

WINSTON DOWNS COMMUNITY ASSOCIATION

August 18, 2020

Community Planning and Development | City and County of Denver
Wellington E. Webb Municipal Office Building
201 W. Colfax Ave.
Denver, CO 80202

ATTN: Andrew Webb, Senior Planner

Mr. Webb, Esteemed Members of the Denver Planning Board, Honorable Mayor Michael Hancock and Honorable City Council:

The Winston Downs Community Association (WDCA) strongly opposes the passage of the proposed text amendments to the Group Living regulations in the Denver Zoning Code.

WDCA, as a registered neighborhood organization (RNO), and as Denver residents, we urge you to consider the following concerns that we have related to the proposal:

Many of our concerns stem from what represents a fundamental departure from the zoning and planning code contained in Denveright, passed just two years ago.

- We received surveys; we had meetings where we gave input about what was important about our City, and no one asked about changing the rules for community corrections, homeless recovery residences and numbers of people per home unit.
- This plan, in fact, dissolves the context of residential areas we residents were asked to submit feedback for to support development of Blueprint Denver.

The Group Living uses expressed for Any Neighborhood Location and without Limitation Beyond 600 to 1200 feet between structures are a concern.

- Shelters for homeless for year-round or if more, for 130 consecutive days per year
- Community correction facilities in addition to halfway houses
- Recovery residences, where “guest” participation is required

Comprehension

- The sheer impossibility of the average citizen getting through this or comprehending something that covers so many distinct uses
- The City presentation was sanitized to present a pretty picture that in actuality is incomplete.
- New terminology where “group living” has been removed and replaced with “congregate living”, residential care and nonresidential uses. Most RNO’s have only seen the original version of the proposed changes.
- Temporary tiny homes remain in this plan; we were told they were not to be included.

Increasing Numbers of Unrelated Adults- Negative Effects

There is an overall lack of clarity related to what constitutes a nuclear family (whether traditional or not) and how many of these family units can be feasibly housed into a single household.

- Fails to consider the added number of unrelated individuals living in the same home unit because it expands to include up to five adults with any others related by commitment, blood, adoption, civil union and permitted domestic employees. The presentations and discussions publicly were not explicit enough for most to understand the reality of occupancy based on square feet and/or lot sizes.
- Increasing the number of residents in existing homes exacerbates issues with street parking, public schools and related transit, trash collection, sewer and water usage and aging electrical infrastructure.

- Increases the issues with traffic because Denver has failed to provide adequate, reliable public transportation
- Increases stress on the already taxed 911 and complaint-driven 311 enforcement capabilities.

Enforcement Concerns

- Ignores the impacts of an increase in Congregate Living homes without an adequate regulatory structure for their maintenance and oversight for neighborhood and resident safety.
- Homeless shelters managed by non-profits would operate without regulations other than this code which offers 311 or 911 as resolution for any problematic issues.
- Correction communities per neighborhood – these were explained as halfway houses and now we understand this includes “prisons” and halfway houses. While they are enforced by law, with budget reductions, there are major concerns as to how these actually will operate and recourse available for when things go wrong?
- One director has the authority to increase any corrections or homeless shelter when deemed appropriate (weather, prisoners moved from adjacent counties, etc). This seems unreasonable to expect adequate management for such facilities.
- P. 149 includes temporary or mobile restroom facilities for shelters and other residential care facilities. These options present public sanitation issues with undesired consequences by vandalism, unauthorized use, added levels of waste management, etc.
- Consider the impacts of virtually unmonitored proliferation of community corrections and homeless shelters on facility residents and the affected neighborhoods
- Lack of provisions for oversight or enforcement create the potential for massive safety issues and poor outcomes for residents.
- Lack of a residential or “per capita” per so many home units limit on the number of facilities creates a potential problem for high concentrations of largely unregulated facilities that will exacerbate equity issues, not build them

Overcrowding

- Permitting facilities of 11 to 40 people. and in emergencies up to 100. in 12,000 square foot lot sizes in all neighborhoods creates a burden for facility residents due to potential overcrowding and a mismatch in scale in residential neighborhoods.
- What if there are future pandemics; how would it be managed?
- This also fails to address the lack of adequate, reliable public transportation within the whole of Denver and how that might impact the success of any of these facilities.

Financial

- Funding for shelters for those experiencing homelessness and other at-risk populations is not defined
- City and County, nonprofit and private operator liabilities should a private “congregate” home unit “guest” harm a resident or if someone in corrections escape and harm someone outside Denver. What is the contingency for this?
- Availability of tax and other revenue streams required to cover rental subsidies and increased burdens on other areas of city operations is not guaranteed. The operational and fiscal impacts of the proposal are unclear and do not appear to have been fully vetted.

Intent

- This proposal does not appear to be part of a comprehensive strategy for addressing wage inequities, mental health, substance abuse and the myriad of other issues that must be dealt with to address our need for housing affordability and homelessness problem.
- Zoning cannot “fix” needed criminal justice reform. These changes will complicate current problems, not resolve them. We urge this City to remove any codes related to corrections communities and to consider with a re-imagined criminal justice system in Denver.

In short, a zoning code change of this magnitude should not be used as a short-run fix to a long-term problems. It is very short-sighted to do so. Denver should have considered all of these codes ten years ago during the Blueprint Denver reviews in 2010 and Denveright, more recently.

- We firmly stand together with the Virginia Village / Ellis Community Association, which represents nearly 20,000 households, in their opposition to the proposed text amendments to the proposed Group Living Amendment Changes to overhaul Residential Care uses in the Denver Zoning Code (see attached letter of opposition).
- We also stand with Inter-Neighborhood Cooperation's Resolutions to, at minimum, un-bundle these amendments so that better study, public engagement and understanding are reached.
- We oppose the apparent effort to change the zoning codes adopted in 2010; ones that were planned by residents with the city

Much more work and evaluation of adverse unintended consequences are required to develop a proposal that is likely to avoids the potential for severe economic and safety problems.

WDCA urges you to vote NO on this proposal in its current form. We recommend Council to instead focus on public transit systems and policing reform-both long overdue issues.

Sincerely,



Tim Rooney,
President
Winston Downs Community Association
P.O. Box 22594, Denver, CO 80222
www.winstondowns.org

Enclosure (2) VVE letter, INC Resolution

cc: Denver Planning Board
Denver City Council Members
Denver Mayor Michael Hancock
Christian Jimenez, Office of Denver Mayor Michael Hancock
Zoning & Planning Committee, Inter-Neighborhood Cooperation



Addendum to Minutes August 8, 2020 INC Delegate Meeting

Do you vote to approve the revised and restated ZAP Resolutions (below) relating to Denver's proposed Group Living Amendment?

Resolved, that additional time should be given (with timing taking into account how the pandemic is affecting residents of Denver) for further consideration of the proposal in order to allow council members to make sure that their constituents are educated on the proposal and its implementation/effect, including specific outreach to communities of color;

Further Resolved, that this process should seek to incorporate compromise language offered to address constituent concerns;

Further Resolved, that provisions of the proposal should be unbundled to allow full consideration of each material aspect of the proposal and, when outreach and compromise is achieved to the satisfaction of council members, such portion should be adopted separately.

Resolution was sent via email invitation to Survey Monkey online ballot on August 8, 2020, following the Delegate meeting held that day. Ballot closed Monday August 10, 2020 at 230PM.

Yes: 32
No: 8
Abstain: 1
No response: 4

Submitted by Jane Lorimer 8/10/2020



August 9, 2020

Community Planning and Development | City and County of Denver
Wellington E. Webb Municipal Office Building
201 W. Colfax Ave.
Denver, CO 80202
ATTN: Andrew Webb, Senior Planner

Mr. Webb, Esteemed Members of the Denver Planning Board and Honorable City Council:

The proposed Text Amendments to Group Living in the Denver Zoning Code's regulations for residential uses should be DENIED. The Virginia Village / Ellis Community Association (VVECA) adamantly opposes the proposed code changes. The foundation of police power and public trust in zoning relies on the principles upheld by the Supreme Court based on protection of public health, safety, morals, and general welfare.

The intent of these regulations would significantly impact the purpose of single-family residential communities and essentially assign responsibility to manage enforcement based on cobbled regulatory language with no clear guidelines or structure.

The City has stated that the intent of these regulations would be to *"increase flexibility and housing options for residents, to streamline permitting processes for providers while fostering good relationships with neighbors and to make it easier for those experiencing homelessness, trying to get sober and or have other special needs to live and access services with dignity."* None of these intents can be accomplished with the loosely cobbled wording proposed in the current text amendments. In fact, the proposed regulations only exacerbate the social situations occurring in our communities, by essentially promoting a free-for-all of large group living components under the guise of a "permitted use" within residentially zoned areas of the City. In essence, it fundamentally changes the intent of the zoning and places significant impact on existing residents to try and adapt, adjust, or vacate depending on the type of group home that occurs within their community.



The idea of a cap of 10 unrelated adults living in a residential home subverts any notion of quality of life. No effort has been made to consider aging infrastructure, traffic impacts, noise, and other detrimental results that can come about from such loosely allowed uses.

In making our strong position on this matter, we can unpack several egregious aspects of this regulations that include the following:

- The proposed amendments make community corrections and homeless shelters a use by right in any single-family residential neighborhood. There will be no oversight, special use review or conditional use provisions for additional input, management, and enforcement. Currently, these types of uses can only occur in industrial/commercial zones.
- The proposed changes allow community corrections and homeless shelters with overly sumptuous provisions such as:
 - Up to 10 unrelated people in any size home, in all neighborhoods, no limitations;
 - 11- 40 people in 12,000 sf lot sizes (not home size), in all neighborhoods, with 1200 ft spacing between facilities;

Unfortunately, many individuals have argued that residential communities have forsaken their obligations to these critical social needs and instead have adopted a NIMBY attitude. The reality is that the City has failed in its efforts to effectively manage community corrections and homelessness. Instead it is pushing this responsibility onto the backs of all residents and smearing it with platitudes around visions identified within the Comprehensive Plan for the City. We do not object to shelters and halfway houses. Appropriate standards that require reviews (including notification, public hearing and adopted resolutions) should be the right way to manage these activities, not to propose a program that lacks functional regulation supporting the duties of the City to protect the public health, safety, morals, and general welfare of ALL residents.

We also note the inappropriate establishment of a Group Living Advisory Committee that had only eight (8) neighborhood representatives on a 48 person committee. This does not reflect inclusivity and engagement; it smacks of special interest and hidden objectives.



This effort requires far more public work and public consideration before being adopted and lacks proper thought as to the significant burden this will have on many residents within the City. It is irresponsible and dangerous for Community Planning and Development, Community Corrections, and City Council to put the “cart before the horse” and make zoning/household definition changes BEFORE other critical program and regulation changes are made, in place, and demonstrated to be successful.

We urge you to DENY the proposal.

Respectfully,

A handwritten signature in blue ink that reads "Timothy W. Carl".

Timothy W. Carl, President

VVECA (representing a community of almost 20,000 residents)

cc: Board of Directors, VVECA