

Group Living Code Amendment

Public Open Houses: February-March 2020



What is this project about?

- **Implementing Adopted City Goals**
 - ✓ Equitable, affordable and inclusive housing for all
- **Updating Zoning Code to reflect the way people live**
 - ✓ Clarity and predictability



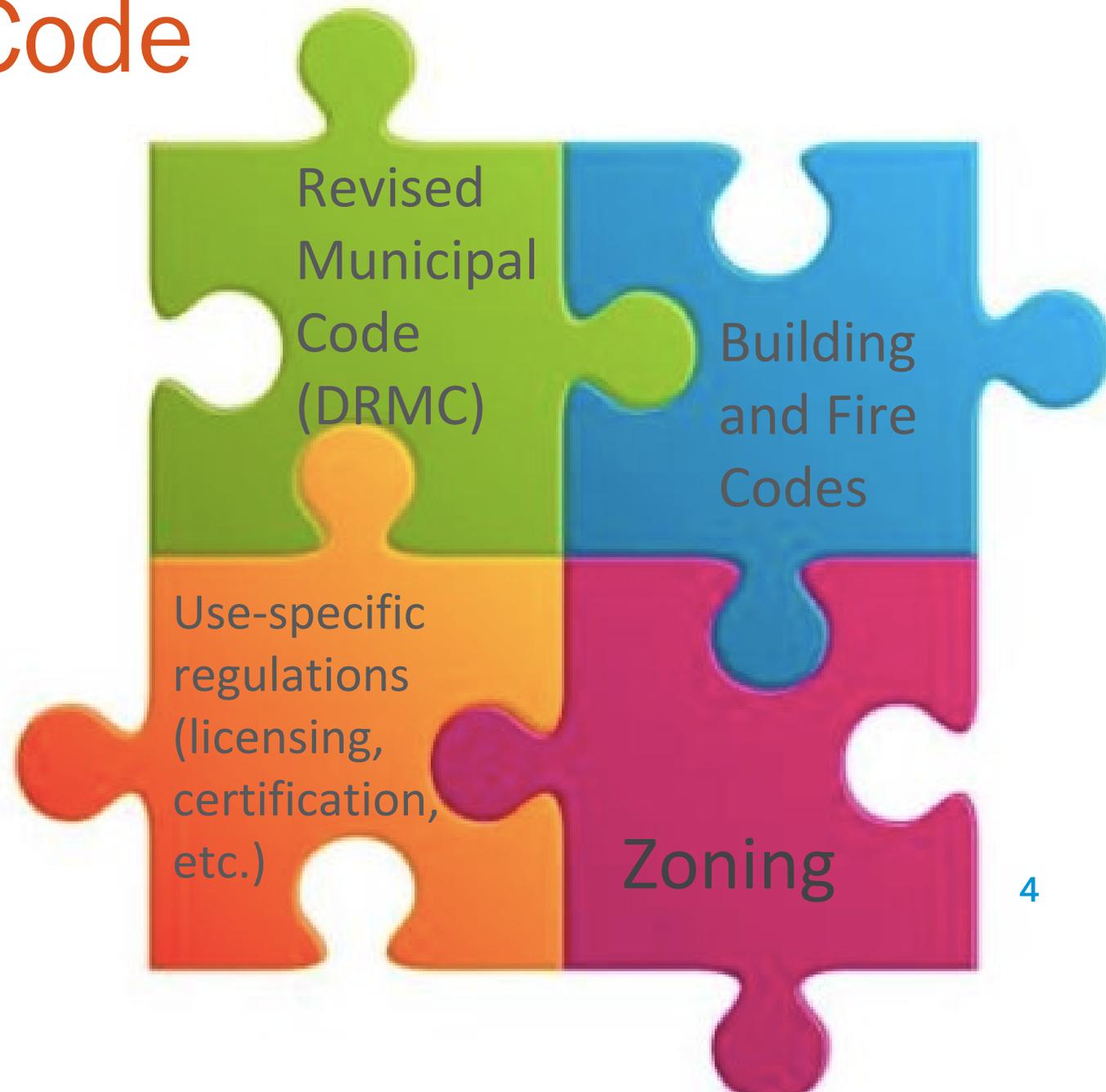
What are we proposing to change?

- This project will update zoning regulations for all residential uses, including conventional houses and apartments, group homes, assisted living facilities, shelters and halfway houses.
- Changes will include updates to:
 - Definitions and requirements (off-street parking requirements, etc.)
 - Use limitations (size, required spacing between facilities, etc.)
 - Permitted zone districts (places where such uses are permitted)
- This project will **not** change regulations separate from the Zoning Code governing noise and maintenance of properties, operation of facilities like halfway houses, licensing or building and fire safety.

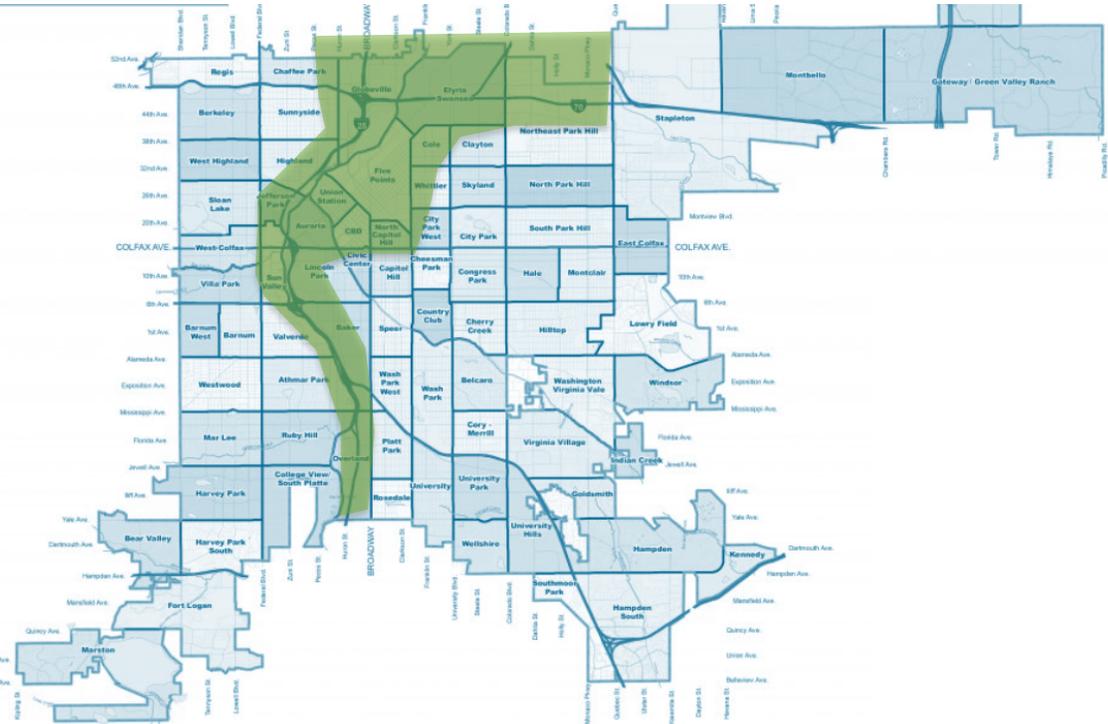
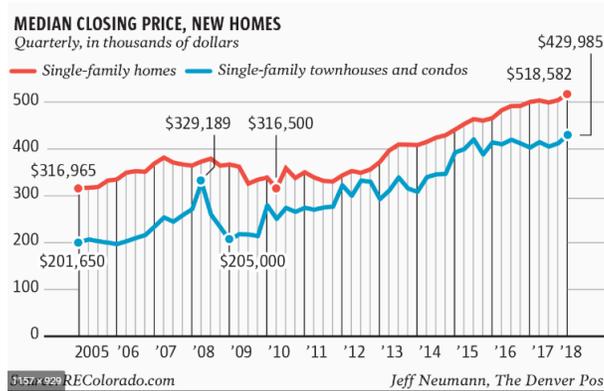
Role of the Zoning Code



- Location
 - Zone Districts where use is permitted
 - Spacing, Density, Buffering between uses
- Site Design
- Size and intensity



Current state



- Options for Denver's most vulnerable neighbors concentrated in certain neighborhoods or industrial areas that lack transportation, jobs and amenities of a complete community.
- Outdated regulations and definitions limit creative, affordable housing solutions and opportunities.
- Inconsistent notification and permitting processes cause neighborhood conflict.

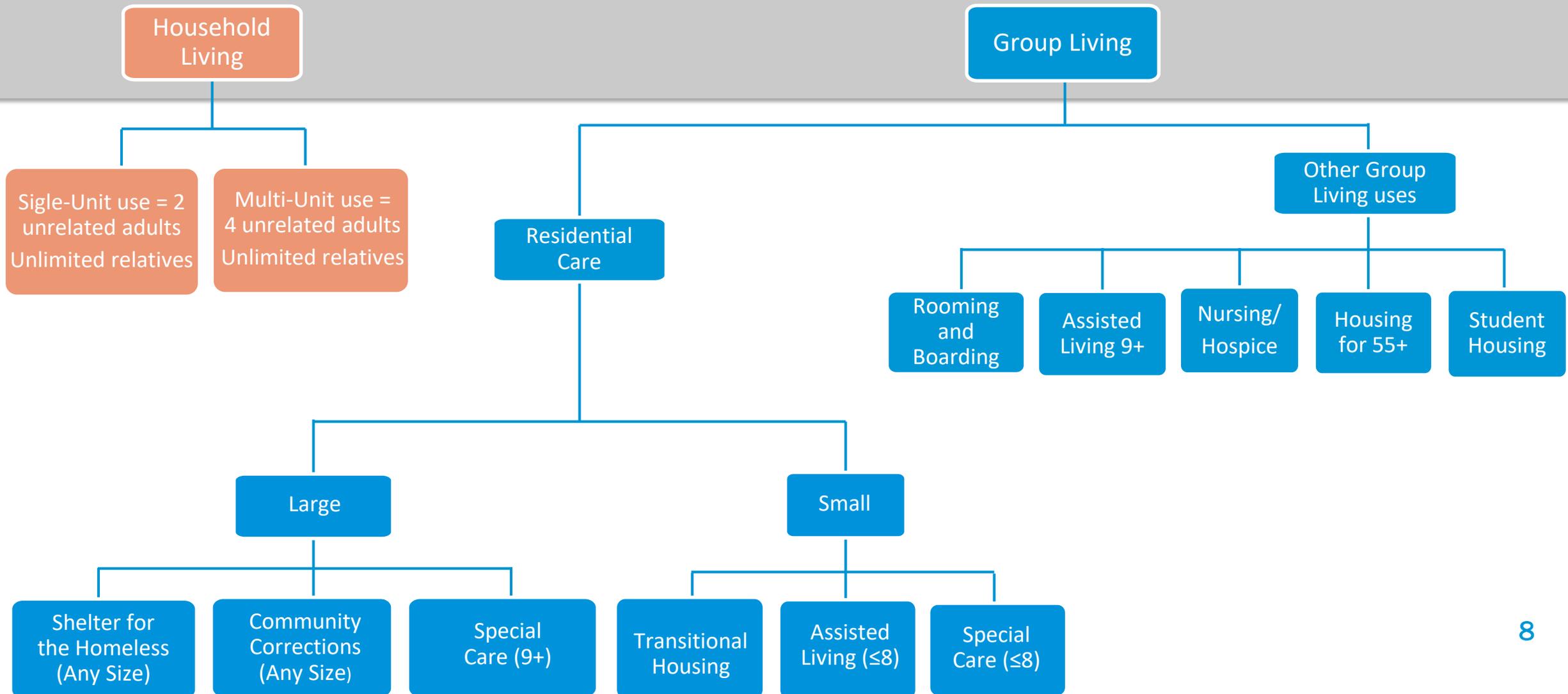
Desired Future State

- Attainable, affordable and flexible housing options allowed in all parts of the city.
- No populations excluded from any neighborhood.
- Diverse, safe and complete neighborhoods, where residents of all types have access to housing, transportation, jobs and everyday needs like high quality food.
- Homes where care is provided are indistinguishable from other housing in neighborhoods.
- Denver offers residents a spectrum of housing types to meet their needs.



Current System and Problems Identified

CURRENT org-chart breakdown of defined Residential Uses



Details: Current Regulations for Household Living

Many uses that function like households can't meet the zoning code's strict definitional limits, which date back to the 1950s:



- Single-Unit use (typical detached house): **2 partners or unrelated adults**, unlimited family members of any age from specific list:
 - grandparent, child, sibling, step-child, step-sibling, step-parent, grandchild, parent-in-law, sibling-in-law, child-in-law, parent-sibling (uncle or aunt), or nibling (nephew or niece)



- Two- or multi-unit use (duplex, apartment, etc.): **4 unrelated adults**, unlimited family members of any age (from same list).

Uses not clearly addressed in zoning code's current residential regulations

State/FFHA Group Housing

Housing for people who are among the protected classes specified by the Federal Fair Housing Act, State Group Home Statute, etc. Protected classes include people in recovery, people who have a disability, etc. Cities must accommodate protected classes in residential areas.

Co-Ops, Multigenerational housing

Unrelated people or families living together as a household.

Households of people who are not related by blood

Sharing houses with roommates (cumbersome Home Occupation permit for one roommate); two or more families sharing a house

Why this matters

- Any household that exceeds the number of unrelated adults above often needs to be permitted as a group living use instead.
- Often, group living isn't allowed in as many places and has stricter standards and procedures.
- This means many groups of people who want to live as a functioning household are either doing so illegally or are unable to access housing

Why this matters: Current Use-specific and overlapping use limitations in Zoning Code

Large Residential Care



Use Limitations applicable to all large residential care:

- A Large Residential Care use shall be a minimum of 2,000 feet from another such use; and
- No more than two other such uses shall exist within a 4,000 foot radius measured from the proposed use

Shelter for the Homeless (Any Size)

- 500 feet from a school
- 950 beds/CC District
- Max 200 beds for new facilities
- Variety of process requirements, including committee

Community Corrections (Any Size)

- 1,500 feet from residential zone district
- 1,500 feet from a school
- Max 40-60 residents
- Very few permitted zone districts

Special Care (9+)

Why this matters: Establishing Residential Uses

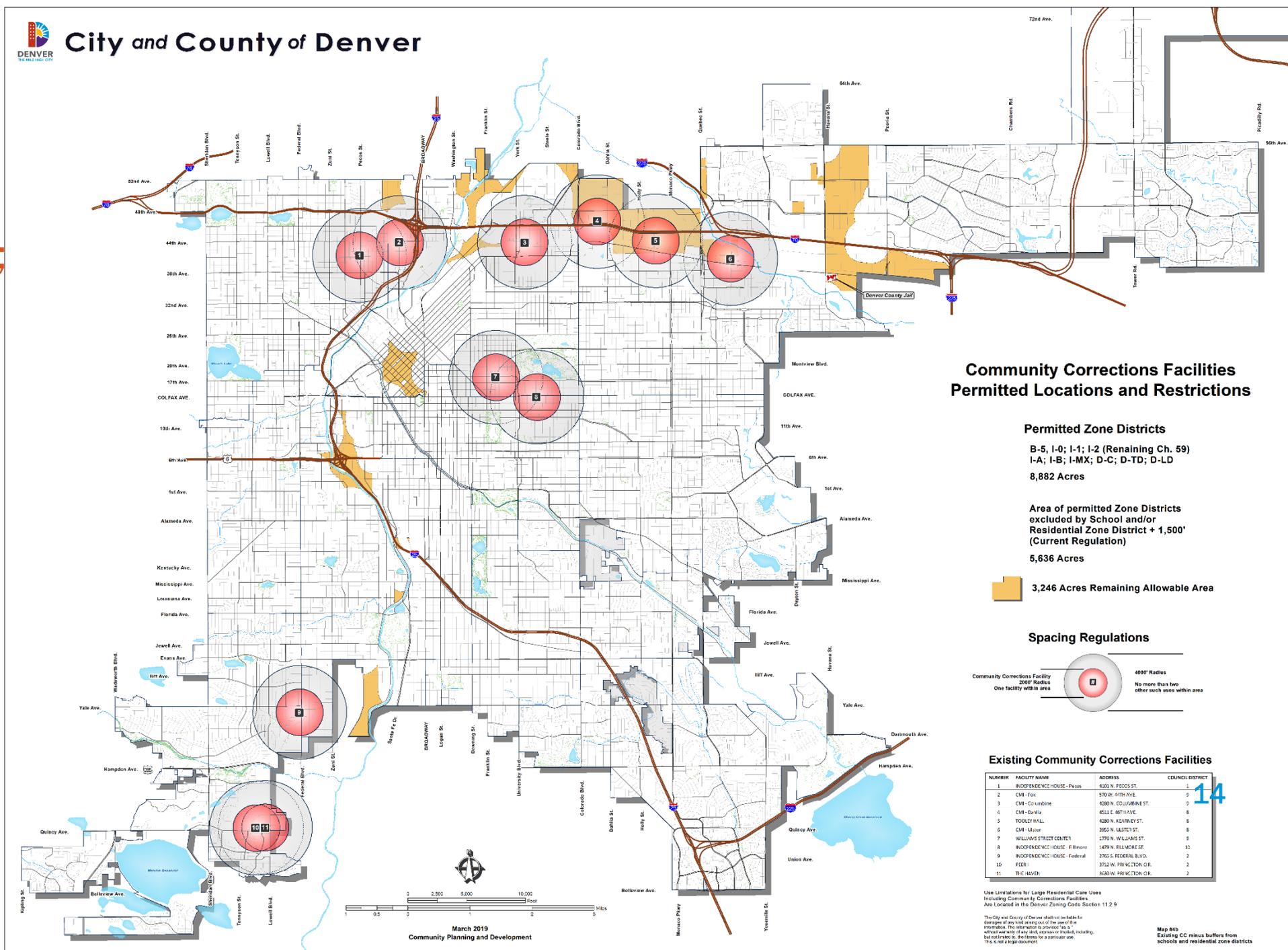
- Needed uses are difficult or nearly impossible to establish
- Some populations, such as people in Community Corrections, are excluded from communities
- Zoning categories create barriers and inequity for people looking for housing options and necessary services.
- People who need care can't get it in their neighborhoods.
- Permitting process is cumbersome, confusing and inflexible for providers and frustrating for neighbors.

Current Residential Uses by Permissiveness of Zoning

Small Residential Care Uses	Household Living
	Housing for 55+
	Assisted Living
	Transitional Housing
	Special Care Home, Small
Large Residential Care Uses	Nursing Home/Hospice
	Student Housing
	Rooming and Boarding House
	Special Care Home, Large
	Shelter for the Homeless
	Community Corrections

Why this matters: Current Community Corrections Facilities; buffers, and areas where new facilities could be established

- New facilities could be established in tan areas.
- Where 4,000' buffers overlap tan areas, presence of other Large Residential Care Facilities would preclude additional CCFs



Problems Identified with the Code

1. Outdated definition of “household” limits common living arrangements and reduces affordability especially for people who could live with roommates.
2. Residential Care regulations treat some populations inequitably, such as people who are experiencing homelessness or in community corrections.
3. It is difficult to establish some needed uses, like Community Corrections facilities.
4. Some existing facilities cannot grow to meet demand.
5. Some evolving uses are not clearly regulated, such as sober living, co-ops, and tiny homes.
6. Inconsistent notification and permit requirements can interfere with establishing some kinds of shelters and frustrate neighbors who cannot stop the permitting process.

How staff analyzed these issues: GLAC

- **Group Living Advisory Committee:**
 - o Cross-section of housing providers, residents & guests, designers, neighborhood representatives, advocates and community leaders
 - o 27 topic-specific “subgroup” meetings in 2018 & 2019 (focused on residential care, community corrections, shelters, etc.)
 - o 5 full GLAC meetings
 - o 5 site visits (Denver Rescue Mission, Queen City Coop, Step Denver, etc.)
 - o All events published on project website and open to the public.
- **GLAC Role:**
 - o Relate personal/occupational experience with code
 - o Review peer research and data
 - o Consider and recommend alternatives proposed by staff
 - Decision-making criteria



GLAC meeting, Oct. 2019



GLAC subgroup meeting, May 2018

How staff analyzed these issues: Public Engagement

- All GLAC meetings open to public and attended by many stakeholders
- **Public events:**
 - Problem statement open house October 2018
 - Open Houses and “office hours” events in early 2020
- **Other Outreach**
 - Staff focus groups with various providers and residents
 - Multiple presentations at Inter-Neighborhood Cooperation (INC) and individual RNO/community meetings (15 as of February 2020).
 - Staff presentations to advocacy organizations (Anti-Displacement Network Denver, Homelessness Leadership Committee, Denver Commission on Cultural Affairs, etc.)



Rhinocerospolis site visit, 2018



Problem Statement public open house, fall 2018

How staff analyzed these issues: Peer City and Best Practices research

Peer City Shelter Regulations

City	Name of Use	Beds allowed/Occupancy max	Distance from other facilities	Other Spacing/Density Requirement?	Parking requirement
Denver	Shelter for the Homeless	8-200 (depending on)	0-2,000 feet	No more than 950	Commercial Low/LF
Los Angeles	Shelter for the Homeless				
Minneapolis	Emergency Shelter/Overnight Shelter				
Oakland	Emergency Shelter/Transitional Housing/Supportive Housing				
Seattle	Community Center				
Austin	Emergency or Temporary Shelter for Homeless Persons				
Salt Lake City	Homeless Shelter				

Peer City CCF Zoning Requirements

City	Spacing between facilities	Spacing from Schools	Spacing from Residential	Spacing: other	Parking Required	Size limitations
Denver	2,000 feet, no more than 2 facilities within 4,000-foot radius	1,500 feet	1,500 feet	NA	I-MX-: 0.125 spaces/unit All other permitted districts: 0.25	I-MX-, Downtown Districts: 40 residents
Albuquerque	1,500 feet	NA				
Salt Lake City	2,640 feet	2,640 feet (also from parks, churches, dayca)				
Houston	1,000 feet	NA				
Kansas City	1,500 feet	500 feet (may be waived in case of major thoroughfare, waterway or other barrier)				
San Diego	1,320 feet from any group living; 5,280 feet from other CCF	1,000 feet				
Minneapolis	1,320 feet	NA (see Spacing: other)				
Portland	600 feet	600 feet				
Tacoma	2,640 feet	NA				

Peer Cities Review: Unrelated Adults Allowed in Single Unit

	2	3	4	5	6	8	Unlimited
Denver	Boulder	Aurora	Arvada	Austin, TX	Seattle, WA	Most California Cities	
Englewood	Commerce City	Brighton	Castle Rock	Bend, OR	Vancouver, WA	Bend, OR	
	Fort Collins	Golden	Colorado Springs	San Diego, CA*			
	Littleton	Northglenn	Lakewood	Spokane, WA			
	Loveland	Thornton	Longmont	Portland, OR			
	Wheat Ridge	Westminster	Parker				
	Salt Lake City, UT	Las Vegas, NV	Unincorporated Adams Co.				
	Minneapolis, MN	*Boston, MA	Unincorporated Arapahoe Co				
		New Orleans, LA	Albuquerque, NM				
			Boise, ID				
			Kansas City, MO				
			Oklahoma City, OK				
			Phoenix, AZ				

Notes:
*More under certain circumstances
All cities surveyed permit unlimited family members
Nearly all regulated by Dwelling Unit

How staff analyzed these issues:

Review of enforcement and permit data

- 20% of homes and 30% of Residential Care Facilities had zoning violations between 2016 and 2018.
- **Maintenance and trash overflow** most common for both
- Conventional Homes had **three times** as many instances of multiple violations

Zoning Violation Comparison

Residential Care Facilities (Small and Large)	
Number of facilities represented in data:	187
Number open as of late 2018:	148
Zoning and Neighborhood Inspection Services Residential Care Facility Zoning Violations 2016-2018	
Total Violations 2016-2018 <small>Includes data for facilities that have since closed</small>	63
Unique Facilities with ZNIS Violations	59
Violation Types (as % of total violations)	
Weeds/landscape maintenance	35%
Trash in yard/Dumpster overflow	30%
Snow on sidewalk	13%
Unrelated adults/use violation	7%
Parking/too many vehicles	2%
Other (fence height, unpermitted construction, unspecified)	13%

Single, Two-Unit and Rowhouse Residential Uses	
Number of households represented in data:	158,172
Zoning and Neighborhood Inspection Services Single, Two-Unit and Rowhouse Residential Zoning Violations 2016-2018	
Total Violations 2016-2018	91,932
Unique Addresses with ZNIS Violations	30,739
Violation Types (as % of total violations)	
Weeds/landscape maintenance	23%
Trash in yard/Dumpster overflow	14%
Outdoor Storage	10%
Obstruction of ROW (typ. shrubbery)	7%
Construction without permit	6%
Unsurfaced Parking	6%
Inoperable Vehicle	5%
Other (RV parking, garage sales, fence height, drainage, etc.)	29%

Note: some ZNIS records in this dataset do not specify nature of violations. All figures should be considered estimates for discussion.

Proposed Changes

Key problems and proposed solutions

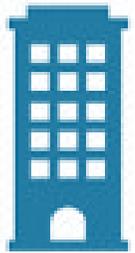
Problems Identified	Proposed Solution
<p>1. Outdated definition of “household” limits common living arrangements and reduces affordability especially for people who could live with roommates.</p>	<ul style="list-style-type: none">• Allow more unrelated people the choice to live together, subject to existing building, fire, and housing code requirements to protect health and safety. The code currently allows an unlimited number of <u>related</u> people of any age to live together.

What this means: Household Definition

Current



- Single-Unit use (typical detached house): **2 partners or unrelated adults**, unlimited family members of any age



- Two- or multi-unit use (duplex, apartment, etc.): **4 unrelated adults**, unlimited family members of any age (from same list).

Proposed



- Specific number of adults (8, with more permitted in larger homes) and unlimited minor relatives

Household uses: Fire Safety Requirements

Denver Building and Fire Code requirements for households:



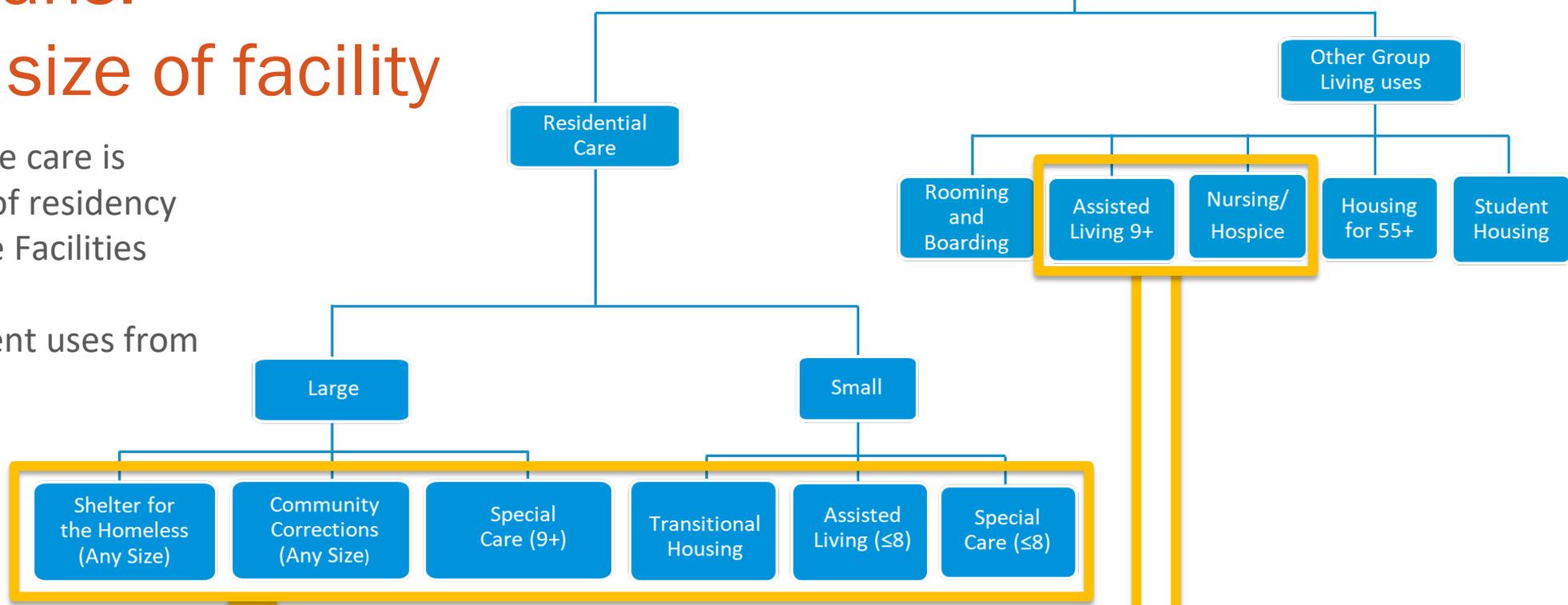
- All homes: smoke alarms required on all floors, in each bedroom
- 6 or more unrelated adults: integrated (interconnected) smoke alarms required
- 10 or more adults (of any relationship): sprinkler system required

Key problems and proposed solutions

Problems Identified	Proposed Solutions
<p>2. Residential Care regulations treat some populations inequitably, such as people who are experiencing homelessness or in community corrections.</p>	<ul style="list-style-type: none">• Regulate residential care by the size of the facility, not by the housing status or type of care guests are receiving, as the code currently does. Smaller facilities would have fewer restrictions than larger facilities.

What this means: regulating by size of facility

- All residential uses where care is required as a condition of residency become Residential Care Facilities
- Includes all related current uses from the code



Residential Care Facility



Proposed org-chart
for residential care

Proposed Regulations for Residential Care Uses

<p>Large 100+ guests</p>	<ul style="list-style-type: none">• Permitted in higher-intensity commercial, mixed-use and residential districts• Context-sensitive spacing requirements (up to 3 blocks)• Density limitations• Community Information Meeting required prior to formal zoning permit application
<p>Medium 41-100 guests</p>	<ul style="list-style-type: none">• Permitted in higher-intensity commercial, mixed-use and residential districts• Context-sensitive spacing requirements (up to 3 blocks)• Community Information Meeting required prior to formal zoning permit application
<p>Small 9-40 guests</p>	<ul style="list-style-type: none">• Permitted in all zone districts that allow residential uses• Spacing requirements in low-intensity residential districts (Single-Unit, Two-Unit, Row-Home)• Community Information Meeting required in low-intensity residential zone districts prior to zoning permit application
<p>Very Small/Seasonal ≤8 guests year round /≤100 guests, ≤130 days per year</p>	<ul style="list-style-type: none">• Permitted in all zone districts that allow residential uses (as is currently allowed)

What this means: regulating by size of facility

- Larger facilities have more restrictions.
 - Allowed in higher-intensity zone districts
 - Spacing and density limitations to prevent overconcentration
- Consistent permitting and public outreach requirements
- Residential Care uses permitted near transit, jobs and daily needs

Proposed Residential Uses by Permissiveness of Zoning

Household Living
Very Small Residential Care
Small Residential Care
Non-Household Living (Single-Room Occupancy, Permanent Tiny Home Village, Rooming and Boarding, etc.)
Medium Residential Care
Large Residential Care

Key problems and proposed solutions

Problem Identified	Proposed Solution
3. It is difficult to establish some needed uses, like Community Corrections facilities.	<ul style="list-style-type: none">• Allow them in more districts and reduce or remove spacing requirements to allow new facilities where residents can live near transportation, jobs, and amenities.• Allow a spectrum of housing options to be provided on the same zone lot to support people moving from emergency shelter to transitional, supportive, and independent housing.
4. Some existing facilities cannot grow to meet demand.	<ul style="list-style-type: none">• Remove zoning code caps on size of larger facilities to allow providers to determine the scale of facilities based on best practices and resources. Allow existing facilities to expand in place. Allow facilities to accommodate more people for up to ten days during emergencies.

What this means: Spectrum of Housing

Current

- Residential Care Uses specifically defined by populations, spacing required between facilities



Proposed

- Residential care zoning permits issued by number of people served only, permitted (at varying maximum sizes) in all areas of the city.
- Operator determines mix of housing models within size limits of permit
- Conventional multi-unit apartments and other residential care uses permitted in addition on-site, where permitted by zone district

What this means: Existing Facilities

Current

- Non-conforming and/or compliant (e.g. "grandfathered") facilities restricted from expansion, reconstruction, transfer to new operator.



Proposed

- Treat legally-established residential care facilities as conforming, with a maximum number of guests as most recently permitted
- Allow reconstruction or expansion of structures
- Allow additional primary uses as permitted by zone district (multi-unit, smaller residential care, etc.)

Key problems and proposed solutions

Problem Identified	Proposed Solution
5. Some evolving uses are not clearly regulated, such as sober living, co-ops, and tiny homes.	<ul style="list-style-type: none">• Consolidate residential care uses into a single category regulated by size and clarify what types of facilities are included.• Allow larger groups of people to live together, and in clusters of tiny home units, in the same districts where multi-unit housing is allowed.

What this means: Sober Living



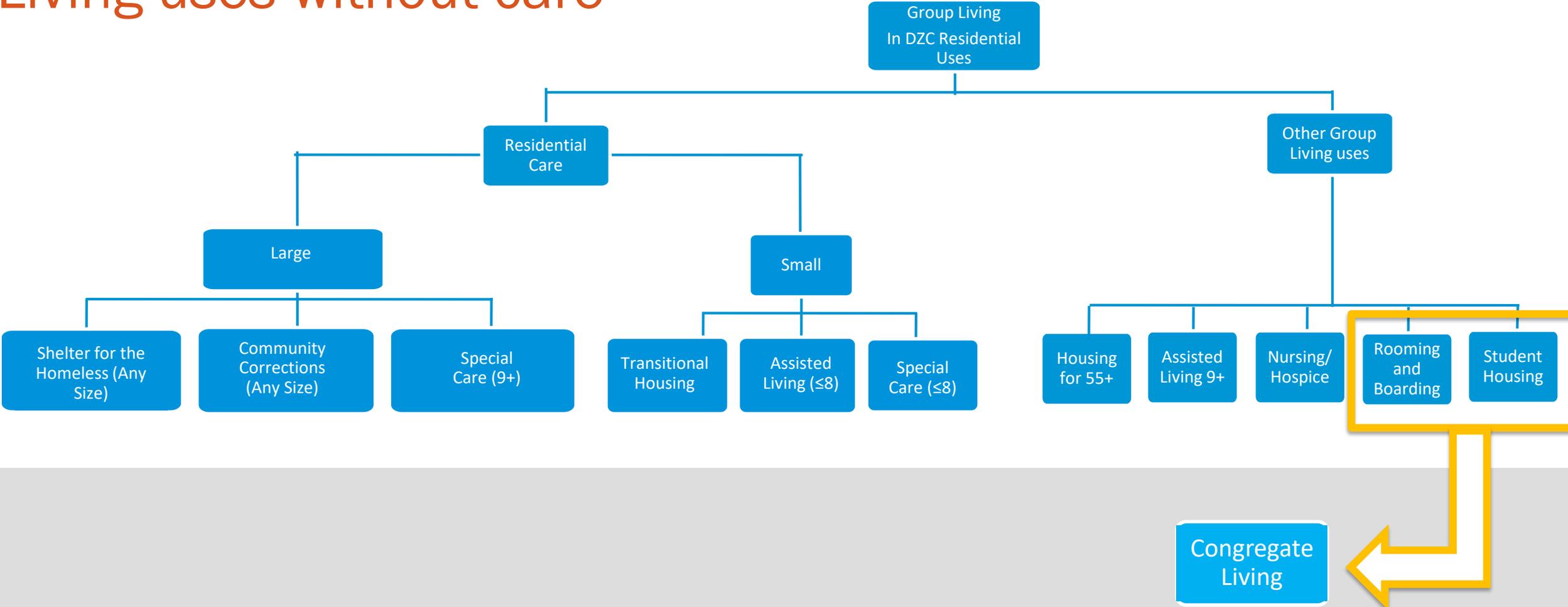
Current

- No clear accommodation in zoning

Proposed

- Permitted as Household Living for up to 8 individuals who are not required to receive care and live as a single housekeeping unit
- Permitted as Residential Care where program of care is a condition of residency

What this means: Current Group Living uses without care



Proposed org-chart breakdown for Residential Primary Uses

Household Living

- Up to 8 adults living as a single, non-profit housekeeping unit
- Provisions for more adults in larger homes
- Unlimited minor relatives
- Permanent residency

Examples:

- Cooperative Housing
- Multigenerational housing
- Some types of sober living
- Groups of people choosing to live together

Residential Care

- On-premises treatment, custodial supervision, protective oversight or assistance required as a condition of residency
- Temporary to permanent residency

Examples:

- Shelters
- Some types of sober living
- Community Corrections and Halfway Houses
- Solutions/Navigation Centers with residential component
- Assisted Living
- Nursing home or hospice
- Transitional Housing

Congregate Living

- Housing for more people than would be permitted in a household
- Not living as a single housekeeping unit
- May have shared cooking, bathroom and common areas
- Permanent residency

Examples:

- Rooming and Boarding
- Dormitory or Student Housing
- Permanent Tiny Home Village
- Single-Room Occupancy Housing

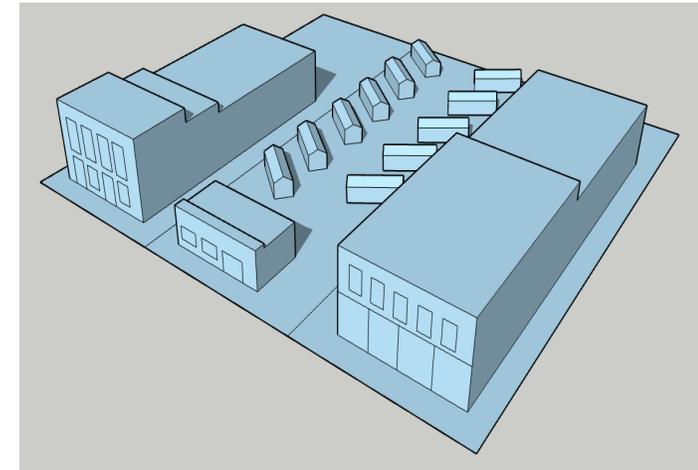
What this means: Tiny Home Villages, Single-Room Occupancy

Current

- THV: No clear accommodation in zoning
- SRO: only permitted as lodging use, not for permanent occupancy

Proposed

- Both permitted wherever multi-unit housing is allowed.
- Tiny Home Village common structures must meet Zoning Code building form and site design requirements impacting the public realm (built-to, transparency, etc.)



Key problems and proposed solutions

Problem Identified	Proposed Solution
6. Inconsistent notification and permit requirements can interfere with establishing some kinds of shelters and frustrate neighbors who cannot stop the permitting process.	<ul style="list-style-type: none">• Require Community Information Meetings prior to submitting a formal application for larger residential care uses to notify and educate neighbors and foster positive relationships.

What this means: Community Information Meeting



- Staff provides CIM requirements to applicant

- Applicant notifies and holds meeting for neighbors
- May enter into agreements (Good Neighbor, etc.)

- Applicant provides record of meeting and any applicable commitments or agreements
- Some commitments may be conditions of zoning permit

How to share your suggestions or opinions

Feedback is encouraged.

- Written (printed forms available at these Open Houses)
- E-mailed (contact information is available on project website at www.denvergov.org/groupliving)

What happens to feedback?

- We will record all written and e-mailed feedback and review highlights and key themes with the Group Living Advisory Committee and other stakeholders in March.
- The Public Review Draft (ordinance language showing actual changes to the code) may reflect some of these recommendations.

Next Steps

Public Outreach with proposed solutions

- Four solutions-oriented public open houses scheduled in mid-February 2020
 - Public Open House #1 | Tuesday, February 11 | 6 p.m. to 8 p.m. | Bruce Randolph School | 3955 Steele St.
 - Public Open House #2 | Saturday, February 22 | 9 a.m. to 11 a.m. | Goldrick Elementary School | 1050 S. Zuni St.
 - Public Open House #3 | 6 to 8 p.m. | Wednesday, February 26 | Hebrew Educational Alliance | 3600 S. Ivanhoe Street, Denver
 - Public Open House #4 | 6 to 8 p.m., Wednesday, March 4 | Scheitler Recreation Center (multipurpose room) | 5031 W. 46th Ave., Denver
- “Office Hours” meetings in March/April (coincident with Public review Draft)

Public review of Redline Text Amendment

- Published on project website in spring
 - Required notification to RNOs and other stakeholders
 - 30-day comment period

Public Legislative Review Process

- Planning Board (late Spring)
- City Council Land Use, Transportation and Infrastructure Committee
- City Council Public Hearing (Summer 2020)

More Information, FAQ and contact information: www.denvergov.org/groupliving

Open House stations: details

Residential Care

- Permitted Zone Districts and Use Limitations (spacing, density) for Very Small, Small, Medium and Large facilities
- How proposals address GLAC problem statements
- Parking for Assisted Living, Nursing Homes and other facilities
- Establishment or expansion of Community Corrections and Shelter uses

Definition of "Household"

- What is and what is not a household
- Scenarios for various structure sizes
- How proposals address GLAC problem statements
- Artist, DIY and Cooperative housing

Other Group Living

- Permanent Tiny Home Villages
- Single-room Occupancy (SRO) and similar uses

Scenarios

Scenarios

Household of two families (two unrelated sets of parents) and their children in a single-unit (detached) home

Current:

- Would not be permitted per household definition

Proposed:

- Would be permitted per household definition

Household of 5 unrelated adults living as roommates

Current:

- Would not be permitted per household definition

Proposed:

- Would be permitted per household definition

Scenarios

A provider wants to open a facility housing 25 non-paroled individuals along a commercial corridor, where guests will use transit to access jobs

Current:

- Not permitted – the code only allows facilities serving non-paroled individuals in industrial areas and the Downtown core.

Proposed:

- Permitted as a Small Residential Care facility, subject to use limitations. Any facility serving non-paroled individuals must have a formal relationship with Denver Department of Safety

Scenarios

Large Residential Care Facility (100+ guests) providing emergency shelter and transitional (longer-term) housing.

Current:

- Current code's spacing requirements would prohibit two separate residential uses on one site

Proposed:

- Residential Care permit allows spectrum of housing types

Existing "Grandfathered" shelter facility redevelops with new structure containing shelter and supportive apartment housing

Current:

- Example use is considered "compliant" -- legally established but does not meet a current use limitation (spacing from other facilities)
- Zoning Code's limits reconstruction and expansion of existing structures with compliant uses

Proposed:

- Use considered conforming, with most recently authorized number of guests
- Can rebuild, expand structure.
- Additional permitted uses, such as multi-unit, permitted where zoning allows multiple primary uses on a lot (mixed-use, downtown districts)

Scenarios

What happens if a non-conforming Community Corrections Facility wants to reconstruct with a larger facility?

Current:

- Use is considered "non-conforming" – legally established but no longer permitted in TU (two-unit) zone district
- Expansion of structure and guest capacity not permitted

Proposed:

- Use considered "conforming" with most recently authorized number of guests.
- Structure can be rebuilt or expanded
- Guest capacity cannot be expanded unless site is rezoned to a district that allows larger Residential Care Facility
- Zoning Administrator may consider expansion of population in certain circumstances

What happens if the Community Corrections facility at Fox and 44th wants to expand the number of guests served from the current 90 to a number that would be permitted by fire safety standards?

Current:

- This would not be permitted – the zoning code specifically limits this site to 90 residents

Proposed:

- This site could apply for a Large Residential Care permit, consistent with requirements for establishing a new use, allowing a number of guests consistent with building safety standards.

Scenarios

Seven people live together as roommates, supporting each other in maintaining sobriety

Current:

- No clear regulation, typically permitted as household consistent with Federal Fair Housing Act and CO Group Home Statute.

Proposed:

- Permitted as a household

Five people live together in a home where they are supervised and required to receive treatment

Current:

- Would be permitted as a Small Residential Care facility

Proposed:

- Would be permitted as a Very Small Residential Care facility

Scenarios

An operator wants to apply for a zoning permit to run a small Residential Care Facility serving 35 guests in a 3-story mixed-use district. Neighbors want to know more about the project.

Current:

- Applicants are required to post signs on the property and notify City Council members and Registered Neighborhood Organizations of application for zoning permit.
- Zoning Administrator issues permit based on application compliance with zoning criteria

Proposed:

- Applicants are required to hold a facilitated public meeting, providing mailed notice to property owners within 400 feet of a subject site, city council members, RNOs and other organizations.
- Meeting provides opportunity for neighbors to learn about operators and proposal.
- Operator may enter into agreements with neighbors to address external impacts
- Zoning Administrator may note some agreements as conditions of permit approval (e.g. hours of operation)