

Group Living Code Amendment

Project Overview and Proposal Summary
Summer 2020



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Project Introduction

What is this project about?

- **Implementing Adopted City Goals**
 - ✓ Equitable, affordable and inclusive housing for all
- **Addressing identified problems with the Denver Zoning Code**
 - ✓ Outdated or unclear language
 - ✓ Regulations that prohibit needed residential care facilities or keep people from seeking flexible housing options
 - ✓ Unpredictable permitting and notification requirements
- **Emergent Needs**
 - ✓ The issues being addressed by this project have become even more urgent in the wake of the pandemic, job losses that are leading to a wave of evictions, the forthcoming loss of our existing community corrections resources, and our country's long-overdue awakening to issues of equity.

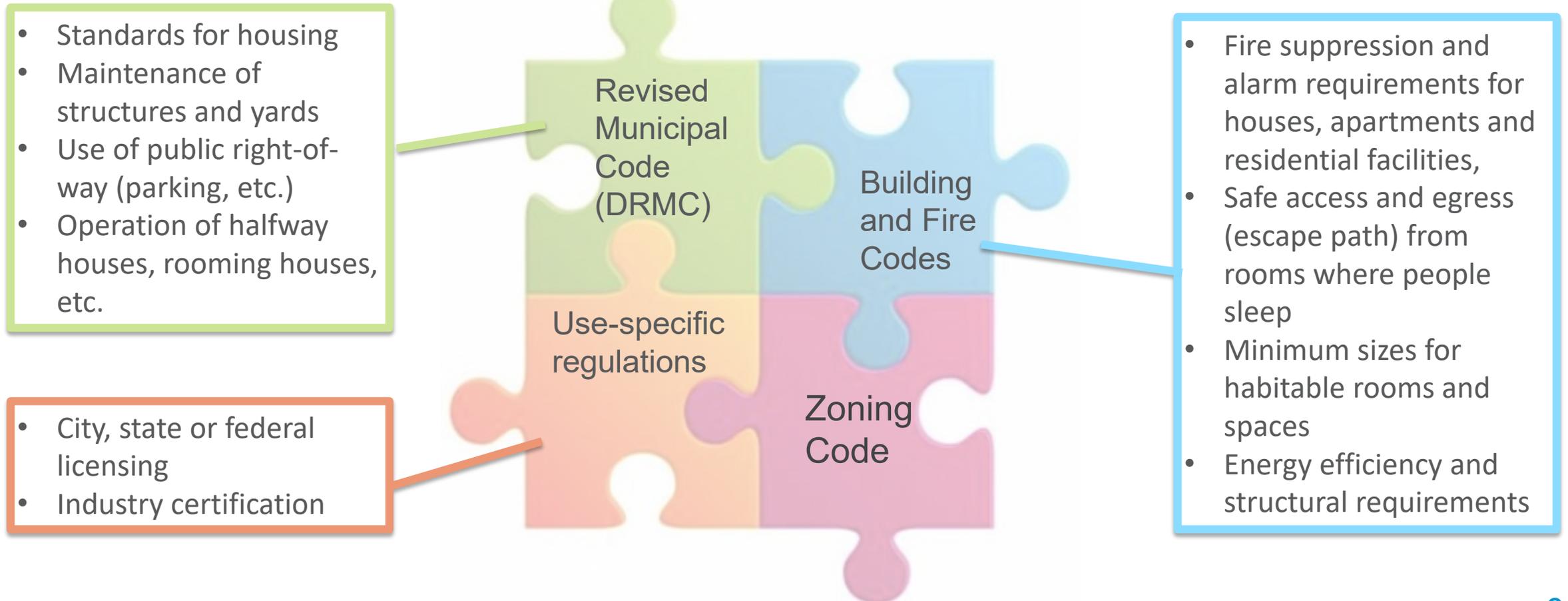


Role of the Zoning Code



- Govern appropriate use of private land
 - Zone Districts (areas of the city) where certain uses are permitted
 - Transitions and spacing between use
- Building form and site design
 - Pedestrian access
 - location of parking
 - Structure size, height, transparency

Other regulations that govern land use



Extensive outreach for project awareness and ideas for changes to the Zoning Code

- 5 citywide community workshops attended by nearly 1,000 people
- 36 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 relevant group living sites
- Over 550 individual emails/comments received from the public and RNOs in 2020 alone and used to develop and revise our proposal
- 18 newsletters to promote group living public events and keep people updated as the project progressed.
- A dozen stories in traditional media outlets



Rhinocerotropolis site visit, 2018



Problem Statement public open house, fall 2018

Key problems and proposed solutions

Problems Identified	Proposed Solutions
1. Outdated definition of “household” limits common living arrangements and reduces affordability especially for people who could live with roommates.	<ul style="list-style-type: none">• Allow more unrelated people the choice to live together, subject to existing building, fire, and housing code requirements to protect health and safety. The code currently allows an unlimited number of <u>related</u> people of any age to live together.
2. Residential Care regulations treat some populations inequitably, such as people who are experiencing homelessness or in community corrections.	<ul style="list-style-type: none">• Regulate residential care by the size of the facility, not by the housing status or type of care guests are receiving, as the code currently does. Smaller facilities would have fewer restrictions than larger facilities.

Key problems and proposed solutions

Problem Identified	Proposed Solution
3. It is difficult to establish some needed uses, like Community Corrections facilities.	<ul style="list-style-type: none">• Allow them in more districts and reduce or remove spacing requirements to allow new facilities where residents can live near transportation, jobs, and amenities.• Allow a spectrum of housing options to be provided on the same zone lot to support people moving from emergency shelter to transitional, supportive, and independent housing.
4. Some existing facilities cannot grow to meet demand.	<ul style="list-style-type: none">• Remove zoning code caps on size of larger facilities to allow providers to determine the scale of facilities based on best practices and resources. Allow existing facilities to expand in place. Allow facilities to accommodate more people for up to ten days during emergencies.

Key problems and proposed solutions

Problem Identified	Proposed Solution
5. Some evolving uses are not clearly regulated, such as sober living, co-ops, and tiny homes.	<ul style="list-style-type: none">• Consolidate residential care uses into a single category regulated by size and clarify what types of facilities are included.• Allow larger groups of people to live together and in clusters of tiny home units in the same districts where multi-unit housing is allowed.
6. Inconsistent notification and permit requirements can interfere with establishing some kinds of shelters and frustrate neighbors who cannot stop the permitting process.	<ul style="list-style-type: none">• Require Community Information Meetings prior to submitting a formal application for larger residential care uses to notify and educate neighbors and foster positive relationships.

Summary of proposed changes:



- Consolidate all uses where care is provided into a single use type, Residential Care, and regulate by size, with spacing and density limitations for larger facilities
- Require community meeting prior to permit application for larger Residential Care facilities.

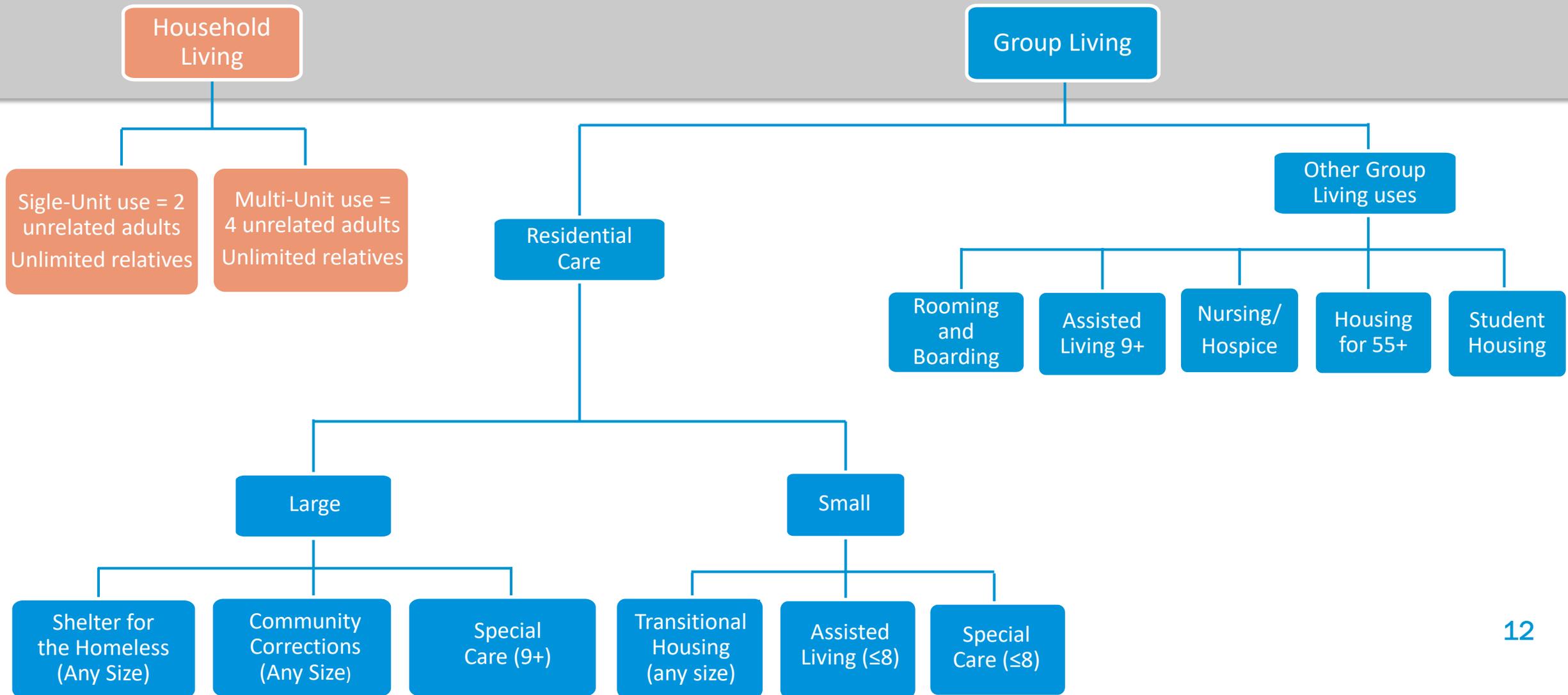


- Allow more unrelated people to live as part of a household (in houses, apartments or other dwelling units) while clarifying that rent-by-the-room configurations are only permitted in zone districts where higher-intensity residential uses like apartments are allowed.



- Create a new Congregate Living use, permitted in higher-intensity zone districts, that allows uses like dormitories, rooming and boarding and tiny home villages where residents may share facilities like kitchens, bathrooms and gathering areas.

CURRENT org-chart breakdown of Primary Residential Uses



Proposed org-chart breakdown for Primary Residential Uses

Household Living

- Up to 5 unrelated adults living as a single, non-profit housekeeping unit
- Provisions for more adults in larger homes
- Unlimited relatives
- Permanent residency

Examples:

- Conventional Housekeeping units of related people or groups of people who choose to live together
- Cooperative Housing
- Multigenerational housing
- Some types of sober living

Congregate Living

- Housing for more people than would be permitted in a household
- Not living as a single housekeeping unit
- May have shared cooking, bathroom and common areas
- Permanent residency

Examples:

- Rooming and Boarding
- Dormitory or Student Housing
- Permanent Tiny Home Village
- Single-Room Occupancy Housing

Residential Care

- On-premises treatment, custodial supervision, emergency shelter, protective oversight or assistance required as a condition of residency
- Temporary to permanent residency

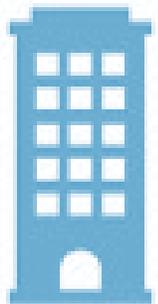
Examples:

- Shelters
- Some types of sober living
- Community Corrections and Halfway Houses
- Solutions/Navigation Centers with residential component
- Assisted Living
- Nursing home or hospice
- Transitional Housing



Household Regulations

What is a household?



- A household is the basic unit of measurement the Zoning Code uses to describe the inhabitants of a Dwelling Unit.
- Dwelling Units can be apartments, houses, duplexes and other structures or portions of structures providing sleeping, bathroom, kitchen and living space for a household.

Why change household regulations?

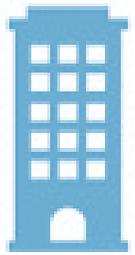
- The current regulations for households date from the 1950s and limit common living arrangements and reduces affordability especially for people who could live with roommates.
- Zoning regulations have historically perpetuated inequality by excluding members of some races or groups from neighborhoods in Denver and throughout the country.
- For example: current zoning excludes groups of people who live as the functional equivalent of a family, but who are not related by blood.
- Most other cities allow more unrelated people to live together, and some don't regulate this at all.
- Housing affordability is one of many factors contributing to homelessness in Denver and other cities. Now more than ever, the city needs to ensure people are able to seek solutions like sharing housing costs.

What would change? Current & Proposed Household Regulations

Current



- Single-Unit use (typical detached house): **2 partners or unrelated adults**, unlimited family members of any age
- No off-street parking requirements



- Two- or multi-unit use (duplex, apartment, etc.): **4 unrelated adults**, unlimited family members of any age (from same list).
- Minimum off-street parking requirements

Proposed



- Up to 5 adults of any relationship, with unlimited relatives to each, in any dwelling unit
- Provisions for more unrelated adults in larger dwelling units
- Minimum off-street parking requirements for larger households in single-unit uses.



At a Glance: Proposed Household Regulations

- Permit up to 5 unrelated adults and any number of relatives to each to live as a household in any dwelling unit (house, apartment, etc.).
- Allow additional unrelated adults for every 200 additional feet of finished floor area in dwelling units with over 1,600 square feet.
- Cap maximum at 10 unrelated adults in houses 2,600 square feet or larger.
- Establish new off-street parking requirement for single-unit uses in lower-intensity residential areas for dwelling units with 6 or more adults.
- Prohibit commercial, rent-by-the-room scenarios in Single-Unit, Two-Unit and Row-House zone districts by specifying that all residents shall have jointly chosen to occupy the entire home and live as a non-profit housekeeping unit.
- Ensure safety with existing building and fire code requirements:
 - Interconnected smoke alarms required for all houses.
 - Building Code requires fire suppression (sprinklers) for houses with more than 10 occupants.

Household Regulation Details: Unrelated Adults and Parking

Dwelling Unit Size (square feet of finished floor area)	Unrelated adults permitted
Less than 1,800	5 adults
1,800 to 1,999	6 adults
2,000 to 2,199	7 adults
2,200 to 2,399	8 adults
2,400 to 2,599	9 adults
2,600 or more	10 adults

Context	Parking required for single-unit dwelling Use with 6 or more adult residents (note: bicycle parking is not required)
Suburban	2 vehicle spaces
Urban Edge	2 vehicle spaces
Urban	1 vehicle spaces
General Urban	1 vehicle space
Urban Center	0 vehicle spaces CCN only: 1 vehicle space
Downtown	0 vehicle spaces
I (where applicable)	1 vehicle space
CMP (where permitted)	0 vehicle spaces
Master Planned	1 vehicle space

Household Regulation Details: Non-Profit Housekeeping Unit

Non-Profit Housekeeping Unit.

A household comprised of people who live together as a family or as the functional equivalent of a family, and who share household activities and responsibilities, such as meals, chores, rent, and expenses. The choice of specific adults comprising the single non-profit housekeeping unit is determined by the members of such housekeeping unit rather than by a landlord, property manager, or other third party. Members of a single non-profit housekeeping unit are not required to seek services or care of any type as a condition of residency. All adult residents jointly occupy the entire premises of the dwelling unit.

Household Regulation Details: relatives

A non-profit housekeeping unit shall be comprised of up to 5 unrelated adults, plus additional adults per the table on on slide 18, and any persons related to each unrelated adult by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship)

Household Regulations: What changed since the Feb/March Open Houses?

Project staff and the Advisory Committee recommended several changes to proposed amendments in response to stakeholder concerns raised during and after the February and March open houses:

Original Proposal	Concerns Raised	Revisions Made
Households of up to 8 adults of any relationship permitted in any dwelling unit	Perception of “overcrowding” in smaller dwelling units, concerns about maintenance and other external impacts.	Reduce “base” number of unrelated adults permitted to live as a household in dwelling units of 1,800 or fewer square feet from 8 adults to 5 adults.
Proposed “base” number of permitted adults (of any relationship) in all dwelling units of 8 adults with no minimum vehicle parking.	Larger houses may have insufficient parking	Preserve flexibility for larger houses by allowing more adults, but with context-sensitive minimum off-street vehicle parking requirement for more than 5 adults in single-unit uses.
Allow more unrelated adults in larger homes. 1 per 200 sf finished floor area over 1,600 sf.	Households could grow to an unlimited number of people in larger structures.	Establish a maximum number of 10 adults for any dwelling unit.
Did not distinguish between “for profit” and “non-profit” households	Rooming and boarding houses might be allowed and single unit neighborhoods could be commercialized	Address issue of commercialization and profit v. non-profit status in household definition.

What other regulations apply?

The **Denver Building and Fire Code** ([link](#)) sets forth safety requirements like:

- Safe entry and escape from sleeping areas (such as “egress” windows in basement bedrooms.
- Interconnected alarms that “talk” to each other, alerting residents in all rooms of a fire.
- Fire suppression (such as sprinkler systems) in households with more than 10 adults.
- Structural standards to protect safety

The **Denver Rules and Regulations for Housing** ([link](#)) sets forth minimum standards for housing:

- Basic requirements of all housing (kitchens, bathrooms, etc.)
- Standards for ventilation, drainage and plumbing

The **Denver Revised Municipal Code** ([link](#) to Ch. 27, the Housing Code) provides additional standards and establishes policies and authority for enforcement:

- Maintenance responsibilities of owners and occupants
- Procedures for enforcement and remediation of unfit dwellings
- Regulations and enforcement procedures for excessive noise and other nuisance issues
- Regulations about use of public right-of-way, such as public streets



Congregate Living regulations

What is Congregate Living?



These proposed amendments would define Congregate Living as A structure or structures providing Residential Occupancy for Persons who do not live in a Household. A Congregate Living use may occur within a self-contained Dwelling Unit. A Congregate Living Use may also, such as with a Tiny Home Village, occur within multiple structures where no one or not all structures contain a self-contained Dwelling Unit, but all structures comprising the use together provide residents with facilities for sleeping, bathing, and cooking and preparing food. This use includes groups of Persons who each have separate contracts or agreements with the property owners, who do not jointly occupy the entirety of a dwelling unit, or who jointly occupy the entirety of a dwelling unit but who exceed the maximum number of adults permitted per Household. This use is intended for permanent rather than transient occupancy. Residents of a Congregate Living use may share sleeping units, and may have shared cooking, bathroom, and common areas, or some combination of personal and shared facilities. Residents in a Congregate Living use are not required to seek services or care of any type as a condition of residency.

This use includes, but is not limited to:

- Rooming and boarding houses
- Dormitories and other student housing
- Tiny Home Villages
- Single-room occupancy (SRO) housing

How are these uses regulated now? Why change these rules?

Some congregate living uses are already identified in the Zoning Code's current Group Living section, such as Rooming and Boarding and Student Housing (dormitories). Others are not specifically identified, which has made it difficult to establish them without a clear use type and permitted zone districts identified.

By establishing a definition with clear criteria to identify Congregate Living uses, new or re-emerging uses can be established in Denver as the housing industry explores new models, like:

- Single-room occupancy (SRO) housing: Housing developments where residents have private sleeping rooms but may share kitchen, bathing and living areas
- Co-living: Developments that are similar to SROs, where residents have a combination of personal and shared space that they rent or own.
- Tiny Home Villages: Housing developments similar to SROs, but where some of the sleeping rooms or other facilities are provided in detached structures on a lot.

Where would Congregate Living uses be permitted?

As is currently the case for Rooming and Boarding Houses, dormitories and other uses currently identified in the code, Congregate Living would be permitted in zone districts that allow higher-intensity multi-unit housing, including:

- Multi-Unit (MU)
- Mixed Use (MX)
- Main Street (MS)
- Campus (CMP)

Congregate Living Details: Parking

Congregate Living Parking Requirements:

- Vehicle: 1 space/1,000 square feet of gross floor area (GFA) in most districts; .5/1,000 sf GFA in Urban Center, 0 in most Downtown districts.
- Bicycle: 1/4,000' GFA (D, descending thereafter)

Example: An Co-living development in the Urban Neighborhood Context with a building square footage of 25,000 (including shared living areas, bathrooms, community space.) serving 100 residents: **25 spaces**

What other regulations apply?

All Residential Care facilities require a review by Denver Building and Fire staff to ensure adequate access and emergency exit routes are provided, kitchens meet standards for safety and fire prevention/suppression and that adequate facilities, such as bathrooms and showers, are available for guests.

Denver Building and Fire Code ([link](#)) sets forth facility and safety requirements like:

- Safe entry and escape from sleeping areas
- Interconnected alarms that “talk” to each other, alerting residents in all rooms of a fire.
- Fire suppression (such as sprinkler systems) in most facilities
- Commercial-grade kitchen requirements, bathroom and shower facilities for larger Residential Care uses like shelters
- Structural standards to protect safety

Denver Rules and Regulations for Housing ([link](#)):

- Basic requirements of all housing (kitchens, bathrooms, etc.)
- Standards for ventilation, drainage and plumbing

Denver Revised Municipal Code

- **Housing Code** ([link](#) to Ch. 27, the Housing Code):
 - Maintenance responsibilities of owners and occupants
 - Procedures for enforcement and remediation of unfit dwellings.
- **Boarding home regulations** and licensing requirements ([link](#) to Ch. 26, boarding home and halfway house regulations):
 - Rules and regulations for Residential Care and Congregate Living uses like boarding houses, Assisted Living, etc.



Residential Care Regulations

What is Residential Care?



These proposed amendments would define Residential Care in the Zoning Code as follows:

- A residential structure where guests receive *treatment, supervision, emergency shelter, personal care, protective oversight or other services from staff on-site as a condition of residency.*
- This definition excludes care provided by domestic employees or care workers in a person’s home. For purposes of this definition, a guest is an individual who stays overnight regardless of length of stay. A guest may stay for as little as one night, such as in a shelter for persons experiencing homelessness, or for a longer duration, such as a resident of a long-term care facility. For purposes of this definition, staff and volunteers who regularly return to another place of residence but who stay overnight while working or volunteering shall not be considered guests. Tenancy may range from overnight to permanent.

What are some examples of Residential Care facilities?

- shelters
- community corrections or “halfway houses”
- sober living, where a program of treatment or care is required
- rehabilitation facility
- assisted living
- nursing home
- hospice care

Why change residential care regulations?

- The current regulations prevent establishment of needed residential facilities by limiting them to just a few areas of the city.
- Existing regulations treat some populations inequitably, such as people who are experiencing homelessness or in community corrections.
- Multiple amendments over the years have resulted in a layered, complicated set of regulations that is hard for applicants and neighbors to understand.
- Zoning regulations prevent some existing facilities from modernizing structures or expanding to meet demand.
- Current community notification requirements are confusing and ineffective.

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What would change? Current & Proposed Residential Care Regulations

Current

- **Small:** 8 or fewer guests
 - 6,000 square-foot min. lot size
- **Large:** 9 or more guests
 - Building construction date requirements in SU, TU and RH zone districts
 - Cap of 20 guests in SU, TU and RH districts
 - 6,000 square-foot min. lot size
 - Spacing and Density requirements
- **Shelters and Community Corrections**
 - Additional buffers required from other uses
 - Additional limits on permitted zone districts



Proposed

- **Type 1:** 10 or fewer guests, or up to 100 guests for no more than 130 days/year (an existing provision in the code)
- **Type 2:** 11 to 40 guests
 - 12,000 square-foot min. lot size in SU, TU, RH
 - Spacing requirements
- **Type 3:** 41 to 100 guests
 - Permitted only in higher-intensity zone districts
 - Spacing Requirements
- **Type 4:** 101+ guests
 - Permitted only in higher-intensity zone districts
 - Spacing and Density Requirements



At a Glance: Proposed Residential Care Regulations

Resid. Care Size	Type 1	Type 2	Type 3	Type 4
Number of Guests	10 or fewer (365 days/year) or up to 100 for no more than 130 days/year	11-40	41-100	101+
Minimum Lot Size	NA	12,000 square feet	NA	NA
Permitted Zone Districts	All districts that permit residential uses	All districts that permit residential uses	<ul style="list-style-type: none"> Higher-intensity zone districts that permit apartments, commercial uses, etc. Not permitted in single-unit, two-unit or rowhome districts 	<ul style="list-style-type: none"> Highest-intensity zone districts that permit apartments, commercial uses, etc. Not permitted in single-unit, two-unit or rowhome districts, or in lower-intensity multi-unit districts
Spacing Requirements	NA	<ul style="list-style-type: none"> 1,200' between facilities in single-unit, two-unit and rowhome districts when lot has not previously been used for a Civic, Public or Institutional Primary Use 	<ul style="list-style-type: none"> 1,200' between Type 3 and Type 4 facilities in medium-intensity districts like multi-unit. 600' between Type 3 and Type 4 facilities in high-intensity districts like Urban Center 400' between Type 3 and Type 4 facilities in some Downtown districts 	<ul style="list-style-type: none"> 1,200' between Type 3 and Type 4 in medium-intensity districts like multi-unit. 600' between Type 3 and Type 4 in high-intensity districts like Urban Center 400' between Type 3 and Type 4 in some Downtown districts
Density Requirements	NA	NA	NA	No more than 3 Type 3 and Type 4 facilities within 1 mile of a Large Residential Care Facility
Community Information Meeting	Not required	Required in SU, TU, RH districts	Required	Required

Residential Care Details: Parking

Residential Care Parking Requirements:

- Vehicle: .5 spaces per 1,000 square feet of gross floor area (GFA) in most districts. .25/1,000 sf GFA in Urban Center. 0 in most Downtown districts.
- Bicycle: 1/8,000' GFA (Downtown, and descending thereafter)

Example: An Assisted Living Facility in the Urban Neighborhood Context with a building square footage of 25,000 (including a welcome center, community rooms, kitchens, etc.): **13 vehicle spaces.**

Residential Care Regulations: What changed since the Feb/March Open Houses?

Project staff and the Advisory Committee recommended a change to proposed amendments in response to stakeholder concerns raised during and after the February and March open houses:

Original Proposal	Concerns Raised	Revisions Made
Residential Care uses of up to 40 guests would be permitted on any zone lot in nearly all zone districts.	Larger residential care facilities are out-of-scale with neighborhood parcels in lower-intensity residential zone districts	12,000-square-foot minimum lot size for Residential Care uses of more than 10 guests, up to 40 guests, in Single-Unit (SU), Two-Unit (TU) and Rowhouse (RH) zone districts

What other regulations apply?

All Residential Care facilities require a review by Denver Building and Fire staff to ensure adequate access and emergency exit routes are provided, kitchens meet standards for safety and fire prevention/suppression and that adequate facilities, such as bathrooms and showers, are available for guests. These other regulations apply as applicable to the specific applicant for a Residential Care Use:

Denver Building and Fire Code ([link](#)) sets forth facility and safety requirements like:

- Safe entry and escape from sleeping areas
- Interconnected alarms that “talk” to each other, alerting residents in all rooms of a fire.
- Fire suppression (such as sprinkler systems) in most facilities
- Commercial-grade kitchen requirements, bathroom and shower facilities for larger Residential Care uses like shelters
- Structural standards to protect safety

Denver Rules and Regulations for Housing ([link](#)):

- Basic requirements of all housing (kitchens, bathrooms, etc.)
- Standards for ventilation, drainage and plumbing

Denver Revised Municipal Code

- **Housing Code** ([link](#) to Ch. 27, the Housing Code):
 - Maintenance responsibilities of owners and occupants
 - Procedures for enforcement and remediation of unfit dwellings.
- **Boarding home and halfway house regulations** and licensing requirements ([link](#) to Ch. 26, boarding home and halfway house regulations):
 - Rules and regulations for Residential Care and Congregate Living uses like boarding houses, Assisted Living, etc.
 - Requirements for the placement and supervision of non-paroled individuals in halfway houses (Community Corrections)
 - [Link](#) to Sec. 26.16, Community Corrections regulations

Colorado Standards and Statutes for Community Corrections ([link](#)):

- Minimum space and facilities per guest
- Security and programs

Colorado Group Home Statute ([link](#))

- Provides zoning guidance and requirements for municipalities

Colorado Licensing and Requirements

- Community Residential Homes ([link](#))
- Nursing Homes ([link](#))

What are the Building Code requirements for Residential Care facilities, like shelters?

Restrooms and bathing facilities/guest : Minimum number of plumbing fixtures. The residents of a temporary emergency shelter shall be provided plumbing fixtures in the ratio of one water closet, one lavatory, and one shower or bathtub for each 10 residents.

Emergency exit requirements: A sleeping room intended to accommodate ten or more people shall be provided with two exit routes

Fire Safety:

- Carbon monoxide (CO) detection and interconnected smoke alarms (that "talk" to a network of alarms in the same building) required in sleeping rooms.
- Fire suppression (sprinklers, kitchen stove hoods, etc.) required in many circumstances depending on size and design of facility

What non-zoning requirements apply to Community Corrections, or "halfway houses?"

Operational Standards: The Colorado Division of Criminal Justice, in conjunction with the Denver Community Corrections Board, creates standards of operation (including staffing, supervision ratios, etc). These standards can be found in the Colorado Community Corrections Standards and Statutes, and the Denver Revised Municipal Code (see links on slide 30).

These standards include:

- Facilities have to have a minimum of 2 security staff on duty at all times.
- Case managers have a maximum caseload ratio of 1:20.
- Minimum space and facility requirements per person served

Oversight and Clientele Placement:

- These facilities are under strong oversight at the local and state levels.
- The Colorado Department of Corrections and the court have responsibility over the clientele in halfway houses.
- In addition, Denver's Department of Public Safety provides oversight, ensuring compliance with state regulations and local ordinances.
- Proposed zoning updates would require that all Residential Care facilities serving non-paroled individuals in Denver have a formal, written relationship with the Denver Dept. of Public Safety to ensure oversight.
- All clients placed in Denver facilities must be approved by the Denver Community Corrections Board and the local provider.
- While in placement, less than two percent of clients are terminated from the halfway house program for committing a new crime.



Next Steps

Next Steps

With the release of the Public Review Draft, these proposed amendments are now in the legislative review phase, during which they'll be considered for recommendation and adoption by the appointed Denver Planning Board, and subsequently the Denver City Council. The public review draft will be online for public comment for a period of 30 days, during which stakeholders can submit written comments to project manager Andrew Webb, at andrew.webb@denvergov.org.

All comments received during this period will be provided to the Planning Board as attachments to the staff report. Staff may make additional changes to the draft amendments prior to the Planning Board hearing based on this input. Additionally, three “appointment with a planner” opportunities will provide the opportunity to meet one-on-one or in small groups with project staff to get answers to questions.

The Planning Board and City Council hearings are public, and stakeholders may also attend and provide spoken testimony. Stay tuned to the project website (www.denvergov.org/groupliving) for information about the dates and locations of these hearings, which are expected to conclude in fall of 2020.