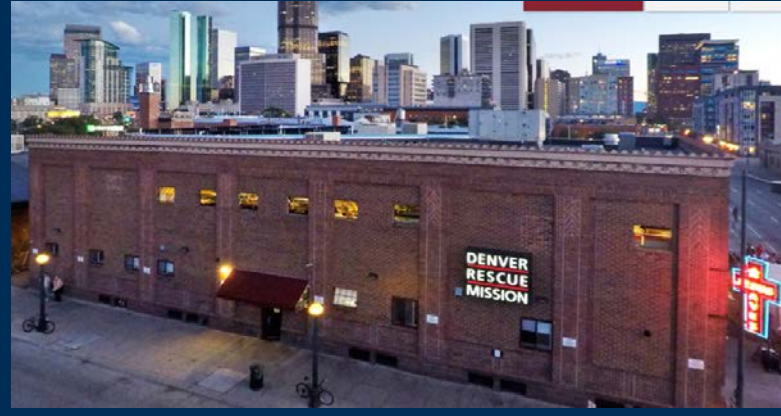


# Group Living Code Amendment

## Phase III Workshop 2 (Household Definition, Continued)

Tuesday, October 30, 2018



# Welcome & Check-In

## Connection and Appreciation



# Today's Agenda

Time	Topic	Objective(s)
4:00 – 4:15	Welcome, Agenda, Recap and Objectives	Welcome and Orient
4:15 – 4:45	Present and Discuss 3 Alternatives	Learn
4:45 – 5:15	Small Group Workshops <ul style="list-style-type: none"><li>• Poster Exercise: Analyze against criteria</li></ul>	Decide
5:15 – 5:50	Report Out and Refine <ul style="list-style-type: none"><li>• Seek agreement on final recommendation</li></ul>	Solve
5:55 – 6:00	Gratitude, Next Steps and Close	Improve

# August Open House recap

## Public comment:

- Support for expanding number of unrelated people permitted to live together
- Support for flexibility and variety of affordable housing options, creative spaces, etc.
- Support for changes to address need for shelter, community corrections, etc.
- Concern about concentrations of poverty, services in neighborhoods
- Support for updating spacing and density regulations for clarity and enforceability

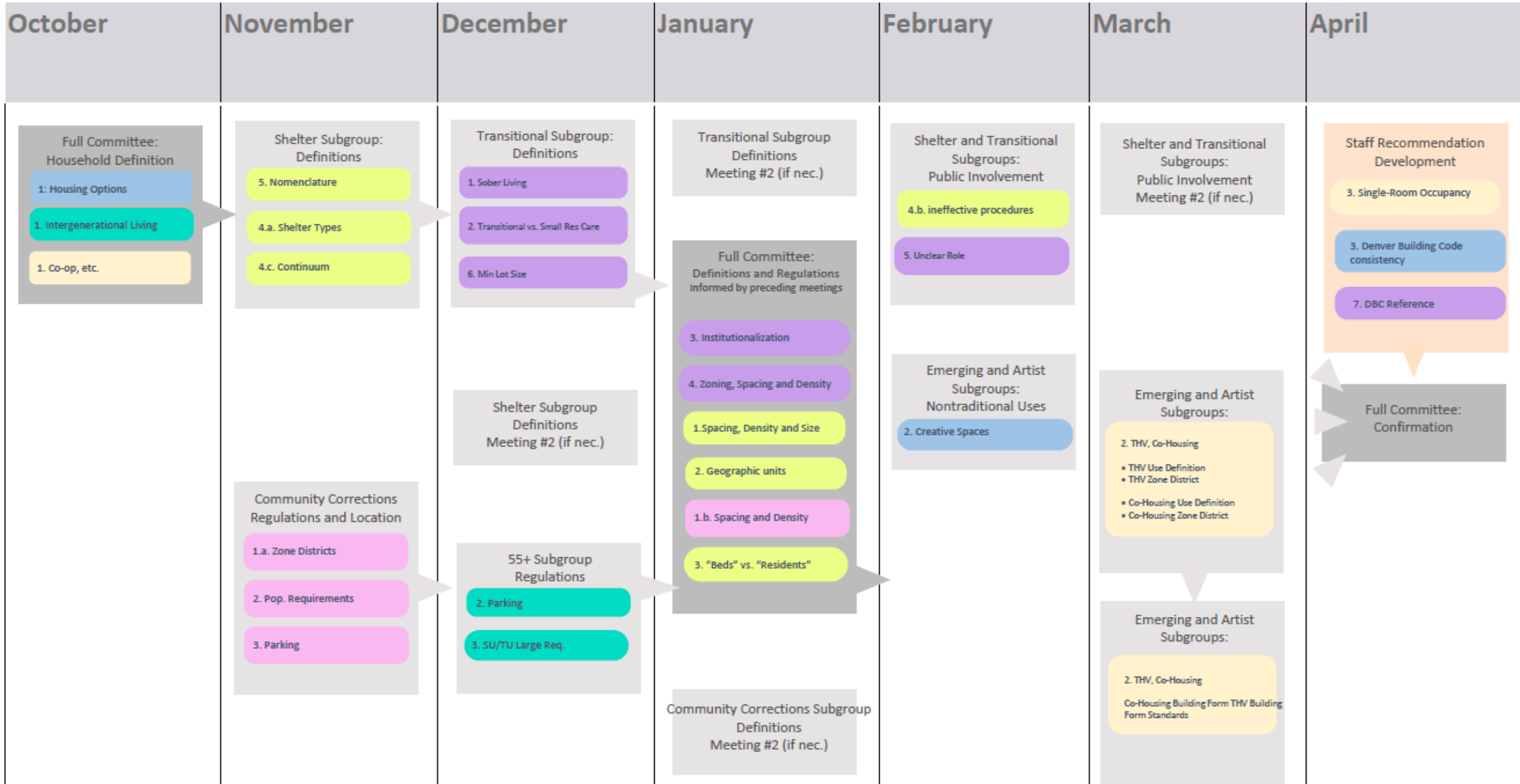
# Proposed Phase III schedule

What?

Where?

How?

Recommended Change



# Schedule Problem Statement Key

## Emerging Uses

1. The Zoning Code's Definition of Household is too restrictive, limiting the number of people who can live together

2. Co-Housing, Tiny Home Villages and other nontraditional uses are not clearly addressed with regard to appropriate zone districts, building form standards or use definitions, limitations and other city regulations

3. Single Room Occupancy is categorized as a lodging use, which may be negatively impacting its development as an attractive group living option

## Artist/DIY/Coop

1. The Denver Zoning Code's definition of "Household" places limits on the number of unrelated individuals who can live together, inhibiting the development of non-traditional residential typologies like artist housing, cooperative housing and co-living.

2. The Denver Zoning Code's Household and Group Living definitions and use limitations make it difficult to establish creative spaces that combine low-cost housing with flexible performance venues, assembly and gallery venues, and the narrow "Live/Work Dwelling" category has proven inapplicable to such uses.

3. Key terminology used in the Denver Zoning Code is not always consistent with corresponding language in the Denver Building Code, causing delays and additional expense as staff and property owners resolve the conflicts.

## Community Corrections

1. Demand exists for additional Community Corrections capacity, but current regulations limit possible locations for new facilities, or expansion of some existing uses.

- a. Permitted Zone District Component
- b. Spacing and Density Component

2. Population Density requirements need revision to better align with state and federal regulations

3. Vehicle parking requirements exceed demand and take up space that could be used for expansion or additional programs

## Shelter

1. Current limitations on spacing, density and size for shelters are difficult to administer and have unintended consequences, including overreliance on emergency determinations to expand existing facilities and continued concentration of legacy facilities in certain neighborhoods.

2. City Council districts are the wrong geographic units for regulating the maximum number of beds for shelters as permanent, primary uses

3. The terms "bed" and "Residents" are used inconsistently, and the use of "beds" as a measure of facility size does not reflect best practices for limiting the size of shelters

4.a. Definitions of shelter types are confusing...

4.b. ...have ineffective and inequitable public involvement procedures...

4.c. ...and make it difficult to combine a continuum of housing types and services in one facility

5. The specific use type name of "Shelter for the Homeless" needs to be updated.

## Transitional/Special Care Housing

1. Sober Living homes not clearly identified and regulated as a group living use

2. the distinction between services provided in a transitional housing setting and a special care home facility are unclear

3. Small Residential Care facilities contribute to the concentration of services and "institutionalization" of neighborhoods but face far fewer requirements than large residential care

4. Establishment of new large residential care facilities near adequate transit and services is limited by zoning, spacing and density requirements.

5. Neighborhood role in permitting decisions is unclear and difficult to explain to the public, especially for small residential care facilities

6. Minimum 6,000-foot lot dimension for res care facilities may have the effect of concentrating them in suburban neighborhoods

7. Section 11.2.9.1.F, specifying compliance with the Denver Building and Fire Code, is redundant, as all residential uses must comply with the Building and Fire Code

## 55+/Adult/Senior Care

1. The Zoning Code's fixed number of unrelated adults who may live together regardless of the size of a home or number of bedrooms limits opportunities for intergenerational living and other desired uses

2. Vehicle parking requirements for Assisted Living Facilities exceed the vehicle parking demand.

3. The Denver Zoning Code stipulates that all Assisted Living Facilities in Single- and Two-Unit neighborhoods should be regulated as Large Residential Care facilities, which has led to inconsistencies in permitting and data collection.

# Progress made Oct. 8

- Recommended inclusion of “**foster care/legal guardianship**” in any list of related individuals in an updated definition of “household”
- Increasing the number of unrelated adults permitted to live in a home
- Three Committee-preferred methods for defining “Household”

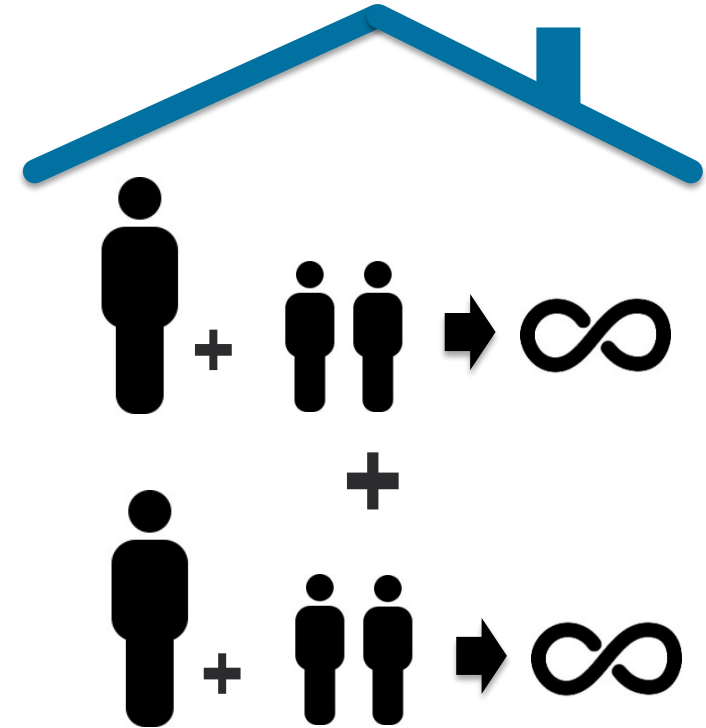
# Goals for today

- Agree on preferred method for defining “Household”
- Consensus on appropriate number of unrelated adults



# DZC Current Household Definition

- Permits two unrelated adults, plus an unlimited number of certain specified relations living together as a housekeeping unit in single unit uses.
- Does not include Group Living uses (residential uses where care or services are provided)
  - Committee will consider Group Living uses throughout the rest of the project
- Requires **Home Occupation permit** for:
  - Foster Family Care
  - Rooming and Boarding (1+ roommates in SU)
- Complicates desired uses
  - Cooperative Housing
  - Co-Living
  - Co-ownership of homes



# Requested Definition and Information

**Definition of Dwelling Unit:** One or more habitable rooms constituting a unit for permanent occupancy, having but one kitchen together with facilities for sleeping, bathing, and which unit occupies a structure or a portion of a structure.

**Number of children/family members permitted by current code:**

- no limit.

**Number of families that can live together per current code:**

- Code permits two unrelated adults and any number of relatives to each in SU uses, meaning two families may live together, with an unlimited number of relatives to each.

# Peer Cities Review: Unrelated Adults Allowed in Single Unit

2	3	4	5	6	8	Unlimited
<b>Denver</b>	Boulder	Aurora	Arvada	Austin, TX	Seattle, WA	Most California Cities
Englewood	Commerce City	Brighton	Castle Rock	Bend, OR	Vancouver, WA	Bend, OR
	Fort Collins	Golden	Colorado Springs	San Diego, CA*		
	Littleton	Northglenn	Lakewood	Spokane, WA		
	Loveland	Thornton	Longmont	Portland, OR		
	Wheat Ridge	Westminster	Parker			
	Salt Lake City, UT	Las Vegas, NV	Unincorporated Adams Co.			
	Minneapolis, MN	*Boston, MA	Unincorporated Arapahoe Co			
		New Orleans, LA	Albuquerque, NM			
			Boise, ID			
			Kansas City, MO			
			Oklahoma City, OK			
			Phoenix, AZ			
			Portland, OR			

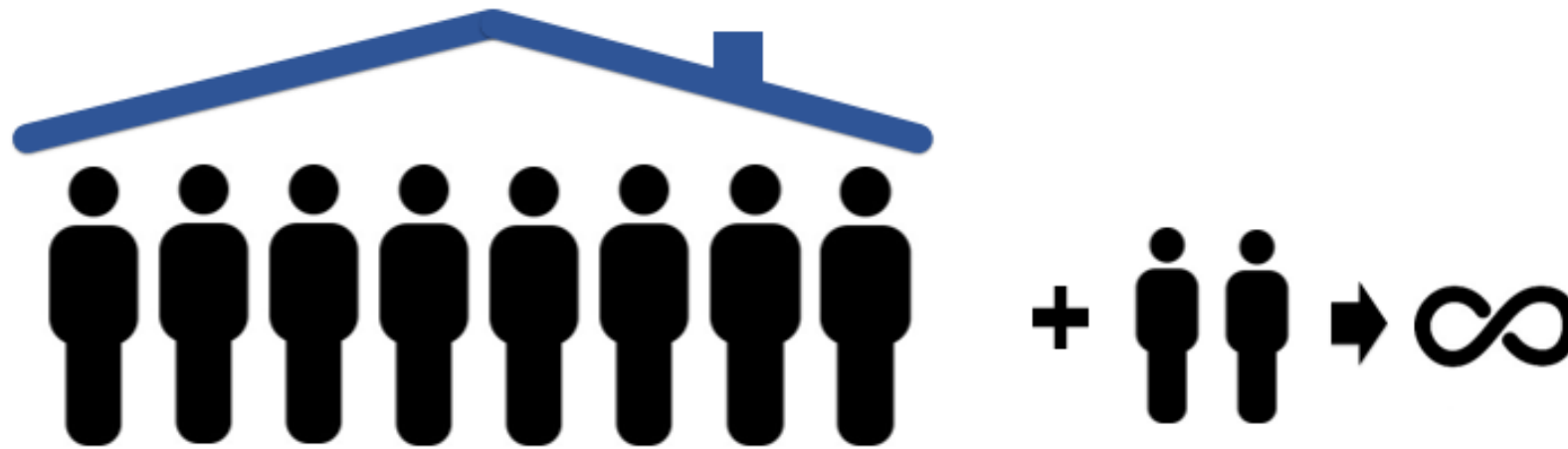
**Notes:**  
 \*More under certain circumstances  
 All cities surveyed permit unlimited family members  
 Nearly all regulated by Dwelling Unit

# Expanded Decision-Making Criteria

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** perceived as negative or in conflict with community character, economic viability and existing or future plans and policies
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

# Committee Preferred alternative 1

Max of (8) unrelated adults Per Dwelling Unit

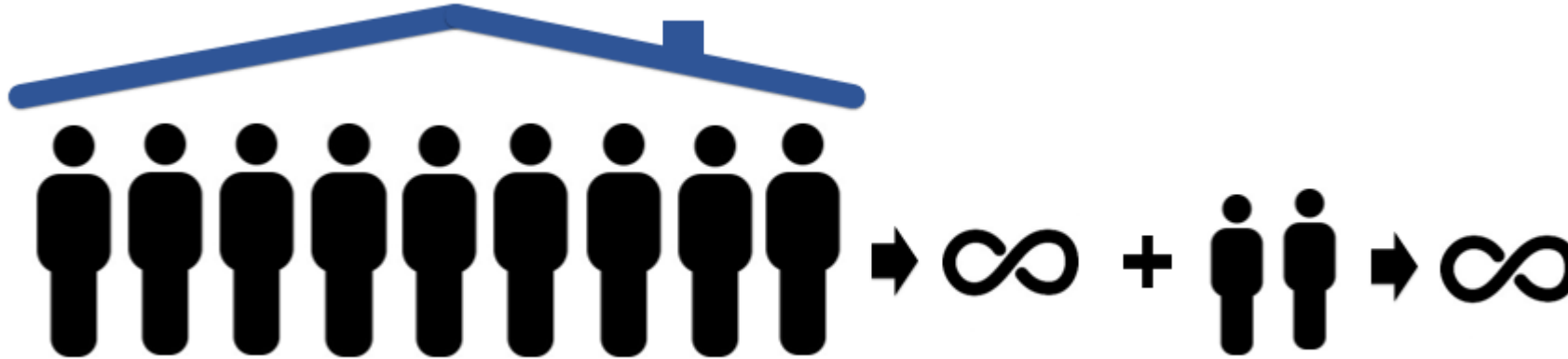


Notes:

- Staff-recommended alternative
- Dwelling Unit is clear measurement for enforcement

# Committee Preferred alternative 2

Unlimited number of unrelated adults Per Dwelling Unit

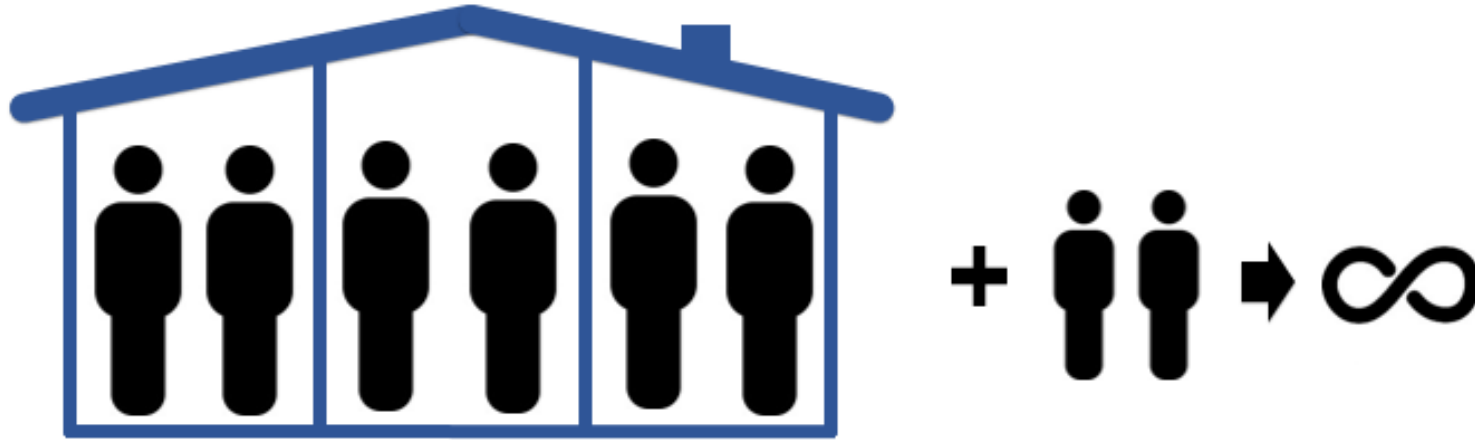


## Notes:

- Building and Fire Code does not require a certain square footage per person in a conventional dwelling unit
- State Health Codes do not set recommended or minimum square footage per person in a dwelling unit.
- Dwelling Units are only required to have one bathroom.
- More than 16 residents (related or unrelated) triggers additional Building and Fire Code requirements.
- Number of residents could exceed the 8-person threshold for what Federal and State group home laws require be accommodated in residential neighborhoods

# Committee Preferred alternative 3

Max of (2) unrelated adults per sleeping room



## Notes:

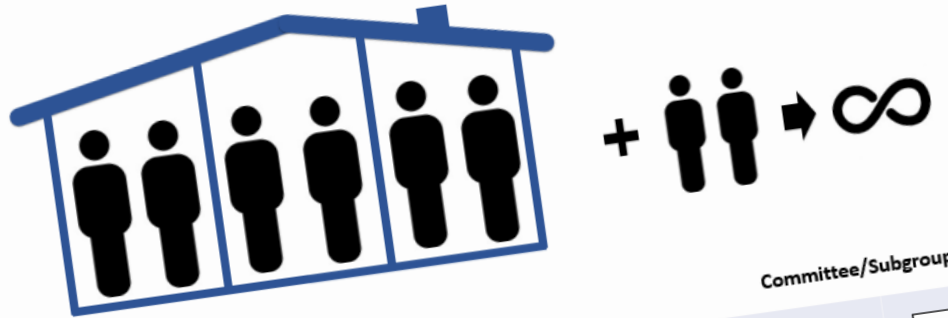
- Sleeping Room as defined by Denver Building and Fire Code: at least 70 square feet, egress/rescue window, closet.
- Presents enforcement challenges
  - adults and unlimited family per room
  - Studio apartments, unenclosed sleeping rooms, etc.
- Not a common practice in other cities

# Poster Exercise

## Instructions:

- Divide into 3 groups
- One alternative/scenario per group
- Consider Committee Charter Criteria (1-3)
- Consider Subgroup Ideal Future/Goals
  - See handouts
- Discuss and make adjustments
- Report out

**Committee Preferred Alternative 3: Two Unrelated Adults Per Bedroom, No Maximum**

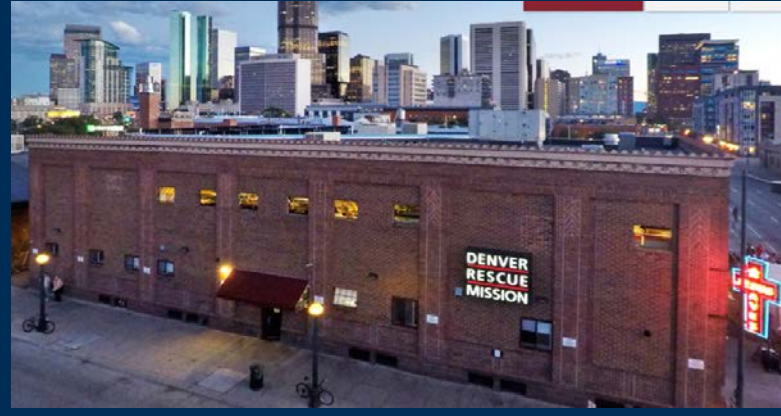


City Criteria			Committee/Subgroup Criteria				
Criteria	Does not meet this criteria	Neutral	Meets this Criteria	Criteria	Does not meet this criteria	Neutral	Meets this Criteria
1. The proposed change is consistent with adopted plans (Pass/Fail - Must Pass per Charter 3.2.9(C) and DZC 12.4.11.4.A)	Does not meet this criteria	X	Meets this Criteria	1. The proposed change is equitable – not necessarily equal – in terms of neighborhood policies and impact	Does not meet this criteria	Neutral	Meets this Criteria
2. The proposed change is clear to administer and enforce	Does not meet this criteria	X	Meets this Criteria	2. The proposed change provides for more affordable and attainable housing options across the full range of resident incomes, considering creative options in the process	Does not meet this criteria	Neutral	Meets this Criteria
3. The proposed change is clear and predictable to all stakeholders	Does not meet this criteria	X	Meets this Criteria	3. The proposed change limits potential for unintended consequences perceived as negative or in conflict with community character, economic viability and existing or future plans and policies	Does not meet this criteria	Neutral	Meets this Criteria
4. The proposed change uses language that is consistent with relevant city, state and federal regulations	Does not meet this criteria	X	Meets this Criteria	4. The proposed change moves toward Ideal Future State/Subgroup Goals	Does not meet this criteria	Neutral	Meets this Criteria
5. The proposed change is enforceable with minimal entry to properties by Zoning & Neighborhood Inspection Services and other staff	Does not meet this criteria	X	Meets this Criteria				



# Group Living Code Amendment

## THANK YOU



# Procedures: Variance, ZPIN, ZPSE

## ZPIN: Zoning Permit Review with Informational Notice Notification

- Required for some uses per District Specific Standards
- Written notice to RNO, Council Members,
- Posted notice (sign)
- Provides public comment period and appeal process
- Must meet specific DZC criteria

## ZPSE: Zoning Permit with Special Exception Review

- Required for some uses per District Specific Standards
- Written notice to RNO, Council Members
- Posted Notice (sign)
- Public Hearing by Board of Adjustment
- Must meet specific DZC criteria

## Variance

- Allows modification to some zoning regulations in limited circumstances
- Typically impacts measurements and dimensions
- Applicant must prove hardship, such as unusual conditions (topography, irregular lot shape, etc.)
- Must meet specific DZC criteria
- Public hearing by Board of Adjustment