

# THE MANYA GROUP

January 9, 2012

To: Members of the Denver City Council  
Land Use, Transportation and Infrastructure Committee

RE: Opposition to Proposed Amendment to Ordinance 333

I would like to express my personal opposition to the proposed amendment to Ordinance 333, Series of 2010 adopting the new Denver Zoning Code. I believe the scope of the grace period for the zoning code should not be retroactively modified. I do not believe that the intent of city representatives was to include use permits in the grace period and I am concerned that the approval of this amendment will set a precedent, negatively impacting the building industry.

I was a Director on the AIA Denver Board of Directors when the new zoning code was being developed. Representatives from the City of Denver discussed the development and adoption of the new code with our board. One of the concerns of board members was a grace period for new construction and major rehab of buildings because projects would be under development at the time of the transition to the new code which would have to be significantly modified if they had to immediately comply with the new code. Various lengths of a grace period were then discussed for new construction and major renovations. At no time was there any discussion about a grace period for use permits.

The apparent intent for the grace period to not extend to use permits is further supported by the specific language in Ordinance 333, Series of 2010. The Ordinance states that "any person may apply for a Zoning permit as required by Section 59 26(d)". The section referenced is for zoning permits to **erect or alter structures**. The scope of the grace period to only include these types of permits, was not based on an omission of information by the city representative that drafted the Ordinance, it was based on very specific language included in the Ordinance which leads me to believe this was not simply an oversight not to include other types of permits, but was specifically intended when the Ordinance was adopted.

If this amendment is approved I am concerned that it will set a precedent that the City can retroactively amend the adoption of building and zoning codes. As an Architect, this greatly concerns me. The building industry relies on codes to guide us in determining what we can build, where we can build it and how projects need to be designed to comply with all adopted codes. If we cannot rely on the codes as they are adopted at the time of our receiving our permits for a project then there is the possibility that projects that are under construction may need to be altered when codes are retroactively modified which would have a devastating effect on the building industry in Denver.

I ask that you not approve the Amendment to Ordinance 333, Series of 2010 for the reasons stated above and thank you for considering my position regarding the proposed amendment.

Sincerely,



Cedra Goldman, AIA, LEED AP O+M  
Managing Principal