

June 23rd, 2023

Re: Railroad Safety Ordinance

To Denver City Council –

As developers of residential and mixed-use projects adjacent to railways in Denver, DL Investors has great concern regarding this ordinance and the impact it could have on current and future development opportunities in many parts of the city. Denver is facing a significant housing crisis, and we must look towards our infill development opportunities as an important tool to create desperately-needed housing units near transit-oriented locations. As such, we ask that you vote no on the railroad ordinance that has been proposed, as we have reviewed the ordinance and have significant concerns about the impact it can have on infill development projects.

While we commend Councilwoman Ortega's commitment to protecting the public health and safety of Denver residents, the proposed ordinance will have an incredibly negative impact on future growth in Denver. There are many areas near rail that have been identified to accommodate significant private investment in creating various types of housing opportunities. This includes several significant station areas in Denver that are planned for more growth and density, where development should be located next to transit as a benefit to Denver residents (i.e., Evans Station, Broadway Station, Alameda Station, Burnham Yards, River Mile, etc.)

Unfortunately, this ordinance will add more time, costs, and further delays not only for the development community, but also for CPD, DOTI, and the larger city as a whole. It is already incredibly expensive and time consuming to navigate development requirements and zoning code restrictions in the first place, and this ordinance will simply add to the overall cost and time of development projects - particularly for more affordable, multifamily development opportunities planned near rail stations and infill sites. Further, there are no incentives or offsets included in this ordinance to defray the additional costs associated with the requirements, which would be vital to ensuring many projects still proceed if these requirements are put into place.

Finally, while we understand and support the need for safety considerations near railroads, there are many safeguards already in place with the development review process and other emergency response measures as outlined by the Denver Fire Department's recent comments to City Council on May 25th. This ordinance would only serve to hamper important infill development opportunities near transit-oriented areas in Denver, and we respectfully request you to vote no on this proposal.

Sincerely,



Daniel Frank & Marc Cooper

DL Investors