

Planning Board Comments



Submitted on	7 September 2024, 9:21AM
Receipt number	702
Related form version	3

Your information

Name	Steve Fisher
Address or neighborhood	2930 Stuart St
ZIP code	80212
Email	fisher54@netzero.net

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	2950 Tennyson Street and 4421 West 29th Avenue
Case number	2024i-00028

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Moderate opposition

Your comment:

Thank you for the opportunity to comment. My opposition is "moderate" only if conditions, unique to the residential care use and Facility School (non-DPS), are placed on the property. If no such conditions are placed, my opposition is "strong."

Switching from FC59 to current zoning code removes the biennial permit review feature. This feature has been crucial to help maintain public health, safety and welfare over the years, especially since 2008. The scrutiny on a residential care facility and Facility School (non-DPS) is warranted.

As you may know, the Tennyson Center has been the scene of hundreds of calls for service by DPD and DFD. Deaths have occurred, overdoses, child-child assaults, child-staff assaults, and hundreds of runaways.

For the Board, the charge to take into account "public health, safety, and welfare" is apparent for both residents of the facility and the surrounding neighborhood. Please do not abdicate this responsibility and defer to state licensing requirements. The state has allowed this facility to operate under essentially the same rules for decades even as deaths, traffic injuries, overdoses, child-child assaults, child-staff assaults, and runaways accrue. Neither the state nor the facility or the employees are responsible/liable for acts of omission. Acts of omission do not apply to institutional care facilities, only to individuals.

As a result of one resident's running away and subsequent death, Timothy Montoya, the state legislature passed House Bill 22-1375 that established the "Timothy Montoya Task Force to Prevent Youth from Running from Out-of-Home Placement." I just concluded its 3-year charge to investigate various aspects of the runaway problem.

One of the recommendations involves campus perimeter security. Within the child welfare community, they are fairly allergic to the idea of fences and locked gates, conflating what is clear in the code about locked doors and delay bars with a "lock down" facility, which is discouraged and Tennyson Center is not. But a locked perimeter fence is not a "lock down" feature. Some traction is possible if the discussion is framed as "campus security," both for unwanted public access to the children and for helping to prevent runaways.

Tennyson Center has enough egress, exit discharges, safe dispersal

areas, and public ways for a secure perimeter with locked gates. Tennyson Center has some fenced areas with delay bars on gates. Staff routinely watch and do not impede or intervene when a child operates the delay bar correctly and leaves campus. Other delay bars are installed on doors in buildings that lead directly to unfenced areas and to the street.

The care model and state regulations Tennyson Center follows lead to runaways, traffic injuries, vandalism, and property damage. Just yesterday, a couple of staff followed a group of students down the block, who then paused to damage my neighbor's car parked in the public ROW. As mentioned previously, no one is responsible for the damage under state law. It is impossible to meet the "malicious intent" criteria of the criminal mischief/property damage statutes for minors. There is nothing to compel Tennyson Center to change its procedures. The neighbors and DPD are powerless.

I request that the Board include conditions in the rezoning that require Tennyson Center to have a secure campus with a 6-ft full-perimeter fence with locked gates and without delay bars.

I'm attaching comment documents from several of the most recent biennial use permit renewals and Timothy Montoya Task Force that provide more background and details.

P.S. Parking demand for this facility is far greater than the formulas in the zoning code for this use.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

[FISHER 2023.01.04 Montoya task for public comment.docx](#)
[FISHER 2022.11.02 Montoya task for public comment.docx](#)
[FISHER 2023.05.03 Montoya task for public comment.docx](#)
[FISHER 2023.11.01 Montoya task for public comment.docx](#)
[FISHER 2024.04.10 Montoya task for public comment.docx](#)
[I DIG HARDWARE Allegion Lori Greene Decoded Safe Dispersal Area Within a Fence or Enclosed Court.pdf](#)
[WHNA Log 2016-ZONE-0002918.pdf](#)
[FISHER comments BOA Case 111-19.pdf](#)
[FISHER 2019.05.06 comments.pdf](#)
[2021-LOG-0008932 Comments FISHER.pdf](#)
[2024-LOG-0001518 Fisher comments.pdf](#)
[Parking Existing conditions - residential permit application.pdf](#)

APPENDIX TO MR. FISHER'S
COMMENTS

Zoom identifier: day job, board member of Federation of Families for Children's Mental Health-CO Chapter. Reason: I've lived across the street from Tennyson Center since 1995 so I've seen hundreds of runs and rescues. And I appreciate the opportunity to speak to this group.

In the past 18 months, the task force has analyzed and debated effectively many facets off residential childcare and the risks of injury and death. But I was reading the task force's First Year report and noticing perhaps a topic deserving some attention. It involves the idea of responsibility (coincidentally the topic of discussion in today's prevention subcommittee). For a moment, let's say that these are not new issues and that thousands of practitioners, parents, and other stakeholders have grappled with the same problems around the country for decades. So the question is: how do we expect a different outcome by studying/responding/mitigating in the same way as others have in the past?

I think we could all agree that, if we were to put ourselves in the shoes of a parent (such as those on this task force), we implicitly expect that licensed institutional residential care would keep my child safe, perhaps even safer than at home. We know this is clearly not the case. And I would argue that laws and Volume 7 does not give enough responsibility (and therefore liability) to the residential care institutions. They do not act *in loco parentis*. They do not have enough skin in the game to prevent "acts of omission" (as the institutional abuse and neglect laws put it). We license "facilities" where there is no real vetting or licensing needed for the staff that work there. Sure, they do have appropriate professional and educational qualifications, but no liability. By comparison, let's look at some other professions like nursing, physical therapy, engineering. These practitioners hold state licenses, are held individually responsible, AND their employer mitigates their risk with appropriate policies and procedures. Not so with the staff that we entrust our kids to.

There are lots of optional and allowed ways to keep kids safer at these facilities, but few ways to *compel* the facilities to do it. When things go terribly wrong by acts of omission, as in the case of Timothy, the only tool the state has is to inspect, fine, or swoop in and shut down a facility. I've been told many times from several administrations at one residential facility a very effective justification for "acts of omission"...which is "we are not responsible."

Zoom identifier: day job, board member of Federation of Families for Children’s Mental Health-CO Chapter. Reason: I’ve lived across the street from Tennyson Center since 1995 so I’ve seen hundreds of runs and rescues.

I’d like to speak to Mr. Lash’s, I’ll call it astonishment, about the lack of viable methods to prevent a runaway.

We heard from Dennis Desparrois and Dave Lee: obviously restraining is not a viable tactic.

And we heard from Lynette Overmeyer that seemed to conflate locked fences with what is labeled “locked up” or a “lock down facility.” I’ve read the statutes and there is nothing preventing a fence or the locking of the fence to keep kids safe. Note that the right fence can achieve a lot of safety for staff and children without restraint. Even some regular, district elementary schools have more fencing than residential care facilities or facility schools.

Going back to Mr. Lash’s I think, sentiment, and I’m asking about a sort of informed consent requirement – maybe it already exists – that parents and guardians need to be told, very frankly, by facility staff that:

- the facility has no means, such as effective fencing, to prevent outside persons access to children and that the children must be allowed to walk or run away into the neighborhood and beyond
- their child may be followed 100s of feet behind but not touched
- pursuit and even following can lead to rash decisions to unsafely cross busy streets, self-harm, or damage property
- staff may eventually lose contact with the child for hours and days
- there is no requirement to inform the parent or guardian of runs or close calls because those events don’t meet the definition of a so-called “critical incident.”

Thank you for your time.

<https://forms.gle/LG89YSbVZ4jvqEDj6>

Zoom identifier: day job, board member of Federation of Families for Children's Mental Health-CO Chapter. Reason: I've lived across the street from Tennyson Center since 1995 so I've seen hundreds of runs and rescues.

Speaks to Dave Lee's idea to look at misinformation and regulations

And Chase Leonard alluded to this large gap in the safety net: staff at facilities can't restrain them from leaving the campus, and law enforcement returns them, ostensibly, to safety.

To offer my point, I would propose you imagine a facility located in a pleasant idyllic setting. But, it happens to be right at the edge of the Royal Gorge. When they built the facility, it was obvious that a fence was needed around the property to keep the kids safe from the risk and, like a swimming pool, from attractive nuisance and liability of the gorge. No one questioned this. In fact, 7.705.53(A)(3) says that the grounds of the facility shall be maintained in a manner that is free from any hazard to health or safety and that fences shall be in good repair.

My point is that any one of the residential facilities and even facility schools are like this Royal Gorge facility except with no fence. Yet somehow, a fence around the campus is conflated as "lockdown." I've read the statutes and Rules 7.701-7.714. "Lockdown" refers to doors to rooms and buildings. A fence around the property is not "restraint" and is not "lockdown." Think about how a fence would allow facility staff to follow all the rules and procedures..., allow kids to blow off steam (most campuses are several acres in size) ...while also keeping them safe.

Fyi: my contact info: svillafuerte@coloradocpo.org and cell: 720-810-0969

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I am hoping that the task force is not losing sight of the urgency of the plight of the child that has run. By the time Timmy and others were placed in a facility, we can be sure that data collection, studies, and efforts to understand why kids run away had been undertaken for decades. Thankfully, this task force is perhaps different because it gets more perspectives at the same table. But let's not confuse more data collection, reporting, and studies for immediate protection of kids who are, and will be, unpredictable and uncontrollable. Excellent new studies, rules, or statutes will not change that.

Let me key in on a phrase I saw in the earlier slides, that of "responsible for the care of children." Well we know that ultimately, that would be the parents, guardians, and those acting in loco parentis. Facilities have highly prescribed responsibilities in the rulebook, but as we know, the rulebook is practically silent on responsibility for a child that has left the facility and does not act in loco parentis. I would propose that increasing the responsibility of the facilities may help reduce runaways. Currently they are not responsible for a child off-campus and experience no legal risk or practical consequence. So a parent sends their child to a facility, but the facility can't keep the child at the facility and so the parent (who is not present or in control of anything really) is still responsible for the child's safety or acts?! Perhaps, then, a facility should be obligated to keep the child safe and on-campus and experience consequences if they can't.

A parent may need a facility precisely because their child runs away from home and can't keep them from running away. They need a facility because it is, ostensibly, a safer environment for the child. But we've created a system where the facility alternative is, surprisingly, less safe. As a society, we regard free will and agency very highly, but should we do that to the exclusion of keeping behaviorally- and mental health-challenged minors safe?

Thanks for your time.

Zoom identifier: day job, board member of Federation of Families for Children's Mental Health-CO Chapter. Reason: I've lived across the street from Tennyson Center since 1995 so I've seen hundreds of runs and rescues.

As an observer to this group, there may be a misunderstanding about egress and conflating fencing as equal to lack of egress from buildings or a lockdown facility. I did some investigating on building codes, egress, exit discharges, safe dispersal areas, and public ways. I found a great article in a trade magazine (which I can attach to the chat) and also got a favorable response from City of Denver zoning and architectural permit review on code interpretation. Because refusal to employ secure lot fencing has led to injuries and deaths to runaways, it is important to clarify that there is nothing wrong with secure lot fencing, neither for adults, minors, individuals in residential care, or facility schools. State licensing rules stipulate that local jurisdiction zoning and building codes to be met and the adopted building codes (residential code, building code, fire code) allow secure lot fencing when criteria for buildings and lot configuration are met. It could result in a lot less restraint.

Decoded: Safe Dispersal Area Within a Fence or Enclosed Court

This post was published in

doors & hardware

ADVANCING LIFE SAFETY & SECURITY SOLUTIONS

A few years ago, I worked as the



hardware consultant on a data center project with extremely high security. On the interior door openings, there were many challenges and conflicts between the code requirements which mandated free egress and the need for security methods that included interlocks, delayed egress, and several levels of access control.

A security fence surrounded the building, with access control readers at the vehicular and pedestrian entrances to the site. In order to maintain this secure perimeter, the security consultant did not want to allow free egress through the gates which led to the public way. Because the paths from the building's exterior doors to the public way are part of the means of egress (this portion is called the exit discharge), any gates encountered before reaching the public way would typically be required to comply with the egress code requirements.



These include the mandates for one operation to release the latch(es), no special knowledge or effort, no tight grasping/pinching/twisting, and operable hardware mounted between 34 and 48 inches above the floor or ground.

Exterior gates are notoriously difficult to secure while providing free egress when required by the model codes. Locking / latching hardware may be defeated from the secure side of the gate, and many gate designs cannot easily accommodate the door closers needed to keep the gates closed and latched. Electrified hardware used on exterior gates can create additional challenges, due to exposure to the weather as well as unauthorized access to the release devices (like actuating the motion-sensor release for an electromagnetic lock from the secure side of the gate).

With today's focus on security for schools, office buildings, and other types of facilities, it will likely become more common to see a building completely surrounded by a fence. Each opening in the fence that is equipped with hardware allowing free egress becomes a potential access point – for authorized or unauthorized individuals. While I am not recommending that we surround every building with a fence, or that there should be no gates to provide egress from the contained area, the International Building Code (IBC) does address this situation.

In recent editions of the IBC, this is covered in section 1028.5 – Access to a Public Way, which requires the exit discharge to provide direct and unobstructed access to a public way; typically the public way is a street or alley. The exception to this section states that when access to a public way can't be provided, a safe dispersal area is required, where building occupants can wait for fire department assistance. This safe dispersal area – a location within the fenced area or enclosed court – must meet the following requirements:

- The safe dispersal area must be large enough to provide at least 5 square feet of space for each building occupant (see below for variations on this requirement for stadiums and I-2 occupancies).
- The area must be on the same lot and at least 50 feet away from the building, accessed by a safe and unobstructed path.
- The area must be permanently maintained and identified as a safe dispersal area, and cannot be used for another purpose such as parking, storage, or temporary structures.

If these criteria are met, the fence surrounding the building would not be required to have gates that allow free egress, as the building occupants can gather safely in the enclosed area and wait for emergency responders to arrive.

For stadiums, the IBC (Section 1010.2.1 in the 2015 and 2018 editions, Section 1010.4.1 in the 2021 IBC) describes a safe dispersal area that provides at least 3 square feet

occupant, located a minimum of 50 feet from the enclosed area of the stadium. If this safe dispersal area is provided, and if the stadium gates are under constant supervision when the stadium is occupied by the public, then panic hardware is not required to be installed on the stadium gates.

The IBC addresses secured yards for Group I-2 occupancies (hospitals, nursing homes, psychiatric hospitals, detox facilities, and foster care facilities) in a separate section of the code (407.9 in the 2015 IBC, 407.10 in the 2018 and 2021). This section requires the safe dispersal area for I-2 occupancies to provide at least 30 net square feet for each bed and stretcher care recipient and 6 net square feet for ambulatory care recipients and other building occupants; as with other occupancy types, the safe dispersal area must be at least 50 feet away from the building. The use of a fenced area that is sufficiently sized for use as a safe dispersal area can be especially helpful for memory care units and other mental health facilities, where a secured yard is often provided for the use of care recipients. In an emergency, this enclosure can provide a safe alternative to allowing care recipients to freely evacuate to a public way.

NFPA 101 – The Life Safety Code, includes some language similar to the IBC, but only in relation to Detention and Correctional occupancies. In these facilities, sections 22.2.7 (new) and 23.2.7 (existing) allow exits to discharge into an enclosed court. Not more than two walls of the courtyard may be walls of the building, and the enclosed court must be large enough to provide a net area of 15 square feet per person at least 50 feet from the building.

The local codes and the Authority Having Jurisdiction (AHJ) should be consulted to verify the requirements of a specific jurisdiction. For sites where the requirements for a safe dispersal area cannot be met, gates which are properly sized, remotely located, and equipped with hardware that meets the egress requirements will likely be needed.

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By [Lori Greene](#) | February 18th, 2016 | [Articles, Means of Egress](#) | [1 Comment](#)

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Kevin August 26, 2016 at 5:09 pm - [Reply](#)

The area must be permanently maintained and identified as a safe dispersal area, and cannot be used for another purpose such as parking, storage, or temporary structures.

Here in the Midwest....That means the area MUST be plowed of all snow while maintaining the same 5 sf/occupant!!

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BACKGROUND

Please also see [Appendix A - Annotated Photos](#)

History

I've lived across from the Tennyson Center since 1995, the year they completed their PBG expansion. I was not a part of the community engagement process and do not know of the compromises or community concerns that were addressed. Until 2008, we had relatively few issues as a neighbor to Tennyson Center.

Child Welfare System

Since 2008, the child welfare system (Colorado Department of Human Services - CDHS) in Colorado has undergone changes, most notably in funding and policy. Today, the trend continues: there are fewer such facilities and they try to keep as many children out of the facilities and in the home. This means that children that are placed in facilities are the most severe and challenging in the system. They either have parents that send them or do not have parents because the state has removed the child from them. They are placed there by counties, guardians ad litem (GAL), or authorized mental health organizations. A key policy of state licensing nationwide is non-restraint. This means that children cannot be locked in and must be allowed to leave the property. Bringing a child back to the facility from somewhere in the neighborhood is a verbal process of convincing and cajoling. The hundreds of calls for service per year (171 in 2014; please see [Appendix B – Calls for Service](#)) by Denver Police Department attest to the partial failure of this approach and the state enjoys local jurisdiction resources to actually return the child to the facility from the neighborhood. Almost any District 1 officer can provide numerous first-hand experiences related to this. Prior to 2008, because the child population was less severe, fewer children left the facility and we did not see so many close calls and trespassing.

Uses in R5 Zone District

Tennyson Center has been grandfathered for many years under Former Chapter 59, first as an orphanage and now as a hybrid of Ch. 59 zone use definitions where it is simultaneously residential child care and school with an unconventional (and I would call as-yet uncharacterized in the zoning code) population. It is great policy that a biennial review and use permit process has been in place for decades to monitor and adjust for changes in intensity of use and external impacts.

Failure of Conventional Means to Address External Impacts and Life Safety

The risks to the child resident population (and sometimes of staff) of the facility is apparent even to one 3rd party observer (neighbor). Our neighbors and we have also experience external impacts regularly. Understandably, CPD works in concert with other city services to address neighbor complaints and life

safety. These include the registered neighborhood organizations (RNO), 311, Police and Community Resource Officers (CRO), Fire Department, and the City Attorney's Office. We have also engaged my neighbors, the Tennyson Center, CDHS licensing, state and county child abuse hotlines, and state and local elected officials. We have engaged all of these entities and been in numerous meetings in the past several years.

Our efforts notwithstanding, the zoning administrator intervention is essential because no other entity has the jurisdiction to address life safety and external impacts effectively. Some noise, light, and trash complaints have been effectively addressed through 311. And some small progress has been made through fencing the site partially, delay bars on doors, and generally scrutiny, but this is not enough. We cite the following examples:

Alleged child abuse: [Appendix C – Alleged Child Abuse Cases](#) presents four cases that represent situations that occur routinely, and where licensing policy sanctions, where the child resident population experiences neglect and abuse per C.R.S. 18-6-401. The district attorney has dismissed these so that no one is responsible for the maltreatment of these kids.

Trespassing: The risk to runaway children, pursuing staff, and neighbors from children trespassing through private property is a tragedy waiting to happen. Because these are often children under the age of 12, the law does provide relief for trespassing by the child or the staff member, acting as a person in a position of trust and supervision, following the child. We have people on our property and we can't do anything about it. We know that Tennyson Center does not necessarily notify neighbors when property is trespassed or trespassed.

Vandalism: Even if one was lucky enough to witness vandalism committed by a child, we cannot know the name of the child or staff because of HIPAA. Civil compensation is only available to us through Tennyson Center. I currently have a small claims case against it for damages to my car from children under their care and for which they were acknowledged witnesses, but will not repair my car. State licensing has stated that the licensed facilities are not responsible. Compensation through restitution components of criminal cases require subpoenas by Police and at best getting a judgement against a parent that was held responsible for the behavior of their child, who was under the care and supervision of a facility.

TRASH

311 generally has responded and had a good effect on trash complaints, although we do put up with blowing trash from the facility that lodges itself in our yards, cigarette butts littering the street and sidewalk (these are also from bus drivers who hang out). At one time, a contracted waste hauler was picking up dumpsters at 2 am, waking us every morning. 311 or Police did not have the capacity to deal with that particular issue and I believe Tennyson Center threatened to switch companies, which they did. Generally, dumpsters do not have their lids on. On the west side, one dumpster regularly sits on the sidewalk and since the PBG was built in 1995, it has never had a required 4-ft wall.

NOISE

In 2015 Tennyson Center installed new playground equipment in several locations. One feature out of dozens of features, is a drum set. The drums are part of the equipment facing homes on Stuart St. These can be heard throughout our homes at any hour from 7:00 am to 10:30 pm. It doesn't last long, but we would like to see the drum feature relocated to another part of the property or indoor. Similar to the Red Rocks Amphitheater and low-frequency enforcement issue. Not loud but very noticeable.

Because of the severity of its child population and the non-restraint rules, about 2-3 times a week we can hear, even inside our homes, slamming doors, yelling, profanity of the most vulgar variety, and general commotion. We and passersby have been cursed out just for being outside minding our own business. We have been embarrassed for our dinner guests when these outbursts occur, and it is generally impossible to keep enjoying the peace and quiet of the neighborhood on your front porch or back yard with blood-curdling screams and epithets interrupting. We have received guests at our door who, only in the amount of time to park and come to our door, they have developed questions about "what is that place?" Once we reported to the child abuse hotline (which was screened out of investigation) a child that was in distress for over 30 minutes, pleading "ouch that hurts," "please let go of me," "help me." We also called 911 and Police showed up some 30 minutes later and were told by staff everything was under control. No investigation. But compared to cultural norms of society, these outbursts are very distressing.

PARKING

According to IRS records, Tennyson Center has averaged about 220 employees from 2005-2013. According to the last Use Permit (2010), there were 65 off-street parking spaces. Compared to other school and residential care uses in R5 zones in the city, Tennyson Center creates parking stress for the neighborhood. Their designated lot is either full, or employees choose to park in the neighborhood even when it is not full. Shifts last typically 8-12 hours. No one uses the designated bus parking, which was implemented after 1995, because the time frames for allowed parking result in no parking there ever. This reduces the ability to provide for on-street parking bordering the Tennyson Center property.

The PGB plan from 1995 required 40 off-street spaces using Class 7(a) parking formula (I don't know how they came up with 40 required spaces). The plan provided more (73), so they looked really good, but the formula isn't well suited for Tennyson Center. The typical school has more classrooms as a share of all rooms. Also, the teacher/student ratio is lower in a typical school. As we know, Tennyson Center has a higher teacher/student ratio because the kids are more needy. The actual number of classrooms is not shown on the PBG plan, but there appears to be 10, following their narrative.

I did alternative calculations based on each of the other occupancies shown on the PBG plan. I believe a more appropriate calculation is one that recognizes that part of the property is a school and part a residential treatment center. I think Class 7 or Class 8 combined with Class 2 is more appropriate. Total available spaces are about 100 spaces too few (forced into the neighborhood) compared to the average employee count (241). The "Class 2 + Class 8" formula comes close to the average employee count but is still about 60 spaces short (forced into the neighborhood). Please see [Appendix D – Parking Space Review](#).

TRAFFIC AND BUSES

The number and capacity of buses exceeds that for all of North High School. Children are bused to Tennyson Center and this causes the neighborhood to suffer, for 20 minutes, twice a day, congestion and noise (think the construction vehicle backup beeping). Buses seem to arrive, park, and pile up rather than flowing through. Designated bus parking only accommodates about 4-5 buses. They typically total about 12-15 with other vans, limousines, and taxis. Buses routinely underestimate the turning radius required and spend several minutes in 10-point turns just to get back on the street. Tennyson Center does not use a traffic director when buses exit onto W 29th Ave. The situation is poor for emergency vehicles and for drivers who, turning north onto Stuart St, unexpectedly stop on W 29th Ave, are unable to complete their turn, and either sit or abandon their route.

SAFETY

I look to the Zoning Administrator as charged with safety of community residents, including the children that reside at Tennyson Center. Denver Human Services and CDHS licensing turn a blind eye to real risks to children at this facility.

Nudity, bare feet, climbing on cars, quick, 10-15 foot access to streets with 25 and 30 mph speed limits, climbing onto roofs, etc. Please see photos representing some of these safety issues. We developed a generic risk assessment (Please see [Appendix E – Environmental Risk Assessment](#)) that characterizes and rates Tennyson Center based on its environmental setting and child population when that population is off property or running away. As mentioned above, state licensing rules result in predictable and sanctioned child abuse/neglect. Denver district attorney and Police are not taking issue with repeated events. The concern is that children are experiencing abuse/neglect from caregivers, to a degree less than resulting in death, while institutions/caregivers are immune to prosecution. Children at Tennyson Center are routinely experiencing close calls whose consequences could be injury or death quite easily. These risks were not observed very much before 2008 because generally the child population was much less severe.

I would add that the police responses sometimes generate their own risks. I was almost T-boned at an intersection by a police car responding to a runaway child. Police are responding hundreds of times per year to this one location and driving fast and aggressively at times.

TRESPASSING

We and the neighbors have experienced numerous chases and staff and children occupying our yards while they attempt to talk the child into compliance. We have had children run through our back yard (we do have a closed gate and fenced yard) and then followed by a staff member. The staff member entered my garage. As mentioned above, there is no legal remedy or consequence for this and, unless zoning addresses it with use permit conditions, we have to accept this offense(?). Children and staff on our property also represent a risk to those individuals and unwanted liability risk due to perceived negligence. This is unwanted and an outrage. This alone, along with noise and mischief, generates fear and uncertainty in the minds of prospective renters or home shoppers and can be interpreted as a real devaluation of property value and a taking.

VANDALISM AND MISCHIEF

We have experienced dented cars, a broken window, broken limbs, trampled vegetation. As explained above, because of HIPAA, we are not able to know the child, staff, or parent without pursuing a criminal law path. Even then, restitution is not guaranteed and puts the burden on the victim to collect damages. We feel, as would many a judge, prosecuting a minor or his/her parent who was not the one caring or supervising the child is ridiculous. Because I happen to have great evidence, I am able to go to small claims for the damage to our car. Sadly, Tennyson Center is unwilling to use its insurance or resources even when they acknowledge it was their staff and children involved. This is a nuisance.

In the case of our damaged car, we secured the signatures of most of the residents bordering the Tennyson Center. Please see [Appendix F – Statement Regarding Insurance Claims](#)

APPENDIX A – ANNOTATED PHOTOS

TRASH



Cigarette butts from employees and bus drivers in front of our homes.

04/09/2013 18:10

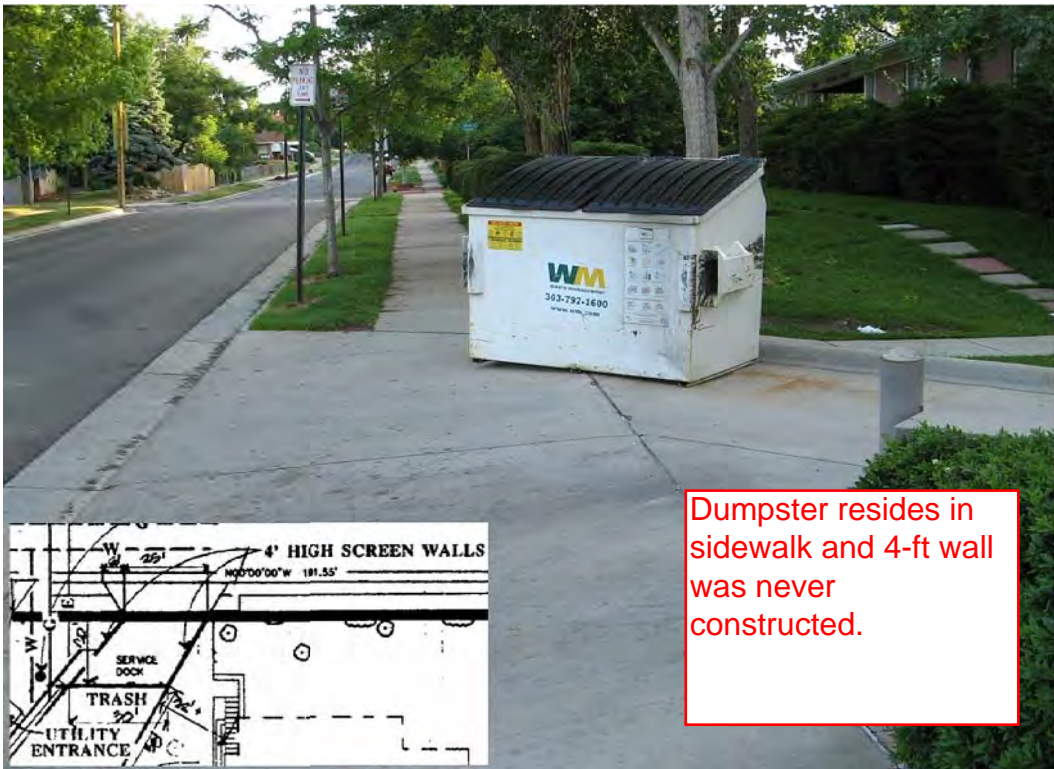


We routinely sweep trash from our yards that is left by employees, visitors, or blown over from dumpster.

05/08/2013 14:55

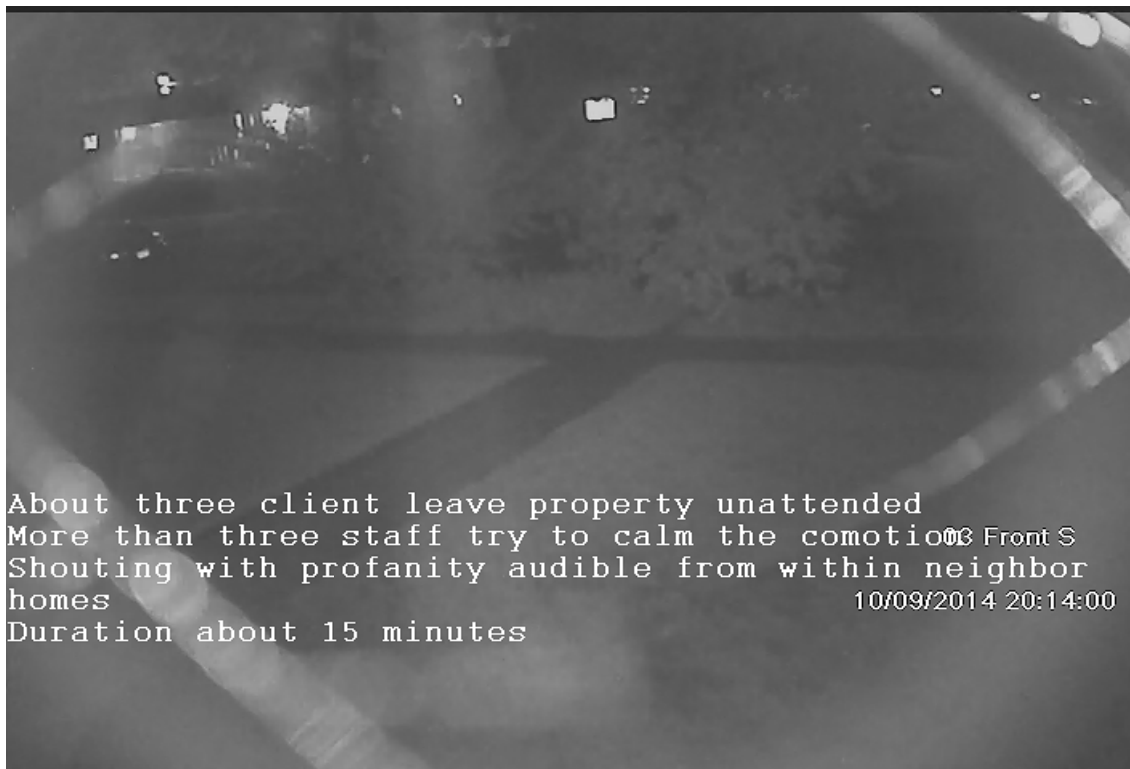
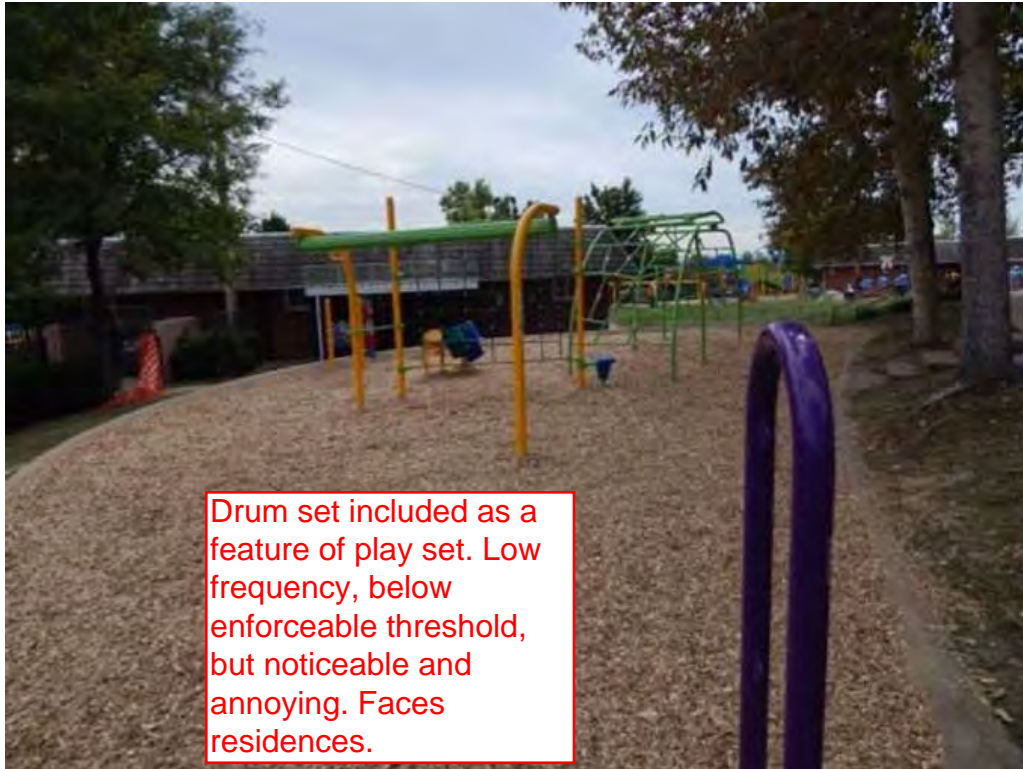


Dumpster rarely has lids employed.



Dumpster resides in sidewalk and 4-ft wall was never constructed.

NOISE



PARKING



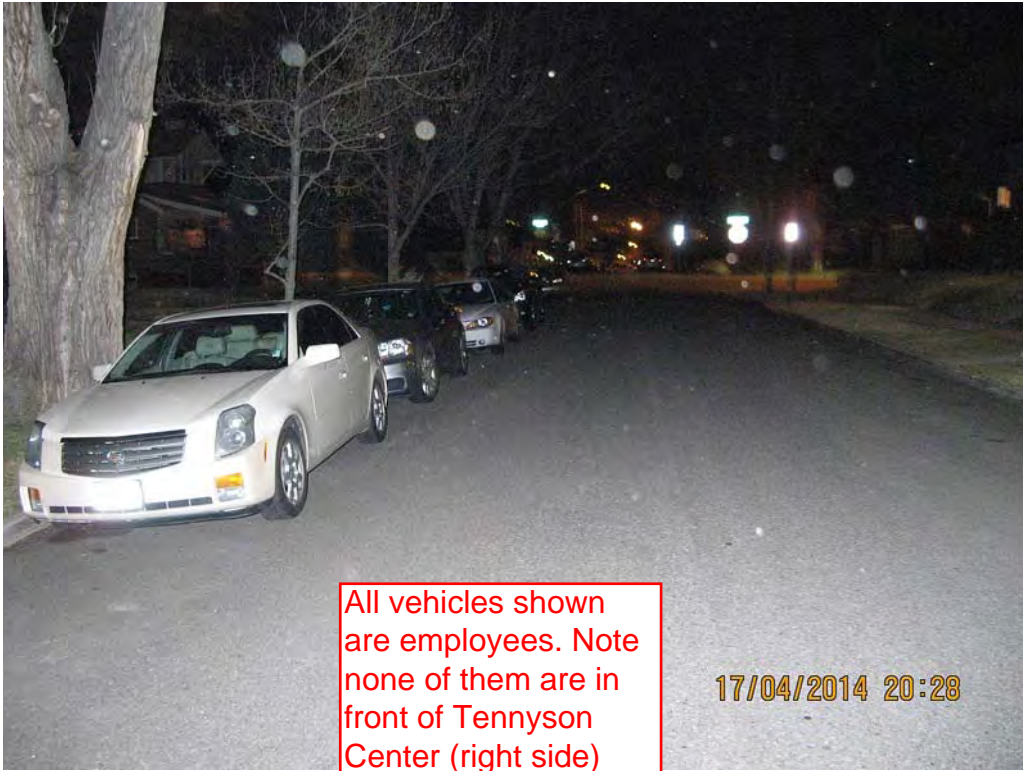
Stuart St. On street parking. residences on left, Tennyson Center on right.

12/06/2014 12:23



Stuart St. On street parking. Tennyson Center on left, residences on right.

12/06/2014 12:22



All vehicles shown are employees. Note none of them are in front of Tennyson Center (right side)

17/04/2014 20:28



Few employees choose to park where there is less impact to residences.

26/06/2013 14:01



An employee or visitor blocking our driveway. This vehicle was parked and driver entered Tennyson Center.

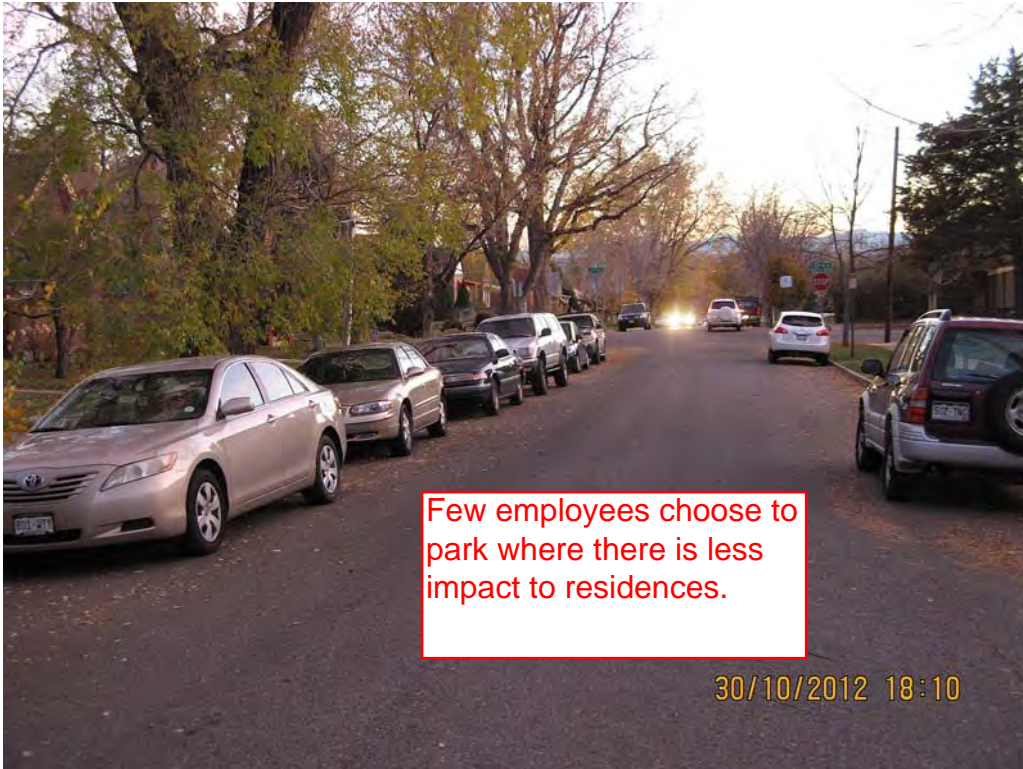
4/06/2013 16:31



Few employees choose to park where there is less impact to residences.

18/06/2013 07:09





Few employees choose to park where there is less impact to residences.

30/10/2012 18:10



05/09/2012 10:46







Evening shift employees do not use
their parking lot.

TRAFFIC AND BUSES



Bus standing in intersection creating a safety issue.

09/05/2014 14:30



Emergency vehicles unable to pass during pickup congestion

09/01/2014 15:35



Standing buses. 20 minutes, twice daily

09/10/2013 12:34



Once miscalculated, it takes minutes for a bus to extricate itself from a turn

27/08/2012 06:55



Generally not passable without traffic directors

17/12/2010 15:37



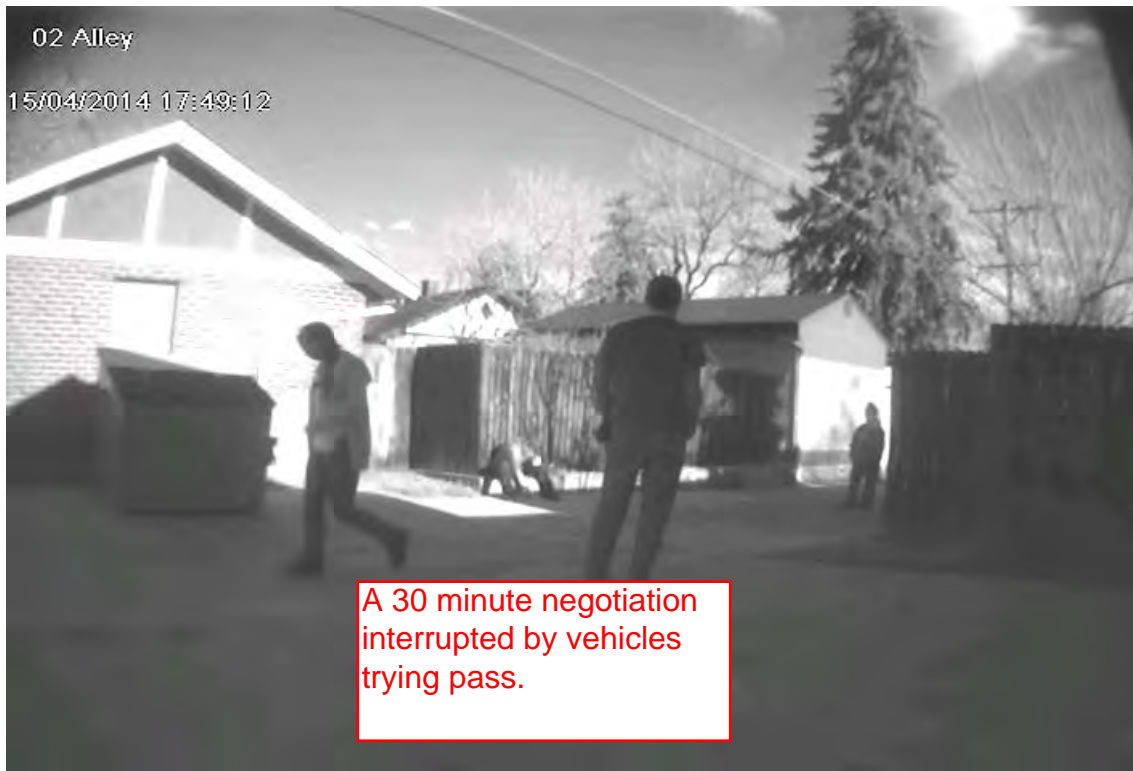
Generally not passable without traffic directors

17/12/2010 15:36



SAFETY

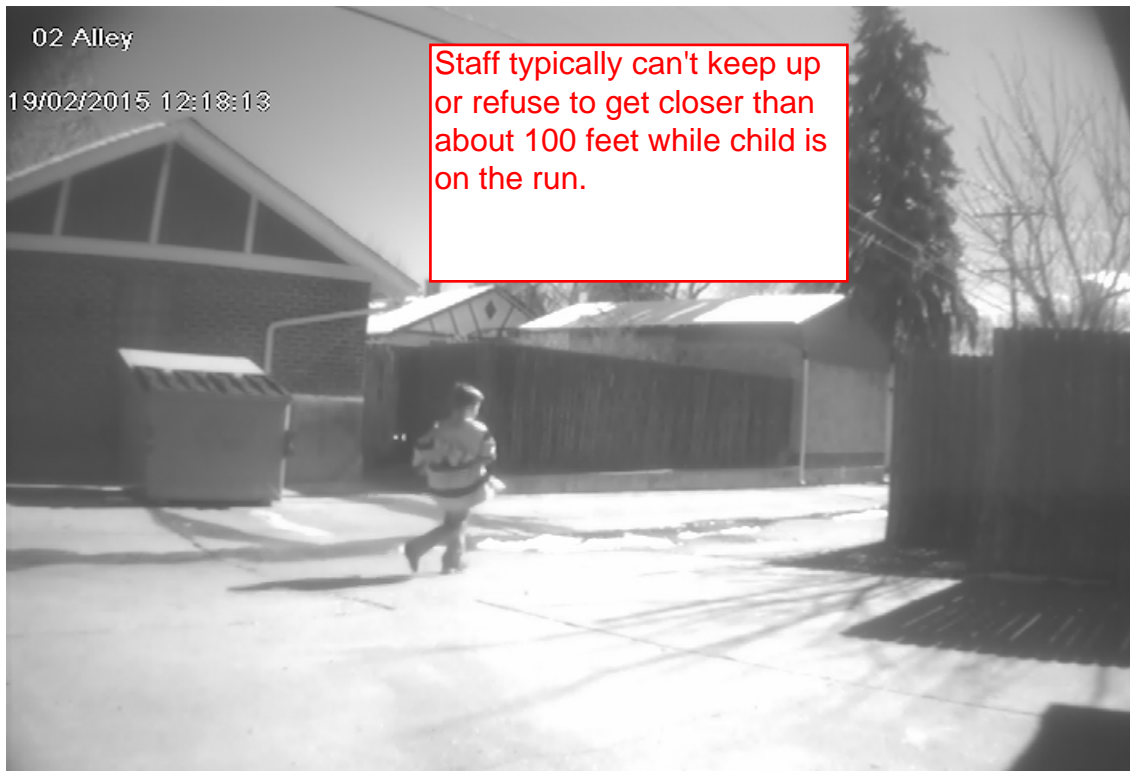
















A single staff member trying to round up 4 boys. One heads into the yard of my neighbor where there is a dog. Others roam across the street back and forth.

03 Front S

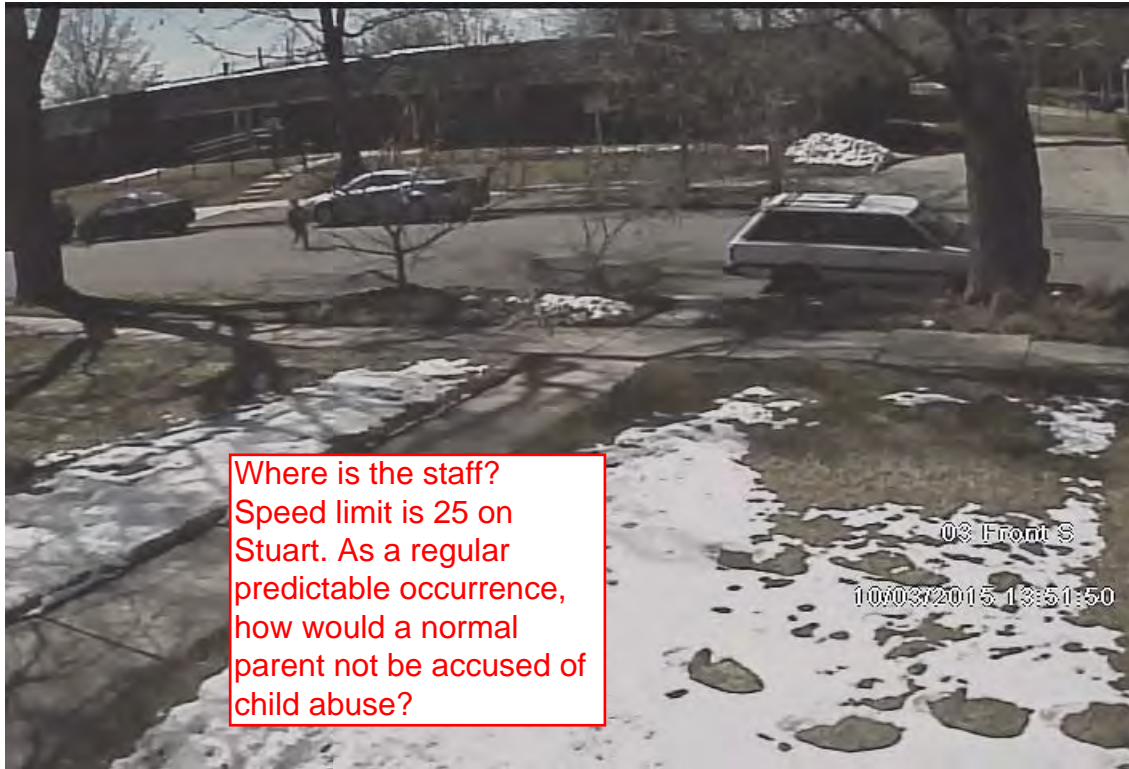
09/08/2014 13:59:17

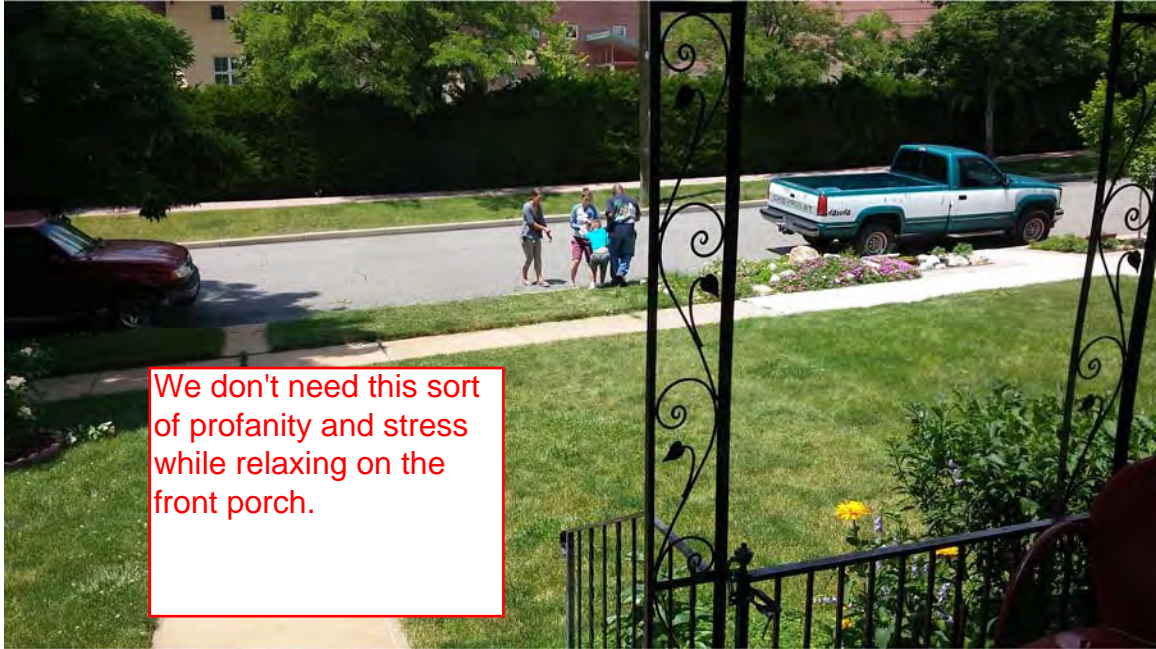


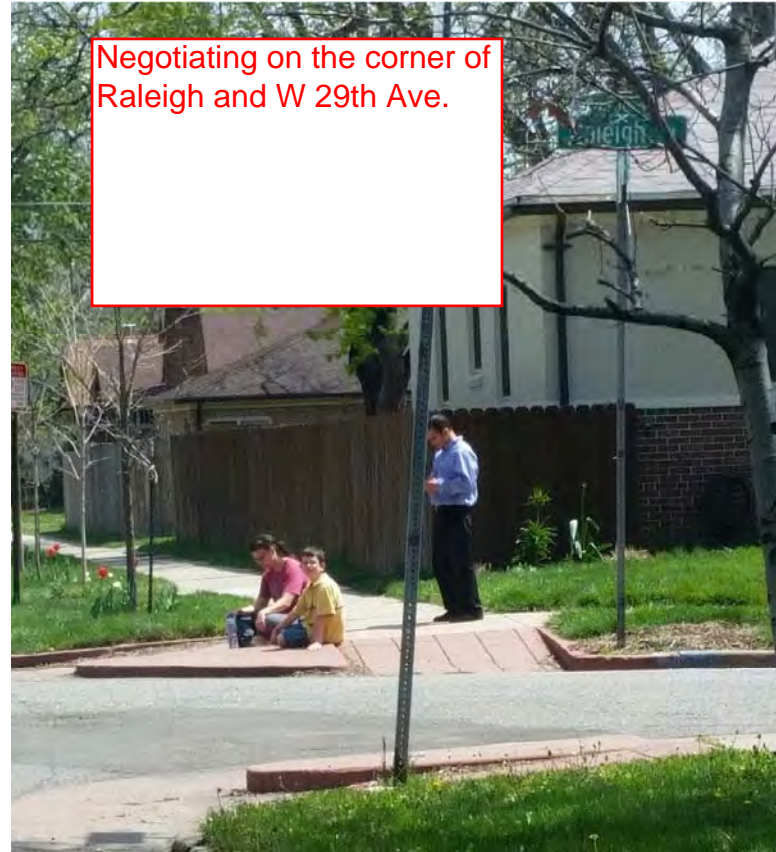
Chasing down a child as he/she tramples our vegetation and bolts across the street

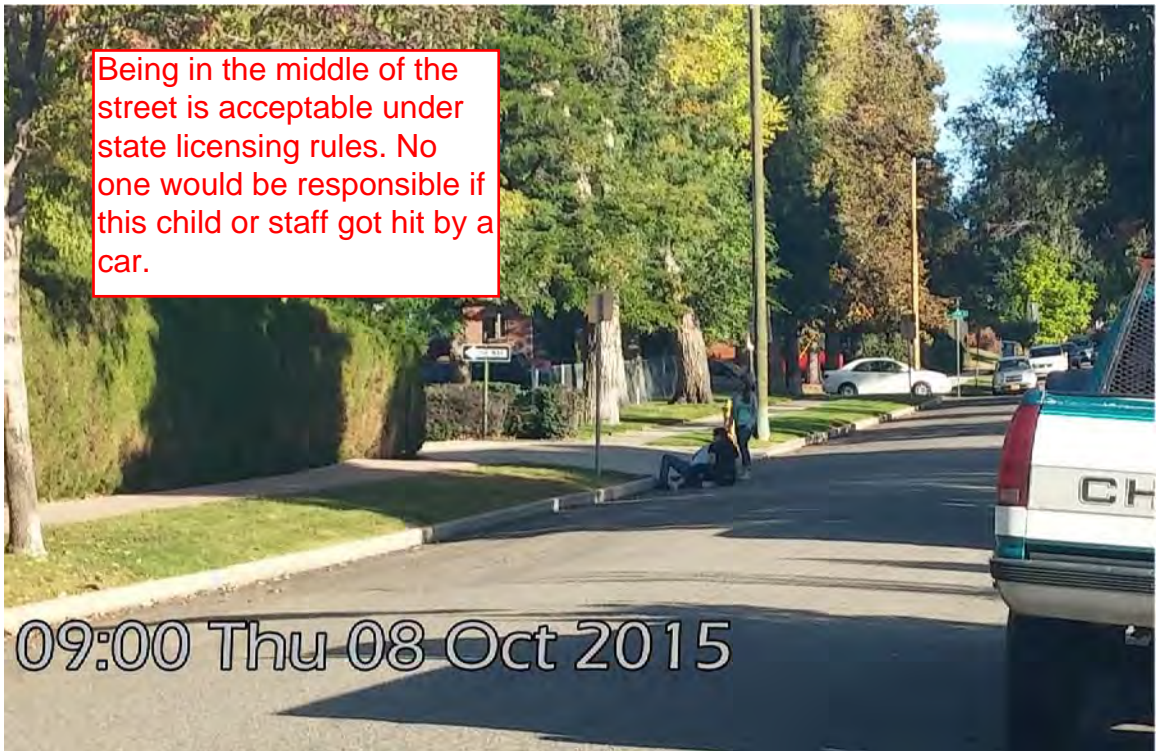
03 Front S

19/09/2014 17:16:41







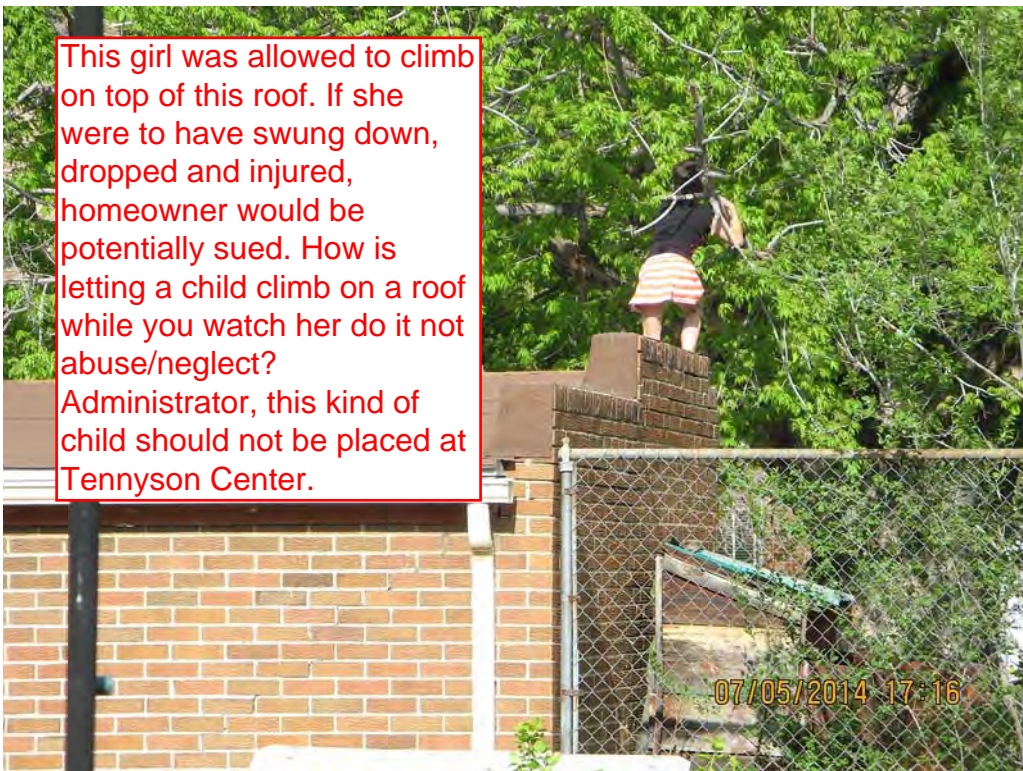


Being in the middle of the street is acceptable under state licensing rules. No one would be responsible if this child or staff got hit by a car.

09:00 Thu 08 Oct 2015



Commotion in the street with a police response. Imagine showing your home for sale when this is going on.

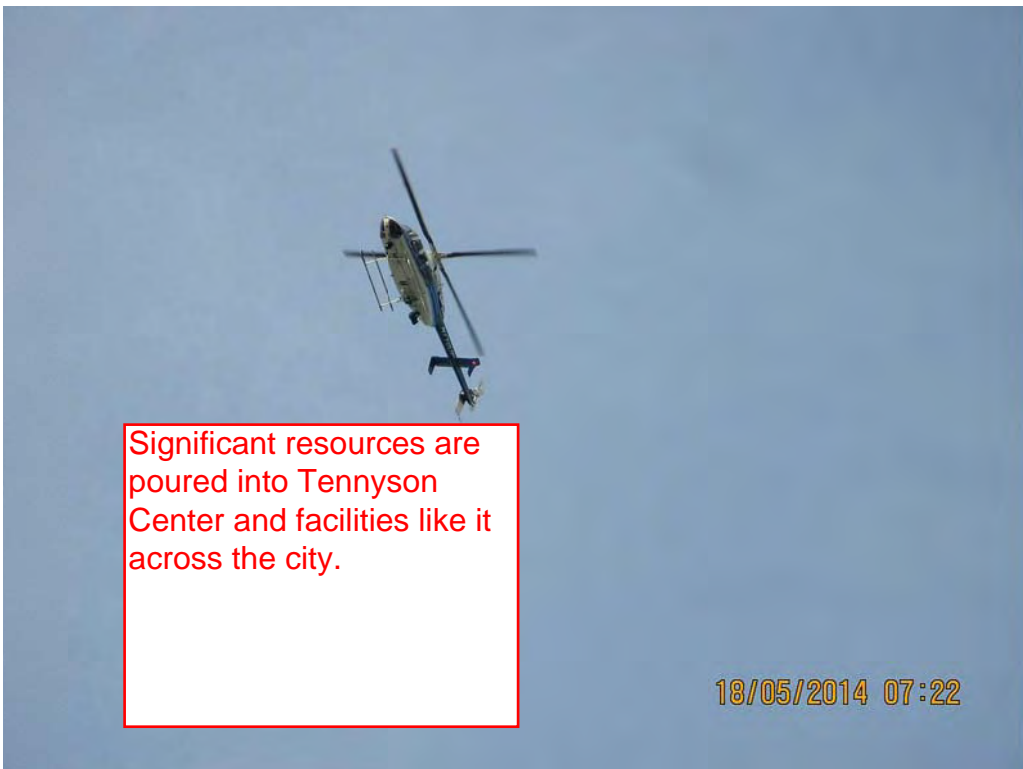


This girl was allowed to climb on top of this roof. If she were to have swung down, dropped and injured, homeowner would be potentially sued. How is letting a child climb on a roof while you watch her do it not abuse/neglect? Administrator, this kind of child should not be placed at Tennyson Center.



Passersby subjected to awkwardness, getting cussed out, etc.

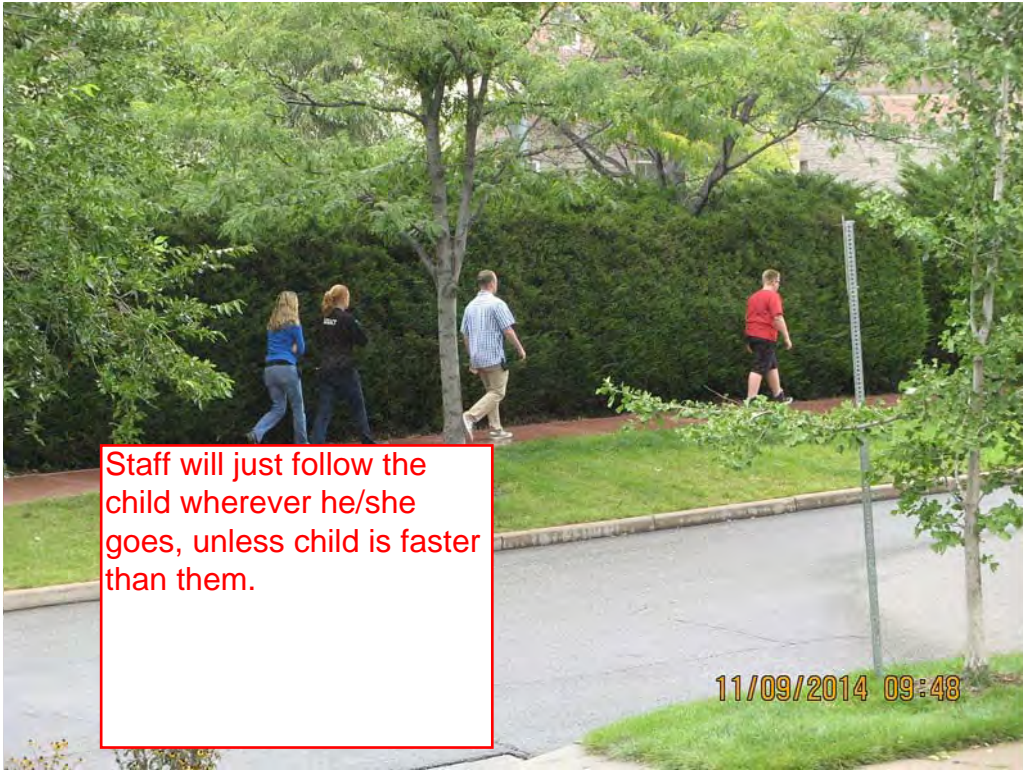
13/05/2014 18:46



Significant resources are poured into Tennyson Center and facilities like it across the city.

18/05/2014 07:22





Staff will just follow the child wherever he/she goes, unless child is faster than them.

11/09/2014 09:48



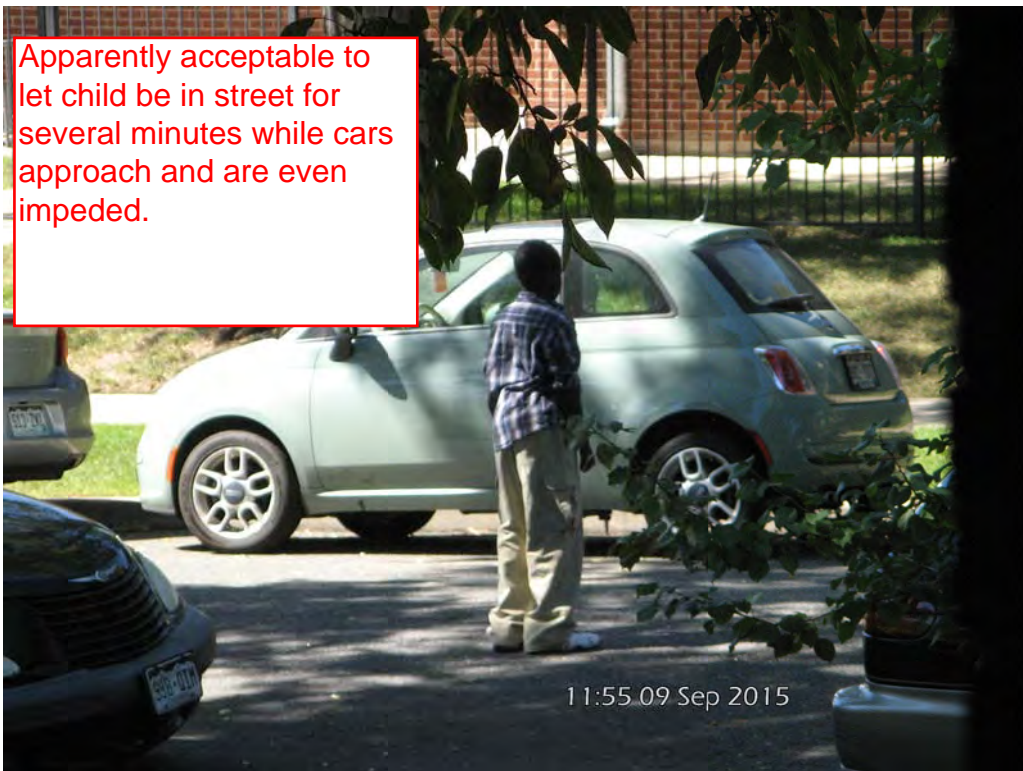
I imagine for the uninitiated, this is a jarring and unpleasant site in the community.

06/08/2015 18:24



I imagine for the uninitiated, this is a jarring and unpleasant site in the community.

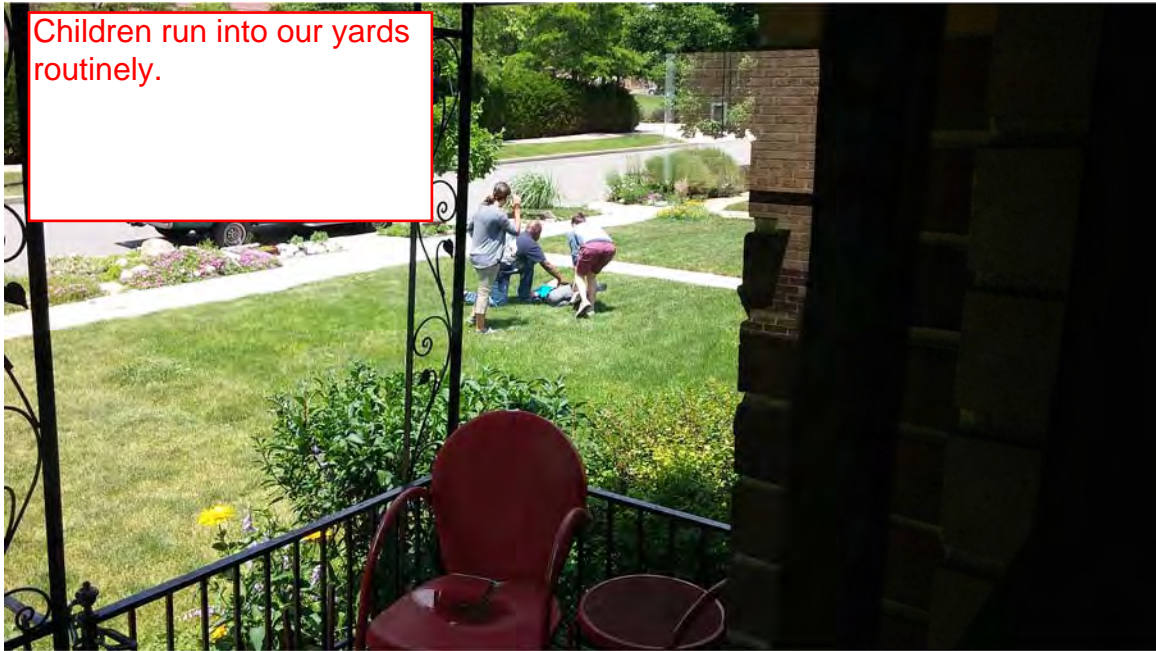
06/08/2015 18:42



Apparently acceptable to let child be in street for several minutes while cars approach and are even impeded.

11:55 09 Sep 2015

TRESPASSING





Client leaves property unattended
Runs to garage between homes
Second client follows unattended
Single staff spends several minutes convincing
clients to return.

03 Front S

30/08/2014 18:02:04



01 Garage

07/10/2013 16:00:13

Employee in my
fenced and gated
back yard



Employee entering my garage. Police said there is nothing to do because he was pursuing a minor.



I had to explain all I knew about Tennyson Center while this was happening during dinner, viewable out our front window.

03 Front S

09/08/2014 13:58:43

Staff do not prevent children from pulling or breaking plants.

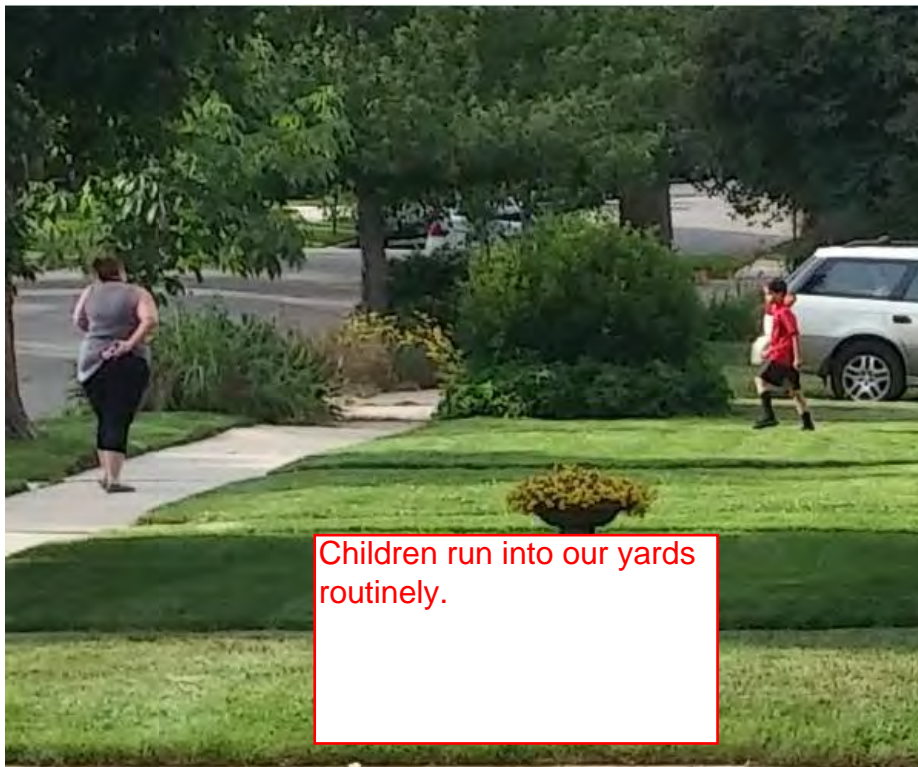


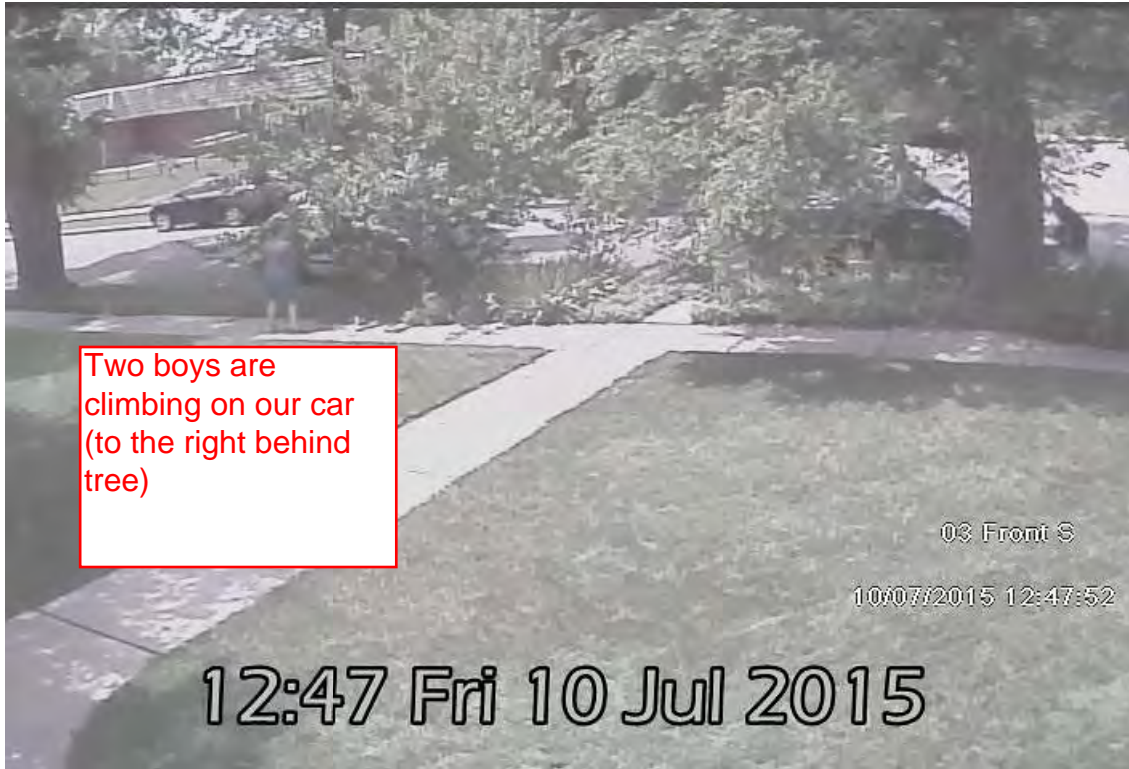


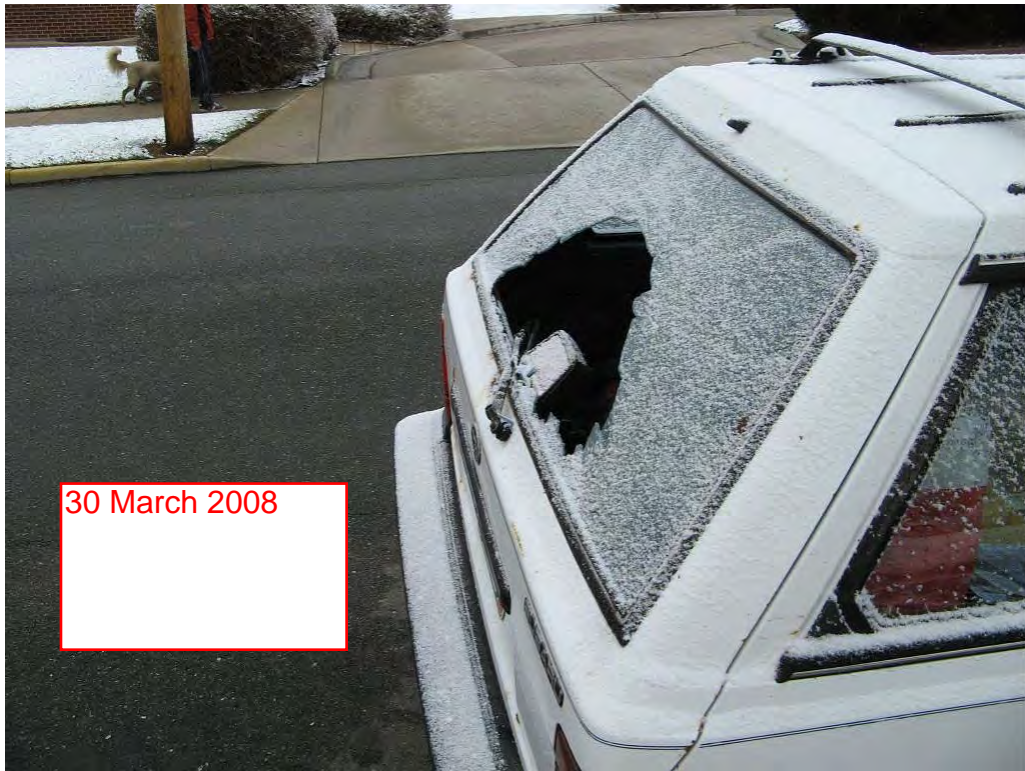




VANDALISM AND MISCHIEF







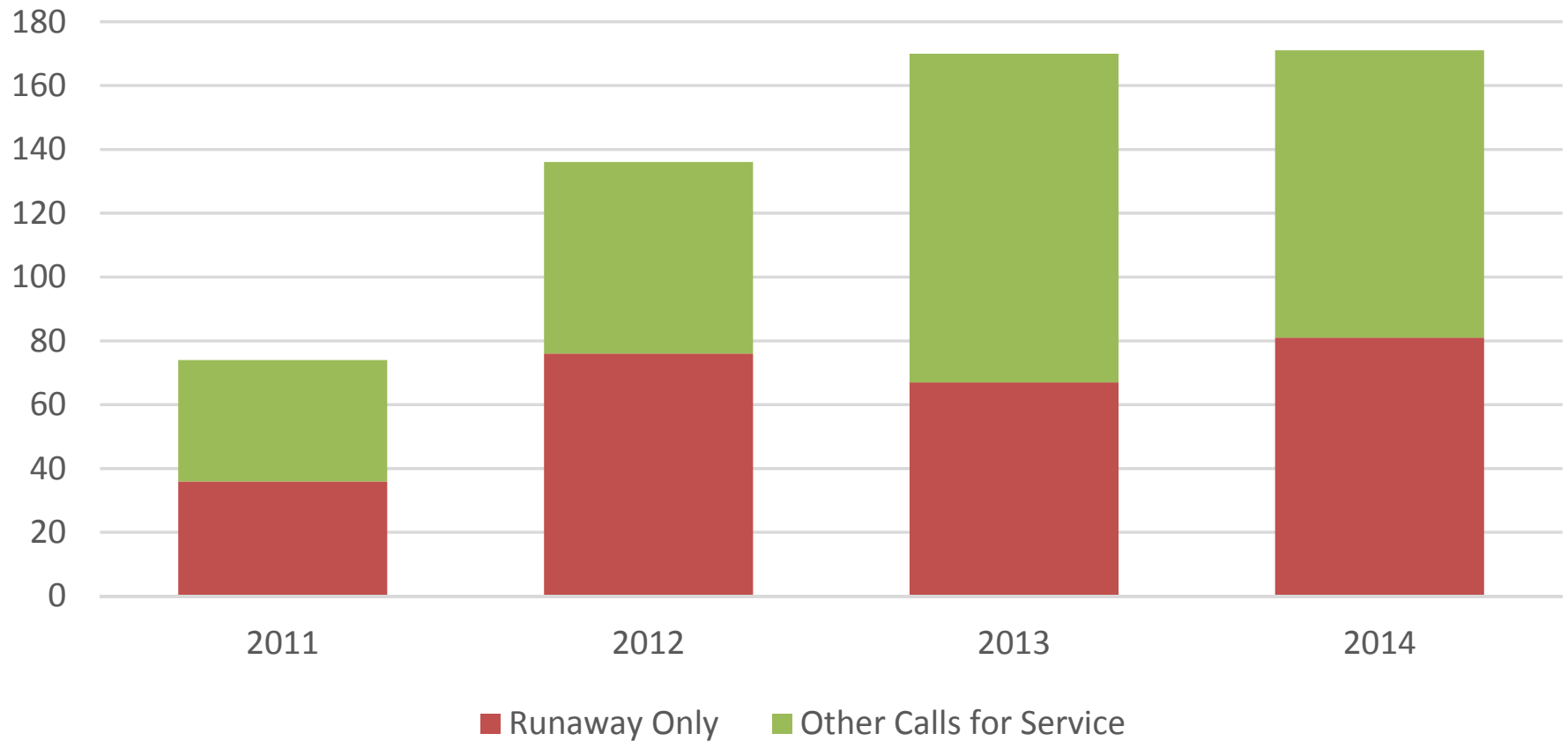


APPENDIX B – CALLS FOR SERVICE

Summary Statistics 01Jan11-30Jun15**234****wks**

Calls for Service (any)	Total	624	Avg	2.7	/wk
Missing Child/Person/Runaway	Total	277	Avg	1.2	/wk
P1 Emergencies	Total	87	Avg	0.4	/wk
P1 Emergencies w/ Missing Child/Person/Runaway	Total	52	Avg	0.2	/wk
P2 Urgent	Total	349	Avg	1.5	/wk
P2 Urgent w/ Missing Child/Person/Runaway	Total	225	Avg	1.0	/wk
All other Priorities	Total	188	Avg	0.8	/wk
Calls for Service (any)	2011	74			
Calls for Service (any)	2012	136			
Calls for Service (any)	2013	170			
Calls for Service (any)	2014	171			
Calls for Service (any)	2015 prorated after 6/30	146			

2011-2014 Calls for Service 2950 Tennyson St



Premise History

Address 2950 N Tennyson St Dist 1 - Sector 1

Response Date	Response Time	Incident No.	Problem	Priority	Dispatch	Arrive	Closed	Cancel Reason
06-28-14	20:54	DDP-14-0332430	Assault IP-JO	P3 Public Need		22:23:00	23:22:23	
7/1/2014		DDP-14-0337675	Nature Unknown	P2 Urgent				
7/10/2014		DDP-14-0356726	Assault IP-JO	P2 Urgent				
7/14/2014		DDP-14-0364834	Missing Child	P1 Emergency				
7/17/2014		DDP-14-0370132	Meeting	P8 In Service				
7/28/2014		DDP-14-0392524	Indecent Exposure	P3 Public Need				
7/30/2014		DDP-14-0396550	Assault IP-JO	P2 Urgent				
08-03-2014		DDP-14-0403766	Missing Child	P1 Emergency				
08-05-2014		DDP-14-0408027	Assault	P3 Public Need				
08-11-2014		DDP-14-0420858	911 Hang Up	P3 Public Need				
8/17/2014		DDP-14-0432507	Welfare Check	P2 Urgent				
8/20/2014		DDP-14-0438273	E 15 Electrocutation/Lightning	P2 Urgent				
8/24/2014		DDP-14-0446440	Missing Person / Runaway	P2 Urgent				
9/8/2014		DDP-14-0475147	Missing Person / Runaway	P2 Urgent				
9/10/2014		DDP-14-0478721	Disturbance	P3 Public Need				
9/18/2014		DDP-14-0494976	Disturbance	P3 Public Need				
9/19/2014		DDP-14-0497130	Assault IP-JO	P2 Urgent				
9/22/2014		DDP-14-0502488	Missing Child	P1 Emergency				
9/23/2014		DDP-14-0505067	Child Abuse/Neglect	P3 Public Need				
9/24/2014		DDP-14-0506001	Missing Person / Runaway	P2 Urgent				
9/24/2014		DDP-14-0506039	Missing Person / Runaway	P2 Urgent				
9/24/2014		DDP-14-0506173	Follow Up	P5 Report High				
9/25/2014		DDP-14-0508790	Assault IP-JO	P2 Urgent				
9/26/2014		DDP-14-0510838	Welfare Check	P2 Urgent				
9/29/2014		DDP-14-0516075	Missing Child	P1 Emergency				
9/30/2014		DDP-14-0519264	Reckless Driver	P3 Public Need				
10/3/2014		DDP-14-0524409	Missing Person / Runaway	P2 Urgent				
10/6/2014		DDP-14-0530489	Missing Person / Runaway	P2 Urgent				
10/6/2014		DDP-14-0530555	Missing Person / Runaway	P2 Urgent				
10/6/2014		DDP-14-0530635	Missing Person / Runaway	P2 Urgent				
10/6/2014		DDP-14-0530639	Missing Person / Runaway	P2 Urgent				
10-10-2014		DDP-14-0537921	Directed Follow Up	P5 Report High				
10/10/2014		DDP-14-0538224	Disturbance	P3 Public Need				
10/14/2014		DDP-14-0546192	Criminal Mischief IP-JO	P2 Urgent				
10/15/2014		DDP-14-0547758	Self Initiated Action	P3 Public Need				
10/15/2014		DDP-14-0547782	Missing Child	P1 Emergency				
10/17/2014		DDP-14-0552570	Suicidal Person / Suicide	P1 Emergency				
10/18/2014		DDP-14-0554524	Mental Health	P2 Urgent				
10/20/2014		DDP-14-0558578	Assault IP-JO	P2 Urgent				
10/21/2014		DDP-14-0559794	Disturbance	P3 Public Need				
10/23/2014		DDP-14-0563973	Disturbance	P3 Public Need				
10/24/2014		DDP-14-0566705	Suicidal Person / Suicide	P1 Emergency				
10/24/2014		DDP-14-0567074	Self Initiated Action	P3 Public Need				
10/27/2014		DDP-14-0571605	Assault IP-JO	P2 Urgent				
10/27/2014		DDP-14-0571743	Missing Person / Runaway	P2 Urgent				
10/28/2014		DDP-14-0574512	E 11 Choking	P2 Urgent				
10/30/2014		DDP-14-0578163	Missing Person / Runaway	P2 Urgent				
10/30/2014		DDP-14-0578227	Missing Person / Runaway	P2 Urgent				
10/31/2014		DDP-14-0579655	Missing Person / Runaway	P2 Urgent				
11/3/2014		DDP-14-0586770	Assault IP-JO	P2 Urgent				
11/4/2014		DDP-14-0588005	Missing Person / Runaway	P2 Urgent				
11/7/2014		DDP-14-0593649	Missing Person / Runaway	P2 Urgent				
11/7/2014		DDP-14-0593716	Missing Person / Runaway	P2 Urgent				
11/13/2014		DDP-14-0605613	Missing Person / Runaway	P2 Urgent				
11/17/2014		DDP-14-0611931	Missing Person / Runaway	P2 Urgent				
11/17/2014		DDP-14-0612077	Missing Child	P1 Emergency				
11/17/2014		DDP-14-0612325	Threats IP-JO	P2 Urgent				
11/17/2014		DDP-14-0612813	Suicidal Person / Suicide	P1 Emergency				
11/20/2014		DDP-14-0617449	Self Initiated Action	P3 Public Need				
11/30/2014		DDP-14-0636602	Self Initiated Action	P3 Public Need				
12/5/2014		DDP-14-0645351	Assault	P3 Public Need				
12/13/2014		DDP-14-0660530	Missing Person / Runaway	P2 Urgent				
12/13/2014		DDP-14-0660686	Missing Person / Runaway	P2 Urgent				
12/14/2014		DDP-14-0662789	Missing Person / Runaway	P2 Urgent				
12/14/2014		DDP-14-0662877	Missing Person / Runaway	P2 Urgent				
12/15/2014		DDP-14-0663138	Missing Person / Runaway	P2 Urgent				
12/15/2014		DDP-14-0663970	Disturbance	P3 Public Need				
12/16/2014		DDP-14-0664983	Self Initiated Action	P3 Public Need				
1/2/2015		DDP-15-0002355	Missing Person / Runaway	P2 Urgent				
1/4/2015		DDP-15-0005958	911 Hang Up	P3 Public Need				
1/8/2015		DDP-15-0014592	Assist	P4 Routine				
1/8/2015		DDP-15-0014828	E 26 Sick Person	P2 Urgent				
1/12/2015		DDP-15-0021652	Assault IP-JO	P2 Urgent				
1/12/2015		DDP-15-0022325	Assault IP-JO	P2 Urgent				
1/12/2015		DDP-15-0022422	Welfare Check	P2 Urgent				
1/15/2015		DDP-15-0027183	Assault IP-JO	P2 Urgent				
1/15/2015		DDP-15-0027706	E 26 Sick Person	P2 Urgent				
1/15/2015		DDP-15-0027796	EMS request PD	P2 Urgent				
1/16/2015		DDP-15-0029434	Missing Person / Runaway	P2 Urgent				
1/16/2015		DDP-15-0029658	Child Abuse/Neglect	P3 Public Need				
1/17/2015		DDP-15-0031869	E 11 Choking	P2 Urgent				
1/18/2015		DDP-15-0034239	Assault IP-JO	P2 Urgent				
1/19/2015		DDP-15-0035056	Disturbance	P3 Public Need				

Premise History

Address 2950 N Tennyson St Dist 1 - Sector 1

Response Date	Response Time	Incident No.	Problem	Priority	Dispatch Arrive	Closed	Cancel Reason
1/21/2015		DDP-15-0039900	EMS request PD	P2 Urgent			
1/22/2015		DDP-15-0041834	Weapon / Concealed Weapon	P1 Emergency			
1/23/2015		DDP-15-0044210	E 11 Choking	P2 Urgent			
1/25/2015		DDP-15-0048549	Assault IP-JO	P2 Urgent			
1/26/2015		DDP-15-0049396	Missing Child	P1 Emergency			
1/30/2015		DDP-15-0058229	Threats	P6 Report Low			
2/2/2015		DDP-15-0064195	Assault IP-JO	P2 Urgent			
2/2/2015		DDP-15-0064544	Threats	P6 Report Low			
2/4/2015		DDP-15-0068581	Missing Person / Runaway	P2 Urgent			
2/6/2015		DDP-15-0071819	Threats IP-JO	P2 Urgent			
2/6/2015		DDP-15-0071955	Information Call	P6 Report Low			
2/7/2015		DDP-15-0073820	Self Initiated Action	P3 Public Need			
2/8/2015		DDP-15-0077136	Assault IP-JO	P2 Urgent			
2/9/2015		DDP-15-0078292	Assault IP-JO	P2 Urgent			
02-11-2015		DDP-15-0082508	Missing Person / Runaway	P2 Urgent			
02-11-2015		DDP-15-0083403	Disturbance	P3 Public Need			
2/13/2015		DDP-15-0086444	Disturbance	P3 Public Need			
2/17/2015		DDP-15-0093794	Suicidal Person / Suicide	P1 Emergency			
2/22/2015		DDP-15-0103048	Criminal Mischief IP-JO	P2 Urgent			
2/23/2015		DDP-15-0104859	Disturbance	P3 Public Need			
2/23/2015		DDP-15-0105224	Assault IP-JO	P2 Urgent			
2/23/2015		DDP-15-0105683	Self Initiated Action	P3 Public Need			
2/24/2015		DDP-15-0106228	Missing Child	P1 Emergency			
03-01-2015		DDP-15-0116534	Assault IP-JO	P2 Urgent			
03-02-2015		DDP-15-0117521	Disturbance	P3 Public Need			
03-02-2015		DDP-15-0117570	Maintenance	P8 In Service			
03-04-2015		DDP-15-0121431	Assault	P3 Public Need			
3/4/2015		DDP-15-0121587	Information Call	P6 Report Low			
3/4/2015		DDP-15-0121602	Suspicious Occurrence	P3 Public Need			
3/7/2015		DDP-15-0127623	Fight	P2 Urgent			
03-07-2015		DDP-15-0127780	Assault IP-JO	P2 Urgent			
03-07-2015		DDP-15-0127931	Disturbance	P3 Public Need			
03-09-2015		DDP-15-0130799	Mental Health	P2 Urgent			
03-12-2015		DDP-15-0136597	Missing Person / Runaway	P2 Urgent			
3/13/2015		DDP-15-0139703	Mental Health	P2 Urgent			
3/17/2015		DDP-15-0147033	Welfare Check	P2 Urgent			
3/17/2015		DDP-15-0147133	Welfare Check	P2 Urgent			
3/17/2015		DDP-15-0147486	Welfare Check	P2 Urgent			
3/18/2015		DDP-15-0149263	Mental Health	P2 Urgent			
3/25/2015		DDP-15-0162980	Missing Person / Runaway	P2 Urgent			
3/25/2015		DDP-15-0163044	Missing Person / Runaway	P2 Urgent			
3/30/2015		DDP-15-0173047	Weapon / Concealed Weapon	P1 Emergency			
04-06-2015		DDP-15-0188050	Missing Person / Runaway	P2 Urgent			
04-12-2015		DDP-15-0199291	Missing Person / Runaway	P2 Urgent			
4/22/2015		DDP-15-0219385	Threats IP-JO	P2 Urgent			
4/26/2015		DDP-15-0227794	Missing Person / Runaway	P2 Urgent			
5/8/2015 3		DDP-15-0253010	Disturbance	P3 Public Need			
5/8/2015 3		DDP-15-0253030	Missing Person / Runaway	P2 Urgent			
5/15/2015		DDP-15-0266555	Missing Person / Runaway	P2 Urgent			
5/21/2015		DDP-15-0278589	Suicidal Person / Suicide	P1 Emergency			
5/25/2015		DDP-15-0287641	Self Initiated Action	P3 Public Need			
6/2/2015		DDP-15-0304178	Missing Person / Runaway	P2 Urgent			
6/3/2015		DDP-15-0306580	Missing Person / Runaway	P2 Urgent			
6/3/2015		DDP-15-0306600	Missing Person / Runaway	P2 Urgent			
6/3/2015		DDP-15-0307053	Mental Health	P2 Urgent			
6/4/2015		DDP-15-0308876	Mental Health	P2 Urgent			
6/25/2015		DDP-15-0354513	Weapon / Concealed Weapon	P1 Emergency			
6/30/2015		DDP-15-0365663	Assist	P4 Routine			

APPENDIX C – ALLEGED CHILD ABUSE CASES

A. 10:30 Mon 07 Dec 2015 DPD-15-711356



Location: alley bounded by N Raleigh/N Stuart/W 29th Ave/W 30th Ave

Gender: F

Age: est. 14

Height: est. 5'-6"

Weight: est. 160

Hair: Brown

Description: Girl yelling from one end of the alley to the other; distressed; angry; threatened suicide "I want to do a fucking suicide, I don't care"; Tennyson Center staff are walking 33 seconds behind and in no apparent control.

Potential Charge: C.R.S. 18-6-401

(1)(a) A person commits child abuse if such person ... permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health,...

(7)(b) Where no death or injury results, the following shall apply:

(I) An act of child abuse when a person acts knowingly or recklessly is a class 2 misdemeanor; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony.

(II) An act of child abuse when a person acts with criminal negligence is a class 3 misdemeanor; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony.

Supporting: Tennyson Center staff acting in loco parentis and in a position of trust.

C.R.S. 18-3-401

(3.5) One in a "position of trust" includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act.

B. 17:15 Wed 07 May 2014 DFD-14-0040596



Location: alley bounded by N Raleigh/N Stuart/W 29th Ave/W 30th Ave

Gender: F

Age: est. 9

Height: est. 5'-3"

Weight: est. 100

Hair: Brown

Description: Girl followed by Tennyson Center staff is allowed to climb onto the garage roof of 2945 N. Raleigh. She is seen trying to swing down on a tree limb. Fire department subdued and rescued her reaching her through 2944 Stuart St.

Potential Charge: C.R.S. 18-6-401

(1)(a) A person commits child abuse if such person ... permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health,...

(7)(b) Where no death or injury results, the following shall apply:

(I) An act of child abuse when a person acts knowingly or recklessly is a class 2 misdemeanor; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony.

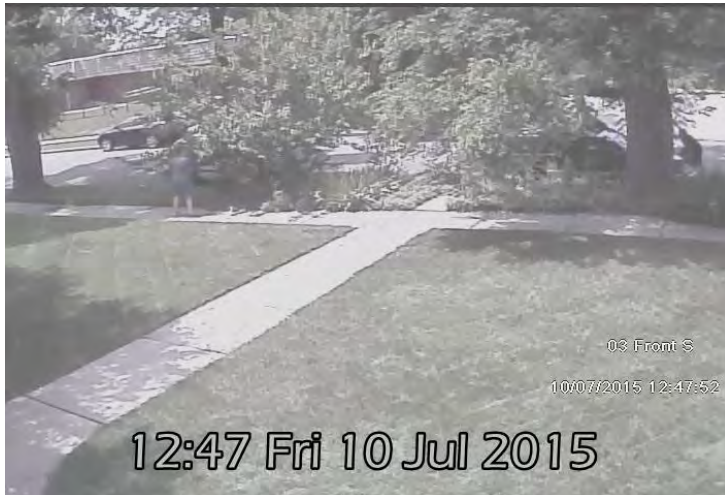
(II) An act of child abuse when a person acts with criminal negligence is a class 3 misdemeanor; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony.

Supporting: Tennyson Center staff acting in loco parentis and in a position of trust.

C.R.S. 18-3-401

(3.5) One in a "position of trust" includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act.

C. 12:47 Fri 10 Jul 2015 DPD-15-0387914



Location: 2930 N Stuart St.

Gender: M and M

Age: est. 8 and 8

Height: est. 4'-10" and 4'-10"

Weight: est. 80 and 80

Hair: unk

Description: Two boys under the care of Tennyson Center staff are allowed to climb on top of the hood and roof of parked car.

Potential Charge: C.R.S. 18-6-401

(1)(a) A person commits child abuse if such person ... permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health,...

(7)(b) Where no death or injury results, the following shall apply:

(I) An act of child abuse when a person acts knowingly or recklessly is a class 2 misdemeanor; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony.

(II) An act of child abuse when a person acts with criminal negligence is a class 3 misdemeanor; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony.

Supporting: Tennyson Center staff acting in loco parentis and in a position of trust.

C.R.S. 18-3-401

(3.5) One in a "position of trust" includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act.

D. 20:40 Sun 05 Jan 2014 DPD-14-0007942

January 5, 2014 a girl was hit by an eastbound car on W 29th Ave at 8:40 pm running from Tennyson Center. Tennyson Center submitted a Critical Incident Report (CIR) to Colorado Department of Human Services. Excerpts from the CIR (year shown is a typographical error):

Incident Description:

On 1/5/13, the client, _____, ran from the cottage. Staff member, _____, followed the client, and physically intervened to stop the client from running into the street while they were off campus. The client was screaming for the staff member to release her. In the community, this could easily be perceived as the staff member was attempting to harm the client. The staff member made the decision to release the client. Before assistance could arrive, the client ran into the street and was hit by a car.

The staff member called 911 immediately, and the client was transported to _____. After being medically cleared, the client was admitted for psychiatric care.

Internal and external members of the client's treatment team were notified. The client had bruising from the incident and was treated _____. She was subsequently admitted on a M-1 hold placed in the psychiatric unit.

Potential Charge: C.R.S. 18-6-401

(1)(a) A person commits child abuse if such person causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health.

(7)(a) Where death or injury results, the following shall apply:

(V) When a person acts knowingly or recklessly and the child abuse results in any injury other than serious bodily injury, it is a class 1 misdemeanor; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony.

(VI) When a person acts with criminal negligence and the child abuse results in any injury other than serious bodily injury to the child, it is a class 2 misdemeanor; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony.

Supporting: Tennyson Center staff acting in loco parentis and in a position of trust.

C.R.S. 18-3-401

(3.5) One in a "position of trust" includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act.

APPENDIX D – PARKING SPACE REVIEW

Stephen Fisher

From: Stephen Fisher <fisher54@netzero.net>
Sent: Thursday, 12 November, 2015 21:43
To: 'Ray / Pat Defa'
Subject: RE: Stuart St Blocked
Attachments: SSA W2 Counts 1994-2013.pdf; Tennyson On-Street Parking.pdf; Employee car counts.pdf; CCH parking tally.pdf

Regarding number of employees, the attached is an indication. After unsuccessfully trying to get employee counts through Colorado Dept. of Labor, turned out the Social Security Administration came through!

Their total payroll staff varies year to year, but average from 1994 to 2013 is 241 employees. We could estimate that at night there are only 3-6 counselors for the residential part. That leaves the remainder all in the daytime shift(s).

I did a walk around their property a couple years ago. See attached.

The PGB plan from 1995 required 40 off-street spaces using Class 7(a) parking formula (I don't know how they came up with 40 required spaces):

Class 7 parking

10 spaces plus one for each classroom = (20) One of these must be handicap accessible.

The existing number of 20 spaces must be maintained and increased by 20 for a total of 40 spaces.

If parking provided on the B-2 zone lot is to count towards the 40 required stalls an administrative change by the Zoning Department to include the B-2 zoned lot with the R-5 zoned lot would be required.

This process has been initiated by filing a "Special Plan for Location of Off Street Parking."

On site parking on R-5 lot 23 spaces (includes 2 handicapped spaces)

On site parking on B-2 lot 50 spaces (attached by "Special Plan for Location of Off Street Parking")

The plan provided more (73), so they looked really good, but the formula isn't well suited for Tennyson Center. The typical school has more classrooms as a share of all rooms. Also, the teacher/student ratio is lower in a typical school. As we know, Tennyson Center has a higher teacher/student ratio because the kids are more needy. The actual number of classrooms is not shown on the PBG plan, but there appears to be 10, following their narrative.

I did alternative calculations based on each of the other occupancies shown on the PBG plan. I believe a more appropriate calculation is one that recognizes that part of the property is a school and part a residential treatment center. I think Class 7 or Class 8 combined with Class 2 is more appropriate. Total available spaces are about 100 spaces too few (forced into the neighborhood) compared to the average employee count (241). The "Class 2 + Class 8" formula comes close to the average employee count but is still about 60 spaces short (forced into the neighborhood).

SUMMARY				
Method	Off-street Required	off- street Provided	On-street Avall	Total Avall
PBG 1995	40	73	69	142
All 7(a)	20	73	59	132
All 7(c)	129	73	59	132
2 + 7(c)	142	73	59	132
2 + 8	192	73	59	132
All 8	324	73	59	132

(On-street Available was reduced by 10 because they removed 10 spaces for bus parking after 1995)



SOCIAL SECURITY

Refer to:
S9H: AM6803

January 12, 2015

Mr. Stephen Fisher
2930 Stuart Street
Denver, CO 80212-1429

Dear Mr. Fisher:

This letter is in response to your Internet request to the Social Security Administration to obtain the total number of W-2's or total number of statements as shown in Box C on form W-3 for the years 1994 through 2013. You specifically asked for the Employee Identification Numbers (EIN) 61-1458290, 84-0407122 for the Tennyson Center for Children at the Colorado Christian Home a 501(c)(3) tax exempt organization.

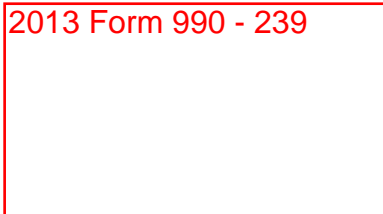
We apologize for the delay in responding to your request the information is as follows:
For EIN 61-1458290, there were no records found from the years 1994 through 2003.

EIN 61-1458290,
2004 - 180 W2's
2005 - 242
2006 - 221
2007 - 201
2008 - 209
2009 - 207
2010 - 205
2011 - 208
2012 - 246
2013 - 237

EIN 84-0407122
1994 -263 W2's
1995 - 247
1996 - 284
1997 -282
1998 - 280
1999 - 275
2000 - 275
2001 -289
2002 - 270
2003 - 240
2004 - 210

No records found for 2005 through 2012

2013 Form 990 - 239



Page 2- Mr. Stephen Fisher

I hope you find this information helpful. If you disagree with this decision, you may request a review. Mail your appeal within 30 days after you receive this letter to the Social Security Administration, Office of Privacy and Disclosure, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. Mark the envelope "Freedom of Information Appeal."

Sincerely,

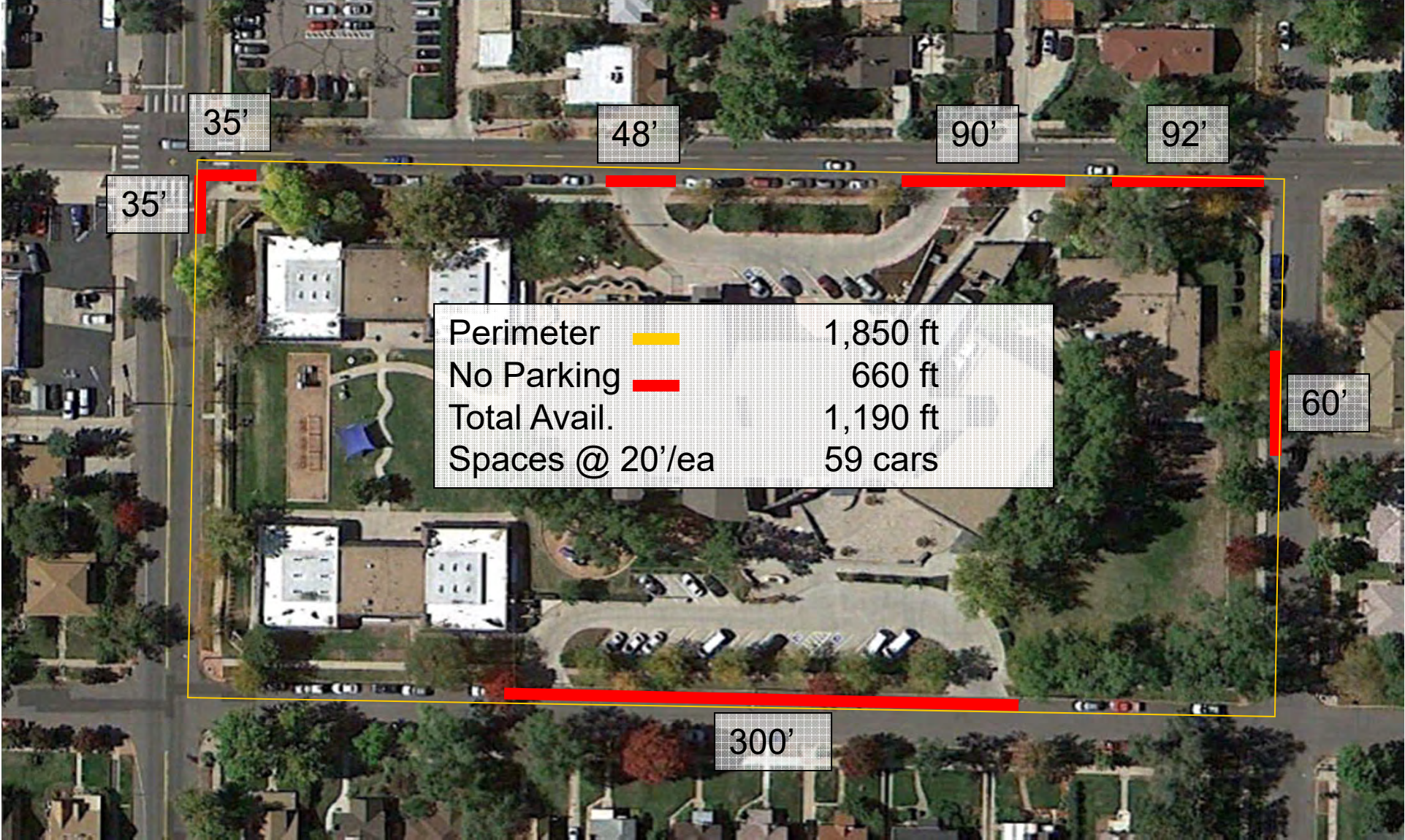
A handwritten signature in cursive script that reads "Mary Ann Zimmerman".

Mary Ann Zimmerman
Acting Freedom of Information Officer



1400 Tue 8 Jan 13
59 employee cars around perimeter
53 cars in parking lot at full capacity

1130 Wed 18 Dec 13
22 street non-frontage (i.e. in the neighborhood)
42 street frontage to CCH
54 in parking lot
Total 118 excluding admin+van parking



35'

48'

90'

92'

35'

Perimeter		1,850 ft
No Parking		660 ft
Total Avail.		1,190 ft
Spaces @ 20'/ea		59 cars

60'

300'

TENNYSON CENTER PARKING CALCULATIONS
REFERENCE: PGB Plan filed and recorded 1 Sep 1995

Area per parking space (sqft)	378	based on B2 additional parking lot
Number of classrooms	10	est
Number of employees 2008	209	
Number of volunteers 2008	1,017	
Number of employees 2009	207	
Number of volunteers 2009	1,500	
Number of employees 2010	205	
Number of volunteers 2010	1,250	
Number of employees 2011	208	
Number of volunteers 2011	1,250	

By Structure	GFA sqft	Class 2	Class 7(a)	Class 7(c)	Class 8(13)
Level 1 New	25,649				
Level 2 New	15,747				
Level 3 New	17,421				
	<u>58,817</u>				
Exist Devita House	7,200				
Exist Tilsey House	15,600				
Exist Houston House	15,600				
	<u>38,400</u>				

By Occupancy

Level 1 E1 Educational	17,535	29	20	23	58
Level 1 A2.1 Assembly	5,498	9	?	7	18
Level 1 A3 Assembly	2,616	4	?	3	9
Level 2 E1 Educational	15,747	26	?	21	52
Level 3 B2 Business	15,815	26	?	21	53
Level 3 A3 Assembly	1,606	3	?	2	5
Exist Devita House I2	7,200	12	?	10	24
Exist Tilsey House I2	15,600	26	?	21	52
Exist Houston House I2	15,600	26	?	21	52
	<u>97,217</u>	<u>162</u>	<u>20</u>	<u>129</u>	<u>324</u>

OCCUPANCY DEFINITIONS	
E1	Any building used for education purposes through 12th grade by 50 or more persons for more than 12 hours/wk or 4 hours/d
A2.1	Any building or portion thereof having an assembly room occupant load greater than 300 also for educational purposes even if not Group E
A3	Any building or portion thereof having an assembly room occupant load less than 300 also for educational purposes even if not Group E
B2	Drinking and dining with room occupant load less than 50, stores, office buildings, workshops. Any building or portion thereof for adult educational purposes with room occupant load less than 50.
I2	Nursing homes for amulatory patients, homes for children 6 years of age or over.

PARKING CLASS DEFINITIONS	
Class 2	...all uses by right and authorized use exceptions which are enumerated in the schedule hereinafter provided: There shall be one (1) off-street parking space provided for each six hundred (600) square feet of gross floor area contained in any structure or structures containing any use by right. [Class 2 (2) is "child care center"]
Class 7a	Each elementary or grade school or junior high school shall provide ten (10) off-street parking spaces plus one (1) off-street parking space for each classroom
Class 7c	Any school not an elementary or grade school, junior high school or senior high school shall provide an area equal to one-half (1/2) the gross floor area occupied by the use by right in a structure or structures.
Class 8	...all uses by right which are enumerated in the schedule hereinafter provided: There shall be one (1) off-street parking space provided for each three hundred (300) square feet of gross floor area contained in any structure. [Class 8 (13) is "rooming and/or boarding house"]

SUMMARY				
Method	Off-street Required	Off-street Provided	On-street Avail	Total Avail
PBG 1995	40	73	69	142
All 7(a)	20	73	59	132
All 7(c)	129	73	59	132
2 + 7(c)	142	73	59	132
2 + 8	192	73	59	132
All 8	324	73	59	132

Sec. 59-588. Off-street parking classes.

Double asterisks following a use by right indicate special requirements contained in section 59-586.

(a) Class one:

- (1) Assisted living facility;
- (2) Dwelling, multiple unit;
- (3) Residence for older adults. (Ord. No. 57-09, § 19, eff. 1-30-09)

(b) Class two:

- (1) Bed and breakfast;
- (2) Child care center;
- (3) Historic structures use exception; office, art gallery;
- (4) Hospital (not animal);
- (5) Hotel;
- (6) Library;
- (7) Motel;
- (8) Museums, other special purpose cultural institutions;
- (9) Nursing home, hospice;
- (10) Residence for consuls or clergy, monastery, convent, similar institution of religious training;
- (11) Studio, professional;
- (12) University or college.

(c) Class three:

- (1) Aquaculture facility;
- (2) Church, religious institution;
- (3) Community or senior center or recreational facility;
- (4) Recreation services, outdoor.

(d) Class four:

- (1) Adult establishment;
- (2) Automobile wash, laundry and/or polishing shop;
- (3) Body art establishment;
- (4) Bookstore;
- (5) Brewpub; (Ord. No. 909-05, § 8, eff. 12-16-05)
- (6) Conference center, meeting hall;
- (7) Eating place;
- (8) Food sales or market, large;
- (9) Food sales or market, small;
- (10) Garden supply store;
- (11) Home building materials and supplies, sales or rental;
- (12) Liquor store;
- (13) Mortuary;
- (14) Pawn shop;
- (15) Recreation services, indoor;
- (16) Retail, service, repair, consumer, large scale;
- (17) Retail, service, repair, consumer, medium scale;
- (18) Retail, service, repair, consumer, small scale;
- (19) Retail, service, repair, consumer, special;
- (20) Theatre, indoor.

(e) Class five:

- (1) Communications service;
- (2) Contractors, special trade, general;
- (3) Fire station;

- (5) Laboratory, research, development, technological service;
- (6) Railroad facilities;
- (7) Recycling center, facility;
- (8) Recycling collection station;
- (9) Service, repair, commercial;
- (10) Sports and/or entertainment facility;
- (11) Terminal freight, air courier services;
- (12) Terminal, public transportation, local;
- (13) Terminal and service facility for bus system;
- (14) Utility, major impact;
- (15) Utility, minor impact;
- (16) Vehicle storage, commercial;

(f) Class six:

- (1) Artist studio;
- (2) Assembly, without fabrication;
- (3) Contractors, special trade, heavy, contractor yard;
- (4) Food preparation and sales, commercial;
- (5) Manufacturing, fabrication, and assembly, custom;
- (6) Manufacturing, fabrication, and assembly, general;
- (7) Manufacturing, fabrication, and assembly heavy;
- (8) Manufacturing, fabrication, and assembly, light;
- (9) Printing service, publishing, business support;
- (10) Wholesale trade light, storage of nontoxic, nonhazardous materials;
- (11) Wholesale trade general, storage of toxic and/or hazardous materials. (Ord. No. 449, § 6, eff. 8-31-07)

(g) Class seven:

- (1) School, vocational or professional;
- (2) School, elementary, secondary.

(h) Class eight:

- (1) Ambulance service;
- (2) Animal care, kennel cattery;
- (3) Animal sales, service, care, household pets only;
- (4) Auto gasoline filling station, emissions inspection;
- (5) Auto pawn lot, auctioneer for automobiles, large vehicles or heavy equipment;
- (6) Automobile, motorcycle, light truck sales, leasing, rental;
- (7) Automobile repair garage;
- (8) Bank and financial services;
- (9) Club or lodge;
- (10) Nursery, plant;
- (11) Police station;
- (12) Postal facility, neighborhood;
- (13) Rooming and/or boarding house;
- (14) Vehicle, equipment sales, leasing, service, rental.

(i) Class nine:

- (1) Clinic, dental or medical;
- (2) Furniture furnishings, retail sale, large scale;
- (3) Office, non-dental, non-medical.

(j) Class ten:

- (1) Eating place, drive through. (Ord. No. 20-07, § 4, eff. 1-26-07)

APPENDIX E – ENVIRONMENTAL RISK ASSESSMENT

Environmental Risk Assessment for Residential Child Care Facilities (RCCF)

Item	Proposed Criterion	Condition	Severity 1-10	Comment
Distance from child care/supervision to other properties	> 100 ft	50 ft	5	children can reach potential danger within seconds
Distance from child care/supervision to traffic	> 50 ft	22 ft	8	children can reach potential danger within seconds
Number of properties fronting facility property (all sides)	< 20	22	1	dangers to children increased by number and type of surrounding properties
Fenced perimeter	yes	portion of property	5	install additional fencing
Time release building doors	yes	yes	0	
Locked gates	yes	7 of 9 gates locked	3	remaining unlocked gates should have delay bars
No. registered sex offenders within 1 mile radius	< 10	62	6	poor external controls to prevent access to children by unauthorized persons
Speed limits on streets bordering property	special zone 20 mph maximum 24/7	W 29th Ave - 30 mph restricted to 25 mph during specified times. All other streets - 25 mph restricted to 20 mph during specified times.	8	Denver traffic engineering modify signage; increase enforcement
Calls for service – police department	< 50/year	170 (2013)	9	indicator of inappropriate population for facility or poor policy/procedure
Good Neighbor Agreement signed	yes	no	5	indicator of 3rd party vigilance, child advocacy, and awareness in the neighborhood.
Proximity to fire department	< 2 mile	1.37 mile (Engine Co. 17) 1.23 mile (Engine Co. 12)	0	n/a
TOTAL				

POTENTIAL DANGERS – RESIDENTIAL SETTING

1. Climbable objects or structures
 - a. fences
 - b. cars
 - c. trees
2. Access to private property – unlocked gates, front yards, back yards
 - a. dangerous pets
 - b. dangerous objects
 - c. homeowner action
 - d. technical trespass (child only)
3. Hiding places – dumpsters, bushes, cars
4. Interaction with persons in public ROW
5. Traffic
6. Access to children by unauthorized persons

APPENDIX F – STATEMENT REGARDING INSURANCE CLAIMS

30 Aug 2015

Neighbors of Tennyson Center for Children and Families
Tennyson St; W. 30th Ave; Stuart St; W 29th Ave

Mr. Rod Witte, CEO
Tennyson Center for Children and Families
2950 Tennyson St
Denver, CO 80212

RE: STATEMENT REGARDING INSURANCE CLAIMS

Mr. Witte:

We, the undersigned, state our expectation that Tennyson Center for Children and Families (TCCF) act in good faith and as a responsible neighbor. We expect damage to our vehicles and property that may occur as a result of your staff or children under the care of TCCF should be handled as follows:

- That we be notified
- That the liability insurance carrier of TCCF be utilized
- That we are not asked or required by TCCF to use our own auto or home insurance

Martha Long
Danny Garza
~~_____~~
Aida Zavala
A. P. P.
C. W. P.
S. J. S.
Beth Fisher

J. Lopez
Pat Walker
~~_____~~
Raul J. Lozano
Teresa Espinoza
Yuri Lopez
M. P.
Francisco Guzman
Dancy Johnson

cc:

Sloan's Lake Citizens Group
West Highland Neighborhood Association
Paul Pazen, Commander, DPD District 1
Megan Jones, Assistant City Attorney, City and County of Denver

REF: BOA Case #111-19
Docket: 9:30 AM, 8/20/2019

To Board of Adjustment for Zoning Appeals:

I am one of about 60 immediate neighbors within 1/2 block of the Tennyson Center. I am unsure if the RNO that represents us will respond and no formal outreach by them to us has taken place. Therefore, in case public comments are welcome, please consider the following:

The requirement of a fence around the property is a very nuanced issue with pros and cons. Although the appeal is likely to be strictly based on financial hardship, I offer the following background information.

1. I think the existing fence has served the neighborhood and the children well, but Mr. Breslin's (CEO as of Jan 2017) leadership has been even better.
2. Tennyson Center points out that fencing in general evokes a negative response in the children, and that it evokes a dare/challenge for some. However, the safety aspect of having a fence may outweigh these concerns given that a fence:
 - a. Limits access of unauthorized persons and general public to children
 - b. Provides a time buffer for staff to reach/de-escalate the child before he/she leaves the property as a true runaway
 - c. May actually provide a sense of security for those children with certain traumas and fears.
3. Commander/Chief Pazen has been challenged for more than a decade by the drain on Police Department resources. I believe the fence idea has been a top solution in the minds of DPD and Zoning for years. This may be partly due to the fact that Tennyson Center leadership can change and can't be controlled, but a fence is permanent. Even so, I think the City should articulate for themselves specific fence features and design and what it will solve.
4. The number of calls for service have actually increased from an average 10.8 per month (DPD Premise History 2011-2015) to average 14.7 per month (Tennyson Center "We Hear You" newsletters, 2017-2019).
5. The proposal of a School Resource Officer (SRO) instead of a fence is supported by the numbers – Tennyson Center would pay for an SRO and in theory reduce calls for service on DPD. Internal policy/procedure + an SRO is likely to make the runaway issue quite minor.
6. The dynamic nature of the acuity of the children; the prerogatives allowed by its state license in its policies/procedures; and changes in Tennyson Center leadership over time absolutely validate the existing use permit biennial review process and it should not only be maintained in the new zoning code, but reinforced.
7. There is no question that internal policies and procedures are responsible for the dramatic reduction of runaways and impacts to the neighborhood. This is no thanks to any licensing rules, regulations, or zoning. If Mr. Breslin were to leave, everything could backslide into the relative lack of safety and responsibility we and DPD experienced from 2010 through 2016.

At the appeals hearing, the following should be brought to light:

1. Does the Use Permit require adding fence to enclose the entire property boundary, or removing the existing fence and putting up new fence around the entire property boundary? It is not clear.

2. The present Use Permit does not specify the type of fence. Some younger children can pass through the bars on the existing fence. Egress and ingress issues need to be part of the design as well.
3. State licensing rules prohibit a closed campus. However, the licensing rules fail to recognize that the "acute" nature of some children may require extra safeguards for children, staff, and the public. Even Mr. Breslin acknowledges that the most acute children should be somewhere else, but that somewhere else doesn't exist because many state and private facilities have closed. Tennyson Center is serving a super important role for many children and for the benefit of society, but the most acute children need more, systemically and beyond their 30-day stint at Tennyson Center.
4. We have been told the acuteness will grow with time.
5. The majority of the impacts to the neighborhood for years, and the subject of this Use Permit appeal, are caused by Tennyson Center's choice to treat these very acute children, a fraction of its entire treated population (about 8 out of 150).
6. The number of police and fire visitations are a serious concern for a residential area. No one is immune to the health effects of stress and cortisol that shouting, profanity, slamming, sirens, a runaway child, or even the sight of a police car may trigger. If your neighbor had several visits by DPD every week, it could produce many complaints and result in being declared a nuisance. Our neighborhood has hoped for better for more than a decade and has had much forbearance.

With regards to ultimately supporting or rejecting its appeal, I am hopeful the SRO proposal will work and so I support holding off on the fence for now.

Steve Fisher
2930 Stuart St
8/8/2019

COMMENT

To: Commercial Zoning Section, Development Services Division

From: Stephen Fisher
2930 N. Stuart St
Denver, CO 80212
fisher54@netzero.net

Date: May 6, 2019

Subject: Log # 2019-ZONE-0002276

1.0 SUMMARY

- Commentor recommends approval of use permit application with conditions. Conditions placed on the previous Use Permit should be continued, but also enforced.
- Commentor is one resident in 27 U-SU-C zone residential properties and 12 U-MX-2 zone residential properties with direct frontage to Tennyson Center, 2950 N. Tennyson St, since 1995.
- Commentor is not a member of West Highland Neighborhood Association.
- Commentor is not a member of Sloan's Lake Citizens Group.
- There are no residents with direct frontage to Tennyson Center that are members of a registered neighborhood organization (RNO).

2.0 COMMENTS

These comments compare conditions that have or have not changed since 2017. I am compelled to submit comments directly to the Commercial Zoning Section because my RNO and City Council office have not notified me or solicited comments from me. To date, I feel they have not represented me or my neighbors.

The comments reference Log # 2016-ZONE-0002918 letter dated 2017.05.24 and associated use permit. In that letter, the subject property's use permit was approved with conditions. The main condition was "...that a condition be placed on this use renewal related to the additional regulations and enforcement the State of Colorado has agreed to regarding the Tennyson Center."

2.1 CONDITIONS THAT HAVE CHANGED

1. The number of runaways has dropped dramatically.
2. Total Denver Police Department (DPD) calls for service increased from average 10.8 per month (DPD Premise History 2011-2015) to average 14.7 per month (Tennyson Center "We Hear You" newsletters, 2017-2019).
3. Ned Breslin took over as CEO from outgoing CEO Rod Witte. The board of directors is almost entirely different and significant changes to residential treatment have been put in place by Tennyson Center.
4. Tennyson Center, under the new CEO, has paid victims of property damage from Tennyson Center children.
5. Based on conversations with Mr. Breslin and other observations, children treated at Tennyson Center should be better off than when Mr. Witte was CEO.
6. The severity of child behaviors treated at Tennyson Center has increased, as well as demand for such treatment in Colorado and the region.

7. Parking stress has increased due to the loss of W 29th Avenue on-street right-of-way (ROW) to bike lanes.
8. Parking stress has increased due to increased visitors, volunteers (1,200), and staff (275) ([Tennyson Center 2017](#)). A request for parking permit program was denied by ROW Enforcement On-Street Team, after it met internally with Tennyson Center in 2017. The effect of any voluntary, self-performed procedures or enforcement are not detected.
9. Monthly and bi-monthly meetings, closed to the public until December 2018, were convened by then-Commander Paul Pazen to address calls for service and other issues. However, outcomes attributed to the meetings have not been discernable. Agencies represented at these meetings included the following:
 - a. Tennyson Center
 - b. West Highland Neighborhood Association
 - c. Sloan's Lake Citizens' Group
 - d. Denver City Attorney Office
 - e. Denver Police
 - f. Colorado Department of Human Services
 - g. City Council District 1

2.2 CONDITIONS THAT HAVE NOT CHANGED

1. Changes to state regulations (12 CCR 2509-8, Chapter 7), regarding operation of residential care facilities, a condition of the Log # 2016-ZONE-0002918 letter dated 2017.05.24 has not occurred. I submitted written comments to the Colorado Department of Human Services (CDHS) in 2017, provided verbal feedback in two public feedback conference calls, and testified to the State Board of Human Services on 2018.07.06. I have received no response and CDHS staff that attend the bi-monthly meetings at Tennyson Center were unaware of the need to revise the rules. Written comments are found in [Appendix A](#).
2. Zoning and state rules do not differentiate the severity of behavior under treatment and residential care. One cottage (facing N. Stuart St) is called the Special Services Unit (SSU) where children with the most severe behavioral issues in the state, not requiring restraint or lock-down, live and are treated. The Tennyson Center CEO has indicated that a different (new) facility with different physical plant characteristics would be more appropriate for these most-severe children. Little support has been given by the City or State.
3. DPD response continues to be an essential part of residential care, protection of staff, and teaching in school.
4. Zoning criteria appear to be insensitive to the number of DPD and emergency vehicle visitations in a residential zone district.
5. Unsecure dropoff and pickup of children. Children arrive at Tennyson Center in vehicles parked in the public ROW and are then taken in. Some children, out of fear or a fit of rage, have attempted to run away or pounded on vehicles along the street.
6. State law regarding property damage and bodily injury due to minors (Colorado Revised Statutes [CRS] 13-21-107) still requires proof of malicious intent. This is a problem for neighbors and staff of Tennyson Center if a child is engaged in horseplay or reactive to the point of throwing rocks, damaging plants, structures, or vehicles. Neighbors have no legal remedy because personal identifying information (PII) of Tennyson Center children is protected and proof of malicious intent is impossible to document.
7. Trespassing in pursuit of a minor (CRS 18-04-502) is still not an offense. This is risk of bodily injury, property damage, and liability for neighbors of Tennyson Center and its staff if a child runs away and is pursued through private property.

3.0 REFERENCES

Tennyson Center. 2017. Fiscal Year (FY) 2017 Internal Revenue Service (IRS) Form 990 Return of Organization Exempt From Income Tax. Accessed online at: <https://www.tennysoncenter.org/about/>

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APPENDIX A – WRITTEN COMMENTS TO 12 CCR 2509-8, CHAPTER 7

RE: [Feedback Opportunity - Revisions to Residential Child Care Facility Rules](#)

Submitted Thursday, November 16, 2017 by:

Stephen Fisher
2930 Stuart St
Denver, CO 80212
fisher54@netzero.net

Submitter is a neighbor and observer of an RCCF located in Denver County since 1995, and whose spouse is a mandatory reporter. [Comments/revisions in bold blue.](#)

Reference: 12 CCR 2509-8, revision October 1, 2017

7.701.52 Reports

- A. Within twenty four (24) hours, excluding weekends and holidays, of the occurrence of a critical incident at the facility or within twenty four (24) hours of a child's return to the facility if the child was on authorized or unauthorized leave from the facility, the facility or child placement agency must report in writing to the licensing or certifying authority the following critical incidents involving a child in the care of the facility or a staff member on duty:
1. The death of a child or staff member as a result of an accident, suicide, assault, or any natural cause while at the facility, or while on authorized or unauthorized leave from the facility.
 2. An injury to a child or staff member that requires emergency medical attention by a health care professional or admission to a hospital.
 3. A mandatory reportable illness, as required by the Colorado Department of Public Health and Environment, of a child or staff member that requires emergency medical attention by a health care professional or admission to a hospital.
 4. Any allegation of physical, sexual, or emotional abuse or neglect to a child that results in reporting to a law enforcement or social services agency.
 5. Any fire that is responded to by a local fire department.
 6. Any major threat to the security of a facility including, but not limited to, a threat to kidnap a child, riots, bomb threats, hostage situations, use of a weapon, or drive by shootings.
 7. A drug or alcohol related incident involving a staff member or a child that requires outside medical or emergency response.
 8. An assault, as defined by Sections 18-3-201 through 18-3-204, C.R.S., by a child upon a child, a child upon a staff member, or a staff member upon a child which results in a report to law enforcement.
 9. A suicide attempt by a child at the facility which requires emergency intervention.

10. Felony theft or destruction of property by a child while in placement at the facility for which law enforcement is notified.

11. Any police or sheriff contact with the facility for a crime committed by a resident while in placement at the facility.

12. Any call for service from an emergency responder, including police department, fire department, and ambulance.

13. The facility MUST not penalize or discourage staff from reporting critical incidents.

A report of a critical incident must be submitted on the Colorado Department of Human Services, Division of Child Care, critical incident form.

7.705.13 Insurance [~~Rev. eff. 11/1/98~~]

A. Every facility ~~shall~~ **MUST** carry public liability insurance. The applicant or licensee ~~shall~~ **MUST** submit the amount of the insurance and the name and the address of the insurance agency providing the insurance for the facility. Information about the insurance should be maintained at the facility.

B. The public liability insurance MUST cover property damage and bodily injury resulting from facility owners, staff, and children under the care of the facility, on and off the facility property.

A-C. The facility MUST cover losses in (B) by using, at its option, its public liability insurance or its own funds.

B-D. Facilities operating their own transportation vehicles ~~shall~~ **MUST** carry insurance in compliance with the minimum limits required by the Colorado Revised Statutes, Title 10, Article 4.

C-E. The facility ~~shall~~ **MUST** carry workman's compensation and unemployment insurance as required by law.

~~7.704.41~~ **7.705.41** Personnel Policy, Orientation and Training [Rev. eff. 11/1/98]

A. The facility ~~shall~~ **MUST** have a written statement of personnel policies which include:

1. Job descriptions for all positions required. The descriptions shall **MUST** describe duties of the job, qualifications for performance and supervision to be provided.
2. Salary range and provision for increments.
3. Hours of work, holidays, vacations PERSONAL LEAVE, sick leave, and ANY other TYPES OF leaves.
4. Conditions of employment, tenure, and promotion.
5. Employment benefits, including retirement plan, social security, hospitalization, and other insurances.

Comment [FS1]: Reason: per critical incident definition at 7.701.2.J.5, a "potential life safety incident or concern," the need to call for these services meets this criterion. I have observed many close calls which were "potential life safety incidents or concerns" but, according to the rules, no reporting was necessary. The burden to municipalities for these emergency services should also be tracked.

Comment [FS2]: Staff are already concerned about avoiding license disciplinary action. My observation is that current rules encourage underreporting of critical incidents. In one critical incident at one facility, a staff member decided to release a child who ran into the street and was hit by a vehicle. The stated reason was that he was afraid of how continuing to restrain her would look in the community. This was a failure of "first things first."

Comment [FS3]: Mt. St. Vincent and Tennyson Center have paid for damages to property and is the right thing to do, but not required by the rules. By the State listing these as insurance requirements in the rules, insurance can include in coverage, allowing facility to use insurance for this purpose. Civil compensation for property damage and bodily injury resulting from children under the care of the facility is impossible because access to the names of children and parents is not allowed.

6. Employee evaluation procedure.
7. Grievance procedures which may be used by staff.
8. Termination procedures.
- 8-9. **Compensation for employee property damage or bodily injury resulting from the facility, its staff, or children under its care.**

Comment [FS4]: Intent is to lower attrition by using facility liability insurance instead of asking employees to use their insurance or personal funds. Example, personal vehicles or property damaged by children.

7.705.42 Administrative Staff [Rev. eff. 1/1/12]

A. Administrator

The administrator of a residential child care facility ~~shall~~ **MUST** be qualified as follows:

1. The administrator ~~shall~~ **MUST** **be competent and** have received a bachelor's degree from a regionally accredited college or university and have three years of verified experience in the human services field, one of which was in a supervisory or administrative position; or,
2. The administrator ~~shall~~ **MUST** **be competent and** have received a master's degree from a regionally accredited college or university and have two years of verified experience in the human services field, one of which was in a supervisory or administrative position.
3. The administrator ~~shall~~ **MUST** assume the following duties:
 - a. Overall direction and responsibility for the children, program, facility, and fiscal management.
 - b. Overall direction and responsibility for supervision of adequate staff.
 - c. The selection and training of a capable staff member who can assume responsibility for management of the facility in the administrator's absence.
 - d. The establishment of relationships and contact maintenance with allied agencies, services, and resources within the community.

4. The board of direction or entity of a facility that selects the administrator of a residential child care facility must submit its choice of administrator to the Department for approval.

B. Assistant or Acting Administrator

1. In each **RESIDENTIAL** child care facility, there ~~shall~~ **MUST** be a specifically designated staff member, age twenty-one (21) or over, capable of acting as a substitute for the administrator during his/her absence. The duties and responsibilities of the substitute administrator ~~shall~~ **MUST** be clearly defined in order to avoid confusion and conflict among other staff and children.

2. If the administrator is regularly absent from the facility more than fifty percent (50%) of his/her working hours, or if there is no administrator, an assistant administrator shall **MUST** be appointed who meets the same qualifications as the administrator found at Section 7.705.42, A.

7.705.44 Child Care Staff [Rev. eff. 11/1/98]

- A. Each child care worker shall **MUST** be at least 21 years of age and have completed ~~two years of college education~~ **A BACHELOR'S DEGREE IN BEHAVIORAL SCIENCES**. A high school diploma or equivalent and one **FOUR** year's **FULL TIME EQUIVALENT** experience **WITH APPROPRIATE AGED CHILDREN** in the human services field may be substituted for the required college.
- B. Child care staff aides shall **MUST** be at least 18 years old and shall **MUST** work directly under the supervision of a child care staff member in activities specified by the child care staff member or with the approval of the director. **DIRECT SUPERVISION WITHIN THIS SECTION MEANS WITHIN LINE OF SIGHT AND HEARING DISTANCE OF CHILD CARE STAFF.**
- C. Relief staff shall **MUST** have the same qualifications as regularly assigned child care staff.
- C-D. The facility **MUST** impose additional employment requirements when needed and appropriate to serve specific client populations and protect themselves, including, but not limited to, age, weight, and physical fitness.

Comment [FS5]: My observation is that some staff have been put in dangerous working conditions and are not prevented from interacting with potentially angry, dangerous, fast, large children.

7.705.45 Child Care Staff-to-Child Ratios [Rev. eff. 7/2/06]

- A. ~~The facility shall know the intended whereabouts of each child in care at all times, and children shall be under the direct supervision of child care staff at all times.~~ **THE FACILITY MUST PROVIDE SUPERVISION AND CARE APPROPRIATE TO EACH CHILD'S AGE, LEVEL OF DEVELOPMENT, ABILITY TO ACCEPT INDEPENDENCE AND RESPONSIBILITY, AND ACCORDING TO THE AGENCIES POLICES AND PROCEDURES AND AS STATED IN THE INDIVIDUAL CHILD'S PLAN.**
- B. There shall **MUST** be a minimum of one (1) adult qualified as a child care worker on duty and one
 - adult on call who can be **IMMEDIATELY** summoned at all times when there is one child or more at the facility.
- C. At night there shall **MUST** be at least one awake staff person within each physically separate building, and within hearing of children, and a second person who can be **IMMEDIATELY** summoned in case of emergency.
- D. The ratio of child care staff to children in care shall be dependent on the needs of the children, but the ratio of such staff shall **MUST** not be less than the following schedule except when transporting children in vehicles (see Section 7.705.56):

These ratios **MUST be increased, when appropriate, based on the number of critical incident reports (CIR) that have been submitted to routine review and evaluation by the Department of Human Services.**

7.705.53 Outdoor Space and Equipment [Rev. eff. 10/1/03]

- A. The grounds of the facility shall **MUST** be maintained in a manner that is free from any hazard to health or safety.
1. Garbage and rubbish which is stored outside shall **MUST** be stored securely in noncombustible, covered containers and shall **MUST** be removed at least once every week or more frequently, if necessary.
 2. Garbage and rubbish containers and incinerators, shall **MUST** be located separate from play areas.
 3. Fences shall **MUST** be in good repair **and are required when appropriate to ensure the safety of the client populations.**
 4. Areas determined to be unsafe, including steep grades, cliffs, open pits, swimming pools, high-voltage boosters., or high- speed roads, shall **MUST** be fenced off or have natural barriers to protect children.
 5. Playground equipment shall **MUST** be so located, installed, and maintained as to ensure the safety of children **IN COMPLIANCE WITH THE CONSUMER PRODUCTS SAFETY COMMISSION AND ASTM STANDARDS.**

Comment [FS6]: It took many years of fire department and police department asking for fences because it was appropriate for the safety of the children and community. CDHS could further define based on, for example, if a population is housed in an "SSU" such as at Tennyson Center.

7.705.55 Building Safety [Rev. eff. 6/1/12]

B. Exits

1. Every building or structure, new or old, shall **MUST** be provided with exits sufficient to permit the prompt escape of occupants **FROM THE BUILDING AND AWAY FROM THE PREMESIS** in case of fire or other emergency. Additional safeguards shall **MUST** be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.
2. Each facility shall **MUST** have at least two approved, alternate, remotely-located means of egress from each floor of the building to safe and open space at ground level.
3. Egress from each dwelling unit, sleeping room, and dormitory shall **MUST** be directly available without passage through another dwelling or rooming unit to the outside or to a common hallway leading to the outside.
4. In residential child care facilities ~~approved as a therapeutic residential child care facility~~ **DESIGNATED BY THE OFFICE OF BEHAVIORAL HEALTH TO PROVIDE MENTAL HEALTH SERVICES** or psychiatric residential treatment facility, time-delay panic hardware utilizing **NO MORE THAN 30** ~~to 90~~-second delays before **release may** **MUST be installed on the two approved exit doors on each floor of the facility and each approved gate attached to the property perimeter fence,** provided that such time-delay panic hardware is approved by the fire department having jurisdiction over the facility.

Comment [FS7]: The hardware should not be optional for this population and it should also apply to fences, if any.

The two approved exit doors on each floor must release and open automatically after **NO MORE THAN** ~~the 30 to 90~~-second delay without constant pressure being applied to the doors and must remain open for at least 15 seconds. The two approved exit

doors on each floor can neither automatically reset themselves nor be reset from a central control panel for a period of at least 15 seconds after release. Magnetic locks in conjunction with time-delay panic hardware that meets these criteria are allowed.

5. In every building or structure, exits shall **MUST** be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building shall **MUST** be installed, unless specifically authorized pursuant to Section 7.714.53.
6. Every exit shall **MUST** be clearly visible or the route to reach it shall **MUST** be conspicuously indicated in such a manner that every occupant of every building or structure who is physically and mentally capable will readily know the direction of escape from any point. Each path of escape shall **MUST** be so arranged or marked that the way to a place of safety outside is unmistakable.
7. In every building or structure adequate and reliable illumination shall **MUST** be provided for all exit facilities.
8. Every building or structure shall **MUST** be so constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.
9. Compliance with this rule shall not be construed as eliminating or reducing the necessity for other provisions for safety of persons using a structure under normal occupancy conditions, nor shall any provision of this rule be construed as requiring or permitting any condition that may be hazardous under normal occupancy conditions.
10. The local fire department shall **MUST** determine the adequacy of exits and other measures for life safety in accordance with the requirements of the Uniform Building Code and the National Fire Protection Codes. In cases of practical difficulty or unnecessary hardship, the local fire department may grant exceptions from the Uniform Building Code or the National Fire Protection Codes, but only when it is clearly evident that reasonable safety is thereby secured.

D. General Safety Practices

1. A residential facility shall **MUST** immediately notify the responsible agency or department of a fire or other disaster which might endanger children or require their removal for reasons of health and safety. The Department of Human Services shall **MUST** be immediately notified of a fire or other disaster.
2. Security guards patrolling the grounds and structures of a residential facility, whether employed by the facility or by a security service under contract to the facility, shall **MUST** not be permitted to be in possession of any firearm or chemical weapon on the grounds or within the structures of the facility.
3. Porches, elevated walkways, and elevated play areas within a residential facility shall **MUST** have barriers to prevent falls.

4. Power-driven equipment used by a residential facility shall MUST be kept in safe and good repair. Such equipment shall MUST be used by children only under the direct supervision of a staff member and according to State law. THE IGNITION KEYS FOR THESE VEHICLES MUST BE INVENTORIED AND STORED IN AN AREA INACCESSIBLE TO CHILDREN.
5. Staff and children shall MUST be trained to report fires and other emergencies appropriately. Children and staff shall MUST be trained in fire prevention.
6. In every building or structure, fire alarm facilities shall MUST be provided to warn occupants of the existence of fire so that they may escape or to facilitate the orderly conduct of fire exit drills.
7. Responsibility for the planning and conduct of fire drills shall MUST be assigned to competent persons qualified to exercise leadership.
8. A residential facility shall MUST maintain an active safety program, including investigation of all accidents and recommendations for prevention.
- ~~8.9.~~ **A residential facility MUST maintain a written policy for supervision, safety practices, and interaction with the public and law enforcement for staff and/or children off the facility property.**

SUMMARY

***** Commentor recommends denial of use permit or approval with conditions. *****

If you are interrupted by screaming, profanity, broken glass, shouting, slamming doors and sirens, you can't not investigate. I realized I had given up relaxing, reading, talking to friends and family on my front porch, but now I love my block once again. The last 8 months have been the most pleasant in over 10 years. Around March 15, 2021 Tennyson Center closed its residential care facility.^{1,2} It is considering reopening the residential care facility.

Closed...but not for good. Even as the Colorado Department of Human Services has been glacial at reform of residential child care licensing rules, Tennyson Center is applying to renew its residential care use permit. In the following sections, let's review some of the news and data below that are directly relevant to Former Chapter 59 Zoning Code Section 59-41(b)(4) and 59-82(d)(3),(4). The code describes Denver's charge to "protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties" and "safeguarding the public and the facility residents."

NEWS REPORTS

"Tennyson's license was under scrutiny by the state Department of Human Services when the center decided it would shut down its residential program..."²

"Youth at Tennyson Center for Children in northwest Denver were able to break into a drug cabinet, and one child required four days of dialysis after overdosing. Several foster kids and teens ran away from the center in the Highland neighborhood in the past several months, and a 12-year-old had sex with an 11-year-old child, according to records obtained by The Colorado Sun through public information laws."²

"The ombudsman's investigation found that Denver County child welfare officials had received 113 complaints about Tennyson Center in 2020."²

"The complaints allege a series of events that demonstrate youth may not be appropriately supervised.' Villafuerte said a 'broad range of concerned citizens' contacted her office regarding Tennyson, including neighbors, children's relatives, caseworkers and staff."²

"The Department has received information regarding consistent, willful and deliberate violation of child care licensing standards," the letter said. It then itemizes 41 examples of documented complaints against the Tennyson program dating back to 2015, 25 of which occurred in 2020."¹

"The most recent of the violations cited in the letter revealed an overall lack of supervision, including children running outside the building into the streets..."²

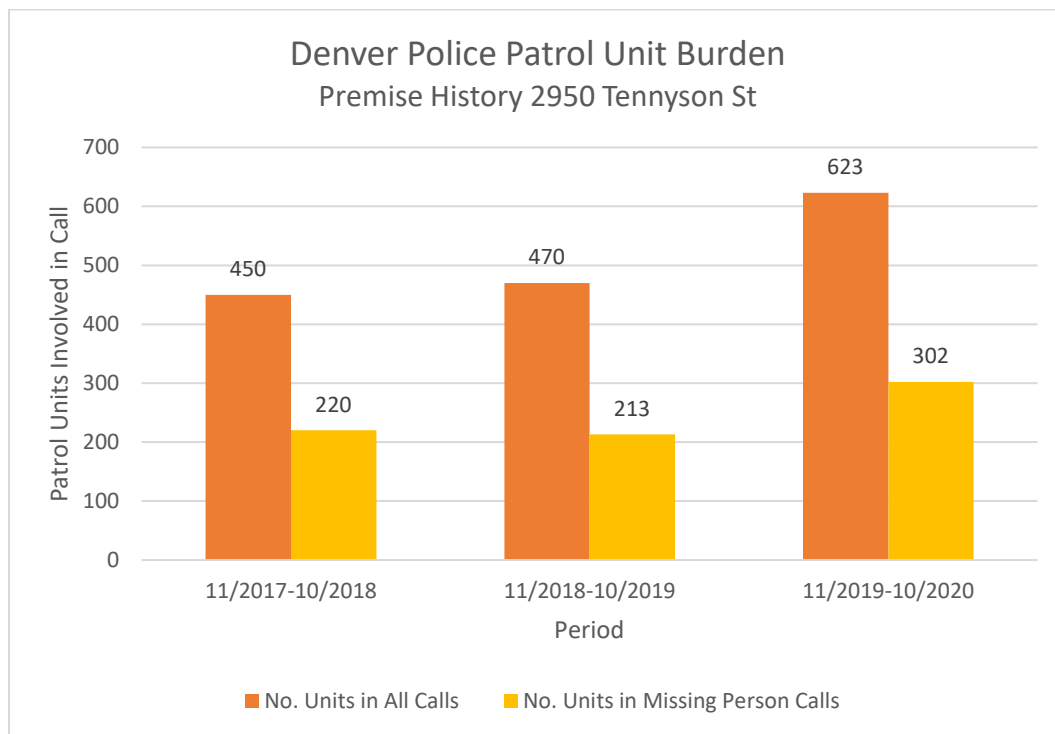
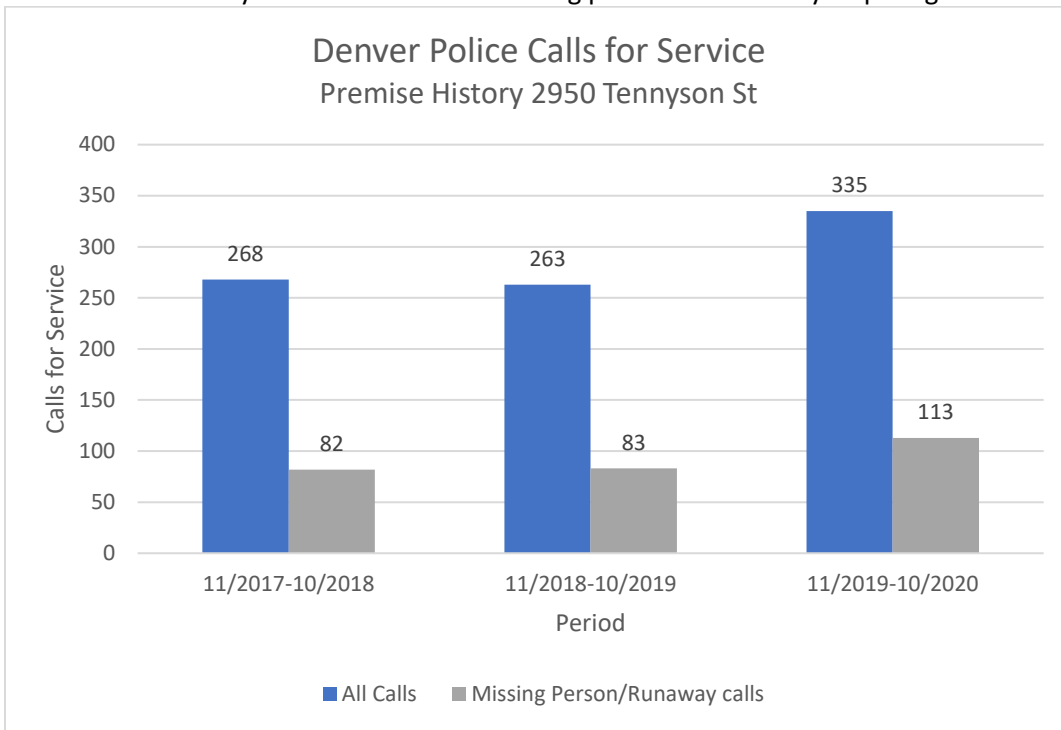
"The most egregious — reported to the ombudsman by a caseworker from a nonprofit organization — was the death of a 12-year-old who ran away and was struck and killed by a vehicle."²

¹ <https://imprintnews.org/child-welfare-2/weeks-ceo-departure-tennyson-closes-residential-campus/52903>

² <https://coloradosun.com/2021/03/23/tennyson-center-residential-program/>

POLICE CALLS FOR SERVICE³

The data show that the burden to Denver Police could be strongly correlated with the egregious events and accusations at Tennyson Center as shown in the following graphs. State licensing does not act to limit external effects on the public or adjoining properties and does not limit the burden to local jurisdiction law enforcement. The zoning Use Permit may best be able to address the runaways and Denver Police missing person case load by requiring a fence.



³ Premise History, Denver Police Civil Liabilities Bureau November 10, 2020

<http://10.137.15.12/VisiNetBrowser/Search/IncidentSearch.aspx>

USE PERMIT CONDITIONS

The May 26, 2019 Use Permit application (2019-ZONE-0002276) was approved with conditions. One of the key conditions was a “new, six (6) foot fence or wall shall be constructed at the perimeter of the property.” On August 5, 2019 a revised Use Permit (2019-ZONE-0004896) was issued removing the fence requirement and, in its place, “The Tennyson Center has worked closely with surrounding neighbors and will be hiring a student resource officer so the fence is no longer needed to address community concerns.”

First, Tennyson Center has never worked closely with surrounding neighbors as long as I’ve lived here (1995), especially on the issue of external effects, risk to children, runaways, trespassing, and property damage. Second, the student resource officer, an armed Denver Police officer, was effective for the day school (no permit conditions were placed on the actual residential care facility). Unfortunately, after 1 month, the program was cancelled because the Colorado Department of Human Services would not allow armed officers. For the past 3 use permit biennial cycles, use permit conditions have been absent or ineffective.

WHY AND WHY NOT A FENCE

Tennyson Center’s nearest peer facility, Mt. Saint Vincent (4159 Lowell St), for example, is fully fenced. Tennyson Center has argued that a fence is against the law. State licensing rules (12 CCR 2509-8 §7.705) do not require or prohibit fences. The rules also allow for restraining a child to keep the child safe – if staff are properly trained and events documented. Tennyson Center has elected for years to not have a fence and not get staff trained to prevent risk to runaway children and members of the public, presumably due to the added cost and administrative burden. The result has been systematic, institutional child neglect in the following specific, witnessed forms:

1. A child being pursued through the neighborhood by a vehicle
2. A child in an elevated emotional state of fight-or-flight being pursued and causing unsafe encounters with passersby and traffic
3. A child stranded on a roof, requiring rescue
4. A child stranded in a tree, requiring rescue
5. A child running away with bare feet, socks, or insufficient clothing for the environment
6. A child embarrassed or emotionally traumatized by restraint in public
7. A child embarrassed or emotionally traumatized by police apprehension in public
8. A child announcing the intent to commit suicide in public
9. A child allowed access to an active construction site
10. A child allowed access to glass in trash bins in the neighborhood with which they shatter and self-harm
11. A child allowed to trespass
12. A child pinned to pavement on sidewalks and in traffic lanes
13. A child allowed to climb vehicles

We can’t speak for our neighbors, but we have experienced a broken car window (\$300) and \$1,600 auto body damage from Tennyson Center children. Tennyson Center, with its consistent track record over more than a decade, does not deserve a use permit renewal. But if any permit condition could potentially make a difference, a full perimeter fence could be it. We offer some relevant design details:

- 6 feet tall
- Rails and posts mounted to the exterior
- Locksets should be flush, mortise-style
- Gates should open to the outside with low profile hinges mounted on the outside.
- Picket/baluster spacing should be no greater than 3 inches.

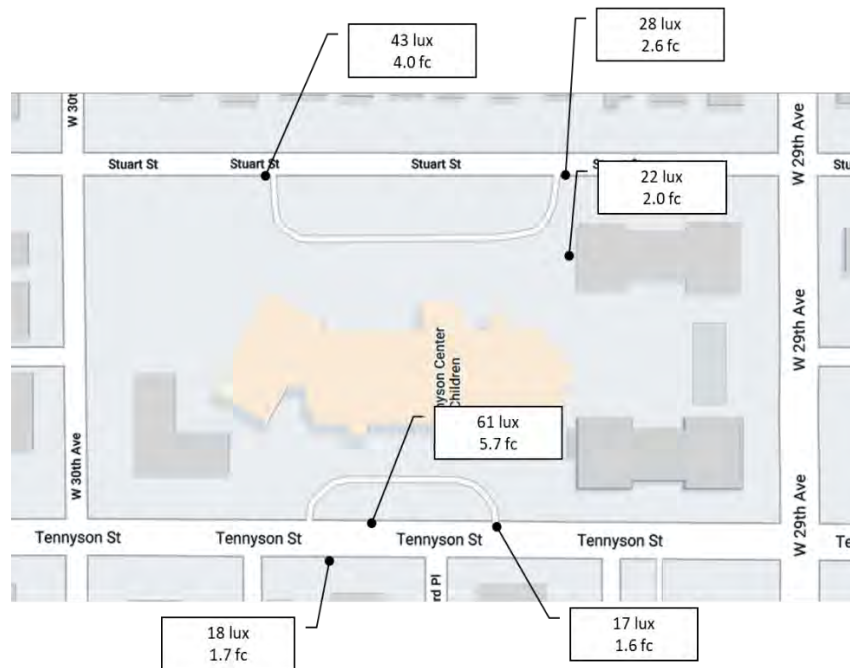
Tennyson Center could appeal such a permit condition as they did in 2019 (Zoning Appeal Case No. 119-19). An appeal would likely rely on the grounds of “financial hardship.” To frame this argument, the estimated cost using RS Means cost estimating software for “323119.10 Decorative Metal Fence, tubular pickets, 6 ft high, 2 in posts” with 8 gates and a perimeter of 1,750 feet is about \$165,000. To gain a sense of “financial hardship,” the latest IRS Forms 990 show revenues-less-expenses as \$778,687 in 2017, \$1,960,750 in 2018, and -\$1,581,181 in 2019. A fence appears to be well within the range of otherwise discretionary funding.

PARKING

For years, Tennyson Center has been about 50-100 spaces short after its offsite parking lot and ROW frontage is used up. These 50-100 employees routinely park in the neighborhood. Compounding the issue, Tennyson Center has about 300-1,000 volunteers.⁴

LIGHTING

In 2019, Tennyson Center installed new flood lamps illuminating its parking lots on Tennyson and Stuart. The light fixtures are not a cutoff type, and are not equipped with housing side guards. The light sources are visible from the street right-of-way and adjacent properties. Tennyson Center does not lower lighting levels at off-peak times. The illumination at the property line exceeds 2 foot-candles, the maximum permitted.⁵ Foot-candle measurements at the property line range from 1.6 to 5.7. At least one residential property opposite Tennyson Center experiences 1.7 foot-candles.^{6,7}



⁴ IRS Forms 990 2015-2019

⁵ DMZC 10.7.2

⁶ City and County of Denver, 1991, “Rules and Regulations for the Landscaping of Parking Areas”, Section 5.i(3).

⁷ Measurements taken by handheld smartphone app at 10:30pm on February 2, 2020.

APPENDIX A – Annotated Photos

Biennial period 2019-2021

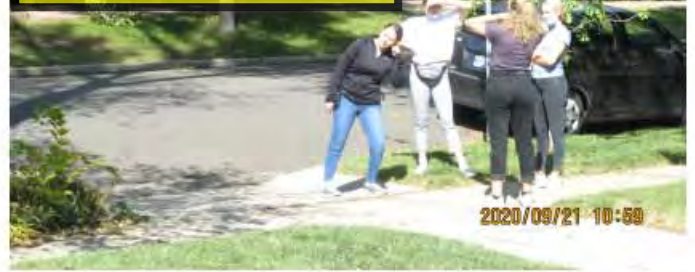
(for more photos, please see comments submitted for 2019-ZONE-0004896 and 2016-ZONE-0002918)

Video submitted on DVD intended for Denver CPD use only

Staff incapable of emergent runaway behavior such as running across W 29th Ave



Staff demonstrating "supervision" and distance for a runaway at least 1/2 block away.



Runaways are allowed to damage neighbor plants and property.



Residential treatment being performed outside and offsite.



Routine risk to traffic for the runaway and staff.



5-Front

03-11-2021 02:53:23



Numerous patrol cars and emergency activity at 3 a.m.

5-Front

11-04-2019 13:51:11



Trespassing and property damage is not an offense for minors or pursuing adults in Colorado statutes.

5-Front

11-04-2019 13:51:18



3-Alley N



This child is being allowed to fish for glass in a recycling bin. The child will later shatter a bottle on the pavement and attempt to self-harm.

5-Front

02-03-2020 09:31:17



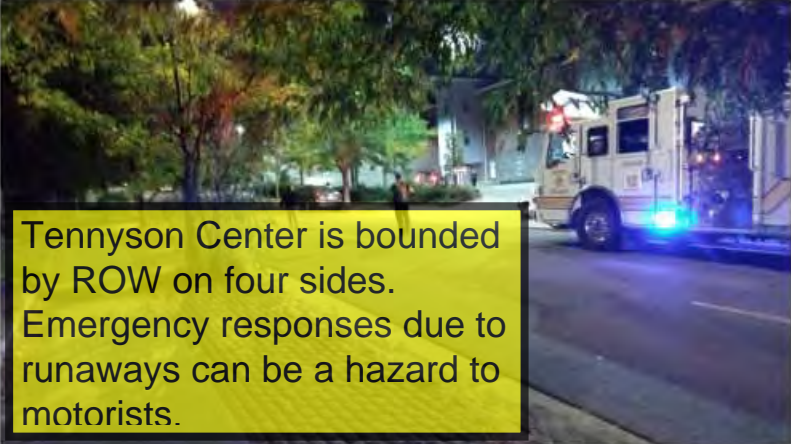
The bottom three photos are from children allowed to access, while under "supervision," a fenced off construction site. From there, one child climbed on the garages and homes of two properties to the north. The child finally ended up being rescued off of a steep tudor roof, involving a large emergency response. Later, the child is escorted back to Tennyson Center so the cycle can repeat. Tennyson Center did not contact any of the affected properties or the construction contractor to see if there were damages.



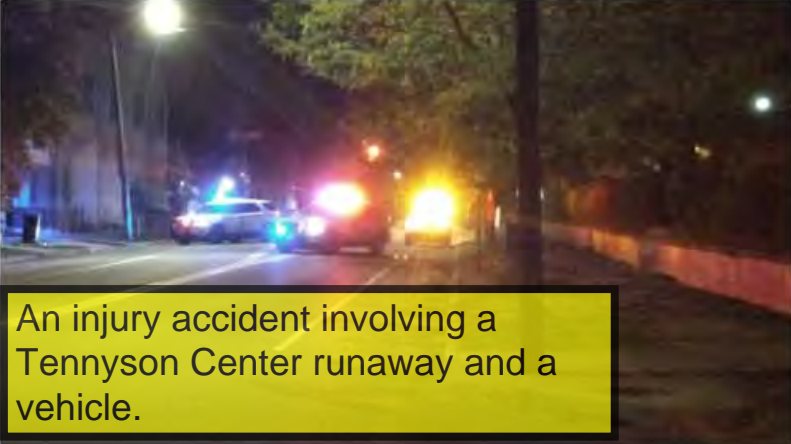
Example of too many foot candles both on and off the property.



Tennyson Center staff do not notify neighbors or remedy anything offsite. They may respond if contacted with proof.



Tennyson Center is bounded by ROW on four sides. Emergency responses due to runaways can be a hazard to motorists.



An injury accident involving a Tennyson Center runaway and a vehicle.



Police responses to Tennyson Center number over 300 annually involving over 600 patrol cars.



2024-LOG-0001518 Fisher Comments

Reference: Former Chapter 59 (FC59) Zoning Code Section 59-41(b)(4) and 59-82(d)(3),(4).

“...protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties” and “...safeguarding the public and the facility residents.”

Reference: DZC 1.1.1

“...preserves and promotes the public health, safety, prosperity, and welfare of its inhabitants.”

Reference: DZC 12.4.2.4.E.3.b

The Zoning Administrator and Board of Adjustment are required to apply “...conditions to the zoning permit approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties...”

The commentor cites many of the same comments made in the previous cycle of Use Permit renewal in 2021-LOG-0008932.

In its May 4, 2022 Use Renewal Findings letter renewing the use permit without conditions, the City failed to make the facility safer for its residents and abdicated its responsibilities in FC59 and DZC. The City instead cited state licensing, state laws, and other facility self-reported operational policies as arguments for imposing no conditions (**bolded** items have not been experienced or observed by immediate neighbors):

“Tennyson Center is not a lockdown facility, community corrections, or a detention facility. The Center has licensing and public safety requirements in place **to notify the legal custodian and/or placing authority in the event that a child has run away**. The State of Colorado adopted the Family First Prevention Services act, FFPSA, which limits residential facilities like the Tennyson Center to a maximum of 16 residents. Staff finds that these operational changes to reduce the number of residents, together with **safety planning**, Individual Crisis Management Plans (ICMP), trauma-informed behavioral support interventions used by trained staff to assist residents, along with previous and **ongoing community engagement with all stakeholders, adequately mitigates the Tennyson Center’s negative external effects on the surrounding community.**”

State licensing rules (12 CCR 2509-8 §7.705) do not require or prohibit fences. It is up to each facility to fence when needed. Unfortunately, the trauma-informed care model pushes the state and facilities to regard residents and students at RCCFs and facility schools who have behavioral issues as deserving as little installed security as possible. Compare this to the secure perimeter fencing found at most public elementary schools.

Even in the portions of the campus that are fenced, delayed exit push bars negate the value and function of the fence. We have seen Tennyson Center staff make no attempt to prevent children from leaving campus through these gates and all parties are drawn into the middle of traffic on N Tennyson St, W 29th

Ave, or N Stuart St. We have even seen staff willingly unlock gates to let an agitated and rash child off campus and into the street. Other portions of the campus are not fenced at all.

A facility such as Tennyson Center has plenty of space and a configuration to meet building codes, egress, exit discharges, safe dispersal areas, and public ways to not use push bars and delayed exit controls and hardware.

Ref: IBC (2018) 1028.5 Access to a public way – “The exit discharge shall provide a direct and unobstructed access to a public way.”

Exception Conditions 1-4 regarding safe dispersal areas within secured perimeters

MAIN BLDG: South courtyard between cottages 16,000 ft² (105x152). Subtract 50' away = 105x100 = 10,500 ft² = 2,100 occupants

EACH COTTAGE: Subtract 50' away = 55x152 = 8,360 ft² = 1,672 occupants

Calculated allowed number of occupants far exceeds the occupant load at Tennyson Center.

State licensing rules (12 CCR 2509-8 §7.701.34.C) also require the facility to “...operate in compliance with local planning and zoning requirements of the municipality, city and county, or county where the facility is located.” In other words, the **City has authority where the state and the facility are remiss.**

Children have died and been injured at this facility and no operational changes or state licensing changes have been made as a result. The City must use its authority to make the facility safer in a common-sense way as it did initially in its May 26, 2019 Use Renewal Findings letter. If the City had required proper perimeter fencing for the safety of the children, Timothy Montoya may still be alive today. It is not hyperbole to suggest that a use permit condition will prevent further injury and death.

September 12, 2024

Denver Community and Development
Denver Planning Board
201 W Colfax
Denver, Co O 80202

Via email:
rezoning@Denvergov.org
planningboard@denvergov.org

RE:OFFICIAL ZONING MAP AMENDMENT APPLICATION #20241-00028/LETTER OF OPPOSITION
2971 Raleigh St

Currently there is a required renewal license. This rezoning eliminates the yearly renewal license and the Annual Community Information meeting , which would give the community no voice.

The proposed height of any future structures should be no higher than a two-story structure.

Sincerely,

Ray Defa/Design Spectrum LLC

2971 N Raleigh St

Denver CO 80212