Group Living Advisory Committee  
Community Corrections Subgroup  
Phase 3, Meeting 3  
Handout packet  
Date: 11/19/19
<table>
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<tr>
<th>Agenda Item</th>
<th>Time</th>
</tr>
</thead>
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<tr>
<td>Welcome and introductions</td>
<td>3:00 – 3:10 p.m.</td>
</tr>
<tr>
<td>Review and confirm existing process agreements</td>
<td>3:10 – 3:25 p.m.</td>
</tr>
<tr>
<td>Bring everyone up to speed:</td>
<td></td>
</tr>
<tr>
<td>• Overview of current zoning regulations</td>
<td>3:25 – 3:45 p.m.</td>
</tr>
<tr>
<td>• Group Living Advisory Committee Subgroup Process so far</td>
<td></td>
</tr>
<tr>
<td>• Agreed-on and recommended Zoning Code amendments</td>
<td></td>
</tr>
<tr>
<td>Group discussion of work done to date and proposed recommendations</td>
<td>3:45 – 4:30 p.m.</td>
</tr>
<tr>
<td>Overview of proposed Zoning Code updates for discussion at next meeting (12/12)</td>
<td>4:30 – 4:55 p.m.</td>
</tr>
<tr>
<td>Wrap up</td>
<td>4:55 – 5:00 p.m.</td>
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<th>Section</th>
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<td>Overview of Current Regulations</td>
<td>Slides 11-21</td>
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<td>Problems Identified and Progress To-Date</td>
<td>Slides 22-27</td>
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<td>Slides 36-38</td>
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Group Living Project Details
and Advisory Committee Process
Group Living Project Overview

Timeline + Schedule

- Kickoff: March 2018
- Problem ID: April – August 2018
- Solutions Development: Oct 2018-present
- Final Strategy Proposals and public outreach:
  - Q1 2020
- Public adoption process:
  - Q2 2020 (expected final City Council hearing late May/early June)

Key Issues

- Tiny Home Villages (complete)
- Community Corrections
- Definition of "Household"
- Spacing and density of residential care uses
- Federal Fair Housing Act

About the Project

- Advisory Committee: 48 members (clients, providers, RNO reps, designers, etc.)
- Project Website: www.denvergov.org/groupliving
- Relevant Code Sections:
  - Primary Residential Use Definitions (Sec. 11.12-2)
  - Residential Use Limitations (Div. 11.2)
  - Use Tables (by Neighborhood Context)
Timeline

- **Project Kickoff**
  - March 2018

- **Public Open House**
  - August 2018

- **Project on hold**
  - Temporary Tiny Home Villages

- **Public Outreach**
  - Review conceptual updates and formal zoning code amendments

2018

- **Problem Statements**
  - 27 meetings + site visits

2019

- **Solutions Development**
  - 12 meetings

- **Solutions Development Continued**

2020

- **Public Adoption Process**

- **Implementation**
Group Living Advisory Committee (GLAC) Community Corrections Subgroup Members

- **Greg Mauro** (City and County of Denver Dept of Safety director of Community Corrections)
- **Rose Rodriguez** (Independence House)
- **Shannon Carst** (CoreCivic)
- **Frances Falk** (GEO Group)
- **Michael Henry** (Inter-Neighborhood Cooperation/Neighbors for a Greater Cap Hill RNO)
- **Mimi Florance** (Inter-Neighborhood Cooperation/Swallow Hill RNO)
GLAC process Agreements

- Give input in all meetings openly and honestly – without hidden agendas.
- Engage with all committee members and members of the public in a respectful manner when participating in official committee work.
- Ask questions to increase understanding of others’ perspectives, rather than jumping to conclusions.
- Seek solutions to any disagreements that are mutually satisfying for all committee members and affected populations, considering equity and other agreed-upon decision-making factors to guide recommendations.
GLAC Definition of Success

At a minimum, the updated Denver Zoning Code related to group living will:

• Not be predetermined; rather, it will be based on meaningful opportunities for input in which people feel heard during and at the end of the process.

• Reflect consensus or near-consensus decisions according to a set of decision-making criteria developed with committee members.

• Include recommendations that are equitable – not necessarily equal – in terms of neighborhood policies and impact.

• Represent recommendations that provide for more affordable and attainable housing options across the full range of resident incomes, considering creative options in the process.

• Represent recommendations that have considered and seek to limit potential for unintended consequences.
GLAC Decision-Making Criteria

1. Is consistent with adopted plans (Pass/Fail - Must Pass per Charter 3.2.9(C) and DZC 12.4.11.4.A)

2. Is equitable – not necessarily equal – in terms of neighborhood policies and impact

3. Provides for more affordable and attainable housing options across the full range of resident incomes, considering creative options in the process.

4. Limits potential for unintended consequences perceived as negative or in conflict with community character, economic viability and existing or future plans and policies

5. Is clear to administer and enforce

6. Is clear and predictable to all stakeholders

7. Uses language that is consistent with relevant city, state and federal regulations

8. Is enforceable with minimal entry to properties by Zoning & Neighborhood Inspection Services and other staff
Overview of Current Regulations
## Denver Community Corrections Facilities

<table>
<thead>
<tr>
<th>FACILITY_NAME</th>
<th>FACILITY_ADDRESS</th>
<th>NUM_BEDS</th>
<th>OPERATOR</th>
<th>Zone</th>
<th>Compliant/Non-Conforming Issues</th>
<th>Zoning Conformance</th>
</tr>
</thead>
<tbody>
<tr>
<td>CoreCivic - Ulster</td>
<td>3955 N. ULSTER ST.</td>
<td>84</td>
<td>Corecivic, inc</td>
<td>I-MX-5, UO-2</td>
<td></td>
<td>Conforming</td>
</tr>
<tr>
<td>CoreCivic -46th</td>
<td>4511 E. 46TH AVE.</td>
<td>120</td>
<td>Corecivic, inc</td>
<td>I-B, UO-2</td>
<td></td>
<td>Conforming</td>
</tr>
<tr>
<td>CoreCivic -Columbine</td>
<td>4280 N. COLUMBINE ST.</td>
<td>60</td>
<td>Corecivic, inc</td>
<td>I-A, UO-2</td>
<td>63 feet to Residential District</td>
<td>Compliant</td>
</tr>
<tr>
<td>CoreCivic Fox</td>
<td>570 W. 44TH AVE.</td>
<td>90</td>
<td>Corecivic, inc</td>
<td>I-B, UO-2</td>
<td>213 Feet to RX District</td>
<td>Compliant</td>
</tr>
<tr>
<td>Independence House Filmore</td>
<td>1479 N. FILLMORE ST.</td>
<td>40</td>
<td>Independence House, LLC</td>
<td>U-MS-3</td>
<td>In MS District, Adjacent to RH District</td>
<td>Non-Conforming</td>
</tr>
<tr>
<td>Independence House Pecos</td>
<td>4101 N. PECOS ST.</td>
<td>75</td>
<td>Independence House, LLC</td>
<td>U-TU-C</td>
<td>In TU District</td>
<td>Non-Conforming</td>
</tr>
<tr>
<td>Independence House South Federal</td>
<td>2765 S. FEDERAL BLVD.</td>
<td>110</td>
<td>Independence House, LLC</td>
<td>PUD 632</td>
<td></td>
<td>Conforming</td>
</tr>
<tr>
<td>Peer I</td>
<td>3712 W. PRINCETON CIR.</td>
<td>80</td>
<td>University of Colorado Peer 1 program</td>
<td>CMP-H2</td>
<td>In CMP District, 173 Feet to SU District</td>
<td>Non-Conforming</td>
</tr>
<tr>
<td>The Haven</td>
<td>3630 W. PRINCETON CIR./3852 W. PRINCETON CIR.</td>
<td>20/16</td>
<td>University of Colorado Haven program</td>
<td>CMP-H2</td>
<td>In CMP District, 709 Feet to SU District</td>
<td>Non-Conforming</td>
</tr>
<tr>
<td>Tooley Hall</td>
<td>4280 N. KEARNEY ST.</td>
<td>73</td>
<td>Geo Care</td>
<td>I-B, UO-2</td>
<td></td>
<td>Conforming</td>
</tr>
<tr>
<td>Williams Street Center, Inc.</td>
<td>1776 N. WILLIAMS ST.</td>
<td>80</td>
<td>Williams Street Center, Inc.</td>
<td>G-RO-5</td>
<td>IN RO District</td>
<td>Non-Conforming</td>
</tr>
</tbody>
</table>
How Community Corrections Facilities are regulated in Denver

Operations (acceptance criteria, setup and role of board, programs):

• **Colorado Community Corrections Standards & Statutes**
  - C.R.S. 17-27-104 Community corrections programs operated by units of local government, state agencies, or nongovernmental agencies.

• **Denver Revised Municipal Code**
  - Chapter 26: BOARDING HOMES, PERSONAL CARE BOARDING HOMES, AND NONGOVERNMENTAL RESIDENTIAL FACILITIES FOR THE TREATMENT OR SUPERVISION OF OFFENDERS.
  - This ordinance is sometimes referred to as “Ordinance 565” after the original City Council ordinance that created this section of the Municipal Code.

• **Denver Department of Safety – Community Corrections Division**
  - Rules and Regulations Governing Criteria, Standards, Functions, Procedures and Operations Pertaining to the Denver Community Corrections Board
Location and size of facilities:

• Denver Zoning Code
  o Division 11.2 Residential Primary Use Limitations
  o Section 11.2.10 Community Corrections Facility
  o Section 11.12.2 PRIMARY RESIDENTIAL USES
    ➢ Subsection 11.12.2.2.A.2. Community Corrections Facility
      [Definition]

• Regulations date from previous zoning code (Former Ch. 59), and were last updated in 2008
Community Corrections is currently a Residential Care Use in the Zoning Code’s Group Living category, subject to specific regulations and broader Group Living requirements (see diagram next slide).

Community Corrections is defined in the code as: “A structure which provides a residence for three or more persons who have been placed in a community corrections program of correctional supervision, including a program to facilitate transition to a less-structured or independent residential arrangement; and residents of such facilities shall be those persons placed in the community corrections program by the judicial or correctional departments of the city, the state or the federal government. A community corrections facility shall be considered a Large Residential Care use.”

Community Corrections Facilities are permitted in the following zone districts:
- Industrial Mixed-Use (I-MX-)
- Industrial zones (I-A and I-B)
- Some Downtown districts:
  - Downtown Core (D-C)
  - Downtown Theater District (D-TD)
  - Downtown Lower Downtown (D-LD)
Breakdown of defined Residential Uses

- **Household Living**
  - Sigle-Unit use = 2 unrelated adults
  - Unlimited relatives
  - Multi-Unit use = 4 unrelated adults
  - Unlimited relatives

- **Group Living**

- **Residential Care**
  - Large
    - Shelter for the Homeless (Any Size)
    - Community Corrections (Any Size)
    - Special Care (9+)
  - Small
    - Transitional Housing
    - Assisted Living (≤8)
    - Special Care (≤8)
    - Rooming and Boarding
    - Assisted Living 9+
    - Nursing/Hospice
    - Housing for 55+
    - Student Housing
### Current residential uses ranked by permissiveness of zoning

<table>
<thead>
<tr>
<th>Residential Use</th>
<th>Permitted Zone Districts</th>
<th>Other Use Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Living</td>
<td>Allowed in nearly all zone districts</td>
<td>none</td>
</tr>
<tr>
<td>Housing for 55+</td>
<td>Allowed in nearly all zone districts</td>
<td>none</td>
</tr>
<tr>
<td>Assisted Living</td>
<td>Allowed in nearly all zone districts</td>
<td>Spacing/Density in low-intensity zone districts</td>
</tr>
<tr>
<td>Transitional Housing</td>
<td>Allowed in nearly all zone districts</td>
<td>None (&quot;institutionalization&quot; language, no specific requirements)</td>
</tr>
<tr>
<td>Special Care Home, Small</td>
<td>Allowed in nearly all zone districts</td>
<td>None (&quot;institutionalization&quot; language, no specific requirements)</td>
</tr>
<tr>
<td>Nursing Home/Hospice</td>
<td>Allowed in limited zone districts (not low-intensity residential)</td>
<td>none</td>
</tr>
<tr>
<td>Student Housing</td>
<td>Allowed in limited zone districts (not low-intensity residential)</td>
<td>none</td>
</tr>
<tr>
<td>Rooming and Boarding House</td>
<td>Allowed in limited zone districts (not low-intensity residential)</td>
<td>none</td>
</tr>
<tr>
<td>Special Care Home, Large</td>
<td>Allowed in nearly all zone districts</td>
<td>Spacing/Density</td>
</tr>
<tr>
<td>Shelter for the Homeless</td>
<td>Allowed in nearly all zone districts</td>
<td>Spacing/Density/Buffering/Bed Limits by City Council District</td>
</tr>
<tr>
<td>Community Corrections</td>
<td>Allowed in very few zone districts</td>
<td>Spacing/Density/Buffering</td>
</tr>
</tbody>
</table>
How the code regulates residential uses (including CCFs)

**Use Definitions**
- Describe and differentiate residential uses

**Zone Districts**
- Establish where various Group Living uses are permitted

**Use Limitations**
- Establish requirements for specific use types (primarily Residential Care uses)

**Small vs. Large (for Residential Care Uses)**
- Large: 9 or more persons, more stringent regulations
- Small: 8 or less persons, more flexible regulations

**Spacing**
- 2000-foot separation (Large Residential Care Uses)
- “Impacted Neighborhoods”
- Schools and Residential Zones (Community Corrections, Shelters)

**Capacity**
- Permitted number of beds or residents (Shelters, Community Corrections)

**Operations**
- Designated Contact Persons
- Limitations on External Impacts
Location of CCFs: Current Use Limitations

Buffer Requirements specific to Community Corrections use:

- 1,500 feet from a school meeting all requirements of the compulsory education laws of the state; and
- 1,500 feet from a Residential Zone District
  - Includes multi-unit and mixed-use residential districts

Additional requirements applicable to all Large Residential Care Facilities

- A Large Residential Care use shall be a minimum of 2,000 feet from another such use; and
- No more than two other such uses shall exist within a 4,000 foot radius measured from the proposed use
Population Limits: Current Use Limitations

11.2.10.1.D. Limits on Number of Residents

1. The proposed number of residents in a facility shall not exceed the following limits:

   a. In the I-MX zone district, not to exceed 1 person per 50 square feet of gross floor area in sleeping areas with a maximum of 40 residents. (When adopted, this standard was aligned with state population density requirement, which has since changed to 40 square feet)

   b. In the I-A and I-B zone districts, a maximum of 60 residents, provided, however, that if such facility is operated by the Denver Manager of Safety, or under contract to the Manager of Safety, such facility may have up to 120 residents, except that the existing facility located at 570 West 44th Avenue may have up to 90 residents.

   c. In the D-C, D-TD, and D-LD zone districts, not to exceed 1 person per 50 square feet of gross floor area in sleeping areas or 40 residents, whichever is less.

2. The expansion of any existing community corrections facility to more than 60 residents shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice.
<table>
<thead>
<tr>
<th>City</th>
<th>Spacing between facilities</th>
<th>Spacing from Schools</th>
<th>Spacing from Residential</th>
<th>Spacing: other</th>
<th>Parking Required</th>
<th>Size limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denver</td>
<td>2,000 feet, no more than 2 facilities within 4,000-foot radius</td>
<td>1,500 feet</td>
<td>1,500 feet</td>
<td>NA</td>
<td>I-MX-: 0.125 spaces/unit All other permitted districts: 0.25 spaces/unit</td>
<td>I-MX-, Downtown Districts: 40 residents I-A, I-B: 120 residents (with exceptions)</td>
</tr>
<tr>
<td>Albuquerque</td>
<td>1,500 feet</td>
<td>NA</td>
<td>NA</td>
<td>Liquor establishments prohibited within 500 feet of Community Corrections or other residential facilities</td>
<td>1 space/4 persons design capacity</td>
<td>NA</td>
</tr>
<tr>
<td>Salt Lake City</td>
<td>2,640 feet</td>
<td>2,640 feet (also from parks, churches, daycares)</td>
<td>2,640 feet</td>
<td>NA</td>
<td>1 space per 4 residents, 1 space per 2 employees</td>
<td>NA</td>
</tr>
<tr>
<td>Houston</td>
<td>1,000 feet</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA – determined by manager Max occupancy 75 persons</td>
<td>NA</td>
</tr>
<tr>
<td>Kansas City</td>
<td>1,500 feet</td>
<td>500 feet (may be waived in case of major thoroughfare, waterway or other barrier)</td>
<td>NA</td>
<td>NA</td>
<td>Determined by manager</td>
<td>NA</td>
</tr>
<tr>
<td>San Diego</td>
<td>1,320 feet from any group living; 5,280 feet from other CCF</td>
<td>1,000 feet</td>
<td>600 feet</td>
<td>NA</td>
<td>1 space/4 beds (25&lt; residents) 1 space/5 beds (25+ residents)</td>
<td>64 beds per sleeping area</td>
</tr>
<tr>
<td>Minneapolis</td>
<td>1,320 feet</td>
<td>NA (see Spacing: other)</td>
<td>NA (see Spacing: other)</td>
<td>300 feet from any non-industrial zone district</td>
<td>1 space/bed</td>
<td>NA</td>
</tr>
<tr>
<td>Portland</td>
<td>600 feet</td>
<td>600 feet</td>
<td>NA</td>
<td>NA</td>
<td>1 space/4 beds</td>
<td>NA</td>
</tr>
<tr>
<td>Tacoma</td>
<td>2,640 feet</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Determined by director</td>
<td>NA</td>
</tr>
</tbody>
</table>
Problems identified and Progress to Date
Problems identified by the Group Living Advisory Committee
Community Corrections Subgroup

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
Key Impacts of current DZC regulations

- **Very limited locations where a new facility could be established**
  - Approximately 3,246 acres
  - Available land is in areas where similar uses are already concentrated
  - Even if the use were allowed in additional zone districts, current buffer requirements remove most land in Denver from consideration.

- **Most existing facilities are compliant or non-conforming to zoning regulations**
  - **Non-conforming** = legally established but no longer permitted in applicable zone district
    - original operator may continue, but transfer of permits, expansion are limited.
  - **Compliant** = legally established but no longer meets a use limitation
    - Most compliant CCF uses are closer than 1,500 feet to a residential zone district
    - original operator may continue, but transfer of permits, expansion are not permitted.
New facilities could be established in tan areas.

Where 4,000 buffers overlap tan areas, presence of other Large Residential Care Facilities would preclude additional CCFs.

Current CCF facilities and areas where new facilities could be established
Agreed-upon solutions

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
   • Grant Zoning Administrator additional power to allow expansion and transfer (to new operators) of compliant/non-conforming uses

1. Vehicle parking requirements exceed demand and take up space that could be used for programming
   • Change Zoning Code parking category to reduce parking requirements; change method of calculation to avoid unintended consequences

1. Population Density requirements need revision (refers to required square feet/person in some zone districts, based on outdated State standard, found in DZC Sec. 11.2.10.1.D.1.a and c. See Slide 16)
   • Remove requirement, as CCFs are required to follow state standards for space per resident.
Application of Decision-Making Criteria and Staff Recommended approaches

Parking:
• Change parking category to reduce parking requirements
  o Ranks high for clear administration, equitable impact, predictability, reduction of unintended consequences

Facility Expansion
• Grant Zoning Administrator additional power to allow expansion of compliant/non-conforming uses
  o Ranks high for clarity and predictability.

Note: highlighted options are recommended by staff
Solutions in Development and staff recommendations
Solutions in Development

GLAC support for concept

1. Demand exceeds current capacity
2. Limited space in applicable districts for new facilities
   • Reduce or remove buffer requirements from residential zone districts and schools
     • See staff-recommended approach, slides 27-30
   • Allow CCF use in additional zone districts
     • See staff-recommended approach, slides 27-30
Recommended Approach:
Additional Zone Districts and Buffers

Additional Zone Districts (3 stories and up only):
- MU (multi-unit)
- RO (residential office)
- RX (residential mixed-use)
- CMP (campus)
- MX (mixed-use)
- MS (main street)
- CC (commercial corridor)

Buffers:
- Remove buffer from residential zone districts
- Reduce buffers from schools to 500 feet (same as current buffer requirement for shelter)
Community Corrections
Permitted and Proposed Additional Zone Districts

*Illustrated with current Large Residential Care Facility spacing/density requirements but no buffers from schools or residential zone districts


Proposed Additional Districts: MU, RO, RX, CMP, MX, MS, & CC (3+ STORIES)
Denver Schools with 500’, 750’, 1,000’ and 1,500’ (current) buffers
Community Corrections
Permitted and Proposed Additional Zone Districts
With 500-foot buffer from schools


Proposed Additional Districts: MU, RO, RX, CMP, MX, MS, & CC (3+ STORIES)
Application of Decision-Making Criteria and Staff Recommended approaches

Siting of Facilities

- Reduce or remove current 1,500’ buffers to residential/schools
  - Ranks in middle for adoptability and equitable neighborhood impact
  - Ranks high for allowing more affordable/attainable housing (makes use possible in more places); clarity and predictability.

- Allow use in all multi-unit and mixed use districts over 3 stories (from current Industrial and Downtown districts)
  - Ranks high for equitable impact, predictability, provision of affordable options. Ranks in middle for adoptability.

Note: highlighted options are recommended by staff
Proposed solutions for discussion Dec. 12

1. Demand exceeds current capacity
   • Updates to facility resident caps

1. Limited space in applicable districts for new facilities
   • Updates to spacing and density requirements for Large Residential Care Facilities
   • Updates to Community Corrections Definitions to allow additional flexibility
Links and Project Information
Project Info

- Project website: [www.denvergov.org/groupliving](http://www.denvergov.org/groupliving)
- Project manager: Andrew Webb: andrew.webb@denvergov.org; 720-865-2973
Weblinks

- [Colorado Community Corrections Standards & Statutes; C.R.S. 17-27-104](#)
- [Denver Revised Municipal Code - Chapter 26](#) (sometimes called “Ordinance 565”)
- [Department of Safety - RULES AND REGULATIONS](#)
- [Denver Zoning Code](#)