

Group Living Code Amendment

Denver City Council

Land Use, Transportation and Infrastructure Committee

December 1, 2020: Review of Alternatives



Welcome and Agenda

Time	Topic
10:00 a.m.	Where are we now? <ul style="list-style-type: none">• Household size• Residential care• Community corrections
10:30 a.m.	Q&A
12:00 p.m.	Adjourn

Why is CPD proposing changes?

- Current regulations prohibit the residential care facilities our city needs and prevent people from sharing housing
- We have exclusionary regulations with roots in classism and racism
- We need a more equitable approach for locating residential care uses and we need to allow people to legally share housing costs
- We also need to fix problems with the Denver Zoning Code
 - Outdated and unclear language
 - Unpredictable permitting and notification requirements



“The community knows about us. We give back to the community, we maintained the block, cleaning it up, we cut neighbor’s grass and we helped our neighbors.”

- Maurice, formerly homeless, former Community Corrections resident, and Denver Rescue Mission worker

Household Size

This discussion focuses only on adults over age 18. There are no restrictions on how many related children can live in a house in any of these proposals.



“There are a lot of social benefits living in a community...I think it should **be accessible for people to choose those people they want to live with.**”

- Samantha, Cooperative Housing Resident and Elementary School Teacher

What's allowed now?

In one, detached home



Two unrelated adults
Unlimited relatives

No off-street parking requirement

In duplexes, apartments, condos (anything with 2 or more attached homes)



Four unrelated adults
Unlimited relatives

Has a minimum off-street parking requirement

 = unrelated adults

 = relatives

What was approved at Planning Board?



Proposed

- Up to 5 adults of any relationship, with unlimited relatives, in any dwelling unit
- Provisions for more unrelated adults in larger dwelling units, to a maximum of 10
- Minimum off-street parking requirements for large households in all homes

Common Values and Goals (from Oct. 6 LUTI)

- Allowing blended families and some number of unrelated adults as a household, without a special permit
- More flexibility (within limits): government should not regulate who is a family
- External impacts, such as parking, are what really matter
- Regulations should be simple to understand and enforce

Who Are We Serving?

- Multigenerational families
- Two families sharing housing
- Adults sharing housing as roommates, a cooperative home or “found” family
- Couples who want/need to take a roommate
- Anyone who needs to share mortgage or rent costs
- Foster families*

*Requires a permit now, but these amendments would remove that barrier.

Proposed changes received directly from councilmembers

Proposed amendments received from council	Will this be addressed in the new proposal?
Remove adding another adult per 200 square feet over the median Denver house structure size of 1,600 square feet	YES – this provision will be removed for households that have unrelated adults
Hard cap of 4 or 5 (exception for group homes for protected classes)	YES – we will have a hard cap for households that have unrelated adults
Building code issues for larger households, parking, etc.	YES – the provision to allow even larger households will be removed
Preserve existing codes that allow unlimited relatives to live together	YES – Any number of related people can still live together



= unrelated adults



= relatives

Compromise that appears to have the most support (from 10/6 LUTI)



- Allow...

- ✓ Households of any number of people as long as all residents are related (*allowed now*)

OR

- ✓ Households that consist of unrelated people or a mixture of related and unrelated people BUT include a maximum limit on the total number of adults regardless of relationship (example: 4, 5, or 6 total adults)

- No allowance for more people in larger homes with more square footage

Residential Care

Examples of Residential Care facilities:

- shelters
- community corrections or “halfway houses”
- sober living
- rehabilitation facility
- assisted living
- nursing home
- hospice care



“The opposite of addiction is connection. **Having the ability to be in a community of recovery could be why I am so successful and [able to] be employed.**”

- Jill, former sober living resident and current manager of a recovery home

What was approved by Planning Board?

- **Consolidate** all uses where care is provided into a single type called “Residential Care”
 - Regulate by facility size and scale, rather than the type of care provided.
 - Zoning is not intended to regulate different types of people.
- **Remove restrictions and buffers rooted in bias** that concentrate some people in industrial zones where they lack access to transit and other daily needs
- Encourage more **equitable distribution** of residential care facilities citywide
- Require **community meetings** for larger facilities and any that will serve non-paroled individuals
- **Strengthen requirements for spacing** between facilities and **density limitations** that prevent concentration of facilities in a given area.
- **Keep existing local, state, and federal regulations** that govern facility safety and operations



Amendments aim to address:

- **Community corrections in low-intensity residential zone districts**
 - Staff and some members of GLAC have recommend moving away from regulating residential care uses by housing status of the guests served
 - Highly-regulated facilities, slow growth (new facility once every 10 years or so; last one opened in 2003)
 - Some stakeholders have advocated for smaller-scale community corrections facilities that could offer more therapeutic, community-based programs for people re-entering society
- **Larger residential care facilities (Type 2) in low-intensity residential zone districts**
 - Structures exist in low-intensity zone districts that have been used to safely accommodate a larger number of guests
 - 12,000 sq. ft. minimum lot size proposed for SU, TU and RH to ensure appropriate space
- **Lack of spacing requirement for Type 1 (smallest, up to 10 guests) residential care uses**
 - There is not currently a spacing requirement for the smallest residential care uses (up to 8 people, more in Transitional Housing), but this is under consideration
- **Continuing a system of concentrating larger residential care uses in only a few neighborhoods**
 - Northeast Park Hill, Five Points, Capitol Hill, Globeville, Elyria-Swansea, which are in these neighborhoods due to old codes rooted in bias

Common Values and Goals (from LUTI discussions)

- Allow people to access residential care in their communities and where they have access to daily needs
- Encourage equitable distribution of future facilities around the city
- Move away from regulations that exclude people based on the type of care they need
- Ensure Denver's compliance with the Federal Fair Housing Act and other regulations

Who Are We Serving?

- People transitioning back into community after incarceration
- People in recovery
- People who are elderly and/or living with disabilities
- People who have experienced homelessness

Proposed Alternatives

Community corrections:

- Prohibit in Single Unit (SU) and Two-Unit (TU) zone districts

Type 2 (11-40 guests) residential care facilities (in Single-unit, Two-unit and Row House zone districts)

- Reduce size from 11-40 guests to 11-20 guests
- Limit to existing structures built for a Civic, Public or Institutional use, such as unused churches, schools, and government buildings (prohibit in houses)

Type 1 (1-10/seasonal) residential care facilities

- Add required spacing between facilities

or

- Limit the number of facilities in an area (density limitation)

Proposed changes received directly from councilmembers

Proposed amendment received from council	Could this be addressed with a proposed alternative?
Remove community corrections from SU, TU and RH zones because pre-parole felons are still in state custody and it is legitimate to regulate this use as different from senior living and other group home protected classes.	YES – We could remove community corrections from SU and TU zone districts. We recommend allowing it in RH zone districts, which already allow other more intensive uses.
Remove Type 2 facilities of any type from SU, TU and RH zones on the basis that a facility holding 40 people is out of character in such zones.	YES – In these zone districts, we could limit these facilities to existing structures originally constructed for a Civic, Public or Institutional use; prohibit them in houses; and explore a reduction in overall size.
Overconcentration of the smallest residential care facilities (Type 1) should be prevented.	YES – We could establish density limitations for Type 1 facilities, which will prevent a new Type 1 location if there are more than three Residential Care uses already within a 1-mile radius.



Spacing and Density Scenarios

Spacing Requirement: How this tool works



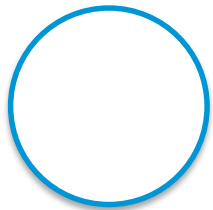
Proposed Residential Care Type 1 Subject Site (hypothetical)



Existing Residential Care Type 1



Existing Residential Care Type 2



1,200 foot (appr. 3-block) required spacing between facilities






Proposed use permitted



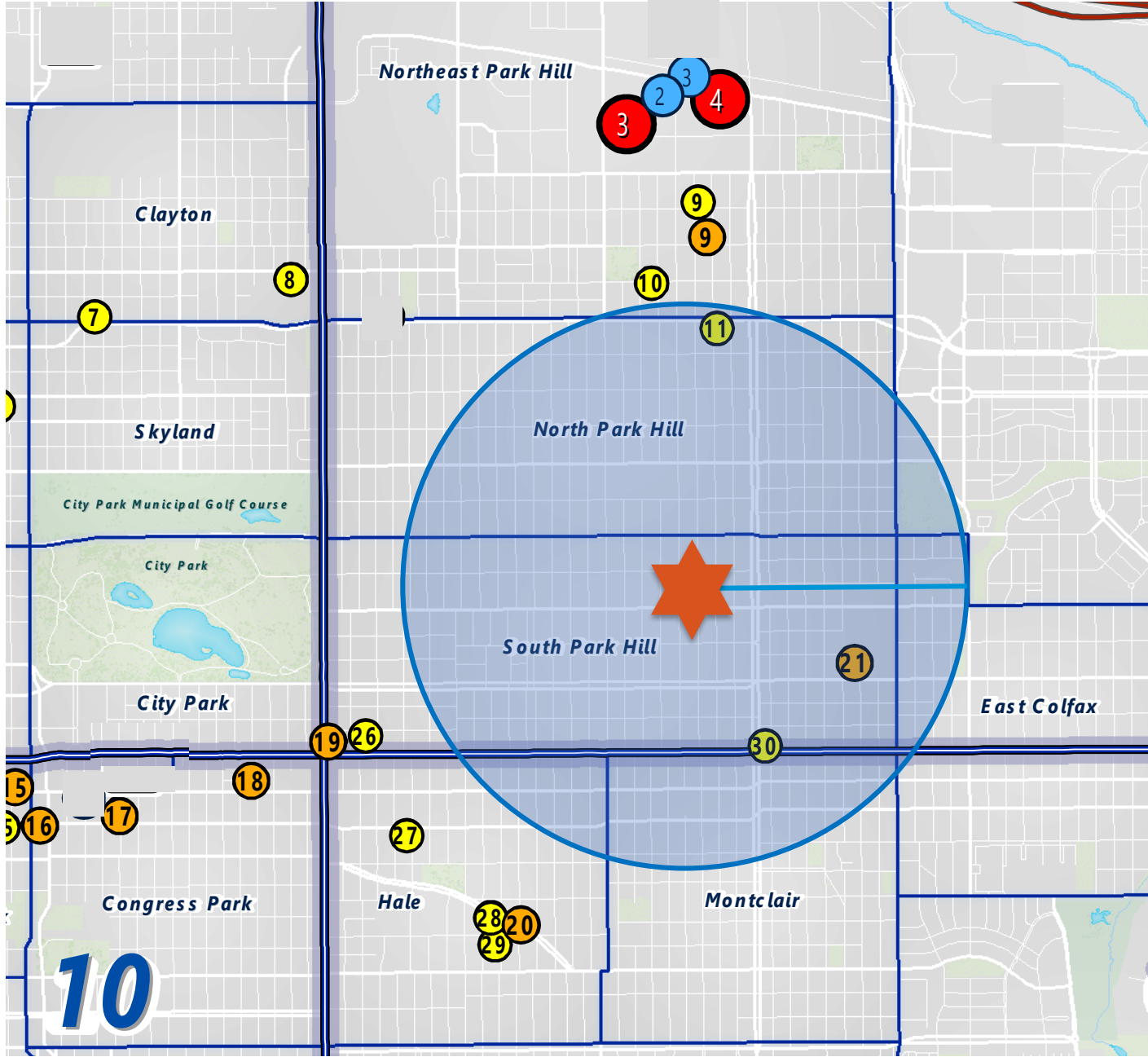
Proposed use not permitted



Density limits: How they work

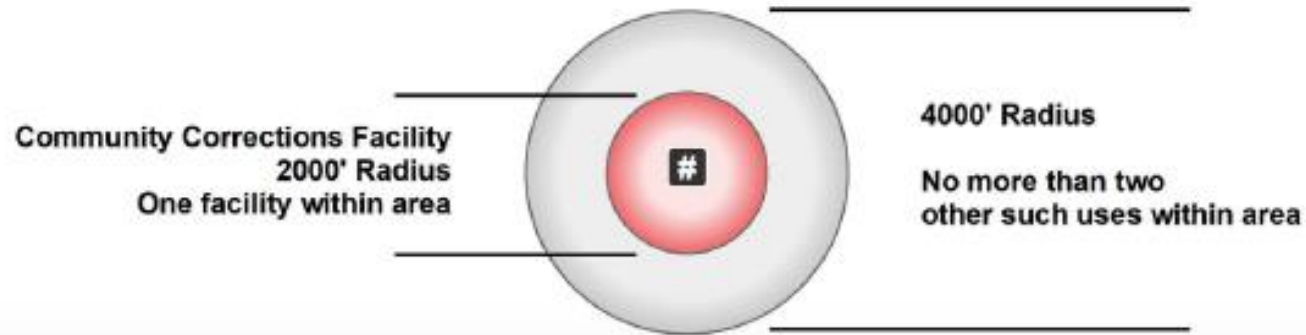
-  Proposed Residential Care Type 1 Subject Site (hypothetical)
-  Existing Residential Care Type 1
-  Existing Residential Care Type 2
-  Existing Residential Care Type 3
-  Existing Residential Care Type 4

No more than 3 Residential Care uses within 1-mile radius of a subject site for a Type 1 Residential Care facility. In this example, a new Residential Care Type 1 use would be allowed. If the subject site were slightly further north, the use would not be allowed.

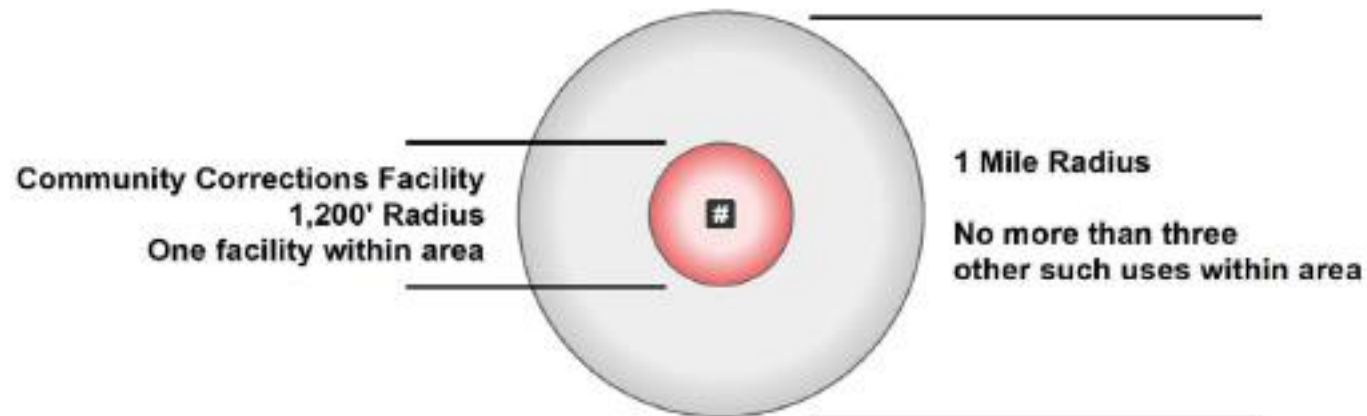


Spacing and Density for Community Corrections

Current Spacing and Density Requirements



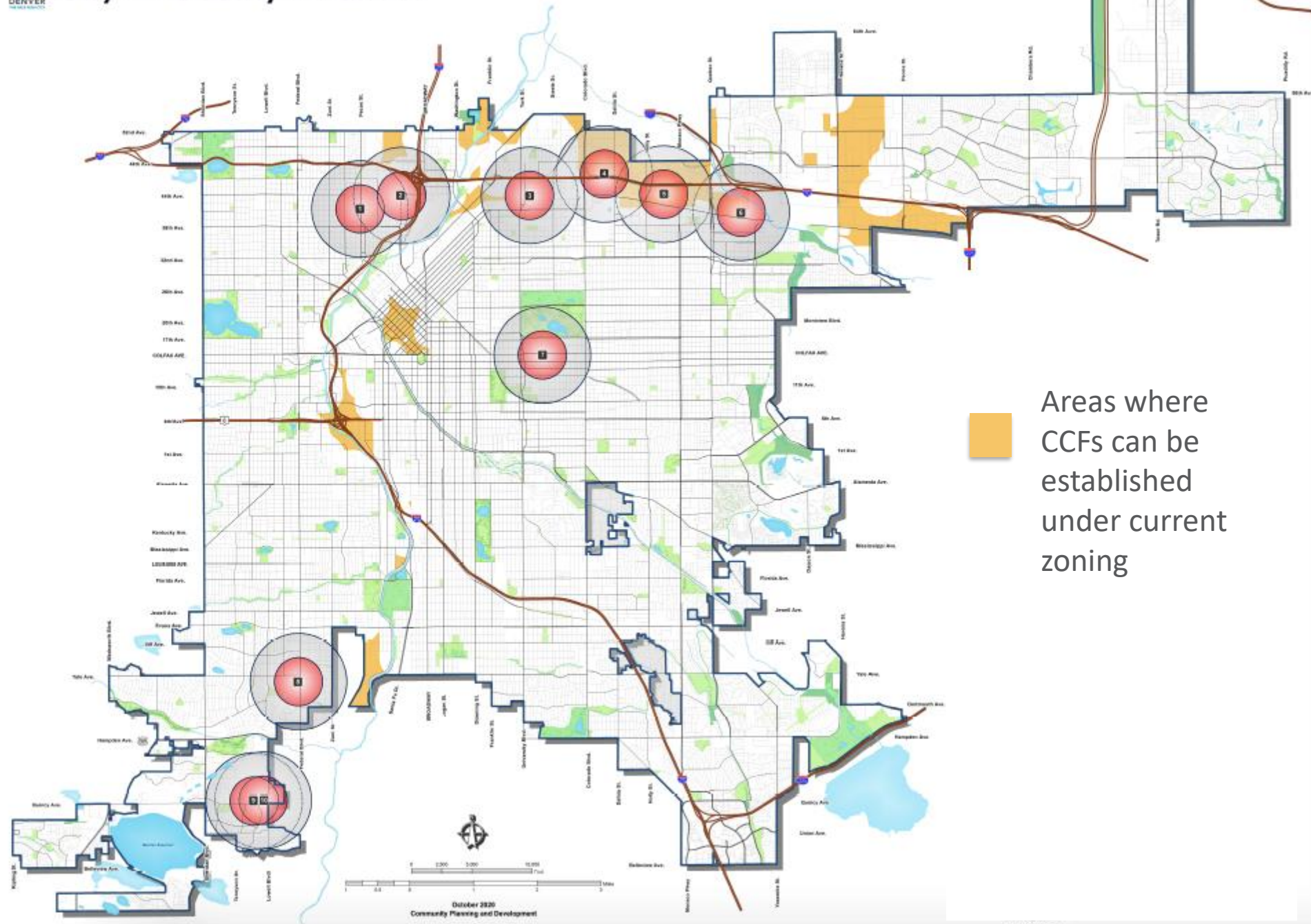
Proposed Spacing and Density Requirements (for Type and Type 4 Facilities)






Current Community Corrections Facilities; buffers, and areas where new facilities could be established

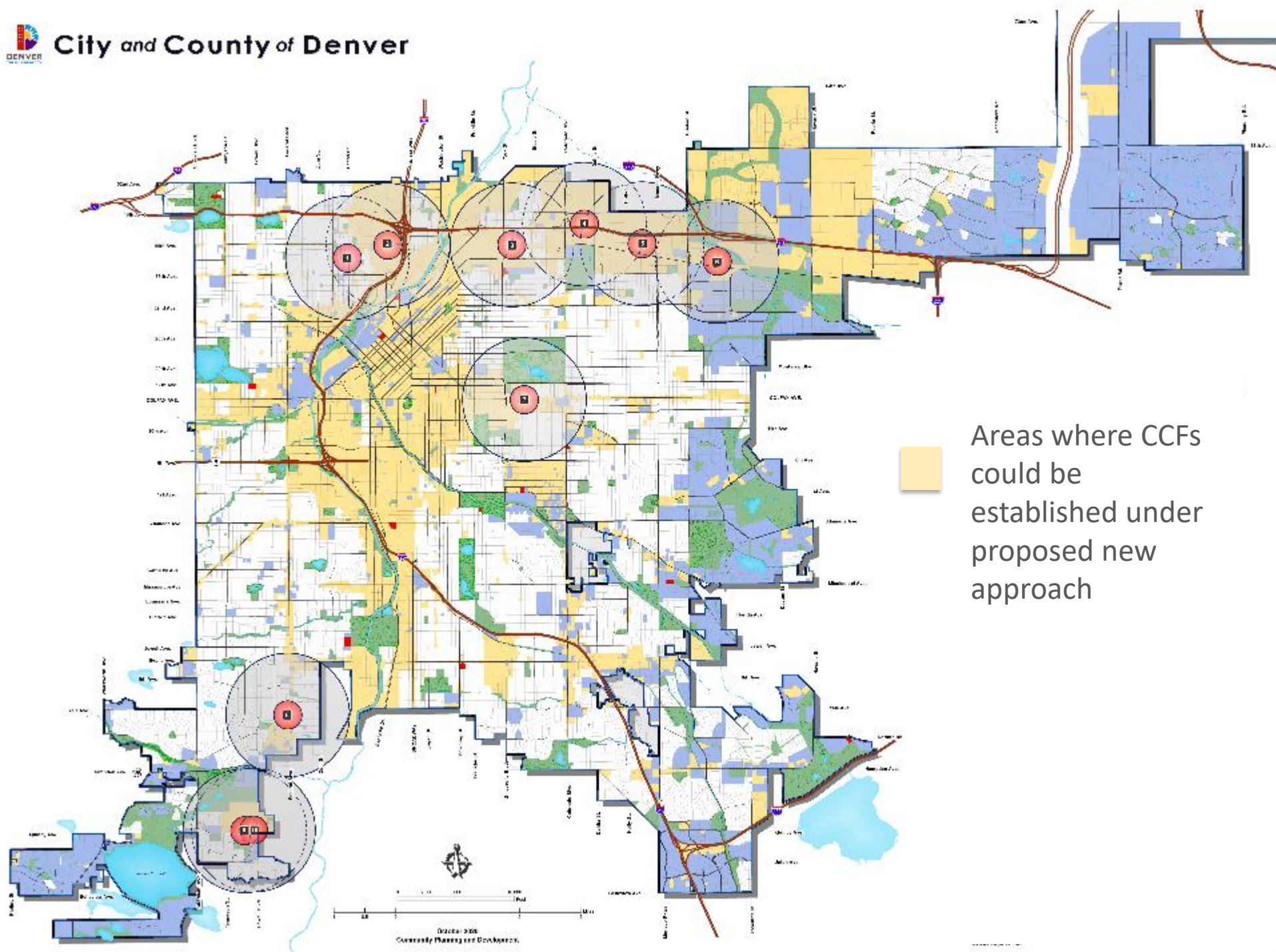
- New facilities could be established in tan areas.
- Approximately 3,200 acres, or approximately 1,200 parcels, most in areas where these uses are already concentrated.
- Where 4,000' (grey) buffers overlap tan areas, presence of other Large Residential Care Facilities would prohibit new CCFs



 Areas where CCFs can be established under current zoning

Proposed: Expand available space for community corrections, but not in SU and TU districts

- Still reflects a significant expansion of land available for these uses: **from ~3,210 acres today to ~19,777 acres**
- Would allow these uses on commercial corridors around the city, where there are structures that could accommodate them and access to transit, jobs, and daily needs.



Areas where CCFs could be established under proposed new approach

Recap: Proposed Alternatives

Community corrections:

- Prohibit in Single Unit (SU) and Two-Unit (TU) zone districts

Type 2 (11-40 guests) residential care facilities

- Reduce size from 11-40 guests to 11-20 guests
- Limit to existing structures built for a Civic, Public or Institutional use, such as unused churches, schools, and government buildings (prohibit in houses)

Type 1 (1-10/seasonal) residential care facilities

- Add required spacing between facilities

or

- Limit the number of facilities in an area (density limitation)

Questions and discussion

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?

website

www.denvergov.org/groupliving

E-mail

Andrew.webb@denvergov.org

Extra Slides

- Background information
- Older approaches (pre LUTI discussions)

About Community Corrections Facilities in Denver

Existing Facilities

Facility	Established
CoreCivic - Ulster	2003
CoreCivic -46th	1980s
CoreCivic -Columbine	1970s
CoreCivic Fox	1990s
Tooley Hall	Early 1980s (temp. closed)
Williams Street Center	1970s (closed in 2019)
Independence House Filmore	1980s
Independence House Pecos	1976
Independence House South Federal	1988
Peer I	1980s
The Haven	1980s

Operation and Safety

- Most existing facilities are already near schools and residential areas.
- Dept. of Safety crime data from the last decade does not show any property or violent crime occurring near existing facilities that can be attributed to a resident or the presence of the facility.
- Regulated by Denver's Department of Public Safety, state regulations and Denver Community Corrections Board, among others
- Less than 2% percent of Denver community corrections program participants are terminated from the program for committing a new crime.
- The newest facility was opened in 2003.

Peer Cities: Unrelated adults permitted in a single-unit dwelling

2	Avg HH	3	Avg HH	4	Avg HH	5	Avg HH	6	Avg HH	8	Avg HH
Denver	2.31	Boulder	2.18	Aurora	2.82	Arvada	2.48	Austin	2.47	Seattle	2.12
Englewood	2.15	Commerce City	3.10	Brighton	2.92	Castle Rock	2.88	Portland, OR	2.36	Vancouver, WA	2.46
		Fort Collins	2.46	Golden	2.24	Co. Springs	2.52	San Diego	2.96		
		Littleton	2.25	Northglenn	2.71	Lakewood	2.30	Spokane	2.43		
		Loveland	2.55	Thornton	2.86	Longmont	2.60				
		Wheat Ridge	2.16	Westminster	2.62	Parker	2.94				
		Salt Lake City	2.48	Las Vegas, NV	2.66	Uninc. Adams Cty.	3.00				
		Minneapolis	2.25	Boston	2.37	Uninc. Arap. Cty.	2.66				
				New Orleans	2.44	Albuquerque	2.48				
						Boise	2.46				
						Kansas City	2.36				
						Oklahoma City	2.59				
						Phoenix	2.87				
Avg HH	2.23		2.43		2.63		2.63		2.56		2.29

Notes: All cities permit unlimited adult relatives to live as a household, but some (ex. Aurora) do not permit a combination of related and unrelated adults in a household

Sources: U.S. Census Bureau Quick Facts; city and county zoning regulations

Average U.S. Household Size (2019): 2.51



Advantages/Disadvantages of Making These Changes

Community Corrections

Prohibit community corrections in SU and TU zone districts

Advantages	Disadvantages
<ul style="list-style-type: none">• Still reflects a significant expansion of land available for these uses over what is available today: from approximately 3,210 acres today to 19,777 acres	<ul style="list-style-type: none">• Precludes establishment of community corrections uses directly in neighborhoods, where residents could benefit from being in the communities they will eventually return to upon completion of sentences.
<ul style="list-style-type: none">• Would allow these uses on commercial corridors around the city, where there are structures that could accommodate them and access to transit, jobs, daily needs, etc.	

Type 2 Residential Care

- Reduce overall size (11-40 guests → 11-20 guests)
- Only allow in structures originally built for larger-scale uses, such as unused churches, schools, government buildings, etc.
- Prohibit in houses
- Minimum lot size must be at least 12,000 square feet

Advantages	Disadvantages
<ul style="list-style-type: none">• Preserves existing provisions in the code for Residential Care, Large uses in low-intensity residential districts (SU, TU and RH)	<ul style="list-style-type: none">• Reduces flexibility for residential care operators that may have buildings that could accommodate more guests.
<ul style="list-style-type: none">• Would prevent these facilities from using large houses, addressing neighborhood concerns about scale	

Type 1 Residential Care: Spacing Alternative

Apply the proposed 1,200 foot spacing requirement to Type 1 facilities in SU, TU and RH zone districts

Advantages	Disadvantages
<ul style="list-style-type: none">• Would prevent concentration on a block face by requiring that these facilities be at least 3 blocks apart.	<ul style="list-style-type: none">• Would prevent an operator from operating several homes next door to each other.
	<ul style="list-style-type: none">• Not an existing requirement and not recommended by CAO for smallest facilities.
	<ul style="list-style-type: none">• Would make some existing facilities “compliant,” meaning they were legally established but do not meet a new use limitation. Existing facilities could continue, but new facilities next door to each other or even in the same block would not be allowed.

Type 1 Residential Care: Density Alternative

Apply the proposed 1-mile density limit, which would prevent a new Type 1 location if there are more than three Residential Care uses already within a 1-mile radius

Advantages	Disadvantages
<ul style="list-style-type: none">• Would prevent concentration of facilities in a neighborhood or a given area of the city	<ul style="list-style-type: none">• Not an existing requirement, not recommended by CAO for smallest facilities.
<ul style="list-style-type: none">• Would provide more flexibility for operators	<ul style="list-style-type: none">• Would make some existing facilities “compliant,” meaning they were legally established but do not meet a new use limitation. Existing facilities could continue, but new facilities within an affected geography (where there is already a concentration of facilities) would not be allowed.