Group Living Code Amendment

Proposed amendments to Denver Zoning Code regulations for residential uses
December 2020
About this summary

This slide deck is a summary of amendments to the Zoning Code’s regulations for residential uses currently under consideration by the Denver City Council. It includes a high-level overview of the amendments that were originally approved by the Denver Planning Board, as well as revisions to key proposals developed over the course of six meetings of the City Council’s Land Use, Transportation and Infrastructure (LUTI) Committee.

• The Planning Board strikethrough draft of the the amendments can be reviewed here.

• The LUTI draft will be posted at the project website for public comment from Friday, Dec. 18 until shortly before the City Council public hearing expected in early 2021, at which time a final draft will be posted. The project website can be found at: www.denvergov.org/groupliving
Why is CPD proposing changes?

- Current regulations prohibit the residential care facilities our city needs and prevent people from sharing housing
- We have exclusionary regulations with roots in classism and racism
- We need a more equitable approach for locating residential care uses and we need to allow people to legally share housing costs
- We also need to fix problems with the Denver Zoning Code
  - Outdated and unclear language
  - Unpredictable permitting and notification requirements

“The community knows about us. We give back to the community, we maintained the block, cleaning it up, we cut neighbor’s grass and we helped our neighbors.”

- Maurice, formerly homeless, former Community Corrections resident, and Denver Rescue Mission worker
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 apply now – and will continue to apply after this zoning update

- Standards for housing
- Maintenance of structures and yards
- Use of public right-of-way (parking, etc.)
- Operation of halfway houses, rooming houses, etc.
- City, state or federal licensing
- Industry certification
- Fire suppression and alarm requirements for houses, apartments and residential facilities,
- Safe access and egress (escape path) from rooms where people sleep
- Minimum sizes for habitable rooms and spaces
- Energy efficiency and structural requirements
This discussion focuses only on adults over age 18. There are no restrictions on how many related children can live in a house in any of these proposals.

“There are a lot of social benefits living in a community...I think it should be accessible for people to choose those people they want to live with.”

- Samantha, Cooperative Housing Resident and Elementary School Teacher
What’s allowed now?

In one, detached home

- Two unrelated adults
- Unlimited relatives
- No off-street parking requirement

In duplexes, apartments, condos (anything with 2 or more attached homes)

- Four unrelated adults
- Unlimited relatives
- Has a minimum off-street parking requirement

= unrelated adults

= relatives
## Peer Cities: Unrelated adults permitted in a single-unit dwelling

<table>
<thead>
<tr>
<th></th>
<th>Avg HH</th>
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<td>Uninc. Adams Cty.</td>
<td>3.00</td>
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**Notes:** All cities permit unlimited adult relatives to live as a household, but some (ex. Aurora) do not permit a combination of related and unrelated adults in a household.

**Sources:** U.S. Census Bureau Quick Facts; city and county zoning regulations

**Average U.S. Household Size (2019):** 2.51
What did CPD and the Group Living Advisory Committee originally propose?

Proposed in early 2020 at Open Houses

- Up to 8 adults of any relationship in any dwelling unit
- Provisions for more unrelated adults in larger dwelling units, with no maximum
What was approved at Planning Board?

**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, to a maximum of 10
- Minimum off-street parking requirements for large households in all homes
LUTI Discussion (Sept – Dec 2020): Common Values and Goals

- Allowing **blended families and some number of unrelated** adults as a household, without a special permit

- More **flexibility (within limits)**: government should not regulate who is a family

- **External impacts**, such as parking, are what really matter

- Regulations should be **simple** to understand and enforce

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Who Are We Serving?

- Multigenerational families
- Two families sharing housing
- Adults sharing housing as roommates, a cooperative home or “found” family
- Couples who want/need to take a roommate
- Anyone who needs to share mortgage or rent costs
- Foster families*

*Requires a permit now, but these amendments would remove that barrier.
What is under final consideration at City Council?
(Draft code amendments sent to the full City Council for a final public hearing will reflect these changes)

- Allow households as follows:
  - Households of any number of people as long as all residents are related (*allowed now*)
  OR
  - Households of up to 5 adults where all adults are not related.
    - Allows 5 roommates, blended families, etc.
    - Does not permit additional adults regardless of dwelling unit size.

Likely revision based on City Council feedback to date
Residential Care

Examples of Residential Care facilities:
• shelters
• community corrections or “halfway houses”
• sober living
• rehabilitation facility
• assisted living
• nursing home
• hospice care

“The opposite of addiction is connection. Having the ability to be in a community of recovery could be why I am so successful and [able to] be employed.”

- Jill, former sober living resident and current manager of a recovery home
What was originally recommended by CPD and GLAC (and approved by Planning Board)?

- **Consolidate** all uses where care is provided into a single type called “Residential Care”
  - Regulate by facility size and scale, rather than the type of care provided.
  - Zoning is not intended to regulate different types of people.

- **Remove restrictions and buffers rooted in bias** that concentrate some people in industrial zones where they lack access to transit and other daily needs

- Encourage more **equitable distribution** of residential care facilities citywide

- Require **community meetings** for larger facilities and any that will serve non-paroled individuals

- **Strengthen requirements for spacing** between facilities and **density** limitations that prevent concentration of facilities in a given area.

- **Keep existing local, state, and federal regulations** that govern facility safety and operations
What regulations would change?

**Current**

- **Small**: 8 or fewer guests (or up to 100 guests for no more than 120 days/year)
  - 6,000 square-foot min. lot size
- **Large**: 9 or more guests
  - In SU, TU and RH zone districts, must be in a structure built before May 24, 1993
  - 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 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)
  - Density limitations in SU, TU and RH
- **Type 2**: 11 to 40 guests
  - 12,000 square-foot min. lot size in SU, TU, RH
  - In SU, TU and RH districts, may only be on a parcel previously used for a Civic, Public or Institutional use.
- **Type 3**: 41 to 100 guests
  - Allowed only in higher-intensity zone districts
  - Spacing Requirements
- **Type 4**: 101+ guests
  - Allowed only in higher-intensity zone districts
  - Spacing and Density Requirements
- **Community Corrections**:
  - not permitted in SU, TU zone districts
LUTI Discussion (Sept – Dec 2020): Common Values and Goals

• Allow people to access residential care in their communities and where they have access to daily needs

• Encourage equitable distribution of future facilities around the city

• Move away from regulations that exclude people based on the type of care they need

• Ensure Denver’s compliance with the Federal Fair Housing Act and other regulations

Who Are We Serving?

• People transitioning back into community after incarceration
• People in recovery
• People who are elderly and/or living with disabilities
• People who have experienced homelessness
What alternatives are under consideration at City Council?
(Draft code amendments sent to the full City Council for a final public hearing will reflect these changes)

• Prohibit Community Corrections in Single Unit (SU), Two-Unit (TU) and Row House 2.5 (RH-2.5) zone districts

• For “Type 1” facilities (10 or fewer guests), add a requirement to limit the density of facilities allowed in an area

• For “Type 2” facilities (11-40 guests on lots larger than 12,000 sq. ft.)
  o Permit these uses only on parcels previously in use for a civic, public or institutional use, such as unused churches, schools, and government buildings (i.e., not in a house)
  o Limit maximum size to 20 guests in Single-unit, Two-unit and Row House zone districts
Spacing Requirement: How this tool works

Proposed Residential Care Subject Site (hypothetical)
Existing Residential Care
Existing Residential Care

1,200 foot (appr. 3-block) required spacing between facilities

As proposed, would apply to Type 3 and Type 4 Residential Care facilities
Density limits: How they work

- Proposed Residential Care Type 1
- Subject Site (hypothetical)
- Existing Residential Care Type 1
- Existing Residential Care Type 2
- Existing Residential Care Type 3
- Existing Residential Care Type 4

As proposed for Type 1 Residential Care uses:
No more than 3 Residential Care uses within 1-mile radius of a subject site for a Type 1 Residential Care facility. In this example, a new Residential Care Type 1 use would be allowed. If the subject site were slightly further north, the use would not be allowed.
“The community corrections facility helped with everything, as far as my housing, healthcare, sobriety, living situation, and gaining respect from the community. [Independence House] offers everything like case management, a doctor on site, and it is a great asset to the community.”

- Maurice, formerly homeless, former community corrections resident, and Denver Rescue Mission worker
Spacing and Density for Community Corrections

**Current Spacing and Density Requirements**

- Community Corrections Facility
  - 2000' Radius
  - One facility within area
  - 4000' Radius
  - No more than two other such uses within area

**Proposed Spacing and Density Requirements**

- Community Corrections Facility
  - 1,200' Radius
  - One facility within area
  - 1 Mile Radius
  - No more than three other such uses within area
Current Community Corrections Facilities; buffers, and areas where new facilities could be established

- New facilities could be established in tan areas.
- Approximately 3,200 acres, or approximately 1,200 parcels, most in areas where these uses are already concentrated.
- Where 4,000’ (grey) buffers overlap tan areas, presence of other Large Residential Care Facilities would prohibit new CCFs.
### About Community Corrections Facilities in Denver

#### Existing Facilities

<table>
<thead>
<tr>
<th>Facility</th>
<th>Established</th>
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<tbody>
<tr>
<td>CoreCivic - Ulster</td>
<td>2003</td>
</tr>
<tr>
<td>CoreCivic - 46th</td>
<td>1980s</td>
</tr>
<tr>
<td>CoreCivic - Columbine</td>
<td>1970s</td>
</tr>
<tr>
<td>CoreCivic Fox</td>
<td>1990s</td>
</tr>
<tr>
<td>Tooley Hall</td>
<td>Early 1980s (temp. closed)</td>
</tr>
<tr>
<td>Williams Street Center</td>
<td>1970s (closed in 2019)</td>
</tr>
<tr>
<td>Independence House Filmore</td>
<td>1980s</td>
</tr>
<tr>
<td>Independence House Pecos</td>
<td>1976</td>
</tr>
<tr>
<td>Independence House</td>
<td>1988</td>
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<tr>
<td>South Federal</td>
<td>1980s</td>
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<tr>
<td>Peer I</td>
<td>1980s</td>
</tr>
<tr>
<td>The Haven</td>
<td>1980s</td>
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#### Operation and Safety

- Most existing facilities are already near schools and residential areas.
- Dept. of Safety analysis of crime data from the last decade does not show any property or violent crime occurring near existing facilities that can be attributed to a resident or the presence of the facility.
- Regulated by Denver’s Department of Public Safety, state regulations and Denver Community Corrections Board, among others
- Less than 2% percent of Denver community corrections program participants are terminated from the program for committing a new crime.
- The newest facility was opened in 2003.
Proposed: Expand available space for community corrections, but not in SU and TU districts

- Still reflects a significant expansion of land available for these uses: from ~3,210 acres today to ~19,777 acres (~16,000 parcels)
- Would allow these uses on commercial corridors around the city, where there are structures that could accommodate them and access to transit, jobs, and daily needs.
# Next Steps

<table>
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<tr>
<th>Review Process Step</th>
<th>Status</th>
<th>Date</th>
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<tr>
<td>Denver Planning Board</td>
<td>Unanimous recommendation of approval</td>
<td>Aug 19, 2020</td>
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<tr>
<td>City Council Land Use, Transportation and Infrastructure (LUTI) Committee</td>
<td>Meeting September through December to consider alternatives</td>
<td>Final Committee action expected December 22, 2020</td>
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<tr>
<td>City Council public hearing</td>
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<td>Early 2021</td>
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All materials are available for review at [denvergov.org/groupliving](http://denvergov.org/groupliving).

Visit with staff during virtual “Office Hours,” Thursday afternoons and evenings – Schedule at [www.denvergov.org/groupliving](http://www.denvergov.org/groupliving).

Provide written feedback to project manager Andrew Webb at andrew.webb@denvergov.org. Comments are archived on the project website and will be provided to LUTI and the full City Council when final action is taken.
Former Chapter 59: “Old Code”
Zoning

Note: Slides 26-31 reflect separate follow-up projects to ensure updated zoning regulations apply in areas of the city under the “Old Code,” or Former. Ch. 59.
FC59 Zoning Overview

• Just over 20% of the land area of the City is zoned Former Chapter 59 (“old code” or “FC59”)

• About 25% of Denver’s residential units are in FC59 areas
### FC59 Zoning by Council District

<table>
<thead>
<tr>
<th>District</th>
<th>% of FC59 Land Area</th>
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</thead>
<tbody>
<tr>
<td>11 (Gilmore)</td>
<td>33.97%</td>
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<tr>
<td>8 (Herndon)</td>
<td>16.72%</td>
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<tr>
<td>5 (Sawyer)</td>
<td>11.24%</td>
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<tr>
<td>4 (Black)</td>
<td>10.74%</td>
</tr>
<tr>
<td>2 (Flynn)</td>
<td>10.46%</td>
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<tr>
<td>6 (Kashmann)</td>
<td>4.79%</td>
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<tr>
<td>9 (CdeBaca)</td>
<td>3.46%</td>
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<tr>
<td>10 (Hinds)</td>
<td>2.61%</td>
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<tr>
<td>1 (Sandoval)</td>
<td>2.45%</td>
</tr>
<tr>
<td>3 (Torres)</td>
<td>2.26%</td>
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<tr>
<td>7 (Clark)</td>
<td>1.30%</td>
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FC59 Zoning by District Type

Zone District Type
- Commercial Mixed Use
- Industrial
- O-1
- Open Space
- PUD
- Residential
Transitioning From Former Chapter 59 Zoning

• Proposed Solutions
  – Step 1: If we are more inclusive of how we define a "household" in areas with DZC zoning, we should do the same in areas with FC59 zoning.
    • Near-term approach to citywide application of one component of the Group Living amendment: household size
    • Does NOT change existing zoning
  – Step 2: One City One Code
    • Growing awareness that we need to get there more quickly
    • Explore city-driven and applicant-driven opportunities
Transitioning From Former Chapter 59 Zoning

• Step 1: If we are more inclusive of how we define a "household" in areas with DZC zoning, we should do the same in areas with FC59 zoning.
  – Gives the same options for household size to all neighborhoods in Denver, without changing their zoning
  – Requires an amendment to DRMC, with public hearings at Planning Board and City Council