

Group Living Text Amendment

Denver City Council

Land Use Transportation and Infrastructure Committee

Nov. 17, 2020: Enforcement, Former Ch. 59, Post-Adoption monitoring and reporting



Welcome and Agenda

Time	Topic
10:00 a.m.	Introduction
10:05 a.m.	Enforcement of zoning regulations
10:20 a.m.	Q&A
11:00 a.m.	Addressing Former Chapter 59 (the “old code”)
11:10 a.m.	Q&A
11:25 a.m.	Post-adoption monitoring and reporting
11:35 a.m.	Q & A
12:00 p.m.	Adjourn

Zoning Enforcement

Group Living & Zoning Enforcement



- Pending group living ordinance has raised questions about current and future enforcement:
 - What does Zoning and Neighborhood Inspection Services (“ZNIS”) do in the city?
 - How does ZNIS enforce group living/household and other laws today?
 - How many violations has ZNIS reported on illegal households (too many unrelated adults)?
 - Will ZNIS be able to enforce the proposed new changes in group living laws?
 - Are there any changes to ZNIS planned for the future?

The Role of ZNIS: High-Level Responsibilities



Left: An alley where ZNIS was called for response.

Right: A clean alley after it was inspected and owners were asked to remove trash. No blind spots from overgrown shrubbery, no health concerns from a pile up of trash. Easy to drive, walk, cycle, or roll down.

- Implement the city's land use and zoning laws
- Keep our neighborhoods safe, clean, and well maintained
- Protect the health, safety, and welfare of all residents

ZNIS Core Duties

- **Denver Code Enforcement**
 - Municipal code infractions (snow, maintenance, graffiti)
 - Zoning Code infractions (unpermitted construction, uses, use limitations, etc.)
- **Development Inspection for Zoning Compliance**
 - New construction
 - Business Licenses
- **Neglected and Derelict Buildings**
 - Board-ups
 - Property Abatement



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Types of Code Violations Enforced by ZNIS

VIOLATION CODES (Zoning)

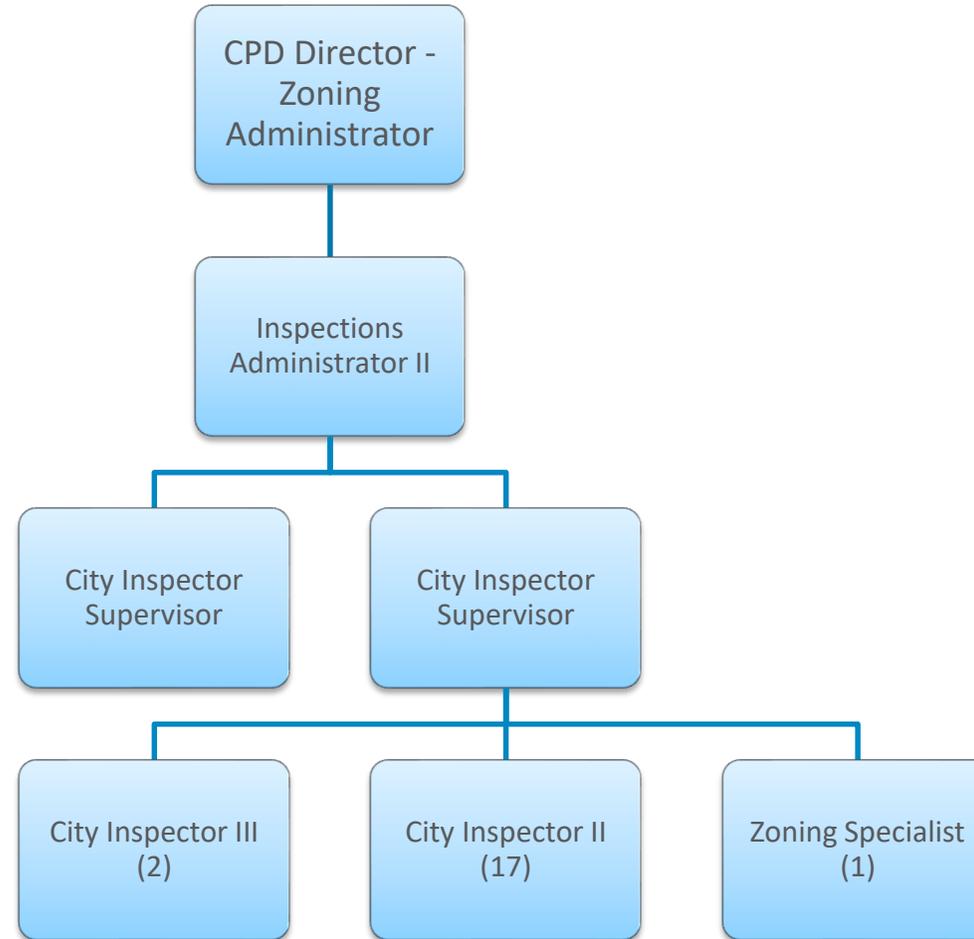
V5	# of Animals	V17	Landscaping
V6	# of Units/2nd Kitchen	V18	Marijuana - Commerical
V7	# of Unrelated Persons	V19	Marijuana - Residential
V8	Accessory Structure	V20	Mobile Food Vender
V9	Bill Board	V21	Neighbor Drainage Problem
V10	Bronco Parking	V22	Outdoor Storage
V11	Construction W/O Permit	V23	RV/Trailers/C Vehicles
V12	Cottage Foods	V24	Short Term Rental
V13	Fence-Height	V25	Setback - Existing
V14	Garage Sale Violation	V26	Sign - Illegal
V15	Home Occupation	V27	Too Many Vehicles
V16	Inoperable Vehicle	V28	Unsurfaced Parking
		V29	Use Violation

VIOLATION CODES (DRMC)

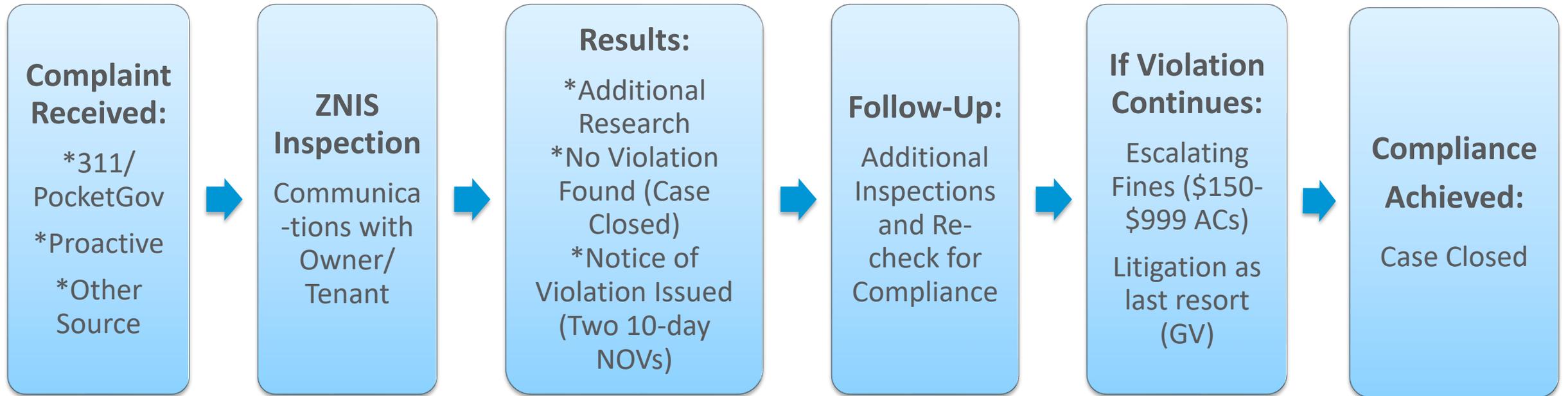
V30	Encumbrance of ROW	V35	Trash
V31	Fence - Dilapidated	V36	Vegetation
V32	Overflow Dumpsters	V37	Graffiti Violation
V33	Sign in ROW	V38	V and D Building
V34	Snow/Ice on Sidewalk		



ZNIS Organizational Structure



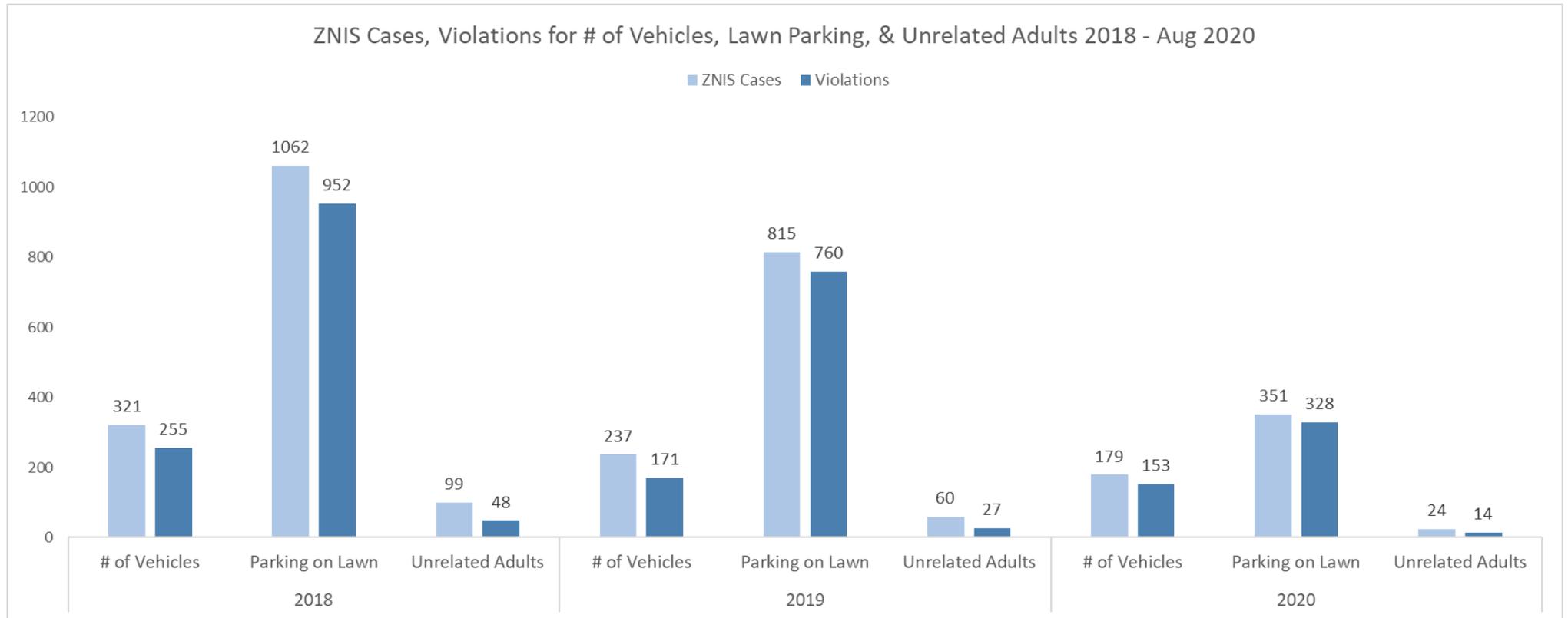
Current ZNIS Enforcement Process



Things ZNIS Cannot Do...

- Cannot access a private home
- Cannot enforce right-of-way issues, like abandoned vehicles in the street
 - We will refer these to DOTI/ROW inspectors
 - May also refer to Parks and Recreation, Denver Police, etc. depending on the nature and location of the issue
- Cannot take sides in neighbor disputes or civil matters, like property line disputes

ZNIS Enforcement – Group Living Violations by the Numbers



ZNIS Cases: ZNIS cases that have the violation category flagged for investigation (from 311 directly; secondary violations to the 311 cases; or added proactively by the inspector during the investigation)

Violations: ZNIS cases with actual verified zoning violations of the type shown

ZNIS Readiness to Enforce New Group Living Rules

- ZNIS is near 100% staffing level today
- No drop in service expected with law change
- Current enforcement practices will apply
- Expected case volume is manageable:
 - Significant number of past group living enforcement cases will not be violations under new law
 - For example: If # unrelated adults was increased to max of 5, most “unrelated” violations occurring today would not be violations under new law, according to ZNIS inspectors

What's Next for ZNIS?

CPD is beginning to explore and ask questions about how/when ZNIS enforcement works...

- Aware of equity impacts and concerns with current approach to code enforcement
- Improved data and metrics already completed and in progress – better understand what ZNIS does
- Possible future CPD work program item
- Some initial contacts with peer cities

What Should ZNIS Look Like in the Future – Questions to Explore

What is Denver's primary purpose or goal of neighborhood and zoning inspections?

- 100% code compliance?
- Neighbors who coexist in a positive way?
- What areas of code enforcement are most important, and who gets to decide?

What Should ZNIS Look Like in the Future – Questions to Explore

Given the primary goal(s), what enforcement approach best achieves the goal(s)?

- Proactive approach
- Reactive (complaint) approach - current
- Mix of both

Given the primary goal(s), what organizational structure will best support achieving the goal(s)?

What Should ZNIS Look Like in the Future – Questions to Explore

Given the primary goal(s) and chosen approach, what partnership opportunities can be leveraged to assist?

- Other CCD agencies
- Business Improvement Districts
- Council offices
- Mental health services/support
- Property maintenance contractors

Peer City Approaches

- 40 cities researched
- Most practice complaint-based (reactive) code enforcement as primary approach like Denver, including Portland, Boise, Albuquerque, Austin and Oklahoma City
- Some cities use a combination of reactive and proactive enforcement
 - why/when?
 - Concerns that gentrification or neighbor feuds are driving complaints
 - Reports of common violations in one area/neighborhood (dumping, inoperable vehicles, etc.)
- Phoenix was only city that explicitly takes a combined approach at citywide scale
- Nashville and Detroit reported taking a proactive approach less regularly and at smaller scales

Questions?

Contacts:

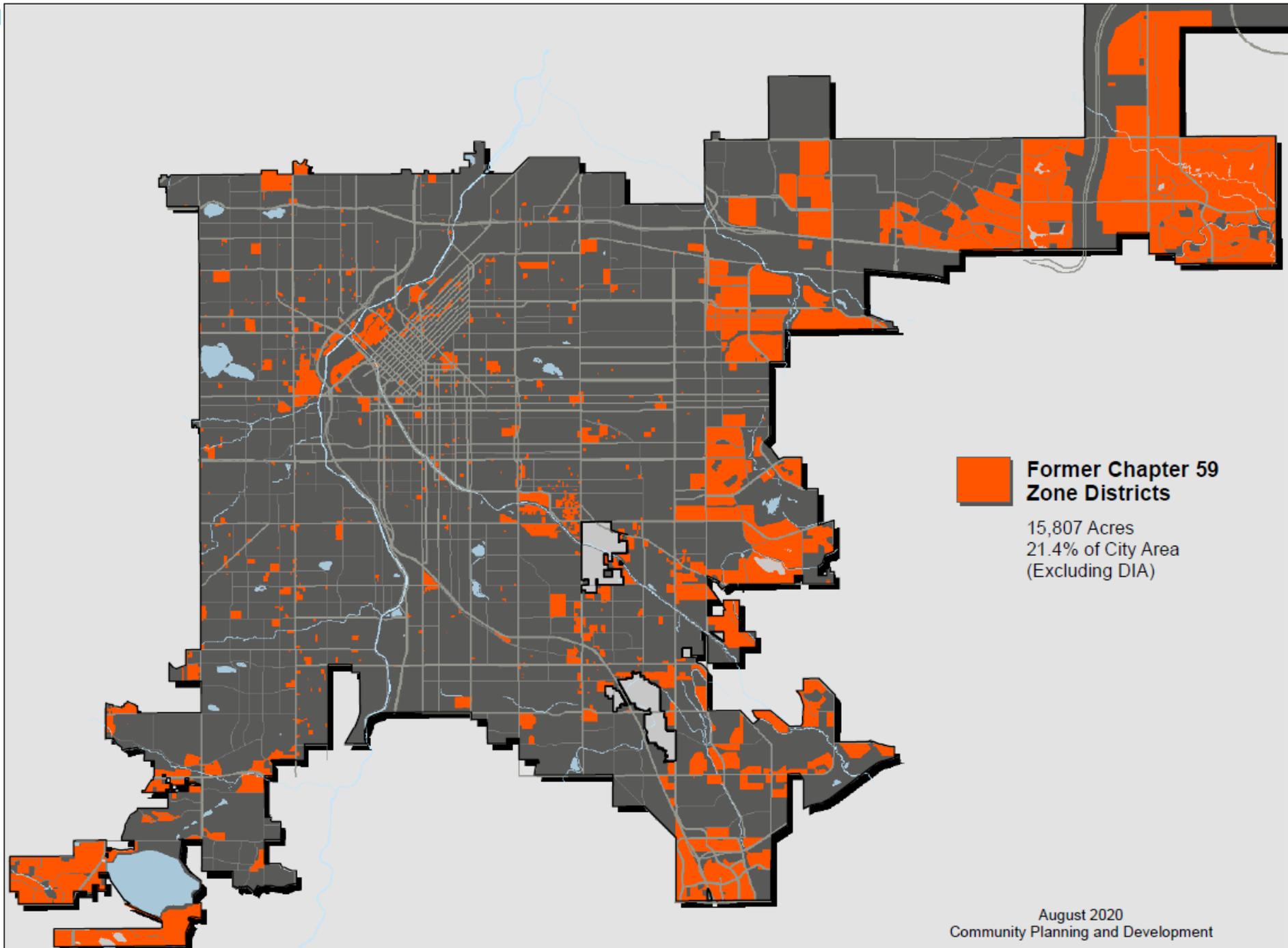
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Former Chapter 59

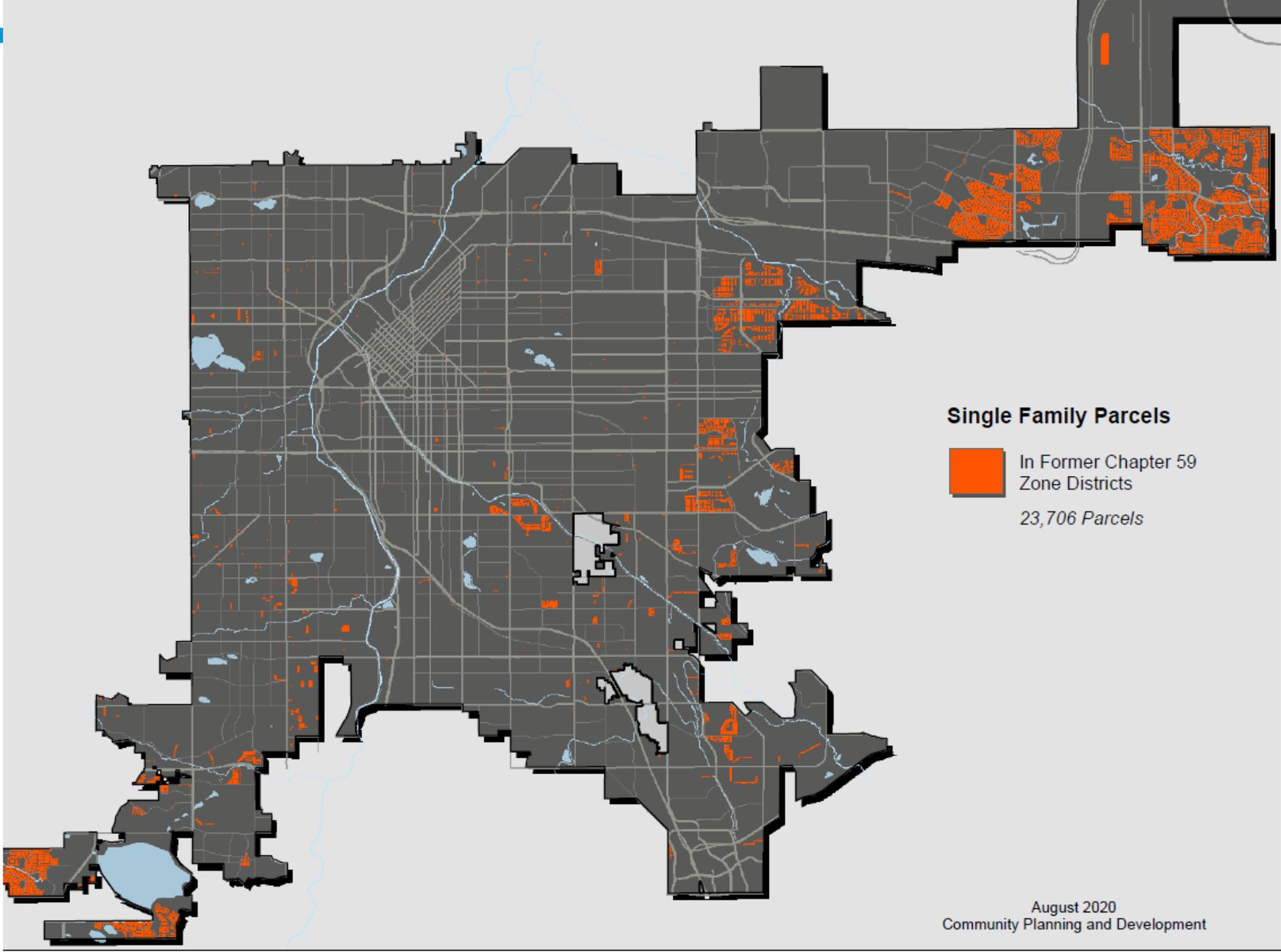
Transitioning From Former Chapter 59 Zoning

- Why are some properties still zoned FC59?
 - Customization (waivers, PUDs, etc.) of remaining FC59 zoning creates challenges for transitioning to FC59
 - Significant staff resources and outreach required for transition away from FC59 zoning
- Since adoption of Denver Zoning Code (DZC) in 2010, intent has been to phase out FC59 zoning
 - City Council adopted an ordinance preventing modification of the content of FC59
 - Incentives promote applicant rezoning out of FC59, but only about 1% of FC59 properties rezone to DZC every year



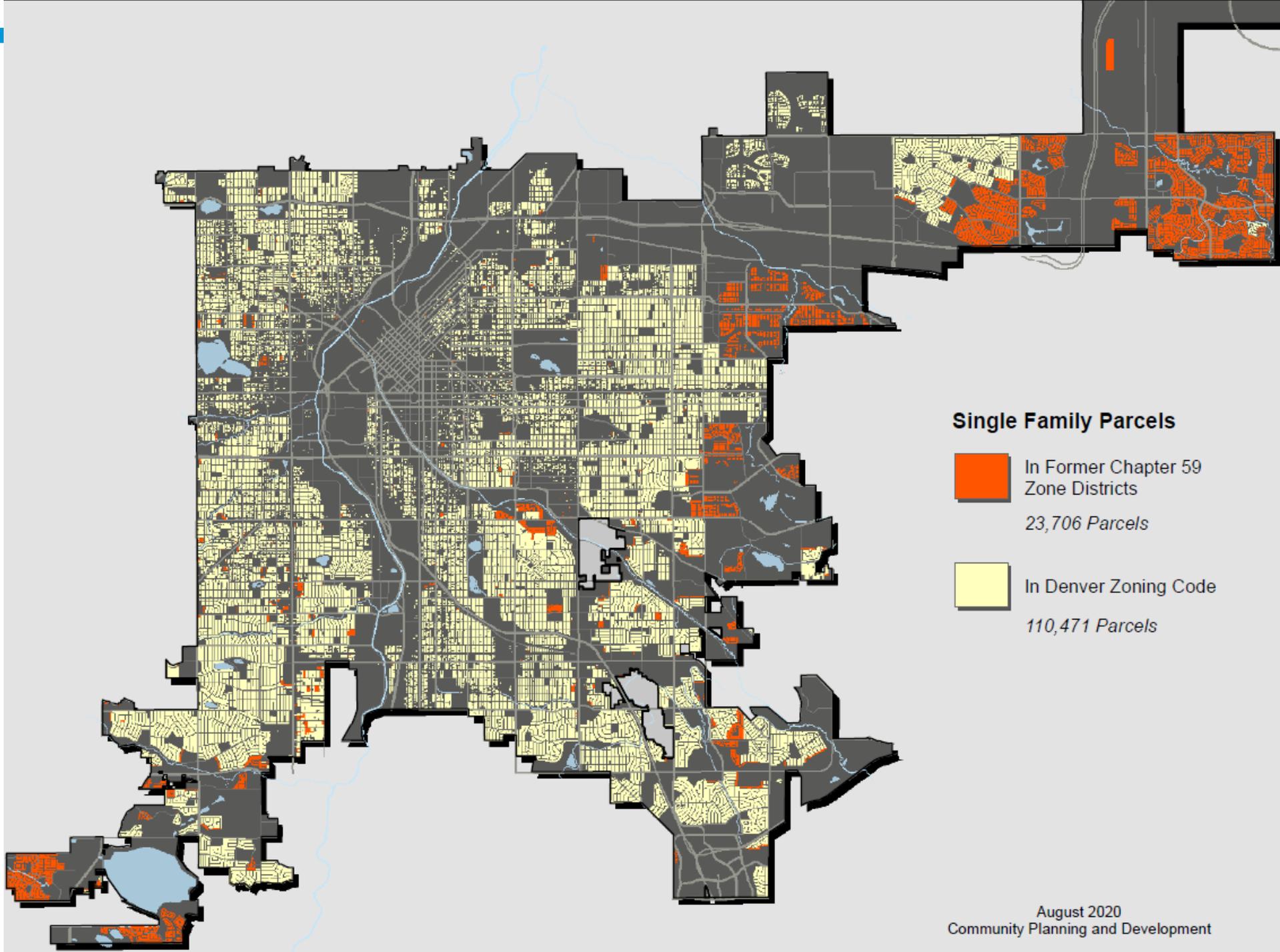
**Former Chapter 59
Zone Districts**

15,807 Acres
21.4% of City Area
(Excluding DIA)



Single Family Parcels

 In Former Chapter 59
Zone Districts
23,706 Parcels



Transitioning From Former Chapter 59 Zoning

- **Proposed Solutions**
 - **Step 1: Make updated Household regulations effective in areas with FC59 zoning**
 - Near-term approach to citywide application of Group Living amendment
 - Does not change underlying zoning
 - **Step 2: One City One Code**
 - Growing awareness that we need to get there more quickly
 - Explore city-driven and applicant-driven opportunities

Transitioning From Former Chapter 59 Zoning

- **Step 1: Make updated Household regulations effective in areas with FC59 zoning**
 - Gives the same options for household size to all neighborhoods in Denver
 - Requires an amendment to DRMC, with public hearings at Planning Board and City Council
 - **Timeline:**
 - Outreach to impacted neighborhoods in early 2021
 - Public adoption in Q2 2021

Post-adoption Monitoring and Reporting

Performance Metrics: Goals

- Remain open and transparent about impacts, positive and negative, of these amendments
- Maintain thorough tracking so we can adjust if unintended outcomes emerge
- Determine whether vulnerable neighborhoods are disproportionately impacted

How?

- Prepare an annual report for Planning Board and City Council
- Establish a baseline of existing data related to households, congregate living uses, and residential care uses for comparison with future data
- Data sources: 311 complaints, U.S. Census, zoning permits and inspections, licenses

Performance Metrics: Next Steps

- Reconcile data availability and account for external factors, such as the effect of COVID-19 on future housing trends.
- Update permit and license applications to capture the new Group Living categories and desired metrics
- Begin collecting U.S. Census data, such as average household size, housing tenure, etc.
 - Post-adoption Census data from American Community Survey 5-year estimates for 2022-2026 wouldn't be available until 2027

Performance Metrics: Examples

Unrelated Adults in a Household

- Monitor **311** inquiries and **Accela** violations
- Monitor Census data for household size and makeup change over time

Rooming and Boarding / Rent-by-the-Room Housing

- Monitor **net new business licenses** from the Department of Excise and Licenses
 - Currently 27 licensed rooming and boarding houses

Residential Care Uses: Type 1, 2, 3 and 4

- Update the **zoning permit application** to capture new data
- Update and monitor **Accela** data
- **Map** new and expanded facilities
 - Regularly update map to account for facility closures
 - Currently 148 facilities with zoning permits ([link to residential care facility map](#))

Next Steps

LUTI process

Date	Proposed Topics
Sept. 29 (partial meeting)	<ul style="list-style-type: none">• Follow-up from 9/1 LUTI• Proposed Schedule• Household Regulations introduction
Oct. 6 (full meeting)	<ul style="list-style-type: none">• Household Regulations: alternatives and revisions
Nov. 3 (partial meeting)	<ul style="list-style-type: none">• Residential Care introduction
Nov. 10 (full meeting)	<ul style="list-style-type: none">• Residential Care regulations• Community Corrections• Proposed “Type 2” size/lot minimums/locations
Nov. 17 (full meeting)	<ul style="list-style-type: none">• Former Chapter 59• Enforcement• Post-adoption monitoring
Dec. 1 (full meeting)	<ul style="list-style-type: none">• Wrap-up and final discussion
Dec. 22	<ul style="list-style-type: none">• Final LUTI Committee action

Questions?

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