

Denver Group Living Code Update

Consolidated Problem Statement

July 11, 2018

Summary: During a series of meetings that began in March, the Group Living Stakeholder Advisory Committee identified a set of challenges with regulations in the Denver Zoning Code (DZC) that govern Group Living – residential uses where a group of people larger than a typical household occupy a structure, often with common eating and restroom facilities. These issues have caused difficulties for residents/clients (people who want/need group living arrangements), neighborhoods where group living facilities are located currently, providers/operators of group living facilities and City and County staff who implement the regulations. The Committee worked in subgroups focused on specific use types in the DZC related to members’ work or interests:

- Adult and Elder Housing
- Community Corrections
- Artist/DIY/Cooperative housing
- Emerging Residential Uses (tiny house villages, Single-Room Occupancy, co-living, etc.)
- Shelter for the Homeless
- Transitional and Special Care Homes

The subgroups prepared detailed documents outlining Zoning Code issues related to each of the topics above, including specific references to parts of the DZC. Those documents can be found in the pages following this Consolidated Problem Statement, which aims to summarize the work and categorize the issues that have been raised. The Consolidated Problem Statement and individual subgroup Problem Statement documents establish priorities and areas of focus for the next phase of the project, during which the Advisory Committee will work with City staff to develop proposed amendments to the Denver Zoning Code. These proposed amendments will be presented to the public and considered for adoption later in late 2018 or early 2019.

General Problem Statements	Specific Problems Identified by Subgroups
<p><u>Evolving Residential Needs:</u> Different ways of living together are desired to meet new challenges, circumstances, and lifestyles. However, outdated or unclear regulations or a lack of applicable use definitions and building forms in the DZC limit those possibilities.</p>	<p>Emerging Trends Subgroup</p> <ul style="list-style-type: none"> • The zoning definition of “household” is too restrictive, limiting the number of unrelated individuals who can live together. • Zoning does not recognize residential building forms that do not meet our current definitions for a “dwelling unit” such as co-housing and Tiny Home Villages. • Single Room Occupancy is categorized as a lodging use which may be negatively impacting their development as an attractive group living option.

<p>Stakeholders Impacted</p> <ul style="list-style-type: none"> • Residents & Clients • Providers & Operators 	<p>DIY/Artist/Co-Op</p> <ul style="list-style-type: none"> • The Denver Zoning Code’s definition of “Household” places limits on the number of unrelated individuals who can live together. These restrictions inhibit the development of nontraditional residential typologies like artist housing, cooperative housing and co-living. • 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. <p>Adult and Elder Housing</p> <ul style="list-style-type: none"> • Zoning restrictions limit the number of unrelated individuals who can live together under the definition of “Household Living,” which reduces opportunities for intergenerational living and other desired uses. <p>Transitional and Special Care Housing</p> <ul style="list-style-type: none"> • Sober Living Homes are not clearly identified and regulated as a Group Living use.
<p><u>Difficulty Meeting Rising Demand:</u> Demand for some group living types exceeds current supply, but expansion or establishment of new facilities is constrained, in part, by the DZC.</p> <p>Stakeholders Impacted</p> <ul style="list-style-type: none"> • Residents & Clients • Owners & Operators 	<p>Shelter for the Homeless Subgroup</p> <ul style="list-style-type: none"> • City Council districts are the wrong geographic units for regulating the maximum number of beds for shelters as permanent, primary uses. • The terms “beds” 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. • Definitions of shelter types are confusing, have ineffective and inequitable public involvement procedures, and make it difficult to combine a continuum of shelter to housing options in one facility. <p>Community Corrections</p> <ul style="list-style-type: none"> • Demand exceeds current capacity • Limited space in applicable districts for new facilities • Many existing facilities are compliant or nonconforming uses, which have limited allowances for expansion. <p>Adult and Elder Housing</p> <ul style="list-style-type: none"> • Vehicle parking requirements for assisted living facilities exceed the vehicle parking demand. • Code requirements and/or restrictions inadvertently impact affordability.

<p>Unintended Results: Current regulations have led to unintended results, including:</p> <ul style="list-style-type: none"> • disproportionate concentrations of social services and resources in some neighborhoods, • ongoing use of legacy residential care facilities, • need for extensive transportation services, • concentration of vulnerable populations away from needed services. <p>Stakeholders Impacted</p> <ul style="list-style-type: none"> • Clients & Residents • Owners & Operators • Neighborhoods 	<p>Shelter for the Homeless</p> <ul style="list-style-type: none"> • 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. <p>Transitional and Special Care Housing</p> <ul style="list-style-type: none"> • Small Residential Care Facilities contribute to the concentration of services and “institutionalization” of neighborhoods but face far fewer requirements than Large Residential Care. • Minimum 6,000-square-foot lot dimension for Residential Care Facilities may have the effect of concentrating such facilities in suburban neighborhoods. • Establishment of new Large Residential Facilities near adequate transit and services is limited by zoning, spacing and density requirements.
<p>Ineffective Public Outreach Requirements: Requirements for public outreach and involvement in siting decisions are inconsistent and unclear, leading to frustration for neighborhoods and providers.</p> <p>Stakeholders Impacted</p> <ul style="list-style-type: none"> • Providers and Operators • Neighborhoods 	<p>Shelter for the Homeless</p> <ul style="list-style-type: none"> • Definitions of shelter types are confusing, have ineffective and inequitable public involvement procedures, and make it difficult to combine a continuum of shelter to housing options in one facility. <p>Transitional/Special Care Housing</p> <ul style="list-style-type: none"> • Neighborhood role in permitting decisions is unclear and difficult to explain to the public, especially for Small Residential Care Facilities.
<p>Unclear Regulations: Some regulations are unclear or inflexible when considering expansion or siting new or innovative facilities.</p> <p>Stakeholders Impacted</p> <ul style="list-style-type: none"> • Providers and Operators • Clients and Residents • Regulators 	<p>Shelter for the Homeless</p> <ul style="list-style-type: none"> • City Council districts are the wrong geographic units for regulating the maximum number of beds for shelters as permanent, primary uses. • The terms “beds” 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. • Definitions of shelter types are confusing, have ineffective and inequitable public involvement procedures, and make it difficult to combine a continuum of shelter to housing options in one facility. <p>Transitional Housing/Special Care Home</p> <ul style="list-style-type: none"> • The distinction between services provided in a Transitional Housing setting and a Special Care Home facility are unclear.

	<ul style="list-style-type: none"> Establishment of new Large Residential Facilities near adequate transit and services is limited by zoning, spacing and density requirements. <p>DIY/Artist/Coop</p> <ul style="list-style-type: none"> The Denver Zoning Code’s definition of “Household” places limits on the number of unrelated individuals who can live together. These restrictions inhibit the development of nontraditional residential typologies like artist housing, cooperative housing and co-living. 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. <p>Emerging Trends</p> <ul style="list-style-type: none"> Zoning does not recognize residential building forms that do not meet our current definitions for a “dwelling unit” such as co-housing and Tiny Home Villages. <p>55 Plus/Adult/Elder Housing</p> <ul style="list-style-type: none"> Zoning restrictions limit the number of unrelated individuals who can live together under the definition of “Household Living,” which reduces opportunities for intergenerational living and other desired uses. <p>Community Corrections</p> <ul style="list-style-type: none"> Vehicle parking requirements exceed demand and take up space Many existing facilities are compliant or nonconforming uses, which have limited allowances for expansion.
<p><u>Unnecessary or outdated language:</u> Some language in the DZC is redundant, inconsistent or in conflict with state and/or federal regulations and guidelines</p> <p>Stakeholders Impacted</p> <ul style="list-style-type: none"> Providers and Operators Regulators 	<p>Transitional Housing/Special Care Home</p> <ul style="list-style-type: none"> 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. <p>Shelter for the Homeless</p> <ul style="list-style-type: none"> Definitions of shelter types are confusing, have ineffective and inequitable public involvement procedures, and make it difficult to combine a continuum of shelter to housing options in one facility. <p>Community Corrections</p> <ul style="list-style-type: none"> Population Density Requirements need revision.

The Group Living Advisory Committee also identified related challenges with regulations in other codes, such as the Denver Building Code, and with practices and procedures connected to Household and

Group Living uses. While these issues are out of scope for this project, the project team recognizes their interconnectedness with provision of residential care and innovative housing solutions and will seek to elevate them to relevant parallel projects, such as Blueprint Denver, or address with appropriate City and County of Denver Staff.

- Spacing and density requirements for Permanent Supportive Housing (not defined as group living; Fair Housing Act implications)
- Conversion of single-unit homes to multi-unit housing (not defined as group living, warrants citywide policy discussion)
- Clustered, detached dwelling units (not defined as group living, needs building form, etc.)
- Public attitudes/need for education (zoning solutions not applicable)
- Affordability (zoning solutions not applicable)
- Safety/crime/nuisance behaviors (zoning solutions not applicable)

Denver Group Living Code Update

Subgroup Problem Statements

July 12, 2018

Summary: The following documents were developed by six subgroups of the Group Living Advisory Committee, which focused on specific sections of the code related to subgroup members' work or interests. In the next phase of the project, these same subgroups will use these Problem Statements as a starting point for developing proposed amendments to the Denver Zoning Code aimed at solving the problems identified.

Group Living Code Update: 55+ Adult and Elder Care Draft Problem Statement

Overview

This document outlines problems identified with the Denver Zoning Code (DZC)'s regulations for Adult and Elder Care facilities. They include problems identified by a committee of service providers, elder care advocates, neighborhood representatives, and by Community Planning and Development staff.

Committee Goals

A subcommittee of the Group Living Advisory Committee collaboratively developed and agreed to a series of goals for adult and elder care uses. These goals served as a lens through which clarity and enhancements to the Denver Zoning Code may be suggested:

1. Increase the number of unrelated adults allowed to live together.
2. Promote intergenerational and other innovative or atypical living arrangements.
3. Explore parking reductions for adult and elder residential uses where demand may be considerably lower than required supply.
4. Alignment of regulations between the Denver Zoning Code and local, State and Federal Departments of Health while continuing our adherence to the Federal Fair Housing Act.
5. Support naturally occurring retirement communities while avoiding over-concentrations within any given neighborhood.

Draft problems identified in the Denver Zoning Code

Potential issues with the Code identified by the Group Living Advisory Committee are listed below. The sections following provide detailed narratives about the problem with references to code section and relevant Advisory Committee goals.

- 1. Zoning restrictions limit the number of unrelated individuals who can live together under the definition of "Household Living," which reduces 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 regulates Assisted Living Facilities and Large Residential Care Facilities based upon zone district contexts creating confusion for city staff.**

1. Zoning restrictions limit the number of unrelated individuals who can live together under the definition of "Household Living" in non-residential care, non-special care, or non-assisted living situations. The Denver Zoning Code restricts the number of unrelated individuals who can legally reside together under the definition of Household Living in two ways. In single unit dwellings, the limit is two unrelated adults over the age of 18, plus any individuals related to one or both through kinship or marriage. The restriction is increased to four unrelated individuals over the age of 18 in two-unit and multi-unit residential (non-care use facilities), plus others related through kinship or marriage. These limits may be increased under existing provisions for an additional roomer/boarder, domestic employees, adult care home occupations, and foster family care. The limit may also be exceeded when all residents are at least 55 years old and the dwelling qualifies as a Residence for Older Adults. Members of several Advisory Committee subgroups have noted that that these restrictions limit residential uses that are gaining in popularity in response to rising housing costs, such as cooperative housing, where many unrelated adults purchase or lease a home together and share household duties. They also impact intergenerational living arrangements, where multiple individuals of different ages,

unrelated through marriage or kinship, may wish to reside together in a single, two-unit or multiple unit dwelling. The subgroup characterized this living arrangement as a potential solution for housing affordability, companionship and as an alternative to assisted living and residential care facilities.

- *Related Committee Goals: 1, 2, 5*
- *Relevant DZC references: Home Occupation Limitations – All Other Types – 11.9.4; Primary Residential Uses - 11.12.2; Definition of “Household Living” – 11.12.2.1; Definition of Residence for Older Adults – 11.12.2.2.A.4*

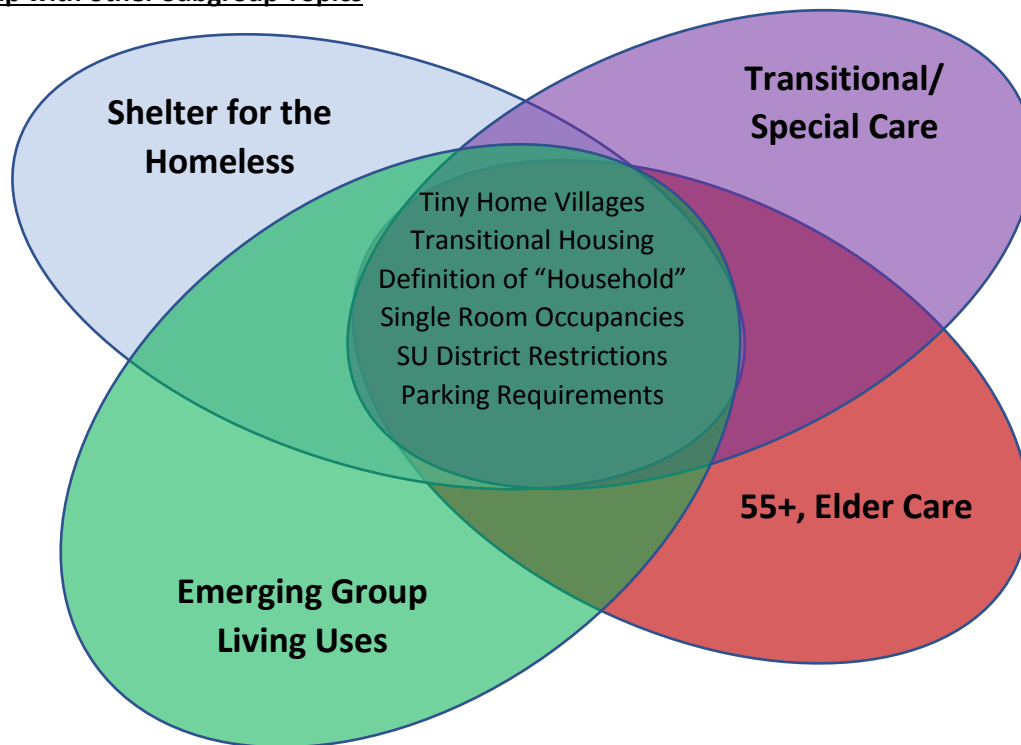
2. Vehicle parking requirements for assisted living, special care and residential care facilities can exceed the demand. The Denver Zoning Code establishes minimum parking requirements “per unit” for assisted living, special care and residential care facilities by zone district. Subcommittee members believe that in many cases the vehicle parking requirements exceed the demand for vehicle parking. There are also differing interpretations of what constitutes a “unit” amongst city staff. Subcommittee members believe current requirements for vehicle parking increases the development costs for these facilities, contributes to environmental concerns (heat island effects, impervious surfaces, etc.), and leads to unused areas that could be reallocated for the care of facility residents.

- *Related Committee Goals: 3, 4*
- *Relevant DZC References: Multiple Denver Zoning Code Use Tables throughout Articles 3-9; Division 10.4 (Alternative Parking Ratio for Residence for Older Adults; Parking Reduction for Assisted Living Facility; Vehicle Parking Categories).*

3. The Denver Zoning Code regulates Assisted Living Facilities and Large Residential Care Facilities based upon zone district contexts creating confusion for city staff. An example of this can be seen in Section 11.2.7.1 where an Assisted Living Facility is not considered the same as a Large Residential Care Facility unless located in Single-Unit and Two-Unit zone districts, where an Assisted Living Facility must comply with the same limitations of a Large Residential Care Facility. According to city development and permit review staff, most of the Assisted Living Facility applications are within Single-Unit zone districts leading to inconsistencies in categorizing facilities between Assisted Living or Large Residential Care which is important considering spacing and density limitations for Large Residential Care uses.

- *Related Committee Goals: 4, 5*
- *Relevant DZC References: Assisted Living Facility – Section 11.2.7; Residential Care Use, Small or Large - Section 11.2.9; Limitations for Large Residential Care Use – Section 11.2.9.1.D*

Overlap with other Subgroup Topics



Bike Rack (related issues not addressed in zoning, but which play a role in the problems identified above)

1. Restrictions on multiple unit building forms in low density residential neighborhood districts; Accessory Dwelling Units limited to being accessory to only Single Unit dwellings (i.e., Accessory Dwelling Units in suburban single-unit areas.) The subcommittee discussed challenges with the zoning code limitations on external Accessory Dwelling Units (“Granny Flats”), internal Accessory Dwelling Units or the conversion of single-family home to two-unit or multiple unit dwellings in suburban single unit zone districts. By expanding residential density in suburban areas and by increasing the building forms that ADUs can be accessory to, the city may have solutions to address housing affordability for seniors, reduce involuntary displacement of seniors, and provide small residential care use opportunities within communities that allow seniors to age in place. (*Note: The current Blueprint Denver Update may contain new guidance on where Accessory Dwelling Units are allowed throughout the City and County of Denver.)

- *Related Committee Goals:* 3, 5
- *Relevant DZC References:* *Accessory Dwelling Units – 11.8.2; Accessory Dwelling Units in ALL SU Zone Districts – 11.8.2.2*
- *Blueprint Denver Update:* <https://www.denvergov.org/content/denvergov/en/denveright/land-use-transportation.html>

2. Code requirements and/or restrictions inadvertently impact affordability. The Denver Zoning Code issues outlined in draft problems nos. 1-3 above are cited as factors that negatively impact housing affordability, the development of assisted living, special care, and residential care facilities.

Group Living Code Update: Community Corrections Draft Problem Statement

Overview

This document outlines problems identified with the Denver Zoning Code (DZC)'s regulations on Community Corrections Facilities. They include problems identified by a committee of service providers, clients and neighborhood representatives, and by city staff based on their experiences in the field.

"Ideal Future" Goals

A subcommittee of the Group Living Advisory Committee collaboratively developed and agreed upon an aspirational set of "Ideal Future" goals. These goals served as a lens through which to identify shortcomings in the Denver Zoning Code:

1. Zoning supports a flexible and safe range of approaches to meet client and community needs.
2. [Zoning facilitates] supportive services that assist clients to reintegrate into the community and reduce recidivism.
3. [Zoning facilitates] healthy community relations in neighborhoods not concentrated in one or a few places.
4. The public is educated about the work being done in Community Corrections facilities.

Draft problems identified in the Denver Zoning Code

Potential issues with the Code identified by the Community Corrections Advisory Committee Subgroup are listed below. The sections following provide detailed narratives about the problem with references to code section and relevant Advisory Committee goals

- 1. Demand exceeds current capacity**
- 2. Limited space in applicable districts for new facilities**
- 3. Many existing facilities are compliant or nonconforming uses, which have limited allowances for expansion.**
- 4. Vehicle parking requirements exceed demand and take up space**
- 5. Population Density requirements need revision.**

1. Demand exceeds current capacity.

Recent efforts to reduce prison overcrowding have increased demand on alternatives, including Community Corrections or "halfway house" services. Prison population projections show an increased demand for residential program capacity in Denver that will be unmet without adding beds to existing programs or approving new programs. The limited capacity is caused partly by budget limitations and other factors specific to provider organizations, but is also influenced by limitations imposed by the Zoning Code as detailed below.

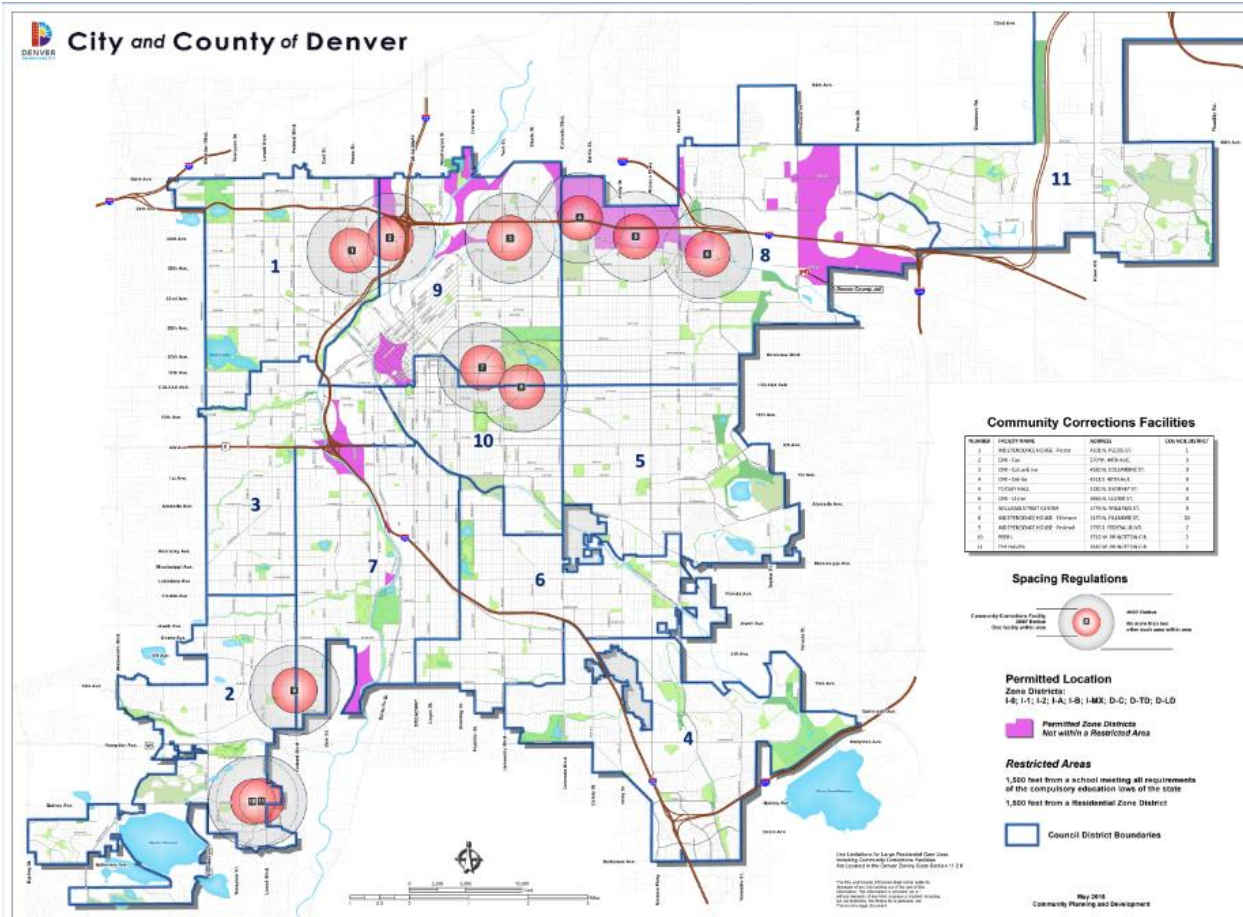
2. Limited space in applicable districts for new facilities.

Community Corrections facilities are permitted in all Industrial and some Downtown zone districts, subject to two sets of additional location restrictions:

- Spacing and Density regulations for Large Residential Care Uses (11.2.9.1.D.3.a; 11.2.9.1.D.3.d)

- Use-specific prohibition on location within 1,500 feet of a school or residential zone district (11.2.10.1.C.)

These limited applicable zone districts and additional restrictions on location have left very little land for the potential establishment of new facilities, as shown in pink on the map below.



- *Related Committee Goals: 3*
- *Relevant DZC references: 11.2.9.1.D.3: Spacing and density regulations for Large Residential Care Uses. 11.2.10: Specific regulations for Community Corrections Facility*

3. Many existing facilities are compliant or nonconforming uses, which have limited allowances for expansion.

Denver Zoning Code sections 12.5 through 12.8 set forth regulations for uses or structures which were lawfully established but no longer meet zoning requirements due to amendments to the Official Zone Map or the Code itself. Some Community Corrections Facilities exist in locations where the Community Corrections use would not be permitted by current zoning – in most cases, these facilities were established prior to adoption of the current Zoning Code in 2010. Such facilities are considered “nonconforming” uses. The Code allows for the continued operation of nonconforming uses but strictly limits their expansion or enlargement. Several other Community Corrections

Facilities are in locations where the use is permitted by zoning, but does not meet the Zoning Code's current use limitations, such as requirements for spacing from other similar uses or separation from residential or school uses. These uses are considered "compliant," and are also subject to limitations on expansion or enlargement. Additional limitations are imposed by Zoning Code regulations on nonconforming or compliant structures which were originally legally established, but which no longer meet the Code's building form standards. Provider representatives on the Advisory Committee noted that these existing facilities have space that could allow for expansion of bed count or support programs and suggested that a process to allow limited expansion of compliant uses may help encourage competition in an industry with a small number of provider organizations.

- *Related Committee Goals:* 1, 2
- *Relevant DZC references:* 12.5.3.2, General Allowance and Limitation on Expansion for Compliant Uses

4. Vehicle parking requirements exceed demand and take up space.

Community Corrections Facilities in the I-MX- zone districts are required to have .125 vehicle parking spaces per unit, while facilities in I-A and I-B zone districts must provide .25 spaces per unit. The code is not clear how to measure a group living "unit" for purposes of parking calculations. Provision of off-street vehicle parking is not required in Downtown zone districts. Some participants noted that space used for required vehicle parking is unnecessary as in most cases residents are not permitted to drive, and that this space could be used for other purposes, such as expansion of bed capacity or programs for residents. Existing allowances for variances in cases of hardship, shared parking, and reductions near transit may address some of these concerns, however this project should review and ensure that required minimum vehicle parking ratios are better aligned with demand.

- *Related Committee Goals:* 1
- *Relevant DZC references:* Zone District Use and Required Parking tables; Parking and Loading (Division 10.4)

5. Population Density Requirements should be reviewed.

The DZC establishes varying standards for the total number of beds permitted in facilities, including limiting certain specific facilities to a certain number of beds and requiring a minimum square footage of gross floor area per person in sleeping areas in some zone districts. Advisory Committee members noted that the gross floor area requirements are out-of-date with evolving federal and state requirements, and that the bed count limits are not reflective of some facilities' capacity for possible expansion, which could serve more residents.

- *Related Committee Goals:* 1, 3
- *Relevant DZC references:* 11.2.10: Specific regulations for Community Corrections Facility

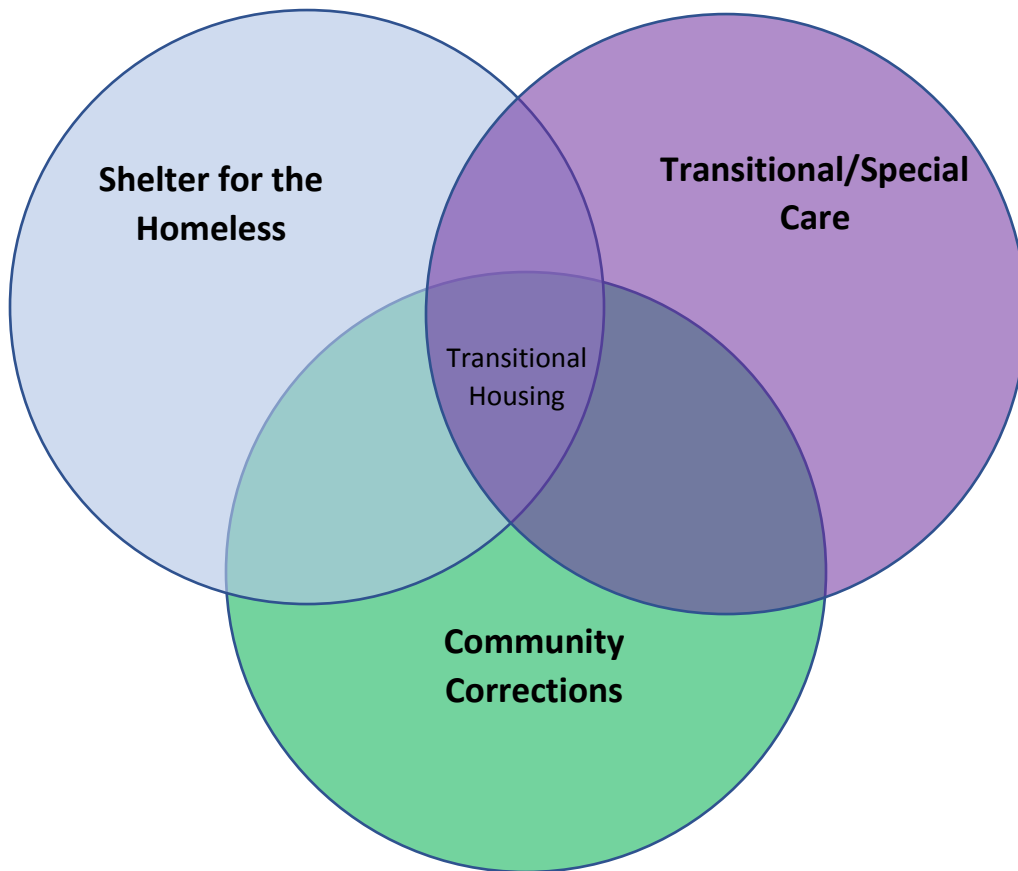
Bike Rack (related issues not addressed in zoning, but which play a role in the problems identified above)

“Community Corrections” nomenclature leads to negative stereotypes.

Perceptions about the residents of Community Corrections facilities can lead to unease in neighborhoods where they exist or are proposed. “Community Corrections” is a well-established term used by the Justice Department, courts and provider industry to refer to sentences served outside of jail or prison facilities by convicted adults. Outside of the zoning code, there may be methods to help reduce neighborhood fears about such facilities by seeking opportunities to integrate Community Corrections Facility residents into community projects or providing opportunities for neighbors to learn how the Community Corrections programs work, services and activities provided to residents, etc.

- *Related Committee Goals: 3, 4*

Overlap with other Subgroup Topics



Group Living Code Update: DIY/Artist/Co-op Draft Problem Statement

Overview

This document outlines problems identified with the Denver Zoning Code (DZC)'s regulations that impact nontraditional residential uses desired by artists, musicians and other creative workers. They include problems identified by a committee of artists, co-housing advocates, developers, special district and neighborhood representatives, and by City staff.

Committee Goals

A subcommittee of the Group Living Advisory Committee collaboratively developed and agreed to a series of goals for DIY/Artist group living and co-housing living arrangements. These “future state” goals served as a starting point for identifying specific problems in the Denver Zoning Code:

1. The Zoning Code will allow for more flexible residential uses to meet the unique housing needs of people working in creative industries. Currently, some desired residential uses may not meet traditional Denver Zoning Code definitions for “dwelling unit” or “household.”
2. The Zoning Code will allow for ongoing adaptation to allow new residential uses as they emerge and evolve.
3. The Zoning Code will encourage the development of attainable housing, including adaptive reuse of existing non-residential structures for residential purposes where appropriate.
4. The Denver Zoning Code will enable more spaces to be used for both one’s residence and occupation, where appropriate.

Problems identified by the Creative Community in the Denver Zoning Code

Potential issues with the Denver Zoning Code identified by the Group Living Advisory Committee are listed below. The sections following provide detailed narratives of the problems with references to DZC sections and relevant Advisory Committee goals.

- 1. The Denver Zoning Code’s definition of “Household” places limits on the number of unrelated individuals who can live together. These restrictions inhibit the development of nontraditional 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 Building, Fire and Health Safety codes. This leads to confusion in interpreting the correct language and regulations between the codes, causing delays and additional expenses as staff and property owners resolve the conflicts.**

1. The Denver Zoning Code’s definition of “Household” places limits on the number of unrelated individuals who can live together. These restrictions inhibit the development of nontraditional residential typologies like artist housing, cooperative housing and co-living..

- A. The DZC's definition of "Household" sets forth limits on the number of unrelated people who may live together in a Dwelling Unit, ranging from 2 unrelated individuals per dwelling unit in Single Unit (SU) and Two Unit (TU) zone districts, up to 4 unrelated individuals per dwelling unit in more intensive districts like Multi-Unit (MU) and Industrial. People of all generations, including workers in industries with unpredictable incomes, such as artists, have shown increasing interest in nontraditional housing options like cooperative housing. Cooperative housing is formed when people elect to create an organizational entity (the cooperative) to own or control their housing and/or related community facilities in which they live. Each month the members pay a fee to cover their share of the operating expenses of the cooperative. Personal income tax deductions, lower turnover rates, lower real estate tax assessments (in some local areas), controlled maintenance costs, and resident participation and control are some of the benefits of choosing cooperative home ownership. However, the Denver Zoning Code restricts the number of unrelated individuals who can legally reside together under the definition of Household Living, which results in low viability for cooperative housing arrangements, or leads to illegal creation of cooperative housing. It is worth noting that most of the current "Group Living" uses in the DZC assume a level of supervision or care provision within the use. The examples cited by the subgroup do not include supervision or care, leaving only the relatively narrow Rooming and Boarding House as an applicable Group Living use for these typologies. Given these constraints, the subgroup believes the definition of "Household" is significant enough to warrant inclusion in the problem statement.
- B. Similarly, the current definition of "Household" limits the number of unrelated individuals who can reside legally in "Live/Work" uses in industrial I-A and I-B Zone Districts where creative communities and artists may desire to live. While not directly related to Group Living as defined by the DZC, this issue has been identified by several Group Living Project subgroups as an obstacle to development of flexible, affordable housing like co-operative ownership, adaptive reuse of former industrial or warehouse space for residential uses. Uses involving multiple, unrelated adults living together may also trigger other regulatory requirements outside the Denver Zoning Code, which can impact feasibility and costs. For example, Building and Fire Code requirements are triggered when the adaptive reuse of industrial and/or warehouse space includes any residential occupancy making the conversion of these buildings challenging for individuals with limited resources.
- *Related Committee Goals: 1, 2, 3, 4*
 - *Relevant DZC references:*
 - *Definition of "Household Living" – 11.12.2.1*
 - Definition of Cooperative Housing - <https://coophousing.org/resources/owning-a-cooperative/buying-into-a-housing-cooperative/>
 - *Live/Work Dwellings in I-A, I-B Zone Districts – 11.2.4.2.B*

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.

Denver and other cities have begun to see rising interest in “DIY Live/Work” housing in low-cost, former industrial spaces, which may combine performance, gallery and work space with sleeping quarters sometimes partitioned or constructed by residents. While popular within creative communities, recent safety concerns have brought attention to such uses, with cities trying to bring these communities into compliance with regulations. Building, Fire, Health, Safety and Public Right of Way codes are triggered when there is a request to change a building use from industrial or warehouse to include “Live/Work.” These code regulations therefore prohibit creative spaces from being flexible and convertible for short-term uses, i.e., art gallery Monday, performance space Tuesday; banquet hall Friday. Finally, the DZC definition for a permanent “Dwelling Unit” in the adaptive reuse of industrial and warehouse buildings triggers Building, Fire, Health and Safety requirements that may be out of the financial reach of creative communities. Compliance has proven difficult in Denver for several reasons.

A. Limited Locations

First, the Denver Zoning Code does not permit new residential uses in I-A, and I-B zone districts except within “Live/Work” Dwellings where the “work” component is restricted to Artist Studios only. This limitation ignores other commercial activities that may be well suited for industrial areas, such as live music or theatrical productions. That said, Blueprint Denver, the Comprehensive Plan and many small area plans establish policies for preserving land for industrial uses and employment, which should be considered alongside any recommendations for changes to allow less-intensive uses that could change the character of these areas over time.

B. Limited Flexibility of Creative Space Use

This subcommittee included members with experience in the adaptive reuse of former industrial or warehouse spaces into creative space as described above in #2. As the City has sought to ensure such development follows formal practices and requirements, additional cost obstacles have been presented. These include paving gravel or dirt parking lots that do not meet current street design standards, landscaping, Denver Zoning Code building form and design standards and ADA improvements that come with a change of use request. The requirements in the Denver Zoning Code are meant to support redeveloping industrial areas to more pedestrian-friendly places with complete sidewalks and other features. This requirement has proved challenging for the small budgets of organizers of creative spaces, especially as such uses are frequently established on an interim basis prior to a property owners' planned redevelopment of a property. Any modifications to the Denver Zoning Code will have to balance City policy for the evolution of high-quality districts over time with the limited resources of organizations that provide for artist housing and performance spaces.

C. Requirements that Increase Costs

To meet the definition of a “dwelling unit,” the adaptive reuse of industrial and warehouse buildings must have 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. The subcommittee, while recognizing the need to regulate buildings and their uses to ensure “public health, safety and general welfare,” also mentioned the challenges in complying with various code definitions for “dwelling unit” since addressing zoning, building and fire code requirements can be costly.

- *Related Committee Goals: 1, 2, 3, 4*

- *Relevant DZC references:*
 - *Dwelling, Live/Work in I-A and I-B Zone Districts – Section 11.2.4.2*
 - *Definition of a “Dwelling Unit” – Section 11.12.2.1.B.1*
 - *Definition of “Dwelling” – 13.3-7 (pg. 1,293 of the electronic PDF)*
- *Relevant DZC References: Surface Parking Design Standards – 10.4.6.4.A and B*
- *Site Landscaping Standards (for I-A and I-B zone districts) - 10.5.4.3*
- *Perimeter Surface Parking Lot Landscaping Standards – 10.5.4.4.B.1*
- *Landscaping Material Standards, Live Plan Material Standards - 10.5.4.6.A*

3. Key terminology used in the Denver Zoning Code is not always consistent with corresponding language in the Building, Fire and Health Safety codes. This leads to confusion in interpreting the correct language and regulations between the codes, causing delays and additional expenses as staff and property owners resolve the conflicts.

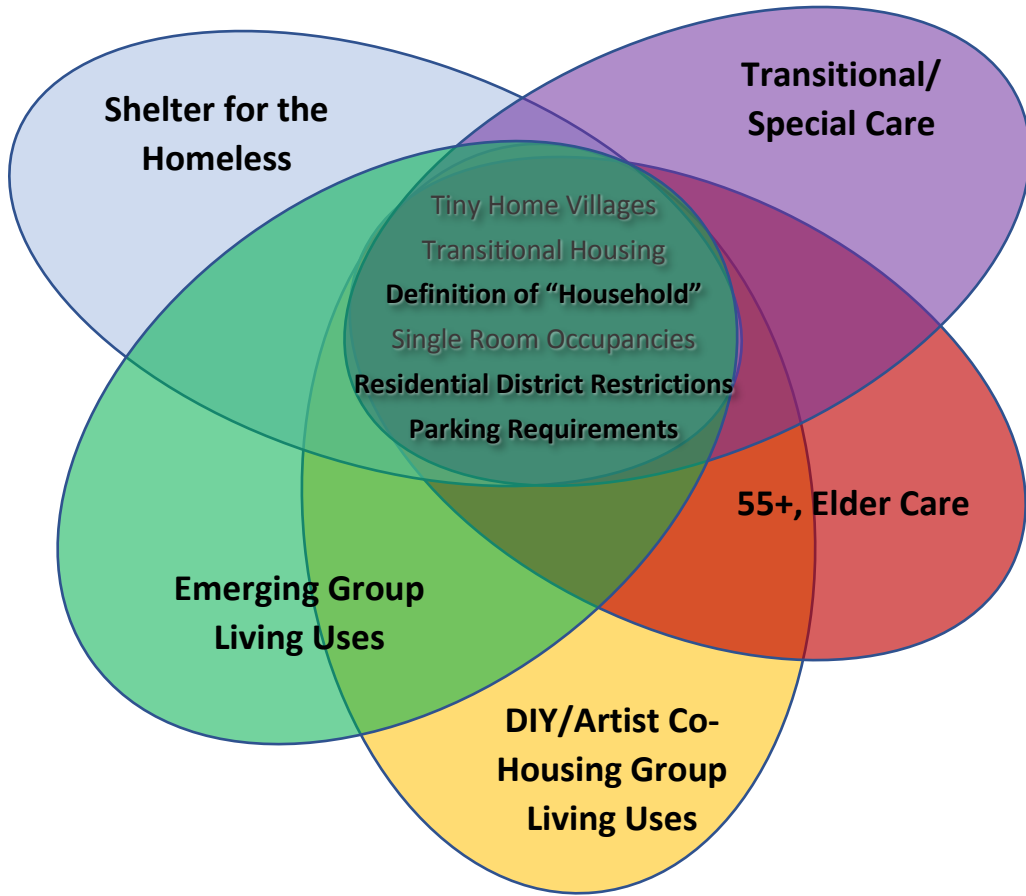
Subgroup member experiences in retrofitting industrial spaces for “Live/Work” uses revealed inconsistencies in language used between Zoning, Building, Fire and Safety codes. An example from the subgroup is the word “assembly.” Within the DZC the word “assembly” has two meanings: 1). “Assembly, Without Fabrication: the joining together of completely fabricated parts” (defined in Section 13.3); and 2). “Assembly: A group of people gathered together in one place for a common purpose,” a general use of the word (not defined). The subtle differences in meaning made it challenging for the subgroup member to secure the appropriate zoning and building permits. Their “Live/Work” project in an industrial zone district, utilized both meanings - the assembly of art, and the assembly of people for shows and performances. The assembly of people is not permitted in I-B zone districts however, Arts, Recreation and Entertainment Services, Indoor as a primary use is allowed in I-B zone districts with a zoning permit. In the Building Code, activities desired by artist and members of the creative community have several assembly group sections that might apply, further complicating the appropriate regulating tools.

- *Related Committee Goals: 1, 2, 3, 4*
- *Relevant DZC references:*
 - *Assembly, Without Fabrication – Section 13.3*
 - *Special Contexts and Districts, Division 9.1 Industrial Context, District Specific Standards – Section 9.1.5.5 (Public and Religious Assembly)*
 - *Special Contexts and Districts, Division 9.1 Industrial Context, District Specific Standards – Section 9.1.5.5 (Commercial Sales, Services, and Repair Primary Use Classification, Arts, Recreation and Entertainment)*
 - *2015 International Building Code, Chapter 3, Sections 303.1-307.8*

Bike Rack Issues (Elements of Group Living that fall outside the scope of the project)

All references to Building, Fire, Health, Safety and Public Right-of-Way codes fall outside the scope of the Group Living project. The project team acknowledges the comments from the sub-committee related to other regulatory code impacts and will seek opportunities to collaborate with the Group Living Technical Team and its representatives from other regulating authorities such as Zoning Administration, Building, Fire, Safety, Public Works and the Denver Department of Public Health and Environment (DDPHE).

Overlap with other Subgroup Topics



Group Living Code Update: Emerging Trends Draft Problem Statement

Overview

This document outlines problems identified with the Denver Zoning Code (DZC)'s regulations for emerging trends in group living. They include problems identified by a committee of design professionals, developers, service providers, clients, "Tiny Home Village" advocates, neighborhood representatives, and by city staff.

Committee Goals

A subcommittee of the Group Living Advisory Committee collaboratively developed and agreed to a series of goals for identifying emerging trends in group living. These goals served as a lens through which clarity and enhancements may be suggested for the Denver Zoning Code:

1. Identify examples of emerging trends in residential group living from around the United States for potential inclusion in the Denver Zoning Code. A few examples of emerging trends already identified include Tiny Home Villages, cooperative housing communities, and modern single room occupancy residences.
2. Examine zoning and building codes from peer cities where emerging trends in group living are taking place for best practices that may be incorporated into the Denver Zoning Code.
3. Develop recommendations to enable long-term to permanent locations for "Tiny Home Villages" and other emerging trends unanticipated in the Denver Zoning Code.
4. Revisit the definition of "Household" to examine if the number of unrelated individuals allowed to cohabitate within a dwelling unit adequately reflects Denver's diverse household configurations.

Draft problems identified in the Denver Zoning Code

Potential issues with the Code identified by the Group Living Advisory Committee are listed below. The sections following provide detailed narratives about the problem with references to code section and relevant Advisory Committee goals.

- 1. The zoning definition of "household" is too restrictive, limiting the number of unrelated individuals who can live together.**
- 2. Zoning does not recognize residential building forms that do not meet our current definitions for a "dwelling unit" such as co-housing and Tiny Home Villages.**
- 3. Single Room Occupancy is categorized as a lodging use which may be negatively impacting their development as an attractive group living option.**

1. The zoning definition of "household" is too restrictive, limiting the number of unrelated individuals who can live together. The Denver Zoning Code restricts the number of unrelated individuals who can legally reside together under the definition of Household Living in two ways. In single unit dwellings, the limit is two unrelated adults over the age of 18, plus any individuals related to one or both through kinship or marriage. The restriction is increased to four unrelated individuals over the age of 18 in two-unit and multi-unit residential (non-care use facilities), plus others related through kinship or marriage as defined by specific relationship types in the zoning code. These regulations present challenges to groups of adults seeking to offset high housing costs or pursue a more collaborative lifestyle by living in

larger groups, either simply as housemates or in “intentional” communities like cooperative housing, which has seen resurgent interest in Denver. Some members of the committee felt that the DZC’s limitation on the number of unrelated individuals allowed to live together is arbitrary and questioned whether the DZC’s allowance for multiple related individuals to live together in a single dwelling unit could have similar external impacts. Some cities have developed models for permitting uses like cooperative housing that highlight the unique nature of such uses. For example, the City of Boulder, Colorado defines a “Cooperative House” where “Residents of a cooperative house have a high degree of social cohesion and teamwork. The residents typically govern through consensus and share responsibilities and resources. New members are typically selected by the community's existing membership, rather than by real estate agents, property managers or non-resident landowners.” (<https://bouldercolorado.gov/plan-develop/co-op-housing>)

- *Related Committee Goals: 4*
- *Relevant DZC references: Primary Residential Uses - 11.2.1; Definition of “Household Living, Dwelling and Household” – 11.12.2.1*
- *Other references: Co-op Housing: “What is a Cooperative House?” - <https://bouldercolorado.gov/plan-develop/co-op-housing>*

2. Zoning does not recognize residential building forms that do not meet our current definitions for a “dwelling unit” such as co-housing and Tiny Home Villages. Division 13.3 of the Denver Zoning Code defines a **dwelling unit** as: “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 except for an accessory Short-term Rental.” A **“habitable room”** is also defined in Division 13.3 as, “A room in a dwelling unit designed to be used for living, sleeping, eating or cooking, excluding bathrooms, toilet compartments, closets, halls, storage and similar space.” According to the 2015 International Building Code, section 1208.3 for **Room Area**, “Every dwelling unit shall have no fewer than one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²). The 2018 International Residential Code has guidance for Tiny Houses, but that code has not been adopted. For example, Tiny House 2018 IRC Appendix Q gives guidance for Tiny House foundations (not mobile or on wheels), egress roof access windows, landing platforms for lofts, lofts, and overall tiny house maximum size (400 SF) among others. Though an individual tiny home meeting the requirements above may be constructed on a single residential lot, the emerging described as a Tiny Home Village is not easily implementable. Similar to a Single-Room Occupancy use, Tiny House Villages involve private sleeping quarters with shared kitchen, bathroom and sometimes living facilities. However, unlike SROs, they are typically “disaggregated” in a cluster of separate, inexpensively produced structures. Tiny Home Villages developed in Denver have three distinct problems:

1. No existing permanent specific use type accommodates this proposed use. Currently, Tiny Home Villages are operating under Unlisted Temporary Use permits per DZC Sec. 11.11.1.1.
2. This new use, in typical site layouts, would demand changes to building form standards. In mixed use commercial zone districts, the use would have difficulty meeting standards of the General and Shopfront building forms, such as transparency, build-to, and pedestrian access. In multi-unit zone districts, the use would have difficulty meeting these standards in the Apartment building form.

3. Parking requirements for a disaggregated group living use would need to be developed for Tiny Home Villages.

Co-Housing, another emerging residential use type in which attached or detached dwelling units or sleeping quarters are arranged around common outdoor space or shared living, bath and kitchen facilities, also lacks a clear fit in the code. In some cases, the SRO Lodging use may be applicable, but that presents its own set of issues (see Problem 3, below).

- *Related Committee Goals: 1,2,3*
- *Relevant DZC references: Definition of “Dwelling” – 13.3-7; Definition of “Habitable Space” – 13.3-12*
- *Specifications for “Room Area” - [2015 International Building Code, Section 1208.3](#)*
- *Guidance for “Tiny Houses” – [2018 International Residential Code for One and Two-Family Dwellings](#)*

3. Single Room Occupancy is categorized as a lodging use which may be negatively impacting their development as an attractive group living option. SRO housing is typically characterized by private sleeping areas arranged around shared bathroom, kitchen and common area facilities. Currently, the DZC requires a kitchen as part of a Dwelling Unit, which precludes development of SRO housing as a conventional multi-unit (e.g. apartment) project. Instead, this type of housing is considered a Lodging Accommodation use by the DZC. The subcommittee is concerned with confusion created by the Denver Zoning Code’s listing of Single Room Occupancy Hotel as a Lodging Accommodation or “SRO Hotel” instead of considering them another type of group living use. The confusion stems from the references to “lodging” which is defined as a stay that is 30 days or less in duration. If a SRO stay exceeds 30 days, that stay could fall into the permanent lodging use category. The subcommittee expressed concerns that by associating SROs with hotels or lodging accommodations, the zoning code is inadvertently branding the SRO user as transient. City staff has been hesitant to apply SRO use to any development proposal because the current definition is so wide open and parking reductions/parking rates are lower than those for multi-unit development. A recent development proposal contained a mix of short- and long-term tenancies in the same building, not separated by floor or room. After considerable discussion, the development was considered a “hotel” and not an extended stay SRO “apartment.”

- *Related Committee Goals: 3*
- *Relevant DZC References: Lodging Accommodations – 11.12.4.5*

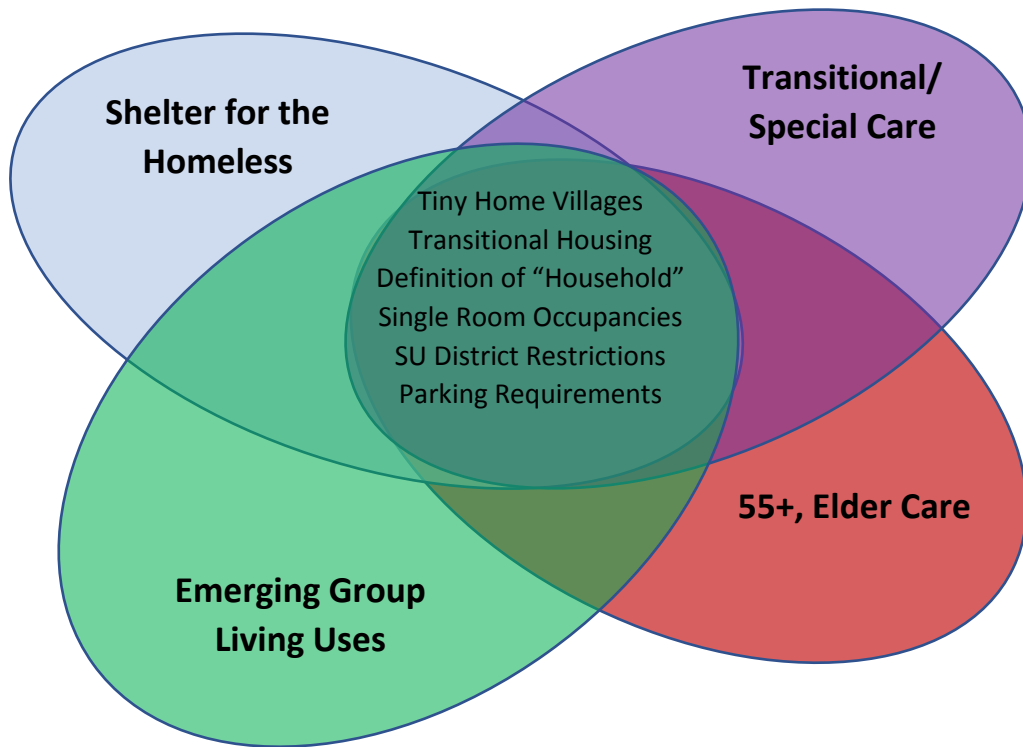
Bike Rack Issues (Out of scope for Group Living but to be discussed by the City via other projects.)

1. Single Unit zoning prohibits adaptive reuse of single unit uses for multi-unit uses where increased density would otherwise be appropriate. The Denver Zoning Code prohibits the conversion of single unit structures into multiple units (three or more dwelling units) in single-unit and two-unit zone districts where increased density could be accommodated and contextually appropriate, and also prohibits the establishment of detached co-housing arrangements or Tiny Home Villages or other similar uses where they may otherwise comply with neighborhood intent for dwelling units per acre, building form and scale. Increasing density in Single-Unit zone districts warrants a separate discussion, which has begun as a component of the Denverright effort to update Blueprint Denver and its recommendations for future land uses. While this issue is beyond the scope of the Group Living regulations in the Zoning Code,

it is noted here to highlight its relationship to the feasibility of unique and nontraditional housing arrangements in Denver.

- *Related Committee Goals: 4*
- *Relevant DZC References: Multiple Denver Zoning Code single unit and two-unit zone district references in Divisions 3, 4 and 5.*

Overlap with other Subgroup Topics



Group Living Code Update: Shelter for the Homeless Draft Problem Statement

Overview

This document outlines problems identified with the Denver Zoning Code (DZC)'s regulations on Shelters for the Homeless. They include problems identified by a committee of service providers, clients and neighborhood representatives, and by Community Planning and Development staff based on their experiences in the field.

Committee Goals

A subcommittee of the Group Living Advisory Committee collaboratively developed and agreed upon a series of goals for shelter uses. These goals served as a lens through which to identify shortcomings in the Denver Zoning Code:

1. Provide for safe, well-managed emergency shelter.
2. Enable path to stable housing for those who are ready
3. Enable supportive services as needed/desired, along continuum of service
4. Be good neighbors, reciprocally, to promote strong, stable neighborhoods.
5. Facilities are located throughout the City and County of Denver in order to provide shelter and services to people in need, helping them to stay in communities they call home and moving toward greater equity across neighborhoods.

Draft problems identified in the Denver Zoning Code

Potential issues with the Code identified by the Group Living Advisory Committee are listed below. The sections following provide detailed narratives about the problem with references to code section and relevant Advisory Committee goals.

- 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 "beds" 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. Definitions of shelter types are confusing, have ineffective and inequitable public involvement procedures, and make it difficult to combine a continuum of shelter to housing options in one facility.**

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.

Summary of Current Code: Since at least the 1990s and likely prior, the code has been amended several times to address concentration of Large Residential Care Facilities, including shelters permitted as Shelters for the Homeless as a Permanent, Primary Use and certain shelters established without a Zoning Permit under the allowance granted by 11.2.10.4, Shelters for the Homeless Allowed in Buildings Owned by Nonprofit Corporations or Governmental Entities. Most (but not all) permanent, year-round shelters are regulated by at least two sections of the DZC:

- 11.2.9.1.D: Limitations for Large Residential Care Use, and
- 11.2.11.2, Shelter for the Homeless as a Permanent, Primary Use.

11.2.9.1.D sets forth regulations intended to prevent concentration or “institutionalization” of neighborhoods. These include spacing and density regulations. For example, new Large Residential Care uses must be 2,000 feet from another Large Residential Care use, and no more than 2 may exist within a 4,000-foot radius, with additional requirements imposed in “Impacted Neighborhoods” where the number of existing such uses exceeds the city-wide average. Sec. 11.2.11.2 sets forth additional requirements, including permitted zone districts, limitations on the number of beds and expansion thereof, and additional spacing requirements from schools.

A. Tracking Difficulty: The DZC’s variety of permitting options (including some options for establishing facilities without a zoning permit) makes it difficult to track and map shelters in order to effectively administer and enforce these spacing and density requirements.

B. Expansions: The current limitations, coupled with real estate costs and the availability of appropriate structures, inhibit the ability to establish new permanent shelters as a primary use, resulting in an overreliance by existing shelters on emergency determinations to expand to meet demand. Sec. 11.2.11.5 provides for suspension of regulations in an emergency, and most of the City’s current shelters (operated by the City itself and partner organizations) have been operating beyond capacity permitted by zoning for several consecutive years of emergency determinations, with the city’s largest shelters now serving in excess of 600 people on some nights. There are no clear code standards by which the zoning administrator should determine whether an emergency exists – in practice, the zoning administrator has deferred to the judgement of other city agencies. These emergency determinations lack transparency and contribute to overcrowded conditions in shelters.

C. Concentration of Facilities: Difficulty establishing or expanding new shelters has led to the ongoing concentration of existing facilities in certain parts of the city, most of which predate the 1993 code amendments. Because existing nonconforming and compliant uses could not be re-established once reduced or closed, older, outdated facilities tend to remain in place to retain their grandfathered status, contributing to the problems of overconcentration in a handful of neighborhoods. Furthermore, many shelters that have been established more recently are located in industrial areas, far from daily needs and services. Clients are transported by bus to and from such shelters from older, smaller facilities near downtown, resulting in large numbers of vulnerable people spending the day in neighborhoods that are unable to meet their needs for services. These outcomes are not consistent with the original intent of the regulations, which were intended to spread shelter uses equitably around the city.

- *Related Committee Goals: 1, 5*
- *Relevant DZC References: 11.2.9.1.D: Limitations for Large Residential Care Use, 11.2.11: Shelter for the Homeless*

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

Summary of Current Code: Sec. 11.2.11.2, Shelters for the Homeless as a Permanent, Primary Use, sets forth bed count limits for permanent shelters and establishes requirements for expansion of the number of beds. Additionally, this section limits the total number of shelter beds to 950 in any one City Council District.

- A. Council District Remapping:** First, City Council district boundaries are re-mapped at least every 10 years to account for population growth and shifts, which makes it difficult to meaningfully regulate and distribute shelter populations over time. Council districts were most recently redrawn in 2012. Redrawing Council districts can result in conforming shelters becoming nonconforming shelters without any change in zoning code. A different geographic unit should be used for limiting shelter density.
- B. Council Districts Do Not Align with Other Data Boundaries:** Additionally, using Council Districts as a geography (as opposed to more common statistical subdivisions like U.S. Census tracts) makes it difficult to gather data about existing population in an area to better understand possible social impacts of a proposed facility.

- *Related Committee Goals: 1, 5*
- *Relevant DZC References: 11.2.11.2: Shelters for the Homeless as a Permanent, Primary Use*

3. The terms “beds” 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.

Summary of Current Code: Section 11.2.11.2 sets forth requirements for different types of shelters. All have some limitation on the maximum capacity of shelters, measured either as the number of residents or beds.

- A. Consistent Terms:** The code should use a consistent unit to measure capacity for all shelter use types.
- B. Unintended Consequence - Counting Beds:** The use of “bed” as a unit rather than “person” or similar terminology may encourage practices some see as inhumane, such as the use of mats on the floor.

- *Related Committee Goals: 1*
- *Relevant DZC References: 11.2.11.2: Shelters for the Homeless as a Permanent, Primary Use*

4. Definitions of shelter types are confusing, have ineffective and inequitable public involvement procedures, and make it difficult to combine a continuum of shelter to housing options in one facility.

Summary of Current Code: The DZC establishes three types of shelter uses: Shelter for the Homeless as a Permanent, Primary Use; Shelter for the Homeless Operated by a Religious Assembly Use; and Shelter for the Homeless Allowed in Buildings owned by Nonprofit Corporations or Governmental Entities. The latter two offer opportunities for providers to bypass some regulations, with the most flexible allowances for providers that only operate for up to 120 days per year and provide less than a specified number of beds. Larger facilities, or those that are open for more than 120 days per year, must meet some, but not all of the regulatory requirements that apply to Permanent, Primary Uses.

- A. **Unintended Consequence – Moving/Rotating Networks:** The relative ease of establishing shelters that are not open all year has led to homeless service providers depending on a network of shelter services that move from location to location, where they may lack the efficiencies enabled by a more permanent location.
- B. **Tracking Difficulty:** Because these facilities do not require any kind of zoning permit, they are difficult to track and enforce and there are limited data about them.
- C. **Public Involvement:** The allowance described in 11.2.11.4 offers a simpler path toward establishment of shelter uses in buildings owned by a government or non-profit organization (Compared to Permanent, Primary Use allowance offered by 11.2.11.2). However, that section contains special requirements for notification, a public meeting and a community oversight committee (not required for a Shelter as a Permanent, Primary Use). While committee members and City staff agree that public outreach is important for shelter facilities, the current requirements present several problems, including:
 - The DZC does not clearly articulate the purpose or outcome of the required public meeting – such as whether the proposers should obtain the consent of the community or simply provide information.
 - The zoning administrator is not empowered to enforce public meeting outcomes, such as changes to a proposed facility desired by neighbors (e.g. access, hours of operation, etc.).
 - Additionally, the required committee is significantly different from other Zoning Code practices and the requirements of the oversight committee are not clear.
 - Finally, City staff administering this requirement, as well as applicants, have had difficulty enlisting the required assistance of a district City Council Member and nearby neighbors for this committee.
- D. **Multiple Uses in One Facility:** Shelter providers are increasingly exploring development of facilities that provide a range of services that would allow individuals experiencing homelessness to move from basic emergency shelter to transitional housing to permanent supportive housing or similar long-term residence. Providers and administrators have found it difficult to navigate the Code’s separate density and spacing, community outreach and operational requirements for each of these multiple primary uses when combined in one development.
- E. **Other Definition Issues:**
 - Breakdown of provider types, such as Religious Assembly, should be further clarified.

- Limiting the days of operation is not in line with recommended practices of housing people in shelters as long as is necessary until they are ready to begin moving into more permanent housing.
 - The requirement that the Department of Human Services be involved in the Shelter for the Homeless Allowed in Buildings owned by Nonprofit Corporations or Governmental Entities section is unclear to some providers – specifically, the definition of what constitutes “involvement.” DHS plays some role, directly or indirectly, in most or all services provided to people experiencing homelessness.
 - The name of this specific use type – “Shelter for the Homeless” – should be revised to a more respectful, person-first term.
- *Related Committee Goals: 1, 2, 3, 4, 5*
 - *Relevant DZC References: 11.2.11.2: Shelters for the Homeless as a Permanent, Primary Use; 11.2.11.3: Shelter for the Homeless Operated by a Religious Assembly Use; 11.2.11.4: Shelter for the Homeless Allowed in Buildings owned by Nonprofit Corporations or Governmental Entities; 11.2.9 Residential Care Use, Small or Large; 11.12.2.2. Specific Group Living Use Types and Definitions.*

5. Some uses outside the Group Living use category, such as Permanent Supportive Housing, serve a similar population and may contribute to concentration of poverty.

Background and Summary of Current Code:

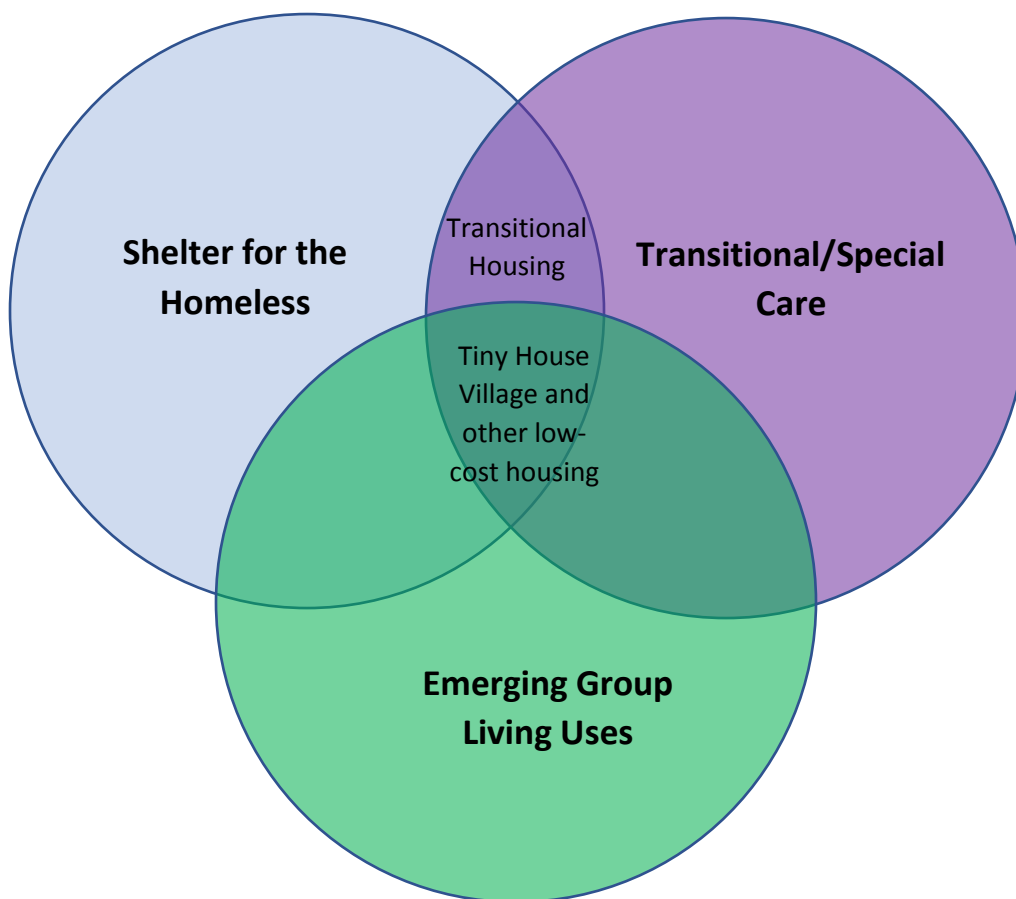
- *Related Committee Goals: 2, 3, 4, 5*
- *Relevant DZC References: 11.2.8.1.D Limitations for Large Residential Care Use*

Bike Rack (related issues not addressed in zoning, but which play a role in the problems identified above)

Concentrations of Poverty – Recent efforts to address chronic homelessness have focused on “Housing First” models as alternatives to shelters, where residents have their own apartments and may, but are not required to access on-site services and/or counseling for mental health, addiction, job training, etc. Some participants in the Group Living Advisory Committee Shelter for the Homeless subgroup are concerned that these uses promote concentration of poverty in certain neighborhoods because they are not required to meet spacing and density requirements of a conventional shelter, nor are such uses considered when analyzing spacing requirements for a proposed Large Residential Care Facility, such as a shelter. Concentrations of poverty can contribute to the erosion of neighborhood services and amenities like parks, grocery stores and other daily needs, which can lead to breakdown of a sense of community ownership and vulnerability to gentrification. Other community stakeholders have expressed concerns about discriminating against individuals with low incomes, inequity in the city advancing policies regarding concentration of poverty without addressing concentration of wealth, and the needs of residents to conveniently access services without lengthy travel. Any discussion of this issue will need to honor and include city policies and goals for enabling the creation of long-term housing for people experiencing homelessness, and laws against discrimination.

- **Building management** – the management of a residential building, such as screening of tenants and maintenance of structures and outdoor areas, plays a key role in the external impacts felt by a neighborhood from a residential facility. Shelters and other residential uses that do not effectively manage small-scale crime, loitering and trash accumulation aggravate problems with overconcentration of such facilities.
- **Shelter transport drop-offs** – As discussed in problem statement elements above, the current practice of dropping hundreds of emergency shelter clients off in downtown every morning has created additional pressures and challenges with sanitation and crime in nearby neighborhoods.

Overlap with other Subgroup Topics



Group Living Code Update: Transitional Housing/Special Care Home Problem Statement

Overview

This document outlines problems identified with the Denver Zoning Code (DZC)'s regulations on Transitional Housing, Special Care Homes and other similar Residential Care Uses. They include problems identified by a committee of service providers, clients and neighborhood representatives, and by staff based on their experiences in the field.

Committee Goals

A subcommittee of the Group Living Advisory Committee collaboratively developed and agreed upon a series of goals for Residential Care uses. These goals served as a lens through which to identify shortcomings in the Denver Zoning Code:

1. Allow a full range of programs to meet recovery needs
2. Site related uses equitably across neighborhoods, meeting community needs as well.
3. Include clear definitions and regulations, including parking, density and spacing [as related to] other group housing.

Guiding Values and Principles

The Transitional Housing/Special Care Home subcommittee also developed and agreed upon the following guiding values/principles which were used to evaluate the effectiveness of current regulations:

1. Be good neighbors, reciprocally, and make neighborhoods better places to live together.
2. Maintain the integrity of related industries
3. Don't attempt to tell people how to run their households
4. Comply with the Fair Housing Act

Draft problems identified in the Denver Zoning Code

Potential issues with the Code identified by the Transitional Housing/Special Care Home Advisory Committee Subgroup are listed below. The sections following provide detailed narratives about the problem with references to code section and relevant Advisory Committee goals.

1. **Sober Living Homes are 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 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-square-foot lot dimension for Residential Care Facilities may have the effect of concentrating such facilities 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.

1. Sober Living Homes are not clearly identified and regulated as a Group Living Use. Sober Living homes exist around the City and typically house a number of unrelated person in excess of the number of unrelated persons permitted in a single dwelling unit in the zone district in which the dwelling unit is located. Some larger facilities are permitted as Transitional Living Facilities, while some that provide more extensive care, such as medical treatment of withdrawal symptoms, are permitted as Special Care Homes. However many smaller facilities have been established without permits. State and federal laws require cities to regulate sober living homes serving less than 8 people as household uses, effectively pre-empting tighter regulation. Because Sober Living Homes generally lack regulation independent of the City, such as a licensing requirement from the state or another entity, community members have raised concerns about the ability to address parking, property maintenance and other issues. The City should review zoning requirements and enforcement procedures to ensure that external impacts are being addressed.

- *Related Committee Goals: 2, 3 Related Principles: 1, 2, 4*
- *Relevant DZC references: 11.12.2.2.A: Specific Group Living Use Types and Definitions.*

3. The distinction between services provided in a Transitional Housing setting and a Special Care Home facility are unclear. The Residential Care Use category defines four types of residential care: Transitional Housing, Shelter for the Homeless, Community Corrections Facility and Special Care Home. While the middle two are fairly clear (Community Corrections, Shelter for the Homeless); Transitional Housing and Special Care Homes are less-clearly defined. Generally, the dividing line between the two has been dispensation of medication, and Transitional Housing may operate under the less stringent Small Residential Care limitations regardless of size. This section may need additional clarification to provide predictability to the public, and to account for uses that don't clearly fit any of the definitions.

- *Related Committee Goals: 1 Related Principles: 2, 3*
- *Relevant DZC references: 11.12.2.2.A.5. Definition of Group Living Use Category, Specific Group Living Use Types and Definitions, Residential Care Uses*

3. Small Residential Care Facilities may contribute to the concentration of services and “institutionalization” of neighborhoods but face far fewer requirements than Large Residential Care. Small Residential Care facilities are governed by a short section of limitations, including language specifying that they shall “not cause or add to the institutionalization of residential neighborhoods. However, there are not clear criteria or specific density requirements specified for consideration by permit review staff, and in many cases clients for such facilities constitute a “protected class” under the Fair Housing Act, which precludes many regulations.

- *Related Committee Goals: 2 Related Principles: 1, 4*
- *Relevant DZC references: 11.2.9.1.E. Limitations for Small Residential Care Uses*

4. Establishment of new Large Residential Facilities near adequate transit and services is limited by zoning, spacing and density requirements.

To be effective, Transitional and Special Care Housing needs to be located near public transportation, job opportunities and other human services providers. The Zoning Code establishes fairly complex requirements for Large Residential Care Uses, including spacing and density requirements that limit such facilities in proximity to each other and prohibits the establishment of such facilities in lower-intensity residential zones unless located in a structure built before 1993. Some members of the Advisory Committee felt that these requirements left few structures and locations remaining to establish this type of housing in appropriate locations near services and transit. Others wondered whether expanding the number of residents permitted in a Small Residential Care Use (currently up to 8) would help alleviate this problem.

- *Related Committee Goals: 1,2 Related Principles: 1,4*
- *Relevant DZC references: 11.2.9.1.D. Limitations for Large Residential Care Uses*

5. Neighborhood role in permitting decisions is unclear, especially for Small Residential Care Facilities.

Some community members on the subcommittee felt that the Use Limitations and Zoning Permit with Informational Notice (ZPIN) requirements for Small Residential Care Facilities does not specify a clear role for neighbors or a neighborhood organization. The Fair Housing Act may preclude a neighborhood role. This should be better understood and clarified in the code.

- *Related Committee Goals: 1 Related Principles: 2*
- *Relevant DZC references: 12.4.2: Zoning Permit Review With Informational Notice; 11.2.9.1.C: Continuation of Certain Existing Uses*

6. Minimum 6,000-square-foot lot dimension for Large Residential Care Facilities may have the effect of concentrating such facilities in suburban neighborhoods. Sec. 11.2.9.1.D.4. sets a minimum lot size of 6,000 square feet, with a minimum lot width of 50 feet, for a Large Residential Care Facility. Some members of the Advisory Committee subgroup questioned whether this requirement is necessary, especially for smaller facilities that are just over the 9-person threshold for a Large Residential Care Facility and may otherwise be appropriately sited in a more urban context where parcels are smaller and narrower.

- *Related Community Goals: 1 Related Principles:*
- *Relevant DSC references: 11.2.9.1.D.4. Minimum Lot Dimensions*

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. The language suggests that there are residential uses not held to Building and Fire Code standards – this is not the case and it is unclear why this language exists in this section.

Overlap with other Subgroup Topics

