

Meeting Summary: Group Living Advisory Committee

January 21, 2020

Wellington Webb Municipal Building, Room 1.B.6., 11 a.m. to 1 p.m.

COMMITTEE MEMBERS

Paul Scudo, Shannon Carst, Bill Rutherford, James Ronczy, Terese Howard, Lex Papesh, Brice Hancock, CW Robin Kniech, Polly Kyle, CW Debbie Ortega, Michael Henry, John Hayden, Joel Noble, Robert Fisher, Paul Bindel

DENVER STAFF AND CITY COUNCIL MEMBERS

Andrew Webb, Kyle Dalton, Courtney Levingston, Sayre Brennan, Edson Ibañez, Keith Peetz (Building and Fire), Scott Prisco (Building and Fire), Steve Elkins (Zoning Permit Review), Nathan Lucero (CAO), Tina Axelrad (Zoning Administrator), Chris Conner (HOST), Laura Brudzynski (HOST), CW Candi CdeBaca, CW Jamie Torres

COMMUNITY GUESTS

George Mayl, Christine O'Connor, Laura Rossbert (and other guests who did not sign in)

FACILITATOR

Meagan Picard

1. WELCOME, AGENDA AND CHECK-IN

Meagan Picard opened the meeting and welcomed everyone. Meagan shared the meeting agenda, reminded of group process agreements and decision-making criteria, asked for agreement by all to follow agreements in this meeting as usual, and suggested that both members and guests use the provided input form to share their perspectives in addition to joining in conversation in order to ensure that all voices get heard.

2. PROJECT UPDATE

After giving a brief update on the project schedule, Andrew Webb gave a presentation on the upcoming public meetings, timelines, and additional outreach and some additional options to respond to feedback. In response to requests from a committee member and several other community members, including representatives of neighborhood organizations, two additional public meetings will be scheduled, totaling four public meetings in addition to other outreach to groups that may not be able to participate in these meetings.

3. REVIEW AND DISCUSS RESIDENTIAL CARE PROPOSAL

Andrew presented background important to the proposed updates to residential care uses in the Denver Zoning Code, including uses not clearly addressed in the Denver Zoning Code (DZC), like sober living, co-ops, multigenerational housing, etc., and residential uses ranked by permissiveness in the DZC.

He also shared the proposed new approach to zoning Residential Care uses, including:

- Definitions of what is considered a Residential Care use,
- Community Information Meeting process to be used with new or changing facilities,
- Limitations and spacing proposals based on zone districts and size of facility, and
- Limitations on the density of large facilities to prevent concentration in certain areas of the city.

Details of the proposal can be found in the presentation [{link to presentation}](#).

Meagan facilitated discussion around questions and concerns. Discussion included:

- **Sober living:** A committee member highlighted his perspective that sober living homes should not be regulated as residential care facilities, asserting that the Federal Fair Housing Act does not allow for regulations like this on protected classes, which includes people in recovery. Another committee member recommended seeking additional clarity around sober living as a household or residential care use and suggested that public outreach on these strategies include mapping and scenarios.
- **Industrial areas:** CW Ortega said she was concerned about a proposal to not require spacing in industrial areas, noting that several directly abut residential areas, and many industrial zones are evolving to more of a mixed-use environment, with housing and other uses near transit stations. She suggested more discussion around this issue. Andrew explained that medium facilities are incentivized without spacing requirements. Another committee member suggested reviewing density requirements to see if they help in lieu of spacing requirements. Having maps available will help with this discussion.
- **Spacing for medium facilities in Arapahoe Square:** Committee members said they could live with additional facility spacing requirements in Arapahoe Square, an area of downtown that has an existing concentration of facilities. There was discussion about ensuring space for development serving a range of incomes to ensure an integrated, thriving community. Some participants noted that many new market-rate units have been built in the area over the last decade. One committee member noted that in the last meeting for the Shelter subgroup, he was worried about the possibility of over concentration of medium residential care uses instead of an operator building one large facility they would build several medium residential care uses in close proximity. This proposal helps to address that concern.
- **Non-conforming or compliant uses allowed to expand?** Andrew explained that existing uses will be allowed to continue, and staff will explore options for expansion of those facilities. Chris Conner explained the conflicts with emergency declarations with regards to size limitations and zoning, and a guest stated that the number of people experiencing homelessness will be increasing, and expansion of similar uses should be grandfathered in to ensure there is enough capacity. A committee member suggested a onramp to move existing facilities into new use types/proposed amendments, given that hardship for existing facilities that don't meet the density requirements, especially if increased in footprint in terms of site size, would be an unintended outcome.
- **What happens when operators want to expand existing uses into a combination of services, such as the emerging mixed-use model that includes shelter, transitional housing, supportive housing, etc.?** Andrew said that the spacing requirement is zone lot to zone lot but does not apply to a single zone lot, so it can integrate other uses to an existing site. If it does not (i.e., already grandfathered and doesn't meet use limitations), it would be a non-

conforming/compliant use. CW Kniech said that the update should make sure that existing facilities don't become nonconforming when they propose mixed-uses. Group decided to have more feedback on this topic.

- **Transitional housing – how is it addressed in this proposal?** A guest asked about the difference between transitional and permanent supportive housing. This generated a lot of discussion about what constitutes care. The prevailing idea is that receiving professional care as a condition of living somewhere is what makes the use a residential care use. If not, then it is not residential care use. CW Kniech suggested that if one has a lease and key then they should be considered housing, e.g., Warren Housing. Step Denver is an example of congregate living. The Council Women asked staff to check with different providers on this model to see where they are classified and where adjustment to definitions may be needed. All definitions need to be specific and vetted with the operators that might be impacted, and introducing a sub-category to define who is included in each category could help to prevent unintended consequences.
- **Non-profits as well as religious assemblies able to provide seasonal/very small accessory residential care uses?** It was clarified that religious assemblies and other non-profits can have an accessory use for seasonal/very small residential care uses.
- **Emergency definition:** CW Ortega explained that having clear language for emergency shelters should be included to allow for flexibility. Others suggested that this definition should be clear in the code. Scott Prisco mentioned the fire and building code have been updated to provide policy for emergency residential care uses that is compatible.

Meagan moved the conversation to the next topic and suggested that any comments that haven't been heard be included on the input forms. Input forms were received from five committee members and one guest. Four indicated support for the residential care proposal, one said they can live with it and one opposes it. The person who opposes it noted that opposition is because "sober living is not res care". Strengths identified include: "population may need intensity levels – may be unintended consequences", "create more opportunity for sober living" and "simplified is good". Concerns include: "no cap on CC facilities", "We need the possibility for larger than 1600 feet" and "classifying any sober living as res care is intentional discrimination and violates FHA".

4. Review and Discuss Group Home Proposal

Andrew presented on non-care and emerging uses classified on the new proposal called Group Housing. These uses include Rooming and Boarding, Student Housing, Permanent Tiny Home Villages, and Single-Room Occupancy Housing. Details can be found in the presentation previously referenced.

Meagan facilitated discussion, which included:

- **Rationale for regulating these uses as group housing?** CW Kniech questioned why these uses should be regulated here when they are really different forms of apartment living, and regulations for these uses are based on how it might affect others who live in the community.
- **Definitions that address services in the residence:** A committee member asked a clarifying question about definitions based on form versus services and questioned if services should be removed. CW CdeBaca suggested that it should not matter what you are doing inside of the house but should be based on size only.

- **Impacts based on income and/or mental health status?** A committee member shared questions and concerns about Medicaid clients and people with mental illness, wanting to make sure people would be able to access Medicaid services and that people with mental illness would not be treated differently. It was clarified that no regulations are based on these factors.
- **Household living:** Guests asked for clarification on household living based on the size of a house and group living distinctions. It was clarified that the definition provides for more than 8 people to live in a house over 1600 square feet (1 more for every 200 additional square feet).
- **Sober living:** CAR (Colorado Association of Recovery) language and regulation should be consistent with what is proposed.
- **“Group Housing” needs new name:** CW Kniech suggested “congregate living” and asked whether these uses should be considered as building form types, rather than as a use (e.g. SRO or permanent tiny home village forms). Tina Axelrad explained that group living incorporates residential uses that exceed what constitutes a household – and that is not residential care – and needs a location somewhere in the code.
- **Nonprofit versus for-profit providers:** Guests expressed concerns over the intent of property investors manipulating the code. A committee member noted that non-profit language is staying in the definition, and he suggested that there should be a stand-alone document for the community to understand the what it means. Concerns over LLC and corporations wording over household living and residential care was discussed but not resolved.
- **Scenarios:** CW CdeBaca mentioned there should be scenarios that are examined for each proposal.

Again, Meagan encouraged people to submit additional comments on the input forms. Of the six submitted, two indicated support for the group home proposal (one of these two included this note: “with a few adjustments”), one said they can live with it and three abstained from indicating any type of support or opposition, with one person noting, “need to address comments”. No strengths were noted. Concerns include: “too concerned with services or not. Agree with CM Kniech”, “sober living needs regs too” and concerns about “non-profit” and “provided care” language.

5. Final Discussion and Close

Meagan reminded people to stay tuned for scheduling of additional GLAC meeting and public meetings, and she encouraged them to sign-up to talk with the public at stations at one or more of the four public meetings. The meeting closed at approximately 1:10 pm.

Note: Input forms also asked if people believed their opinions were heard. All six said yes.