notice and a public hearing, the application shall be reviewed by the City Planning Commission, which shall provide a recommendation to the City Council. After notice and a public hearing, the City Council shall determine whether to approve, approve with conditions, or reject the application. The City Council's decision shall be reduced to writing, and a copy provided to the applicant.
- C. Approval Criteria.
1. Conditional Use Approval. No license shall be issued unless the long-term occupancy is approved for each unit as a conditional use pursuant to the criteria and procedures for conditional uses set forth in Chapter 18.30 of this code. When considering whether to grant conditional approval, the requirements of this chapter shall be considered in addition to the criteria set forth in Chapter 18.30.
  2. Minimum Standards. No license shall be issued unless it is found that the minimum standards set forth in Section 18.86.040 will be met prior to use of any unit for long-term occupancy lodging.
- D. Authority to Impose Conditions. The City Council shall have the authority to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this chapter and applicable law, including without limitation, limiting the number of units that may be used for long-term occupancy lodging to less than the number of units sought on the application.

(Ord. No. 0819, § 1(Exh. A), 6-18-2019)

#### 18.86.070 - Renewal, Termination and Abandonment.

- A. Issuance of a license to operate units for long-term occupancy shall be for a term of five years. Applications for a license shall be made to the Planning Department on forms provided by the city and subject to any applicable fees. Licenses shall be approved or denied by the Planning Department.
- B. Alterations to any unit licensed for long-term occupancy shall automatically extinguish the license for such unit unless the alterations are approved in advance by the city administrator. If the alterations are so significant as to warrant review by the City Council in the judgment of the city administrator, the city administrator may require the licensee to obtain approval under this chapter for the affected unit(s) as if it were an initial application. For purposes of this chapter, the term "alterations" means modifications to any of the items included in the plans included with the application that was approved by the city (such as without limitation, modifications to the floor plan, the parking plan, the window(s), or kitchen appliances).

- C. An application for renewal of an existing license shall be made to the Planning Department not more than one hundred twenty days and not less than sixty days prior to the date of expiration of the license. The license may be renewed administratively by the Planning Department if no violations of this chapter or the terms of the license have occurred. The Planning Department may forward the renewal application to the City Council if the Planning Director believes a violation has occurred, in which case the renewal shall be set for a public hearing after proper notice.
- D. No long-term occupancy unit approved under the provisions of this chapter shall be deemed abandoned solely due to the temporary use of the unit for short-term occupancy, which shall be permissible. Use of property for long-term occupancy shall be deemed abandoned under the following conditions:
  - 1. Written notice by the property owner, operator, or its representative that units previously approved for long-term occupancy will no longer be used for long-term occupancy; or
  - 2. Cessation of use of the structure in which the long-term occupancy units exist as a hotel, motel, or similar housing facility, for a duration of ninety (90) consecutive days or for ninety (90) days during any one hundred eighty (180) day period.

Once the use of property for long-term occupancy is abandoned, a new application under the provisions of this chapter shall be required to use property for long-term occupancy.

- E. The licensee shall permit the city to inspect its long-term occupancy rooms at any time for compliance with the provisions of this chapter and other provisions of this code. The licensee shall maintain records of occupancy for all rooms licensed for long-term occupancy, which shall be made available to the city for city review and inspection at any time.

(Ord. No. 0819, § 1(Exh. A), 6-18-2019)

#### 18.86.080 - Suspension and Revocation.

The City Council may, after notice and hearing, suspend, revoke or refuse to renew a long-term occupancy license, or part thereof, for violations of the terms of such license, or for violations of this chapter, including without limitation, the use of rooms in the same facility for long-term occupancy not licensed for such use, or the failure to pay lodging tax as required by this code.

(Ord. No. 0819, § 1(Exh. A), 6-18-2019)

# Wheat Ridge Ordinance

*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)



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## **Community Development Planner Communication**

**Document Date:** July 28, 2022  
**Meeting Date:** August 3, 2022  
**To:** Planning Commission Members  
**From:** Jerad Chipman, AICP, Community Development Planner

**RE: Community Development Monthly Report**

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The Community Development Planner has been working on the following recent, current, and upcoming projects.

### **Development applications and pre-applications:**

- **Downtown Parking Update.** Staff focused on the hotel/motel licensing ordinance and intends to pursue the previously discussed downtown parking ordinance in the future.
- **Redevelopment of Block 57/Golddigger Field and the School Bus Maintenance Facility.** The Developer is in the process of finalizing plans and applying for building permits.
- **Habitat for Humanity.** Habitat is applying for the building permit.
- **1614 Wall St.** Staff is working with the property owner regarding a FDP submittal.

### **Other Activities:**

- **Jacob House.** Staff has been working with the owner of the Jacob House to finalize plans to relocate the structure to another parcel in the City.
- **Historic Preservation Review Commission.** The HPRC reviewed two COA requests. One at 1601 Colorado Blvd pertaining to signage and a fence, and one at 1434 Miner Street pertaining to a sign.
- **Variance Board.** Staff anticipates a one variance at the August meeting pertaining to signage at 1601 Colorado Blvd.
- **Inquiries.** Staff continues to respond to a variety of planning and zoning inquiries from the public.