

Group Living Text Amendment

Denver City Council

Land Use, Transportation and Infrastructure Committee

November 3, 2020: Residential Care Alternatives Introduction



LUTI schedule

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 committee action on all topics



What is residential care?

Current Denver Zoning Code definition:

A specific type of group living use where the residents are provided supervised medical, psychological, or developmental care or treatment on a daily, regular basis.

Includes:

- Transitional Housing
- Shelters
- Community Corrections
- Special Care Home (12+ hours/day of treatment, rehabilitation, mental health care, etc.)
- Assisted Living (serving less than 8 people)

Does not include:

- Correctional Institutions (these are regulated under Civic, Public and Institutional Uses)



Summary of proposed changes to Residential Care regulations:

- **Consolidate** all uses where care is provided into a single use type, Residential Care, and regulate by size rather than housing status or type of care provided.
 - Zoning is not intended to regulate different types of people.
- **Remove restrictions** – such as arbitrary buffer requirements – that concentrate some types of residential care uses in industrial zones or already underserved neighborhoods where guests lack access to transit and other daily needs.
- Encourage more **equitable distribution** of residential care facilities so people can access care in their communities and services are not concentrated in any one part of the city.
- Require **community meeting** for larger residential care facilities, and any that will serve non-paroled individuals
- Update and clarify requirements for **spacing** between facilities and **density** limitations that prevent concentration of facilities in a given area.



Concerns we've heard from LUTI and other council members:

- **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 of capacity -- new facility once per every 10 years or so, last opened in 2003.
 - Some stakeholders have advocated for smaller-scale community corrections facilities that could offer more therapeutic, community-based programs for formerly incarcerated people re-entering society.
- **Larger residential care facilities (Type 2) in low-intensity residential zone districts. [Current: 20; proposed: 40].**
 - Structures exist lower intensity residential zone districts that could safely accommodate a larger number of guests.
 - 12,000 sq ft minimum lot size is proposed in these districts (SU, TU and RH) to ensure appropriate space for the scale of this use
- **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).
- **Continuing a system of concentrating larger residential care uses in only a few neighborhoods**
 - Such as Northeast Park Hill, Five Points, Capitol Hill, Globeville, Elyria-Swansea

Possible Alternatives

- **Community Corrections Alternative: Prohibit in Low-Intensity residential districts**
 - Prohibit Residential Care uses serving non-paroled individuals in Single Unit (SU) and Two-Unit (TU) zone districts
- **Type 2 (11-40 guests) Residential Care Alternatives:**
 - Reduce maximum Type 2 facility size
 - **or**
 - Permit Type 2 facilities only in structures built for a Civic, Public or Institutional Use
- **Type 1 (1-10/seasonal) Residential Care Alternatives:**
 - Add required spacing between facilities
 - **or**
 - Limit the number of facilities in proximity to a subject site (density limitation)