

**Berkeley Regis United Neighbors, Inc**  
**4949 Lowell Blvd, Denver CO 80221**  
**BerkeleyRegisNeighbors.org**



August 10, 2020

Community Planning and Development | City and County of Denver  
201 W Colfax  
Denver, CO 80202  
Attn: Andrew Webb, Senior City Planner

Re: BRUN Comments on Proposed Group Living Text Amendment

To Andrew Webb, CPD Case Manager

Berkeley Regis United Neighbors (BRUN) is a registered neighborhood organization with the City of Denver. The RNO's boundaries are Federal Blvd to the east, Sheridan Blvd to the west, 38th Ave to the south, and 52nd Ave to the north. Membership is available to households and businesses within BRUN's boundary. BRUN currently has 519 members, a list of 800 contacts and over 1,500 followers on FaceBook. Information is shared with the neighborhood regularly through email blasts and postings on various forms of social media as well as on our website, [berkeleyregisneighbors.org](http://berkeleyregisneighbors.org). Postings include notices of upcoming meeting and summaries of those past. General meetings with the BRUN Board are held monthly and are open to the public.

On July 21, 2020, BRUN's monthly public meeting was convened virtually by the BRUN Board of Directors. On the agenda for this meeting was discussion on the proposed Group Living Rules Amendment. This discussion was based upon the description of changes outlined in the proposed Group Living Draft Text Amendment issued 07/17/2020. Following this meeting, a thorough analysis of the information was undertaken by BRUN's Zoning and Planning Committee and BRUN board members. On August 9, 2020, the BRUN Board conducted a vote electronically which resulted with 9 in favor, none opposed, in support of the following position statement:

BRUN is writing to you to convey its comments on the proposed Group Living Draft Text Amendment, issued 07/17/2020. BRUN, through its Planning and Zoning Committee, has reviewed the draft amendment, along with the accompanying Overview Summary. This review has focused on the following proposed revised sections of the Denver Zoning Code:

- Article 5 – Urban (U-) Neighbor Context
- Article 9 – Special Contexts and Districts (as would pertain to Urban Neighborhood Context)
- Article 10 – General Design Standards (as would pertain to Urban Neighborhood Context)
- Article 11 – Use Limitations and Definitions (as would pertain to Urban Neighborhood Context)

Although recognizing the City-wide need for affordable housing, BRUN is concerned with a number of passages within the proposed text amendment that will have negative planning and economic impacts on BRUN neighborhoods, and is overall bad planning policy. BRUN's concerns range from the general, which spans across both the proposed revisions to both Household and Residential Care Regulations to those revisions to specific building forms. BRUN could spend a considerable amount of time noting each passage but would rather concentrate on the ones that would do the most harm.

## OVERVIEW SUMMARY

### Household Regulations

- Defining the maximum number of people (adults and minors) in an SU or TU structure cannot solely be determined by the square footage of a structure. There must be consideration of inhabitable and uninhabitable space. Otherwise Dining Rooms, Living Rooms, and unfinished Basements will be used as sleeping accommodations. BRUN recommends more of an alignment with US HUD and United Nations standards.
- The increase in the Household density would foster an unpredictable environment within the Community. This is contrary to one of the basic purposes of a zoning code – establishing a level of future development predictability for both existing residents and developers.
- The increase in density over time in SU and TU districts, and their neighborhoods, would result in the impacts to services and infrastructure:
  - Utility Services – Water, Sewer, Power
  - Trash Service
  - On-street Parking
- There are many opportunities throughout the City, and within the BRUN district, to increase density along appropriate corridors with proper utilities, transportation, and support services, that would also preserve the quality of its SU and TU neighborhoods that so many in Denver have come to enjoy.
- With the vast majority of properties being offered for this group living scenario being rental, by either private or commercial users, there is no defined mechanism for regulation – contrary to what is stated in the Overview Summary. Denver INC has proposed, and BRUN supports, a registry of SU and TU properties that would be offered as this group living type, along with defined regulation, so that these properties do not become a burden to their neighbors. BRUN further supports the City’s direct involvement, along with other appropriate stakeholders, in development of specific “non-profit housekeeping unit” lease language.
- BRUN recommends development of guidelines and standards for Neighborhood Inspection to proactively address possible code issues and to verify occupant count.

BRUN feels that the opportunities and constraints of this part of the Group Living proposal are not being fully analyzed, but rather the underlying reasons for the definition change is to promote a certain agenda that, however noble to the cause, is detrimental to the Denver community as a whole. Without a more logical revision to the proposed Household Regulation formula BRUN cannot support the current proposed revised language change to the definition of Household.

### Congregate Care Uses

In the Summary Overview placement of this use within SU and TU zone districts is not noted, but in DZC Section 5.4.4 this use is allowed in RH -3A zone districts. The specific uses under the heading of Congregate Care constitutes allowing a business to be established within a residentially zoned neighborhood. Regardless of the size of the dwelling, or size of lot, these facilities will require a staff, as well as regulatory improvements, that will be in conflict with the neighborhood environment. Embedding this use within a residential neighborhood also brings a level of uncertainty to adjoining neighbors, similar to the uncertainty created by increasing the definition of Household. Over time, as imbedding increases, this unpredictability will have a negative effect on property values for existing residents – many of whom their home is their greatest asset. Other considerations:

- Neighborhood service and infrastructure impacts noted in “Household Regulations” above.
- Will Residents be prohibited from owning cars? If not, this is an added burden to the Neighborhood.
- Have Common Interest Community (CIC) covenants been considered?

## **Residential Care Uses**

The specific uses under the heading of Residential Care, whether Type 1 or 2 uses, again constitutes allowing a business to be established within a residentially zoned neighborhood. Regardless of the size of the dwelling, or size of lot, these facilities will require a staff, as well as regulatory improvements, that will be in conflict with the neighborhood environment. Embedding this use within a residential neighborhood also brings a level of uncertainty to adjoining neighbors, similar to the uncertainty created by increasing the definition of Household. Over time, as imbedding increases, this unpredictability will have a negative effect on property values for existing residents – many of whom their home is their greatest asset. Other considerations:

- Neighborhood service and infrastructure impacts noted in “Household Regulations” above.
- Will Residents be prohibited from owning cars? If not, this is an added burden to the Neighborhood.
- Have Common Interest Community (CIC) covenants been considered?
- The “up to 100 Guests” for Type 1 facilities, regardless of length of stay, is unacceptable.

Allowing Type 1 and 2 Residential Care uses within SU and TU zone districts in many parts of Denver will be contrary to CPD’s own statements of placing these facilities proximate to transportation, shopping, medical and social services, and employment. Given the pressure being placed on CPD by Residential Care stakeholders, BRUN sees little chance that the stated public meeting and Staff review (ZPCIM) will prevent development of this use type from moving forward throughout Denver.

For Type 1 and 2 development within SU and TU zone districts, BRUN would like to see a more robust criteria established for site location. Yes, this criteria would be limiting in allowable site areas, but the end result would be more beneficial to the Residential Care residents. Without such criteria written into the zoning language, as well as other recommendations noted above, BRUN cannot support the current proposal.

## **DENVER ZONING CODE**

### **Article 5 – Urban (U-) Neighbor Context**

Page 5.3-7 / Page 5.3-9 / 5.3-17 – Proposed to allow Residential Care Uses in SU, TU, and RH zone districts. How is this development envisioned – new vs. existing structures; single lot vs. assembly? For the overall reasons stated above BRUN would prefer that this use not be allowed in all SU, TU and RH zone districts, but rather in defined geographic areas throughout the City based on proximity criteria noted above. Likewise, Congregate Care facilities should not be allowed in RH-3A districts for similar reasons.

Page 5.4-3 – Parking requirements should reflect the number of units, not the total structure square footage, if Residents/Guests are allowed to have cars. If Residents/Guests cars are prohibited, then parking minimum should be based on number of staff or current language, whichever is greater.

Page 5.4-5 – For clarity the defined sub-uses should be carried forward in the proposed language.

Page 10.4-9 – The Alternative Minimum Vehicle Parking Ratio chart, for “Shelters”, under “Applicable Zone Districts”, notes the section applies to “All Zone Districts”. This implies, indirectly, that Shelters are allowed in SU, TU, and RH districts. This language should be revised to reflect only the districts that Shelters are allowed – not SU, TU, and RH districts.

Page 10.9-1 – Does section 10.9.3.1 speak to off-street parking? If not, it should.

Page 11.2-6 – Section 11.2.7.1 – Limitations Applicable To..., B-2 – Non-paroled Correctional Care facilities should not be embedded in SU, TU, and RH zone districts. Site location would be based on geographical criteria noted under “Residential Care” above.

Page 11.2-6 – Section 11.2.7.1 – Limitations Applicable To..., B-3 – The Residential Care facilities, less-than-24 hours, should not be embedded in SU, TU, and RH zone districts. Site location would be based on geographical criteria noted under “Residential Care” above.

Pages 11.2-9 thru 11.2-12, and 11.3-1 thru 11.3-4 – In overview of these sections there is language in these proposed deletions that should be carried forward in the proposed language. It is naïve to think that all the aspects of these sub-uses have been covered in the proposed language.

Page 11.12-8 – Section 11.12.2.1 – Definition of Household Living Use Category, B-2c – As per comments above under “Household Regulations”, the word “any” relating to “number of persons related to each unrelated adult” creates a mechanism for technically unlimited number of people living in any one Structure. Without a specific limiting definition this will be an untenable situation for SU, TU, and RH neighborhoods. BRUN recommends “any” be replaced with a numerical cap based on the size of the structure and number of “units” within the structure.

## **SUMMARY**

In summary, BRUN supports the cause of increasing affordable housing and density throughout Denver. However, these goals should not be achieved at the sacrifice of viable, established neighborhoods. Policy and zoning regulation cannot be established that are in conflict with basic tenets of Blueprint. The proposed Group Living Text Amendment does not meet BRUN’s expectations on a number of levels, and unfortunately cannot be supported.

Furthermore, it is BRUN’s request that passage of any Group Living zoning change be preceded by a minimum 18-month testing period. Application for the various uses could be taken during such a testing period, but they should not be processed until after the testing period is complete and any unintended consequences have been addressed through applicable revisions to a final text amendment.

Sincerely,

*Scott Danenhauer*

Scott Danenhauer  
Vice President  
Berkeley Regis United Neighbors

Cc: Denver Council District 1, Councilwoman Amanda P. Sandoval,  
Denver INC President - Loretta Koehler  
Berkeley Regis United Neighbors Board of Directors