

# Group Living Advisory Committee

## Community Corrections Subgroup Meeting # 6

**Date and Time:** Tuesday, November 19, 2019, 3:00 PM – 5:00 PM

**Location:** Webb Municipal Building, Conference Room 4G4

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### Attendees

#### GROUP LIVING ADVISORY COMMITTEE MEMBERS

Councilmembers Debbie Ortega and Robin Kniech, Greg Mauro, Michael Henry, Polly Kyle, Shannon Carst

#### DEPT. OF SAFETY WORKING GROUP MEMBERS

Councilmembers Jamie Torres and Candi CdeBaca, Lisa Calderon

#### DENVER STAFF MEMBERS

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

#### GUESTS

Michael Sapp (Denver Dept. of Safety), Jerome DeHerrera, Rachel Lehman, Thomas Hernandez

#### FACILITATOR

Jacob Bornstein

### Meeting Summary

#### 1. WELCOME, AGENDA AND CHECK-IN

Jacob provided a brief overview of the agenda. Introductions of group participants were made. It was noted that page numbers needed to be added to future packets and ensure that the final packets would incorporate the goals slide.

#### 2. REVIEW AND CONFIRM PROCESS AGREEMENTS, PROJECT PROCESS AND COMMITTEE DETAILS

Andrew provided a summary of the larger Group Living project with the group, highlighting progress made towards final strategies. An operator representative inquired if there was an opportunity to fast track the community corrections work due to the cancelation of provider contracts. Staff explained that community corrections shares regulations with other residential uses under consideration in the larger Group Living project. Those uses serve many vulnerable populations and staff recommends seeking solutions for all those issues within the same timeline. Staff noted that the draft strategy for amending the Zoning Code's Group Living regulations is expected to be completed by early January.

Additional discussion focused on how current regulations impact existing community corrections facilities and their potential acquisition by other operators. Tina Axelrad explained that zoning permits for community corrections facilities are tied to the site-specific operator and do not run

with the land (i.e., not the site location), an issue that the Group Living project will seek to address, per previous recommendations from the Group Living Advisory Committee.

### 3. PROJECT PROCESS AND COMMITTEE DETAILS

To help provide context for the Group Living Advisory Committee's work since early 2018, staff briefly reviewed the group's process agreements, future success definitions and decision-making criteria. Councilmember Candi CdeBaca, referencing the GLAC decision-making criteria, asked for additional details about the "equitable" language included in one of them (the decision-making criteria are on slide 14 of the packet for the Nov. 19 Community Corrections Subgroup meeting). Staff explained that early in its work, the Group Living Advisory Committee collaboratively drafted the eight decision making criteria as a framework for discussion of alternatives and proposals. "Equity" is one of several lenses that the group uses when reviewing potential solutions and recommendations. Councilmember CdeBaca indicated that she was fine with the decision-making criteria if the committee and individuals on it can interpret the equitable term for themselves. The larger group then agreed to continue using the original GLAC decision-making criteria for future discussions.

### 4. OVERVIEW OF CURRENT REGULATIONS

The group then reviewed the current regulations affecting community correction facilities. Councilmember Torres asked if all large and small residential care facilities were defined by the number of beds. Staff explained that while this is generally true, some uses, such as transitional housing, are considered "small" in the current code regardless of the number of beds. Michael Henry noted that when the code language was crafted, the city wanted to encourage smaller-scale group living uses in all districts, and may have seen transitional housing as less-impactful than other group living uses. Tina Axelrad noted that past efforts have sought to ensure separation of incompatible uses.

Councilmember CdeBaca asked why, if community impact was an issue for classification, student housing wasn't considered a large residential care use and regulated more strictly. She said the current regulations sought to discriminate against and exclude certain populations, comparing the them to the practice of "redlining," where services, such as banking, insurance or health care, are denied to certain communities or neighborhoods.

Thomas Hernandez asked if the group could look at a square foot analysis as a solution, regardless of the population served and asked how the City and County of Denver compared to other Denver metro counties? The group then reviewed an analysis of other peer cities and their respective requirements for community corrections facilities. Some attendees asked if staff had examined county regulations, to which staff responded that that many metro-area counties have very little specific regulations in zoning for community corrections. Councilmember Ortega stated that other Denver metro counties would not be a good comparable because they are rural, have more land, less political pushback, and therefore, tend to have much larger facilities. Some discussion occurred regarding how staff chose peer cities, and it was explained that most were chosen because they had specific regulations about the use in question. Kyle Dalton added that staff could analyze any city the group had in mind, but that the group would have to balance

additional research with the time it takes to move this project forward. Attendees generally agreed that the peer city analysis was useful, though some thought the cities chosen were not good comparisons to Denver.

#### 5. DISCUSSION REGARDING PROBLEMS IDENTIFIED

The group then moved on to the problems identified under the current DZC and the progress made to date. Michael Henry said the city should make a concerted effort to better educate residents about community corrections facilities to address a lack of understanding and fears about safety. While public perception is not a DZC issue, rollout of any code updates will need to be accompanied by clear information about these facilities.

The group discussed how the current regulations don't allow for community corrections facilities to be located near transit, within residential neighborhoods, and near daily services/needs. Staff added that the proposed solutions will address the needs for access to transit, residential neighborhood integration, and proximity to daily services and/or employment opportunities.

#### 6. PROPOSED SOLUTIONS TO DATE

The group then reviewed solutions previously agreed on by the Group Living Advisory Committee, as well as new proposals for consideration.

Agreed-upon solutions include:

- Granting the Zoning Administrator additional power to allow expansion and transfer (to new operators) of compliant/non-conforming uses.
- Changing the Zoning Code parking category for community corrections to reduce parking requirements and avoid unintended consequences.
- Remove Zoning Code space-per-resident requirements, since all community corrections facilities need to follow state standards for resident density.

New proposed solutions include:

- Reducing buffer requirements from schools and removing required buffers from residential districts,
- Allow community corrections uses in more zone districts, such as higher-intensity residential and mixed-use districts like Main Street, Commercial Corridor, Residential Office and Mixed Use (3-stories and up).

One attendee asked about the 3-plus building story requirement for the proposed added zone districts. Staff responded that the permitted number of stories is one way the Zoning Code distinguishes between lower- and higher-intensity districts, and that 3-story districts (on corridors, etc.) are more appropriate for these higher-intensity uses.

Attendees generally agreed with the proposed solutions. Councilmember Kniech noted that zoning code updates needed to ensure the on-going legal use (by new operators) of any facility that has been operating within the past 24 months, including some that have already closed due

to recent city contracting decisions. Councilmember CdeBaca followed up with a recommendation that the definition of community corrections be made more flexible to allow for innovative and smaller-scale solutions in more areas of the city. Greg Mauro agreed, suggesting a more flexible “small” category for community corrections uses.

The group agreed that for the 12/12/2019 meeting, staff should look at updating how community corrections facilities are defined in the code, review current caps on the number of residents in facilities and propose changes to current spacing and density requirements.

#### 7. WRAP UP

The meeting was closed at 5:00 p.m.