

Group Living Advisory Committee

Community Corrections Subgroup Meeting 1, Phase 3

Date and Time: Tuesday, January 31, 2019, 4:00 – 6:30 PM

Location: Webb Municipal Building, Room 4.I.4

Attendees

ADVISORY COMMITTEE MEMBERS

Michael Henry
Rose Rodriguez
Kristin Lewis
Shannon Carst
Greg Mauro
Councilmember Deborah Ortega

DENVER STAFF MEMBERS

Andrew Webb
Kyle Dalton
Edson Ibanez
Will Lindsey

FACILITATOR

Meagan Picard

Meeting Summary

1. WELCOME AND CHECK-IN

Meagan Picard opened the meeting, welcomed and invited everyone to check in and share any new learning since the group last met. Participants shared:

- A provider shared that they are considering how to be a sustainable use within the City and the State in an effort to help the people in Colorado and wants a group process that focuses on how providers can work together, not stay separate.
- Participants were interested in the staff research in the packet and reported learning a lot from it. Staff said that research into zoning cases for Community Corrections has helped with overall understanding of the issues and use. Key takeaways have included that the personalities of neighborhoods and roles of developers make the process different around the city.
- Need for services has increased since last time the sub-group met, making the need for solutions even more imperative. Prison population is driving the need for services. There are fewer than 100 vacant beds in the City's prison facilities (.07 percent availability city-wide, ideal state is 2% vacancy).

2. SCHEDULE, AGENDA, OBJECTIVES AND HOUSEKEEPING

Following on Councilmember Ortega's question about where we are in the process (*How far away are we from rolling out a public process? Are we close to a resolution? If so, how will that influence the other sub-groups?*), Andrew Webb gave an overview of what the committee has been doing and what to expect over next several months, including longer periods between meetings and a later wrap-up date than originally anticipated. Everyone said they were ok with continuing with the process.

After a brief review of the committee goals and agreements and the meeting agenda and objectives, Meagan talked about how this phase will require decisions and that those decisions need to come only from official committee members. Guest participation is valued and helpful for informing discussions. Guests are asked to abstain from decision-making. All agreed.

3. PARKING REQUIREMENTS

Andrew gave a brief overview of Edson's research into the parking problem identified in the prior phase and opened into discussion about that research, which seems to indicate that more parking is currently provided than the DZC requires. Discussion uncovered that the parking problem was related to one facility, and that parking issue may have been resolved. However, the discussion also revealed that the measure used to define parking requirements may not be the best. Staff will do more research on peak staffing and specific Tooley Hall permits, and they anticipate returning to the committee with a proposal to address this issue.

4. POPULATION DENSITY, PART 1

The group discussed the conflicting population density regulations between the city (50 sq ft/resident) and state (40 sq ft/resident). It was noted and agreed that the city shouldn't always defer to the state, but in this case, the committee supported the staff recommendation to be silent on the issue, allowing the state's minimum standard to apply in Denver and preventing unnecessary work for city staff.

During this discussion, committee members also agreed that it is difficult to understand the array of regulations out there, even if related and not in conflict, because pieces of the laws and regulations that residents, service providers and others must follow are all in different places, even in a single jurisdiction (e.g. zoning, building and fire and safety codes). The Zoning Code will never mirror everything else that other codes are doing. DZC has to be specifically related to zoning and land use issues because no other code addresses them (the same way Fire is and Building are specific to their issues). Some kind of lay-person guidance was suggested for providers and their neighbors.

5. POPULATION DENSITY, PART 2; CAPACITY-DEMAND CHALLENGES

The group then discussed the history of limits to the Community Corrections population limits by zone district and for a specific facility and whether or not those limits are still important today. History as understood by this committee:

- When population caps were increased to 120, Fox facility expansion was limited to 90. This was due to a perception that the Council District already had too many similar facilities (specifically shelters for people experiencing homelessness).
- When looking at saturation/number of facilities in the community, it was felt that more facilities regulated at a local level was preferred the State.

When discussing whether the current population caps are still valid or working, committee members seemed to agree that it is difficult to discuss without knowing if expansion to other zone districts will happen, so the fact that demand is exceeding capacity was folded into the conversation.

The group considered increasing the cap to 180 per facility, acknowledging that the number is arbitrary and that what's a good number at one facility is not necessarily good at another. The programs, populations and design of physical structures are different, and these are the factors that really determine what works and doesn't.

They considered a process option to allow for this more nuanced review before expansion is approved. It was suggested that expansions should be made slowly, in accordance with increase in population rather than significant one time increase cap. (Question: Is there a way to make the cap adjust with population without having to amend the DZC every time it needs to be increased?) A suggestion was also made that facilities should be given a standard cap (with ability to expand) to "level the playing field" before deciding if there is a need to expand to other zone districts.

The group then considered addressing the capacity-demand challenge by opening up additional areas in the city where CC facilities may be sited. It was suggested that expansion would encourage competition among providers which would lead to better service. Feared outcome is that an outside (corporate provider) that doesn't understand how to be a "good neighbor" will come in to provide sub-par service. What can we do to ensure they meet City standards? Yank the permit? Localized decision making is important here.

The group also discussed the need to educate the public about this use, the operators, the specific population, longevity of existing uses, governing policies/supervision from the state, etc. It was noted that there is good reason to allow shelters and CC in other zones, including that it is healthy for the people to be located in neighborhoods with resources. It was also suggested expansion to other zone districts feels like an eventual future move to be made, rather than a step to be taken right now.

Staff will develop some alternatives for the committee to consider. Potentially acceptable options and issues to address in the staff-developed alternatives include:

- Eliminate/reduce residential buffers. Request: *Can we see a map that shows a reduction to 1,000 ft? 500 ft?* It was noted that buffer distances established in 1993 are largely arbitrary (partly based in Council Districts which already had facilities for shelters and community corrections facilities).
- Use major corridors as natural barriers to reduce buffers
- Include access to transit
- Include 100-200 ft buffer from those alcohol and marijuana retail
- If school buffer reduced, don't go less than 1,000 ft
- Remove/reduce spacing requirement between CC uses
- Increase equitable distribution without concentrating in certain areas

Taking all of the above into consideration, the group explored preferences/priorities around expanding capacity at existing facilities or expanding opportunities to open new facilities in more areas. Ultimately, the group agreed that a collection of smaller, more incremental changes is desired, including a combination of:

- Adjustment of parking requirements that are more meaningful and that allow a small amount of additional programmatic or residential capacity at facilities;
- Population density silence (follow state reg of 40 sq ft/resident), which allows for a few additional beds for some and maybe some additional program space if it could work within existing structure;
- Increased population cap per facility, which would help two existing facilities as well as new facilities, if DZC changes allow for more areas where CC facilities can be sited (staff to review best practices and consider developing options that offer incremental changes);
- Reducing some buffers to increase areas where CC facilities may be sited.

6. NEXT STEPS AND CLOSE

Next, staff will review feedback, do additional research and develop some alternatives, with maps to show impact, for committee consideration. The next meeting will be a couple of months out.

The meeting closed at 6:33 PM.