

# Group Living Advisory Committee

## Final Full Committee Meeting

**Date and Time:** May 27, 2019, 1:05 PM – 3:30 PM

**Location:** Virtual Meeting on Webex

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### Attendees

#### GROUP LIVING ADVISORY COMMITTEE MEMBERS

Heidi Aggeler, Paul Bindel, Shannon Carst, Christopher Conner, Terrell Curtis, Don Elliott, Mimi Florance, Brice Hancock, John Hayden, Michael Henry, Rachel Keeven, Greg Mauro, Joel Noble, Lex Papesh, James Ronczy, Bill JR Rutherford, Paul Scudo, Sarah Wells

#### DENVER COUNCIL MEMBERS

Candi CdeBaca, Kevin Flynn, Robin Kniech, Deborah Ortega, Jamie Torres

#### GUESTS

Approximately 290 interested community members were present.

#### DENVER STAFF MEMBERS

Andrew Webb, Kyle Dalton, Edson Ibanez, Sayre Brennan, Libby Kaiser, Nate Lucero, Tina Axelrad, Steve Elkins, Liz Wiegel

#### FACILITATOR

Meagan Picard

### Meeting Summary

#### 1. WELCOME, VIRTUAL MEETING ORIENTATION, AGENDA AND AGREEMENTS

Meagan Picard started the meeting at 1:05 p.m., welcoming everyone and explaining that the purpose of this final meeting of the full Group Living Advisory Committee is 1) review public feedback on the committee's draft recommendations, 2) consider revised staff recommendations (drafted in response to public feedback), and 3) seek final consensus recommendations from committee members. Andrew Webb gave instructions for navigating the Webex platform in this online meeting, then Meagan gave an overview of the agenda and reminded committee members of the group process agreements and decision-making criteria.

#### 2. RECAP OF FEBRUARY PROPOSALS AND FEEDBACK RECEIVED

Andrew reviewed the committee recommendations that were rolled out to the public in February and March in four public meetings, at a variety of neighborhood and other meetings and on the city website. He also shared a summary of feedback received from the public.

Support included:

- 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

Concerns included:

- 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.
- Concern and questions about how these regulations impact Short-Term Rental, which Andrew indicated are not impacted by changes to the group living section of the Denver Zoning Code (DZC)

### 3. PROPOSED REVISIONS TO HOUSEHOLD REGULATIONS

Andrew shared the changes that staff members are recommending in response to public input.

These include:

- Reduce “base” number of permitted unrelated adults in all dwelling units from February 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

Details are shown on slides 13-16 of the presentation ([link](#) to presentation)

Meagan then facilitated discussion on these proposed revisions, first taking questions to ensure understanding and then comments for each other to consider when giving their final recommendations. Discussion items included:

- Parking: what determines a parking space? Staff noted the Zoning Code's existing language on parking space requirements.
- Nonprofit: Paul Bindel noted the importance of the new definition of nonprofit household.
- Maximum number of people permitted to live together: Don Elliott noted that the limits of 5 and 10 adults living together are connected to the building code.
- Enforcement Several participants asked for clarification of enforcement procedures. Staff noted that enforcement of these additional requirements for larger households would be handled by CPD's Zoning and Neighborhood Inspection Services division, in response to 311 complaints.
- Joel Noble suggested that staff consider clarifying or removing language in the proposed definition about renting a room, and retaining the existing Rooming and Boarding as an Accessory Use to address those scenarios.

Committee members were polled on the staff recommended revisions with 18 members in support of or can live with the changes, 1 abstained and 3 against. Regarding the no votes, Bill Rutherford noted that he has talked with many neighbors and that a lot think five is too many, though agreement to get to maximum of five adults living together might be possible (not ten). It was suggested that ten feels like a big number, though it was noted that data show very few households (less than 2%) with more than six adults. Other committee members said they could not support a cap of five adults. A participant said that the proposed change would be unprecedented, while another said "unprecedented" is "a stretch". Sarah Wells gave a passionate request for support for no less than the staff-proposed compromise, saying that cooperative living is increasingly important in light of economic stress as a result of COVID-19.

Three additional polls were taken:

- Regarding Joel's recommended change: 16 members in support of or can live with the changes, 1 abstained and 3 against.
- Suggestion from Bill to cap at 5 adults living together: 2 members in support of or can live with the changes, 1 abstained and 17 against.
- Suggestion to allow 6-10 adults to live together with permit: 12 members in support of or can live with the changes, 1 abstained and 7 against.

#### 4. PROPOSED REVISIONS TO RESIDENTIAL CARE REGULATIONS

Andrew shared the staff-proposed revisions to residential care regulations in response to concerns about parking, safety and operational concerns; property value impacts and commercialization/redevelopment of residential properties for small residential care facilities (11-40 guests).

Proposed revisions include:

- 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)
- Increases current minimum lot size from 6,000 square feet (11.2.9.1.D.4) to 12,000 square feet for facilities serving 11 or more guests.
- 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.

Meagan again facilitated discussion on these proposed revisions, including questions to ensure understanding and comments for each other to consider when giving their final recommendations. Discussion items included:

- Mimi Florance expressed concern about a client of hers being able to site a facility on due to 12,000 square feet lot requirement and about consolidation of the residential care categories, but there was no movement to suggest a change.
- Bill expressed concern over the increased number of guests in the definition of “small” facilities, particularly in relation to them being allowed in SU, TU and RH districts.
- Don supported the new categories and urged the committee to “not go backward”.
- Councilwoman Kniech expressed urgency for getting these changes in place.
- Councilwoman CdeBaca said that shelters and community corrections facilities are not protected by FHA but noted that protected classes are disproportionately represented in those care facilities.

Two polls on committee recommendations were taken (some GLAC members left the meeting or did not vote in these polls):

- Staff-proposed revisions: 16 members in support of or can live with the changes, 1 abstain, 1 against.
- Prohibit small facilities in SU, TU and RH districts: 2 members in support of or can live with the changes, 13 against.

## 5. CLOSE

Andrew shared next steps, which include public review of the detailed text amendment, Denver Planning Board review and then review and vote by Denver City Council. Meagan thanked everyone for attending and participating and gave kudos to committee members for their work on this over the past two years. Kyle shared gratitude on behalf of the City of Denver and encouraged committee members to continue to work with people in their networks to build understanding of the changes and to support next steps in this process. With that, the meeting was closed.

