From:	ivan.london01@gmail.com
To:	dencc - City Council; Weigle, Elizabeth K. - CPD City Planner Senior
Cc:	Laura London; Herndon, Christopher J. - CC Member District 8 Denver City Coun; Kashmann, Paul J. - CC Member District 6 Denver City Council; denvercouncil5@denver.org; District 9; District 1 Comments; jamie.torres@denver.org; Clark, Jolon M. - CC Member District 7 Denver City Council; Flynn, Kevin J. - CC Member District 2 Denver City Council; kniechatlarge; Mayorsoffice; Hancock, Michael B. - MO Mayor; Deborah Ortega - Councilwoman At Large; Gilmore, Stacie M. - CC XA1405 President Denver City Council; Hinds, Chris - CC Member District 10 Denver City Council
Subject:	[EXTERNAL] Comment on Nov. 16, 2020 Public Hearing and Vote on Whether to Adopt the Draft East Area Plan
Date:	Monday, November 16, 2020 11:09:53 AM

City Councilpersons and Ms. Weigle,

I am writing to comment on and support the proposed amended to the draft East Area Plan, which the Council will vote on today. My wife and I live in Congress Park in the East Central Area, and we are very worried about the precedent that the Council would set for all of Denver's residential neighborhoods if the Council were to reject the proposed amendment. Accordingly, we respectfully urge the Council to adopt the amendment and add back into the EAP (at p. 39 Recommendation L6 of the current draft) the language and strategy that the Planning Board misguidedly deleted on October 7, 2020: "*Single unit areas should remain primarily single unit*."

We further hope, and here request, that the Council would include similar amendatory language to the Zoning and Regulations Strategy Recommendation L6(A) in the East Central Area Plan (at p. 42) and its Congress Park plan (*e.g.*, at pp. 237, 239, 241, 243).

Like the East Central Area and our Congress Park neighborhood, the East Area features beautiful, historically significant, urban neighborhoods characterized and enriched by single-family housing. Unfortunately, and under the pretense of promoting affordable housing, the Mayor and Planning Board have evidently pushed forward a multiyear campaign to drive families out of these areas and neighborhoods by devaluing (and underappreciating) the importance of single-family homes. The campaign is demonstrated in both the area plans and the promotion of the "Group Living" text amendments to the Zoning Code.

We hope that the Council will act *for* Denver's families, and will take steps to end this campaign against them. Adopting the amendment to the EAP and adding back the language that the Planning Board removed on October 7 would be a step in the right direction, demonstrating that the Council cares about Denver's families—and wants to keep them *in* Denver.

In further support of this comment for the November 16, 2020 vote, I will also include the two comments that we have submitted to the Council and Planning Board regarding the proposed "Group Living" text amendments to the Zoning Code. I understand that the area plans are meaningfully different from the proposed text amendments. But both the area plans and the proposed text amendments are intended to further the campaign against single-family housing and against Denver's *families*. I respectfully submit these further comments in furtherance of urging the Council to act *for* Denver's families.

***

From: Ivan London <ivan.london01@gmail.com>
Date: August 26, 2020 at 9:52:53 AM MDT
To: Laura London <lkvlondon@gmail.com>
Cc: Christopher.Herndon@denvergov.org, Paul.Kashmann@denvergov.org,

dencc@denvergov.org, denvercouncil5@denver.org, district9@denvergov.org, districtone@denvergov.org, jamie.torres@denver.org, jolon.clark@denvergov.org, kevin.flynn@denvergov.org, kniechatlarge@denvergov.org, mayorsoffice@denvergov.org, michael.hancock@denvergov.org, ortegaatlarge@denvergov.org, stacie.gilmore@denvergov.org
Subject: Re: NO to Group Living Zoning Code Amendment

Councilpersons, Mayor, Public Officials:

I am writing separately to submit as my public comment the comments we have previously submitted to Mr. Webb and the Planning Board. I am strongly opposed to the Text Amendment that would change the Group Living and related standards.

We live in Congress Park. We submitted public comment objecting to all proposed changes that would relax household and group-living standards during the prior comment period. This comment builds on our prior comment, and we continue to be against the City's proposal to relax the household and group-living standards by amending Article 11 of the Zoning Code.

First, the Comment Log demonstrates that the clear majority of the public comments oppose the proposed relaxation of the household and group-living standards. In the media, those of us who care about our downtown Denver neighborhoods have been characterized as elitist, racist, unsympathetic "NIMBY" complainers. But it is disappointing, incorrect and misleading for the City Council and Planning Board to smear the downtown-neighborhood residents this way. Even worse, the Planning Board has continued this tactic on its website. For example, in response to well-reasoned comments that demonstrate a heartfelt disapproval of the proposal to increase the number of criminals that reside near children in Denver's residential neighborhoods, the Planning Board has chosen to state, "Zoning shouldn't discriminate based on type of person." Of course zoning should not discriminate based on type of person. Primarily, Zoning Code Article 11 requires the Planning Board to "Promote continued economic development *while mitigating the potential for adverse impacts on surrounding properties, surrounding residential uses and neighborhoods*, and the physical environment." The residents of downtown neighborhoods—including those who made public comments disapproving the relaxation of the standards—care about this intent, and the Comment Log reflects that care. They have chosen to live in Denver's already densely populated, diverse, urban neighborhoods rather than homogeneous suburban neighborhoods. It is inappropriate and unacceptable for the Planning Board intentionally to mischaracterize the well-meaning residents as bigots to delegitimize their earnest, meaningful and well-reasoned concerns.

Second, the Planning Board has provided no evidence that the proposed relaxation of standards will ensure relief to persons experiencing homelessness. Denver's downtown residents are not preventing or trying to prevent the City from addressing and ending homelessness. Based on Denver's experience—rather than abstract national studies—there is no reason to believe that relaxing Denver's household and group-living

standards in its downtown, residential neighborhoods will get "those experiencing homelessness, trying to get sober or who have other special needs" into homes. The Planning Board provides no argument otherwise.

Third, emergent needs from the current COVID-19 pandemic further demonstrate that the community needs healthy and safe residential housing. The Planning Board cites the COVID-19 pandemic as a reason *for* putting more unrelated persons into houses (indoors, in close proximity to each other) together. That is *unbelievable*. Instead of being believable, the Planning Board's recitation of COVID-19 as a basis for relaxing household and group-living standards appears opportunistic. And, in that regard, it is embarrassing.

The proposed relaxation of household and group-living standards will allow landlords to prey on the upcoming wave of evictions and place more than five unrelated adults *and any number of relatives* into each house. The crowding will lead to additional COVID-19 illnesses and deaths in Denver. It does not provide safe living spaces for children. If the Planning Board is being sincere in its attempt to address COVID-19, then it must come up with a plan that will not allow predatory landlords to pack their rental units with those who have become most vulnerable during this heartbreaking, incredible time of economic instability. Our most vulnerable, underserved persons deserve more from the City.

Fourth, we are worried that the Planning Board and media have intentionally dropped the community-corrections issues from coverage of the proposal to relax the household and group-living standards. And we continue to be troubled by the Planning Board's insistence that the proposal to relax the standards is about affordable housing when it is really about the City's inability to deal with its community-corrections troubles. Among other things, drug use continues to be a significant problem in Denver, and the City Council and Planning Board should address it outside of this proposal. The Planning Board's willingness to create hubs for criminal activity near children and schools in Denver simply is not the solution. The people of Denver said so years ago when it they demanded a moratorium on new community-corrections houses in downtown Denver neighborhoods. Denver's downtown residents are right to be worried about the amount of transient community members that may have drug, criminal or sex-offender backgrounds. It is shocking that the Planning Board would willingly introduce known adverse impacts to Denver's children in their residential neighborhoods.

Fifth, the current proposal neglects to meaningfully explain how this regulation would be enforced, and it does not provide a funding plan for enforcement. If the City will not enforce its current household and group-living standards and must relax them (according to the Planning Board), then why should Denver's residents expect the City to enforce even the relaxed standards? Denver's residents deserve more.

Sixth, to understand better how Denver enforces its current safe-housing regulations, we respectfully request that the Planning Board post all of the safe-housing violations cited in 2019 and, if any are available, 2020 on its Group Living website. We are worried (especially in light of the Planning Board's own statements as reflected in our prior comment) that the City does not implement true oversight of the household, group living and other safety standards that are already in place. And a refusal to police the

current standards is no reason to relax them. Denver's residents deserve more.

Seventh, it is misleading for the Planning Board on its website to cite the State's group-home statute in support of relaxing the City's household and group-living standards. That statute rightly focuses on providing the needed care for "persons with intellectual and developmental disabilities," "persons sixty years of age or older" and "persons with behavioral or mental health disorders." It focuses on special classes of persons who need special care; but even the Denver camping-ban case did not find that persons experiencing homelessness are a special class of person, and the statute does not invite a chaotic wholesale relaxation of household and group-living standards.

Eighth, we continue to be puzzled by Planning Board's insistence that Denver should aspire to the same futility in dealing with homelessness as its so-called "peer cities." The "research on group living in peer cities" provides no explanation why this is a basis for change in Denver, or how this aspiration would benefit Denver. If the Planning Board is holding out these "peer cities" as successfully ending homelessness, then the Planning Board should also explain *how* these "peer cities" have ended homelessness.

Ninth, for reference purposes, I will restate our prior comment below and request that the board completely answer all questions that were included in the INC ZAP letter dated March 27, 2020 (https://www.denverinc.org/inc-zap-letter-to-andrew-webb-cpd/).

We are against the City's proposal to relax the household and group-living standards by amending Article 11 of the Zoning Code.

Here is our prior comment:

We are against the City's proposal to relax the household and group-living standards by amending Article 11 of the Zoning Code.

First, there is no good reason to relax the standards. The primary intent of Article 11 (reflected in section 11.1.1.1(A)) is to promote economic development in Denver "while mitigating the potential for adverse impacts on surrounding properties, surrounding residential uses and neighborhoods."

The City proposes to relax the standards "to reflect the evolution of lifestyles" and provide housing for vulnerable populations, not to promote economic development or mitigate adverse impacts to residential uses. The City's Overview and Frequently Asked Questions documents do not mention economic development at all, and provide only a circular, conclusory statement that "treating eight unrelated adults living together substantially differently from eight related adults living together does not result in reduced impacts."

Further, the City's Open House presentation undermines the argument that there is an "evolution of lifestyles." According to that document, "89% of Denver households contain just one or two adults – this follows national trends *and is not expected to change dramatically*…. Census data shows there are currently approximately 72 homes with 8 or more people in Denver. *We do not expect a major change in the way people choose to live together*." (emphasis mine). The City's own statements indicate that there is no

"evolution" to address. And they suggest instead that the City is merely catering to a small group of persons who may be violating the current rules, but that the City has no intent to enforce the current rules. That is not good.

Accordingly, the City has not shown a justification for relaxing the household and group-living standards in the Zoning Code, or that its *stated* justification is reasonable.

On the other hand, there are clear concerns that relaxing household and group-living standards will result in "adverse impacts on surrounding properties, surrounding residential uses and neighborhoods." The proposal would adversely affect single-family neighborhoods in many ways, including:

- increased crime,
- increased noise,
- increased traffic and resulting threats to children and other pedestrians and bicycle-riders,
- increased trash and vandalism, and
- reduced parking availability.

For example, if the City permits more people to live in a constrained space like one of Denver's urban, residential neighborhoods, then there will necessarily be more traffic, resulting in more threats to the safety of children in the neighborhood. The City has made no statements in its publicly available documents that it has any meaningful intent to mitigate the potential for this and the other certain adverse impacts. Sadly, the proposal would surely reduce the likelihood that neighborhood residents—including families in neighborhoods like ours, Congress Park—are invested in the long-term successes of their communities.

The City's publicly available documents waive off these concerns. For example, the City's response to noise and maintenance concerns is that "Noise and maintenance and other potential issues stemming from a larger household will continue to be governed by the Denver Revised Municipal Code and will not change." Similarly, with respect making the already-bad parking problems worse, the City says only that it will "find solutions as problems arise." But there is no logical basis for ignoring these concerns or just putting them off. All the City has really said is that the City will not "evolve" its zoning enforcement commensurate with its relaxed zoning standards. That is not a satisfactory explanation or outcome.

Further, the City's suggestion that it should relax the household and group-living standards because *other* Western US cities have relaxed standards is also unpersuasive. The Peer Cities Table shows, for example, that "Most California Cities" do not limit the number of adults in a single-family home, that Seattle allows 8 adults, and that other West Coast cities (like San Diego) allow 6 adults. But Denver should not aspire to be like those cities. Those cities' "decades of misguided and faulty policies" have made homelessness a serious problem, leading to "open-air drug markets in San Francisco, crowded encampments in Los Angeles, and tent cities in Seattle." And California's creation of the "Rehab Riviera" has pushed families out of residential neighborhoods. We do not want Denver to model itself after these California and other West Coast cities, which have collectively become the epicenter of homelessness and futility.

Second, we simply disagree with the City's statements that this proposal will not "give an

opening to unscrupulous landlords to buy up large houses and rent out rooms." That is exactly what it will do. This proposal will incentivize landlords to maximize their profit per square foot without regard to long-term goals of neighboring homeowners who are deeply invested in the quality-of-life in their neighborhoods. And cramming multiple people into shared spaces while purporting to help them has not provided a solution to homelessness, it has just led to abuse of vulnerable populations.

Third, we understand that the Zoning Code also sets forth the City's intent to "Accommodate the special housing needs of segments of the resident population." Of course, zoning codes should not (and cannot) discriminate. And we applaud the City's attempts to address its growing homelessness problem by promoting affordable housing. But the City cannot pursue this intent by imposing adverse impacts on surrounding properties, surrounding residential uses and neighborhoods. And the proposal to relax the household and group-living standards in the Zoning Code is not *really* about affordable housing. This proposal is *really* about enabling the City to permit more halfway houses in its residential neighborhoods because (1) current zoning limits new locations and (2) existing halfway houses are non-conforming. The City should be clear about its intent and the *un*intended circumstances: *we do not believe that increasing the number of criminals that reside near children in residential neighborhoods serves the City's permissible intent*. It specifically disserves the City's intent in Article 11 to mitigate the potential for adverse impacts on surrounding properties, surrounding residential uses and neighborhoods. Despite their potentially well-meaning missions, halfway houses bring criminal activity into neighborhoods. That is why the City prohibited new halfway houses from beginning operations in Denver residential neighborhoods a decade ago. That has not changed.

The City's publicly available documents do not reflect *any* serious intent by the City to mitigate *the certain* adverse impacts that new halfway houses would have on Denver's beautiful residential neighborhoods. Nor do they reflect how increasing the number of halfway houses in Denver's residential neighborhoods will serve the primary goal of the community-corrections program, which is to *improve* public safety. Yet anecdotally and observationally, it appears that there is little funding in Denver for oversight of halfway houses, and police do not appear to take seriously *the current* property-crime and drug-crime problems in Denver's central residential neighborhoods. Deregulation is not an acceptable substitute for promoting safe cities through policing. The City has crossed this bridge before as reflected in Zoning Code section 11.2.10.1(B). But if the City crosses back, then families will flee to the suburbs, which would only create more socioeconomic challenges in Denver. Essentially, the proposed amendments reflect a changed value judgment by the City of Denver: rather than seeking to keep families in the City's residential neighborhoods, the City now wants to relocate the City's families away from the City's residential neighborhoods in favor of halfway houses. This change in values is saddening.

Lastly, we are concerned that the text of the proposed amendments to the Zoning Code does not appear to be available through Denver "Group Living" website, https://www.denvergov.org/content/denvergov/en/community-planning-and-development/zoning/text-amendments/Group_Living.html, last accessed Feb. 26, 2020, and https://www.denvergov.org/content/denvergov/en/community-planning-and-development/zoning/text-amendments.html, same. Our understanding is that the proposed amendments will be available to review on that website "in late February/early

March." The Planning Board absolutely should not take up or consider in any way the merits of the proposed amendments until the effected communities have had a full and fully informed opportunity to review the text of the proposed amendments to Article 11 and any other articles in the Zoning Code.

On Wed, Aug 26, 2020 at 9:41 AM Laura London <lkvlondon@gmail.com> wrote:

> My husband and I live in Congress Park with our three young children.
>
> There are too many changes in this single proposal providing little opportunity for the impacted community to understand the impacts holistically. We ask for you to vote NO to this Amendment.
>
> The Planning Board has provided no evidence that the proposed relaxation of standards will ensure relief to persons experiencing homelessness. We continue to be puzzled by the Planning Board's insistence that Denver should aspire to the same futility in dealing with homelessness as its so-called "peer cities." If the Planning Board is holding out these "peer cities" as successfully ending homelessness, then the Planning Board should also explain how these "peer cities" have ended homelessness.
>
> The proposed relaxation of household and group-living standards will allow landlords to prey on the upcoming wave of evictions and place more than five unrelated adults ***and any number of relatives*** into each house. It does not provide safe living spaces for children. Our most vulnerable, underserved persons deserve more from the City.
>
> The Planning Board's willingness to create hubs for criminal activity near children and schools in Denver simply is not the solution to correctional facility demands. The people of Denver said so years ago when they demanded a moratorium on new community-corrections houses in downtown Denver neighborhoods. It is shocking that the Planning Board would willingly introduce known adverse impacts to Denver's children in their residential neighborhoods.
>
> We are against the City's proposal to relax the household and group-living standards by amending Article 11 of the Zoning Code.
>
> Thank you,
> Laura London

Ivan London

(o): (303) 866-0622

(c): (405) 249-6691