

Group Living Code Amendment

Group Living Advisory Committee
May 5, 2020



What's in this packet

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

Agenda

Welcome <ul style="list-style-type: none">• agenda review• today's meeting goals• virtual meeting logistics	11:00 – 11:25 a.m.
Recap of February proposals and feedback received	11:25 – 11:40 a.m.
Review and discuss staff-recommended revisions <ul style="list-style-type: none">• Household Regulations	11:40 a.m. – 12:30 p.m.
Review and discuss staff-recommended revisions <ul style="list-style-type: none">• Residential Care Regulations	12:30 – 1:15 p.m.
Wrap up, next steps and close	1:15 – 1:30 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

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.

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



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Details: Proposed Updates to Household regulations

- Permit **5 unrelated adults** and any number of relatives to each living as a household in dwelling units 1,799 square feet or less
- 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 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)	Adults (of any relationship) permitted
<1799	5 adults
1800-<2000	6 adults
2000-<2200	7 adults
2200-<2400	8 adults
2400-<2600	9 adults
2600 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
M	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.
 - *“This use is not intended for rent-by-the-room configurations managed by non-residents. Residents 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.”*

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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.
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Concerns: Residential Care

- Safety (perception of increased crime from halfway houses, shelters)
- Property value impacts
- Commercialization/redevelopment of residential properties for Small (11-40 guests) residential care facilities

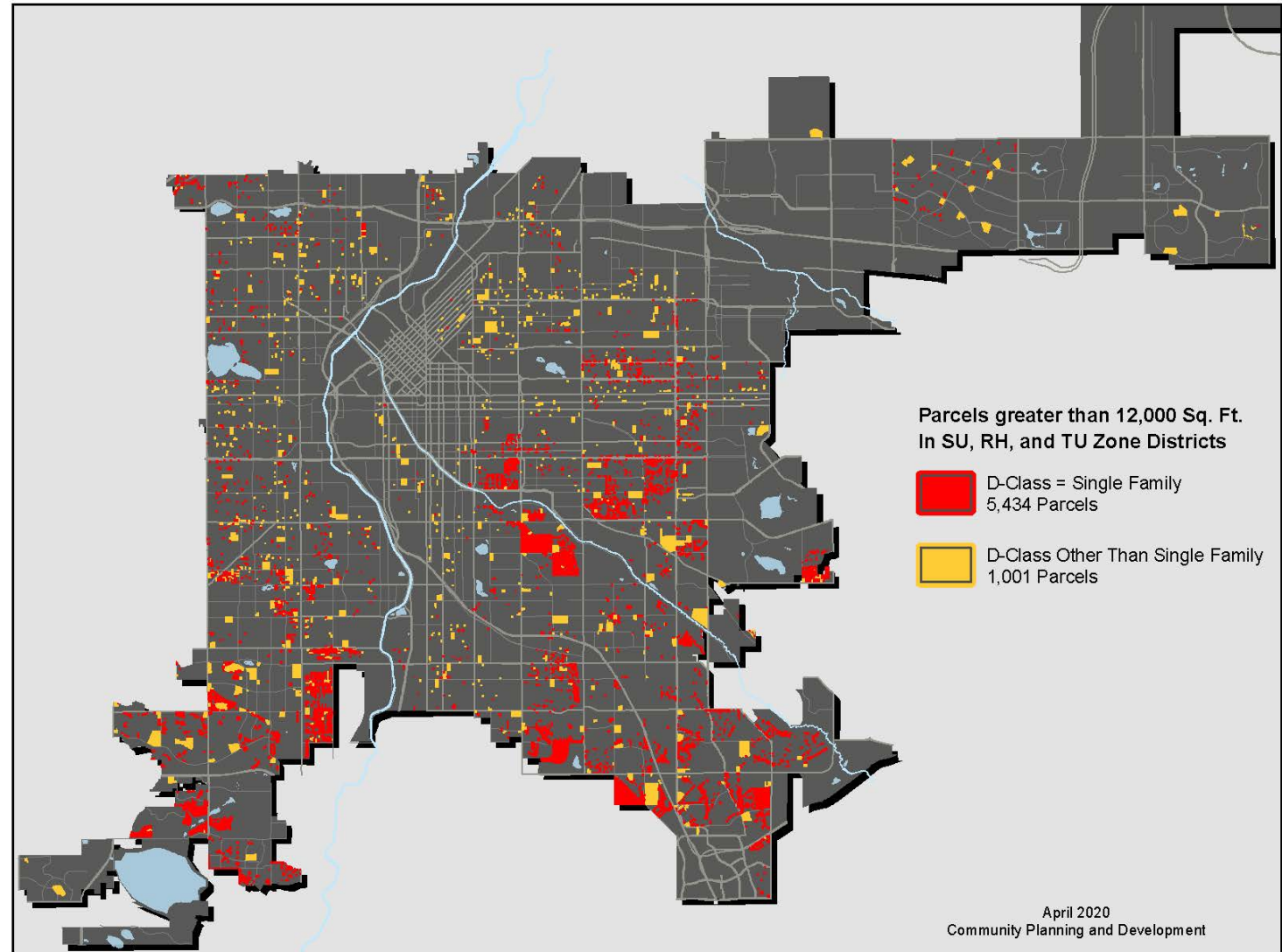
Proposed revision to Residential Care regulations



- 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)
 - 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.

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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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.

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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.

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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 May 2020. 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 June or July of 2020.

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

Amend Sec. 11.12.2.1.B.2 as necessary to establish the following new definition (replacing all existing language in this section): Household: A dwelling unit jointly occupied by an interactive, non-transient housekeeping unit of up to 5 adults (more in larger dwelling units) and any number relatives to each who are under the age of 18, and any permitted domestic employees. For the purposes of this definition, “relatives” shall be interpreted to mean any relationship where an adult has a documented responsibility for a minor person, including guardianship, adoption and foster care relationships. Tenancy is arranged on a month-to-month or longer basis. A housekeeping unit is comprised of people 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 and expenses, and whose makeup is determined by members of the housekeeping unit, rather than by a landlord, property manager or other third party. Members of a housekeeping unit are not required to seek services or care of any type as a condition of residency. This use is not intended for rent-by-the-room configurations managed by non-residents. Residents 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.

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