

Group Living Code Amendment

Group Living Advisory Committee
Residential Care and Group Home Proposal Summary
1/21/20



Agenda

Topic	Time
Welcome and Check-in	11-11:15
Project updates and timeline	11:15-11:30
Review and discuss Residential Care Proposal	11:30-12:15
Review and discuss Group Home Proposal	12:15-12:45
Final discussion and close	12:45-1:00

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At-a-Glance: Proposal Summary

To address identified problems with residential land use regulations, and to implement Blueprint Denver goals for equity, affordability and flexibility in housing, staff recommends the following changes to the Denver Zoning Code:

1. Update the current definition of “Household” to **allow more unrelated people to live together**, in alignment with peer cities and evolving demand for flexibility and affordability. (See Recap of Household Definition Proposal, beginning on slide 32)
2. **Consolidate current residential care uses** and expand permitted zone districts to allow establishment of new shelters, community corrections facilities and similar uses to reduce exclusion of populations and ensure facilities can be established near transit and services.
3. Establish **standardized permitting processes and regulations**, such as spacing requirements, for all residential care uses.
4. Require **Community Information Meetings** prior to submitting a formal application for larger residential care uses to notify and educate neighbors and foster positive relationships.

Key goals of proposals

Address Group Living Advisory Committee problem statements

- Current household definition (two adults) is more restrictive than peer cities, limits desired uses and affordable options for residents.
- Residential Care regulations' complicated layers of use limitations and outdated definitions limit housing and shelter options for vulnerable residents.
- Permitted zone districts make establishing or expanding certain uses nearly impossible.

Reflect stakeholder input

- This proposal reflects feedback from many stakeholders that treating all group living uses the same, rather than singling out certain populations, would be the most equitable approach.

Implement Blueprint and other adopted goals

- Ensure that all residents are treated equitably by revising regulations that effectively exclude some populations from neighborhoods.
- Ensure needed housing, including shelter and community corrections, can be established in Denver

Group Living Project Overview

Timeline + Schedule

Kickoff: March 2018

Problem Identification: April – August 2018

Solutions Development: Oct 2018-present

Final Strategy Proposals and public outreach:

- Q1 2020

Public adoption process:

- Q2 2020 (Includes Planning Board public hearing, LUTI Committee, City Council public hearing and required notification periods).
- Final hearing anticipated in June 2020

Key Issues

Zoning limits housing for vulnerable populations

Outdated rules don't acknowledge evolution of residential uses

Widely varying permit and notification requirements lack predictability

Current spacing and density requirements have unintended consequences

About the Project

Advisory Committee: 48 members (clients, providers, RNO reps, designers, etc.)

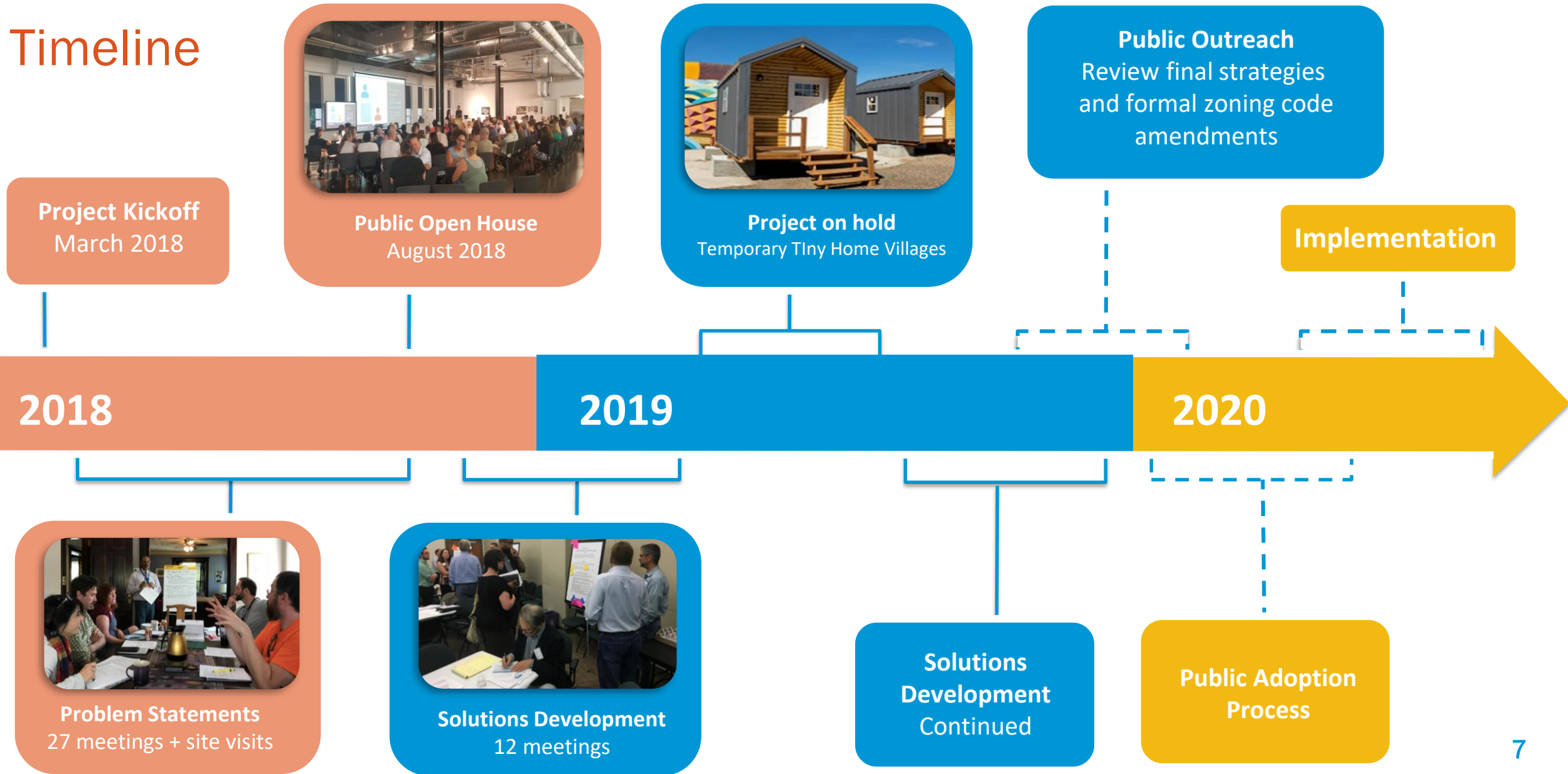
Project Website:

www.denvergov.org/groupliving

Relevant Code Sections:

- Primary Residential Use Definitions (Sec. 11.12-2)
- Residential Use Limitations (Div. 11.2)
- Use Tables (by Neighborhood Context)

Timeline



Public Engagement

- Group Living Advisory Committee:
 - 48 members, cross-section of housing providers, residents & guests, designers, neighborhood representatives, advocates and community leaders
 - 27 topic-specific “subgroup” meetings in 2018 & 2019 (focused on residential care, community corrections, shelters, etc.)
 - 5 full GLAC meetings
 - 5 site visits (Denver Rescue Mission, Queen City Cooperative, Step Denver, etc.)
 - All events published on project website and open to the public.
- Public events:
 - Problem statement open house October 2018
 - **Four** solutions-oriented open houses scheduled in mid-February 2020
 - Tuesday, February 11 | 6 p.m. to 8 p.m. | Bruce Randolph School | 3955 Steele St.
 - Saturday, February 22 | 9 a.m. to 11 a.m. | Goldrick Elementary School | 1050 S. Zuni St.
 - Additional dates/locations in NW and SE Denver TBD
- Staff focus groups with various providers
- Multiple presentations at Inter-Neighborhood Cooperation (INC) and 16 individual RNO/community meetings (as of mid-Jan 2020)
- Staff presentations to advocacy organizations (Anti-Displacement Network Denver, Homelessness Leadership Committee, Denver Commission on Cultural Affairs, etc.)



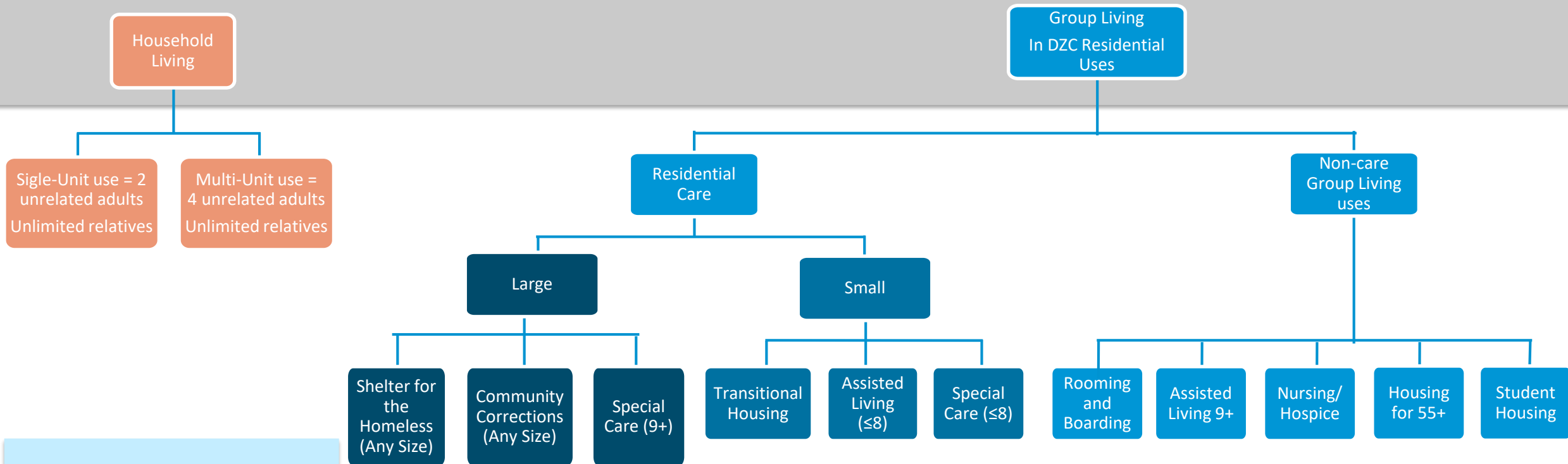
Rhinocerospolis site visit, 2018



Problem Statement public open house, fall 2018

Current Regulations

CURRENT “org-chart” breakdown of defined Residential Uses



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.

Uses not clearly addressed in current code



Uses not clearly addressed in code

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. Cities must accommodate protected classes in residential areas

Sober
Living

Housing for people who live together as a housekeeping unit and support each other in sobriety but do not receive in-home care. People in recovery are a FFHA protected class.

Co-Ops

Intentional communities of unrelated people living as a functioning household.

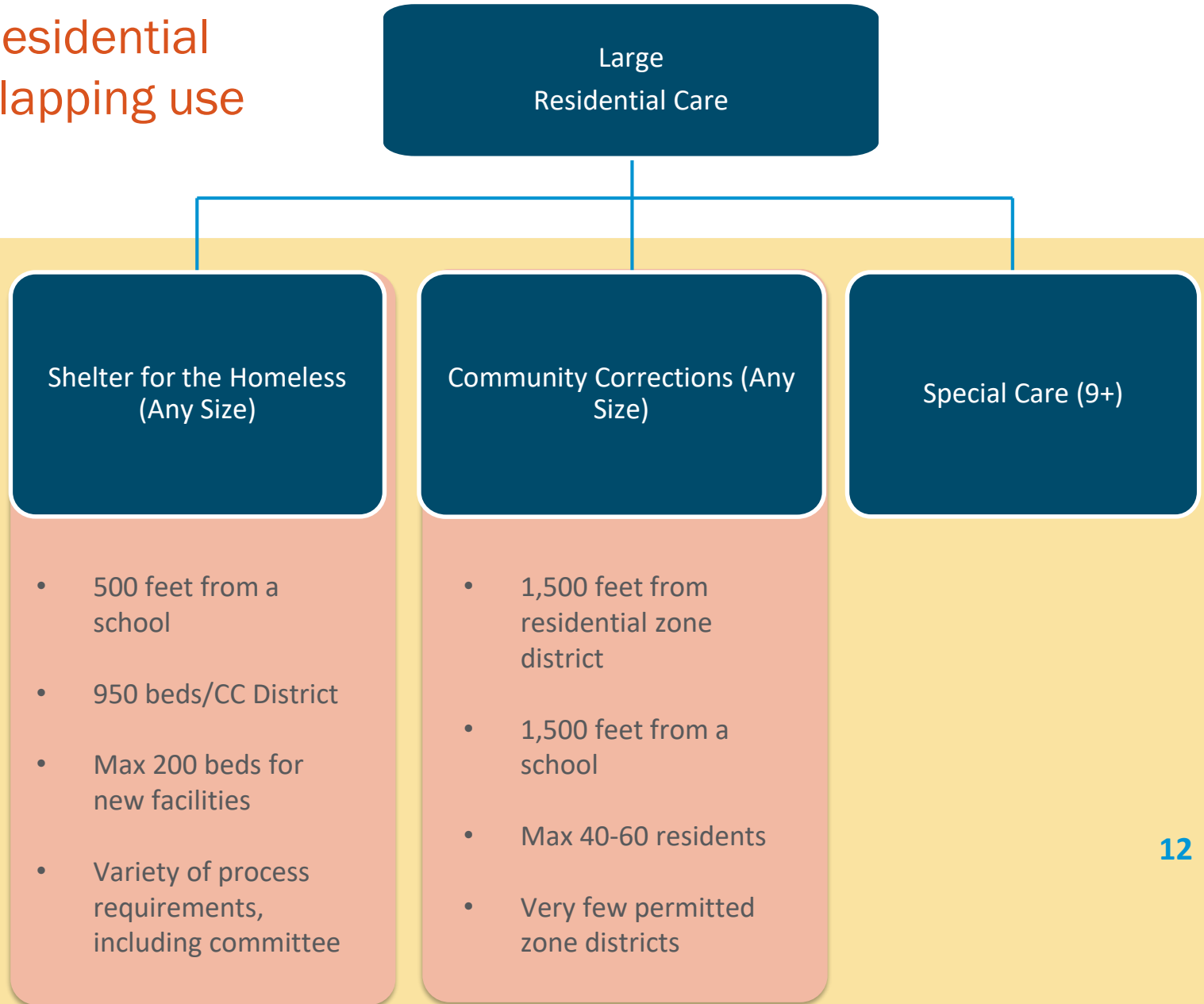
Multigenerational
Housing

Housing where two or more adult generations of unrelated people live together

Current Zoning Regulations for Residential Care uses: Use-specific and overlapping use limitations in Zoning Code

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



Proposed Updates to Residential Care Uses

Current residential uses ranked by permissiveness of zoning

Small Residential Care Uses

Large Residential Care Uses

Residential Use	Permitted Zone Districts	Other Use Limitations
Household Living	Allowed in nearly all zone districts	none
Housing for 55+	Allowed in nearly all zone districts	none
Assisted Living	Allowed in nearly all zone districts	Spacing/Density in low-intensity zone districts
Transitional Housing	Allowed in nearly all zone districts	None (“institutionalization” language, no specific requirements)
Special Care Home, Small	Allowed in nearly all zone districts	None (“institutionalization” language, no specific requirements)
Nursing Home/Hospice	Allowed in limited zone districts (not low-intensity residential)	none
Student Housing	Allowed in limited zone districts (not low-intensity residential)	none
Rooming and Boarding House	Allowed in limited zone districts (not low-intensity residential)	none
Special Care Home, Large	Allowed in nearly all zone districts	Spacing/Density
Shelter for the Homeless	Allowed in nearly all zone districts	Spacing/Density/Buffering/Bed Limits by City Council District
Community Corrections	Allowed in very few zone districts	Spacing/Density/Buffering

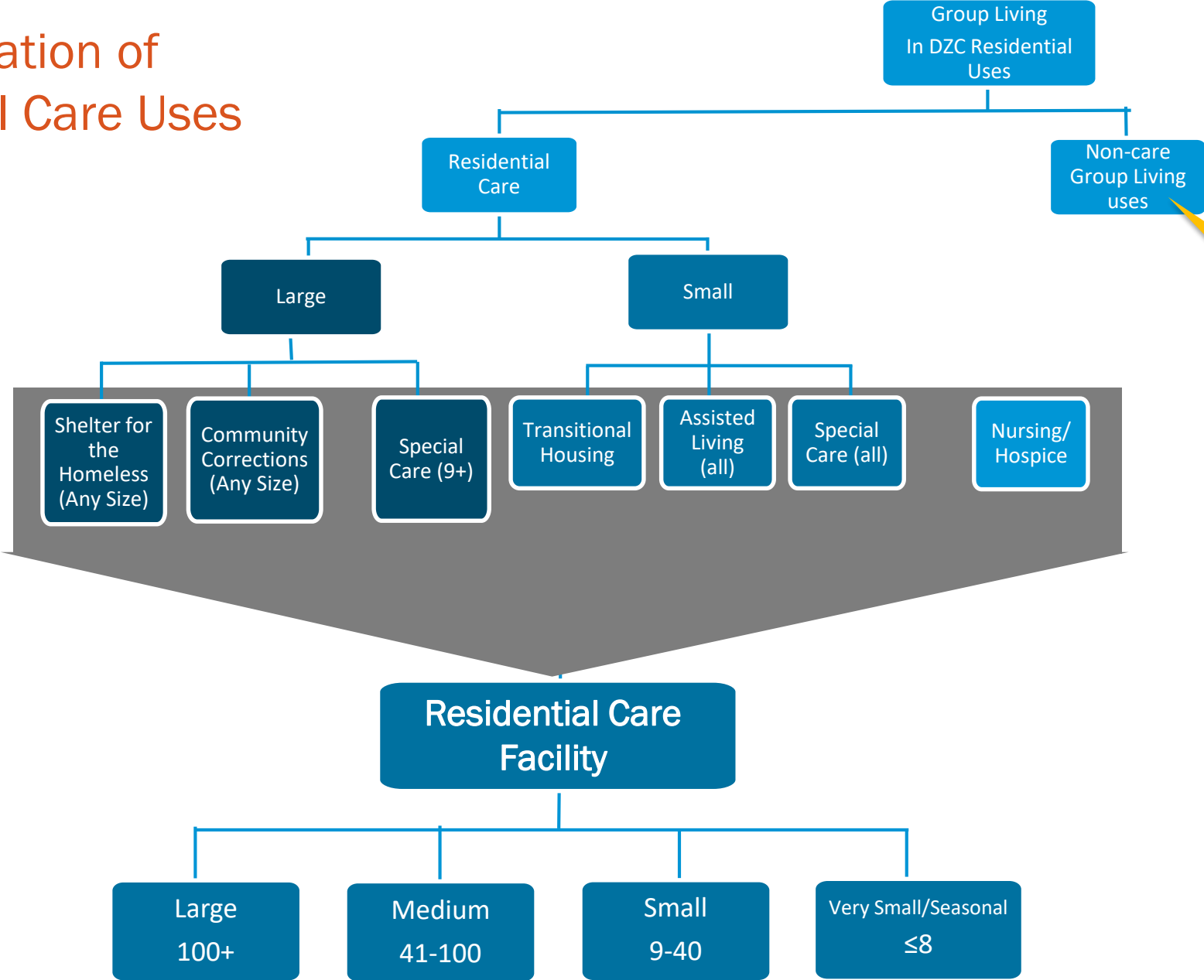
Proposed residential uses ranked by permissiveness of zoning

Residential Use	Permitted Zone Districts	Other Use Limitations
Household Living	Allowed in nearly all zone districts	none
Very Small Residential Care	Allowed in nearly all zone districts	Density limitations in low-intensity zone districts (discussion item, see slide 21)
Small Residential Care	Allowed in nearly all zone districts	Spacing limitations in low-intensity zone districts
Non-care Group Living Uses (e.g. Student Housing, Rooming and Boarding, etc.)	Allowed in limited zone districts	none
Medium Residential Care	Allowed in limited zone districts (not low-intensity residential)	Spacing limitations vary based on zone district intensity
Large Residential Care	Allowed in limited zone districts (not low-intensity residential)	Density Limitations, Spacing limitations vary based on zone district intensity

Summary of Residential Care Proposal

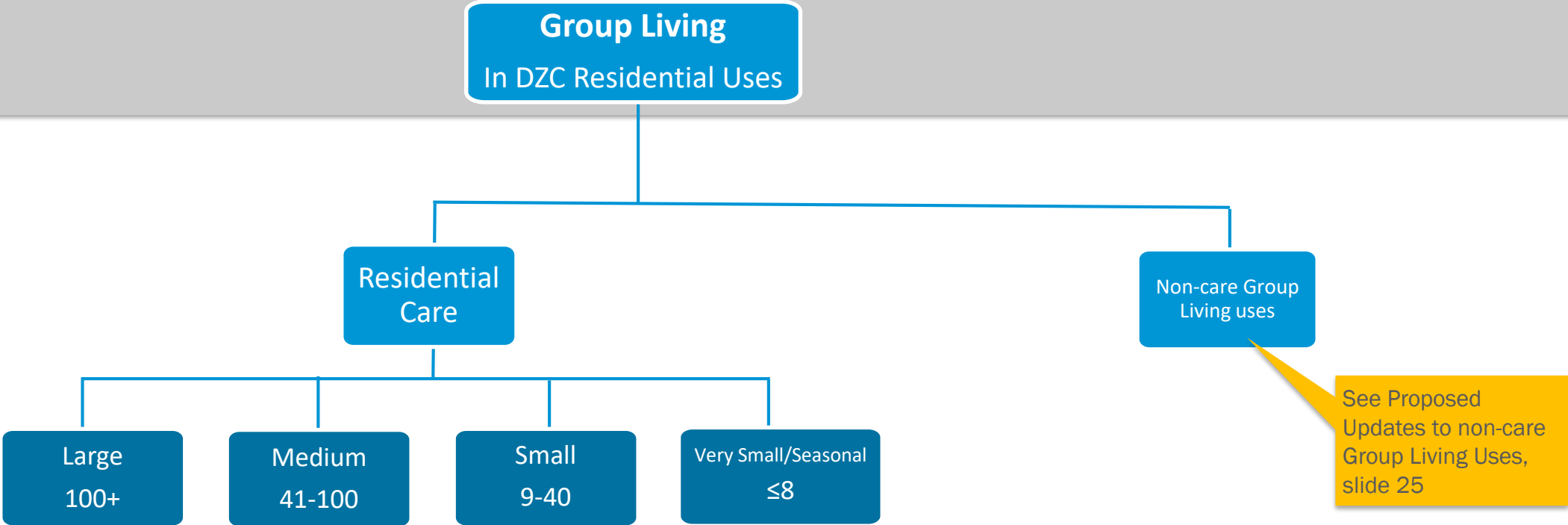
- Community Corrections, Shelter, Transitional Housing, Special Care all become simply Residential Care.
- Regulate by size and intensity, rather than by specific populations
 - Very Small/seasonal (1-8 guests)
 - Preserve small/seasonal residential care (emergency shelter) as accessory use to religious assembly uses w/o separate ZP
 - Small (9-40 guests)
 - Medium (41-100 guests)
 - Large (101 – no limit)
- Establish standardized use limitations
 - 1,200 feet (~3-block) spacing in lower-intensity zone districts for larger facilities
 - 1-mile radius density limits in lower-intensity zone districts
 - 1,200 feet radius density limits in lower-intensity zone districts for some small facilities*
 - Information Meeting (CIM) required prior to formal zoning permit application for certain facility sizes/zone districts. Not differentiated by population.

Proposed Consolidation of defined Residential Care Uses



See Proposed Updates to non-care Group Living Uses, slide 25

Conceptual new org-chart breakdown for current Residential Care uses



Summary of Proposed Residential Care regulations

Large:

- permitted in higher-intensity commercial, mixed-use and residential districts
- Context-sensitive spacing requirements (up to 3 blocks)
- Density limitations: no more than 2 Extra Large or Large facilities within one mile radius of a subject site.
- Community Information Meeting required prior to formal zoning permit application

Medium:

- 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

Small:

- 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

Very Small/Seasonal

- Permitted in all zone districts that allow residential uses
- For GLAC discussion: density limitations on some uses

Proposed Permitted Zone Districts & Use Limitations: Residential Care

Use Type`	Process	Permitted Districts	Use Limitations: Spacing and Location	Use Limitations: Density
<p>Residential Care Large</p> <ul style="list-style-type: none"> • 101 and up • 10-day expansion permitted during emergencies • A facility intended to house up to 8 non-paroled individuals under correctional supervision shall have a formal, written agreement with the Denver Manager of Safety 	<p>ZP with CIM</p>	<ul style="list-style-type: none"> • Permitted in all zone districts, except the SU, TU, RH, MU (-2.5, -3, and -5), RX (-3 and -5), RO, MS/ MX-2x, MS/MX-2, MX-2A, OS-B, OS-A and OS-C zone districts. 	<ul style="list-style-type: none"> • 1,200 feet between any Extra Large or Large facilities MU (8+), and RX (8+) districts • 600 feet between any Extra Large or Large Residential Care Facility in D-AS, D-GT, CC, MX (8 stories or less) zone districts. • No spacing required in I-A, I-B, D-C, D-TD, D-CV, C-CPV and MX 12, 16 and 20 zone districts. • Additional Residential Care uses permitted on same zone lot. 	<ul style="list-style-type: none"> • No more than three Large or Extra Large Residential Care within a one-mile radius of subject site for Extra Large facility (including subject site) • Additional Residential Care uses permitted on same zone lot.
<p>Residential Care Medium</p> <ul style="list-style-type: none"> • 41 – 100 • 10-day expansion permitted during emergencies • A facility intended to house up to 8 non-paroled individuals under correctional supervision shall have a formal, written agreement with the Denver Manager of Safety 	<p>ZP with CIM</p>	<ul style="list-style-type: none"> • Permitted in all zone districts, except the SU, TU, RH, MU-2.5, MS/ MX-2x, MS/MX-2, MX-2A, OS-B, OS-A and OS-C zone districts. 	<ul style="list-style-type: none"> • 1,200 feet between Large and Extra Large facilities in MU, RO and RX districts. • 600 feet between any Extra Large or Large Residential Care Facility in CC, MX (8 stories or less) zone districts. • No spacing required in I-A, I-B, D-, MX 12, 16 and 20 zone districts. • Additional Residential Care uses permitted on same zone lot. 	<ul style="list-style-type: none"> • None

Proposed Permitted Zone Districts & Use Limitations: Residential Care, continued.

Use Type	Process	Permitted Districts	Use Limitations: Spacing and Location	Use Limitations: Density
<p>Residential Care Use Small</p> <ul style="list-style-type: none"> • 9 – 40 guests • 10-day expansion permitted during emergencies 	<p>ZP with CIM in SU, TU, RH</p> <p>ZP all others</p>	<ul style="list-style-type: none"> • Permitted in all zone districts, except the OS-B, OS-A and OS-C zone districts. 	<ul style="list-style-type: none"> • 1,200 feet between facilities in SU, TU, RH only 	<ul style="list-style-type: none"> • None
<p>Residential Care Very Small/Seasonal</p> <ul style="list-style-type: none"> • Very Small Permanent <ul style="list-style-type: none"> ○ 8 or fewer guests (year-round) ○ A facility intended to house up to 8 non-paroled individuals under correctional supervision shall have a formal, written agreement with the Denver Manager of Safety • Seasonal Permanent <ul style="list-style-type: none"> ○ Up to 100 guests ○ Operation up to 130 days/year (non-consecutive) 	<ul style="list-style-type: none"> • ZP • No ZP when accessory to Religious Assembly Use <i>preserves existing allowance for small shelters operated by religious assembly uses</i> 	<ul style="list-style-type: none"> • Permitted in all zone districts, except I-A, I-B, AIO, OS-B, OS-A and OS-C. 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • No more than three (permanent, does not impact accessory use) Small/Seasonal Residential Care Facilities within a 1,200' radius of a subject site in SU, TU, RH zone districts only (for some uses: see Slide 26).

Density Limitations: Small Residential Care

Limitations:

- Federal Fair Housing Act: https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview
- State Group Home Statute: <https://codes.findlaw.com/co/title-31-government-municipal/co-rev-st-sect-31-23-303.html>

Options:

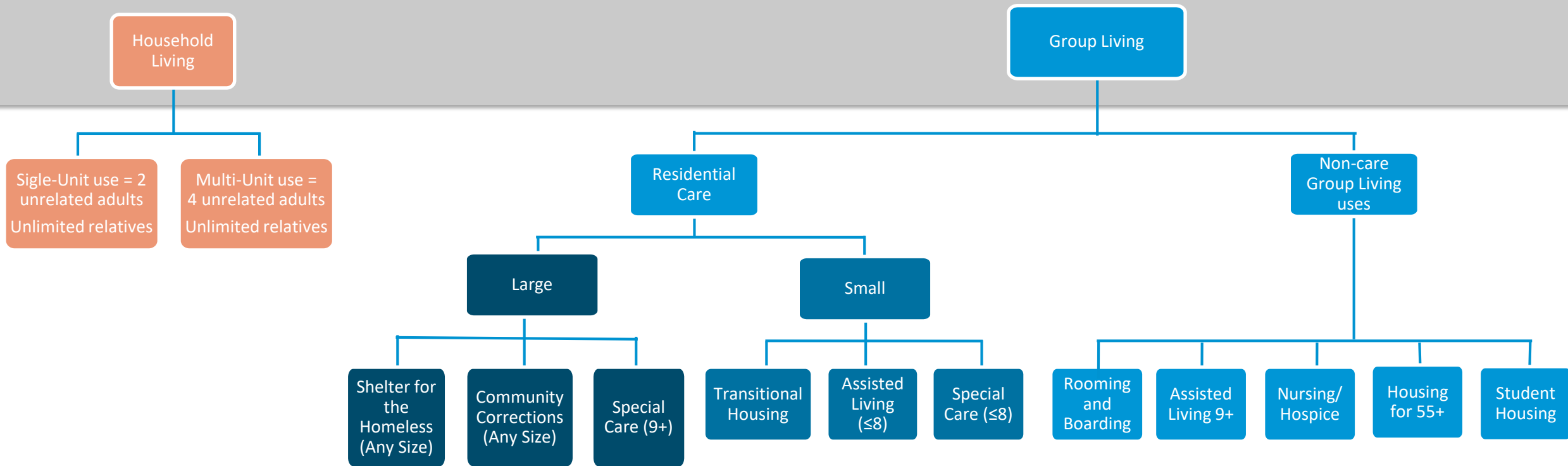
Apply density requirements to only those very small Residential Care Facilities serving populations not protected by the above (ex. Non-paroled individuals)

Community Information Meeting

- Applicant-hosted public meeting required **prior** to Zoning Permit application
- Notice requirements:
 - Posted Notice
 - Mailed Notice to:
 - RNOs and Council Members within 400 feet
 - Tenants and owners of properties within 400 feet (based on community feedback to include renters in notice)
 - Outreach to other relevant neighborhood-service organizations (churches, nonprofits, etc.)
- Translation of notice and materials required where warranted (via guidelines)
- Neutral facilitation/record-keeping required (via guidelines)
- Applicant to provide record of meeting as part of Zoning Permit application materials
- CPD will publish minimum guidelines for Community Information Meeting

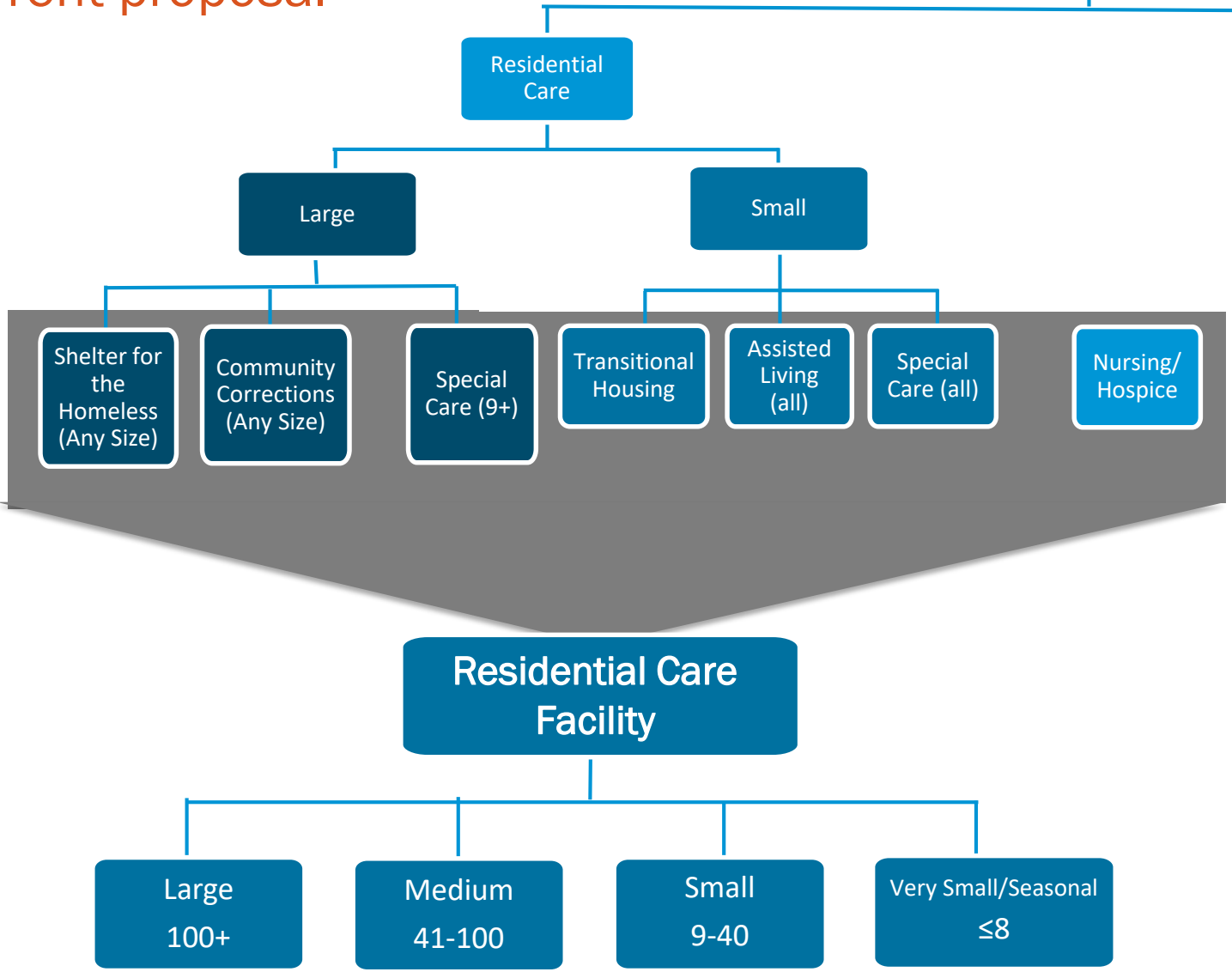
Proposed updates to non-care Group Living uses

CURRENT “org-chart” breakdown of defined Residential Uses



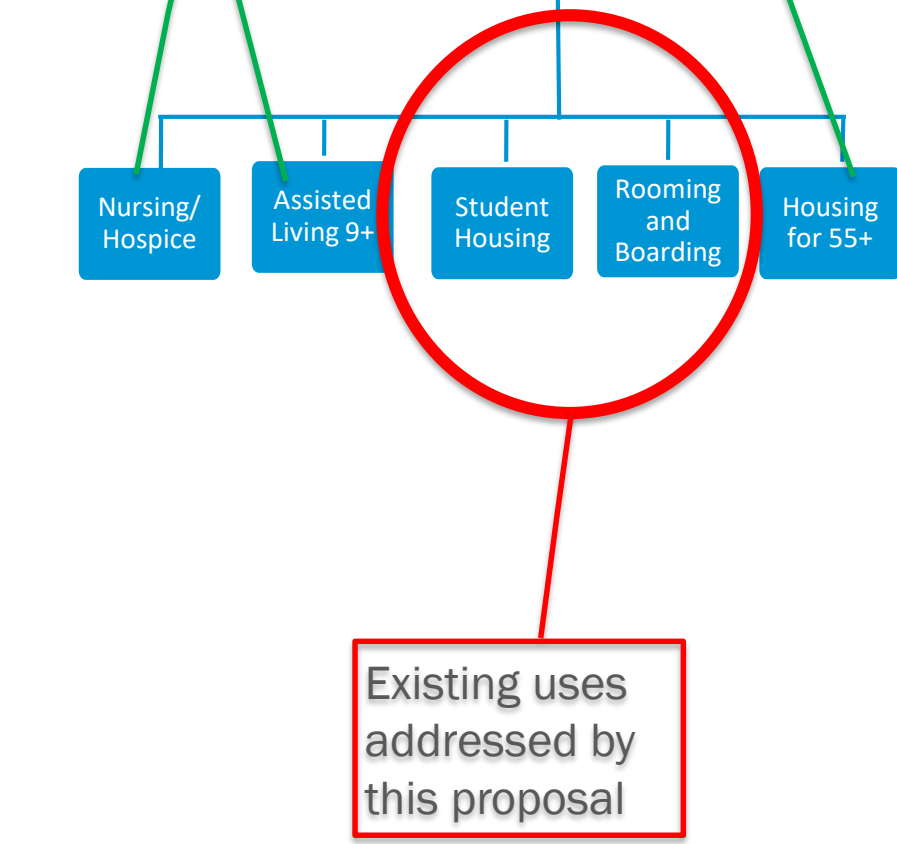
Disposition of existing uses under current proposal

Group Living
In DZC Residential
Uses



Now Household

Now Res Care



Conceptual new org-chart breakdown for Residential Primary Uses

Household Living

Up to 8 adults living in a dwelling unit as a single, non-profit housekeeping unit, with any number of minor relatives. One additional adult for every 200 square feet of finished floor area above 1,600 square feet.

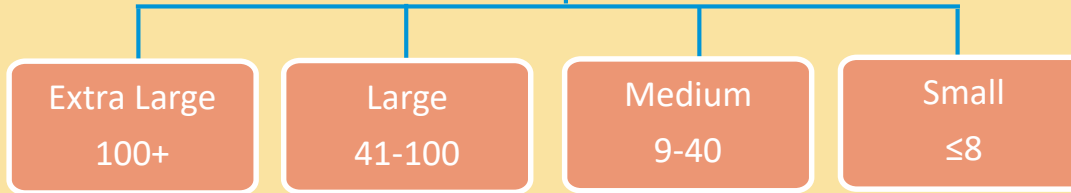
Includes uses like:

- Dwelling, Single-Unit
- Dwelling: Two-Unit
- Dwelling: Multi-Unit

Households can be

- Cooperative Housing
- Multigenerational housing
- Groups of people choosing to live together

Residential Care



A structure where as a condition of residency, persons receive treatment, supervision, personal care, protective oversight, assistance with activities of daily living or similar services on-site. Tenancy may range from overnight to permanent. Includes (but not limited to) uses like:

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

Group Housing

Any number of residents exceeding what is permitted in a household, may not live in a self contained dwelling unit, not living together as a single nonprofit housekeeping unit.

A residential structure housing a number of persons exceeding what is permitted in a household, are not living together as a single non-profit dwelling unit, and who may not live in a self-contained dwelling unit.

Residents may have individual or shared rooms with common cooking facilities, bathrooms and gathering areas. Residents are capable of independent living and do not receive care or treatment on-site. Residents may only have access to their personal spaces. Tenancy may range from at least 30 days to permanent. Includes, but not limited to, uses like:

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

Proposed Permitted Zone Districts & Use Limitations: Group Home

Use Type	Process	Permitted Districts	Spacing and Buffers	Density
<ul style="list-style-type: none"> ○ Group Home 	<p>ZP</p>	<ul style="list-style-type: none"> • MU, RX, MX, MS, CC, CMP 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • none

Recap of Household Definition Proposal

and additional details

Definition of "Household"

Current definition:

- 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.

Why it's a problem:

- Significantly lower limit on unrelated adults compared to peer and Front Range cities (average is 5)
- Forces uses otherwise functioning as households into more restrictive Group Living category
- Limits desired uses (cooperative living, co-living, etc.)
- Equity issue in city with high housing costs
- Prevents people from buying or renting housing together, though data shows increasing numbers of Coloradans live with friends and nonrelated roommates. (ex: <https://denverite.com/2019/08/14/more-and-more-families-are-doubling-up-in-colorado-homes/>)
- Update would benefit neighborhoods and widen opportunities for housing by allowing people to pool resources, couples to take on a roommate, families to share housing, etc.

Proposed update:

- Proposes to regulate Household Living as follows:
 - Treat single-unit dwellings (houses) and multi-unit dwellings (duplexes, apartments, etc.) the same
 - Allow any dwelling unit to be occupied by up to 8 unrelated adults living as a housekeeping unit
 - Allow any number of minor relatives (including adoption, marriage, guardianship, etc.)
 - Where a structure exceeds 1600 square feet in gross finished floor area, an additional 1 unrelated adult would be permitted for every 200 additional square feet.



What is a “non-profit” housekeeping unit?

Generally speaking, a non-profit housekeeping unit’s residents do not operate the household as a commercial venture or operation with the primary purpose of earning a profit. Key characteristics of a typical, non-profit household include:

- All household members have physical access to all rooms within the house, including bathrooms and the kitchen.
- All residents live in the dwelling unit by choice, and generally all residents share in all aspects of domestic life.
- All household members use the house and the adult members run the household as a unit or group, making decisions on how to use and run the house for the benefit, safety, and enjoyment of the whole household group, and generally to the exclusion of no single household member.
- No third-party or other outside “operator” makes decisions about how the home is run or operated, or how long residents may stay, or whom may reside in the home.
- The dwelling unit is typically financially self-supported by those living there (e.g., by paying rent or a mortgage).
- No paid outside staff or manager is involved in the supervision of residents or operation of the house.
- No expectation that residency includes the provision of professional therapy, counseling services, treatment, or other types of health care services.
- The home is not required to be licensed by the State of Colorado or by the City of Denver.
- Individual adult members of the household are generally free to come and go as they please from the home, and their tenancy is typically not formalized or obligated by a contract with a third-party (other than a lease for rental from the property owner).

Maps

Illustration of 1-mile density requirements

Scale is approximate

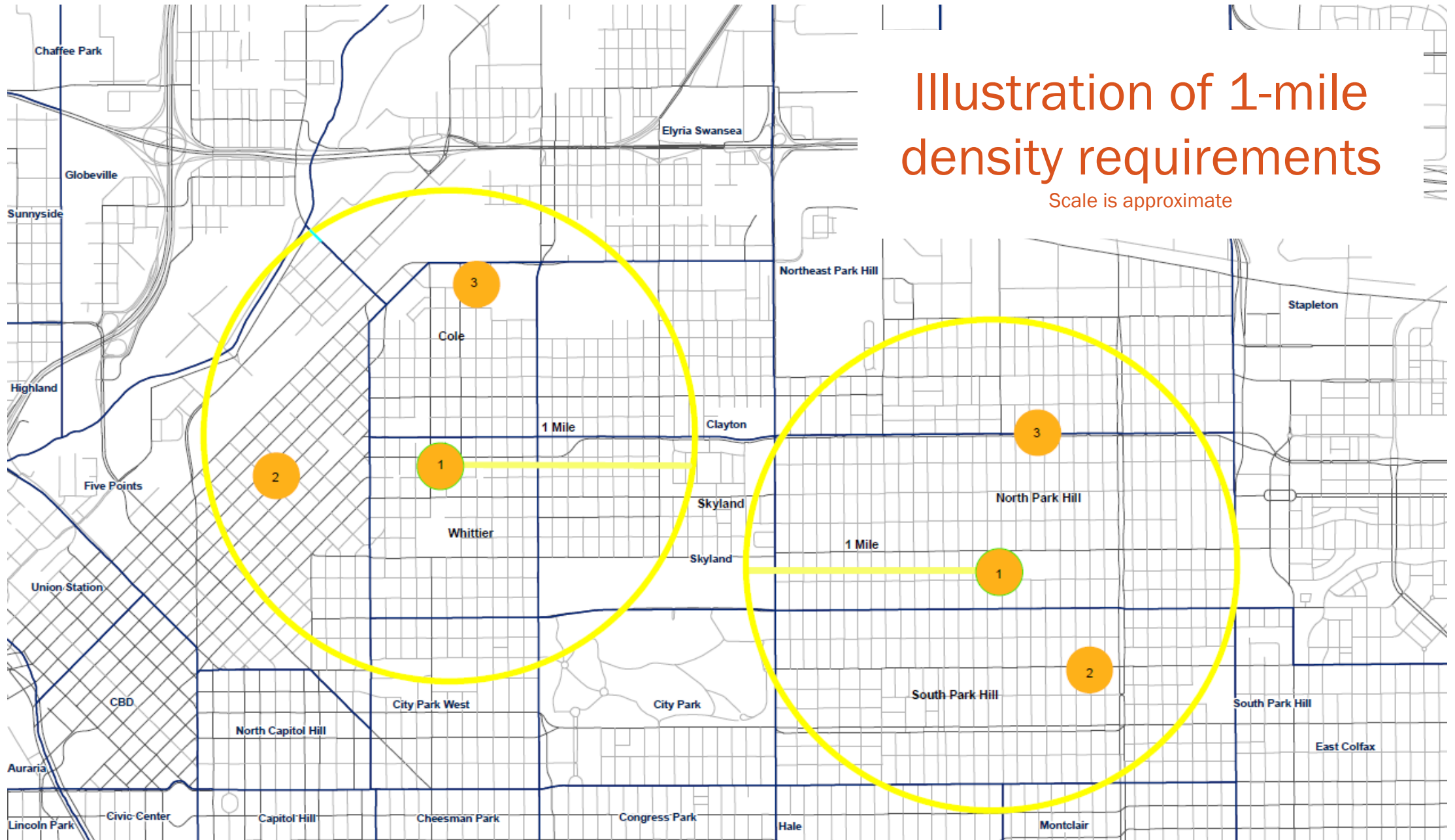


Illustration of 1200' Density/1200' Spacing Requirements

Scale is approximate

