September 25, 2020

City and County of Denver Denver City Council

**Subject: East Central Area Plan Public Hearing – October 5**

Dear Councilmembers,

I am writing to you today requesting that you reject or table the East Central Area Plan (ECAP). Instead of a grassroots, bottom up planning effort, the neighborhood planning process is a top-down, exclusive process with many Steering Committee members representing one demographic, white males with real estate and business interests directly affected by the plan along Colfax Avenue. The Steering Committee lacks diversity in terms of race, ability, occupation, and gender. Although the plan uses words such as affordable, accessibility, and equity, the words appear to ring hollow. If the City and County of Denver is sincere about rectifying years of redlining and historic discrimination and disinvestment in our neighborhoods, then why do the financial benefits from this plan flow to developers?

The last 30 days have focused with laser precision the many injustices people of color experience daily in our community. The moment is for people of color -- Black, Brown, and Indigenous residents -- to speak directly to what changes must be made to policies regarding housing, community planning, criminal justice, policing, transit, mobility, education, and employment. The built environment is central to the discussion of equity, race, justice, and inclusion. However, little if any outreach has been conducted to include people of color in the neighborhood planning process. Now more than ever, we need to reflect how ECAP or any other plan or policy affects the unhoused, elderly, persons with disabilities, transgender residents, youth, and people of color. Most importantly we must take action that identifies and implements policy changes with resources.

Despite our repeated requests dating back more than nine months, Denver's Department of Community Planning and Development (CPD) refuses to act on our recommendations promoting equity and inclusion. Almost 600 people to date have signed a petition requesting that the City produce a neighborhood plan that incorporates the values of inclusion, equity, and sustainability, which is three times the number of persons who have commented on ECAP as reported by CPD. Moreover, CPD has effectively suspended all outreach efforts in March due to COVID19 and the imposition of stay at home orders, resulting in cancellation of office hours, lack of publicly accessible documents, and the failure to distribute thousands of flyers to residents. CPD’s process has lacked transparency; so much so, that many of the maps presented to residents during the planning process didn’t accurately depict areas to be upzoned. This grave error was not revealed until the plan went before Denver Planning Board.

Furthermore, we have many concerns with ECAP as it pertains to some of the plan’s recommendations concerning density, traffic, and height allowances. The six neighborhoods that comprise the East Central Area already rank as the most dense in Denver in places 1 through 10, with Capitol Hill, Capitol Hill North, and Cheesman Park ranking as 1 through 3; Congress Park is sixth, City Park West is 10th, and City Park ranking behind City Park West. East Central neighborhoods are a mix of multi-family and single-family homes, including “missing middle housing.” Most of the area is already considered multi-family; therefore, taking on more density than the code currently allows is not necessary to Denver’s growth for the next 20 years as acknowledged already by City Planners during a presentation of ECAP. There are other neighborhoods along transit corridors that are single family homes sitting on larger lots than those of East Central; however, none of these neighborhoods are undergoing the neighborhood planning initiative, such as Hilltop, Belcaro, County Club, and Washington Park. Additionally, due to covenants and homeowners associations, more than 20% of Denver is not subject to the Neighborhood Planning Initiative (NPI).

Although the plan touts access to healthcare and healthy living, the plan does not address pandemics and potential impacts of social distancing, telework, and density on community design. Many people are uncomfortable riding bus and rail, living in high-rise apartment complexes, and some no longer need to relocate close to jobs as telework options may continue indefinitely.

* **Construction of Bus Rapid Transit (BRT).** The closures of one traffic lane in each direction on Colfax Avenue without further traffic studies on adjacent streets appears dangerous as these areas are walk routes for children to neighborhood schools. Lane closures will undoubtedly displace traffic onto already congested side streets. We request that prior to any further activity on the construction of BRT that the plan mandate traffic studies. RTD has said it will commit no funding to the project and that upzoning is not needed to increase ridership on the route. With the elimination of bus stops along the corridor, this makes it difficult for people who are disabled, have children, and have no other means to travel other than to utilize public transportation.

# Action Recommendation: Insert requirement that traffic studies be conducted on adjacent streets and require mitigation efforts be required to address associated impacts to nearby streets prior to the construction of BRT or reject plan adoption.

* + ***Action Recommendation: Further study location of stops, access to stops, and request that stops be added to serve people with disabilities.***
* **Affordable Housing:** The plan relies on for-profit developers to construct affordable housing through an exchange of upzoning benefits for increased heights and density. This leads to the construction of luxury units, displacement of current residents, and additional profits for developers. The model embraced by the City in the plan is failing as clearly evidenced by the multifamily developments proposed and built to date that have done nothing but raise rents due to the construction of luxury units. Additionally, the plan does not address the pressing need for low- income housing throughout Denver.
* Therefore, instead of rezoning for high rises, ***the City should consider advocating for increasing the state tax credit program operated by Colorado Housing and Finance Authority through the imposition of “sin taxes***.”
* Nonprofit housing developers, such as Colorado Coalition for the Homeless, Brothers Redevelopment and Mercy Housing, have demonstrated the ability to construct affordable and low-income housing within existing zoning and ensure access to

# housing. However, they were not included in the planning process. Recommend that the City give priority to nonprofit housing providers and Denver Housing Authority to ensure that affordable and low-income housing is constructed.

* The plan also does not address foreclosure prevention, tax credits for vulnerable people to stay in their homes, tax credits for homeowners to offer a room at below market rent, or tax credits for those to repair and rehab homes. I support recommendations that demonstrate the City’s intent to invest in rather disinvest from neighborhoods.

# Recommend that the City embrace resident-focused programs that provide assistance to residents rather than developers.

* Building out the existing density and height along East Central neighborhood can accommodate future growth for the next 20 years as stated by City Planners. Therefore, we find that the density argument fails on its face other than to increase property values. What is left for residents to ponder is why incentives are being given to for-profit developers. **At Planning Board Meeting, the City planners admitted that the maps with areas to be upzoned were incorrect when presented to residents during the planning process.**

# Action Recommendation: Require the adoption of the recommendations or reject the plan as currently written.

* **Lack of Infrastructure**: The six neighborhoods within East Central are struggling currently with aging infrastructure, overcrowded schools, and areas prone to flooding. Nothing in the plan addresses these issues or alleviates flooding issues.

# Action Recommendation: Require that the City mitigate flood risks prior to any upzoning and that the City financially assist homeowners with the

***acquisition of flood insurance, which is now an issue, due to the increase of impervious surfaces in the central corridor.***

* **Parkland**: **The city does not need to provide incentives to developers to create green space and parks**. In 2018, the Denver voters passed Measure 2A, generating to date more than

$150 million in sales tax revenue to acquire, develop and maintain parkland, trails, and open spaces. Giving developers incentives to create parkland that cannot be designated as parkland under the Denver City Charter, which would protect it in perpetuity, is imprudent and wasteful. Any new parkland should become a permanent community asset so that it cannot be removed or repurposed.

# Action Recommendation: Require that any parkland, plaza, or open space created through developer incentives must be designated parkland under the City Charter; otherwise, reject adoption of the plan.

* **Design Guidelines**: There are no recommendations for the adoption of design guidelines although the City planners acknowledge the historic and architectural importance of our neighborhoods and need for the development of conservation overlays, design guidelines and historic districts. In some areas of our neighborhoods, there is significant representation of structures designed and built by immigrants and minority architects and builders. However, despite these important contributions by people of color, no design guidelines are recommended, or funding made available to develop and implement a design or conservation overlay. Without additional details on what design elements should be recommended for new developments and best practices on preserving and enhancing design elements, the plan is not addressing the context of our neighborhood and ensuring that the contributions of people of color will be respected.

# Action Recommendation: Require that CPD develop design guidelines with the input of residents within each zoned area context to be included with the East Central Area Plan prior to the adoption of the plan.

* **Mobility, Accessibility, and Safety**: I am concerned that the section on mobility prioritizes ableism and policing over residents with disabilities and people of color. Specifically, added density brings additional traffic and the repurposing of some streets, will prioritize ableism over the needs of the elderly and/or disabled, who require proximate access to parking. With the elimination of bus stops with BRT, the plan is short-sighted on parking allowances and access that elderly, those aging in place, and those with disabilities require. Although 21% of the population has some form of disability according to the Centers for Disease Control, we see little prioritization of their needs in the plan. Dr. Destiny Thomas, Transportation Planner at Ron Dellums Institute for Social Justice, says “planners should make an intentional effort to address scarcity across all modes of transportation so as to empower freedom of movement and choice in mobility. This should include free assistive devices, bikes and bike accessories, free transit, subsidized rideshare, and economically equitable access to zero-emissions vehicles. Until Black people are no longer being hunted down by vigilantes, white supremacists and rogue police, private vehicles should be accepted as a primary mode of transportation.”

ECAP centers around those with computer and internet access, people who speak English, and those with physical abilities. The plan has been promoted to only a few who have access. It fails to consider input from those without access and those who have been disenfranchised. Although 1 and 10 households in the ECAP neighborhoods speak another language other than English at home according to the City’s records, not one document was provided in any other language but English. No outreach or engagement was provided to people of color and those whose primary language is not English. Although the plan is extremely lengthy, only one page of the 280-page document is available in Spanish despite repeated requests for translations.

The use of the urban planning strategy, Crime Prevention through Environmental Design (CPTED) as listed throughout the East Central Area Plan, has proven to have historically criminalized Black, Indigenous, Brown, and poor people in public spaces by rendering these groups as “out of place.” CPTED relies on the flawed concept that the built environment will affect behavior and that design can increase or reduce crime. However, these concepts drive community policing in a way that has disparate impacts on people of color by designating who belongs and who does not belong in a particular area. Black urbanists and planners are demanding the removal of such concepts from community planning. Therefore, we respectfully request that CPTED, as a design policy and its attendant recommendations, be removed from the plan. Instead, CPD should adopt anti-racist policies that support inclusiveness, community services, and diverse mobility options so that all people are welcomed and respected in public spaces.

# Action Recommendation: Remove references to CPTED from the East Central Area Plan; add additional language supporting diversity of mobility options; AND conduct additional outreach to people of color, those with disabilities, and non-English speaking residents. Without additional outreach and changes outlined here, the plan should be rejected.

**Without the adoption of these recommendations in ECAP, the plan should be rejected for lacking inclusion, diversity, and affordability.**

Respectfully,

Your Name

Address

East Central Area Plan Resident

Cc: [congressparkunited@gmail.com](mailto:congressparkunited@gmail.com)