

Group Living Code Amendment

Group Living Advisory Committee
May 27, 2020

Draft Meeting Packet
All Language Subject to Change

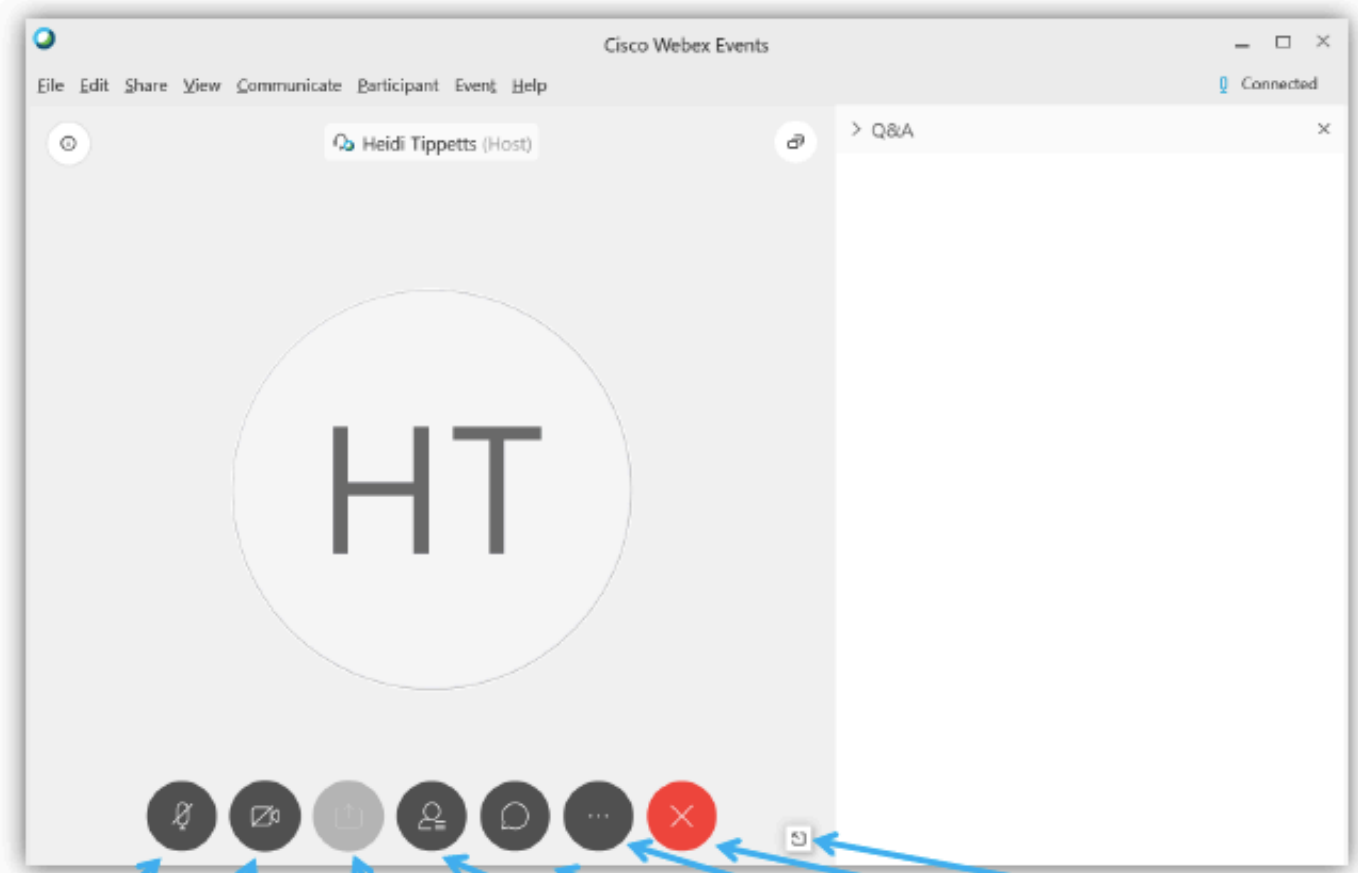


What's in this packet


- Webex platform overview
- Agenda
- Recap of Feb. 2020 proposals
- Feedback overview
- Proposed revisions to household regulations
- Proposed revisions to residential care regulations
- Decision-Making Criteria analysis
- Overview of separate Group Living Strategy Document

Webex Overview

- Your screen should look something like the image to the right.
- Please stay muted unless you are actively speaking. Raise your hand to be asked to speak (see next slide)



The screenshot shows a Cisco Webex Events window. At the top, there is a menu bar with 'File', 'Edit', 'Share', 'View', 'Communicate', 'Participant', 'Event', and 'Help'. The main area displays a large circle with the initials 'HT' in the center, representing the host Heidi Tippetts. A 'Q&A' window is open on the right side. At the bottom, there is a toolbar with several icons: a microphone (muted), a video camera (off), a share icon, a person icon, a speech bubble icon, a three-dot menu icon, a red 'X' icon, and a personal video icon. Blue arrows point from these icons to a list of callouts below the toolbar.

Microphone Mute/Unmute	Video On/Off	Share Screen/Content	Participants	Chat	...	Leave Meeting	Personal Video
Please keep yourself muted unless actively speaking	Please keep your video on unless there are distractions in the background	This will be disabled for panelists unless designated as a Presenter  will appear next to the name of the presenter.	This will open the participants panel that you will need to use for voting purposes	This is a chat feature that is internal to panelists. Please do not use this feature except for technical troubleshooting	This includes the window to re-open Q&A if closed. Audio connection Speaker, Microphone and Camera Connect to a Device	Even if you leave the meeting, you can rejoin if needed.	If you would like to see your video, click this icon to expand.

Panelist Tools

Participant Panel Tools

To open the participant panel, click the participant icon at the bottom of the screen.



We'll use two key tools from the Participant Panel:

- 1. Raise Hand tool:** At several points in the meeting, we'll ask you if you have questions or comments. Please use the "raise hand" reaction and we'll go around the virtual room and give GLAC members the opportunity to comment or ask questions.
- 2. Reaction Tools:** As we have previously, we'll ask the GLAC whether there is consensus around staff recommendations, and will note dissenting views, etc. To do this, we'll use the "reaction" tools in the Participant Panel (see next slide for details)

Participants (2)

Search

Panelist: 2

AH Analiese Hock Me

HT Heidi Tippetts Host

Attendee: 0 (0 displayed)

Reactions

Raise Hand

In the May 27 Meeting: Indicating Preference with Reactions

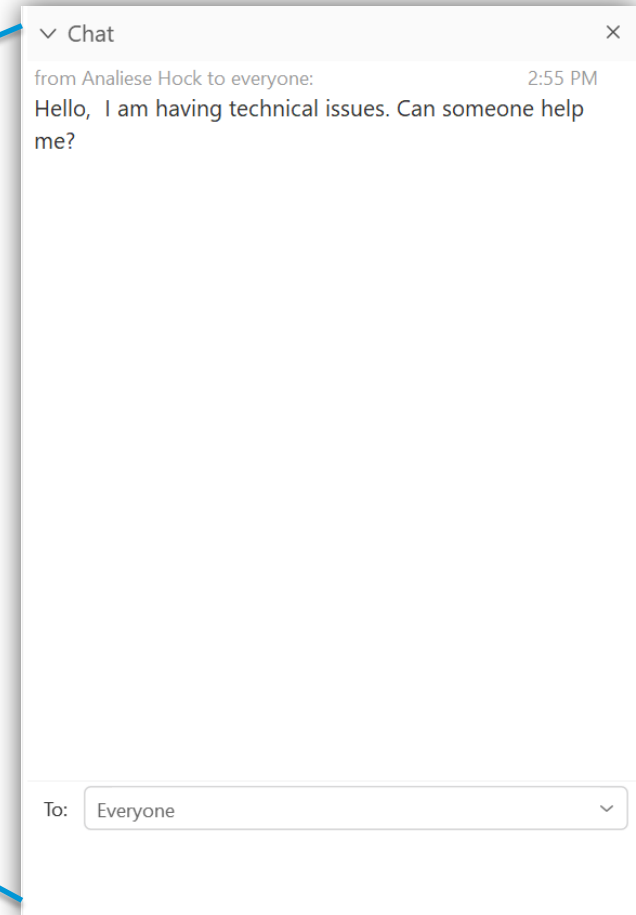
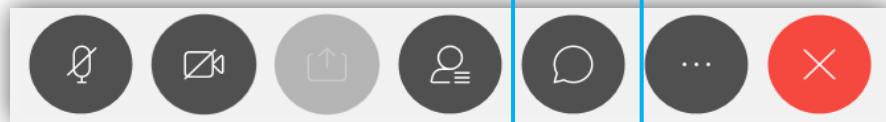
To ensure we have a record of GLAC member responses, we'll use the "reaction" tools as follows at our May 27 meeting:

The image shows a meeting interface with a reaction menu. A red box highlights the reaction menu icon, which is expanded to show a list of options. Green callout boxes provide descriptions for 'Yes', 'No', and 'Applause'.

✓	Yes	I can live with this proposal
✗	No	I cannot support this proposal
🏃	Too Fast	
🚶	Too Slow	
👏	Applause	I enthusiastically support this proposal
😄	Laughter	

Having problems during the meeting?

The chat box will be visible to hosts and panelists (the GLAC). Please use it to bring our attention to technical issues, and a member of staff will assist



Practice Run: Indicating Preference

When quarantine is over, we recommend taking a trip to the beach



✓	Yes	I can live with this recommendation
✗	No	I do not support this recommendation
🏃	Too Fast	
🐢	Too Slow	
👏	Applause	I support this recommendation
😄	Laughter	

Agenda

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Welcome <ul style="list-style-type: none">• agenda review• today's meeting goals• virtual meeting logistics	1:00 – 1:20 p.m.
Recap of February proposals and feedback received	1:20 – 1:30 p.m.
Review and discuss staff-recommended revisions <ul style="list-style-type: none">• Household Regulations	1:30 – 2:25 p.m.
Review and discuss staff-recommended revisions <ul style="list-style-type: none">• Residential Care Regulations	2:25 – 3:20 p.m.
Wrap up, next steps and close	3:20 – 3:30 p.m.

GLAC process Agreements

- Give input in all meetings openly and honestly – without hidden agendas.
- Engage with all committee members and members of the public in a respectful manner when participating in official committee work.
- Ask questions to increase understanding of others' perspectives, rather than jumping to conclusions.
- Seek solutions to any disagreements that are mutually satisfying for all committee members and affected populations, considering equity and other agreed-upon decision-making factors to guide recommendations.

GLAC Decision-Making Criteria

1. Is **consistent with adopted plans** (Pass/Fail - Must Pass per Charter 3.2.9(C) and DZC 12.4.11.4.A)
2. Is **equitable** – not necessarily equal – **in terms of neighborhood policies and impact**
3. Provides for **more affordable and attainable housing options** across the full range of resident incomes, considering creative options in the process.
4. **Limits potential for unintended consequences** perceived as negative or in conflict with community character, economic viability and existing or future plans and policies
5. Is **clear to administer and enforce**
6. Is **clear and predictable** to all stakeholders
7. Uses **language that is consistent** with relevant city, state and federal regulations
8. Is **enforceable** with **minimal entry to properties** by Zoning & Neighborhood Inspection Services and other staff

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Key proposed amendments to the DZC

Rolled out to public January-March



Household Regulations

- Treat all dwelling units the same
- Allow up to 8 unrelated adults to live together with unlimited minor relatives
 - up from current 2
- Allow more unrelated adults in larger homes
 - 1 per 200 sf finished floor area over 1,600 sf



Congregate Living

- Consolidate current SRO (lodging) use, Rooming and Boarding (as a standalone use), Student Housing, etc. to one definition.
- Permit in similar zone districts to current (MU, MX, etc.)
- Allow permanent tiny home villages wherever multi-unit residential is permitted in apartment, shopfront + similar building forms (higher-intensity multi-unit zone districts, excludes RH, etc.)

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Key proposed amendments to the DZC

Rolled out to public January-March

Residential Care



- Consolidate all separate use types (Various Shelter types, Community Corrections, Assisted Living, etc.) into one system regulated only by size (not by population served)
 - Four size categories: Very Small, Small, Medium, Large
- Remove current arbitrary caps on shelter, community corrections uses
- Reduce or remove spacing and density requirements that limit establishment of certain uses, especially shelters and community corrections
- Require Community Information Meeting prior to zoning permit application
- Permitted zone district strategy extends current permitted districts for some Residential Care uses to all.
 - Expands options and flexibility for shelter, community corrections and other operators

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Key proposed amendments to the DZC

Rolled out to public January-March

<p>Large 101+ 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 we're hearing: Feedback in support of proposals

- Support for housing flexibility and innovation – not having zoning rules that tell people how to live
- Support for affordability and the right to use your property how you see fit – making it easier to rent a room in your home
- Support for ending exclusionary zoning practices that are inequitable to people receiving residential care, chosen families not related by blood, etc.
- Support for allowing a continuum of housing options within a Residential Care facility
- Support for Community Information Meeting requirement for larger Residential Care facilities

All feedback can be reviewed at www.denvergov.org/groupliving

Concerns: Household Regulations

- Concerns that allowing more unrelated adults could cause an increase in crime, lack of maintenance and less availability of on-street parking
- Changing “single-family” neighborhood character
- Concern about unscrupulous landlords, commercialization of residential neighborhoods
- Strain on trash, sewer and other resources
- Concern that allowing more people in larger houses could lead to “worst-case scenario” homes of 20 or more people
- Many commenters indicated that allowing up to 8 individuals to live in houses up to 1,600 square feet **sounds like “too many.”** Approximately half of the input indicates support for some lower number, such as 4, 5 or 6 unrelated adults, with 4 being the most common suggestion.
- Concern and questions about how these regulations impact Short-Term Rental (see slide 11)

Short-Term Rentals

- Proposed updates to the Zoning Code's household regulations do not impact short-term rental regulations in any way.
- Short-term rentals (fewer than 30 days) are regulated as accessory uses to primary household residential uses.
 - Note: a housekeeping unit that rents and lives in a dwelling unit for 30 days or more is considered a household primary residential use, not short-term rental.
- Zoning use limitations for short-term rentals can be found in Denver Zoning Code Sec. 11.8.10.1.
 - Examples: operator primary residence requirements, sign standards
- Additional requirements are in the Ch. 33 of the Denver Revised Municipal Code (DRMC)
 - Examples: licensing, safety requirements, insurance requirements
- Detailed information online at www.denvergov.org/STR

Proposed Revisions to Household Regulations

- Reduce "base" number of permitted unrelated adults in all dwelling units from Feb. 2020 proposal of 8 adults of any relationship, with minor relatives, to new proposal of 5 unrelated adults, with relatives of any age.
- Preserve flexibility for larger houses by allowing more unrelated adults, but with context-sensitive minimum off-street parking requirement for more than 5 residents in single-unit uses.
- Establish a maximum number of vehicles permitted to be associated with a dwelling unit (in single-unit uses).
- Establish a maximum number of 10 unrelated adults for larger dwelling units.
- Address commercialization in definition



Comparison of Current & Proposed Regulations: Household Definition

Current



- Single-Unit use (typical detached house): **2 partners or unrelated adults**, unlimited family members of any age
- No off-street parking requirements



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

Proposed



- Up to 5 adults of any relationship, with unlimited relatives to each, in any dwelling unit
- Provisions for more unrelated adults in larger dwelling units
- Minimum off-street parking requirements for larger households in single-unit uses.

Details: Proposed Updates to Household regulations

- Permit **5 unrelated adults and any number of relatives** to each living as a household in dwelling units with less than 1,800 square feet of finished floor area.
- Allow additional **unrelated adults** for every 200 additional feet of finished floor area per table at right.
 - Interconnected smoke alarms required for houses with more than 5 unrelated adults.
- Cap maximum at **10 unrelated adults**
 - Building Code regulates 10 or more adults living together as congregate living, which requires sprinklers, etc.
- Require off-street parking for single-unit uses in some Neighborhood Contexts for dwelling units with 6 or more adults (see table, next slide)
- Permit Administrative Adjustment (upon request) for FFHA-protected groups (more than 5 in a dwelling unit <1800 square feet).

Dwelling Unit Size (square feet of finished floor area)	Unrelated adults permitted
Less than 1,800	5 adults
1,800 to 1,999	6 adults
2,000 to 2,199	7 adults
2,200 to 2,399	8 adults
2,400 to 2,599	9 adults
2,600 or more	10 adults

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Details: Proposed Revisions to Household regulations

- Require minimum off-street vehicle parking for single-unit household uses with 6 or more adults
- Single-unit dwelling uses have not previously required off-street parking, due in part to Denver’s development history, where some neighborhoods were built without it.
- Proposed off-street vehicle parking for larger households aligns with current requirements for two- and multi-unit dwelling uses.
- Establish a maximum number of vehicles permitted to be associated with a dwelling unit at one per licensed driver, plus one for the household to a maximum of 6.

Context	Parking required for single-unit dwelling Use with 6 or more adult residents (note: bicycle parking is not required)
Suburban	2 vehicle spaces
Urban Edge	2 vehicle spaces
Urban	1 vehicle spaces
General Urban	1 vehicle space
Urban Center	0 vehicle spaces CCN only: 1 vehicle space
Downtown	0 vehicle spaces
I (where applicable)	1 vehicle space
CMP (where permitted)	0 vehicle spaces
Master Planned	1 vehicle space

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Details: Proposed Revisions to Household regulations, cont.

- Clarify Definition of Household to preclude “rent-by-the-room” configurations promoted by app-driven services like PadSplits.
 - *For purposes of this definition, a “single non-profit housekeeping unit” exists if comprised of adults who live together as a family or as the functional equivalent of a family, and who share household activities and responsibilities, such as meals, chores, rent, and expenses. The choice of specific adults comprising the single non-profit housekeeping unit is determined by the members of such housekeeping unit rather than by a landlord, property manager, or other third party. Members of a single non-profit housekeeping unit are not required to seek services or care of any type as a condition of residency; and do not operate the dwelling unit as a commercial venture or with the primary purpose to earn a profit for themselves. A single non-profit housekeeping unit does not include rent-by-the-room configurations in a dwelling unit managed by non-residents. A resident owner of the dwelling unit may rent rooms to individual tenants, but if the entire dwelling unit is rented, all adult residents shall have chosen to jointly occupy the entire premises of the dwelling unit. Tenancy is arranged on a month-to-month or longer basis.*

GLAC process Agreements

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- Ask questions to increase understanding of others' perspectives, rather than jumping to conclusions.
- Seek solutions to any disagreements that are mutually satisfying for all committee members and affected populations, considering equity and other agreed-upon decision-making factors to guide recommendations.

GLAC-developed Decision-Making Criteria

2. Is **equitable** – not necessarily equal – in terms of neighborhood policies and impact
3. Provides for **more affordable and attainable housing options** across the full range of resident incomes, considering creative options in the process.
4. **Limits potential for unintended consequences** perceived as negative or in conflict with community character, economic viability and existing or future plans and policies

Concerns: Residential Care

- Parking, safety and operational concerns.
- Property value impacts
- Commercialization/redevelopment of residential properties for Small (11-40 guests) residential care facilities
- Compatibility of Small facilities with existing development in low-intensity residential zone districts (Single- and Two-Unit, Rowhome)

Proposed revisions to Residential Care regulations

<p>Large 101+ 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
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<p>Very Small/Seasonal ≤10 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)• Aligned with maximum household size

Aligns this threshold with maximum household size

Proposed revisions to Residential Care regulations



- 12,000 square foot minimum lot size requirement for “Small” facilities (11-40 guests) in SU, TU, RH zone districts
 - Limits these larger facilities to properties with SU/TU/RH zoning but previously used for institutional, civic, public uses like churches, schools, etc., or other larger parcels where these uses would be appropriately buffered from neighboring residential uses.
 - Precludes facility of this size on most typical neighborhood residential parcels.
 - Replaces a current use limitation prohibiting Residential Care, Large in structures built before May 1993. (11.2.9.1.D.6.a)
 - Increases current minimum lot size from 6,000 square feet (11.2.9.1.D.4) to 12,000 square feet for facilities serving 11 or more guests.
 - The six out of 100+ existing facilities that are on lots smaller than 12,000 square feet would be considered conforming with hold harmless language. New facilities would not be allowed on zone lots less than 12,000 square feet in size
- Exempt sites that were formerly used for Civic, Public or Institutional uses (schools, churches, etc.) from 1,200’ spacing required between small facilities in SU, TU and RH zone districts.

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Comparison of Current & Proposed Regulations: Residential Care

Current

- **Small:** 8 or fewer guests
 - 6,000 square-foot min. lot size
- **Large:** 9 or more guests
 - Building construction date requirements in SU, TU and RH zone districts
 - Cap of 20 guests in SU, TU and RH districts
 - 6,000 square-foot min. lot size
 - Spacing and Density requirements

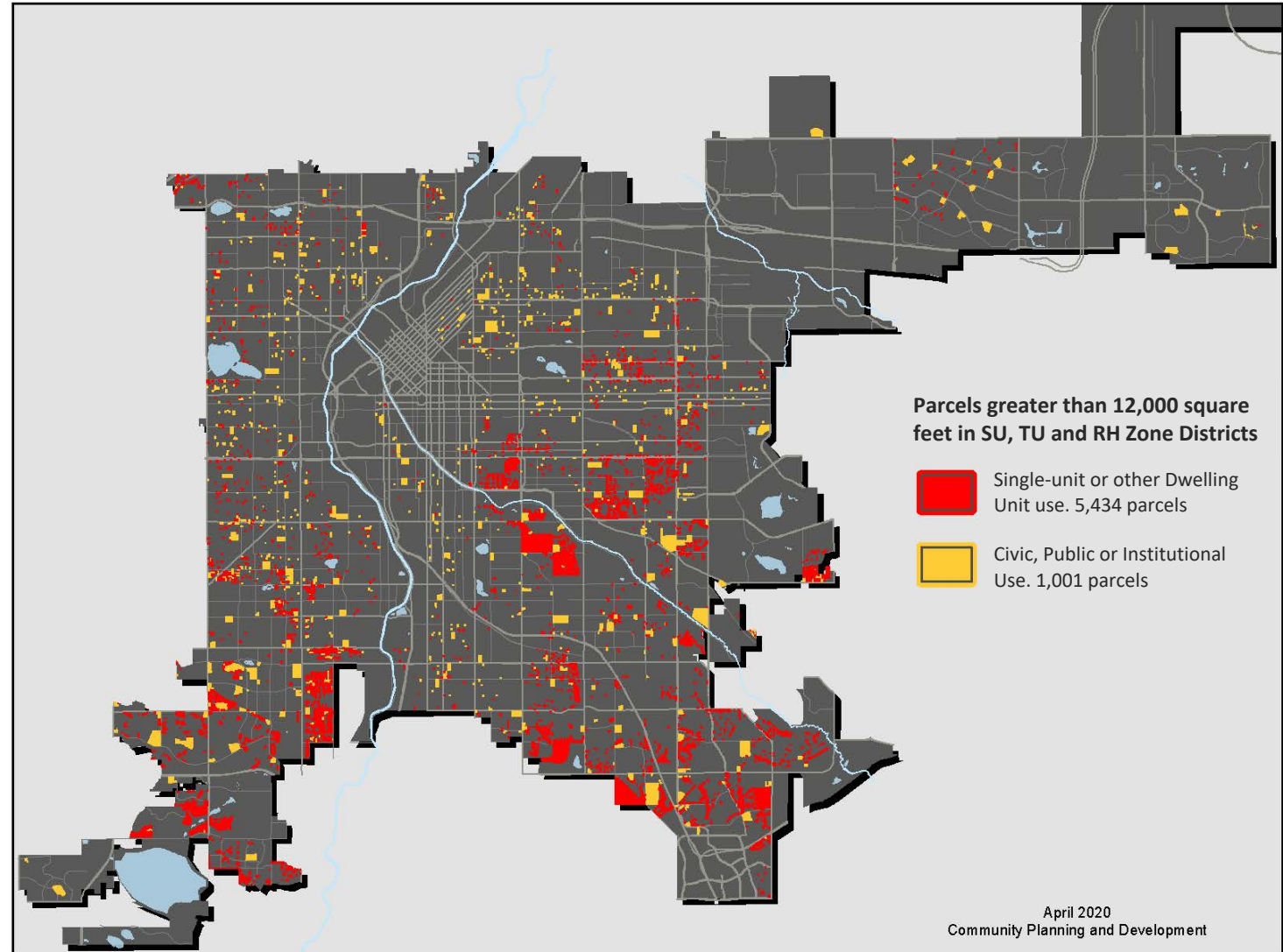


Proposed

- **Very Small:** 10 or fewer guests
- **Small:** 11 to 40 guests
 - 12,000 square-foot min. lot size in SU, TU, RH
 - Spacing and Density requirements
- **Medium:** 41 to 100 guests
 - Permitted only in higher-intensity zone districts
 - Spacing and Density Requirements
- **Large:** 101+ guests
 - Permitted only in higher-intensity zone districts
 - Spacing and Density Requirements

Map of 12,000-square-foot parcels in SU zone districts

- Parcels currently in use for dwelling units (houses, etc.) shown in red.
- Parcels in use for civic/public uses (schools, churches) shown in yellow.
- Note: parcel data provides an approximation of zone lots, but zone lot boundaries and parcel lines do not always line up and are determined on a case-by-case basis.



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- Ask questions to increase understanding of others' perspectives, rather than jumping to conclusions.
- Seek solutions to any disagreements that are mutually satisfying for all committee members and affected populations, considering equity and other agreed-upon decision-making factors to guide recommendations.

GLAC-developed Decision-Making Criteria

2. Is **equitable** – not necessarily equal – in terms of neighborhood policies and impact
3. Provides for **more affordable and attainable housing options** across the full range of resident incomes, considering creative options in the process.
4. **Limits potential for unintended consequences** perceived as negative or in conflict with community character, economic viability and existing or future plans and policies

Application of decision-making criteria

1. Is **consistent with adopted plans** (Pass/Fail - Must Pass per Charter 3.2.9(C) and DZC 12.4.11.4.A)

This proposal implements many adopted plan policies for expanding affordable, equitable and flexible housing options, especially for Denver's most vulnerable populations, as set forth in Blueprint Denver, Housing an Inclusive Denver, etc.

2. Is **equitable** – not necessarily equal – **in terms of neighborhood policies and impact**
3. Provides for **more affordable and attainable housing options** across the full range of resident incomes, considering creative options in the process.
4. **Limits potential for unintended consequences** perceived as negative or in conflict with community character, economic viability and existing or future plans and policies

This proposal is equitable in that it moves away from regulating and excluding residential uses by population type, incentivizes smaller, more distributed facilities and increases opportunities for housing the city's most vulnerable residents. It provides additional flexibility for providers to offer affordable and attainable options. It limits unintended consequences by establishing clear, predictable use limitations and criteria and by requiring pre-application community meetings for the highest-intensity uses to enable relationship-building between providers and neighbors.

Application of decision-making criteria, continued

5. Is **clear to administer and enforce**
6. Is **clear and predictable** to all stakeholders
7. Uses **language that is consistent** with relevant city, state and federal regulations
8. Is **enforceable** with **minimal entry to properties** by Zoning & Neighborhood Inspection Services and other staff

This proposal has been developed in close collaboration with review and provider agencies to ensure it would establish clear and predictable regulations that are enforceable and consistent. It is consistent with relevant city, state and federal regulations as it provides the flexibility for uses to operate per those regulations where they apply.

Next Steps

Public Review of Text Amendment: the Public Review Draft of the text amendment (a document showing specific proposed changes to the language in the DZC) will be published online for the public to review and provide comments for at least 30 days in advance of a Planning Board hearing. We expect this will occur in late June 2020 (subject to change). Upon publication, project staff will

- present to the Inter-Neighborhood Cooperation (INC) Zoning and Planning Committee, and any other Registered Neighborhood Organization (RNO) or other interested organizations, upon request (in-person or virtual, depending on applicable social distancing requirements in effect at this time)
- Office Hours events for one-on-one or small group discussion of proposal details.

Planning Board: the Denver Planning Board will hold a public hearing on the proposed Text Amendment and consider it against the review criteria found in Section 12.4.11.4 of the Denver Zoning Code. The Planning Board will receive public input via written comments and public testimony and make a recommendation to the Denver City Council. This hearing is anticipated to occur in July or August of 2020, subject to change.

Denver City Council: The City Council will hold a public hearing on the proposed text amendment and consider it against the review criteria found in Section 12.4.11.4 of the Denver Zoning Code. The City Council will receive public input via written comments and public testimony, and then vote on whether to approve the Text Amendment. This hearing is anticipated to occur in August or September of 2020.

Implementation: If these amendments are adopted by the City Council, the new standards will take effect approximately three days after City Council adoption following the Mayor's signature and publication of the ordinance. Implementation will include updates to Development Services permit review processes, staff and customer guides and staff training on the new regulations.

About the Group Living Project Strategy Document

The Strategy Document is intended as a “plain English” guide for how the proposed Group Living code amendments will be incorporated into the Zoning Code’s technical language.

GLAC members are encouraged to review the Strategy Document for details on:

- Emergency Declaration processes and procedures
- Recommended changes to parking requirements for Residential Care and Congregate Living, implementing recommendations from GLAC Community Corrections, Adult and Elder Housing and Shelter subgroups
- Proposed approach for Permanent Tiny Home Villages and Single-Room Occupancy housing (both permitted in higher-intensity multi-unit zone districts, where they must meet existing building form requirements).
- Other details not highlighted in this presentation or the Open House materials

Proposed updated definition of Household

Household

A “household” is either:

- i. A single person occupying a dwelling unit, plus any permitted domestic employees; or
- ii. Any number of persons related to each other by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship), occupying a dwelling unit as a single non-profit housekeeping unit, plus any permitted domestic employees; or
- iii. Any number of unrelated adults (18 years or older) depending on the size of the dwelling unit as provided in the table below (see table on slide 19), plus any number of persons related to each unrelated adult by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship), occupying a dwelling unit as a single non-profit housekeeping unit, plus any permitted domestic employees.

For purposes of this definition, a “single non-profit housekeeping unit” exists if comprised of adults who live together as a family or as the functional equivalent of a family, and who share household activities and responsibilities, such as meals, chores, rent, and expenses. The choice of specific adults comprising the single non-profit housekeeping unit is determined by the members of such housekeeping unit rather than by a landlord, property manager, or other third party. Members of a single non-profit housekeeping unit are not required to seek services or care of any type as a condition of residency; and do not operate the dwelling unit as a commercial venture or with the primary purpose to earn a profit for themselves. A single non-profit housekeeping unit does not include rent-by-the-room configurations in a dwelling unit managed by non-residents. A resident owner of the dwelling unit may rent rooms to individual tenants, but if the entire dwelling unit is rented, all adult residents shall have chosen to jointly occupy the entire premises of the dwelling unit. Tenancy is arranged on a month-to-month or longer basis.

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