

Group Living Advisory Committee Community Corrections Subgroup Meeting Phase 3, Meeting 4

Date and Time: December 12, 2019, 11:05 AM – 1:00 PM

Location: Council Meeting Room

Attendees

GROUP LIVING ADVISORY COMMITTEE MEMBERS

Councilmember Debbie Ortega, Greg Mauro, Michael Henry

COMMUNITY CORRECTIONS TASK FORCE MEMBERS

Councilmember Candi CdeBaca, Councilmember Jamie Torres, Mannie Rodriguez

DENVER STAFF MEMBERS

Andrew Webb, Courtney Levingston, Kyle Dalton, Sayre Brennan, Nate Lucero, Tina Axelrad

GUESTS

Jerome DeHerrera, Rachel Lehman

FACILITATOR

Meagan Picard

Meeting Summary

1. WELCOME, AGENDA AND CHECK-IN

Meagan introduced herself and facilitated introductions around the room. She then provided an overview of the agenda, group process agreements, decision making criteria, goals and problems statements, and what steps were left to take. Meagan reminded everyone to keep in mind the decision-making criteria and that the goal of the meeting was to make sure everyone was up to speed on what we have left in the process.

2. REVIEW AND CONFIRM PROJECT PROCESS AND COMMITTEE DETAILS

Andrew went over the larger group living project overview and highlighted the progress made since the last meeting. He discussed the anticipated timeline toward final strategies for each of group living uses. Staff anticipates having a full set of draft solutions for code changes by the end of the year, with a public involvement process set to begin in late January and February and public hearings beginning at the Planning Board in March.

A participant asked about the public notification and public hearing process for text amendments. Andrew clarified that the Municipal Code and Denver Zoning Code establishes requirements for a Planning Board hearing, Council Committee hearing and the required two Council hearings.

Another participant asked about the status of compliant and non-conforming community corrections facilities and if the new proposals would allow a process for expansion or transfer of

such facilities to another operator, both of which are currently prohibited by the code. Andrew answered that the concern had been captured, and staff will work out details and criteria during development of a code redline draft.

3. SUMMARY OF PROPOSED UPDATE TO RESIDENTIAL CARE REGULATIONS

Andrew went over the proposed updates to the residential care regulations, which include consolidating the current list of specific uses into a couple of “buckets” or categories, with standardized use limitations. This proposal would move the zoning code away from regulating specific populations, focusing instead on regulating uses and the external impacts associated with those uses that are experienced in surrounding neighborhoods. Additionally, it would add a Community Information Meeting requirement prior to application for a permit for such uses, fulfilling stakeholder requests for better education of neighbors and opportunities for relationship-building.

Councilmember (CM) CdeBaca asked why the proposal included shelters and community corrections facilities (CCFs) in a separate category (proposed as “Community Care”) from other residential uses. CM Ortega noted that historically, shelters and CCFs had different notification requirements and additional limitations compared to other residential care uses. CM CdeBaca answered that she understood the history of why these uses are segregated out, but what she was concerned about is staff’s proposal is still creating a process based on “person type” and did not focus on uses. She posited that there is no difference in external impacts between a 100-person assisted living facility and a 100-person community corrections facility and that they should be regulated the same.

CM Ortega stated that some of her constituents have expressed concerns about “oversaturation” of residential care uses in neighborhoods, as well as parking and other concerns and cautioned that the proposal should address those issues to ensure public support. Michael Henry, who was involved in earlier residential care spacing and density requirements in the 1990s, reflected that the intent of that work was to decrease concentration of CCFs and shelters in certain neighborhoods. CM Torres said to accomplish this, any new proposal should not categorize “desirable” and “undesirable” persons and regulate them differently.

Kyle explained that under the most recent proposal, staff had consolidated eleven (11) different categories into two (2) categories. Staff has heard from some groups that CCF/shelters have more impacts than the other uses. For example, stakeholders have reported that overnight/emergency shelters impact neighborhoods with external impacts like queuing, which surges at certain times of day as shelters open and close.

CM CdeBaca responded that we should look at creating an extra-large size type that would accommodate queuing around the building. Rachel Lehman asked if there were any laws or rules that prohibited queuing of people around the sidewalk and suggested that this concern may be more about neighbors not wanting to see people experiencing homelessness. A participant noted that there are concerns about traffic obstruction. The discussion then shifted back to the difference between overnight/emergency and residential shelters, for which less-stringent regulations had been proposed due to perceived lower impacts (reduced queuing, ability to store belongings, etc., in a residential shelter).

CM CdeBaca reiterated her position that these distinctions did not warrant different treatment and sought committee support for reworking the proposal to have a single residential care category. Meagan asked for clarity from the group on agreement with this proposal, including following the size definitions associated with residential care as previously proposed and adding an extra large category.

At this point, there was a brief discussion around group living facilities and the Federal Fair Housing Act. Nate Lucero, a representative of the City Attorney's Office, said that as a group, residents of CCFs and shelters are not considered to be a protected class under the federal fair housing act. CM CdeBaca noted, however, that people who do fall into Fair Housing Act protected classes are often housed in shelters and community corrections facilities.

Finding general agreement that there are no real differences in the intensity of impact on a neighborhood across different kinds of facilities – except in relation to size – Andrew updated one of the tables in the presentation to show how the regulations could work.

The discussion then moved to the proposal's requirement of a pre-application Community Information Meeting for CCFs and emergency shelters and implications if the proposed residential care zoning requirements are further consolidated. Andrew explained that a Community Information Meeting is not intended as a way to shut down a use. Rather, it is a way to inform and educate the surrounding community and start a relationship between the provider and the community. He noted that the Large Development Review process for major developments (unrelated to group living) also requires such a meeting. Further discussion revolved around whether staff was adequately considering equity when developing proposals.

4. WRAP UP

In response to input from the group, staff stated that they would come back with an updated approach that further consolidated residential care uses into a single category. In order to stay on the project timeline, Andrew said staff would likely bring the revised approach back to the full Group Living Advisory Committee in January. The meeting was closed at 1:00 PM.