

Group Living Advisory Committee Meeting

Date and Time: Monday, October 8, 2018, 1:00-4:00 PM

Location: Webb Municipal Building

Attendees

ADVISORY COMMITTEE MEMBERS

Bill Rutherford
Terese Howard
Cole Chandler
Polly Kyle
Rose Rodriguez
Lex Papesh
Kevin Priestley
Terrell Curtis
Reid Reynolds
Paul Bindel
Sara Wells
Jamie Giellis
Kristen Lewis
Robert Fisher
Michael Henry
Loretta Koehler
Chris Coddington
Paul Scudo

DENVER ELECTED OFFICIALS

Robin Kniech
Deborah Ortega

DENVER PLANNING BOARD MEMBER

Don Elliott
Heidi Aggeler

DENVER STAFF

Andrew Webb
Eugene Howard
Will Lindsey
Edson Ibanez
Kyle Dalton
Tina Axelrad
Nate Lucero
David Gaspers

FACILITATOR
Meagan Picard

Agenda

Time	Topic	Objective(s)
1:00 – 1:25	Welcome and Check In	Connect and share: Greet each other and share 1 thing want from others during problem-solving; review public meeting results
1:25 – 1:30	Meeting Agenda and Objectives	Orient to now: Review agenda and meeting objectives
1:30 – 2:00	Blueprint Denver Presentation with Q&A	Learn: How Blueprint relates to group living
2:00 – 2:30	Fair Housing Act Presentation with Q&A	Learn: Fair housing considerations for group living
2:30 – 3:00	Decision-making Criteria <ul style="list-style-type: none">• Rapid refinement process	Decide: Establish criteria to be used for decision-making on all solutions to be considered in phase 3 of this project
3:00 – 4:55	Problem Resolution 1: Household Definition <ul style="list-style-type: none">• Staff presentation of options and preferred alternative• Criteria-based review of alternatives• Community-oriented decision-making process	Solve: Reach consensus on solution
4:55 – 5:00	Gratitude, Next Steps and Close	Improve: Gather ideas on how we can improve decision-making process

Meeting Summary

1. WELCOME AND CHECK-IN

Meagan Picard opened the meeting and welcomed participants. Committee members greeted their neighbors and shared something they need from each other in decision-making deliberations.

2. MEETING AGENDA AND OBJECTIVES

Meagan reviewed the agenda as listed above, along with key objectives, a reminder about group process agreements and a few housekeeping items. She also shared that the desired outcome of the meeting is to reach consensus on household definition. If that is not possible, the next best outcome would be to reach consensus that is contingent on a later decision (e.g. parking). The third best outcome would be to reach near-consensus with dissent clearly identified.

3. BLUEPRINT DENVER PRESENTATION

David Gaspers gave a presentation on aspects of Blueprint Denver related to group living. The committee commented that the group living zoning code update work seems to be line with Blueprint Denver. A participant also noted that there has been lack of diversity among community members that have participated in the Blueprint process. (Note: staff checked on this in follow-up and found: *There have been many “touch points” with residents during the Denveright Blueprint update process, some of which collected voluntary demographic information (e.g. online surveys) and some which did not. Information from those opportunities where demographic information was collected, as well as observations of participants at meetings, shows that there has been involvement by non-white residents. As is the case in many planning processes, participation by communities of color, youth and other cohorts has been proportionally lower than those populations’ representation in the makeup of the city, but the Blueprint team continues its efforts to engage these populations by presenting to community organizations, churches, etc. and is always seeking new ideas for engaging broader cross-sections of the city’s residents.*)

4. FAIR HOUSING ACT DISCUSSION

Tina Axelrad (Zoning Administrator) and Nate Lucero (City Attorney’s Office) shared their perspectives on the Fair Housing Act as it relates to group living and engaged the committee in discussion. It became clear that it would be valuable to have city regulatory and/or legal staff present when working on problems or proposed amendments to the code to ensure they are not in conflict with the Fair Housing Act.

5. DECISION-MAKING CRITERIA

Meagan led shared draft criteria and shared that these criteria will be used to evaluate potential solutions using these criteria as minimum specifications for continuing to consider options. Minimum specifications are conditions that, if not met, the committee’s definition of success cannot be achieved and/or the option is not feasible to administer/enforce. This means that if a proposed solution fails one or more of the criteria, it should be removed from consideration. Remaining options will be reviewed in terms of what can best balance community hopes and concerns and make best progress toward each group’s ideal future statement.

The committee worked in small groups to consider modifications to the draft criteria and whether any additional criteria should be included. They did not add any criteria, but they simplified the unintended consequences criterion. The final list of criteria to be used for evaluating all proposed solutions is as follows:

- 1) Is **consistent with adopted plans** (Pass/Fail - Must Pass per Charter 3.2.9(C) and DZC 12.4.11.4.A)
- 2) Is **equitable** – not necessarily equal – **in terms of neighborhood policies and impact**
- 3) Provides for **more affordable and attainable housing options** across the full range of resident incomes, considering creative options in the process
- 4) **Limits potential for unintended consequences**
- 5) Is **clear to administer and enforce**
- 6) Is **clear and predictable** to all stakeholders
- 7) Uses **language that is consistent** with relevant city, state and federal regulations
- 8) Is **enforceable** with **minimal entry to properties** by Zoning & Neighborhood Inspection Services and other staff

6. PROBLEM RESOLUTION 1: HOUSEHOLD DEFINITION

Andrew gave a presentation on:

- The **current household definition in the Denver Zoning Code (DZC)**: Permits two unrelated adults, plus an unlimited number of certain specified relations in Single Unit (SU) zone districts; Requires Home Occupation permit for Foster Family Care and Rooming and Boarding (1+ roommates in SU);
- Staff review of peer and neighboring cities: Majority of Colorado and peer cities studied **include foster care/legal guardianship** in Family and/or Household definition, and number of unrelated individuals allowed to live together ranged from 2 (Englewood and Denver) to 8 or more (Seattle, most California municipalities, etc.).
- Staff recommendation to include foster care/legal guardianship as part of a modernization or broadening of the Family and/or Household definition; and
- Five alternative solutions regarding unrelated adults identified and analyzed by staff using draft criteria and summary of results: see unrelated adults discussion summary below.

Committee members recommended that **foster care/legal guardianship should be included in the definition of related household members**. This decision was made via electronic polling with 89% in support and 11% saying that they can live with it.

The process to reach a decision on unrelated adults was much lengthier and more involved. Alternative solutions presented by Committee members included:

- 1) **Up to 8 unrelated adults per dwelling unit** (city preferred alternative)
- 2) **2 persons per bedroom with maximum of 8 unrelated adults** (passed minimum criteria)
- 3) **Unlimited number of unrelated adults** (passed minimum criteria)
- 4) **Number of unrelated adults by square footage of dwelling unit** (failed minimum criteria because: Regulation by square footage was intentionally removed from Zoning

Code in 2010 update, it is difficult to enforce and it is not preferred by Neighborhood Inspection Services staff due to need to enter home to enforce.)

- 5) **Number of unrelated adults by off-street parking spaces** (failed minimum criteria because: DZC does not require off-street parking in SU districts, and parking is not a good measure of appropriate density and vehicle ownership is evolving and not assumed of all residents.)

Committee members reviewed the list of alternatives, discussing whether they wanted to modify any of the options and/or add other options to the list of three alternatives that passed staff's assessment of minimum criteria. High-level results of those discussions are as follows:

Alternatives determined to be viable by staff analysis of criteria:

- A. **Max of (8) unrelated adults Per Dwelling Unit Some preference indicated**
- B. **2 persons per bedroom, max of (8) unrelated adults**
- C. **Unlimited number of unrelated adults Per Dwelling Unit Some preference indicated**

Alternatives determined not to be viable by staff analysis of criteria:

- D. **By Dwelling Unit Square Footage Some preference indicated, though other alternatives being sought to achieve similar results without violating minimum criteria**
- E. **By parking spaces**

Alternatives proposed by Advisory Committee

- F. **Max of (8) unrelated adults Per Dwelling Unit with process to allow more than 8 in some circumstances (variation on A)**
- G. **2 persons per bedroom, no maximum (variation on B) Some preference indicated**

Comments on Alternative A:

- Is 8 an arbitrary number?
- Easy to regulate
- Would result in intrusive inspections
- What about parking?

Comments on Alternative B:

- Opens up door to unintended consequences, such as people building more bedrooms in homes
- Avoid “run on bedroom building”
- Define Bedroom clearly
- Strike Max 8 adults

Comments on Alternative C:

- Would default to building code, may be difficult to enforce

Comments on Alternative D:

- Pro: Simple – nothing in zoning, keep it all in building code
- Cons: No regulation in Building Code on persons per square foot.
- Difficult to enforce – requires measurements

Comments on Alternative E: None

Comments on Alternative F:

- Cons: what about bathrooms? Should there be a limit on people per bathroom?

Comments on Alternative G:

- What is appropriate process?
 - Variance?
 - Must have very clear regulations criteria for variance
 - Variance requests are very complicated
 - Automatic expansion if additional bedrooms

General comments:

- When the city limited the number of unrelated adults, they were responding to concerns about issues that are addressed in other codes (like DRMC) such as noise and maintenance. That code would still be in effect here.
- Put Dwelling Unit definition in writing
 - Note: here is DZC definition: **Dwelling:** Any building or portion of building that is used as the residence of one or more households, but not including hotels and other lodging accommodation uses, hospitals, tents, or similar uses or structures providing transient or temporary accommodation with the exception of an accessory Short-term Rental.
- Clarify: # of children permitted, # of families that can live together

Due to more time taken on earlier agenda items, a decision was unable to be made prior to the close of this meeting.

7. NEXT STEPS AND CLOSE

It was agreed to table the discussion and pick up from where the committee left off in another full committee meeting to consider a narrowed list of options:

- 1) Max of (8?) unrelated adults per Dwelling Unit, with consideration for the appropriate maximum number (8 or other)
- 2) Unlimited number of unrelated adults per Dwelling Unit, with additional consideration for whether or not this option may result in negative unintended consequences
- 3) 2 persons per bedroom, no maximum

One committee member continued to want to include square footage as a regulatory option, but it was eliminated due to failure to meet minimum criteria.

With agreement to continue discussion as described above, the meeting was concluded.