

# Group Living Code Amendment

Denver City Council

Land Use, Transportation and Infrastructure Committee

December 22, 2020: final proposal review and staff report



# Agenda

Time	Topic
10:00 a.m.	<ul style="list-style-type: none"><li>• Project Overview</li><li>• Recent Revisions</li><li>• Staff Report<ul style="list-style-type: none"><li>➤ Process</li><li>➤ Plan Consistency</li><li>➤ CPD Recommendation</li></ul></li></ul>
10:45 a.m.	Q&A & Discussion
12:00 p.m.	Adjourn

# Recap of LUTI Process

<b>Sept. 1 (full meeting)</b>	Introduction of Topic
<b>Sept. 29 (partial meeting)</b>	Follow-up from 9/1 LUTI Proposed Schedule Household Regulations introduction
<b>Oct. 6 (full meeting)</b>	Household Regulations: alternatives and revisions
<b>Nov. 3 (partial meeting)</b>	Residential Care introduction
<b>Nov. 10 (full meeting)</b>	Residential Care regulations Community Corrections Proposed “Type 2” size/lot minimums/locations
<b>Nov. 17 (full meeting)</b>	Former Chapter 59 Enforcement Post-adoption monitoring
<b>Dec. 1 (full meeting)</b>	Wrap-up and final discussion
<b>Dec. 22</b>	Final LUTI Committee action

# Why is CPD proposing changes?

- Current regulations prohibit the residential care facilities our city needs and prevent people from sharing housing
  - Example: new community corrections uses are not allowed outside of industrial areas
- We have exclusionary regulations with roots in classism and racism
  - Example: Since 1954, groups of unrelated people (“found” families, blended families and roommates) have only been allowed to live in multi-unit dwellings (duplexes, apartments, etc.) in Denver.
- 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  - Outdated and unclear language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*

# Summary of proposed changes:



## Household Living

- Allow up to 5 adults of any relationship to live as part of a household



## Congregate Living

- Consolidate all uses with more people than allowed in a household, but where care is not required, into a single use type: “Congregate Living”
- Clarify that rent-by-room is only allowed as congregate living in zone districts where higher-intensity residential uses are allowed – it is prohibited in low-intensity residential areas



## Residential Care

- Consolidate all uses where care is required into a single use type: “Residential Care”
- Regulate by size, with spacing and density limitations for larger facilities
- Allow residential care uses in more places
- Require a community meeting prior to permit application for larger residential care facilities, and for halfway houses of any size

# Revisions made during the LUTl process



# Household Regulations

This discussion focuses 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?

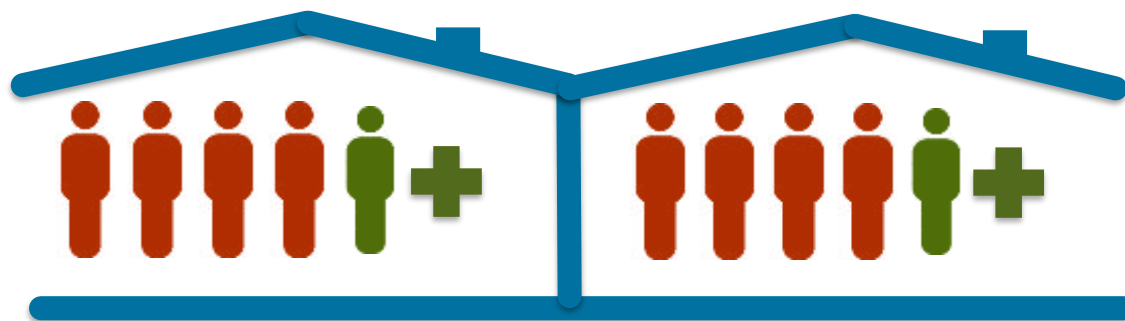
In one, detached home



**Two unrelated adults**  
**Unlimited relatives**

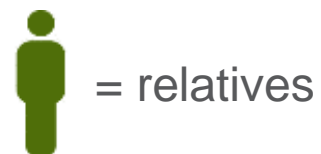
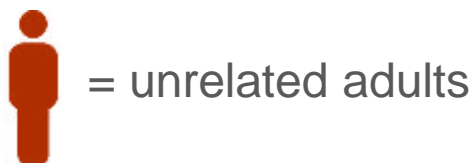
No off-street parking requirement

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



**Four unrelated adults**  
**Unlimited relatives**

Has a minimum off-street parking requirement





How does that compare to peer cities?

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

## LUTI Discussion (Sept. – Dec. 2020): Concerns and Common Values

- Allowing **blended families and some number of unrelated** adults as a household, without a special permit
- Preventing **overcrowding** and **commercialization** of neighborhoods
- **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 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.

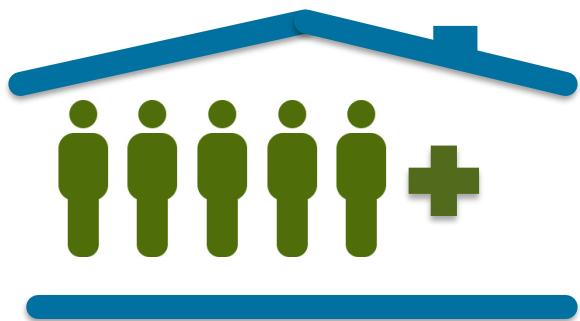


= unrelated adults



= relatives

# What does the LUTI Draft propose?



OR



- Allow households as follows:
  - ✓ Households of any number of people as long as all residents are related (*allowed now*)
- OR
- ✓ Households of up to 5 adults where all adults are not related
  - Allows 5 roommates, a blended family of 5 adults, etc.
  - Does not allow additional adult relatives
  - Does not allow additional adults in larger dwelling units

# 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

# Summary of Proposed Changes



- **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
- **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

# LUTI Discussion (Sept. – Dec. 2020): Concerns and Common Values

- 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 and **prevent concentration**
- **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
- Ensure facilities are not out of **scale** with neighborhoods

## 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



# What revisions were made at LUTI?

- Prohibit community corrections in **single unit (SU), two-unit (TU) and row house 2.5 (RH-2.5) zone districts**
- For “Type 1” facilities (10 or fewer guests), add a requirement to **limit the density of facilities** allowed within a 1-mile radius
- For “Type 2” facilities (11-40 guests on lots larger than 12,000 sq. ft.)
  - Reduce **maximum size to only 20 guests** in SU, TU and RH zone districts
  - In SU, TU and RH zone districts, only allow these facilities **on parcels previously in use for a civic, public or institutional use**, such as unused churches, schools, and government buildings (i.e., not in a house)

# Community Corrections

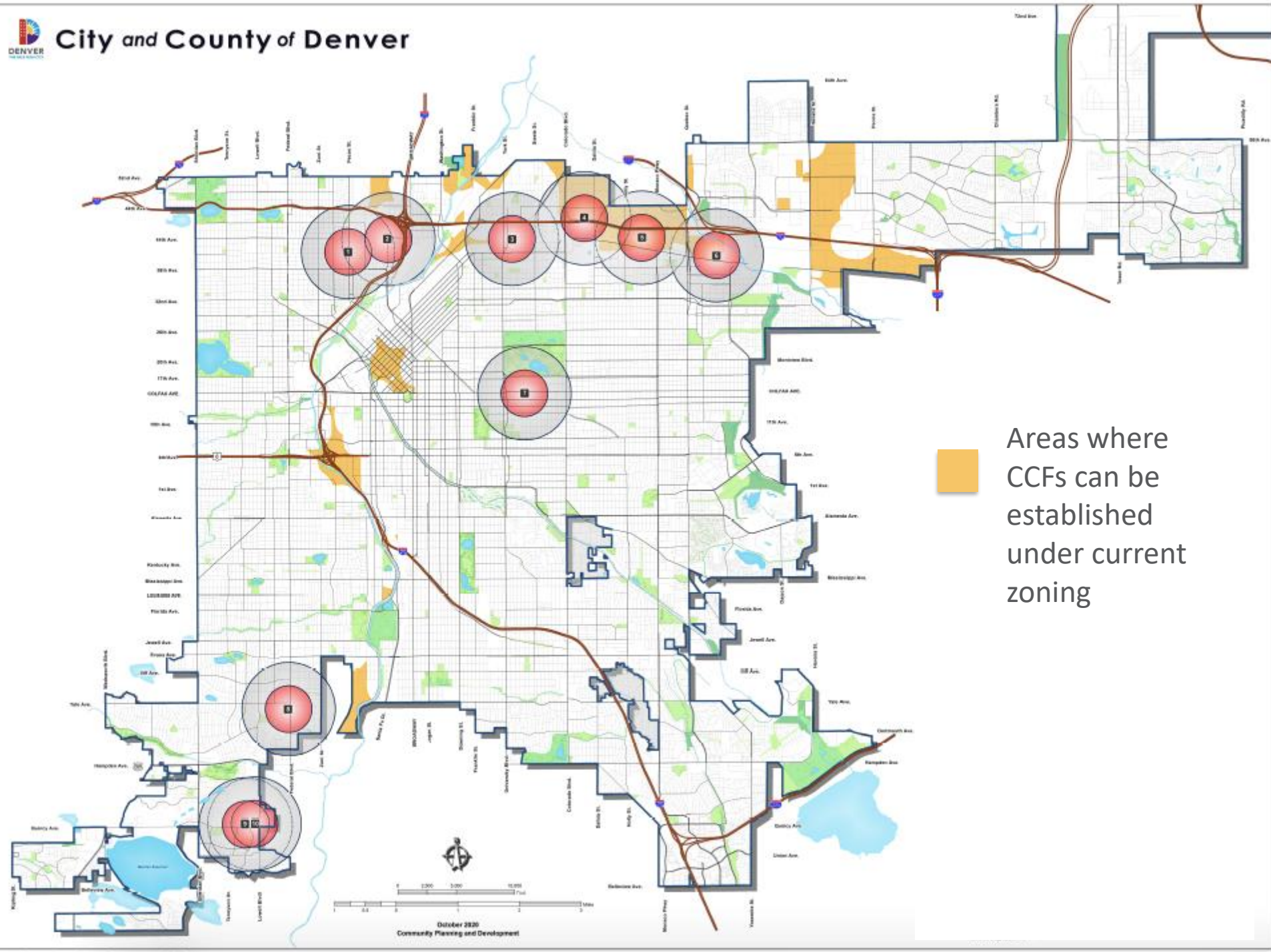


**“The community corrections facility helped with everything**, as far as my housing, healthcare, sobriety, living situation, and **gaining respect from the community**. [Independence House] offers everything like case management, a doctor on site, and it is **a great asset to the community.**”

- Maurice, formerly homeless, former community corrections resident, and Denver Rescue Mission worker

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

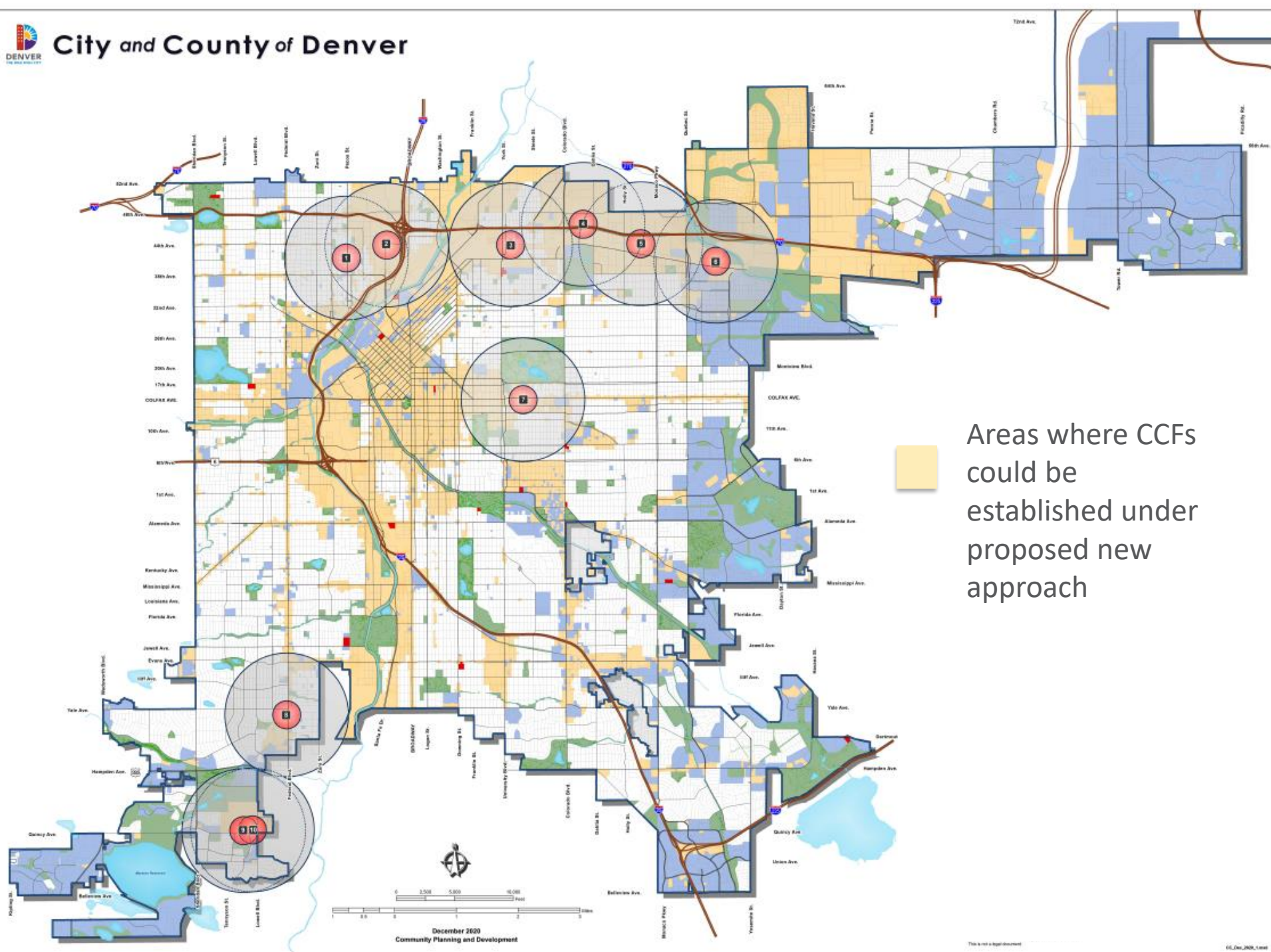
- New facilities could be established in tan areas.
- Approximately 3,200 acres, or approximately 1,200 parcels, most in areas where these uses are already concentrated.
- Where 4,000' (grey) buffers overlap tan areas, presence of other Large Residential Care Facilities would prohibit new CCFs





# Proposed: Expand available space for community corrections, but not in SU, TU and RH-2.5 districts

- Creates a significant expansion of land available for these uses: **from ~3,210 acres today to ~19,000 acres (~15,000 parcels)**
- 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.



# Staff Report

Available for download in its entirety at  
[www.denvergov.org/groupliving](http://www.denvergov.org/groupliving)



“We deserve the right to live just like anybody else. **Think about your most vulnerable relative** and wonder what would happen to them if you weren’t there. Where will they go? So, this [tiny home village] is providing a place for that.”

- Luna, tiny home village resident

# Three-year Public Process

March 2018 – May 2020	36 Group Living Advisory Committee meetings to define problem, identify and refine solutions. All meetings open to the public and summaries available online.
March 2018 – present (ongoing)	50 public meetings and presentations to Registered Neighborhood Organizations, Inter-Neighborhood Cooperation (INC) and other community groups
August 14, 2018	Public open house held to review and discuss problem statements
January 31, 2020	<b>City Council Briefing</b> (during annual retreat)
February 29, 2020	<b>Planning Board Informational Item</b>
February 11, 22, and 26, and March 4, 2020	Public open houses in locations around the city to present proposed amendments, answer questions, and receive feedback
July 29, 2020	<b>Planning Board informational item</b>
August 3, 2020	CPD written notice of the Planning Board public hearing sent to all members of City Council and registered neighborhood organizations
August 19, 2020	<b>Planning Board Hearing</b> Unanimous Recommendation of Approval (9-0)



# Planning Board Recommendation

1. Request CPD report to Planning Board annually for four years on how well the amendment is achieving the intended goals and unintended consequences particularly in areas vulnerable to displacement. (9-0)
2. Recommend approval with a revision to require a community information meeting prior to application for a Residential Care Type 1 Community Correction Facility in SU, TU, and RH zone districts. (9-0)

# Outreach and Project Awareness

- 5 citywide community workshops attended by nearly 1,000 people
- 50 meetings with RNOs and other community organizations throughout the city
- 36 public meetings of the Group Living Advisory Committee and its subcommittees.
  - The committee had over 40 members representing stakeholders throughout Denver, including multiple RNOs across Denver and INC.
- 5 visits by the GLAC to community corrections facilities, shelters and other existing group living sites
- Thousands of individual emails/comments received from the public and RNOs were used to develop and revise our proposal
- 26 newsletters to promote group living public events and keep people updated as the project progressed
- More than 15 stories in traditional media outlets



Rhinocerospolis site visit, 2018

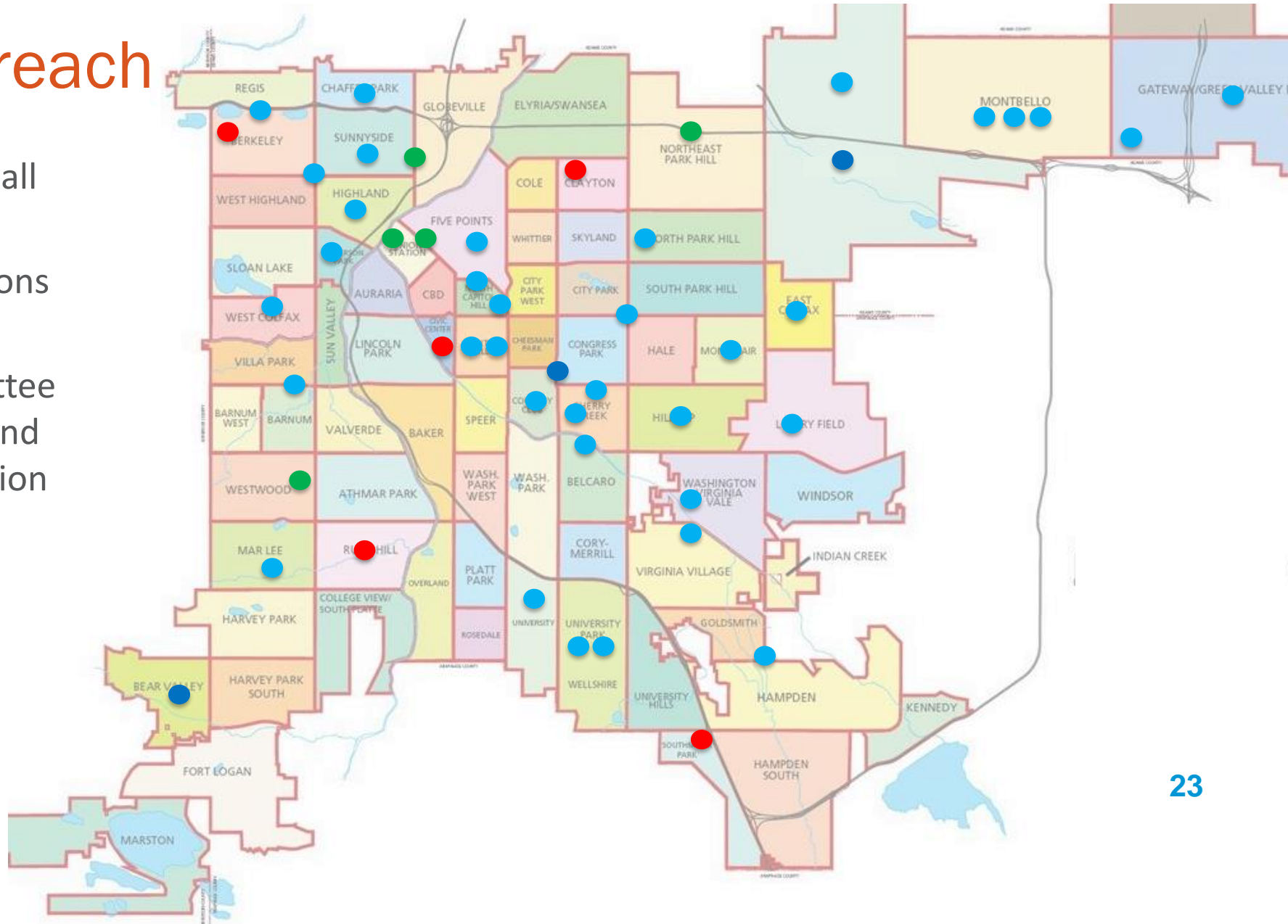


Problem Statement public open house, fall 2018

# Neighborhood Outreach

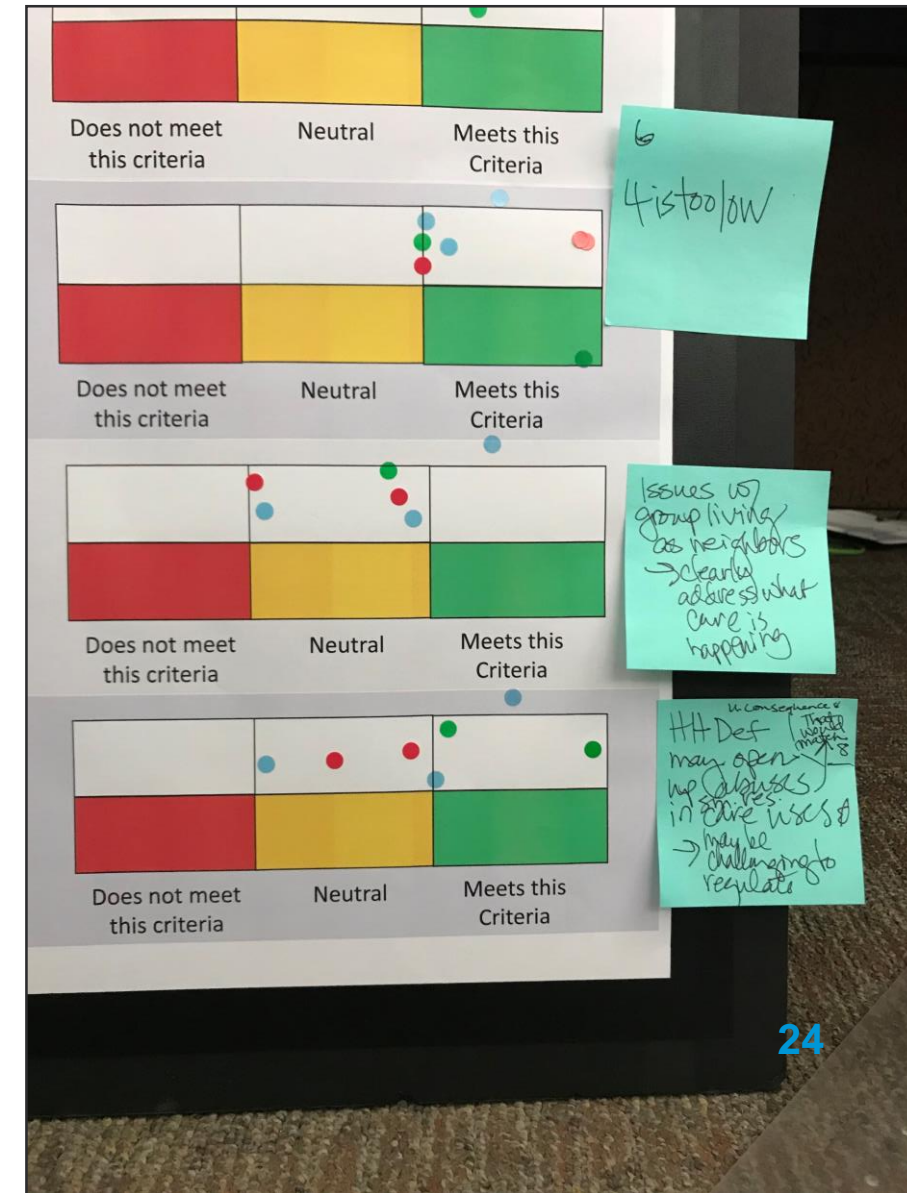
- Staff presentations offered to all RNOs in Spring 2020
- More than 39 RNO presentations made as of December 2020
- Group Living Advisory Committee representation from 8 RNOs and Inter-Neighborhood Cooperation

- Public Open House
- RNO Meeting or Council District Presentation
- Upcoming Presentations
- Meeting or Site Visit



# Community Feedback

- Thousands of comments and several petitions received
- Majority of opinions expressed to date have been in opposition
  - changes arrived at through the LUTI process address many of the concerns expressed in opposition letters
- Members of more than 20 Registered Neighborhood Organizations voted to oppose these changes, including (but not limited to):
  - Lowry, Montbello, Cherry Creek, Country Club, Cranmer Park/Hilltop Civic Association, Country Club
- Some Registered Neighborhood Organizations, and many other community groups support, including (but not limited to):
  - Baker, Curtis Park, Chaffee Park, Capitol Hill United Neighbors
  - Denver Classroom Teachers Association; CO Center on Law and Policy, Interfaith Alliance of Colorado, East Colfax Community Collective, Enterprise Community Foundation, Mothers Advocate for Affordable Housing







# Consistency with Adopted Plans

# Review Criteria (DZC Sec. 12.4.11)

1. Consistency with Adopted Plans
  - Comprehensive Plan 2040 (2019)
  - Blueprint Denver (2019)
  - Housing an Inclusive Denver (2018)
2. Public Health, Safety and Welfare
3. Uniformity of District Regulations and Restrictions



# Comprehensive Plan



- Implements city policies for creation of complete range of housing option in every neighborhood
- Promotes programs to help individuals and families, especially those most vulnerable to displacement, reduce housing costs
- Helps ensure that city regulations enable a range of flexible housing options to meet the needs of all residents



- Expanded outreach, meeting requirement helps strengthen trust and communication between the city and all neighborhoods
- Renter outreach, community information meeting requirement helps improve the engagement and representation of all Denverites, including communities of color, in neighborhood groups and city processes

# Blueprint Denver

- Ensures land use regulations “support modern and equitable approaches to housing options...”
- “...provide a more inclusive definition of households.”
- expands “the allowance of flexible and affordable housing types”
- Developed through “robust and inclusive community input process”



# Blueprint Denver, continued



- Expands flexible housing opportunities citywide.
- Enables providers to increase the range of housing options so that people of all incomes and life circumstances can live where they have access to health care, food and other daily needs.
- Allows people to choose how they want to live, without fear that housing is in violation of zoning.
- Allows for creative new and re-emerging housing types like single-room occupancy, tiny home villages, co-living and other approaches, subject to existing building and safety regulations.

# Housing an Inclusive Denver

- Expands options for residents experiencing homelessness
- Allows provider integration across housing continuum
- Allows for evolving models of residential care and housing



# Review Criteria (DZC Sec. 12.4.11)

## 1. Consistency with Adopted Plans

- Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- Housing an Inclusive Denver (2018)

## 2. Public Health, Safety and Welfare

- Furthers public health safety and welfare by implementing adopted policies for enabling more housing options for all populations, removing barriers to obtaining legal and safe housing, rectifying discriminatory zoning codes, and by creating more predictable, transparent city processes.

## 3. Uniformity of District Regulations and Restrictions

- Will result in processes and regulations residential uses that are uniform within each zone district in which these uses are allowed.

# CPD Recommendation

Staff recommends that the Council adopt this text amendment, based on a finding that all review criteria have been met, and recommends that the LUTI committee forward it for a public hearing and vote.



# Next Steps

Review Process Step	Timeline
City Council Land Use, Transportation and Infrastructure (LUTI) Committee	December 22, 2020
City Council first reading	January 11 (tentative)
City Council public hearing	February 8 (tentative)
Former Chapter 59 Bridge Amendment	Early 2021
Post-Adoption Monitoring	Annually after adoption

All materials are available for review at [denvergov.org/groupliving](https://denvergov.org/groupliving).

Visit with staff during virtual “Office Hours,” Thursday afternoons and evenings – Schedule at [www.denvergov.org/groupliving](https://www.denvergov.org/groupliving)

Provide written feedback to project manager Andrew Webb at [andrew.webb@denvergov.org](mailto:andrew.webb@denvergov.org). Comments are archived on the project website and will be provided to City Council when final action is taken.