

Dear Mr. Webb:

Thank you for taking time to address concerns expressed in connection with the proposed Group Living and Residential Care zoning amendments.

Cherry Creek North Neighborhood Association (“CCNNA”) has attempted to keep residents informed of the proposed changes. As you know, we held a Zoom meeting for you to present these changes (which was limited to 100 residents who signed up in advance). We have also posted extensively on this topic on our website (www.cnnneighbors.com) and sent multiple blast emails to those whose email addresses we have on file, whether or not those persons are members of CCNNA. Based on the concerns received from residents, CCNNA voted to support the ZAP committee resolution of INC (copied below) and has, in addition, voted to approve the specific RNO comment outline (attached hereto). Finally, we are aware of and have reviewed the letter and specific comments of Sherri Way, as President of the West Washington Park RNO. With a few exceptions, we join in her specific comments to the zoning code mark-up.

Please note that there is interest in and great support for addressing and promoting social justice and equity in zoning. Specifically, we have heard broad support for increasing the number of unrelated adults who can live together as a living unit. However, concerns relating to the maximum number of persons, enforcement issues and impact on limited resources (parking, trash collection, neighborhood inspection services and the like), have resulted in our taking a strong position against this current draft. We also believe that the Residential Care provisions are not widely understood. We encourage a continued dialogue with the intent to work quickly to unbundle the issues in the draft, compromise on points of concern and do better citizen outreach that will result in an alternative draft what will effect the substantive changes being sought with broader community support.

Please include these comments with your presentation to the Denver Planning Board and to City Council.

I am copying Councilman Hinds and Ms. St. Peter on this correspondence.

Again, thank you for all you are doing to make Denver a more equitable and inclusive City.

Lou Raders, President CCNNA

ADOPTED ZAP/INC RESOLUTION:

- Resolved, that additional time should be given (with timing taking into account how the pandemic is affecting residents of Denver) for further consideration of the proposal in order to allow council members to make sure that their constituents are educated on the proposal and its implementation/effect, including specific outreach to communities of color;
- Further Resolved, that this process should seek to incorporate compromise language offered to address constituent concerns;
- Further Resolved, that provisions of the proposal should be unbundled to allow full consideration of each material aspect of the proposal and, when outreach and compromise is achieved to the satisfaction of council members, such portion should be adopted separately.

ALSO – PLEASE SEE ATTACHED RNO COMMENT STATEMENT.

Proposed Group (Household) Living Amendment - RNO Concerns:

This outline addresses the July 17, 2020 Group (Household) Living Amendment proposal (the “Proposed Amendment”). While we deeply respect and support the intent to implement changes that will help Denver become a more equitable and inclusive City, the following is a summary of concerns expressed by residents/constituents of Denver, many of which were communicated to neighborhood representatives through the RNO process.

I. UNBUNDLE GROUP (HOUSEHOLD) LIVING FROM RESIDENTIAL CARE PROVISIONS. The

Proposed Amendment mark-up distributed 7/17/20 is a massive 174 pages and cross-references to other zoning and building/fire code provisions that are not linked, thus making substantive review challenging and time-consuming. The changes being proposed are substantial and yet the marked draft was not a part of any educational outreach sessions. In addition, the Proposed Amendment includes additional new concepts not discussed in the presentations. Concerns have been expressed in connection with the Residential Care provisions, as well as in connection with the possible total number of adults in a residential unit. COMMENT is to separate/unbundle the legislation to address Household Living first and, later, address the Residential Care legislation so that real citizen outreach and input can be achieved at a time when Denver is not in the middle of a pandemic.

II. REMOVE ENFORCEMENT BURDEN FROM CITIZENS. The Proposed Amendment does not require the homeowner and/or care providers to evidence or in any way prove compliance with all applicable fire or other code provisions and regulations. Instead, the suggestion has been made in presentations that it would be up to citizens to call-in complaints under the current 311 system and then, as a part of that process, the City inspection department would have to figure out whether such code provisions were met and whether there were any violations. For example, Mr. Webb has said that more than 10 adults living in one residence would require a sprinkler system under the Fire Code, suggesting that this often would constitute a ‘cap’ for total adults in one residence to 10 or less. But should the citizens be forced to complain to make sure that the code is met? This approach pits neighbors against one another and encourages conflict. Residents have repeatedly expressed frustration at the lack of City enforcement of health, safety and maintenance issues and the Proposed Amendment creates the possibility of an even larger problem. Mr. Webb has acknowledged in presentations that it will likely take a test case or two for citizens to become familiar with the new regulations. However, if residents know that there is a requirement that the owner/operator has certified to compliance with health, safety and other applicable codes, it would help reduce the risk of neighbor complaints and conflict. Ultimately this will conserve City resources. COMMENT is that the Proposed Amendment should require that the owner certify compliance with such requirements, not wait for neighbors to complain.

III. THE PROCESS AND OUTREACH SHOULD BE MORE INCLUSIVE. The GLAC committee was composed of 48 appointees, many with practical experience in the areas of the City codes subject change. However, the GLAC committee included representation from only 5 of Denver’s 11 City Council Districts, three representatives who sit on Denver’s Planning Board, and two Council members. The result is that these decisions that will affect Denver residents citywide were voted on by only 17 of the 48 GLAC committee appointees. COMMENT is that the process needs to be more inclusive and outreach more robust.

IV. THE JULY DRAFT HAS AMBIGUITIES AND DOES NOT REFLECT CITIZEN COMMENTS/CONCERNS TO DATE. The Proposed Amendment contains some errors, such as incorrect section references and provisions where words are used but are no longer defined. (SEE attached marked copy.) The result is a document that may create ambiguities and enforcement issues. This includes provisions that were referred to in Mr. Webb’s presentations, but which do not appear in the final draft text and vice versa. Additionally, the draft contains new concepts, such as the new Emergency Provisions relating to Residential Care uses, which were not included in any public presentations and publicly articulated concerns (like limiting the total number of adults in a household) have not been addressed.